

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY
AND MONTCLAIR HOUSING CORPORATION BOARDS,
AND MONTCLAIR HOUSING AUTHORITY COMMISSION
HELD ON MONDAY, JULY 7, 2014, AT 7:00 P.M. IN THE
CITY COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Ruh 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 Paulitz led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record Mayor/Chairman Eaton is not in attendance at tonight's meeting.

Present: Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Director of Finance Parker; City Attorney Robbins; Deputy City Clerk Smith

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

A. Introduction of New Employee/Promotee

Police Chief/Public Safety Executive Director deMoet introduced Police Officer Hector Sanchez, who was appointed to his position effective June 16, 2014. He noted Officer Sanchez volunteered as a Police Explorer for three years with the **Irwindale Police Department** while completing 120 hours of instruction in California criminal law and basic police procedures at the **San Gabriel Valley Law Enforcement Explorer Academy**. He stated that Officer

Sanchez enlisted in the **United States Marine Corps** after high school and was deployed to Ramadi, Iraq, in support of *Operation Iraqi Freedom* in the Anbar Province and volunteered for deployment to Afghanistan in October 2010 in support of *Operation Enduring Freedom*; and was honorably discharged from the **United States Marine Corps Reserves** as a Sergeant in May 2013. He stated that Officer Sanchez graduated from the **San Bernardino County Sheriff's Academy** in August 2013 and was employed as a security guard with the **Chaffey Joint Union High School District** assigned to **Montclair High School** prior to being hired by the Montclair Police Department. He told Officer Sanchez, "Hector, I have great confidence in you; and I know you are going to do a good job as a Police Officer. Congratulations."

Mayor Pro Tem Ruh welcomed Officer Sanchez to the Montclair City family and presented him with a City pin.

Police Chief/Public Safety Executive Director deMoet introduced Sergeant Steve Griffin, who was promoted to his new position effective June 2, 2014, after serving as Acting Sergeant since February 24, 2014. He noted Sergeant Griffin began his career with the Montclair Police Department on December 27, 2004, as a Police Officer; excelled as a Patrol Officer; and was selected as "Officer of the Year" in 2008. He noted Sergeant Griffin worked a number of special assignments and collateral duties over the years including a four-year stint in the Detective Bureau, Arson Investigator, Range Instructor, Field Training Officer, Mobile Field Force Trainer and Genadier, Taser Instructor, Less Lethal Munitions Instructor, and Crime Suppression Officer; was selected by members of the Police Department to serve as a Peer Counselor; and is a graduate of the **Chaffey College** Leadership Connection. He told Sergeant Griffin, "Steve, I am proud of you. As I indicated since your appointment as Acting Police Sergeant, you have done an exceptional job. You are going to be a strong outstanding leader. Good luck."

Mayor Pro Tem Ruh stated, "Steve, on behalf of the City of Montclair and everybody who calls our City home, we would just like to give you a City pin to recognize your promotion. Please know that we all know you have earned it, and you are really one of the best people for the job. Congratulations."

At this time, Mayor Pro Tem Ruh paused the meeting to allow those wishing to leave to do so.

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor Pro Tem Ruh announced that this section is intended to provide members of the public with an opportunity to address the Council on any subject that does not appear on tonight's agenda. He stated that each speaker will

be afforded five minutes to address the City Council, the Successor Agency and Montclair Housing Corporation Boards of Directors, and the Montclair Housing Authority Commissioners.

- A. **Mr. Fabian Naranjo Gonzalez**, Field Representative, **Assembly Member Freddie Rodriguez's District Office**, 13160 7th Street, Chino, invited the City Council to **Assembly Member Rodriguez's Open House/Summer Barbecue** on Saturday, July 19, 2014, from 11:00 a.m. to 2:00 p.m. at his District office at which Woman of the Year **Shelby De Graff**, appointed because of her heroism earlier this spring to assist in the capture of a wanted criminal; Veteran of the Year **Arturo Padilla**, appointed because of his involvement with the City and in the community; and Small Business **Los Portales**, a great family-owned business in Montclair, will be recognized.

