

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, JULY 1, 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 electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Donald Rucker, Christian Development Center, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ruh 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; Acting Deputy City Clerk Phillips

V. PRESENTATIONS

A. Introduction of Police Department Promotee

Police Chief/Public Safety Executive Director deMoet introduced Captain Robert Avels, who was promoted to his new position effective June 17, 2013. He stated that during Captain Avels' 17-year career with the Montclair Police Department, he has served as a Field Training Officer, Drug Recognition Expert Instructor, Range Master, Motor Officer, member of the Problem-Oriented Policing Team, and Investigator with the Major Traffic Accident Unit. He noted Captain Avels was promoted to Sergeant in 2008, assigned to the Field Services Division as Watch Commander, and managed the Field Training Program. He noted Captain Avels was promoted in

2010 to Lieutenant under the leadership of Police Chief Keith Jones and spearheaded implementation of the Vehicle Impound Lot and WatchGuard in-car video system; he also designed the Sergeants' new vehicles.

Police Chief/Public Safety Executive Director deMoet advised that Captain Avels received a Meritorious Service award in 1998 after being wounded in an officer-involved shooting incident and was named Officer of the Year in 2001.

Mayor Eaton congratulated Captain Avels on his promotion and presented him with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Mayor Pro Tem Ruh noted he would request that Item D-1 be removed from the Consent Calendar if anyone in the gallery would like to address a lien matter.

Mayor Eaton indicated he has no requests to address the item.

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

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of June 17, 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 June 17, 2013 regular joint meeting.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 13-2994 Amending the Master User Fee Schedule

The City Council set a public hearing for Monday, July 15, 2013, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 13-2994 amending the Master User Fee Schedule.

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

The City Council declared the 13 unclaimed bicycles listed on the attachment to this item as surplus and available for donation to the California Institution for Women.

3. Receiving and Filing Alcoholic Beverage Permit Application - That 80s Bar

The City Council received and filed Mr. David Esqueda's California Department of Alcoholic Beverage Control license application for fiduciary transfer of the existing Type 48 - "On-Sale Public Premises Bar" license to his name, thereby allowing continued sale and service of beer, wine, and distilled spirits at his business, That 80s Bar, located at 10555 Mills Avenue, Montclair.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 1, 2013, totaling \$914,211.73 and the Payroll Documentation dated May 19, 2013, amounting to \$571,521.87, with \$399,677.82 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 13-51 With Inland Empire United Way to Provide Case Management and Health Promotion Programs

The City Council approved *Agreement No. 13-51* with the Inland Empire Utilities Agency to provide case management and health promotion programs.

2. Approval of Agreement No. 13-52 With Bilingual Family Counseling Services to Provide Case Management Services

The City Council approved *Agreement No. 13-52* with Bilingual Family Counseling Services to provide case management services.

3. Approval of Agreement No. 13-55 With Ontario-Montclair School District to Support Operation Costs at the Family Resource Center

The City Council approved *Agreement No. 13-55* with the Ontario-Montclair School District to support operation costs at the Family Resource Center.

D. Resolutions

1. Adoption of Resolution No. 13-2993 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 13-2993 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Patton v. Montclair

2. 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 two matters.

B. City Manager/Executive Director

1. City Manager Starr commented as follows:

(a) He stated that the City will expand the 2013 Christmas Tree-Lighting Ceremony considering **Metrolink** has announced it will suspend the **Holiday Toy Express** for 2013.

(b) He noted vandalism has increased at the Alma Hofman Park Splash Pad and Montclair Skate Park since the reopening of the Splash Pad for the summer. He advised that staff has implemented some intermediate measures

to address the vandalism including having Reserve Officers patrol park activities on the weekends. He reported that Reserve Officers patrolled last Saturday and Sunday from 10:00 a.m. to 6:00 p.m.; in addition, Human Services Division staff monitored the Splash Pad and performed peripheral surveillance around the site to ensure that trash was being collected. He noted the success of the saturation effort, though attendance was down at the park with last weekend's heat wave. He stated that patrol activities would continue throughout the summer to ensure playground equipment, the Splash Pad, and the Skate Park are protected; to reduce vandalism; and to inculcate in park users that there are rules in place that must be obeyed for everyone's safety and enjoyment. He expressed his hope that vandalism declines during the day and after hours over the next month.

- (c) He noted Assistant Director of Human Services Richter renewed her wedding vows "for another 25 years of marriage this weekend," and that a number of staff members witnessed the ceremony.
- (d) He expressed staff's condolences to Planning Commissioner Don Vodvarka in the loss of his beloved wife, **Bonnie**, last month, stating, "We are sincerely sorry for your loss."

C. Mayor/Chairman

- 1. Mayor/Chairman Eaton noted his attendance at the well-attended **Montclair Chamber of Commerce *Installation of Officers and Directors Awards & Recognition Luncheon*** on June 26, 2013, at **John's Incredible Pizza**. He advised that the **Chamber** office was relocated on June 4, 2013, from the **Montclair Town Center Plaza** to its new location at 8880 Benson Avenue, Montclair.

