



November 21, 2013

**TO:** Honorable Mayor and City Council

**FROM:** Don Parker, Acting City Manager

**SUBJECT:** CITY MANAGER'S WEEKLY REPORT: November 8-21, 2013

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➤ **CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS**

- The U.S. Supreme Court recently reversed a Ninth Circuit decision denying qualified immunity to a California police officer in hot pursuit of a suspected misdemeanor. In *Stanton v. Sims*, a police officer (Stanton) injured the homeowner (Sims) when he kicked open her front gate in pursuit of a fleeing suspect who had disobeyed his orders. Sims sued, alleging Stanton violated her Fourth Amendment rights by unreasonably searching her home without a warrant. The Ninth Circuit denied Stanton qualified immunity because his warrantless entry into Sims' yard to arrest a suspect for a misdemeanor was "plainly incompetent." The Supreme Court disagreed; finding no "clearly established" law regarding warrantless entry in hot pursuit of a misdemeanor existed at the time of Stanton's entry. In fact, two federal district courts in the Ninth Circuit had granted qualified immunity under similar circumstances. Further, two appellate courts in California even authorized such entry, and state courts refused to limit the hot pursuit exception to felony suspects. Based on these facts, it was "especially troubling" that the Ninth Circuit would impose personal liability for an entry that would be considered lawful by courts in the jurisdiction where Stanton acted.

Whether an officer in hot pursuit of a suspected misdemeanor can enter the area around a home without a warrant remains unsettled. However, the Supreme Court has stated that because the law remains unsettled, officers cannot be held liable for civil damages for such a pursuit. Municipal police officers in California should continue to use their best judgment under the circumstances at the time; concurrently, police department managers should review existing hot pursuit policies for

compliance with the prevailing law within the local jurisdiction, as qualified immunity does not shield the employing agency from potential liability.

- With the holiday season approaching, airport officials at Los Angeles-Ontario International Airport (ONT) are recommending that passengers arrive at least 90 minutes prior to their departure time. Passengers can typically expect longer lines during the holiday season, especially at Terminal 4 where Southwest Airlines, ONT's largest airline, is located. Because of ONT's convenience factor, travelers often assume they can arrive at the airport 15 to 20 minutes before their flight departs.

The busiest times at ONT are from 4:30 a.m. to 7:45 a.m. at Terminals 2 and 4. For international travel to Mexico from ONT's Terminal 2, passengers are urged to arrive at least 2 hours before their flight departs. The 90-minute rule does not include commute time to the airport and parking. ONT officials also caution that travelers should consider check-in and screening times.

Passengers are also advised to check with their airlines before coming to the airport to ensure their flights are on time. Information on all services and amenities available to passengers at ONT can be found at [www.lawa.org](http://www.lawa.org). A comprehensive list of what passengers can and cannot pack in checked luggage or carry onboard is available at [www.tsa.gov](http://www.tsa.gov).

ONT is a medium-hub, full-service airport with 7 carriers offering daily nonstop flights to 13 major U.S. cities, plus daily nonstops to Guadalajara, Mexico, making ONT the Inland Empire's preferred airport for nonstop flights throughout the West. In addition to scheduled passenger service, ONT is a major cargo hub and handled more than 447,230 tons of cargo in 2012.

## ➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- On Tuesday evening, Community Development Director Steve Lustro attended a seminar entitled "Planning, Visioning and the Future of Inland Southern California" at the University of California, Riverside. The presentation was part of the monthly Randall Lewis Seminar Series sponsored by the UCR Center for Sustainable Suburban Development. The presenter, Bill Fulton, is the recently appointed planning director for the City of San Diego. Mr. Fulton's significant public sector experience includes serving as vice president and director of policy development and implementation for Smart Growth America in Washington, D.C., an eight-year stint as a council member and mayor of the City of Ventura, and also as a principal in the California-based planning firm, The Planning Center | DC&E. He is a senior scholar at the Price School of Public Policy at USC, has served as a visiting professor in Cal Poly Pomona's Urban

and Regional Planning Program, and has authored or co-authored several books on California planning.

