

**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 TUESDAY, JULY 5, 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

Father Jacob Thomas Vettathu, Our Lady of Lourdes Catholic Church, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Eaton led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chair-person Raft; Council Members/Directors Dutrey and Ruh; City Manager/Executive Director Starr; Deputy City Manager/Economic and Community Development Executive Director Staats; Finance Director Parker; Public Works Director Hudson; City Planner/Planning Manager Diaz; City Attorney Robbins; Deputy City Clerk Phillips

Absent: Council Member Martinez (arrived at 7:16 p.m.)

V. PRESENTATIONS

A. Swearing-In of New Chief of Police

City Manager Starr introduced newly appointed Chief of Police Robert Avels, who began his life-long public service career with the City twenty years ago as a law enforcement officer in 1996.

City Manager Starr discussed Police Chief Avels' accomplishments throughout his career with the Montclair Police Department, including receiving the Meritorious Service Award for his bravery in the line of duty in 1998 when he sustained a life-threatening gunshot wound; serving in special roles such as Drug Recognition Expert Instructor, Problem-Oriented Policing Team Member, Watch Commander, and supervising the Field Training Program; and promotions to Sergeant in 2010 and Captain in 2013.

Police Chief Avels' wife, Monica Avels, administered the Oath of Office as their daughters, Isabel, McKayla, and Jocelyn affixed the Chief of Police badge onto his uniform.

Mayor Eaton and the City Council congratulated Police Chief Avels on his appointment.

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. Daniel Luevanos**, City Ambassador, **One Legacy Foundation/Donate Life**, updated the City Council on the activities of the organ donation and transplant community. He noted there are currently 123,000 people on the waiting list for an organ transplant, with someone added to the list every 10 minutes and 22 people on the list passing away each day. He noted during Donor Awareness Month in April, **Donate Life** held its 14th Annual Run/Walk at **California State University, Fullerton**, and in June held Transplant Games of America in Cleveland, Ohio with over 300,000 participants.

Council Member Martinez arrived at 7:16 p.m.

VII. PUBLIC HEARINGS

- A. **Second 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**

Mayor Eaton declared it the time and place set for public hearing related to 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 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.

Council Member Ruh asked if there is a time period for the owner to claim their property before it goes to auction.

City Manager Starr noted auctions happen approximately once per year.

City Attorney Robbins added that items cannot be auctioned until they have been retained for a period of about six months and efforts have been made to locate the owner.

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 second reading.

The City Council waived the reading of the Ordinance.

Ordinance No. 16-958 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member Dutrey requested that Item D-1 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:

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of June 20, 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 20, 2016 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 5, 2016, totaling \$1,299,957.72 and the Payroll Documentation dated June 12, 2016, amounting to \$622,380.26 gross, with \$433,293.05 net being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 16-36 with TLC Auctions for the Public Sale of Surplus and Unclaimed Property

The City Council approved *Agreement No. 16-36* with TLC Auctions for the public sale of surplus and unclaimed property.

2. Approval of Agreement No. 16-60 with Nutrition Ink to Implement a Dietetic Internship Program with the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 16-60* with Nutrition Ink to implement a Dietetic Internship Program with the City's Senior Citizen Nutrition Program.

3. Approval of Agreement No. 16-61 with the Inland Empire United Way to Provide Case Management and Funding for the Healthy Montclair Programs

The City Council approved *Agreement No. 16-61* with the Inland Empire United Way to provide case management and funding for the Healthy Montclair programs.

4. Approval of Agreement No. 16-62 with the Inland Empire United Way to Support the Montclair Online to College Program

The City Council approved *Agreement No. 16-62* with the Inland Empire United Way to support the Montclair Online to College Program.

D. Resolutions

1. Adoption of Resolution No. 16-3130 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 16-3130 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. **Adoption of Resolution No. 16-3119 Related to a Precise Plan of Design for a Proposed 23-Unit Residential Apartment Project Within the North Montclair Downtown Specific Plan (NMDSP) at 8949 Monte Vista Avenue**

Council Member Dutrey requested staff review the parking management plan of the proposed project.

City Planner/Planning Manager Diaz reviewed the salient points of the Parking Management Plan including a parking permit system for residents, number of spaces per unit, and guest parking.

Council Member Ruh asked what kind of permits would be used.

City Planner/Planning Manager Diaz advised it would likely be a decal sticker applied to the interior of the windshield of the residents' cars.

Council Member Martinez requested the City post signs educating residents and visitors about transit-oriented districts (TODs) so they understand the limited parking.

