

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND
MONTCLAIR HOUSING CORPORATION BOARDS,
MONTCLAIR HOUSING AUTHORITY COMMISSION, AND
MONTCLAIR COMMUNITY FOUNDATION BOARD HELD
ON MONDAY, MAY 2, 2016, AT 7:00 P.M. IN THE CITY
COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Ms. Carolyn Preschern, Inland Empire Prayer Breakfast Committee, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Paul M. Eaton
Mayor Pro Tem/Vice Chairperson Carolyn Raft
Council Member/Director J. John Dutrey
Council Member/Director Bill Ruh
Council Member/Director Trisha Martinez

City Manager/Executive Director Edward C. Starr
Deputy City Manager/Economic Dev. Exec. Dir. Marilyn Staats
Public Works Director Michael C. Hudson
City Attorney Diane E. Robbins
Deputy City Clerk Andrea M. Phillips

V. PRESENTATIONS

A. Proclamation Declaring May 5, 2016, at the “National Day of Prayer” in the City of Montclair

Mayor Eaton presented **Ms. Carolyn Preschern, Moderator, Inland Empire Prayer Breakfast Committee,** with a proclamation declaring May 5, 2016, as “National Day of Prayer” in the City of Montclair.

Ms. Preschern accepted the proclamation and thanked Mayor Eaton.

B. Introduction of Police Department Canine, Cù Bòcan

Public Safety Executive Director deMoet gave a presentation introducing the Police Department’s newly acquired tracking bloodhound, **Cù Bòcan**, who has taken to the nickname of “**Bo.**” He noted Officer Benjamin Martin has been assigned to be **Bo’s** partner/handler. He stated **Bo** will also be making appearances at future City events.

C. Presentation of Certificates of Recognition to Montclair Community Members in Recognition of Acts Related to the “State Incident” Fire

Public Safety Executive Director deMoet reviewed a PowerPoint presentation containing photos of the “State Incident” fire that took place on April 4, 2016 while recounting selfless acts of bravery by

several community members who assisted in evacuating a business complex during the fire.

Mayor Eaton presented Certificates of Recognition to the following employees of **Landmark Fence and Gate Company**: General Manager **Al Gomez**, Officer Administrator **Veronica Munoz**, Accounting Manager **Toni Hoover**, Drafter **Griselda Reveles**, Estimator **Edgar Hernandez**, Shop Foreman **Jose Hernandez**, Welder **Juan Suarez**, and Welder **Luis Carlos**.

D. Presentation of Lifesaving Awards to Montclair Police Officers in Recognition of Acts Related to the "State Incident" Fire

Public Safety Executive Director deMoet presented *Lifesaving Medals* to Officers Bergman, Burns, and Rivera. He also presented a Police Department Certificate of Recognition to Officer Rivera for going above and beyond in providing assistance to the family that lost their home and belongings as a result of the fire.

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor/Chairman Eaton announced that this section is intended to provide members of the public with an opportunity to address the Council on any subject that does not appear on tonight's agenda. He stated that each speaker will be afforded five minutes.

A. Mr. Robert Chevez, San Bernardino Associated Governments (SANBAG), announced that public hearings to receive public hearings on the proposed improvements to the I-10 Corridor in San Bernardino County will be hosted by **SANBAG** in order to receive public comment. He advised the Draft Environmental Document review and public comment period is from April 25 to June 8, 2016, and that public hearings will be held at the following times and locations:

- Tuesday, May 17, 2016, 4:30-7:30 p.m. at the San Bernardino DoubleTree Hotel, 285 East Hospitality Lane, San Bernardino
- Wednesday, May 18, 2016, 4:30-7:30 p.m. at the Bloomington Senior Center, 18313 Valley Boulevard, Bloomington
- Thursday, May 19, 2016, 4:30-7:30 p.m. at the Ontario Airport Hotel, 700 North Haven Avenue, Ontario

More information can be found at www.1015Projects.com.

VII. PUBLIC HEARINGS

A. First Reading - Introduction of Ordinance No. 16-956 Amending Sections 9.20.460 and 9.20.465 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 16-956 on Monday, June 6, 2016, at 7:00 p.m. in the City Council Chambers

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 16-956 amending Sections 9.20.460 and 9.20.465 of the Montclair Municipal Code related to the Equivalent Dwelling Unit value, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 16-956, entitled, "**An Ordinance of the City Council of the City of Montclair, California, Amending Sections 9.20.460 and 9.20.465 of the Montclair**

Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee," be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing to consider the second reading and adoption of Ordinance No. 16-956 on Monday, June 6, 2016, at 7:00 p.m. in the City Council Chambers.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 16-956 was unanimously adopted by the following vote:

AYES: Martinez, Ruh, Dutrey, Raft, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairperson Raft, seconded by Council Member/Director Martinez, and carried unanimously to approve the Consent Calendar, as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of April 18, 2016

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the April 18, 2016 regular joint meeting.

B. Administrative Reports

1. Waiving All Plan Checking and Permit Fees Associated with the Construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project

The City Council waived all plan checking and permit fees associated with the construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

2. Adoption of the City of Montclair City Council Policy and Appointment Process Manual, 2016 Edition

The City Council adopted the City of Montclair City Council Policy and Appointment Process Manual, 2016 Edition.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 2, 2016, totaling \$1,453,214.83; and the Payroll Documentation dated April 17, 2016, amounting to \$582,999.15 gross, with \$411,111.16 net being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 16-37*, a Cooperative Agreement with Monte Vista Water District for Pavement Rehabilitation of Denver Street

Authorizing City Manager Edward C. Starr to Sign the Agreement, Subject to Final Approval by City Attorney

The City Council took the following actions:

- (a) Approved *Agreement No. 16-37*, a Cooperative Agreement with Monte Vista Water District for Pavement Rehabilitation of Denver Street.
- (b) Authorized City Manager Edward C. Starr to sign the Agreement, subject to final approval by City Attorney.