Mr. Fulton's 1½-hour presentation focused on what the Inland Empire needs to do to stay competitive for new development. On the residential side, it was pointed out that in 1960, about half of all households across the U.S. included children. In 2000, the percentage of households *without* children had climbed to 67 percent. By 2025, it is estimated that nearly three-fourths of U.S. households will be childless. The ramifications of this shift in household make-up are already having a noticeable impact on the California housing market. Mr. Fulton explained the leading edge of "millennials" or "echo boomers" (those born between the early 1980s and about 2000) have entered or are entering the housing market and it is becoming increasingly clear that many are not interested in the traditional, detached single-family home in which their baby boomer parents raised them. Rather, Mr. Fulton said, the preference is toward condominiums, apartments, stacked flats, townhomes, and other attached configurations that are located in walkable communities accessible to local services, restaurants, shopping, and other daily conveniences. This is what the City of Montclair is working to create through implementation of the North Montclair Downtown Specific Plan. Because of the trend away from detached, single-family homes, Mr. Fulton said in many areas across the country, the number of investors purchasing this traditional type of housing product with the intention of renting it to another individual or family is now outpacing buyers who intend to be owner-occupants. If this trend continues, and indicators seem to point in that direction, the fear is portions of many communities may slowly degrade into suburban slums as an increasing number of properties fall victim to marginal or deferred maintenance by absentee owners.

In the area of commercial development, Mr. Fulton reiterated that millennials, who outnumber baby boomers (approximately 85 million vs. 81 million), are going to assume a more dominant role in how communities are developed. Millennials are interested in community, access, and mobility; but the latter does not necessarily mean with their own car. Millennials seem to not only prefer more urban, compact environments to live in where walkability and convenient access to public transit are important, Mr. Fulton said it is becoming apparent they also prefer those characteristics where they work. Having basic, everyday services and conveniences close to employment is becoming increasingly important. To satisfy this need, cities need to make an effort to cluster a variety of these types of uses in close proximity to one another in commercial nodes so users can perform several daily tasks in one stop rather than traveling from place to place, either by car or public transit, to accomplish the same things.

In conjunction with and related to intensifying commercial areas, Mr. Fulton concluded his presentation by encouraging policy makers to think differently about parking in commercial districts. Most cities, he said, continue to utilize parking standards established 50 or 60 years ago. With the move toward encouraging alternative modes of travel, such as walking, biking, streetcars, trolleys, shuttles, and other forms of public transit, cities need to consider reductions in traditional parking ratios and, in high parking demand locations, to consider "congestion pricing" to regulate parking demand and encourage the use of alternative modes of transportation.

➤ **FIRE DEPARTMENT**

- Members of the Montclair Fire Fighter's Association (MFFA) raised over \$3,000 on November 9 for the Muscular Dystrophy Association (MDA) during its one-day *"Fill-the-Boot Campaign."* A Montclair resident afflicted with MDA is the MFFA's "face to the cause."

Money raised from the campaign will go to MDA to fund vital research. These funds are also used for neuromuscular disease support groups; medical equipment repair; financial assistance with the purchase of wheelchairs, leg braces, and communication devices; and summer camps for children.

- This past September, Ben Garcia, Chris Jackson, and Rusty Vidal participated in testing at the Fire Department for the Fire Engineer position; they successfully passed and were recently promoted. Ben and Chris have been with the Department for seven years, and Rusty is a six-year employee. They are dedicated to their profession and, as such, assets to the Fire Department.

All three were introduced as Fire Engineers at a recent City Council meeting.

Congratulations, Ben, Chris, and Rusty!

Photos are included on Page 12.

➤ **HUMAN SERVICES DEPARTMENT**

- Monday at the City Council meeting, ten local high school students were recognized for their contributions to the Montclair Fruit Park. These students, from Montclair and Chaffey High Schools, have attended training led by our Fruit Park partner, Incredible Edible Community Garden, to learn about the basic care and maintenance of fruit trees. Training included basic irrigation, selection and planting of trees, organic fertilizing, and basic pruning techniques. As part of the training, they also read articles, held on-site discussions, and received hands-on training.

The students pictured below will take what they have learned to help maintain the fruit park.



- Yesterday, the City's Por La Vida Program held its 2013 graduation ceremony in the Council Chambers. Attendees included Mayor Paul Eaton, Supervisor Gary Ovitt, a representative from the office of Senator Norma Torres, and family members and friends of the graduates. Fifteen women completed the City's free 16-week program and, dressed in teal caps and gowns, accepted their certificates. The Program, in its 13th year with over 200 past graduates, teaches how to live a healthier lifestyle by providing information on salt, sugar, fat content, physical activity, serving portions, self-esteem for the entire family, and supermarket shopping on a budget. Taught in English and Spanish, the Por La Vida Program is now funded by First 5 San Bernardino.

