

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, JUNE 20, 2016, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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**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**

**Pastor Alex Bermudez, Calvary Chapel Amistad**, gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member Ruh led those assembled in the Pledge.

**IV. ROLL CALL**

Present: Mayor/Chairman Paul M. Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez; City Manager/Executive Director Starr; Deputy City Manager/Economic and Community Development Executive Director Staats; Public Works Director Hudson; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; City Attorney Robbins; Deputy City Clerk Phillips

**V. PRESENTATIONS**

**A. Farewell Remarks from Retiring Police Chief deMoet**

Mayor Eaton presented Police Chief/Public Safety Executive Director deMoet with a plaque on behalf of the City Council congratulating him on his retirement and commending him for his excellent work serving as Chief of Police for the past three years.

Chief deMoet expressed his gratitude to the City Council and City Manager for supporting and encouraging him throughout his career and during his tenure as Police Chief.

**San Bernardino County Fourth District Supervisor Curt Hagman** presented Chief deMoet with a framed resolution from the San Bernardino County Board of Supervisors.

**Mr. Christopher Craig** representing **Assembly Member Freddie Rodriguez**, presented Chief deMoet with a Certificate of Recognition.

Council Member Ruh representing **Senator Connie Leyva** presented Chief deMoet with a Certificate of Recognition.

**Mr. Daniel Martinez** representing **Congresswoman Norma Torres** presented Chief deMoet with a Certificate of Recognition.

Mayor Eaton stated it was a wonderful privilege to work with Chief deMoet.

Council Member Dutrey commented on the high level of integrity Chief deMoet has shown throughout his career.

Mayor Pro Tem Raft stated it has been wonderful to work with Chief deMoet.

Council Member Martinez commended Chief deMoet on his accomplishments in his career and stated it has been a privilege to work with him.

Council Member Ruh congratulated Chief deMoet and noted the high turnout tonight demonstrates the high level of respect he has earned throughout his career

City Manager Starr discussed Chief deMoet's many achievements throughout his career with the Montclair Police Department, noting he feels Chief deMoet has taken the department into the future.

**B. Donation of Excess Funds from the Mayor's Prayer Luncheon to the Montclair Community Foundation for the 2016 Holiday Food and Toy Drive**

Police Chaplain Brobeck presented the Montclair Community Foundation with a check for \$200 in surplus funds from the Mayor's Prayer Breakfast for the 2016 Holiday Food and Toy Drive.

Chairman Eaton accepted the check on behalf of the Montclair Community Foundation and thanked Chaplain Brobeck.

**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. Ms. Stephanie Benjamin**, Marketing Communications Manager, **OPARC**, 9029 Vernon Avenue, Montclair, stated **OPARC** serves the Inland Empire by providing training and employment services to people with developmental and intellectual disabilities. She invited the City Council to tour their corporate office, and to participate in their 3rd Annual Heart & Sole Event on Saturday, June 25th at 8:30 a.m. at **Ruben S. Ayala Park** in Chino. She noted there would be a pancake breakfast and pet-friendly walk/run fundraiser with additional family-friendly activities and vendor booths. She also invited the City Council to review **OPARC's** annual report.

**B. Mr. Don Vodvarka**, Planning Commissioner, noted during a recent vacation he came across a town called **Eatonville** in the state of Washington. He presented Mayor Eaton with literature about the town's history, noting he feels Mayor Eaton might be related to the founders of the town.

Mayor Eaton stated he would look into it and thanked Planning Commissioner Vodvarka for the information.

