

**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, OCTOBER 21, 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

Deacon Don Norris, Our Lady of Lourdes Catholic Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Dutrey led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Council Member Paulitz is not in attendance at this evening's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors 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; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Introduction of New Employee and Appointee

Acting Deputy Fire Chief Jackson introduced Fire Engineer Benjamin Garcia, who was promoted to his new position effective October 7, 2013, after working as a Firefighter/Paramedic with the Fire Department since April 2006. He noted Engineer Garcia has worked as an Acting Fire Engineer as needed and has taught classes on the duties

of Fire Engineers and a fire engine's multiple systems. In addition, he noted Engineer Garcia has taught the multicasualty incident class and other classes to the Fire Department's Paramedics including the mandated advanced life support (ALS) skills bi-annual class and emergency medical services (EMS) continuing education classes, a requirement of maintaining state and county paramedic certification. He added that Engineer Garcia assisted in updating the EMS lesson plans for the Recruit Orientation Academy and obtained certification as an **Inland Counties Emergency Medical Agency** instructor for ALS skills.

Mayor Eaton congratulated fire Engineer Garcia on his promotion and presented him with a City pin.

Acting Deputy Fire Chief Jackson introduced Fire Engineer Rusty Vidal, who was promoted to his position effective October 7, 2013, after working as a Firefighter with the Fire Department since July 2007. He noted Engineer Vidal has worked as an Acting Fire Engineer as needed, is an SCBA technician and a member of the Montclair Fire Fighters Association, and was named Firefighter of the Year in 2011.

Mayor Eaton congratulated Fire Engineer Vidal on his promotion and presented him with a City pin.

B. Proclamation Declaring the Month of October 2013, as "National Arts and Humanities Month" in the City of Montclair

Mayor Eaton presented a proclamation to **Ms. Victoria Koenig**, Artistic Director, **Inland Pacific Ballet**, declaring the month of October 2013 as "National Arts and Humanities Month" in the City of Montclair.

Ms. Koenig accepted the proclamation and thanked Mayor Eaton. She stated that she serves as the Director of the **Inland Pacific Ballet and Academy**, 5050 Arrow Highway, Montclair, advising that 2013 is the 21st year for the **Academy** and the 19th year for the professional ballet company. She thanked the City and everyone for their wonderful support of **Inland Pacific Ballet's** outreach program, which is the largest in the Inland Valley. She advised that the ballet company sees close to 8,000 students each year at **Bridges Auditorium** and at the **Lewis Family Playhouse** and that the company continues to grow. She stated that the proclamation commemorates **Inland Pacific Ballet's** very first **National Endowment for the Arts** grant received this month. **Ms. Koenig** concluded her remarks by stating, "Thank you for your support, and come see *The Nutcracker!*"

VI. PUBLIC COMMENT - None

Mayor Eaton advised that those not wishing to remain for the rest of the meeting may depart at this time. He stated, "Thank you very much for attending."

VII. PUBLIC HEARINGS

A. **Second Reading – Adoption of Ordinance No. 13-937 Amending Chapter 9.02 of the Montclair Municipal Code and Adding Chapter 9.14 to the Montclair Municipal Code Related to Use of the Montclair Transcenter and City-Owned Properties**

Mayor Eaton declared it the time and place for a public hearing related to adoption of the first reading of Ordinance No. 13-937 amending Chapter 9.02 of the Montclair Municipal Code and adding Chapter 9.14 to the Montclair Municipal Code related to use of the Montclair Transcenter and City-owned properties 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, seconded by Mayor Pro Tem Ruh, and carried that Ordinance No. 13-937, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 9.02 ("Definitions") of the Montclair Municipal Code and Adding Chapter 9.14 ("Montclair Transcenter and City-Owned Properties") to the Montclair Municipal Code,**" 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.

Second Reading of Ordinance No. 13-937 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Ruh, seconded by Council Member/Director Raft, and unanimously 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/MHA Commission Meeting of October 7, 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 October 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 September 30, 2013.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 21, 2013, totaling \$958,397.27 and the Payroll Documentation dated August 25, 2013, amounting to \$579,424.35, with \$404,129.58 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, 2013.

