

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, OCTOBER 17, 2016, AT 7:02 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 7:02 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 Doris Hampton, Brighter Day Ministries, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Dutrey led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson 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; Assistant Director of Housing/Planning Manager Caldwell; City Attorney Robbins; Deputy City Clerk Phillips

Absent: Council Member Martinez (arrived at 7:29 p.m.)

V. PRESENTATIONS

A. Proclamation Declaring October 20, 2016, as “Lights On Afterschool” Day in the City of Montclair

Mayor Eaton presented Senior Recreation Supervisor Floyd-Cole with a proclamation declaring October 20, 2016, as “Lights On Afterschool” Day in the City of Montclair.

Senior Recreation Supervisor Floyd-Cole accepted the proclamation and invited the community to attend the *Lights On Afterschool* event at 6:30 p.m. on Thursday, October 20, 2016, in the Community Center.

B. Introduction of New Employees

Deputy Fire Chief Jackson introduced **Mr. Robert Estrada** and **Mr. Carlos Sandoval**, who were each appointed to the position of Firefighter/Paramedic effective October 2, 2016.

Mayor Eaton welcomed Firefighter/Paramedics Estrada and Sandoval to the Montclair City family and presented them with City pins.

VI. PUBLIC COMMENT — None

VII. PUBLIC HEARINGS

A. Second Reading — Consider Adoption 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

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 Dutrey and seconded by Council Member Ruh that Ordinance No. 16-957, entitled, "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTIONS 11.02.010 AND 11.72.370 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO ELECTRONIC MESSAGE CENTER SIGNS,**" 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. 16-957 was unanimously adopted by the following ROLL CALL vote:

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

B. Consider Approval of Tentative Tract Map No. 19713, a 23-Unit Medical Office Condominium Airspace Subdivision at 4950 San Bernardino Street

Mayor Eaton declared it the time and place set for public hearing related to Tentative Tract Map No. 19713, a 23-Unit Medical Office Condominium Airspace Subdivision at 4950 San Bernardino Street, 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 support for this development, noting that it will enhance the medical office "district" near the **Montclair Hospital Medical Center**.

Council Member Dutrey concurred and commended the property owner for making these improvements to the property.

Moved by Council Member Dutrey and seconded by Council Member Ruh that the City Council approve Tentative Tract Map No. 19713, a 23-Unit Medical Office Condominium Airspace Subdivision at 4950 San Bernardino Street.

Tentative Tract Map No. 19713 was approved by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Dutrey noted he would like to abstain from voting on the Minutes (Item A-1) due to his absence from that meeting.

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

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

Noting Council Member/Director Dutrey's abstention, 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 September 30, 2016.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 17, 2016, totaling \$1,045,822.95, and the Payroll Documentation dated October 2, 2016, amounting to \$597,040.71 gross, with \$409,261.55 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 September 30, 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 09.01.16-09.30.16 in the amounts of \$23,739.32 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 September 30, 2016.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 09.01.16-09.30.16 in the amount of \$39,889.59.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending September 30, 2016.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 09.01.16-09.30.16 in the amount of \$0.00.

9. Rejecting All Bids Received for the Demolition of Montclair Residential Properties Project and Authorizing Staff to Readvertise the Project

The City Council rejected all bids received for the demolition of Montclair Residential Properties Project and authorized staff to readvertise the project.

10. Authorization of a \$1,361 Appropriation from the Federal Asset Forfeiture Fund to Purchase a New Epson Powerlite LCD Projector

The City Council authorized a \$1,361 appropriation from the Federal Asset Forfeiture Fund to purchase a new Epson Powerlite LCD projector.

C. Agreements

1. Appropriation of \$11,846 from 2014 Lease Revenue Bond proceeds for Costs Related to the San Bernardino Street Alley Rehabilitation Project Bringing the Total Project Cost to \$180,000

Award of Contract for the San Bernardino Street Alley Rehabilitation Project to Gentry General Engineering, Inc., in the Amount of \$163,980

Approval of *Agreement No. 16-99* with Gentry General Engineering, Inc., for Construction of the San Bernardino Street Alley Rehabilitation Project

Authorization of a \$16,020 Construction Contingency for the San Bernardino Street Alley Rehabilitation Project

The City Council took the following actions in relation to the San Bernardino Street Alley Rehabilitation Project:

- (a) Appropriated \$11,846 from 2014 Lease Revenue Bond proceeds for costs related to the Project, bringing the total Project cost to \$180,000.
- (b) Award a contract to Gentry General Engineering, Inc., in the amount of \$163,980.
- (c) Approved *Agreement No. 16-99* with Gentry General Engineering, Inc., for construction of the Project.
- (d) Authorized a \$16,020 construction contingency for the Project.

