

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY
AND MONTCLAIR HOUSING CORPORATION BOARDS,
AND MONTCLAIR HOUSING AUTHORITY COMMIS-
SIONERS HELD ON TUESDAY, JANUARY 22, 2013,
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 cell phones and other 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

Council Member/Director Paulitz led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Mayor Pro Tem/Vice Chairman Ruh is not in attendance at the meeting.

Present: Mayor/Chairman Eaton; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

Absent: Mayor Pro Tem/Vice Chairman Ruh (excused)

V. PRESENTATIONS

A. Presentation of Military Banners to Montclair Service Members Who Have Completed Their Military Service

Community Action Committee Chairperson Pat Wooton introduced **Mr. John Mark Lokka** who was honorably discharged from the **United States Navy** having attained the rank of Petty Officer E-6. She noted **Mr. Lokka** was stationed at Fort Gordon in Atlanta, Georgia, for his seven years of service.

Mayor Eaton presented **Ms. Jean Lokka** with her son's banner that was displayed on Holt Boulevard and thanked her for her son's service to our country.

CAC Chairperson Wooton introduced **Mr. Alex Pattison**, who served in the **United States Army** from January 2007 to January 2013. She noted **Mr. Pattison** was stationed at **Fort Jackson**, South Carolina; **Fort Eustis**, Virginia; and **Fort Hood**, Texas; and was deployed to Iraq and Afghanistan for two years. She noted he was honored with the following awards: three air medals, two overseas service medals, Army Commendation medal, Army Service ribbon, Global War on Terror service ribbon, National Defense ribbon, Good Conduct medal, and an Aviation Wings badge.

Mayor Eaton presented **Mr. Pattison** with his banner that was displayed on Moreno Street and thanked him for his service to our country.

CAC Chairperson Wooton introduced **Mr. Robert Ascencio**, who served as an E-4 Corporal in the **United States Marine Corps** from September 2008 to June 2012 as part of the 11th Marine Expeditionary Unit, stationed at **Camp Pendleton**. She noted **Mr. Ascencio** was fortunate to travel to Indonesia, Singapore, Thailand, Africa, Kuwait, Malaysia, Iraq, and the United Arab Emirates during his term of service.

Mayor Eaton presented **Mr. Ascencio** with his banner that was displayed on Holt Boulevard and thanked him for his service to our country.

CAC Chairperson Wooton introduced **Ms. Valerie Varela**, who served as an officer in the **U.S. Army** from September 2009 to October 2012 while stationed at **Fort Leonard Wood**, Missouri; Schweinfurt, Germany; and **Fort Drum**, New York. She noted **Ms. Varela** received two Army achievement medals, a sharpshooter badge for rifle and handgun, and a Good Conduct medal.

Mayor Eaton presented **Ms. Varela** with her banner that was displayed on Holt Boulevard and thanked her for her service to our country.

CAC Chairperson Wooton introduced **Mr. Robert McKinney**, who served as an E-3 Officer as part of VAW-113, the "World Famous Black Eagles" squadron, in the **U.S. Navy** from April 2009 to June 2012 while stationed at the **Naval Air Station** in Point Mugu. She noted **Mr. McKinney** received the Plane Captain of the Quarter in 2011 and Humanitarian Service Medal and Joint Meritorious Unit award for providing relief support to tsunami victims in Japan as part of "Operation Tomodachi."

Mayor Eaton presented **Ms. Gina Rodriguez** with her son's banner that was displayed on Benito Street and thanked her for her son's service to our country.

CAC Chairperson Wooton introduced **Mr. Joseph Rogers**, who served as an E-5 Sergeant in the **U.S. Army** from October 2008 to November 2012. She noted **Mr. Rogers** was stationed at Tompkins Barracks, Germany, after completing basic training North Carolina, logistics and supply schooling in Virginia, and working with weapons for European training in Texas. She added that he was deployed to Afghanistan and received certificates for multiple night trainings and navigations, technology and logistics, and personal security detachment.

Mayor Eaton presented **Mr. Rogers** with his banner that was displayed on Holt Boulevard and thanked him for his service to our country.

CAC Chairperson Wooton introduced **Mr. Victor E. Alaniz II**, who served as a Sergeant in the **U.S. Army** from 2007 to 2012 while stationed at **Schofield Barracks** near the town of Wahiawa, Oahu, Hawaii. She noted **Mr. Alaniz** received the Army commendation medal, combat infantry badge, and Army Good Conduct medal and driver badge; in addition, he was awarded the Valorous Unit Award for extraordinary heroism in action against an armed enemy in support of **Operation Iraqi Freedom** in and near Baghdad, where he remained battle-focused in an extremely hostile environment and despite imminent danger.

Mayor Eaton presented **Ms. Norma Alaniz** with her son's banner that was displayed on Holt Boulevard and thanked her for her son's valor in combat and for his years of dedicated service to our country.

CAC Chairperson Wooton thanked the veterans and their families who were able to attend tonight's meeting.