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

- 1. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) He stated that 19 Firefighters, members of the elite Prescott, Arizona-based "Granite Mountain Hotshots" that included two Southland Firefighters, died on June 30, 2013, when an out-of-control wildfire on a mountain above the tiny community of Yarnell, about 80 miles northwest of Phoenix, overran them. He stated that the City Council's thoughts and prayers are with their families at this very sad time.

- (b) He expressed his condolences to Planning Commissioner Vodvarka in the loss of his wife, **Bonnie**. He stated, "All of us are thinking of you at this time."
- (c) He also noted his attendance at the well-done **Chamber** installation, advising that the event was "well represented by a mix of our more corporate as well as local family-owned businesses
- (d) He wished everyone a "Happy **Fourth of July**" on Thursday and expressed his hope that it is a safe one, reminding all that fireworks are banned in Montclair and that there are plenty of fireworks displays in the region for every-body to enjoy.

2. Council Member/Director Dutrey commented as follows:

- (a) He expressed his condolences to Planning Commissioner Vodvarka, stating, "**Bonnie** was a very special person. I think she really enjoyed being here in Montclair. **Don**, you are a historian—you go way back in the history of the City, and you know about the City's incorporation. I know Bonnie really appreciated that and enjoyed being a part of not just living in Montclair but sharing her life with someone who has a lot of history here. We will definitely miss **Bonnie**."
- (b) He expressed his condolences to the families and friends who are mourning the tragic loss of the 19 Arizona Firefighters.
- (c) He noted he participated in a Montclair Police Department ride-along last Friday during which the Patrol Officer took care of traffic-enforcement duties.
- (d) He expressed his hope that everybody enjoy their **Fourth of July** celebration on Thursday. He noted the Police and Fire Departments will be patrolling the City to enforce the City's aggressive zero-tolerance fireworks program established in 2004.
- (e) He recognized Acting Deputy City Clerk Andrea Phillips for attending tonight's meeting and for her increased workload as Acting Deputy City Clerk.

3. Council Member/Director Raft commented as follows:

- (a) She expressed her condolences to Planning Commissioner Vodvarka, stating, "**Bonnie** will be missed. She was a great person."

- (b) She expressed her condolences to the families of the 19 Firefighters who sadly lost their lives in service to their community. She expressed her understanding that tonight's meeting would be adjourned in memory of **Bonnie Vodvarka** and asked that the 19 Firefighters be included in the memorial adjournment.
 - (c) She appealed to everyone to please keep all firefighters in their prayers during this heat wave.
 - (d) She noted she enjoyed attending Assistant Director of Human Services Richter's 25th wedding anniversary celebration.
4. Council Member/Director Paulitz commented as follows:
- (a) He likewise noted his attendance at the **Chamber** installation and stated that Mayor Pro Tem Ruh "did a fine job of installing the officers in the new Board of Directors."
 - (b) He noted his attendance at **Bonnie Vodvarka's** memorial service last Saturday and stated that as he already told Planning Commissioner Vodvarka, "I know what it is like."
 - (c) He also noted his attendance on Sunday at Assistant Director of Human Services Richter's 25th wedding anniversary and renewal of her wedding vows, noting **Our Lady of Lourdes Catholic Church Deacon Don Norris** officiated over the ceremony.
 - (d) He stated that the first day of the **Battle of Gettysburg** took place 150 years ago on July 1, 1863. He noted it was an incredible battle that saved the Union and was quite significant in our nation's history in that if the Confederacy had won the battle, a peace treaty would have been signed and the United States would be two separate countries today.
 - (e) He asked if it is time to renew the General Plan Housing Element.

Director of Community Development Lustro answered, "Yes."

Council Member Paulitz noted the Housing Element update gives the City an opportunity to rethink the North Montclair Downtown Specific Plan (NMDSP). Noting at times he feels like the prophet Zechariah who preached to the Israelites—and they paid no attention to him, either—he stated that it

is his understanding from recent newspaper articles that the **Gold Line** will not reach Montclair until 2030. If that is the case, he advised that the City would have based the entire NMDSP on the presumption that the **Gold Line** would reach Montclair in a reasonable amount of time and not 17 years hence. He advised against "putting all our eggs in one basket" and, instead, that consideration be given to development of a different standard of housing than what is now planned for that site. Furthermore, he expressed his opinion that the town center of Montclair "is right where we are, and that will historically be the case 50 years from now. This is where the Post Office is, City Hall, the parks, and **First United Methodist Church of Montclair** is right across the street. I believe the center of town, if there is one, is right here." He suggested staff take another look at the types of housing proposed in the NMDSP as they relate to renewal of the General Plan Housing Element.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of May 16, 2013

The City Council received and filed the Public Works Committee meeting minutes of May 16, 2013, for informational purposes.

2. Minutes of Personnel Committee Meeting of June 17, 2013

The City Council received and filed the Personnel Committee meeting minutes of June 17, 2013, for informational purposes.

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

At 7:19 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:19 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54957(d)(1) and labor negotiations pursuant to Government Code Section 54957.6.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:44 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. He advised that information

was received and direction given to staff on both matters and that no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 7:45 p.m., Mayor Eaton adjourned the City Council in memory of **Bonnie Vodvarka**, beloved wife of Planning Commissioner Vodvarka, and the 19 Firefighters who tragically lost their lives in an Arizona wildfire.

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

Yvonne L. Smith
Deputy City Clerk