Mayor Pro Tem Ruh thanked **Mr. Gonzalez** for the invitation.

- B. **Mr. Don Vodvarka**, 10202 Columbine Street, Montclair, complained about an ongoing problem of a lack of landscaping maintenance at his neighbor's home located at 10289 Saratoga Avenue at the northwest corner of Saratoga Avenue and Kingsley Street and that he has reported the issue to the Public Works Department. He advised that the home is owned by the **Stolla** family and is a rental. He clarified that the issue involves a large overgrown tree in the front yard that presents a dangerous situation because motorists turning east or west onto Kingsley Street have poor sight visibility at the intersection and suggested the tree be trimmed.

Mayor Pro Tem Ruh thanked **Mr. Vodvarka** for his comments.

VII. PUBLIC HEARINGS

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

Mayor Pro Tem Ruh declared it the time and place set for public hearing related to adoption of Ordinance No. 13-935 amending Chapters 11.22 and 11.78 and repealing Chapter 11.90 of the Montclair Municipal Code related to development standards and requirements in the R-3 (Residential Medium-High Density) zoning district and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem Ruh closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 13-935, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapters 11.22 and 11.78 and Repealing Chapter 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District (Case No. 2013-5),**" 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. 13-935 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

City Attorney Robbins requested that Items C-8 and C-9 be removed from the Consent Calendar for a language change in the insurance provision of each Agreement.

Council Member Raft requested that Item B-1 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 June 16, 2014

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the June 16, 2014 regular joint meeting.

B. Administrative Reports

2. Authorization of a \$14,393 Appropriation From the Contingency Account for Purchase of a Generator and Personal Protective Equipment

The City Council authorized a \$14,393 appropriation from the Contingency Account for purchase of a generator for use in the Mobile Command Trailer and personal protective equipment consisting of six each of ballistic vests, helmets, and vest carriers.

3. Authorization to Receive \$6,880.37 From the FY2013 State Homeland Security Grant Program to Purchase Three (3) 17-Inch Laptop Computers

Authorization of a \$6,880.37 Appropriation From the Contingency Fund to Purchase Three (3) 17-Inch Laptop Computers

The City Council took the following actions related to purchase of three (3) 17-inch laptop computers from Advanced Technical Solutions:

- (a) The Fire Department to receive \$6,880.37 from the FY2013 Homeland Security Grant Program.
- (b) A \$6,880.37 appropriation from the Contingency Fund.

4. Reestablishment of a Station Design and Art Review Committee for the Proposed Azusa to Montclair Segment of the Metro Gold Line Foothill Extension

The City Council reestablished the Station Design and Art Review Committee for the proposed Azusa to Montclair segment of the Metro Gold Line Foothill Extension and appointed the following Committee Members at staff's recommendation:

Virginia Eaton – Resident
Steve Lustro – Community Development Director
Michael Hudson – Public Works Director
Mitch Alderman – Director of Transit/Rail Programs,
San Bernardino Associated Governments
Peggy Banas – Member, Community Action Committee

5. Declaring a 2007 Ford Crown Victoria Police Vehicle as Surplus and Available for Parts

The City Council declared a 2007 Ford Crown Victoria Police vehicle as surplus and available for parts.

6. Approval of the Filing of a Notice of Completion for the 5444 Palo Verde Street Landscape Improvement Project

Authorizing Release of Retention 30 Days after Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approved the filing of a Notice of Completion with the Office of the San Bernardino County Recorder.
- (b) Authorized release of retention 30 days after recordation of the Notice of Completion.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 7, 2014, totaling \$2,515,273.78 and the Payroll Documentation dated May 18, 2014, amounting to \$522,678.32 gross, with \$369,718.93 net being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 14-48* With Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium

The City Council approved *Agreement No. 14-48* with Liebert Cassidy Whitmore for participation in the East Inland Empire Employment Relations Consortium.

2. Approval of *Agreement No. 14-49* With the Inland Empire United Way to Provide Case Management and Health Promotion Programs

The City Council approved *Agreement No. 14-49* with the Inland Empire United Way to provide case management and health promotion programs.

