

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, DECEMBER 3, 2018, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairperson 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 Vicki Brobeck, Grace Fellowship Foursquare Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairperson Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez
City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; Finance Director Parker; Public Works Director/City Engineer Castillo; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. Introduction of Human Services Department Promotee — Administrative Specialist Renee Walker

Human Services Director Richter introduced **Ms. Renee Walker**, who was appointed to the position of Administrative Specialist effective October 15, 2018, after serving as Part-Time Administrative Technician for two years.

Mayor Eaton congratulated Administrative Specialist Walker on her promotion and presented her with a City pin.

VI. PUBLIC HEARINGS — None

VII. PUBLIC COMMENT

A. Mr. Dave Calloway, 9084 Surrey Avenue, Montclair, thanked the candidates for removing their political signs in a timely manner, and commended the Police Department for assisting him with an issue earlier that day.

B. Mrs. Dianna Vodvarka, 10202 Columbine Avenue, Montclair, complained of Montclair Place entrances not being handicap accessible and requested the City investigate and require the mall's compliance with the Americans with Disabilities Act.

C. Mr. Bruce Culp, 9016 Sycamore Avenue, Montclair, commended City Manager Starr for the excellent work he does for the City, noting he deserves to continue having his contract renewed. He noted Upland has gone through several City Managers in the past recent years and he is glad Montclair remains stable in its leadership.

VIII. CONSENT CALENDAR

Council Member/Director Dutrey requested that Item D-3 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Martinez, and carried unanimously 5-0 that the City Council approve the remainder of the Consent Calendar, as presented:

A. Approval of Minutes

1. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of November 19, 2018

The City Council, Successor 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 November 19, 2018 regular joint meeting.

B. Administrative Reports

1. Approval of the Filing of a Notice of Completion of Contract with Gentry Brothers, Inc., for the Zone 4 Montclair Street Rehabilitation Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approve the filing of a Notice of Completion of contract with Gentry Brothers, Inc., for the Zone 4 Montclair Street Rehabilitation Project.
- (b) Authorized staff to release retention of payment bond 30 days after the Notice of Completion is recorded with the San Bernardino County Recorder's Office.

2. Approval of the Filing of a Notice of Completion of Contract with Gentry Brothers, Inc., for the Central Avenue Alley Rehabilitation Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approve the filing of a Notice of Completion of contract with Gentry Brothers, Inc., for the Central Avenue Alley Rehabilitation Project.
- (b) Authorized staff to release retention of payment bond 30 days after the Notice of Completion is recorded with the San Bernardino County Recorder's Office.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated December 3, 2018, totaling \$963,569.96; and the Payroll Documentation dated November 11, 2018, amounting to \$643,461.92 gross, with \$449,311.47 net being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 18-82* with Assistance League of the Foothill Communities for the Montclair Fire Department to Receive Teddy Bears to Distribute to Children in Need of Comfort During Stressful Situations

The City Council approved *Agreement No. 18-82* with Assistance League of the Foothill Communities for the Montclair Fire Department to receive teddy bears to distribute to children in need of comfort during stressful situations.

2. **Approval of Agreement No. 18-96 with LAE Associates, Inc., for Project Management Services for the Central Avenue/UPRR Overhead Rehabilitation Project**

The City Council approved *Agreement No. 18-96* with LAE Associates, Inc., for project management services for the Central Avenue/UPRR Overhead Rehabilitation Project.

3. **Appropriation of \$9,950 from the General Contingency Reserve Fund for Preparation of ADA Compliance Program by Padilla & Associates, Inc.**

Approval of Agreement No. 18-99 with Padilla & Associates, Inc., for Professional Services, Subject to Revisions by City Attorney Robbins

The City Council took the following actions:

- (a) Authorized the appropriation of \$9,950 from the General Contingency Reserve Fund for preparation of ADA Compliance Program by Padilla & Associates, Inc.
- (b) Approved *Agreement No. 18-99* with Padilla & Associates, Inc., for professional services, subject to revisions by City Attorney Robbins.

D. Resolutions

1. **Adoption of Resolution No. 18-3215 Adopting the City's Conflict of Interest Code, as Amended, Pursuant to the Political Reform Act**

The City Council adopted Resolution No. 18-3215 adopting the City's Conflict of Interest Code, as amended, pursuant to the Political Reform Act.

