

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY  
AND MONTCLAIR HOUSING CORPORATION BOARDS,  
AND MONTCLAIR HOUSING AUTHORITY COMMISSION  
HELD ON MONDAY, JUNE 3, 2013, AT 7:00 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 7:00 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/Police Chaplain Vicki Brobeck, Grace Fellowship Foursquare Church,** 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 Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS

A. **Introduction of and Swearing-In Ceremony for New Chief of Police**

City Manager Starr introduced newly appointed Chief of Police/Public Safety Executive Director Michael deMoet. He noted Chief deMoet was born in West Covina to **Hank** and **Wilma deMoet** and asked that they stand to be recognized. He stated that the **deMoet** family moved to Huntington Beach in 1969, where **Mr.** and **Mrs. deMoet** currently reside. He noted Chief deMoet has an older brother **Albert** and a younger brother **Jeff**, who serves on the **San Bernardino County** Multiagency Auto Theft Task Force. He indicated that Chief deMoet obtained an Associate of Arts degree in

Administration of Justice and a Bachelor of Science degree in Criminal Justice Management from **Golden West College** and in 1985 attended the **Golden West Police Academy**, Huntington Beach.

City Manager Starr advised that Chief deMoet joined the Montclair Police Department on July 24, 1985, while still enrolled at **Golden West Police Academy**, and worked a variety of assignments in Patrol as well as serving as Field Training Officer for new hires. He stated that from 1992 to 1996, Chief deMoet was assigned to the Detective Bureau; in January 1998, he was appointed to Sergeant, supervising Patrol, the Field Training Program, and the Detective Bureau; in December 2007, he was promoted to Lieutenant assigned to Support Services Division; and in September 2011, he was promoted to Captain, serving as second-in-command to Chief Jones, whom he now succeeds. He noted Chief deMoet was named the Montclair Police Officers Association's Officer of the Year twice, first in 1998 as a Patrol Officer and again in 1993 as Detective.

City Manager Starr stated that Chief deMoet's proudest duty is that of father to his eight-year-old son, **Cole**, who will shortly be thrilled to pin the Police Chief shield to his father's uniform.

City Manager Starr administered the Oath of Office to Chief deMoet and congratulated him on his new appointment.

**Cole deMoet** proudly pinned the Police Chief shield to his father's uniform.

Police Chaplain Brobeck provided a moment of reflection and prayer for Chief deMoet's administration of the Montclair Police Department, advising him that the community has commissioned him to a charge of duty imposed in faith towards those who serve, known as "public trust"; a charge of accountability; and a charge of courage to have the strength to withstand unethical pressure, coupled with an inner strength of morality in the face of challenge.

Chief/Public Safety Executive Director deMoet stated that he is quite overwhelmed with the magnitude of the duties of his new office and at the same time is completely humbled by the large turnout for his swearing-in ceremony. He thanked the City Council and City Manager Starr for their confidence in his abilities to take command of the Public Safety departments. He expressed his understanding of the value the Council and City Manager place on the partnerships they have jointly developed with businesses, residents, and visitors to the City. He stated that he plans to continue moving forward and instilling those same values with members of the Public Safety organizations. He again thanked the Council and City Manager for their support.

Mayor Eaton told Chief/Public Safety Executive Director deMoet that he is very welcome.

Chief/Public Safety Executive Director deMoet addressed the gallery. He stated that his parents emigrated from the Netherlands in the early 1960s and that his father worked hard as an auto mechanic to provide a good life for his family. He thanked his parents for all that they have done on behalf of his brothers and him throughout the years, instilling in their sons a strong work ethic and a strong value system that has allowed each one to thrive and succeed.

Chief/Public Safety Executive Director deMoet told his son, **Cole**, "Eight years ago, my life changed when you were born. I had a different purpose in life and wanted to be a good man and a good Dad. Every night, when I have an opportunity to put him to bed, I tell him, 'You are a good boy, **Cole**.' And he says, 'I'm always a good boy, Daddy.' You are a good boy. I was talking to him on the way here this evening; and I remembered a few months ago, I took his cousin—who is about the same age—and him to **McDonalds**<sup>®</sup>. I unwittingly threw away his cousin's **Happy Meal**<sup>®</sup> box with a toy inside. We looked through the trash, and I got to the point where I indicated that I would rather buy another **Happy Meal**<sup>®</sup> than continue to dig through the trash. That boy [**Cole**], without being asked, gave up his toy to his cousin. He is a very strong boy, he is a very good boy, and I am very proud of you, son."

Chief/Public Safety Executive Director deMoet addressed the members of the Police Department in the gallery. He stated, "I cannot begin to tell you how honored and privileged I am to lead you guys. To have you guys all here in support is completely humbling. Thank you very much for being here. It means a lot to me."