3. Approval of *Agreement No. 14-50* With Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 14-50* with Catering Systems, Inc., for the City's Senior Citizen Nutrition Program.

4. Approval of *Agreement No. 14-51* With Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 14-51* with Nutrition Ink to provide nutrition-education services for the City's Senior Citizen Nutrition Program.

5. **Approval of *Agreement No. 14-52* With the YWCA San Gabriel Valley and Inland Communities to Serve as a Resource Agency for the Human Services Department**

The City Council approved *Agreement No. 14-52* with the YWCA San Gabriel Valley and Inland Communities to serve as a Resource Agency for the Human Services Department.

6. **Approval of *Agreement No. 14-53* With the San Bernardino County Department of Aging and Adult Services to Support the Senior Citizen Transportation Program**

The City Council approved *Agreement No. 14-53* with the San Bernardino County Department of Aging and Adult Services to support the Senior Citizen Transportation Program.

7. **Approval of *Agreement No. 14-54* With Azusa Pacific University to Implement a Clinical Field Experience Program at the Montclair Medical Clinic**

The City Council approved *Agreement No. 14-54* with Azusa Pacific University to implement a Clinical Field Experience Program at the Montclair Medical Clinic.

D. Resolutions

1. **Adoption of Resolution No. 14-3039 Authorizing the Mayor to Sign a Three-Year Amended and Restated Cooperative Agreement (Agreement No. 14-47) With the County of San Bernardino Regarding Participation in the Community Development Block Grant Program for Federal Fiscal Years 2015-16, 2016-17, and 2017-18**

The City Council adopted Resolution No. 14-3039 authorizing the Mayor to sign a three-year amended and restated *Cooperative Agreement (Agreement No. 14-47)* with the County of San Bernardino regarding participation in the Community Development Block Grant Program for Federal Fiscal Years 2015-16, 2016-17, and 2017-18.

2. **Adoption of Resolution No. 14-3040 Determining the Status of Local Safety Employee Julleen Michelle Potts**

The City Council adopted Resolution No. 14-3040 determining the status of local safety employee Julleen Michelle Potts.

3. **Adoption of Resolution No. 14-3041 Determining the Status of Local Safety Employee Megan Coleen Stafford**

The City Council adopted Resolution No. 14-3041 determining the status of local safety employee Megan Coleen Stafford.

4. Adoption of Resolution No. 14-3042 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 14-3042 authorizing placement of liens on the 182 accounts as listed on Exhibit A of the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Setting a Public Hearing to Consider Ordinance No. 14-943 Adding Chapter 11.67 to the Montclair Municipal Code Related to Shopping Cart Containment and Management

Council Member Raft stated that she is quite pleased with proposed Ordinance No. 14-943 because the results of her 1994 survey of stores in Montclair indicated they were spending thousands of dollars each year for the return of abandoned shopping carts. Noting her efforts toward implementation of a similar Ordinance were ignored by the prior administration, she expressed her hope that area cities would adopt similar Ordinances.

Council Member Dutrey noted he would be absent from the July 21, 2014 regular joint meeting and expressed his support of the item. He noted the Code Enforcement Committee, on which Council Member Paulitz and he serve, worked assiduously with Director of Community Development Lustro in developing proposed Ordinance No. 14-943 and pointed out that it contains a deadline of January 1, 2016, for compliance from stores having no cart containment plan in place as of January 2014.

Council Member Paulitz spoke in support of the item and expressed his hope that retail establishments have their plans in place long before the deadline.

Mayor Pro Tem Ruh noted several of the retail establishments in town have electronic transmittal devices that lock the wheels of the shopping cart beyond established perimeters of the stores' parking lots.

Moved by Council Member Raft, seconded by Council Member Dutrey, and carried that the City Council set a public hearing for Monday, July 21, 2014, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 14-943 adding Chapter 11.67 to the Montclair Municipal Code related to shopping cart containment and management.

C. Agreements

- 8. Approval of *Agreement No. 14-55 Amending Agreement No. 13-41* With Mariposa Landscapes, Inc., for Landscape Maintenance Services**
- 9. Approval of *Agreement No. 14-56* With Integrity Elevator, Inc., for Elevator Service and Maintenance at the Police Department Facility**

City Attorney Robbins asked that the City Council consider approval of Agreement Nos. 14-55 and 14-56 subject to her final approval of language changes in the insurance provision of each Agreement.

