

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, SEPTEMBER 6, 2016, AT 7:01 P.M.
IN THE CITY COUNCIL CHAMBERS, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairperson Raft called the meeting to order at 7:01 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 Larry Brazier, Morningstar Christian Church, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: 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 Housing Director/Planning Manager Caldwell; City Attorney Robbins; Deputy City Clerk Phillips

Absent: Mayor Eaton (excused)

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor Pro Tem/Vice Chairperson Raft 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. She stated that each speaker will be afforded five minutes.

A. Ms. Ruccsana Ahmed, Owner, **Laptop Xchange**, 9748 Central Avenue, Montclair, invited the City Council to attend a joint networking mixer hosted by the **Montclair Chamber of Commerce** at her business on Wednesday, September 21, 2016, at 5:00 p.m. She noted **The Taco Man** will serve tacos at the event.

VII. PUBLIC HEARINGS

A. First Reading – Consider Ordinance No. 16-959 Amending Section 8.16.020 of the Montclair Municipal Code Related to Street Restrictions for Overweight Vehicles and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 16-959 on Monday, September 19, 2016, at 7:00 p.m. in the City Council Chambers

Mayor Pro Tem Raft declared it the time and place set for public hearing related to Ordinance No. 16-959 amending Section 8.16.020 of the Montclair Municipal Code related to street restrictions for overweight vehicles, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro

Tem Raft closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh asked if in the future these items could be noticed in publications that cater to the trucking industry.

City Manager Starr noted staff is investigating the possibility of advertising these notices on trucking industry websites.

Public Works Director Hudson advised signage regarding the proposed changes to the street's designation has also been posted along the affected portion of Holt Boulevard, which notifies truckers currently traveling that route.

Council Member Dutrey noted he feels this change will help with the City's beautification by slowing the degradation of the streets.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried that Ordinance No. 16-959, entitled, "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTION 8.16.020 OF THE MONTCLAIR MUNICIPAL CODE,**" 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. 16-959 on Monday, September 19, 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. 16-959 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member Dutrey requested that Item C-7 be removed from the consent calendar for comment.

City Manager Starr requested that Item C-4 be removed from the consent calendar for correction.

Mayor Pro Tem Raft requested that Item D-1 be removed from the consent calendar for public comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Martinez, and carried to approve the remainder of 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 August 15, 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 August 15, 2016 regular joint meeting.

B. Administrative Reports

1. Setting a Public Hearing for Monday, September 19, 2016, at 7:00 p.m. in the City Council Chambers to Consider Ordinance No. 16-957 Amending Sections 11.02.010 and

11.72.370 of the Montclair Municipal Code Related to Electronic Message Center Signs

The City Council set a public hearing for Monday, September 19, 2016, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 16-957 amending Sections 11.02.010 and 11.72.370 of the Montclair Municipal Code related to electronic message center signs.

2. Setting a Public Hearing for Monday, September 19, 2016, at 7:00 p.m. in the City Council Chambers to Consider Ordinance No. 16-960 Amending Section 3.36.160 of the Montclair Municipal Code Related to Utility Users Tax Refunds

The City Council set a public hearing for Monday, September 19, 2016, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 16-960 amending Section 3.36.160 of the Montclair Municipal Code related to Utility Users Tax refunds.

3. Authorization to Purchase Six 2017 Ford Explorer Interceptor Utility Vehicles from Sunrise Ford

Declaring Six Ford Crown Victoria Police Interceptor Vehicles as Surplus and Available for Parts or Sale at Auction

The City Council took the following actions:

- (a) Authorized staff to purchase six 2017 Ford Explorer Interceptor Utility Vehicles from Sunrise Ford.
- (b) Declared six Ford Crown Victoria Police Interceptor Utility Vehicles as surplus and available for parts or sale at auction.

4. Issuing a Permit for Rykal, LLC dba Yellow Cab and American Cab to Operate and Provide Taxicab Services Within the City of Montclair

The City Council authorized the issuance of a permit for Rykal, LLC dba Yellow Cab and American Cab to operate and provide taxicab services within the City of Montclair.

5. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 6, 2016, totaling \$1,988,766.66 and the Payroll Documentation dated August 21, 2016, amounting to \$590,747.46 gross, with \$408,340.88 net being the total cash disbursement.

C. Agreements

1. Approval of Agreement Nos. 16-76, 16-77, 16-78, 16-79 with Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 16-76, 16-77, 16-78, and 16-79* with Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, respectively, for use of ball field facilities.

