

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 TUESDAY, SEPTEMBER 3, 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 Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft 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; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS

A. Introduction of New Employee

Police Chief/Public Safety Executive Director deMoet introduced Police Officer Brian Hansen, who was appointed to his position effective August 26, 2013. He noted Officer Hansen joined the **United States Navy** after graduating from high school and was assigned to a pirate boarding team that fought against pirates and trained **Somalis** on how to proactively combat the emerging piracy off the coast of **Somalia** that posed a threat to international shipping. He stated that Officer Hansen served four years in the **Navy** and, after being honorably discharged, attended the **San Bernardino County Sheriff's Academy** from which he

graduated on June 20, 2013, and was awarded as the top shooter in his class. He noted Officer Hansen is very motivated, very intelligent, and most grateful for this opportunity to serve the City.

Mayor Eaton welcomed Officer Hansen to the Montclair City family and presented him with a City pin.

VI. PUBLIC COMMENT

- A. **Mr. Don Vodvarka**, 10202 Columbine Avenue, Montclair, reported that the root growth of pine trees in the median along Central Avenue between Palo Verde and San Bernardino Streets have caused the pavement to buckle and become uneven in the southbound No. 1 lane.

Mayor Eaton advised **Mr. Vodvarka** that the issue has been noted and thanked him for bringing it to staff's attention.

VII. PUBLIC HEARINGS

- A. **Second 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 Raft inquired as follows:

1. Does the ban on open fire pits proposed in Ordinance No. 13-936 include dwelling units?

City Manager Starr advised that open fire pits are permissible in single-family residential zones. He noted the prohibition against open fire pits in the proposed Ordinance pertains strictly to parks.

2. Are bonfires permitted?

City Manager Starr advised that campfires are not permitted, although contained liquid propane gas (LPG) fueled fire units are allowed.

Council Member Raft noted the question was posed to her earlier this evening.

City Manager Starr deferred to Director of Community Development Lustro for a response regarding any restriction against wood-burning fire pits.

Director of Community Development Lustro advised that such uses are allowed so long as they are in a contained pit and do not create a fire hazard. He noted a home was lost a few weeks ago as a result of a child playing with matches in a pile of wood in the backyard. He noted staff does not advocate the use of wood-burning fire pits, though, as indicated by City Manager Starr, so long as the fire is contained in a pit or device made for such use, it would be permitted.

Mayor Eaton noted he has such a wood-burning fire pit at home that is covered by a screen for safety, which he does not use as often as he would like.

Council Member Raft expressed her understanding that the use would be allowed if safely conducted.

City Manager Starr pointed out that the South Coast Air Quality Management District (SCAQMD) prohibits wood-burning fireplaces in new construction and only allows clean-burning-fuel fireplaces. He added that it is likely that all new fire pits or devices use LPG fuel to comply with SCAQMD's regulations and restrictions.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh 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 second reading.

The City Council unanimously waived the reading of the Ordinance.

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

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

VIII. CONSENT CALENDAR

City Manager Starr requested that Item D-2, entitled, "Consider Adoption of Resolution No. 13-3005 Opposing California State Senate Bill 594 (Hill)

- Use of Public Resources: Campaign Activities" be removed from the Consent Calendar. He stated, "The bill has essentially been gutted by the author and has been altered significantly, so proposed Resolution No. 13-3005 is no longer relevant."

Council Member Dutrey requested that Item D-3 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, 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 Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of August 19, 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 19, 2013 regular joint meeting.

B. Administrative Reports

1. Adoption of 2012 Edition of the Standard Specifications for Public Works Construction as the Standard Specifications for the City of Montclair

Adoption of the 2012 Edition of the Standard Plans for Public Works Construction as the Standard Plan for the City of Montclair

The City Council adopted the following:

- (a) 2012 Edition of the Standard Specifications for Public Works Construction as the standard specifications for the City of Montclair.
- (b) 2012 Edition of the Standard Plans for Public Works Construction as the standard plans for the City of Montclair.

2. Authorization to Refinish Exterior of Peacekeeper Armored Vehicle

The City Council authorized refinishing the exterior of the Peacekeeper armored vehicle.