**VII. PUBLIC HEARINGS**

**A. First Reading – Consider Adoption of Ordinance No. 16-958 Amending Section 7.16.040 and Adding Section 7.16.050 to the Montclair Municipal Code Related to the Retention of Unclaimed Property and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 16-958 on Tuesday, July 5, 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. 16-958 amending Section 7.16.040 and adding Section 7.16.050 to the Montclair Municipal Code related to the retention of unclaimed property, 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 Ruh and seconded by Council Member Dutrey that Ordinance No. 16-958, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA, AMENDING SECTION 7.16.040 AND ADDING SECTION 7.16.050 TO CHAPTER 7.16 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO UNCLAIMED PROPERTY," 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. 16-958 on Tuesday, July 5, 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. 16-958 was unanimously adopted by the following vote:

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

**B. Consider Adoption of Successor Agency Resolution No. 16-04 Approving Agreement No. 16-51, a Purchase and Sale Agreement Between the Successor Agency and Bill Fox Regarding the Property Generally Located in the Southeast Quadrant of Ramona Avenue and State Street**

Chairman Eaton declared it the time and place set for public hearing related to Successor Agency Resolution No. 16-04 approving Agreement No. 16-51, a Purchase and Sale Agreement between the Successor Agency and Bill Fox regarding the property generally located in the southeast quadrant of Ramona Avenue and State Street; and invited comments from the public.

There being no one in the audience wishing to speak, Chairman Eaton closed the public hearing and returned the matter to the Successor Agency Board for its consideration.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Raft that the Successor Agency Board adopt Successor Agency Resolution No. 16-04, entitled, "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AGREEMENT NO. 16-51, A PURCHASE AND SALE AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND BILL FOX REGARDING THE PROPERTY GENERALLY LOCATED IN THE SOUTHEAST QUADRANT OF RAMONA AVENUE AND STATE STREET."

Successor Agency Resolution No. 16-04 was adopted by the following vote:

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

**VIII. CONSENT CALENDAR**

Mayor Eaton requested that a typo be corrected on Item D-3, Resolution No. 16-3127, noting Section 1 of the Resolution should state the election date as November 8, 2016.

Council Member Dutrey requested that Items B-9 and D-5 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried to approve the remainder of the Consent Calendar and Item D-3, as amended:

**A. Approval of Minutes**

**1. Minutes of the Adjourned City Council Meeting of June 2, 2016**

The City Council approved the minutes of the adjourned City Council meeting of June 2, 2016.

**2. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of June 6, 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 approve the minutes of the June 6, 2016 regular joint meeting.

**B. Administrative Reports**

**1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending May 31, 2016.

**2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated June 20, 2016, totaling \$2,127,920.41 and the Payroll Documentation dated May 29, 2016, amounting to \$569,534.91 gross, with \$415,902.71 net being the total cash disbursement.

**3. Receiving and Filing of Successor Agency Treasurer's Report**

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending May 31, 2016.

**4. Approval of Successor Agency Warrant Register**

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 05.01.16-05.31.16 in the amounts of \$20,870.15 for the Combined Operating Fund and \$0.00 for the Redevelopment Obligation Retirement Funds.

**5. Receiving and Filing of MHC Treasurer's Report**

The MHC Board received and filed the MHC Treasurer's Report for the month ending May 31, 2016.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 05.01.16-05.31.16 in the amount of \$46,412.13.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending May 31, 2016.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 05.01.16-05.31.16 in the amount of \$0.00.

**10. Authorizing Staff to Advertise for Bid Proposals for the Demolition of Residential Properties Project**

The City Council authorized staff to advertise for bid proposals for the Demolition of Residential Properties Project.

### C. Agreements

1. **Approval of *Agreement No. 16-53* with the County of San Bernardino Related to Distribution of the 2016 Justice Assistance Grant Award**

**Authorizing City Manager Starr to Sign *Agreement No. 16-53***

The City Council took the following actions:

- (a) Approved *Agreement No. 16-53* with the County of San Bernardino related to distribution of the 2016 Justice Assistance Grant Award.
- (b) Authorized City Manager Starr to sign *Agreement No. 16-53*.

2. **Approval of *Agreement No. 16-54* with the Claremont Police Department to Acquire Information Stored on its Automated License Plate Reader System Repository**

The City Council approved *Agreement No. 16-54* with the Claremont Police Department to acquire information stored on its Automated License Plate Reader System repository.

3. **Approval of *Agreement No. 16-55* with Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium**

The City Council approved *Agreement No. 16-55* with Liebert Cassidy Whitmore for participation in the East Inland Empire Employment Relations Consortium.