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS — None

X. RESPONSE — None

XI. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Programs Update

Human Services Director Richter advised about the following upcoming and past events, programs, and deadlines:

- **Montclair Community Health Fair** - Tuesday, October 18, 2016, from 9:00 a.m. to noon. Free health screenings and more than 35 health and community agencies will be at the event. Flu shots will be available for free.
- **Lights On After School Event** - Thursday, October 20, 2016, from 6:30 to 7:30 p.m. Event showcasing the City's Afterschool Program (ASP), including representation from all twelve of the City's ASP sites. Exhibits will show how inventors inspire young people to make a difference in their world.
- **Candidate's Forum** - Beginning Monday, October 24, 2016, the video of the *Candidate's Forum* that was held last Wednesday will be available for view on the City's

website, the City's Facebook page, and will air on the Montclair Government Access Channel 3.

- **Children's Halloween Party** - Monday, October 31, 2016, from 5:30 to 8:00 p.m., in the Community Center. Free event for children 12 years and younger. Includes games, candy, refreshments and a costume contest. The event is sponsored by **Montclair Place** and the **Montclair-Ontario Junior Women's Club**.
- **Food and Toy Basket Applications** - Application process takes place Tuesday and Wednesday, November 1st and 2nd, from 3:30 to 6:00 p.m., in Community Center Room B. The application process is open to low income Montclair residents who have not applied for holiday assistance with another agency. For further information, residents are welcome to visit the City website or call the Recreation Center main desk at (909) 625-9479.

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

Montclair v. Beltran

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

Gonzalez v. Montclair

3. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

Employee Management

Organizations: Montclair City Confidential Employees Assn.

Montclair General Employees Association

Montclair Fire Fighters Association

Montclair Police Officers Association

4. 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 commented as follows:

1. He requested that Finance Director Parker provide clarification on finance-related concerns that were brought up during the *Candidate's Forum*. Finance Director Parker commented as follows:
 - (a) One candidate questioned the City's practice of making transfers from the Gas Tax and Traffic Safety Funds to the General Fund. Transfers to the General Fund are legal and not unusual. They are simply reimbursements for payments made from the General Fund related to the designated functions of the other funds for which the payment was made. The City is audited annually by independent certified public accounting firm **Van Lant Fankhanel, LLP**, and periodically specific funds are audited by state or federal agencies, which have not made any negative determinations related to the City's financial procedures.

- (b) A candidate also questioned transfers within the General Fund to cover retiree medical costs. The General Fund Reserve Fund is an operation within the General Fund, which makes transfers to the General Operating Fund to cover a portion of retiree costs. This is essentially moving moneys from one function to another within the fund, so no moneys are being moved or borrowed between separate funds.

Finance Director Parker advised that candidates or any other member of the public with questions about the City's finances are welcome to contact him or other Finance staff members during the City's regular business hours.

- 2. He addressed issues related to fire services in the City that were brought up during the candidate's forum:
 - (a) He stated that neither Montclair fire station has ever been shut down; however, over the past month the City has been cleaning the air ducts in both stations, which has put some nonessential operations within the stations out of service for short periods of time. The air duct cleaning was performed in response to complaints of air quality and cleanliness within the stations from Fire staff. An investigation performed by the **Occupational Safety and Health Administration** found the air within the station was cleaner than outside. Complaints have arisen related to general cleanliness within the station, however regular cleaning duties within the station have always been the responsibility of on-duty Fire staff.

Council Member Martinez arrived at 7:29 p.m.