Mayor Eaton thanked CAC Chairperson Wooton and the CAC for its work on the banner program. He stated, "To all recipients this evening, thank you for your service to our country and our City."

At 7:14 p.m., Mayor Eaton called a short recess to allow those who would like to leave to exit the building "though you are more than welcome to stay for the meeting."

At 7:15 p.m., the meeting was back in session.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board Meeting of January 7, 2013

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and Montclair Housing Corporation Board of Directors approved the minutes of the January 7, 2013 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 December 31, 2012.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated January 22, 2013, totaling \$1,769,085.54 and the Payroll Documentation dated December 16, 2012, amounting to \$772,940.00, with \$418,249.23 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 Agency Treasurer's Report for the month ending December 31, 2012.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12.01.12-12.31.12 in the amounts of \$139,929.14 for Project I; \$0.00 for Project II; \$2,757,569.15 for Project III; \$747,258.06 for Project IV; \$2,818,576.38 for Project V; \$505,692.21 for the Mission Boulevard Joint Redevelopment Project; 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 December 31, 2012.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 12.01.12-12.31.12 in the amount of \$69,113.05.

7. Setting a Public Hearing to Consider the Following:

Adoption of Resolution No. 13-2976 Approving a General Plan Amendment to the Official Land Use Map for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "General Commercial" to "Medium-Density Residential" (8 to 14 Dwelling Units Per Acre)

Adoption of Resolution No. 13-2977 Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "Auto Mall" to "R-3/11 du/ac" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre)

The City Council set a public hearing for Monday, February 4, 2013, at 7:00 p.m. in the City Council Chambers to consider the following:

- (a) Adoption of Resolution No. 13-2976 approving a General Plan amendment to the Official Land Use Map for 1.63 acres on the south side of Bandera Street west of Central Avenue, modifying the land use designation from "General Commercial" to "Medium-Density Residential" (8 to 14 dwelling units per acre).
- (b) Adoption of Resolution No. 13-2977 approving a Specific Plan amendment to the Holt Boulevard Specific Plan for 1.63 acres on the south side of Bandera Street west of Central Avenue, modifying the land use designation from "Auto Mal" to "R - 3/11 du/ac" (Multiple Family Residential, Maximum 11 dwelling units per acre).

8. Setting a Public Hearing to Prioritize Funding for Fiscal Year 2013-14 Community Development Block Grant Projects

The City Council set a public hearing for Monday, February 4, 2012, at 7:00 p.m. in the City Council Chambers to consider prioritizing funding for Fiscal Year 2013-14 Community Development Block Grant projects.

9. Approval of Policy Establishing Standards of Ethical Conduct to Address Fraud, Waste, and Abuse

The City Council approved a policy establishing standards of ethical conduct to address fraud, waste, and abuse.

10. Declaring Unclaimed Bicycles in Police Custody as Surplus and Available for Donation to the California Institution for Women

The City Council declared 15 unclaimed bicycles listed on the attachment to this item as surplus and available for donation to the California Institution for Women.

C. Agreements

1. Approval of *Agreement No. 13-05* With Charles E. Thomas Company for Repairs and Modifications to the Montclair Police Department Aboveground Fuel Storage Tank System

Authorization of a \$25,000 Appropriation From the Contingency Fund for Associated Project Costs

The City Council took the following actions:

- (a) Approved *Agreement No. 13-05* with Charles E. Thomas Company for repairs and modifications to the Montclair Police Department aboveground fuel storage tank system.
- (b) Authorized a \$25,000 appropriation from the Contingency Fund for associated project costs.

2. Approval of *Agreement Nos. 13-09, 13-10, and 13-11* With Montclair Little League, All Cities Youth Baseball, and Montclair Golden Girls Softball League, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 13-09, 13-10, and 13-11* with Montclair Little League, All Cities Youth Baseball, and Montclair Golden Girls Softball League, respectively, for use of ball field facilities.

D. Resolutions

1. Adoption of Resolution No. 13-2975 Authorizing Mayor Eaton to Sign the Right-of-Way Certification for the Monte Vista Avenue Widening Project

The City Council adopted Resolution No. 13-2975 authorizing Mayor Eaton to sign the right-of-way certification for the Monte Vista Avenue Widening Project.

2. **Adoption of Resolution No.13-02, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency Directing the Transfer of Certain Real Property Located at 4113 Kingsley Street to the Montclair Housing Authority and Making Certain Findings in Connection Therewith**

Adoption of Resolution No.13-01, a Resolution of the Montclair Housing Authority Approving and Accepting the Transfer of Certain Real Property Located at 4113 Kingsley Street to the Montclair Housing Authority and Making Certain Findings in Connection therewith

Adoption of Resolution No.13-02, a Resolution of the Montclair Housing Authority Approving *Agreement No. 13-12, a Purchase and Sale Agreement* by and Between the Montclair Housing Authority and EMI Partners, L.P.