4. **Approval of *Agreement No. 16-56* with Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 16-56* with Nutrition Ink to provide nutrition-education services for the City's Senior Citizen Nutrition Program.

5. **Approval of *Agreement No. 16-57* with Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 16-57* with Catering Systems, Inc., to provide meals for the City's Senior Citizen Nutrition Program.

6. **Approval of *Agreement No. 16-58* with All City Management Services, Inc., for School Crossing Guard Services**

The City Council approved *Agreement No. 16-58* with All City Management Services, Inc., for school crossing guard services.

7. **Approval of *Agreement No. 16-59* with the Montclair Chamber of Commerce to Provide Services to Promote Local Economic Development**

The City Council approved *Agreement No. 16-59* with the Montclair Chamber of Commerce to provide services to promote local economic development.

### D. Resolutions

1. **Adoption of Resolution No. 16-3120 Authorizing Approval of the Change in Population in San Bernardino County During 2015 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2016-17**

The City Council adopted Resolution No. 16-3120 authorizing approval of the change in population in San Bernardino County during 2015 for the purpose of calculating the Gann Spending Limit for Fiscal Year 2016-17.

**2. Adoption of Resolution No. 16-3121 Establishing an Appropriations Limit for Fiscal Year 2016-17 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code**

The City Council adopted Resolution No. 16-3121 establishing an appropriations limit for Fiscal Year 2016-17 pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code.

**3. Adoption of Resolution No. 16-3125 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2016, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities**

**Adoption of Resolution No. 16-3126 Adopting the Regulations for Candidates for Elective Offices Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 8, 2016**

**Adoption of Resolution No. 16-3127 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to be Held on Tuesday, November 8, 2016, with the Presidential General Election to be Held on the Same Date Pursuant to Section 10403 of the California Elections Code**

The City Council took the following actions:

(a) Adopted Resolution No. 16-3125 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2016, for the election of certain officers as required by the provisions of the laws of the state of California related to General Law Cities.

(b) Adopted Resolution No. 16-3126 adopting the regulations for candidates for elective offices pertaining to Candidates' Statements submitted to the voters at an election to be held on Tuesday, November 8, 2016.

(c) Amended Section 1 of Resolution No. 16-3127 as follows:

*Section 1. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Presidential General Election to be held on Tuesday, November ~~6, 2012~~, **8, 2016**, for the purpose of the election of two Members of the City Council.*

(d) Adopted Resolution No. 16-3127, as amended, requesting the Board of Supervisors of the County of San Bernardino to consolidate a General Municipal Election to be held on Tuesday, November 8, 2016, with the Presidential General Election to be held on the same date pursuant to section 10403 of the California Elections Code.

**4. Adoption of Resolution No. 16-3128 Amending the Measure I Five-Year Capital Improvement Program for Fiscal Years 2015-2016 to 2019-2020**

The City Council adopted Resolution No. 16-3128 amending the Measure I Five-Year Capital Improvement Program for Fiscal Years 2015-2016 to 2019-2020.

**6. Adoption of Resolution No. 16-3131 Adopting the Measure I 2010-2040 Maintenance of Effort Base Year Level**

The City Council adopted Resolution No. 16-3131 adopting the Measure I 2010-2040 Maintenance of Effort Base Year Level.

**7. Adoption of Montclair Housing Corporation Resolution No. 16-02 Adopting the Fiscal Year 2016-17 Budget for the Montclair Housing Corporation**

The Montclair Housing Corporation Board of Directors adopted Resolution No. 16-02 adopting the Fiscal Year 2016-17 Budget for the Montclair Housing Corporation.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**9. Approval of the City of Montclair Capital Improvement Program for Fiscal Years 2016-2021**

**Appropriation of Funds as Indicated in the Attached Capital Improvement Program and in the Fiscal Impact Section of This Report**

Council Member Dutrey stated he is happy scheduled street improvements will be going forward.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried that the City Council take the following actions:

- (a) Approve the Capital Improvement Program for Fiscal Years 2016-2021.
- (b) Appropriate funds as indicated in the Capital Improvement Program attachment to the agenda report on this item and in the Fiscal Impact section of the report.