2. Approval of Agreement No. 16-80 Amending Agreement No. 15-15 with San Bernardino County Flood Control District for a Municipal Separate Storm Sewer System and National Pollutant Discharge Elimination System Joint Defense Agreement

The City Council approved *Agreement No. 16-18* amending *Agreement No. 15-15* with San Bernardino County Flood Control District for a Municipal Separate Storm Sewer System and National Pollutant Discharge Elimination System joint defense agreement.

3. Termination of Agreement No. 92-81 with Certified Records Management, Formerly Archives Service and Storage, for Use of its Records Storage Facility

Approval of Agreement No. 16-81 with Corodata for Off-Site Records Archiving, Storage, and Destruction Services

Authorizing a \$15,500 Allocation from the Contingency Reserve Fund to Cover Costs Related to the Destruction of Obsolete Records and the Transfer of Records to the Corodata Facility

Authorizing City Manager Starr to Sign Agreement No. 16-81 with Corodata

The City Council took the following actions:

- (a) Terminated Agreement No. 92-81 with Certified Records Management, formerly Archives Service and Storage, for use of its records storage facility.
- (b) Approved Agreement No. 16-81 with Corodata for off-site records archiving, storage, and destruction services.
- (c) Authorized a \$15,500 allocation from the Contingency Reserve Fund to cover costs related to the destruction of obsolete records and the transfer of records to the Corodata facility.
- (d) Authorized City Manager Starr to sign *Agreement No. 16-81* with Corodata.

5. Approval of Agreement No. 16-84 with Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program

The City Council approved *Agreement No. 16-84* with Ontario-Montclair School District to provide a licensed clinical social worker for the Case Management Program.

6. Approval of Agreement No. 16-85, a Memorandum of Understanding Between the City of Montclair and the Montclair Police Officers' Association

The City Council approved *Agreement No. 16-85*, a Memorandum of Understanding between the City of Montclair and the Montclair Police Officers' Association.

D. Resolutions

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

4. Appropriation of an Additional \$40,000 from Successor Agency 2014 Lease Revenue Bond Proceeds for Costs Related to the Mills Avenue Alley Rehabilitation Project, Bringing the Total Project Cost to \$160,000

Award of Contract for the Mills Avenue Alley Rehabilitation Project to Gentry Brothers, Inc., in the Amount of \$141,200

Consider Approval of Agreement No. 16-83 with Gentry Brothers, Inc., for Construction of the Mills Avenue Alley Rehabilitation Project

Consider Authorization of an \$18,800 Construction Contingency for the Mills Avenue Alley Rehabilitation Project

City Manager Starr noted one correction is requested: that the word "Successor Agency" be removed from the report's title, body, and recommendation, as the bond is a City bond not related to a Successor Agency bond issue.

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried that the City Council take the following actions, as amended:

- (a) Authorized an additional \$40,000 appropriation from ~~Successor Agency~~ 2014 Lease Revenue Bond proceeds for costs related to the Mills Avenue Alley Rehabilitation Project, bringing the total project cost to \$160,000.
- (b) Awarded contract for the Mills Avenue Alley Rehabilitation Project to Gentry Brothers, Inc., in the amount of \$141,200.
- (c) Approved *Agreement No. 16-83* with Gentry Brothers, Inc., for construction of the Mills Avenue Alley Rehabilitation Project.
- (d) Authorized an \$18,800 construction contingency for the Mills Avenue Alley Rehabilitation Project.

7. Approval of Agreement No. 16-86, a Tolling Agreement with Inland Empire Utilities Agency, Subject to Final Approval by City Attorney Robbins

Council Member Dutrey asked for clarification on the portion owed by the City to the **Inland Empire Utilities Agency (IEUA)** for unpaid connection fees.

City Manager Starr noted a majority of the cost owed by the City re actually unpaid connection fees owed by the schools and is not related to the City's inability to pay.

Public Works Director Hudson advised that because schools do not need to obtain building permits from the City and instead can go through the County, the City is not notified of new construction at the schools and is therefore not able to assess connection fees unless the schools proactively notify the City. He advised that City staff has recently performed inspections at the offending schools and is in the process of billing for unpaid connection fees, which will be reported to **IEUA**.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried that the City Council approve *Agreement No. 16-86*, a Tolling Agreement with Inland Empire Utilities Agency, subject to final approval by City Attorney Robbins.

D. Resolutions

1. Adoption of Resolution No. 16-3115 Supporting the Chino Basin Water Conservation District's Status as a Special District

Ms. Vivian Castro, Deputy Director, **Chino Basin Water Conservation District (CBWCD)**, thanked the City Council and City staff for their continued support of **CBWCD** and for the City's letter to the **Local Agency Formation Commission (LAFCO)** requesting they allow **CBWCD** to continue operating independently.

