

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, AUGUST 19, 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**

Mayor Eaton gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

City Manager/Executive Director Starr led those assembled in the Pledge.

**IV. ROLL CALL**

Present: Mayor/Chairman Eaton; 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; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

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

**V. PRESENTATIONS**

**A. Introduction of New Promotees, Appointee, and Employee**

Police Chief/Public Safety Executive Director deMoet introduced Police Officer Nicholas Lopez, who was appointed to his position effective August 12, 2013. He noted Officer Lopez joined the **United States Army** while a senior in high school and graduated as an Infantryman in the **Army Airborne Jump School**, stationed at Fort Lewis, Washington, where he remained for the remainder of his active duty service. He noted Officer Lopez served in Operation Iraqi Freedom in Afghanistan in 2006 and fought in the battle of Marjah in Helmand Province. He stated that Officer Lopez's unit fought bravely alongside British and **U.S. Marine** forces during

30 grueling days in February 2010 for which his unit was awarded the Presidential Citation in honor of their courageous service; in addition, he received the Combat Infantryman's badge. He noted Officer Lopez attended **San Bernardino County Sheriff's Department Academy** Class 183 in July 2011 as a pre-service trainee, graduating in December 2011; was sworn in as a Reserve Police Officer with the Montclair Police Department on June 25, 2012; and was appointed as a Police Officer with the Department on August 12, 2013.

Mayor Eaton congratulated Officer Lopez on his appointment and presented him with a City pin.

Police Chief/Public Safety Executive Director deMoet introduced Sergeant Jim Michel, who was promoted to his position effective August 12, 2013. He noted Sergeant Michel joined the **U.S. Army** at age 19 and served three years in a light infantry assault unit while stationed at **Schofield Barracks**, Oahu, Hawaii. He noted Sergeant Michel deployed to Japan on two occasions as well as Haiti in 1995, serving as a member of Operation Uphold Democracy. He noted upon Sergeant Michel's completion of his military service in 1997, he attended the **San Bernardino County Sheriff's Department Academy** and was hired as a Police Officer with the Montclair Police Department on December 8, 1997, working uniformed Patrol and serving as a Field Training Officer, Drug Recognition Expert, member of the Problem-Oriented Policing Team, Narcotics Investigator with **SB WESTNET**, member of the Officer In Charge Program, and on a four-year assignment as Detective working fraud, property crimes, and crimes against persons.

Mayor Eaton congratulated Sergeant Michel on his promotion and presented him with a City pin.

Police Chief/Public Safety Executive Director deMoet introduced Sergeant Michael Zerr, who was promoted to his position effective August 12, 2013. He noted Sergeant Zerr completed the **Rio Hondo Police Academy** in 2000 and was hired as a Police Officer with the Montclair Police Department in 2001, assigned to Patrol and serving as a Taser Instructor, a member of the Problem-Oriented Policing Team, as a Field Training Officer, as a Narcotics Investigator assigned to **SB WESTNET** and, most recently, as a Crimes Against Children and Sex Crimes Detective.

Mayor Eaton congratulated Sergeant Zerr on his promotion and presented him with a City pin.

Police Chief/Public Safety Executive Director deMoet introduced Lieutenant Brandon Kumanski, who was promoted to his position effective July 15, 2013. He noted Lieutenant Kumanski graduated

from **San Diego State University** in 2000. He noted Lieutenant Kumanski was hired as a Police Officer with the Montclair Police Department while attending the **San Bernardino County Sheriff's Department Basic Academy**. He noted Lieutenant Kumanski has worked Patrol, as a Field Training Officer, has participated in the Major Accident Investigation Team, became a Financial Crimes Investigator with the Detective Bureau in 2008, and was promoted to Sergeant in 2010 assigned as a Patrol Supervisor in the Field Services Division and continued his collision investigations and supervision of the Major Accident Investigation Team.