The Successor Agency Board of Directors adopted Resolution No. 13-02, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency directing the transfer of certain real property located at 4113 Kingsley Street to the Montclair Housing Authority and making certain findings in connection therewith.

The Montclair Housing Authority Board of Directors adopted the following Resolutions:

- (a) Resolution No.13-01 approving and accepting the transfer of certain real property located at 4113 Kingsley Street to the Montclair Housing Authority and making certain findings in connection therewith.
- (b) Resolution No. 13-02 approving *Agreement No. 13-12, a Purchase and Sale Agreement* by and between the Montclair Housing Authority and EMI Partners, L.P.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

City of Montclair v. Richard Beltran

2. **Closed Session Pursuant to Section 54956.9(b) of the Government Code Regarding Potential Litigation**

3. **Closed Session Pursuant to Section 54956.9(a) of the Government Code regarding Pending Litigation**

Montclair Police Officers Association v. City of Montclair

4. **Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator Edward C. Starr**

Agency: City of Montclair

*Employee Organizations: Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session on the above four matters.

B. City Manager/Executive Director

1. City Manager Starr reminded the City Council of the Midyear Budget Review scheduled for Tuesday, February 12, 2013, at 6:00 p.m. in the City Council Chambers.

C. Mayor/Chairman - No comments

D. City Council/Successor Agency Board/MHC Board

1. Council Member/Director Dutrey commented as follows:

(a) He noted he was pleased to participate once again, along with his wife, **Anne**; daughter, **Janine**; and **San Bernardino County Fourth District Supervisor Gary and Mrs. Ovitt**, in **Montclair High School's** fifth annual *Miles for Montclair* five-kilometer walkathon on **Martin Luther King Day**, in addition to more than one thousand students and members of the community who raised more than \$25,000 to help students on campus who are homeless. He encouraged everyone to participate in next year's walk for the homeless.

Council Member Dutrey recognized Police Officer Rob Pipersky for doing a good job of keeping walkers on the sidewalks and out of the streets.

- (b) He expressed his appreciation of City Manager Starr for staff's swift abatement during the holidays of a large amount of graffiti along the San Antonio wash at the I-10 Freeway.
- (c) He noted he took advantage of the beautiful weather this weekend and rode his bicycle in North Montclair. He stated that he was pleased with the number of commercial occupancies in that area.

Mayor Eaton asked Council Member Dutrey if he was able to finish the five-kilometer *Miles for Montclair* walk.

Council Member Dutrey noted he did, indeed, complete the entire five kilometers.

- 2. Council Member/Director Raft noted she is pleased **Mr. Sam Crowe** was appointed to fill the vacancy on the **Ontario-Montclair School District** Board of Trustees left by **Paul Vincent Avila**, who was elected to the **Ontario City Council** last year. She stated that **Mr. Crowe** previously implemented some good programs, including an antibullying campaign and a program to assist students with disabilities, and has many other good ideas for worthwhile school activities.
- 3. Council Member/Director Paulitz commented as follows:
 - (a) He noted he has volunteered to participate in the San Bernardino County 2013 Point-in-Time Homeless Count of sheltered and unsheltered persons this Thursday morning.
 - (b) He noted his attendance at a Code Enforcement Committee meeting earlier this evening. He noted there are certain "problem" areas in the City for which the City hired legal counsel to prosecute all Montclair Municipal Code violations. He advised that unfortunately, lenient judges rule to continue the cases instead of enforcing City codes.
 - (c) He noted he received a telephone call from **San Bernardino County Auditor-Controller/Recorder/Treasurer/Tax Collector Larry Walker** "whom I have known for many years. He was first elected to the **Chino City Council** the same day I was elected to the Montclair City Council. He went on to serve three terms on the **San Bernardino County Board of Supervisors**, after which he studied to become the **San Bernardino County Auditor-Controller/Recorder**. He is now running for the

32nd California State Senate District. We were reminiscing that he and I are some of the few who were first elected to public office in March 1978. Needless to say, I am going to support him. Thank you."

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of December 17, 2012

The City Council received and filed the Code Enforcement Committee meeting minutes of December 17, 2012, for informational purposes.

2. Minutes of Personnel Committee Meeting of January 7, 2013

The City Council received and filed the Personnel Committee meeting minutes of January 7, 2013, for informational purposes.

XII. COUNCIL WORKSHOP

A. Midyear Budget Review

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried unanimously to continue this item to an adjourned meeting on Tuesday, February 12, 2013, at 6:00 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS

At 7:24 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:24 p.m., the City Council went into Closed Session regarding public employee performance evaluation pursuant to Government Code Section 54957 and pending litigation pursuant to Government Code Section 54956.9(a).

XIV. CLOSED SESSION ANNOUNCEMENTS

At 7:58 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, potential litigation, and labor relations; information was received and direction given to staff; and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:00 p.m., Mayor Eaton adjourned the City Council.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commissioners approval,

Yvonne L. Smith
Deputy City Clerk