

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, SEPTEMBER 19, 2016, AT 7:05 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 7:05 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

**II. INVOCATION**

**Reverend Susan Manker-Seale, Monte Vista Unitarian Universalist Congregation**, gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member Martinez led those assembled in the Pledge.

**IV. ROLL CALL**

Present: Mayor/Chairman 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; Finance Director Parker; 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. Proclamation Recognizing the Ten-Year Anniversary of the 211 San Bernardino County/Inland Empire United Way Program**

Mayor Eaton presented **Mr. Gary Madden**, Director, **Inland Empire United Way**, with a proclamation recognizing the tenth anniversary of San Bernardino County's 211 program.

**Mr. Madden** accepted the proclamation and thanked Mayor Eaton. He invited the City Council to an anniversary breakfast event on Thursday, September 29, 2016, at 7:30 a.m. at the **Doubletree Hotel by Hilton** in Ontario. He advised **Philip Mangano**, who served in the Bush and Obama Administrations, and local economist **John Husing** will be key presenters discussing the issue of homelessness.

**B. Introduction of New Employees**

Public Safety Executive Director Avels introduced **Ms. Raquel Guzman** and **Mr. Douglas Griffith, Jr.**, who were each appointed to the position of Police Officer effective August 22, 2016.

Mayor Eaton welcomed Officers Guzman and Griffith to the Montclair City family and presented them with City pins.

**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. Lorena Corona**, Governmental and External Relations Manager, **Chaffey College**, invited the City Council to the **Chaffey College 2016 Report to the Community** event on Tuesday, October 18, 2016, at the **DoubleTree by Hilton** in Ontario from 11:30 a.m. to 1:30 p.m. She noted more details can be found on the event website at [www.chaffeyevents.com](http://www.chaffeyevents.com).

## VII. PUBLIC HEARINGS

- A. **Consider Continuing First Reading of Ordinance No. 16-957 Amending Sections 11.02.010 and 11.72.370 of the Montclair Municipal Code Related to Electronic Message Center Signs to Monday, October 3, 2016, at 7:00 p.m. in the City Council Chambers**

Mayor Eaton declared it the time and place set for a public hearing related to Ordinance No. 16-957 amending Sections 11.02.010 and 11.72.370 to the Montclair Municipal Code related to electronic message center signs 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 the City Council continue the first reading of Ordinance No. 16-957 amending Sections 11.02.010 and 11.72.370 to the Montclair Municipal Code related to electronic message center signs to Monday, October 3, 2016, at 7:00 p.m. in the City Council Chambers.

- B. **First Reading — Consider Ordinance No. 16-960 Amending Section 3.36.160 of the Montclair Municipal Code Related to Utility Users Tax Refunds and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 16-960 on Monday, October 3, 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 adoption of Ordinance No. 16-960 amending Section 3.36.160 of the Montclair Municipal Code related to Utility Users Tax refunds 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. 16-960, entitled, "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTION 3.36.160 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO UTILITY USERS TAX REFUNDS,**" 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. 16-960 on Monday, October 3, 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. 16-960 was unanimously adopted by the following vote:

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

**C. Second Reading – Consider Adoption of Ordinance No. 16-959 Amending Section 8.16.020 of the Montclair Municipal Code Related to Street Restrictions for Overweight Vehicles**

Mayor Eaton declared it the time and place set for public hearing related to adoption of 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 Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh stated his concerns related to the publication of this Ordinance have been addressed by staff.

Moved by Council Member Dutrey and seconded by Council Member Ruh 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 second reading.

The City Council waived the reading of the Ordinance.

Ordinance No. 16-959 was unanimously adopted by the following ROLL CALL vote:

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

**VIII. CONSENT CALENDAR**

Council Member Ruh requested that Item C-1 be removed from the Consent Calendar for comment.

Council Member Dutrey noted his abstention on Item B-11 for a potential conflict of interest.

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 September 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 approved the minutes of the September 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 August 31, 2016.

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

The City Council approved the City Warrant Register dated September 19, 2016, totaling \$857,211.23, and the Payroll

Documentation dated September 4, 2016, amounting to \$683,249.19 gross, with \$462,878.66 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 August 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 08.01.16–08.31.16 in the amounts of \$24,179.75 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 August 31, 2016.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 08.01.16–08.31.16 in the amount of \$72,167.53.

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

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

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 08.01.16–08.31.16 in the amount of \$0.00.