Chief/Public Safety Executive Director deMoet addressed the members of the community in the gallery. He told Community Action Committee Chair Pat Wooton, "Thank you very much for the work you do." He told **Montclair Kiwanis** President **Pat Rees**, "Thank you very much for the work you do. I plan on working closely with you in the upcoming years."

Chief/Public Safety Executive Director deMoet noted **Montclair Chamber of Commerce** President/Chief Executive Officer **Darleen Curley** is a "great lady" who does a lot for the organization and a lot for the City." He stated, "Those are the types of partnerships that we would like to continue to develop as a Police organization. To everyone else who showed up here because of me—the Chiefs of Police of surrounding agencies—thank you very much for being

here and providing your support. I look forward to working with each of you. To everybody else: Thank you for being here."

Mayor Eaton advised Chief/Public Safety Executive Director deMoet that **San Bernardino County Fourth District Supervisor Gary Ovitt** and his wife, **Chaffey Joint Union High School District Trustee Sue Ovitt** are in the gallery as well, noting Supervisor Ovitt wanted to make sure to be here this evening. He thanked them both for attending.

Chief/Public Safety Executive Director deMoet apologized to Supervisor and **Mrs. Ovitt** for not mentioning them sooner. He noted they both attend all City events and highly support public safety. He told them, "Thank you for being here," and invited everyone to enjoy some cake in the West Lobby.

Mayor Eaton thanked Chief/Public Safety Executive Director deMoet for his comments.

At 7:12 p.m., Mayor/Chairman Eaton reiterated that all are welcome to gather in the West Lobby for Chief/Public Safety Executive Director deMoet's reception and recessed the City Council, Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

At 7:26 p.m., Mayor/Chairman Eaton reconvened the City Council, Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

## **VI. PUBLIC COMMENT**

- A. **Mr. Juan Pagaran**, 4305 Orchard Street, Montclair, noted his attendance at the meeting is to fulfill an assignment of his **Ontario Christian High School** government class. He congratulated Chief deMoet on his appointment to the office of Chief of Police/ Executive Director of Public Safety. He stated that he loves Montclair, which is his hometown, and the sense of community residents share. He thanked the Mayor and City Council Members for their public service.

Mayor Eaton thanked **Mr. Pagaran** for his very nice comments.

## **VII. PUBLIC HEARINGS**

- A. **First Reading – Consider Adoption of Ordinance No. 13-933 Amending Chapters 11.02, 11.42, and 11.78 of the Montclair Municipal Code Related to Definitions, Alcoholic Beverage Sales, and Conditional Use Permits**

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Ordinance No. 13-933 amending Chapters 11.02, 11.42, and 11.78 of the Montclair Municipal Code related to definitions, alcoholic beverage sales, and Conditional Use Permits 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 Paulitz pointed out that two Code Enforcement Committee meetings, which included much discussion, were devoted to this item before its being presented to the City Council this evening.

Council Member Dutrey noted he would typically not support increased opportunities for liquor establishments; however, in this case, he expressed the importance of allowing the subject business and others in town some leeway for good reason, such as offering goods for sale that are productive and beneficial to the community. He advised that he introduced this item and expressed his appreciation of staff's assistance on the proposed code amendment.

Mayor Pro Tem Ruh expressed his understanding behind the reason for this item, stating, "There are some businesses that need this; but overall, my question is, 'Do we have any idea from either the Police Department or anyone else as to whether this will make enforcement of many of the rules...we have to be very careful of how alcohol—wine and liquor—is distributed and sold. Does this make it easier to enforce the rules or does it create more gray area?'"

City Manager Starr advised that staff had an opportunity to clean up major sections of the code in the process of amending it for the subject purpose, which "will actually make it easier for staff to administer the rules as we go forward."

Mayor Pro Tem Ruh thanked City Manager Starr.

Council Member Raft expressed her understanding and support of the proposed code amendments and why they would benefit the subject business.

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 13-933, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 11.02 ("Definitions") of the Montclair Municipal Code, Chapter 11.42 of the Montclair Municipal Code Related to the Regulation of Sale of Alcoholic Beverages, and Chapter 11.78**

**of the Montclair Municipal Code Related to Conditional Use Permits and Administrative Conditional Use Permits (Case No. 2013-8),"** be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 13-933 was unanimously adopted by the following vote:

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

City Attorney Robbins reminded the City Council of the need to address the first part of staff's recommendation.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh that the City Council hereby finds, based on the evidence submitted, that there would be no significant impact on the environment as a result of Ordinance No. 13-933 including a De Minimis finding of no effect on fish or wildlife; further, staff is directed to file a *Notice of Determination* and pay appropriate fees within five days of this action.