3. **Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months for the Ramona Avenue Rehabilitation Project**

Release of Retention 30 Days After Recordation of *Notice of Completion*

The City Council took the following actions related to completion of the Ramona Avenue Rehabilitation Project:

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Authorized reduction of *Faithful Performance Bond* to 10 percent.
- (c) Authorized retention of *Payment Bond* for six months.
- (d) Authorized release of retention 30 days after recordation of *Notice of Completion*.

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

The City Council approved the City Warrant Register dated September 3, 2013, totaling \$1,086,773.18 and the Payroll Documentation dated July 14, 2013, amounting to \$548,166.35, with \$374,416.36 being the total cash disbursement.

C. Agreements

1. **Approval of *Agreement No. 13-75* With the Montclair Chamber of Commerce to Promote Local Economic Development**

The City Council approved *Agreement No. 13-75* with the Montclair Chamber of Commerce to promote local economic development.

2. **Approval of *Agreement No. 13-76*, a Memorandum of Understanding Between the City of Montclair and the Montclair Police Officers Association**

The City Council approved *Agreement No. 13-76*, a Memorandum of Understanding between the City of Montclair and the Montclair Police Officers Association.

D. Resolutions

1. **Adoption of Resolution No. 13-3004 Confirming the Mayor's Appointment of an Alternate Member to the Oversight Board Created by Health and Safety Code Section 34179, *et seq.*, Regarding Dissolution of the City of Montclair Redevelopment Agency**

The City Council adopted Resolution No. 13-3004 confirming the Mayor's appointment of an alternate member to the Oversight Board created by Health and Safety Code Section 34179, *et seq.*, regarding dissolution of the City of Montclair Redevelopment Agency.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

3. **Adoption of Resolution No. 13-3006 Confirming the Mayor's Appointments to the Ontario International Airport-Inter Agency Collaborative**

Council Member Dutrey requested clarification on the Mayor's appointments to the Ontario International Airport-Inter Agency Collaborative (ONT-IAC).

City Manager Starr advised that the Mayor's recommended appointments are listed on page 2 of proposed Resolution No. 13-3005 as follows:

Technical Advisory Staff Member to ONT-IAC Technical Advisory Staff Group: City Planner Michael Diaz

Two Mediation Board Members to the ONT-IAC Mediation Board: Planning Commission Chairperson Tenice Johnson and Mayor Pro Tem Bill Ruh

Two public individuals to serve as "At Large" Mediation Board Members to ONT-IAC Mediation Board: Director of Community Development Steve Lustro and Finance Director Don Parker

City Manager Starr pointed out that the decision regarding the Mayor's appointments ultimately rests with the City of Ontario. He noted it is unlikely the Mayor's nominees for At Large Mediation Board Members would be appointed because one member must have aviation experience and only two At Large Mediation Board Members would be chosen from all participating agencies including the County of San Bernardino and the cities of Montclair, Ontario, Upland, Chino, Fontana,

and Rancho Cucamonga. He added that the Mayor's appointments to the ONT-IAC Mediation Board, should they be accepted, would only meet on issues related specifically to the City of Montclair that are not resolved at the Technical Advisory Staff level.

Moved by Council Member Dutrey and seconded by Council Member Raft, and carried unanimously that the City Council adopt Resolution No. 13-3006 confirming the Mayor's appointments to the Ontario International Airport-Inter Agency Collaborative.*

Council Member Paulitz recalled that many years ago he served as a member of the City of Ontario Airport Land Use Commission.

*Motion carried unanimously as follows:

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

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 requested a Closed Session on the above matter.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr advised that the summer park detail has concluded with the assistance of Human Services Department staff and Reserve Police Officers. He stated that during the course of the summer, the impact these individuals made on the environment of the park has

been extraordinary. He noted the Reserve Officers put in a tremendous amount of time on Saturdays, Sundays, and holidays patrolling the park. He stated that they were very dedicated to this task; and as a result of their efforts, it is his understanding that Alma Hofman Park is now known as "Cop Park" because it is recognized as being a very safe refuge for our residents and residents from other communities. He advised that the many park patrons have enjoyed the Splash Pad aquatic feature as well as the Montclair Skate Park despite the recent heat wave. He noted operation of the Splash Pad was not without occasional problems for Human Services employees including complaints from patrons about controls that were being implemented to maintain the environment as well as the feature's safe usage. Notwithstanding such issues, he advised that the employees were diligent in administering the park's rules and regulations as well as monitoring the site. As a result, Alma Hofman Park was the place to be this summer for many residents throughout the area, he added.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted "it is too bad" the Splash Pad is now closed considering the oppressive heat and humidity at present. He asked if it would be possible to reopen the park until the heat passes.