Below is a picture of the 15 Por La Vida graduates, along with Health Specialist Leticia Gavilanes, Fourth District County Supervisor Gary Ovitt, Mayor Paul Eaton, and Human Services Director Marcia Richter.



- The City's Annual Tree Lighting Ceremony and visit with Santa and Mrs. Claus will be held on Thursday, December 5 at 6 p.m. at the Youth Center. Complimentary family photos with Santa and Mrs. Claus will be available outside, while the free refreshments and letters to Santa station will be inside the Youth Center. The event will also include a community holiday sing-along both inside and outside of the Youth Center. Gift lights in honor of, or in memory of, a loved one will be available for purchase at \$10 each.

Call 909-625-9451 for additional information.

- Dashing through Montclair will be held on Saturday, December 7. Santa's sleigh will leave the Police Department at 11 a.m. to embark on its merry way through designated streets, stopping at Lehigh Elementary School, Essex Park, Saratoga Park, Alma Hofman Park, and MacArthur Park. The estimated return to the Police Department is 6 p.m.

Santa will greet people at each stop, and he needs help filling his sleigh. Toys collected will be distributed to needy Montclair children as part of the City's Annual Toy and Food Basket Program.

To follow Santa's route and to see locations for toys to be donated, visit [www.cityofmontclair.org/dashingthroughmontclair](http://www.cityofmontclair.org/dashingthroughmontclair) or call 625-9479.

- Starting this week through Friday, December 13, the Human Services Department will be sponsoring its annual canned food and toy drive. Employees and the community are encouraged to donate to this worthy cause. For the health and safety of those receiving food baskets, we cannot accept outdated, dented, or bulging cans; or packages that have been opened. **Toys must be new and unwrapped.**

Marked collection bins can be found at the Recreation facility, Youth Center, Senior Center, City Hall lobby, Fire Station No. 1, and the Police Department. All food and toys collected will be distributed to needy Montclair residents during the 2013 Holiday Toy and Food Basket Program.

- Last Saturday, the City of Montclair hosted the third annual Ontario-Montclair School District Chess Tournament. To prepare for the tournament, students from each elementary and middle school formed chess clubs and held lunch time meetings to learn the rules and strategies of the game. Each school site sponsored its own tournament, and the winners represented their schools at the finals on Saturday.

The tournament started with a round of 64 students. The final round was played by master chess players Wes Alameda, a Montclair resident and seventh grade student at Serrano Middle School; and Quyhn Samreth, a fifth grader from Edison Elementary School in Ontario. Wes won the final round and was crowned the 2013 OMSD Chess Champion. Sonny Montenez, an eighth grader from Serrano Middle School, and Mario Padilla, a student at Ramona Elementary School, were the third and fourth place winners.

- Yesterday, the Senior Center held its monthly birthday party at the Community Center. The "Thanksgiving Fest" was attended by more than 260 seniors who enjoyed a traditional Thanksgiving meal, birthday cake, ice cream, and pumpkin pie. Senior Center participant Rufus Fairly entertained the seniors on the piano with a medley of songs, and participant Stan Chapin sang "Bless This House," which has become a tradition at the November birthday parties.

A photo collage of the event is included on Page 13.

- On November 12, in honor of Veterans' Day, the Senior Center held a presentation for veterans and their spouses. A representative from the Veterans Administration discussed programs and answered questions. The veterans were welcomed by flag-waving members of the Montclair Fire and Police Departments and Senior Center staff.

Everyone enjoyed patriotic music and delicious treats. Also, they received military stuffed bears that represented their respective branches of service.

Our appreciation goes to all the City employees who helped with this event. Photos are included on Page 14.

➤ ***POLICE DEPARTMENT***

- Law enforcement officers from San Bernardino County agencies were honored by Mothers Against Drunk Driving (MADD) yesterday for their efforts to stop the crime of DUI. From the Montclair Police Department, John Minook and Eric Ruziecki had the most DUI arrests for the year beginning July 1, 2012, and ending June 30, 2013.

This is an annual event hosted by MADD, California Office of Traffic Safety, and the San Bernardino County AVOID Coalition. From the Montclair Police Department, Chief Mike deMoet, Captain Robert Avels, and Lieutenants Jason Reed and Brandon Kumanski attended the luncheon, held at National Orange Show in San Bernardino, with John and Eric.

A note of interest: Eric has received this award three years in a row, and this is the second year for John. Thank you both for your commitment, and congratulations!