Motion carried unanimously as follows:

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

**B. Second Reading – Consider Adoption of Ordinance No. 13-934 Prohibiting Scavenging in Solid Waste Containers in the City**

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Ordinance No. 13-934 adding Section 6.16.140 to the Montclair Municipal Code prohibiting scavenging in solid waste containers in the City 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 Dutrey expressed his appreciation of staff's work on this item and the efforts involved in enforcement of the proposed Ordinance. He recommended staff begin with a pilot program in one area of the City.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh that Ordinance No. 13-934, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Section 6.16.140 of the Montclair Municipal Code Prohibiting Scavenging in Solid Waste Containers in the City,**" be read by number and title only, further reading be waived, and this be declared its second reading.\*

Mayor Pro Tem Ruh inquired as follows:

1. Would not the proposed Ordinance apply to the entire City if adopted?

City Manager Starr answered, "Yes, absolutely."

2. How could we do a pilot program and select one neighborhood when the adopted Ordinance becomes the law for the whole City?

City Manager Starr indicated that the intent is to focus on a specific area to test proposed implementation practices. He advised that in addition to addressing the enforcement program through Code Enforcement and Police activities, a number of other measures would be implemented. He stated, "If we could focus on one particular neighborhood to see if our targeted effort works, then it probably would be an easier process to apply those elements that are effective throughout the community."

Mayor Pro Tem Ruh requested further clarification.

City Manager Starr noted he is suggesting staff study the area in which the City has received most of the complaints about scavenging and, perhaps, focus on that neighborhood first—however large that neighborhood might be.

Noting he was concerned about enforcement of proposed Ordinance No. 13-934 at its first reading during the last meeting, Council Member Dutrey concurred with City Manager Starr's enforcement strategy of beginning with a pilot program in a target area because it would be the best use of available resources, considering that scavenging typically occurs during evening hours.

Council Member Raft asked how violators who are homeless and lack financial resources would be penalized.

City Manager Starr noted it would be problematic to penalize violators who are homeless and who are typically involved in scavenging practices. He stated that it would be up to the citing officer to follow usual citation procedures in those cases, noting

staff does not expect to realize a large revenue stream in the enforcement of the proposed Ordinance.

Mayor Eaton emphasized that the City would be subject to hefty penalties levied by the California Department of Resources Recycling and Recovery (CalRecycle) for failure to implement effective diversion plans.

City Manager Starr concurred.

\*The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 13-934 was unanimously adopted by the following ROLL CALL vote:

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

## VIII. CONSENT CALENDAR

Mayor Pro Tem Ruh requested that Item B-3 be removed from the Consent Calendar for comment.

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

### A. Approval of Minutes

#### 1. Minutes of the Special Council Meeting of May 6, 2013

The City Council approved the minutes of the May 6, 2013 special meeting.

#### 2. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHC Commission Meeting of May 20, 2013

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the May 20, 2013 regular joint meeting.

### B. Administrative Reports

#### 1. Setting a Public Hearing to Consider Sewer Rate Increases Effective July 1, 2013

The City Council set a public hearing for Monday, June 17, 2013, at 7:00 p.m. in the City Council Chambers to consider sewer rate increases effective July 1, 2013.

**2. Authorization of a \$6,936.55 Appropriation From the Contingency Fund to Purchase and Install ADA-Compliant Emergency Alarm Call Boxes at Fire Station Nos. 1 and 2**

The City Council authorized a \$6,936.55 appropriation from the Contingency Fund to purchase and install ADA-compliant emergency alarm call boxes at Fire Station Nos. 1 and 2.

**4. Authorization to Purchase One 2013 GMC Terrain SLE-1 From Mark Christopher Auto Center and One 2013 Nissan Xterra X From Metro Nissan**

The City Council authorized purchase of one 2013 GMC Terrain SLE-1 from Mark Christopher Auto Center and one 2013 Nissan Xterra X from Metro Nissan.

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

The City Council approved the City Warrant Register dated June 3, 2013, totaling \$505,046.71 and the Payroll Documentation dated April 21, 2013, amounting to \$568,577.77, with \$402,118.25 being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 13-35* With the San Bernardino County Department of Aging and Adult Services to Provide a Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 13-35* with the San Bernardino County Department of Aging and Adult Services to provide a Senior Citizen Nutrition Program.

**2. Approval of *Agreement No. 13-36* With the San Bernardino County Department of Aging and Adult Services to Support the Senior Citizen Transportation Program**

The City Council approved *Agreement No. 13-36* with the San Bernardino County Department of Aging and Adult Services to support the Senior Citizen Transportation Program.

**D. Resolutions**

**1. Adoption of Resolution No. 13-2989 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 13-2989 authorizing placement of liens on the 210 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**3. Approving a Time Extension Request for a Tentative Tract Map and Precise Plan of Design for a 129-Unit Residential Development Within the North Montclair Downtown Specific Plan**

Mayor Pro Tem Ruh noted he requested this item be removed to give the representatives of Hutton Development Company, the applicant in this matter, an opportunity to address the City Council.