Mayor Eaton congratulated Lieutenant Kumanski on his promotion and presented him with a City pin.

Acting Deputy Fire Chief Jackson introduced Fire Captain Ed Cook, who was promoted to his position effective August 12, 2013. He noted Fire Captain Cook received a degree in Fire Science prior to being hired by the Montclair Fire Department in 1992. He stated that Captain Cook was promoted to Firefighter/Paramedic in 2001 after completing a training program at the **Paramedic Training Institute**, Los Angeles. He noted Captain Cook serves as a member of the Emergency Medical Service Committee, assisting in development of EMS documentation training, and is a member of the Urban Search and Rescue Team and the Fire Apparatus Advisory Specifications Team. He noted Captain Cook is currently an EMS Shift Coordinator, an EMT Instructor, and is responsible for managing the Fire Department's Fire Hose Maintenance and Replacement Program. In 2005, Captain Cook participated in the Katrina relief operation, he added.

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

Acting Deputy Fire Chief Jackson introduced Fire Captain Sergio Mejia, who was promoted to his position effective August 12, 2013. He noted Captain Mejia received Associate degrees in Fire Science and Liberal Arts from **Rio Hondo College** and graduated from the **Rio Hondo Fire Academy** in 2006, after which he worked as an Auxiliary Firefighter for the **Santa Fe Springs Fire Department** and as an EMT for **Care Ambulance**. He noted Captain Mejia was hired as a Firefighter with the Montclair Fire Department in July 2007 and was promoted to Engineer on September 20, 2009. He noted Captain Mejia completed the Acting Captain Certification Program in October 2012 and has served as Acting Captain of Fire Station No. 2 since December 3, 2012. He noted Captain Mejia serves as a member of the Urban Search and Rescue Team and the Fire Department's Training Committee and is currently a CPR instructor and an instructor at the Fire Department's Recruit Orientation Training Academy.

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

Acting Deputy Fire Chief Jackson thanked the City Council for authorizing the Fire Department promotions.

Director of Public Works Hudson introduced **Mr. Eddie Chavez**, who was appointed to full-time Maintenance Worker effective August 12, 2013. He noted Maintenance Worker Chavez began his career with the City of Montclair on December 10, 2012, as a part-time Maintenance Worker. Prior to working for Montclair, he noted Maintenance Worker Chavez worked part time for the **City of Whittier** beginning at age 18 for three years as well as at other local agencies and enjoyed serving for three years as head baseball coach for the freshman and junior varsity teams at **Santa Fe High School**. He noted Maintenance Worker Chavez was appointed to full time Maintenance Worker effective August 12, 2013.

Mayor Eaton congratulated Maintenance Worker Chavez on his full-time appointment and presented him with a City pin.

## VI. PUBLIC COMMENT

- A. **Ms. Gloria Negrete McLeod, U.S. Representative, California's 35th Congressional District**, 4959 Palo Verde Street, Suite 110B, Montclair, noted **Congress** is recessed in August each year to allow members time for district matters and that she has decided to visit all City Councils in her District, in addition to the **San Bernardino County Board of Supervisors** tomorrow morning, to let everyone know the status of congressional issues. She noted she has maintained her District office in Montclair for 13 years. During the appropriations process, she advised that she received responses regarding the following programs of priority to 35th Congressional District cities: Community Development Block Grant (CDBG) Program currently funded at an estimated \$3.03 billion under the FY2013 Continuing Resolution, which includes the 5 percent sequester cut; Community Policing Development Program funded at \$219 million; Edward Byrne Justice Assistance Grant Program; **McKinney-Vento Homeless Assistance Act**, amended by the **Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009**, which revised the Emergency Shelter Grants Program in significant ways and renamed it the "Emergency Solutions Grants Program"—funds are granted to the Supportive Housing and Shelter Plus Care programs; and **U.S. Department of Housing and Urban Development-Veterans Affairs Supportive Housing (HUD-VASH) Program** of \$75 million. She stated, "These programs all maintain strong neighborhoods and promote higher quality for the City of Montclair as they do in the other cities," and though she submitted her District cities' requests for funding to the Appropriations Committee,

she cannot guarantee funding at the requested amounts would be available.

