

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, APRIL 20, 2009, 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 cell phones, pagers, and other electronic devices be silenced 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

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; Deputy City Clerk Smith

V. PRESENTATIONS

A. **Proclamation Supporting the San Bernardino County Homeless Partnership**

Mayor Eaton presented a proclamation to **Mr. Phalos Haire**, Program Specialist, **San Bernardino County Homeless Partnership**, supporting the **San Bernardino County Homeless Partnership**.

**Mr. Haire** accepted the proclamation and thanked Mayor Eaton and the City Council. He noted the **San Bernardino County Homeless**

**Partnership** was established by the County Board of Supervisors in 2007 after the county homeless population grew by 39 percent over two years during a time when the rest of the state's homeless population was decreasing. He stated that the County believed it was important to more aggressively address the issues surrounding homelessness.

Mayor Eaton asked Council Member Ruh to introduce the guests in attendance at tonight's meeting.

Council Member Ruh introduced **San Bernardino County Fourth District Supervisor Gary Ovitt**; District Director **Marty Rodriguez**, **Senator Gloria Negrete McLeod's Office**; Field Representative **Jennifer Nessler**, **Assembly Member Norma Torres's Office**; and **Mrs. Sue Ovitt**, Trustee, **Chaffey Joint Union High School District Governing Board**.

**B. Proclamation Declaring April 24, 2009, as "Arbor Day" in the City of Montclair**

Mayor Eaton presented a proclamation to City Engineer Hudson declaring April 24, 2009, as "Arbor Day" in the City of Montclair.

City Engineer Hudson accepted the proclamation and thanked Mayor Eaton.

**C. Presentation of "2009 Volunteer of the Year" Award**

Mayor Eaton introduced Community Action Committee Chair Hollis Judkins who, assisted by CAC Vice Chair Mary Fondario, would be presenting the awards this evening.

CAC Chair Judkins offered the following quotation by third President of the United States **Thomas Jefferson** in honor of Montclair's volunteers:

*May I never get too busy in my own affairs that I fail to respond to the needs of others with kindness and compassion.*

CAC Chair Judkins advised that the City is fortunate to have so many giving, caring, and compassionate volunteers who give of their time and resources to improve the lives of those in need, with no expectation of compensation or reward. She stated that the City is taking this opportunity to recognize the altruism and dedication of the following seven volunteers who have responded to the needs of others with their selfless acts of kindness and compassion.

CAC Vice Chair Fondario presented **Volunteer of Distinction** plaques; **Ms. Rodriguez, Ms. Nessler,** and **Supervisor Ovitt** presented *Certificates of Recognition*, and **Montclair Chamber of Commerce** Executive Director **Kelly Johnson** presented individually engraved crystal candy dishes to each of the following four nominees:

**Montclair Medical Clinic** nominee **Dr. Brian Loveless** first began volunteering at the Montclair Medical Clinic in 1993 as a first-year medical student. He volunteers his specialized services one night a week at the Clinic and provides free musculoskeletal exams at the Montclair Community Health Fair each year.

**Soroptimist International of Montclair/Inland Valley** nominee **Mrs. Leslie O'Hare Sorenson** is involved in numerous club activities that benefit the Montclair community including serving as a board member of the Reeder Ranch Foundation, which involves organizing fundraisers; serving as a strategic planner; and working toward empanelling a group of scholars to assist the Foundation to promote the history of the Reeder Ranch. In addition, **Mrs. O'Hare Sorenson** serves as a board member of the **Inland Empire United Way**, which supports programs such as Kid's Pack that brings weekend food to 300 Montclair schoolchildren, and supports club projects that benefit **Montclair Meals on Wheels** and the Prism Awards Program that honors women in the community.

**City of Montclair Human Services Division Youth Basketball Program** nominee **Mr. Keith Robinson** has volunteered as a coach for this program since enrolling his son to play twenty years ago. He has continued over the ensuing years to coach one, if not two, teams each season, regardless of whether his son is on his team or even participating in the league. He now coaches his granddaughter's team and has mentored the son he first enrolled in the program so many years ago to volunteer as a coach himself. Many times, **Mr. Robinson's** teams have advanced to regional tournaments; and he takes a special interest in every team member, focusing on teaching the fundamentals rather than winning. Other coaches in the league look to him for guidance and advice and refer to him as the "Master Coach."

**Montclair Meals on Wheels** nominee **Ms. Jeanette Barksdale** has given unselfishly of her time to deliver meals, friendship, and heartfelt care and concern to residents who are unable to shop and cook for themselves. A dependable and valuable asset to the organization, she delivers over twenty lunches at least one day per week to these residents, always taking the time to chat with them and show that she cares. **Mrs. Barksdale** also shops and runs errands for those who need her assistance.