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried that the City Council approve *Agreement No. 14-55* amending *Agreement No. 13-41* with Mariposa Landscapes, Inc., for landscape maintenance services and *Agreement No. 14-56* with Integrity Elevator, Inc., for elevator service and maintenance at the Police Department facility subject to City Attorney Robbins' final approval of minor language changes in the insurance provision of each Agreement.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Patton-Cunningham v. Montclair

City Attorney Robbins requested a Closed Session on the above matter.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:
 - (a) He advised the City Council that an appeal hearing related to a disciplinary action involving a former Police Officer must be scheduled. Based on the Council's and attorney availability during summer vacation months, he asked if there are any dates Monday through Thursday during September that the City Council would not be available.

Mayor Pro Tem Ruh stated, "Not at this point."

Council Member Dutrey noted he is considering attending the **League of California Cities Annual Conference** the first week of September 2014.

City Manager Starr suggested the hearing take place on a Tuesday or Wednesday.

Council Member Dutrey advised that the second and fourth Tuesdays and the third Wednesday of the month are challenging for him because of scheduled meetings he must attend.

City Manager Starr noted the hearing might be scheduled on a Thursday.

Council Member Dutrey indicated that Thursdays would work for him.

- (b) He stated that staff is working on scheduling a joint City Council/Planning Commission meeting for **CIM Group** to discuss the **Montclair Plaza**. Based on feedback he has received from the company and the fact that it would like the meeting to take place as soon as possible, he noted the joint meeting would take place during August 2014 at the convenience of the City Council and during evening hours to accommodate work schedules. He asked if there are any dates during August that the City Council would not be available, noting the meeting would probably take place on a Thursday evening.

Council Member Paulitz advised that he will be on vacation around August 15 through 25, 2014.

Council Member Raft indicated that her schedule is free.

Council Member Dutrey advised that he will be on vacation from August 19 through 22, 2014.

City Manager Starr indicated he would work within those date parameters.

Mayor Pro Tem Ruh suggested the joint meeting take place sometime within the first two weeks of August.

City Manager Starr stated, "I will see what I can do."

Council Member Dutrey suggested the joint meeting could take place on the regularly scheduled Planning

Commission meeting date of Monday, August 11, 2014, provided there is not a large agenda for that meeting.

City Manager Starr noted he would work with Director of Community Development Lustro on perhaps scheduling the joint meeting on that date.

Mayor Pro Tem Ruh noted City Manager Starr had indicated Thursdays to be the best date for the joint meeting.

City Manager Starr stated, "Well, that was my objective simply because I had determined Thursday to be the most acceptable day for most members of the City Council." He noted he would work around Council Member Paulitz and Council Member Dutrey's vacations and also work with Director of Community Development Lustro about potentially scheduling the joint meeting on August 11, 2014.

Council Member Dutrey noted he would be available earlier in the afternoon on that date.

City Manager Starr noted the meeting would be a workshop in which the City Council and Planning Commission would be traveling to Los Angeles to meet with at the **CIM Group** office.

Mayor Pro Tem Ruh stated, "As long as I know in advance, I can generally rework my professional schedule."

Council Member Dutrey concurred, noting he could probably take a vacation day to attend the meeting.

- (c) He stated that staff met one week ago with the **San Bernardino Associated Governments (SANBAG)** to discuss funding for extension of the **Gold Line**, and **SANBAG** requested that the City convince **Assembly Member Rodriguez** to withdraw **Assembly Bill 2574** that would extend the **Gold Line** from Montclair to **LA/Ontario International Airport (LA/ONT)**. He noted the City Council was advised in the latest weekly that the **Los Angeles County Metropolitan Transportation Authority (Metro)** has voted to proceed with further study of a \$200 million light-rail system that will terminate approximately 1.5 miles east of the central terminal area of **Los Angeles International Airport**, with direct connection to the airport provided via aerial monorail and completion slated for 2022 at the latest. He noted it is likely **LA/ONT** will no longer be the first regional airport

to have a direct transit route. He advised that **Bob Hope Airport**, Burbank, opened its multimodal transit center last week that will bring a direct transit route into that airport; however, there are certain elements that still need to be completed for a direct connection between that particular station at the Ventura County line into the airport.