**Representative McLeod** advised that though she was not in office at the time, she did vote against the harmful automatic budget cuts—known as "the sequester"—the effects of which are now beginning to trickle down. She noted the programs hardest hit are **Head Start** and **Meals on Wheels** and cuts to law enforcement. She emphasized she will again vote against sequestration when she returns to **Congress** in September, expressing her hope that "we end it very quickly because it does hurt not only public programs but also private sector businesses that work with the federal government."

**Representative McLeod** indicated that she held a productive field hearing in Fontana on August 14, 2013, regarding veterans' issues that was attended by approximately 200 individuals; today she held a federal education grants workshop at **California State Polytechnic University, Pomona** that was very well attended by approximately 150 persons; and on Saturday, August 24, 2013, from 10:00 a.m. to 12:00 p.m. she will hold a town hall meeting on the **Affordable Care Act**, also known as "**Obamacare**," that will provide individuals with information about the changing healthcare system in California. She emphasized the importance of those who are uninsured to enroll in a health insurance plan through a state-based health insurance exchange by the enrollment deadline of October 1, 2014; noting coverage begins January 1, 2014.

**Representative McLeod** noted she often brags that Montclair is the "little jewel" in the very large 35th District because it is small enough to accomplish everything necessary for its residents—"and you do it very well." She stated, "My office is always open to help all residents in my District irrespective of party affiliations. We are still here in Montclair. Thank you very much."

Mayor Eaton stated, "Thank you for coming in this evening. We appreciate the kind words about our 'little jewel' of a City. Thank you so much for being here. We appreciate the job you are doing for us."

Council Member Dutrey expressed his appreciation for **Representative McLeod's** presentation this evening. He noted Mayor Pro Tem Ruh and he had an opportunity to visit **Representative McLeod** in Washington, D.C., in mid-April 2013 "and you were very kind and spent time with us, and that was greatly appreciated." He noted he recognizes most everyone at her District office and how nice it is to see their familiar faces. He emphasized the importance of elected officials in the 35th Congressional District working together across party lines to meet the many needs of each

jurisdiction. He stated that it is his goal to ensure that **Representative McLeod** remains a strong representative of her constituents for many more years to come.

**Representative McLeod** stated emphatically, "Well, I am not going to die there. I am not going to be a hundred years old, and they are wheeling me out!"

Council Member Dutrey noted the City Council appreciates all her hard work in Washington.

**Representative McLeod** noted she often chuckles because "everyone wants to go to Washington, D.C., to visit with me; and I think you could have a much better visit if you come to my Montclair District office because I can give you a whole lot more time. In Washington they are running everybody through because everybody wants to come to Washington. I tell them, 'You could do the same thing back at my District office!' I think there is something special about going to Washington."

Council Member Raft stated that she is so glad **Representative McLeod** kept her District office in Montclair, noting she appealed to **Representative McLeod's** staff to "not let her go anywhere else!" She expressed her appreciation of **Representative McLeod's** email correspondence that updates federal issues and the fact that she has been very busy in Washington. She stated, "We appreciate that very much."

**Representative McLeod** noted she has learned over the years that the going trend is to have **Twitter** and **Facebook** pages and to correspond by email, which she did as an Assembly Member and Senator and is continuing to do now. She advised those in attendance that they are welcome to sign up at her office to receive her email notices and newsletters.

Council Member Paulitz thanked **Representative McLeod** for her comments this evening. He noted he is likewise pleased that she decided to maintain her Montclair District office. Noting the **U.S. House of Representatives** Committee on Appropriations just completed its appropriations, he asked if **Representative McLeod** would vote for a continuing resolution "when all is said and done."