- (b) He advised it is the policy and practice of the City to dispatch a paramedic engine with three staff members—a Captain, a Fire Engineer, and a Firefighter/Paramedic or Fire Engineer/Paramedic. He noted the only times that the engine is dispatched with two personnel are when the unit is performing as a medic squad in an emergency medical service capacity responding to emergency medical calls rather than fire emergency calls, and on such calls the unit is supported by Upland's apparatus, mutual aid agreements, and American Medical Response.
- (c) The Fire Department has recently lost three Fire Personnel which created vacancies the City has been in the process of filling. The Department is currently recruiting for one more Firefighter in addition to the two that were introduced earlier this evening, which should bring the Fire Department to full staffing level.

He noted a memorandum will be issued to the City Council explaining the staffing situation in detail after his investigation is complete.

D. Mayor/Chairman — No comments

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

- 1. Council Member/Director Martinez first apologized for her tardiness noting she had an allergy attack, and commented as follows:
 - (a) She reported the annual *Country Bumpkin Pumpkin Patch* at **Montclair Place** went well.

- (b) She noted on Friday she attended the **League of California Cities** Annual Conference in Long Beach with Council Member Ruh.
2. Mayor Pro Tem/Vice Chairperson Raft congratulated Officer Martin and Police K-9 Bo for tracking and apprehending two robbery and burglary suspects, noting Bo has proven to be a great asset to the City's police force.
 3. Council Member/Director Dutrey commented as follows:
 - (a) He thanked City Manager Starr for investigating the Fire Department paramedic squad issue.
 - (b) He noted he attended the *State of the City* event, which was a great success.
 - (c) He reported his attendance at the *Youth Talent Showcase* on Friday along with Council Members Ruh and Martinez.
 - (d) He added, "Go **Dodgers!**"
 4. Council Member/Director Ruh commented as follows:
 - (a) He stated he will regretfully be unable to attend the *Lights On Afterschool* event due to a work conflict.
 - (b) He noted his attendance at the *Youth Talent Showcase* on Friday, commended the talented youth who participated, as well as staff who helped organize and run the event, with a special recognition to Systems Specialist Edmund Garcia for serving as the Master of Ceremonies for the event, noting he is making a reputation as the **Ryan Seacrest** of Montclair.
 - (c) He reported on Friday he attended the **Metro Gold Line Foothill Extension Construction Authority's Report to the Community** event with City Manager Starr, noting several state-elected officials were in attendance and affirmed their support for the extension, noting **Congresswoman Norma Torres** announced that unless **San Bernardino Associated Governments (SANBAG)** makes the **Gold Line** a priority, she would not be signing any letters of support for other **SANBAG** initiatives.
 - (d) He advised **Assemblymembers Freddie Rodriguez** and **Chris Holden** will be hosting a pet adoption event at the **Inland Valley Humane Society** in Pomona on Thursday, October 20, from 10:00 a.m. to 5:30 p.m.
 - (e) He encouraged the community to visit the new shopping center, the **Montclair Shoppes**, across from Costco below the Interstate-10 Freeway on Central Avenue. He noted for years, residents have constantly requested the City to develop that lot; however, due to our free market economy the City could only wait until the market recovered and clearly our patience has paid off with some quality stores that meet the needs of the local community as well as those of travelers along the freeway.
 - (f) He stated the San Bernardino Street Alley Rehabilitation Project, which was approved tonight, will soon be underway and will take approximately 45 to 50 days for completion, unless weather delays the project further.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of September 19, 2016

The City Council received and filed the minutes of the Real Estate Committee meeting of September 19, 2016, for informational purposes.

2. Minutes of Personnel Committee Meeting of October 3, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of October 3, 2016, for informational purposes.

XII. COUNCIL WORKSHOP

A. The Ralph M. Brown Act Presented by City Attorney Robbins

Moved by Council Member Ruh, seconded by Mayor Eaton, and carried unanimously to continue this item to an adjourned meeting to be held on Monday, November 7, 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 7:38 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 7:42 p.m., the City Council went into Closed Session regarding pending litigation, labor negotiations, and public employee discipline/dismissal/release pursuant to Government Code Sections 54956.9(d)(1), 54957.6, and 54957(b), respectively.

XIV. 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 and labor negotiations; information was received and direction given to staff; and no further announcements would be made at this time regarding these matters. He announced that the City Council also met in Closed Session regarding public employee discipline/dismissal/release and, by unanimous vote of the City Council, action was taken to uphold the termination of a police officer.

XV. 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