Council Member Dutrey asked **Deputy Director Castro** if

CBWCD has experienced any funding issues, to which she responded in the negative. He lambasted **IEUA** for its continued attempts to absorb another public organization that is fiscally sound and performs vital water conservation education services to the community.

Council Member Ruh noted he has worked with **CBWCD** in his profession at the **Citrus Valley Association of Realtors**, noting **CBWCD** hosts workshops about drought tolerant landscaping that many realtors attend.

City Manager Starr advised this is the third time **IEUA** has attempted to absorb **CBWCD**, noting their most recent effort has become more aggressive than previously, and that he is confident that with the added support of **Fourth District San Bernardino County Supervisor Curt Hagman**, **LAFCO** will again deny **IEUA's** request.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried that the City Council adopt Resolution No. 16-3115 supporting the Chino Basin Water Conservation District's status as a Special District.

X. RESPONSE — None

XI. COMMUNICATIONS

A. Department Reports — None

B. City Attorney

City Attorney Robbins requested a closed session on the below matter.

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

Omlin v. Montclair

C. City Manager/Executive Director

City Manager Starr noted the City Council held a special meeting earlier this evening for a presentation by the City's federal legislative advocate firm, **Turch & Associates**, who are helping in the City's efforts to seek support in Washington, D.C. for the **Gold Line's** extension to the **Montclair Transcenter**. He indicated it is difficult to secure a funding source because the cost of construction has been estimated much higher by the **San Bernardino Associated Governments (SANBAG)** than by the **Metro Gold Line Foothill Extension Construction Authority (Metro)**, largely due to the fact that **SANBAG** does not fully support the project and includes several unrelated costs in their estimate including those related to construction administration and oversight, as well as maintenance and operation of the line once it is running. He noted for future efforts in seeking grants for construction, staff will propose using **Metro's** \$38 million estimate.

D. Mayor/Chairman — Absent

E. City Council/SA Board/MHC Board/MHA Board/MCF Board

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

- (a) She noted she attended a ribbon cutting ceremony for the Los Angeles County Fair on Friday, September 2, 2016.
- (b) She congratulated Police Officer Rivera for apprehending a suspect who stole a vehicle.

- (c) She announced that she will be performing a ribbon cutting ceremony this Friday for the new **Dollar Tree** at 4488 Holt Boulevard.
2. Council Member/Director Ruh commented as follows:
- (a) He advised that a mere distance of 3,500 feet stands between Claremont and the **Gold Line's** extension to its final destination in Montclair. He noted the extension has the support of several legislators including **Congressmembers Judy Chu, Norma Torres, and Grace Napolitano**, and advised he would attempt to meet with their staff to discuss the issue further.
- (b) He noted he attended the following events:
- A Labor Day tribute event in Rialto on Sunday hosted by **Senator Connie Leyva**.
 - A Senior Scam Stopper workshop hosted by **Assemblymember Freddie Rodriguez** at the Ontario Senior Center on the previous Friday.
3. Council Member/Director Dutrey commented as follows:
- (a) He noted he was saddened to hear of the passing of former Fire Chief **Harold Duncan**, who served as Chief of the Monte Vista/Montclair Fire Department from 1953 through his retirement in 1983, and requested the meeting be adjourned in his memory.
- (b) He stated that he attended the **International Conference of Shopping Centers (ICSC)** last week for the City of Rialto as a Rialto employee, noting he also visited and helped to promote Montclair's booth.
- (c) He noted he visited the **WSS, Dollar Tree, and Starbucks** located at the new Orchard Plaza shopping center on the northwest corner of Holt Boulevard and Ramona Avenue.
- (d) He noted the Mayor is at home looking and feeling much better, welcomes visitors, and should be back to lead the Council meetings soon.
4. Council Member/Director Martinez commented as follows:
- (a) She commended the Montclair Senior Center for serving a record-breaking 2,000 senior meals in the month of August, noting the typical number is closer to 1,400.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of August 15, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of August 15, 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 7:40 p.m., Vice Chairperson Raft adjourned the Successor Agency Board, the Montclair Housing Corporation Board, the Montclair Housing Authority Commission, and the Montclair Community Foundation Board.

At 7:41 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 7:50 p.m., the City Council returned from Closed Session. Vice Chairperson Raft 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 7:50 p.m., Vice Chairperson Raft adjourned the City Council in memory of former Montclair Fire Chief Harold Duncan.

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