**D. Resolutions**

**5. Adoption of Resolution No. 16-3129 Adopting the City of Montclair Fiscal Year 2016-17 Annual Budget**

Council Member Dutrey expressed his support for this year's conservative budget, noting the rising costs of California Public Retirement System pensions has required the City to control other costs.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried that the City Council adopt Resolution No. 16-3129 adopting the City of Montclair Fiscal Year 2016-17 Annual Budget.

**X. RESPONSE — None**

**XI. COMMUNICATIONS**

**A. Department Reports**

**1. Human Services Department**

- **Summer Programs** — Human Services Director Richter reported that the Senior Center was activated as the City's Cooling Center on Sunday from noon to 6:00 p.m. and that it would activate throughout the summer on days when the weather is forecast to be 100 degrees or higher.

She announced that the 56th Annual Summer Concert Series begins tomorrow night at 7:00 p.m. in **Alma Hoffman Park**. During the four scheduled concerts, which will be held on Tuesday evenings, the Splash Pad will operate from 5:00 to 8:00 p.m. and there will be free children's activities, snacks for sale, and a representative from the **West Valley Mosquito and Vector Control District** distributing information and bug repellent. She noted more information about this program and the concert schedule is available at City Hall or the Recreation Center.

**B. City Attorney**

City Attorney Robbins noted there is no longer a need to hold a closed session to discuss property negotiations as listed as the first Closed Session item on the Agenda. She requested that the City Council meet in closed session to discuss the following items:

**2. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**

*Camou v. Montclair*

**3. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**

*Gonzalez v. Montclair*

**4. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**

*Montclair v. Beltran*

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

**D. Mayor/Chairman — No comments**

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

1. Council Member/Director Martinez stated her hope that everyone had a wonderful Father's Day.

2. Council Member/Director Dutrey commented as follows:

(a) He stated he saw Public Works digital signs notifying the public about the ban of all fireworks in the City.

(b) He stated he attended the **Building Industry Association of Southern California – Baldy View Chapter's** conference event.

(c) He congratulated Officer Jesus Carrillo for being recognized by **Mothers Against Drunk Driving and the California Office of Traffic Safety for making the most DUI arrests in the Montclair Police Department.**

(d) He recognized **Montclair resident, Assistant Scoutmaster Kevin Neuer**, for replacing the Police Department's United States flag with a new one.

3. Council Member/Director Ruh commented as follows:

(a) He expressed gratitude on behalf of the residents of Montclair for opening the Senior Center as a cooling center and asked if residents could bring pets, or if they are allowed in other nearby cooling centers in the region.

Human Services Director Richter stated pets are not allowed in the Senior Center due to health reasons.

City Manager Starr noted he would look into whether any other cooling centers in the area allow pets.

- (b) He commended staff on the wonderful programs and free events available for the community during the summer.
- (c) He congratulated Accountant Janet Kulbeck on achieving her Bachelor of Science degree in Accounting.
- (d) He wished Chief deMoet farewell, adding he will be missed.
- (e) He noted a large fire is burning in Azusa and urged those with breathing issues to stay indoors.
- (f) He discussed the homelessness issue among **California State University** students, noting affordable housing solutions need to be developed for students.

**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 Real Estate Committee meeting of April 18, 2016, for informational purposes.

**2. Minutes of Personnel Committee Meeting of June 6, 2016**

The City Council received and filed the minutes of the Personnel Committee meeting of June 6, 2016, for informational purposes.

**XII. ADJOURNMENT OF SUCCESSOR AGENCY BOARD OF DIRECTORS, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS**

At 7:59 p.m., Chairman Eaton adjourned the Successor Agency Board, the Montclair Housing Corporation Board, and Montclair Housing Authority Commission, and the Montclair Community Foundation Board.

At 7:59 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:30 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation; information was received and direction given to staff; and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:31 p.m., Mayor Eaton adjourned the City Council.

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