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 9.01.13–9.30.13 in the amounts of \$1,917.94 for Project I; \$0.00 for Project II; \$22,924.03 for Project III; \$16,073.17 for Project IV; \$23,014.25 for Project V; \$0.00 for the Mission Boulevard Joint Redevelopment Project; \$0.00 for the Redevelopment Obligation Retirement Funds; \$0.00 from the Tax-Exempt Bond Proceeds; and \$0.00 from the Taxable Bond Proceeds.

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, 2013.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 9.01.13–9.30.13 in the amount of \$76,762.92.

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, 2013.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 9.01.13-9.30.13 in the amount of \$0.00.

9. Consider Declaring Four Mattresses and Box Springs as Surplus and Available for Destruction

The City Council declared four mattresses and box springs in the Fire Station Nos. 1 and 2 bunk rooms as surplus and available for destruction.

C. Agreements

1. Approval of *Agreement No. 13-87* With Mt. San Antonio Community College District to Continue Providing a Comprehensive Fitness Program for the Fire Department

The City Council approved *Agreement No. 13-87* with Mt. San Antonio Community College District to continue providing a comprehensive fitness program for the Fire Department.

2. Approval of *Agreement No. 13-88* With the City of Ontario for Participation in the "Avoid the 25" DUI Enforcement Program

The City Council approved *Agreement No. 13-88* with the City of Ontario for participation in the "Avoid the 25" DUI Enforcement Program.

D. Resolutions

1. Adoption of Resolution No. 13-3012 Adopting a Five-Year Capital Project Needs Analysis

The City Council adopted Resolution No. 13-3012 adopting a Five-Year Capital Project Needs Analysis for Fiscal Years 2014/2015 through 2018/2019.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

1. **Closed Session Pursuant to Section 54956.9(d)(2) of the Government Code Regarding Significant Exposure to Litigation**

1 Potential case

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

Patel/Galleria Motel v. Montclair

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

Patton v. Montclair

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

B. City Manager/Executive Director

1. City Manager/Executive Director Starr confirmed with the City Council that the Strategic Planning Session would take place on Tuesday, January 14, 2013, at 4:00 p.m. at the Senior Center. He noted the consultant would review his presentation with executive management staff the day before and would be contacting City Council Members in November 2013 to ascertain their ideas, perceptions, concerns, and issues related to strategic planning.

C. Mayor/Chairman

1. Mayor/Chairman Eaton expressed his regrets at being unable to attend the grand opening and ribbon cutting of **The Paseos at Montclair North** on October 15, 2013, because of a scheduling conflict.

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

1. Council Member/Director Raft commented as follows:
 - (a) She noted there were over 500 attendees at the Fire Department's *Annual Open House and Pancake Breakfast* on Saturday, adding that the event seems to grow larger each year. She expressed her regrets at being unable to attend.

- (b) She noted her attendance at **The Paseos at Montclair North** grand opening and ribbon cutting and congratulated Mayor Pro Tem Ruh for doing an excellent job in taking Mayor Eaton's place at the event.
- (c) She announced that the *Montclair Community Fruit Park Tree Planting & Celebration* would be held this Saturday, October 26, 2013, at Sunset Park, 4351 Orchard Street, with a ceremony from 10:00 a.m. to 11:00 a.m. and the tree planting from 11:00 a.m. to 2:00 p.m. She noted our residents will be very pleased with the new fruit park because "they have been waiting to see something in that area for a long time."
- (d) She noted her attendance at the *14th Annual Lights on Afterschool Program* last Thursday at the Community Center, another event "that gets better every year." She remarked that the children involved in our after-school programs are quite talented by the artwork exhibited at the event and commended Director of Human Services Richter and Human Services Department staff for doing a great job organizing and facilitating the event.
- (e) She commended Officers Goble, Schwab, Best, and Jones and Sergeant Michel for neutralizing a potentially volatile incident on Sunday evening, October 13, 2013, and asked Police Chief/Public Safety Executive Director deMoet to please relay the City Council's commendations to these fine Officers for a job well done.