City Manager Starr stated, "Our concern, obviously, is that it appears to us at this point in time that **SANBAG** is perhaps vacillating on the funding it is willing to commit to the **Gold Line** extension to Montclair let alone addressing taking it to **LA/ONT**. Montclair did its due diligence in meeting with **Assembly Member Rodriguez** to ask him to withdraw his bill. **Assembly Member Rodriguez** did so on behalf of Montclair because it would have created an obstacle to bringing the **Gold Line** to our community. After achieving that action, we did meet with **SANBAG**; and **SANBAG** has now told us it does not have the funding to complete construction of the **Gold Line** to the Montclair Transcenter. **SANBAG** indicated to us that it would have to go after federal dollars to achieve that, but that would probably put the date of completion of construction in 2026 as opposed to the current Gold Line schedule of 2021 with an opening sometime in 2022."

"We are going to undertake the effort to try to secure federal funding in conjunction with **SANBAG** and try to keep it on target with the **Metro Gold Line Foothill Extension Construction Authority**. If we go after federal funding, the Montclair segment will have to be federalized, which means that it would have to be treated as a separate project; and that would create some issues and concerns as we go forward. We will, to the extent possible, work with the **Construction Authority** to achieve that objective. In the meantime, we will have to participate with the **Construction Authority** in the advanced engineering and consulting work it is currently engaged in. That work will be completed by 2016; and by 2017, the **Construction Authority** does intend on starting construction from Azusa to Claremont provided the voters of Los Angeles County approve a tax measure that will allow for the funding to be directed toward that project. Even if that is the case, **Metro** still must authorize the funding for Azusa to Claremont; and **Metro** has indicated it is not a priority project. We are not certain at this point whether or not that will be achieved, but we have some time to find out. Obviously, November 2016 is when that ballot measure will have to go before the voters for consideration.

"After that action is approved, presumably by the voters, **Metro** would have to make its decision. We are operating under the presumption—with the change in the membership of the **Metro** Board—that there will now be positive support for Phase 2B of the **Gold Line** construction. If the funding is approved by the voters of Los Angeles County, we are confident that the **Metro** Board, based on its new complexion, will agree to the funding for Phase 2B from Azusa to Claremont. It then is up to us and **SANBAG**, obviously, to develop the funding to make it from Claremont to Montclair. Getting it to **LA/ONT** is another issue, and that is probably something that simply is not going to happen anytime soon. For the City, **San Bernardino County**, and **SANBAG**, the priority does truly need to be getting it to Montclair.

"We are engaging other avenues to make certain that this happens. In August, the **West End Mayors and City Managers** will be meeting; and we will be raising the **Gold Line** funding issue with the group at that time and suggesting it somehow influence the **SANBAG** Board of Directors to commit to funding extension of the **Gold Line** to the Montclair Transcenter. We have a lot of work in front of us, so it remains to be seen where we will go.

"Another option is for us to develop some funding through the **State of California**, and the only route we will be able to develop that funding is through the Cap-and-Trade Program. As the City Council is aware, through AB 32, Cap-and-Trade Auctions generate funding, which **Governor Brown** has indicated he would like to see the majority of this going to transportation and transit-related projects. In fact, in the Governor's budget for fiscal year 2014-15, there is about \$360 million committed to various transit projects including about \$250 million for the high-speed rail project. The Governor remains committed to that and I do understand that there is controversy about high-speed rail, but it is the Governor's project and the Legislature has approved funding for it through the Cap-and-Trade Auction. In conjunction with the federal funds, that project is going forward. It would be to our interest that the high-speed rail project go away and that way all of this funding is available for various transit projects at the local level; but I do not anticipate that is going to happen.