Moved by Mayor Pro Tem Ruh, seconded by Mayor Eaton, and carried unanimously that the City Council found the proposed time extension request for the Tentative Tract Map and Precise Plan of Design related to the Arrow Station project to be appropriate and to approve the request for a two-year time extension to December 6, 2015.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

**1. 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 withdrew her request for a Closed Session on the above matter.

**B. City Manager/Executive Director**

1. City Manager Starr commented as follows:
  - (a) He congratulated Chief/Public Safety Executive Director deMoet.
  - (b) He noted **Standard & Poor's** has given the City's finances a stable certification rating.

**C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:
  - (a) He noted the City's Memorial Day Program went well and received a large turnout.
  - (b) He noted he enjoyed attending Chief Keith Jones' retirement party last Thursday, which was also very well attended, and stated that much work went into preparations for the sendoff.
  - (c) He noted the 2013 Montclair Country Fair Jamboree on Saturday had a tremendous turnout. He asked Assistant Director of Human Services Richter for a headcount.

Assistant Director of Human Services Richter answered, "About 3,500 were in attendance."

**D. City Council/Successor Agency Board/MHC Board/MHA Board**

1. Council Member/Director Paulitz commented as follows:
  - (a) He noted his attendance with the rest of the City Council at the well-organized, facilitated, and attended Memorial Day Program.
  - (b) He noted he was out of town attending his grandchild's eighth grade graduation and, unfortunately, missed Chief Jones' sendoff and the Country Fair Jamboree.

Mayor Eaton stated, "You know how I feel: family first."

Council Member Paulitz stated, "That is right."

2. Council Member/Director Raft commented as follows:
  - (a) She noted her attendance at the well done and well-attended Memorial Day Program.

- (b) She noted her attendance at the "very nice" sendoff for Chief Jones.
  - (c) She congratulated Chief/Public Safety Executive Director deMoet, wished him the best of luck, and stated that she looks forward to working with him.
3. Council Member/Director Dutrey commented as follows:
- (a) He congratulated Chief/Public Safety Executive Director deMoet, noting he would reserve further comment until the Chief is in attendance at the June 17, 2013 regular joint meeting.
  - (b) He commended Assistant Director of Human Services Richter and her staff for their hard work to organize the Country Fair Jamboree; Public Works staff, the Community Action Committee, and Assistant Director of Human Services Richter for their work on the Memorial Day Program; and Secretary to the City Manager Agajanian for her efforts to organize Chief Jones' retirement party.
  - (c) He recognized **Ontario Christian High School** senior and **Our Lady of Lourdes Catholic Church** parishioner **Mr. Pagaran** for his remarks this evening. He stated that he hopes **Mr. Pagaran** will one day throw his hat in the ring for a seat on the Montclair City Council because "he sounds very confident."
4. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
- (a) He noted the opening of the Splash Pad on Saturday, May 25, 2013, advising that staff did a good job with the facility on opening day.
  - (b) He noted Chief Jones' retirement party went very well.
  - (c) He congratulated Chief/Public Safety Executive Director deMoet.
  - (d) He noted staff is to be commended for working to organize and facilitate the Country Fair Jamboree on a very hot day and stated that he received some positive comments on the addition of the petting zoo.
  - (e) He noted the Memorial Day Program went very well and, in fact, indicated that **Senator Norma Torres** told him it was one of the better events she had attended that day.

- (f) He thanked **Mr. Pagaran** for his comments this evening and wished him the best of luck in his studies.

**E. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of May 20, 2013**

The City Council received and filed the Personnel Committee meeting minutes of May 20, 2013, for informational purposes.

**XII. COUNCIL WORKSHOP**

**A. Preliminary Budget Presentation**

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Ruh, and carried unanimously to continue this item to an adjourned meeting on Wednesday, June 12, 2013, at 6:00 p.m. in the City Council Chambers.

At this time, Mayor Eaton invited **Mr. Loren Martens** to come forward to comment.

**Mr. Loren Martens**, 4285 Benito Street, Montclair, noted this week—June 4 through 7, 2013—marks the 71st anniversary of the **Battle of Midway**, one of the most important naval battles of the **Pacific Campaign of World War II**, and emphasized that "it should be recognized."

**XIII. ADJOURNMENT OF CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS, AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS**

At 7:58 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors to Wednesday, June 12, 2013, at 6:00 p.m. in the City Council Chambers.

At 7:58 p.m., Chairman Eaton adjourned the Successor Agency Board of Directors and the Montclair Housing Authority Commissioners.

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

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Yvonne L. Smith  
Deputy City Clerk