**Representative McLeod** stated, "I don't know. We will see what happens when we go back." She noted there were so many appropriations cuts that were passed.

Council Member Paulitz asked if **Representative McLeod** thinks there will be a conference with the **Senate**.

**Representative McLeod** stated, "I hope so. The fact is that **Speaker of the House Boehner** has not appointed conferees, and you cannot have a conference committee without appointing the conferees. We are hoping **Mr. Boehner** appoints conferees." She noted it is interesting because in the **California Legislature**, such appointments are a matter of course and by law, which is not the case in Washington.

Council Member Paulitz thanked **Representative McLeod** for the information.

Mayor Eaton thanked **Representative McLeod** for her presentation this evening. He stated, "I will see you on the 24th."

**Representative McLeod** stated, "OK. Be sure to come! Thank you."

## **VII. PUBLIC HEARINGS**

### **A. Adoption of Resolution No. 13-2996 Amending the Land Use Element of the General Plan**

**First Reading - Adoption of Ordinance No. 13-935 Amending Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District**

Mayor Eaton announced that this item is being withdrawn from the agenda.

### **B. First Reading - Adoption of Ordinance No. 13-936 Adding Chapter 9.12.190 to the Montclair Municipal Code Related to Barbecues, Fire Pits, and Open Fires in City Parks**

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Ordinance No. 13-936 adding Chapter 9.12.190 to the Montclair Municipal Code related to barbecues, fire pits, and open fires in City parks 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 commended staff, noting conditions have improved at the park. He expressed his opinion that proposed Ordinance No. 13-936 "is a good idea."

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 13-936, entitled, "**An Ordinance of the**

**City Council of the City of Montclair Adding Chapter 9.12.190 to Title 9 of the Montclair Municipal Code Related to Use of Barbecues in City Parks"** be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

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

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

## **VIII. CONSENT CALENDAR**

Council Member Paulitz requested that Items C-1, C-2, and D-1 be removed from the Consent Calendar for comment.

Council Member Dutrey requested that Item C-6 be removed from the Consent Calendar for comment.

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/MHA Commission Meeting of August 5, 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 August 5, 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 July 31, 2013.

#### **2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated August 19, 2013, totaling \$653,915.87 and the Payroll

Documentation dated June 30, 2013, amounting to \$681,595.65, with \$402,594.15 being the total cash disbursement.

**3. Receiving and Filing of Successor Agency Treasurer's Report**

The City Council acting as successor the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending July 31, 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 7.01.13–7.31.13 in the amounts of \$7,713.73 for Project I; \$0.00 for Project II; (\$1,550.64) for Project III; \$1,547.57 for Project IV; (\$1,525.34) for Project V; \$8,664.50 for the Mission Boulevard Joint Redevelopment Project; \$2,550,283.00 for the Redevelopment Obligation Retirement Funds; \$136.50 from the Tax-Exempt Bond Proceeds; and \$58.50 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 July 31, 2013.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 7.01.13–7.31.13 in the amount of \$16,122.71.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending July 31, 2013.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 7.01.13–7.31.13 in the amount of \$28,472.70.

**9. Montclair Housing Corporation Board of Directors' Approval of Increasing the Construction Contingency in the Amount of \$18,500 for the 5444 Palo Verde Street Electrical Improvement Project**

The Montclair Housing Corporation Board of Directors approved increasing the construction contingency in the amount of \$18,500 for the 5444 Palo Verde Street Electrical Improvement Project.

### C. Agreements

3. **Approval of *Agreement No. 13-64* With Mt. San Antonio College Authorizing the Montclair Fire Department to Provide Clinical Training to Emergency Medical Students**

The City Council approved *Agreement No. 13-64* with Mt. San Antonio College authorizing the Montclair Fire Department to provide clinical training to emergency medical students.