**9. Receiving and Filing the 2016 Local Agency Biennial Notice and Directing Staff to Amend the City's Conflict of Interest Code Pursuant to the Political Reform Act**

The City Council received and filed the 2016 Local Agency Biennial Notice and directed staff to amend the City's Conflict of Interest Code pursuant to the Political Reform Act.

**10. Initiation of a Zone Change Amending the Holt Boulevard Specific Plan from R-3 (11 Dwelling Units/Acre) to Commercial for the Properties Located at 4122, 4144, and 4166 Holt Boulevard**

The City Council initiated a zone change amending the Holt Boulevard Specific Plan from R-3 (11 dwelling units/acre) to Commercial for the properties located at 4122, 4144, and 4166 Holt Boulevard.

**11. Authorizing Transfer of \$4,000 from the Contingency Account for Printing Fees for Reprinting of Yard Sale Signs**

With Council Member Dutrey's abstention, the City Council authorized the transfer of \$4,000 from the Contingency Account for printing fees for reprinting of yard sale signs.

**12. Declaring Select Personal Protective Equipment and Uniforms as Surplus and Available for Donation to the Huatabampo Fire Department**

The City Council declared select personal protective equipment and uniforms as surplus and available for donation

to the Huatabampo Fire Department.

### C. Agreements

2. **Approval of Agreement No. 16-87 with Southern California Landscape, Inc., for Landscape Maintenance Services at Frontier Communities Parkways and Rain Gardens**

**Authorizing an \$8,750 Appropriation from the Contingency Reserve Fund for Landscape Maintenance**

The City Council took the following actions:

- (a) Approved *Agreement No. 16-87* with Southern California Landscape, Inc., for Landscape Maintenance Services at Frontier Communities Parkways and Rain Gardens.
- (b) Authorized an \$8,750 Appropriation from the Contingency Reserve Fund for Landscape Maintenance.

3. **Approval of Agreement No. 16-88 with Chaffey Community College District to Implement a Field Internship Program in the Human Services Department**

The City Council approved *Agreement No. 16-88* with Chaffey Community College District to Implement a Field Internship Program in the Human Services Department.

4. **Approval of Agreement No. 16-89 with National Testing Network, Inc., for Fire Fighter Testing and Recruitment Services**

The City Council approved *Agreement No. 16-89* with National Testing Network, Inc., for Fire Fighter testing and recruitment services.

5. **Approval of Agreement No. 16-90 Ratifying the Terms and Conditions of Employment Between the City of Montclair and Management Employees**

The City Council approved *Agreement No. 16-90* ratifying the terms and conditions of employment between the City of Montclair and Management Employees.

6. **Approval of Agreement No. 16-91 Ratifying the Terms and Conditions of Employment Between the City of Montclair and Executive Management Employees**

The City Council approved *Agreement No. 16-91* ratifying the terms and conditions of employment between the City of Montclair and Executive Management Employees.

### D. Resolutions

1. **Adoption of Resolution No. 16-3136 Adopting a Five-Year Capital Project Needs Analysis**

The City Council adopted Resolution No. 16-3136 adopting a Five-Year Capital Project Needs Analysis.

## IX. PULLED CONSENT CALENDAR ITEMS

### C. Agreements

1. **Approval of Agreement No. 16-18 with Pacific Bell Telephone Company dba AT&T California for Undergrounding of Overhead Communication Lines Associated with 4875 Mission Boulevard**

Council Member Ruh asked if the payments received from the former property owner would be enough to fund the costs of undergrounding the utility poles.

City Manager Starr concurred, noting the property owner may even receive a refund due to excess funds.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried that the City Council approved *Agreement No. 16-18* with Pacific Bell Telephone Company dba AT&T California for undergrounding of overhead communication lines associated with 4875 Mission Boulevard.

**X. RESPONSE — None**

**XI. COMMUNICATIONS**

**A. Department Reports**

**1. Human Services Department**

- **Montclair Day at the L.A. County Fair** — Human Services Director Richter advised that Montclair’s Day at the Fair is Thursday, September 22, 2016. She noted that Montclair dignitaries and their guests are invited to a Community Hero Presentation from 3:00 p.m. to 4:30 p.m. on the lawn east of the **Sheraton Hotel**. The Montclair community heroes this year include **Erin Algeria** (Youth), **Abel Benitez** (Adult), and **Frank Corsaro** (Senior Citizen).

She added that Montclair residents can pick up a discount coupon for \$5 admission on Montclair Day at City Hall or in the Recreation, Youth, or Senior centers. She noted the coupon may also be downloaded and printed from the City’s website or **Facebook** page. Alternatively, residents can visit [www.LACountyFair.com/buytickets](http://www.LACountyFair.com/buytickets) and enter the promotional code “Montclair” to purchase the tickets online in advance.