"I have contacted the City's federal advocate regarding developing federal funding potentials for the City related to extension of the **Gold Line** to the Montclair Transcenter, so we will continue working on that. We will

continue to attempt to get that funding available so we could run concurrent with the **Construction Authority's** schedule to begin construction in 2017 and having it arrive in Montclair by 2022 at the very latest. Short of achieving federal funding and getting Cap-and-Trade Program funding, we are simply going to have to be dependent on **SANBAG** developing alternative funding. **SANBAG** has indicated to us that without federal participation or without the state funding, it simply does not have the funding through **Measure I** to do this; so I do not know what other alternative funding would be available to if we are not successful in achieving federal transit grants for this project or for cap and trade funding.

"I am just letting you know that this is the current status of the **Gold Line**, but there is a lot of activity that will occur over the course of the next few months. By every effort that this agency will take, we expect and hope to see that we will generate the necessary funding."

C. **Mayor/Chairman - Absent**

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

1. Mayor Pro Tem/Vice Chairman Ruh commented as follows:

(a) **Announcement of Appointments to the Planning Commission and Community Action Committee**

Mayor Pro Tem Ruh announced, "Five applications were received for the two vacancies on the Planning Commission; interviews were held on June 17, 2014; and the interview panel consisted of Council Members Leonard Paulitz and John Dutrey along with Director of Community Development Steve Lusto. The recommendation is to reappoint the two incumbents—Planning Commissioners Luis Flores and Sergio Sahagun—to four-year terms expiring June 30, 2018."

Mayor Pro Tem Ruh announced five applications for the four vacancies on the Community Action Committee were received in May 2014; the interview panel consisting of Council Member Raft, CAC Vice Chair Judkins, and him conducted interviews in June 2014; and the panel's recommendation is to reappoint CAC Member Peggy Banas and to appoint **Ms. Elizabeth Alba, Mrs. Laurie Milhiser, and Ms. Elnie Vannatim** to four-year-terms expiring June 30, 2018.

Moved by Council Member Dutrey, seconded by Council Member Paulitz, and carried to reappoint Planning Commissioners Luis Flores and Sergio Sahagun to four-year terms expiring June 30, 2018, and to reappoint CAC Member Peggy Banas to a four-year term expiring June 30, 2018, and appoint **Ms. Elizabeth Alba, Mrs. Laurie Milhiser, and Ms. Elnie Vannatim** to the CAC to four-year-terms expiring June 30, 2018.

Mayor Pro Tem Ruh congratulated all reappointed and newly appointed members of the Planning Commission and CAC.

- (b) He noted Council Member Dutrey, former Montclair City Manager and **Monte Vista Water District (MVWD)** Board Member **Mike Milhiser**, MVWD Board Member **Phil Erwin**, and he rode in the back of a flatbed truck with **San Bernardino County Fourth District Supervisor Gary Ovitt** in the annual Ontario **Independence Day** parade. He noted he was pleased to see a lot of Montclair residents at the parade to celebrate the independence of our nation. He noted **U.S. Representative Gloria McLeod, Senator Norma Torres, and Assembly Member Rodriguez** and his wife, **Michelle**, participated in a gathering before the parade at **Supervisor Ovitt's** home, adding, "It is was nice to see that these elected officials, who are very busy but took time that morning to participate in a community tradition that is integral to this region. We appreciate their involvement in that as well."
- (c) He stated, "The **Fourth of July** is a very important day in our community and in our nation; but on July 2, we observed something that may have been passed over by many Americans fifty years ago but brought us one step closer to a better nation. It was on July 2, 1964, that **President Johnson** signed into law the **Civil Rights Act of 1964**.