4. **Approval of *Agreement No. 13-65* With the Hope Through Housing Foundation to Continue the After-School Program at the San Antonio Vista Apartments**

The City Council approved *Agreement No. 13-65* with the Hope Through Housing Foundation to continue the after-school program at the San Antonio Vista Apartments.

5. **Approval of *Agreement No. 13-66* With Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program**

The City Council approved *Agreement No. 13-66* with the Ontario-Montclair School District to provide a Licensed Clinical Social Worker for the case management program.

7. **Approval of *Agreement No. 13-70*, a Memorandum of Understanding Between the City of Montclair and the Montclair Police Officers Association**

The City Council approved *Agreement No. 13-70*, a Memorandum of Understanding between the City of Montclair and the Montclair Police Officers Association.

8. **Approval of *Agreement No. 13-71*, the *First Amendment to Agreement No. 11-57*, a *Solid Waste Management Services Agreement* Between the City of Montclair and Burrtec Waste Industries, Inc.**

The City Council approved *Agreement No. 13-71*, the *First Amendment to Agreement No. 11-57*, a *Solid Waste Management Services Agreement* between the City of Montclair and Burrtec Waste Industries, Inc.

## IX. PULLED CONSENT CALENDAR ITEMS

### C. Agreements

#### 1. **Approval of *Agreement No. 13-53* With Vermont Systems, Inc., to Purchase and Implement a Recreation Software Program**

Council Member Paulitz inquired as follows;

- (a) Would those not having a computer be required to come in to the office to register for programs?

Director of Human Services Richter answered, "Correct. The proposed software program is for those who do have computers at home so that they could register for classes, pay for classes, and everything in the comfort of their homes. Registrants without home computers would simply register in person at the Recreation facility front desk."

- (b) Would online registrants access Recreation programs on the City's website?

Director of Human Services Richter answered, "Yes; a Recreation program link would be installed on the City's web page."

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried that the City Council approve *Agreement No. 13-53* with Vermont Systems, Inc., to purchase and implement a recreation software program.

#### 2. **Approval of *Agreement No. 13-63* With Frick, Frick and Jetté Architects, Incorporated, for Design Services for the Human Services and Recreation Facility ADA Upgrade Project**

Council Member Paulitz asked if the subject project must be done at this time.

Director of Public Works Hudson advised that Community Development Block Grant (CDBG) funding is currently available to complete the project. Noting future CDBG is a concern to staff, he described a project that staff held up for about six years that the County, who administers the CDBG Program, checked on constantly to prevent the City from losing funding. He noted staff does not want to be in that position regarding the subject project.

Council Member Paulitz thanked Director of Public Works Hudson and concurred with him concerning the subject project because CDBG funding is available to pay the entire cost of the project.

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried that the City Council approve *Agreement No. 13-63* with Frick, Frick and Jetté Architects, Incorporated, for design services for the Human Services and recreation facility ADA Upgrade Project.

**6. Approval of *Agreement No. 13-68* With the George C. and Hazel H. Reeder Heritage Foundation for Project Management Services Associated With Restoration of the Reeder Ranch, Subject to Final Approval of the Contract Terms by the City Attorney**

**Approval of *Agreement No. 13-69* With Brian R. Bloom, Architect, for Architectural Services Related to Foundation Stabilization and Master Planning for the Reeder Ranch, Subject to Final Approval of the Contract Terms by the City Attorney**

Council Member Dutrey inquired as follows:

- (a) What is the total amount proposed to be paid to the architect pursuant to proposed *Agreement No. 13-69*?

City Manager Starr answered, "There are two phases to the project as proposed by the architect. Phase 1 would relate to stabilization of the structure at a proposed cost of \$56,760. Phase 2 is related to developing a master plan that would incorporate the adjacent property, which I do have to point out is still subject to determination by the California Department of Finance (DOF) as to whether or not the Successor Agency will even be allowed to hold onto that property. That component represents about \$39,780. There are two phases to this; the grant funds total approximately \$144,000, so the total proposed for this contract is well within the available grant funding."