**B. City Attorney**

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

- 1. Closed Session Pursuant to Government Code Section 54957(b) Regarding Public Employee Discipline/Dismissal/Release**

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

**D. Mayor/Chairman**

Mayor/Chairman Eaton stated that he is happy to be back after a short hiatus due to medical issues.

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

1. Council Member/Director Martinez stated she had a wonderful time attending the **Montclair City Employees’ Association** picnic on Saturday at Alma Hofman Park and thanked Deputy City Clerk Phillips for helping to organize the event.
2. Mayor Pro Tem/Vice Chairperson Raft noted she attended a ribbon cutting ceremony for the new Dollar Tree on Mission Boulevard and met their mascot, Bucky.
3. Council Member/Director Dutrey commented as follows:
  - (a) He welcomed the Mayor back and stated he is glad that he is doing much better.
  - (b) He advised the Real Estate Committee met earlier this evening and reviewed updated plans for the Montclair

Place renovation including construction of a new theater and restaurants.

- (c) He noted he ate at two new restaurants in the City over the weekend—**Burgerim** and **Dickey's Barbecue**, both located at the new **Montclair Shoppes** on Central Avenue across from **Costco**.
- (d) He advised he would be absent from the October 3, 2016 meeting because he will be on a cruise with his family.
- (e) He congratulated Officer Carrillo for being chosen as the Montclair Police Department's **Mothers Against Drunk Driving (MADD)** Award honoree for making 49 DUI arrests in 2015.

4. Council Member/Director Ruh commented as follows:

- (a) He likewise congratulated Officer Carrillo for his recognition by **MADD**.
- (b) He noted he received a call from the **Building Industry Association (BIA)** regarding the City's legal concerns over their sign program and noted they are requesting to meet with staff to discuss.

City Manager Starr noted that staff also received a letter and plans to meet with **BIA** representatives next week.

- (c) He emphasized his wish to see medians throughout the City replaced with drought-tolerate landscaping and design elements and asked whether staff is considering such a project in the near future.

City Manager Starr noted median landscaping is part of the Central Avenue reconstruction project.

Director of Public Works Hudson advised a request for proposals for design of the Central Avenue Reconstruction Project will be issued before the end of the year, and construction should be completed by the end of 2017.

Council Member/Director Ruh warned that the drought is not going away and indicated his desire to be more proactive in replacing green turf throughout the City.

- (d) He noted he attended a Cap and Trade workshop in Fontana with City Manager Starr this afternoon.
- (e) He advocated for the promotion of skilled trade labor in the region, noting community colleges and trade schools need to prepare the younger generation to replace the retiring manual labor workforce. He added that these are well-paying middle class jobs with no college education requirements, but they provide continuing job education, and noted the current low college graduation rates in the region show that these jobs are sorely needed here.
- (f) He thanked **Soroptimist International Montclair/Inland Valley** for doing a great job on its annual casino night "fun-raiser," noting everyone had such a good time that nobody wanted to go home when it was over.
- (g) He sadly noted the recent passing at the age of 92 of **Greta Zimmer Friedman**, the woman in the iconic **World War II** kissing photo.

## F. Committee Meeting Minutes

### 1. Minutes of Real Estate Committee Special Meeting of September 6, 2016

The City Council received and filed the minutes of the Real Estate Committee special meeting of September 6, 2016, for informational purposes.

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

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

**XII. COUNCIL WORKSHOP**

**A. Discussion of Audit Responsibilities and Process with Governing Board of City (Audit Committee) by Van Lant & Fankhanel, LLP, the City of Montclair's Independent Auditing Firm**

Moved by Council Member Dutrey, seconded by Council Member Martinez, and carried unanimously to continue this item to an adjourned meeting to be held on Monday, October 3, 2016, at 5:45 p.m. in the City Council Chambers.

**XIII. 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 7:46 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 7:47 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.

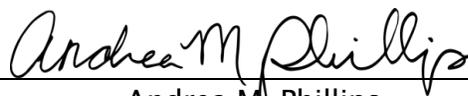
**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:45 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding public employee discipline/dismissal/release; deliberations occurred; no decisions were made; and no further announcements would be made at this time.

**XV. ADJOURNMENT OF CITY COUNCIL**

At 8:45 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,



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Andrea M. Phillips  
Deputy City Clerk