Mayor Eaton noted the subject involved in the incident was fortunate our Officers safely and effectively neutralized a dangerous situation and likewise asked Police Chief/Public Safety Executive Director deMoet to relay the City Council's commendations to Officers Goble, Schwab, Best, and Jones and Sergeant Michel.

2. Council Member/Director Dutrey commented as follows:

- (a) He added the following remark to comments made by Mayor Eaton and Council Member Raft: "Our Officers did a really god job that evening, and they should be commended for their positive actions."
- (b) He noted his attendance at the Fire Department Open House and expressed his appreciation of the **Mt. San Antonio Community College** volunteers who made the pancakes.

- (c) He noted his attendance after the Fire Department Open House at the very nice Reeder Ranch *Picnic in the Grove* where he enjoyed a delicious peanut butter and jelly sandwich. He expressed his hope that the annual event will continue to grow in the future.
- (d) He noted his family and he attended the *14th Annual Lights on Afterschool Program* last Thursday. He stated that our residents are very fortunate because "we have one of the better [after-school programs] in this region. We have some really talented young people who are providing the instruction services for our youth; I saw a lot of creative ideas in terms of art instruction at the event." He commended Director of Human Services Richter and Human Services Department staff for their hard work to make the program a success.
- (e) Though he was unable to attend the Community Health Fair last Tuesday, he stated that each year he hears how successful it is and that he knows how much work Director of Human Services Richter and her staff put into it to make it beneficial for our residents and the public.
- (f) He noted he will definitely help plant trees at the Montclair Community Fruit Park this Saturday unless he is able to obtain tickets to the **University of Southern California Trojans** football game.
- (g) He noted it is nice to see **The Paseos at Montclair North** project underway after years of reviewing plans and drawings for the project. He stated that North Montclair is a very important asset to the City and is an area that he believes will strengthen Montclair's image in the region as it continues to grow. He noted he is pleased the project has moved forward, a project that is the catalyst and sets the stage for future projects in the North Montclair Downtown Specific Plan. He commended staff for doing an excellent job on this "beautiful and rich" development.
- (h) He noted there were 125 attendees at the *Seventh Annual Youth Talent Showcase* on October 4, 2013, and that Police Chief/Public Safety Executive Director deMoet and Environmental Inspector Greene served as judges. He commended Director of Human Services Richter and Human Services Department staff for their hard work to organize and facilitate the event.

3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) Noting most of the items he was going to mention have already been covered, he thanked **Dolce Bistro & Bakery** for the excellent job in catering **The Paseos at Montclair North** event. He stated, "It was a very well-attended event and the food was good."
 - (b) He heartily thanked all staff members involved in all the events discussed this evening.
 - (c) He noted he attended a work conference all last week and, therefore, was unable to attend the Fire Department Open House.
 - (d) He noted **Mrs. Nelson's Toy and Book Shop**, 1030 Bonita Avenue, La Verne, donated some of the books used at the *14th Annual Lights on Afterschool Program "Booktropolis."* He advised that the shop owner is **Mrs. Judy M. Nelson**, Mayor Pro Tem for the **City of Glendora**. He stated, "It is nice to see we have this whole regional effect going on in which many of us wind up supporting activities in other cities because we have business or other interests there. I think that is positive."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 7, 2013

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

XII. COUNCIL WORKSHOP

A. Presentation by Federal Legislative Advocate David Turch & Associates

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Ruh, and carried to continue this item to an adjourned meeting on Monday, November 4, 2013, at 5:45 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 7:23 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:23 p.m., the City Council went into Closed Session regarding significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and pending litigation pursuant to Government Code Section 54956.9(d)(1).

XIV. CLOSED SESSION ANNOUNCEMENTS

At 7:55 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding significant exposure to litigation and pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 7:56 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