2. **Adoption of Resolution No. 18-3216 Requesting the State of California Dissolve the Corridor Design Authority (210 Freeway) Joint Powers Authority and Terminate the Authority's Joint Exercise of Powers Agreement**

The City Council adopted Resolution No. 18-3216 requesting the State of California dissolve the Corridor Design Authority (210 Freeway) Joint Powers Authority and Terminate the Authority's Joint Exercise of Powers Agreement.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

3. **Adoption of Resolution No. 18-3217 Approving Agreement No. 18-98 with the George C. and Hazel H. Reeder Heritage Foundation for the Transfer of Certain Real Property**

Authorizing City Manager Edward C. Starr to Execute Agreement No. 18-98

Mayor Eaton announced that she will be recusing herself during the discussion and vote on this item, because she currently serves as Chair of the Board of Directors of the **Reeder Heritage Foundation**.

Mayor Eaton left the dais at 7:16 p.m.

Council Member Dutrey stated he feels the Reeder Foundation serves an important purpose preserving the historic Reeder family property and artifacts. He noted he thinks it is a good idea that the City to take over the property so the Foundation is able to continue its mission, and commended City Manager Starr for working with the Foundation to develop this agreement.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried 4-0 with no opposition and Mayor Eaton recused from the vote, that the City Council take the following actions:

- (a) Adopt Resolution No. 18-3217 approving *Agreement No. 18-98* with the George C. and Hazel H. Reeder Heritage Foundation for the transfer of certain real property; and
- (b) Authorize City Manager Edward C. Starr to execute *Agreement No. 18-98*.

Mrs. Ginger Eaton, Chair of the **Reeder Heritage Foundation** Board, thanked the City Council for its continued support of the Foundation and noted another Foundation Board Member, **Frances Gallup**, is in the audience tonight. She stated the Foundation will continue its mission to develop the Reeder home into a living museum that can be enjoyed by the community.

Mayor Eaton returned to the dais at 7:20 p.m.

X. BUSINESS ITEMS

A. Consider Approval of *Agreement No. 18-95* by and Between the City of Montclair/Successor Redevelopment Agency/Successor Housing Authority/Housing Corporation/Community Foundation, and Edward C. Starr for Professional City Manager and Executive Director Services for the Period of December 3, 2018, to December 31, 2022

Council Member/Director Martinez praised City Manager Starr for his invaluable service.

Council Member/Director Dutrey commended City Manager Starr for his tireless work as City Manager that he has performed since 2010, and noted the City is lucky to have such a dedicated public servant. He added searching for a new City Manager is a very long and difficult task.

Mayor Pro Tem/Vice Chairperson Raft stated City Manager Starr s here every day and deserves the 15 percent raise he will get with this new contract.

Mayor/Chairperson Eaton stated the raise that comes with this contract renewal is long overdue and that the City appreciates everything Mr. Starr has done.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Martinez, and carried unanimously that the City Council, Successor to the Montclair Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Successor Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approve *Agreement No. 18-95* by and between the City of Montclair/Successor Redevelopment Agency/Successor Housing Authority/Housing Corporation/Community Foundation, and Edward C. Starr for professional City Manager and Executive Director services for the period of December 3, 2018, to December 31, 2022

B. Consider and Select from Options Related to Filling a Vacancy on The City Council that will be Created when Mayor-Elect Javier "John" Dutrey is Sworn in as Mayor of the City of Montclair at a Special Meeting of the City Council to be held Monday, December 10, 2018

Council Member Ruh stated his belief that the City Council could function well with four members until the next regular election in 2020 to fill the vacancy.

Mrs. Shirley Wofford, 5640 Palo Verde Street, Montclair, congratulated Mr. Starr on his renewal of contract as City Manager.

She stated she believes an appointment should be made to fill the vacancy as soon as possible, and that she feels **Mrs. Ginger Eaton**, currently serving as the appointed Mayor, has done a fine job and deserves to be appointed to the vacancy to continue serving on the Council.

Council Member Martinez stated she feels the City Council should attempt to have an appointment made as soon as possible before considering a longer process or an expensive special election to fill the vacancy.

*Moved by Council Member Martinez and seconded by Mayor Pro Tem Raft that the City Council select Option 1:

Consider making an at-large appointment of a Montclair resident to fill and complete the unexpired term of office vacated by Mayor-elect Dutrey through and until the November 3, 2020, General Municipal Election, or until the results of the November 3, 2020 election are certified, whichever is later.

Council Member Dutrey objected to the motion, stating there needs to be an interview process or even perhaps a special election to give interested persons a fair chance to try for the seat.

Council Member Martinez noted that in July when **Mrs. Eaton** was appointed Mayor, Council Member Dutrey stated she was well qualified to serve as Mayor.

Council Member Dutrey agreed that **Mrs. Eaton** is qualified, but stated he would like there to be a more transparent and open process to fill the vacancy.

Mayor Pro Tem Raft pointed out that anyone who is interested could show up to the meeting to request to be considered for appointment.