City Manager Starr noted the feature has been advertised as being closed after Labor Day and doubted there would be much participation from the public other than local residents should it reopen. He cautioned that the Splash Pad is very time consuming and maintenance unfriendly.

Mayor Eaton noted he understands the regulations though he also understands how much the public would enjoy using the Splash Pad during this heat wave.

- (b) He noted his attendance at the swearing-in ceremony for new Police Officers and Firefighters at the recent Police Department General Assembly.
- (c) He noted his attendance at two recent ribbon cuttings at which the Fire and Police Departments were represented. He noted he is pleased "that our Police and Fire safety officers care about what is going on in the City. I want to say, 'Thank you so much, guys, for attending these events. It is really great.'"

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

1. Council Member/Director Raft reported that the West Nile virus has claimed 9 birds and that 158 of 1,000 birds have tested positive for the virus. She noted learning recently that this year has been the worst for cases of the virus since 2008 and stated, "Everybody, please be careful."
2. Council Member/Director Dutrey commented as follows:
 - (a) He noted the City Council approved the filing of a *Notice of Completion* for the Ramona Avenue Rehabilitation Project located between Mission and Phillips Boulevards earlier this evening and complimented staff on how well the project turned out.
3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) He recognized and congratulated Fire Captain Sergio Mejia, Acting Fire Engineer Chris Jackson, and Firefighter Brian Cizek who are among 3,700 firefighters presently battling the Rim Fire in **Yosemite National Park**, one of the most devastating fires in California's history. He stated, "We certainly wish them well and thank them for their willingness to help. We are one small community, but we are one state. When we realize this state is our house, we all need to help protect our house. It is very important."
 - (b) He announced that Wednesday, September 4, 2013, is Montclair Day at the Fair with festivities beginning with a parade at 5:00 p.m. followed by a ceremony at 5:30 p.m. honoring our Community Heroes, volunteer **Police Chaplain Vicki Brobeck** and **Mr. Walter Askier**, who volunteers at the **Habitat for Humanity ReStore**. He noted the City is very pleased they are being honored and encouraged residents to attend to be a part of the special events.
 - (c) He noted his attendance Sunday at the community swearing-in ceremony of **Senator Norma Torres**, a practice commonly held by many elected leaders because the majority of their constituents are unable to attend the formal ceremonies in Sacramento or Washington, D.C. He noted the event was very well done and attended by a group of approximately 500 persons at the **Mountain Meadows Country Club**. He noted the region was well represented at the event by **San Bernardino County Fourth District Supervisor Gary Ovitt**, **Chaffey College Governing Board Member Katie Roberts**, **Chaffey Joint**

Union High School District Board President **Sue Ovitt** and Vice President **Josie Estrada**, **Ontario-Montclair School District** Board President **Sam Crowe**, and **Monte Vista Water District** Board Member **Mike Milhiser**. He also noted he was pleased Police Chief/Public Safety Executive Director deMoet and Environmental Manager Greene attended to represent Montclair.

- (d) He noted U.S. Representative **Gloria McLeod** hosted an **Affordable Care Act** Town Hall Meeting on August 24, 2013, though he was at a conference out of town and unable to attend. He noted learning from residents that the event was fairly well done and informative. He wished **U.S. Representative McLeod** well in the future.
- (e) He noted his appreciation and the importance of continuing similar types of informational forums on any federal, state, or county issues that impact residents "to keep us informed."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 15, 2013

The City Council received and filed the Public Works Committee meeting minutes of August 15, 2013, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of August 19, 2013

The City Council received and filed the Code Enforcement Committee meeting minutes of August 19, 2013, for informational purposes.

3. Minutes of Personnel Committee Meeting of August 19, 2013

The City Council received and filed the Personnel Committee meeting minutes of August 19, 2013, for informational purposes.

XII. 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 labor negotiations pursuant to Government Code Section 54957.6.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:39 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 7:40 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