City Manager Starr stated it is more important to inform residents of the TOD concept than visitors, noting developers of residential projects in the North Montclair district will now be required to provide prospective tenants with the appropriate literature related to living in a TOD.

Mayor Pro Tem Raft noted she is pleased to see that additional parking spaces were added to the project, but she would still like to see more parking available in residential projects in the future. She further requested the City Council consider modifying the NMDSP to require more parking spaces per unit for future projects in that area.

Council Member Dutrey noted he sees that residential trends are heading in this direction with less reliance on personal vehicles and more reliance on walking, biking, services like **Uber**, and using public transportation.

Council Member Ruh concurred, noting services using driverless cars are likely on the horizon, making personal vehicles even less necessary in the future.

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried that the City Council adopt Resolution No. 16-3119 related to a precise plan of design for a proposed 23-unit residential apartment project within the NMDSP.

X. **RESPONSE** — None

XI. **COMMUNICATIONS**

A. **Department Reports**

1. **Human Services Department**

- **Summer Programs** — Human Services Director Richter reported that the City has been designated as a Playful City USA for the second year in a row, and also won second place for the 2016 Health Innovation Prize from the **Center for Civic Policy and Leadership** for developing a GIS health assessment of services provided by the City, **YWCA Inland Communities**, and **PlaceWorks**, that discovered unmet health needs in the community and addressed them through the Spectrum of Prevention framework.

She noted Assembly Member Freddie Rodriguez will be presenting a Senior Scam Stopper presentation at the Senior Center on Friday, July 8, from 8:30 to 10:30 a.m.

She advised that the Montclair Walkers will be celebrating the 30th anniversary of the club with a luncheon at the Senior Center on July 13 at noon and invited the City Council to attend.

She noted the last concert in the park will be held next Tuesday, July 12, at 7:00 p.m. and will feature Mariachi El Aventurero.

She stated the first movie in the park will be **Disney Pixar's Inside Out**, on Tuesday, July 19, at 8:00 p.m.

B. City Attorney

City Attorney Robbins requested that the City Council meet in closed session to discuss the following items:

1. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**
Patton/Cunningham v. Montclair
2. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**
Montclair v. Beltran
3. **Closed Session Pursuant to Government Code Section 54957(b) Regarding Public Employee Discipline/Dismissal/Release**

C. City Manager/Executive Director

City Manager/Executive Director Starr reported the following:

1. Staff participated in a four-hour visioning workshop hosted by **IBI Group**, a consulting firm that specializes in architecture, planning, engineering, and technology. **IBI Group** was hired by the **Metro Gold Line Foothill Extension Construction Authority (Metro)** to get a better understanding of how the various agencies serving the **Montclair Transcenter** envision its further development as part of a TOD. Staff members from **Metrolink, Omnitrans, Foothill Transit, Riverside Transit,** and the **San Bernardino Associated Governments (SANBAG)** participated in the workshop.
2. **SANBAG's** application to add express lanes on the I-10 freeway from the Los Angeles/San Bernardino County line to Redlands has been accepted by the **Department of Transportation**. While the project is not yet financed, its acceptance denotes acknowledgement at a federal level and increases the likelihood that express lanes are the likely alternative that will be selected as the alternative to high occupancy vehicle (HOV) lanes. Council Members' concerns regarding pay-to-use lanes were addressed, with the explanation that high occupancy vehicles would not be assessed a fee for using the express lanes unless traffic conditions are extraordinarily heavy.

Mayor/Chairman Eaton indicated that **SANBAG** Executive Director **Ray Wolfe** had assured him that if the **Gold Line** gets to Claremont, **SANBAG** would ensure that it will get to Montclair at the same time. He stated he would remind **Dr. Wolfe** at the next **SANBAG** meeting.

D. Mayor/Chairman

Mayor/Chairman Eaton commented as follows:

1. **Announcement of Community Action Committee Appointments**

He announced eight candidates were interviewed for four vacancies on the Community Action Committee (CAC) on June 21, 2016, by the CAC Interview Panel, which consisted of Mayor Pro Tem Raft, Council Member Ruh, and CAC Chair Milhiser. The panel recommends the re-appointment of **Mr. Arturo Padilla** and appointments of **Mr. Chris Paez**, **Mr. Edwin Hernandez**, and **Ms. Diane Wells** to four-year terms on the Community Action Committee expiring June 30, 2020.

Moved by Mayor Eaton, seconded by Council Member Ruh, and carried to reappoint **Mr. Arturo Padilla** and to appoint **Mr. Chris Paez**, **Mr. Edwin Hernandez**, and **Ms. Diane Wells** to four-year terms on the Community Action Committee expiring June 30, 2020.