Council Member Dutrey reiterated he feels the decision should not be made so hastily.

*Council Member Martinez clarified her motion as follows:

Consider making an at-large appointment of a Montclair resident to fill and complete the unexpired term of office vacated by Mayor-elect Dutrey through and until the November 3, 2020, General Municipal Election, or until the results of the November 3, 2020 election are certified, whichever is later, with the appointment taking place at the Special Meeting to be held December 10, 2018.

Mayor Pro Tem Raft seconded the motion.

**Council Member Dutrey moved to amend the motion made by Council Member Martinez to add that if an appointment is to be considered, it be done no sooner than at the December 17, 2018 regular meeting of the City Council. Council Member Ruh seconded the motion.

**The motion to amend the original motion to add the caveat that an appointment be considered no sooner than at the December 17, 2018 regular meeting of the City Council failed 2-3 by the following vote:

AYES: Dutrey, Ruh
NOES: Martinez, Raft, Eaton

*The original motion to select Option 1 to make an at-large appointment to fill the vacancy on December 10, 2018, at the special meeting of the City Council was approved 3-2 by the following vote:

AYES: Martinez, Raft, Eaton
NOES: Dutrey, Ruh

Council Member Dutrey stated when the vacancy is created, there will likely be a 2 to 2 split on who to appoint, so an appointment most likely cannot be made. He stated the Council may be forced to call a special election if an appointee cannot be agreed upon.

Mayor Pro Tem Raft stated the expense and length of time for a

special election would not be worth it for such a short term of office.

Council Member Ruh advised that the expense would be well worth it because it will give the voters a voice. He added that earlier this year he voted against, and will not accept, a 55 percent increase in his City Council salary that will go into effect at the beginning of next year.

Council Member Dutrey asked City Attorney Robbins whether there would be any legal consequences if the City Council does not take any action within the prescribed 60 days.

City Attorney Robbins stated she would need to research the matter before rendering an opinion.

XI. RESPONSE — None

XII. COMMUNICATIONS

A. City Department Reports

1. Human Services Department — Holiday Events

Director of Human Services Richter gave the following reports:

- The City's annual *Tree Lighting Ceremony and Visit with Santa* was held last Thursday, though the heavy rains and thunder storm forced the event to be moved inside the Community Center. She thanked everyone who joined to celebrate lighting the indoor community tree and welcome Santa Claus.
- *Spark of Love Program* — The first of two *Holiday Food and Toy Basket Program* drives was held last Friday, and the final drive will be held this upcoming Friday outside the Montclair **Costco** from 10:00 a.m. to 2:00 p.m.

We are still collecting donations for our *Holiday Toy and Food Basket program*. All donations are due by December 13, 2018. Donation bins are located in City buildings and monetary donations can be delivered to the Recreation Center.

- *Dashing Through Montclair* was held last Saturday. **Santa and Mrs. Claus**, along with their support team comprised of members of the Police, Fire, and Human Services Departments; staff from the Information Technology Division; and Council Members Bill Ruh and Trisha Martinez, dashed around Montclair from 1:00 p.m. to 7:00 p.m., spreading holiday cheer and collecting toy donations. Residents were able to live track Santa along his route with the Santa tracker on the City's website. The community loved this event and shared many positive comments and pictures on social media.
- Entries are due this Friday, December 7, for the Holiday Home Decoration Contest. Applications are available on the City's website, Facebook page, in our Human Services Activities & Programs brochure, and at the Recreation Center. Judging will be held on Tuesday, December 11 (please note the date change) and awards will be presented at the Council Meeting on Monday, December 17.

Director of Human Services Richter thanked everyone for all the love and support last week when her husband had to undergo unexpected surgery.

B. City Attorney

City Attorney Robbins requested the City Council meet in closed session concerning following:

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

Montoya v. Montclair

C. **City Manager/Executive Director**

City Manager/Executive Director Starr advised he provided the City Council a memo containing an extensive report regarding a Tri-City meeting that was recently held to discuss the **Metro Gold Line Foothill Extension Construction Authority's** new Phase 2B plan to split the project in two. He reported the meeting discussion was led by Montclair representatives, with participants consisting of representatives from the cities of Claremont, and Pomona, the other two cities excluded from the first portion of the Phase 2B project, as well as several elected representatives including Assembly Member **Freddie Rodriguez**, Senator **Connie Leyva**, and 1st District Los Angeles County Supervisor **Hilda Solis**. He noted all parties appear to be supportive of Montclair's mission to get the Gold Line to Montclair, and will be working to secure the funding to continue the project on its original timeline, or as close to it as possible. He also discussed other alternatives that may be considered in the future to ensure the Montclair Transcenter connects with the Gold Line service if a station cannot be built there.