D. **Resolutions** — None

IX. **PULLED CONSENT CALENDAR ITEMS** — None

X. **RESPONSE** — None

XI. **COMMUNICATIONS**

A. **City Department Reports** — None

B. **City Attorney** — No comments

C. **City Manager/Executive Director** — No comments

D. **Mayor/Chairman**

1. **Announcement of Vacancies on the Community Action Committee**

Mayor Eaton announced that there are four vacancies on the Community Action Commission, with four-year terms from July 1, 2016, to June 30, 2020. He advised the application period is open until June 2, 2016 at 5:30 p.m. He stated applications are available at City Hall.

2. **Cancellation of May 16, 2016, Regular Joint CC/SA/MHC/MHA/MCF Meeting**

Mayor/Chairman Eaton noted the May 16, 2016 regular joint meeting is cancelled due to the lack of a quorum.

Mayor/Chairman Eaton made the following comments:

- 3. He noted he attended the *Veterans Resource Fair* on Saturday, April 23, along with Council Members Ruh and Dutrey, which was hosted by **Congresswoman Norma Torres**.
- 4. He stated he attended the retirement party for Community Development Director Lustro and wished him well.

E. **City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board**

1. Council Member/Director Martinez commented as follows:

- (a) She noted she attended the **Montclair High School (MHS) Online to College** graduation ceremony and the *Annual Volunteer Recognition Dinner*.

2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:

- (a) She noted she was surprised to learn that Montclair volunteers saved the City \$1.7 million last year.
- (b) She thanked Officer Rivera for assisting the **Rodriguez** family who lost their Montclair home to the "State Incident" fire.
- (c) She stated it was nice to meet Officer Bo tonight.

3. Council Member/Director Dutrey commented as follows:
 - (a) He thanked Montclair's wonderful volunteers for their service to the community.
 - (b) He stated he regrets he was not able to attend the **MHS Online to College** graduation ceremony.
 - (c) He recalled reading an article in the *Inland Valley Daily Bulletin* by David Allen, who covered the discussions between **CIM Group** and City staff, noting things seem to be progressing at **Montclair Place**.
 - (d) He said he is proud of the community and staff heroes who contributed to the life saving acts during the "State Incident" fire.

4. Council Member/Director Ruh commented as follows:
 - (a) He advised that he was in Sacramento and regrets missing several community events.
 - (b) He noted he attended **Congresswoman Torres's Veterans Resource Fair**, adding **Assemblymember Freddie Rodriguez** hosted a booth at the event.
 - (c) He noted on Saturday he attended a pet adoption event in Colton that was sponsored by **State Senator Connie Leyva**.
 - (d) He noted he received a flyer from **Frontier Communications (Frontier)** that looked like junk mail, and discovered it was actually his phone and internet bill. He advised that **Frontier** took over **Verizon's** customers and urged residents to check their mail from **Frontier** to make sure it's not a bill.
 - (e) In honor of the City's 60th anniversary, he recalled several of the initial challenges the City faced including incorporation, infrastructure, and building an economic base. He then discussed current and future issues like water, transportation, housing, and jobs. He brought up the I-10 Corridor Project that was discussed during public comment, noting he will be out of town during the **SANBAG** public hearing meetings, and voiced his concerns about the project.

Council Member Dutrey stated he feels that Council Member Ruh's comments are in violation of the Brown Act because the item is an issue that the Council may discuss in the future.

Council Member Dutrey motioned for City Attorney Robbins to hold a workshop for the entire City Council covering the provisions of the Brown Act.

Council Member Martinez supported the request for a workshop, adding she is not necessarily agreeing that anyone has violated the Brown Act at this meeting.

Mayor Eaton noted the motion has been defeated due to the lack of support from a majority of the City Council.

Council Member Dutrey requested the City Attorney prepare a written correspondence stating her opinion of whether the Brown Act was violated by a Council Member at tonight's meeting.

Mayor Pro Tem Raft noted the City Council Policy and Appointment Process Manual that was adopted this evening contains a current version of the Brown Act.

- (f) He commended the staff of **Landmark Fence** for their heroism in the "State Incident" fire. He also thanked Officer Rivera for his work.
- (g) He welcomed the newest Police Officer, **Cù Bòcan**.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of April 18, 2016

The City Council received and filed the minutes of the Code Enforcement/Public Safety Committee meeting of April 18, 2016, for informational purposes.

2. Minutes of Personnel Committee Meeting of April 18, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of April 18, 2016, for informational purposes.

XII. APPEAL HEARING OF ANDREW SCHWAB

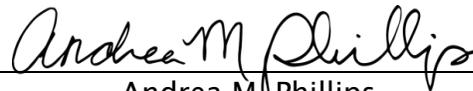
Moved by Mayor Eaton, seconded by Council Member Ruh, and carried unanimously that this item be continued to an adjourned meeting on Thursday, June 2, 2016, at 6:30 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF CITY COUNCIL, SUCCESSOR AGENCY BOARD OF DIRECTORS, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS

At 7:53 p.m., Chairman Eaton adjourned the Successor Agency Board of Directors, the Montclair Housing Corporation Board of Directors, the Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors

At 7:53 p.m., Mayor Eaton adjourned the City Council to Thursday, June 2, 2016, at 6:30 p.m. in the City Council Chambers for the Appeal Hearing of Andrew Schwab

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commissioners/Montclair Community Foundation Board approval,



Andrea M. Phillips
Deputy City Clerk