- (b) What is the total amount?

City Manager Starr answered, "Well, under \$100,000."

Council Member Dutrey noted it seems to be about \$96,000."

Director of Public Works Hudson stated, "The total of the two phases is \$96,540."

Mayor Eaton stated, "We really need to move on this because we stand to lose the funding if we procrastinate too long."

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried that the City Council approve the following, noting the maximum cost for *Agreement No. 13-69* totals \$96,540":

- (a) *Agreement No. 13-68* with the George C. and Hazel H. Reeder Heritage Foundation for project management services associated with restoration of the Reeder Ranch, subject to final approval of the contract terms by the City Attorney.
- (b) *Agreement No. 13-69* with Brian R. Bloom, Architect, for Architectural services related to Foundation stabilization and master planning for the Reeder Ranch, subject to final approval of the contract terms by the City Attorney.

#### D. Resolutions

**1. Adoption of Resolution No. 13-07 Approving *Agreement No. 13-67*, a Proposal for Appraisal Services Between the Successor Agency to the City of Montclair Redevelopment Agency and Integra Realty Resources to Perform Real Property Appraisals Associated With Completion of a Long-Range Property Management Plan**

Director Paulitz asked for clarification on the 8752 Monte Vista Avenue property.

Deputy City Manager/Economic Development Executive Director Staats advised that the property is the Police Department site and involves the Impound Lot and a portion of the property that is leased to Metro Nissan. She noted those two sites are what staff needs to determine the value of for purposes of the Long-Term Property Management Plan for DOF's consideration.

Director Paulitz asked for clarification on the disposition of the property.

Deputy City Manager/Economic Development Executive Director Staats advised that Successor Agency staff would like to receive a determination that the property be retained by the Successor Agency for the following reasons: (a) the property is not subdivided; and (b) a portion of the property would most likely be used in the future as additional right-of-way if the Gold Line is ever extended to Montclair; Metro Nissan could be

asked to give up the portion it leases to be used for the Impound Lot when the right-of-way is taken by the Gold Line. She advised that in the meantime, any revenue the City is receiving from it will be distributed to the taxing agencies.

Moved by Director Paulitz, seconded by Director Raft, and carried that the Successor Agency Board of Directors adopt Resolution No. 13-07 approving *Agreement No. 13-67*, a proposal for appraisal services between the Successor Agency to the City of Montclair Redevelopment Agency and Integra Realty Resources to perform real property appraisals associated with completion of a Long-Range Property Management Plan.

**X. RESPONSE - None**

Mayor Eaton thanked **Mr. Michael Arreguin**, Vice President, **Burrtec Waste Industries, Inc.**, for attending this evening's meeting in anticipation of questions regarding the agenda item on the City's Agreement with **Burrtec**. He stated, "We appreciate the good job **Burrtec** does for our City."

**XI. COMMUNICATIONS**

**A. City Attorney**

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

*Montclair Police Officers Association v. Montclair*

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

*Patton-Cunningham v. Montclair*

**3. 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 three matters.

## B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:
  - (a) He noted with regard to Section VIII, "Consent Calendar," Item C-1, "Approval of *Agreement No. 13-53* With Vermont Systems, Inc., to Purchase and Implement a Recreation Software Program," registrants could also connect to the City's web page by smartphone. He stated, "There is no limit on how registrants can sign up for Human Services Department classes and programs."
  - (b) He noted he was promised that the Council Chambers audio system would be working perfectly tonight, but we do have a bit of feedback.

Mayor Eaton asked if staff has decided that the system is salvageable.

City Manager Starr noted it is "but it appears to still need a few tweaks."

Mayor Eaton expressed his hope that the system would soon be in good working order.