"It was a very difficult path to get there. **President Johnson** had already lost many of the legislators in the south. The southern Democratic wing was not going to support it. He feared he had all but lost **Senator Everett Dirkson**, a Republican from Illinois, who was vehement in his opposition to an amendment to the bill that would bar discrimination in public places and another that forbid discrimination in private sector employment. He was uncertain what he was going to do, and he did not have the necessary votes. He did some outreach to

Senator Dirksen and explained how he needed his vote, how he needed the amendments in place as they were. They then asked two Californians—and California plays a pivotal role in this—**Senator Thomas Kuchel**, a Republican, and **Senator Clair Engle**, a Democrat. **Senator Kuchel** was asked to be the Floor Manager on the bill. **Senator Engle** was asked to use his considerable influence with other members. All went well until **Senator Engle** was diagnosed with a severe brain tumor. That brain tumor took away his ability speak and much of his ability to move. Nonetheless, he continued to work with the others he knew toward passage of this bill. When it came for a vote in the Senate, **Senator Kuchel** told his good friend—he called **Senator Engle** his 'good friend' even though he was on the other side of the aisle—'We have enough votes; it is OK.' **Senator Engle** insisted on being wheeled down to the Senate Floor that day. He sat through the long roll call vote; and when they called his name, unable to speak and barely able to move, he used all of his faculties, moved his index finger to his eye, indicating 'Aye,' a 'yes' vote. The bill was able to pass and became law.

"That night on television, President Johnson remarked in part upon signing the **Civil Rights Bill**, 'We believe that all men are entitled to the blessings of liberty. Yet millions are being denied these blessings—not because of their own failures, but because of the color of their skin. The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened. But it cannot continue. Our Constitution, the Foundation of our Republic, forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it.' With his signature, the **Civil Rights Act of 1964** became law.

"It is a law that changed the way America is. In many ways, it changed the daily reality for tens of millions of Americans including eventually women, lesbians, gays, bisexuals, transgenders, Latinos, Asians, the disabled, and seniors. Many people forget that in this country, if you were over a certain age, you were denied the opportunity to get a job. It stands as the most powerful example of modern history of what can happen when a spirit of bipartisanship, decency, fair play prevails. I wish we could go back to that era. I do not believe that sense of bipartisanship that helped enact the **Civil Rights Act of 1964** would happen today.

"As for where we are in our nation and civil rights, we have come a long way; but I would say that we are not where we should be, we are not where we are going to be, but we are certainly not where we were. I think that July 2 should be something we all reflect and look back on because every one of us in this room, every single one of us in some way or another, is a recipient of the **Act** that was signed that day and the bipartisanship that permitted the **Act** to move forward."

2. Council Member/Director Paulitz noted he would be mailing the eighth volume of his newsletter, entitled, **My Viewpoint**, within the next few weeks and read his article "Retirement and Endorsements," which is entered into the record as follows:

I am taking this opportunity to announce that I am not seeking another term of office on the Montclair City Council. I have served 36-plus years on the City Council and 12 years on the Planning Commission and am going to retire from public life. I have enjoyed every minute of it!

At this time, I am endorsing Paul Eaton for another term as Mayor and Trisha Martinez for the open seat on the Council. Paul Eaton has done a great job as Mayor since 1995. He should have no trouble winning another term.

Trisha Martinez is married to Manny Martinez and has two daughters. She has attended Chaffey College and USC and is a candidate for a law degree and is a small business owner. She is the Our Lady of Lourdes liaison to the Montclair Chamber of Commerce and volunteers both at the Montclair Senior Nutrition Program and at Our Lady of Lourdes School. In 2010, Trisha was the President of the Montclair-Ontario Junior Women's Club.

I am sure she will continue my vision of continuing balancing the City of Montclair budget without use of reserves, increasing reserves to an adequate level, continuing annexation to fill out our Sphere of Influence boundary, and promoting high-level low-density housing and vigorous code enforcement.

She has worked on many local elections and is well versed in City affairs and will be a great candidate for City Council and has my strong endorsement for the open seat.

3. Council Member/Director Raft commented as follows:
- (a) She noted she is very pleased that the Police Department is reinstating the Motor Officer Program and that Officer Michael Lang has been selected to serve as Motor Officer. She noted she looks forward to a second Motor Officer being appointed.
 - (b) She asked if staff has the results of the Zero-Tolerance Fireworks Enforcement Program for the **Fourth of July** holiday, noting the fireworks activity in her neighborhood has continued through last evening.