D. **Mayor/Chair**

1. Consider Calling a Special Meeting of the City Council for Monday, December 10, 2018, at 6:00 p.m. for the Purpose of Declaring the Results of the November 6, 2018 General Municipal Election and Swearing In Elected and/or Appointed Officers [CC]

Moved by Mayor Eaton, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council hold a special meeting of the City Council on Monday, December 10, 2018, at 6:00 p.m. for the purpose of declaring the results of the November 6, 2018 General Municipal Election and swearing in elected and/or appointed officers.

2. Mayor/Chairperson Eaton commented as follows:
 - (a) She attended and enjoyed all of the recent City holiday events.
 - (b) She thanked her Council colleagues, the community, and staff for allowing her to serve as Mayor for the remainder of her husband's term.

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

Council Member/Director Martinez commented as follows:

1. She recognized **52nd District Assembly Member Freddie Rodriguez** and his consultant/former field representative, **Mr. Fabian Gonzalez**, in the audience and thanked them for their support.
2. She invited the community to join the Chamber of Commerce for its next networking breakfast at the OPARC building in Montclair on Thursday, December 13, at 7:30 a.m., noting **Proud Digital Media** would be making a presentation.
3. She thanked all departments and staff involved with arranging the holiday events, as well as those who volunteered and participated with their families.

Mayor Pro Tem/Vice Chairperson Raft commented as follows:

1. She stated she was delighted with the high community turnout at the *Tree Lighting Ceremony* despite the rain and the location change to the community center.

2. She apologized for missing the *Dashing Through Montclair* event, noting that her dog had escaped. She thanked Officer Bergman, who had just finished a traffic stop nearby, for offering assistance with capturing her dog.
3. She requested tonight's meeting be closed in memory of **Mr. Rick Upshaw**, a Montclair resident since 1979 who recently succumbed to a six-year battle with cancer.

Council Member/Director Dutrey commented as follows:

1. He stated he looks forward to future street improvement projects, noting he believes the recently completed Zone 4 and Central Avenue Alley Rehabilitation projects have had a great impact on the beautification of the City.
2. He thanked staff for their hard work on the holiday events and regretted that he was unable to make it to any.
3. He extended his sincere appreciation to the Montclair Firefighters who traveled to Paradise, California to assist with search and rescue efforts after the unprecedented fire.
4. He commended staff for adding the new photo panels in the Council Chambers, noting they give a very nostalgic feel.
5. He recognized Mayor Eaton for her service to the City as Mayor over the past several months.
6. He requested tonight's meeting be adjourned in memory of **Mr. Bob Gross**.

Council Member/Director Ruh commented as follows:

1. He requested the meeting be adjourned in memory of **Ms. Pat Wooton**, who served on the Community Activities Commission (CAC) for several years (when it was known as the Community Action Committee), noting her favorite events were the *Memorial Day* event and the *Tree Lighting Ceremony*, where she would hand out cookies to the children.
2. He asked why all the photos of former City Managers were removed from the hallway in City Hall.

City Manager Starr indicated those historic photos are being archived on the City's website and City Hall is undergoing a remodel which includes new historical photos of places in Montclair.

3. He requested minutes of the Council meeting where he turned down his salary increase be provided to all Council members.
4. He stated his opposition to individuals using City Council seats as a stepping stone to higher offices.
5. He commended the CAC members, some of whom are in the audience tonight, for their volunteer work at the *Tree Lighting Ceremony*.
6. He requested tonight's meeting also be adjourned in memory of **President George H. W. Bush**.

F. Committee Meeting Minutes

1. **Minutes of Personnel Committee Meeting of November 19, 2018**

The City Council received and filed the minutes of the Personnel Committee meeting of November 19, 2018, for informational purposes.

Council Member Ruh left the meeting at 8:53 p.m.

XIII. CLOSED SESSION

At 8:53 p.m., the City Council went into closed session to discuss pending

litigation pursuant to Government Code Section 54956.9(d)(1).

XIV. CLOSED SESSION ANNOUNCEMENTS

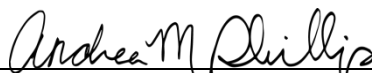
At 9:02 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in closed session regarding pending litigation; information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT

At 9:03 p.m., Mayor/Chairperson Eaton adjourned the City Council, the Successor Agency Board of Directors, the Montclair Housing Corporation Board of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

The meeting was adjourned in memory of **Mr. Rick Upshaw, Mr. Bob Gross, Mrs. Pat Wooton, and President George H. W. Bush.**

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea M. Phillips
City Clerk