## C. Mayor/Chairman

1. Mayor/Chairman Eaton noted the **San Bernardino Associated Governments** Board has been dark, the **Metrolink** Board meeting was a telephone conference, and the **Omnitrans** Board did meet though he has nothing to report.

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

1. Council Member/Director Paulitz noted he found his campaign literature from April 10, 1990, that listed his positions on timely issues of the period including his support for improved single-family homes; his involvement in developing stricter standards for gasoline stations in the community; and, of utmost importance, that he had initiated many planning improvements and General Plan and development plan standards. He noted he had personally led an effort at that time to upgrade the City's R-3 zoning district standards to what is currently in the General Plan because the City struggled for years with troublesome apartment neighborhoods.

Council Member Paulitz asked Director of Community Development Lustro if the Planning Commission approved the public hearing item that was withdrawn this evening.

Director of Community Development Lustro stated, "The Planning Commission recommended at its meeting of August 12, 2013, that the City Council adopt proposed Resolution No. 13-2996 and Ordinance No. 13-935."

Council Member Paulitz noted he did not receive a paper copy of the Planning Commission's summary actions from that meeting.

Director of Community Development Lustro advised that Planning Commission summary actions are posted on the City's website the day following Planning Commission meetings, noting paper copies have not been supplied to the City Council for quite some time.

Council Member Paulitz noted his 1990 campaign literature somehow miraculously turned up as he was carefully reviewing the public hearing item.

2. Council Member/Director Raft commented as follows:
  - (a) She commended Police Chief/Public Safety Executive Director deMoet for having Officers meet with our seniors regarding their issues, noting she has thought for a long time that it would be a good idea.
  - (b) She apologized to Police Chief/Public Safety Executive Director deMoet that she will be unable to attend the swearing-in ceremony for new Police Department promotees and appointee.
  - (c) She advised that there have been 36 positive cases of West Nile Virus detected in San Bernardino County, noting a few of the cases were in Montclair and Ontario. She noted she has given the Council and staff an effective mosquito repellent and has a supply for audience members. She stated, "Please be safe. Mosquitoes are most active at dusk and early evening hours. Also, please make sure to eliminate standing water around you homes to prevent mosquito breeding."
3. Council Member/Director Dutrey commented as follows:
  - (a) He thanked staff for having the construction site at Central Avenue below the I-10 Freeway cleaned up.
  - (b) He suggested a workshop be conducted on the pulled public hearing item to discuss the adopted 2006-2014 Housing Element Update and revision proposed thereto "before we discuss any Code changes."

Mayor Eaton asked for City Council Members' opinions about Council Member Dutrey's suggestion.

Council Member Raft stated, "I think we need one."

Council Member Paulitz stated, "I am for it. I think we need to discuss the item in detail so the Council has a good understanding of the item. [Council Members] may not realize the history of this community, how things developed, and where we are going. I think a lot of us may never see these developments occur, but I want to leave a legacy of a better community than when I came here in 1960. That is why I have worked so hard and diligently in improving [our City], and I think the condition of Montclair is probably a lot better than it has been in a long time regarding infrastructure and everything else. I think I want to leave it better than when I came, and I believe that is true of everybody else."

Mayor Eaton concurred.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of August 5, 2013**

The City Council received and filed the Personnel Committee meeting minutes of August 5, 2013, for informational purposes.

#### **XII. COUNCIL WORKSHOP**

##### **A. Discussion of Audit Responsibilities and Process With Governing Board of City (Audit Committee) by Van Lant & Fankhanel, LLP, the City of Montclair's Independent Audit Firm**

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried to continue this item to an adjourned meeting on Tuesday, September 3, 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 7:58 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:58 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1) and labor negotiations pursuant to Government Code Section 54957.6.

**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:20 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, information was received and direction given to staff, and no further announcements would be made at this time.

**XV. ADJOURNMENT OF CITY COUNCIL**

At 8:21 p.m., Mayor Eaton adjourned the City Council.

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