2. He requested Council Members state their availability to attend the business meeting at the **League of California Cities** Annual Conference in Long Beach on October 7, 2016, as voting delegates for Montclair.

Council Members Dutrey and Martinez indicated they would be available to attend as the voting delegate and alternate, respectively.

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

1. Council Member/Director Martinez commented as follows:

- (a) She congratulated Police Chief Avels, noting she had the pleasure of introducing him at the last Senior Birthday Party as the newly appointed Chief of Police.
- (b) She thanked Police Chief Avels for keeping patrols around City Hall, noting she was asked for I.D. by a new Police Officer who did not recognize her as a Council Member when she came to check her mail late at night over the weekend.
- (c) She stated she hoped everyone had a safe 4th of July.
- (d) She noted she attended the **Montclair Chamber of Commerce's** Installation of Officers and Directors Awards and Recognition Luncheon where **Barbara Johnson** of **Travel by Design** was sworn in as the incoming Chair.

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

- (a) She congratulated Police Chief Avels and requested an update regarding the response to the illegal fireworks in the City.

Police Chief Avels stated the firework situation improved over last year in the City, likely due to efforts to preempt firework use using the Nixle service, a digital display that was put out a month in advance and relocated throughout the City leading up to the holiday, and signs posted on police vehicles. He noted there were 43 calls to report illegal fireworks compared to 54 last year. He reported patrol vehicles concentrated on problematic areas.

- (b) She requested the City Council hold a workshop to discuss parking issues in Montclair, noting she's had complaints from residents about parking along Fremont

Avenue around the townhomes, whose residents she suspects are using the streets to park instead of their garages.

Council Member Martinez requested Council Members recognize business owners' rights to run their residential complexes how they see fit to avoid exposure to legal issues.

Mayor Pro Tem Raft clarified she is referring to purchased townhomes, not managed apartments.

2. Council Member/Director Dutrey commented as follows:
 - (a) He supported Mayor Pro Tem Raft's request for a workshop about parking issues.
 - (b) He noted there were many illegal fireworks being used throughout his neighborhood over the holiday weekend.
 - (c) He recognized Planning Commissioner Don Vodvarka for being honored in Sacramento as a Veteran by **Assembly Member Freddie Rodriguez**.
 - (d) He congratulated Police Chief Avels on his appointment, noting he hopes he stays for at least 10 years.
3. Council Member/Director Ruh commented as follows:
 - (a) He stated he heard most of the firework activity in Montclair in the northeast area of the City.
 - (b) He noted he attended the **Montclair Chamber of Commerce's** Installation of Officers and Directors Awards and Recognition Luncheon to see the installation of incoming chair **Barbara Johnson** and the rest of the officers.
 - (c) He noted he attended a very nice retirement reception for former Police Chief deMoet on Thursday at the Police Department. He congratulated Chief deMoet and stated he looks forward to working with Police Chief Avels.
 - (d) He recognized Planning Commissioner Vodvarka for being recognized by **Assembly Member Rodriguez**, noting he is the second Montclair veteran to be honored.
 - (e) He offered condolences to **Mrs. Kathleen Brugger**, Clerk of the **Chaffey College** Governing Board, whose husband just passed away. He noted the **Bruggers** were residents of Montclair before they moved to Alta Loma.
 - (f) He noted he participated in the annual Fourth of July parade in Ontario, which he believes is the longest running Fourth of the July parade in the state dating back to the 1920s.
 - (f) He stated he was saddened to hear of the passing of **Elie Wiesel**, the holocaust survivor and author of *Night* (1960), and quoted a line from the his novel: "Human suffering anywhere concerns men and women everywhere."

F. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of June 16, 2016

The City Council received and filed the minutes of the Public Works Committee meeting of June 16, 2016, for informational purposes.

2. Minutes of Personnel Committee Meeting of June 20, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of June 20, 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 8:06 p.m., Chairman Eaton adjourned the Successor Agency Board, the Montclair Housing Corporation Board, the Montclair Housing Authority Commission, and the Montclair Community Foundation Board.

At 8:07 p.m., the City Council went into Closed Session regarding pending litigation and public employee discipline/dismissal/release pursuant to Government Code Sections 54956.9(d)(1) and 54957(b), respectively.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:54 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, and then Council Members Dutrey and Martinez were excused while the remaining Members of the City Council discussed public employee discipline/dismissal/release; information was received and direction given to staff; and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:55 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