Police Chief/Public Safety Executive Director deMoet reported that the Police Department received 36 calls for service between 4:00 p.m. on the **Fourth of July** and 6:00 a.m. the following morning, down a bit from the 40 received last year. He reminded Council Member Raft that staff conducted quite an aggressive public-education/public-awareness campaign using Nixle, community newsletters, and application of new placards on a number of City vehicles to get the word out. He noted three Officers and one Sergeant were fielded, assigned primarily to fireworks enforcement, and made two arrests and issued one citation.

Council Member Raft commented that some firecrackers are really loud and sound like gunshots. She noted she refrained from calling to report the fireworks because she knew our Officers would be busy that night.

Police Chief/Public Safety Executive Director deMoet indicated that everybody else called. He noted he worked the holiday last year and the challenge involved in tracking down precisely where the fireworks are being detonated. He noted staff did a good job tracking the fireworks being set on Canary Court near Orchard Street and Ramona Avenue and seized about eight pounds.

Council Member Raft advised that activity was occurring in the new three-story homes nearby, the homes across Amherst Avenue, and in the vacant fields. She noted being startled by a loud explosion just last night.

Police Chief/Public Safety Executive Director deMoet stated that staff would continue to enhance public-education efforts in the future, advising there will always be a certain percentage of the population who will ignore warnings and "violate the law no matter what, and those are the people that we target during our enforcement campaigns."

Council Member Raft thanked Police Chief/Public Safety Executive Director deMoet for his report.

4. Council Member/Director Dutrey commented as follows:
 - (a) He noted Mayor Pro Tem Ruh's and his attendance on June 17, 2014, at the grand opening of the 18-unit **San Emi Apartments**, 4115 Kingsley Street just west of the corner of Pradera Avenue and Kingsley Street. He noted he is pleased with the completion of the special needs housing project, the fourth affordable housing development in San Antonio Gateway, which is a partnership between **National Community Renaissance, Hope Through Housing Foundation**, and the City of Montclair. He discussed staff's challenges and the long period of negotiations it took to finally convince the **California Department of Finance** that the project was an enforceable obligation and should be funded. He recognized Deputy City Manager/Economic Development Executive Director Staats and **National CORE** representatives for their tireless negotiations with **DOT**.
 - (b) He noted he would be absent at the July 21, 2014 regular joint meeting because he will be on vacation with his family.
 - (c) He noted Council Member Paulitz has six months left in his term of office, during which time Council Member Paulitz will no doubt have quite a bit to discuss because "he will be on top of everything. I think that his legacy here in Montclair is that he has been on top of a lot of issues. I have met many Council Members in the region, and Leonard is one of the smartest I have met and had the privilege to know. He understands the issues, he knows how the process works, and he knows how to count. When I was first elected to the Council, the first thing Council Member Paulitz told me was, 'You better learn to count to three if you want something done.' He is a very astute elected official.

"Leonard, you have been a member of the City of Montclair family since 1965, the year I was born. I will not admit

how many years that is, but he started as a member of the Planning Commission and has been a member of the City Council since 1978." Council Member Dutrey related that Council Member Paulitz decided to run for a seat on the City Council after he was passed over for reappointment to the Planning Commission in 1977 in favor of the appointment of Paul Eaton! He added that Council Member Paulitz finished in first place, replacing incumbent Nicholas Kelch.

Council Member Dutrey stated, "More importantly, Leonard, is this is not a goodbye. We will have more opportunities to talk. You have given your heart and soul to this community. You are definitely one of the fathers of the City. I am going to thoroughly miss you after you step down. I would not be here if it were not for you. I remember Council Member Paulitz came to my house in 1986 and told me, 'John, I want you to run for City Council one day.' I got started in Montclair politics because of Council Member Paulitz. Thank you."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 16, 2014

The City Council received and filed the Personnel Committee meeting minutes of June 16, 2014, for informational purposes.

2. Minutes of Public Works Committee Meeting of June 19, 2014

The City Council received and filed the Public Works Committee meeting minutes of June 19, 2014, for informational purposes.

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

At 7:54 p.m., Vice Chairman Ruh adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:54 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:02 p.m., the City Council returned from Closed Session. Mayor Pro Tem Ruh announced the City Council met in Closed Session regarding

pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:03 p.m., Mayor Pro Tem Ruh 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