➤ ***PUBLIC WORKS DEPARTMENT***

- Recently, City Yard crews removed existing banners from light poles and installed holiday decorations in their place on Central Avenue between Moreno and Palo Verde Streets and on Moreno Street between Central and Monte Vista Avenues.

The Christmas decorations are hung on specific light poles from Thanksgiving to the New Year to help promote the holiday season around Montclair Plaza. Prior to 2002, Christmas lights were strung around the Canary Island Pine trees along Central Avenue, creating a lane of beautifully decorated Christmas trees through Montclair. Unfortunately, as the trees grew and required more lights for the full effect, the power supply could not keep up with the demand and the tradition was retired.

The City will be looking into new decorations for the 2014 holiday season.

- David "Davy" Crockett, a 24-year retired employee of the City of Montclair, passed away in a Phoenix, Arizona hospital on November 14. Like his namesake, a 19th century American folk hero, frontiersman, soldier, politician, and "King of the Wild Frontier" who died at the Alamo in 1836, our Davy Crockett was also considered King of the Wild Frontier by those who knew him well. For years, he regaled his co-workers with stories about himself that have been passed down like folklore and continue to be told as acts of mythical proportions. Most of the stories are so outlandish and hilarious, they remain undocumented so as to protect the innocent. Most of Davy's antics and experiences have been examples of what not to do.

Davy's career with the City was almost as colorful as his past, as he seemed to come and go to suit his moods. For example:

- ✓ Davy Crockett was hired as a Maintenance Man 1 on February 2, 1972
- ✓ He was laid off in April 1973 with the end of Comprehensive Employment and Training Act (CETA) funding
- ✓ The City rehired Davy in September 1975 as a Maintenance Worker
- ✓ He retired from a Leadworker position on December 31, 1993
- ✓ Davy came back in January 1996 as a part-time Maintenance Worker and was made a full-time Maintenance Worker in April 1997
- ✓ Davy retired (again) on December 30, 2000
- ✓ He returned (again) as a part-time Custodian in January 2001
- ✓ Davy resigned (for good) on May 10, 2001

Obviously, his City co-workers thought of this lovable character with deep affection, and he will be fondly remembered. I am told if you were privileged to have been part of his life, you should hold those memories dear. I am certain that some of his stories will continue to be told by the newer employees who never even had the chance to meet this character of many dimensions.

Davy leaves behind four children: Alan, Gary, Kenny, and Johnny.

➤ **SUCCESSOR REDEVELOPMENT AGENCY/MONTCLAIR HOUSING CORPORATION**

- There is no new information to report this week.

DP:spa

*“Got no check books, got no banks. Still, I’d like to express my thanks—I got the sun in the morning and the moon at night.”*

*~ Irving Berlin*

## **NOVEMBER 2013**

		
22	Montclair City Employees Association (MCEA) Holiday Party, Ayres Hotel & Suites, 1945 East Holt Boulevard, Ontario	6:00 p.m. - 11 p.m.
25	Planning Commission Meeting Council Chambers	7:00 p.m.
<b>28</b>	<b>Thanksgiving Day – City Hall Closed</b>	

# DECEMBER 2013

		
02	City Council Workshop Council Chambers	5:45 p.m.
02	City Council Meeting Council Chambers	7:00 p.m.
5	Annual Tree Lighting Ceremony Montclair Youth Center	6:00 p.m.
7	"Dashing Through Montclair"	11:00 a.m. - 7:00 p.m.
09	Planning Commission Meeting Council Chambers	7:00 p.m.
11	Oversight Board Meeting Council Chambers	6:00 p.m.
12	Safety Committee Holiday Luncheon Romano's Macaroni Grill	11:30 a.m.
16	Code Enforcement Committee Meeting City Hall Conference Room	6:00 p.m.
16	City Council Meeting Council Chambers	7:00 p.m.
19	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
23	Planning Commission Meeting - <b>Canceled</b>	
<b>23-26</b>	<b>City Hall Closed in Observance of Christmas</b>	
<b>31</b>	<b>City Hall Closes at 1:00 p.m. for New Year's Eve</b>	<b>1:00 p.m.</b> - <b>6:00 p.m.</b>



Rusty Vidal



Chris Jackson

# Congratulations!

## Fire Engineers



Ben Garcia

# Senior Center 2013 November Birthday Party



# Senior Center Veterans Presentation



*Honor*



*Courage*



*Patriotic*



*Bravery*