**Ms. Pat Banas**, the City's 2008 Volunteer of the Year, accepted **Mrs. Barksdale's** award, certificates, and **Chamber** gift on her behalf.

CAC Chair Judkins extended the sincerest gratitude of the Council and residents to each **Volunteer of Distinction**.

CAC Vice Chair Fondario presented **2009 Volunteer of the Year** plaques; **Ms. Rodriguez**, **Ms. Nesslar**, and **Supervisor Ovitt** presented *Certificates of Recognition*, and **Montclair Chamber of Commerce** Executive Director **Kelly Johnson** presented individually engraved crystal candy dishes to each of the following:

Second

Runner-up: Montclair Senior Citizens Program volunteer **Ms. Christine Milton** has cheerfully and steadfastly assisted the Senior Nutrition Program from one to three days per week since 2003. She also donates her time twice a month in assisting the fresh produce market.

First

Runner-up: **Montclair-Ontario Junior Women's Club** volunteer **Ms. Sharon Juhl** has been a dedicated club member for 12 years, actively serving in many roles including Secretary, Vice President, and presently as President. She has been involved in a number of club projects including the annual Easter Egg Hunt, **United Way** Kid's Pack Program, the Montclair Community Health Fair, and the **Darlene Edwards Memorial Scholarship** for middle and high school students. She continually researches new projects for the club, such as creating a quilt for the **Painted Turtle Camp**, which provides a traditional summer camp experience for seriously ill children; collecting soda can pop-tops for **Ronald McDonald House**; and the club's scarf project, the proceeds of which were donated to the City's Holiday Food Drive.

First Place:

**House of Ruth** volunteer **Ms. Leona Von Kalb** has been assisting the organization since 1995 and has, to date, completed more than 4,200 hours of service. She has volunteered in every capacity at the organization while developing new ways to help women and children victimized by domestic violence and then recruiting volunteers to fill those needs. **Ms. Von Kalb** has been a mentor to less experienced volunteers, is a joy to work with, and can be called upon to help in a crisis.

CAC Chair Judkins stated that the seven volunteers recognized this evening reflect the true meaning of the spirit of volunteerism; advising that all volunteers should be remembered for their continued service, large and small, that brings hope to so many of the world's disadvantaged. She stated that there would be a short break to allow the volunteers to gather in the Lobby for a reception, noting all gifts have been donated by local businesses that value volunteer services to our community.

Mayor Eaton sincerely thanked and congratulated all of the City's volunteers who make the City a better place to live and work. He also thanked the CAC for coordinating this important program.

At 7:32 p.m., Mayor/Chairman Eaton recessed the City Council and Redevelopment Agency and Montclair Housing Corporation Boards.

At 7:33 p.m., Mayor/Chairman Eaton reconvened the City Council and Redevelopment Agency and Montclair Housing Corporation Boards.

## VI. PUBLIC COMMENT

- A. **Ms. Mary Fraser Weis**, President, **House of Ruth**, P.O. Box 459, Claremont, introduced **House of Ruth** Vice President **Robin Leonhard**. She thanked the City of Montclair for its partnership and support of the **House of Ruth** over the years, stating, "It has meant a great deal to our organization." She reported that the **House of Ruth** assisted approximately 400 Montclair residents last year: 300 in community education and 100 in direct services. She noted the organization is delighted to be providing sufficient outreach to Montclair.

**Ms. Weis** invited everyone to attend the **House of Ruth's** basketball fundraiser on Monday, April 27, 2009, at 7:00 p.m. between the **Harlem Ambassadors** and the **House of Ruth Hoopsters**—featuring City Manager McDougal as the star player joined by local mayors, teachers, city officials, and supporters. She advised that the event would be held at the **Pomona College Rains Center Athletic Complex** and that tickets for the charity event are \$15, adults; \$10, students; and children aged 5 and younger will be admitted free of charge.

## VII. PUBLIC HEARINGS

- A. **First Reading – Consider Adoption of Ordinance No. 09-908 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-908 amending Section 9.20.460 of the Montclair Municipal Code related to the equivalent dwelling unit value.

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

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Ordinance No. 09-908, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee,**" be read by number and title only, further reading be waived, and this be declared its first reading.

First Reading of Ordinance No. 09-908 was unanimously adopted by the following vote:

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

## **VIII. CONSENT CALENDAR**

Mayor Pro Tem/Vice Chairman Dutrey requested that Items B-9, B-10, and B-11 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented:

### **A. Approval of Minutes**

#### **1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of April 6, 2009**

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of April 6, 2009.

### **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 March 31, 2009.

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

The City Council approved the City Warrant Register dated April 20, 2009, totaling \$1,539,539.35 and the Payroll

Documentation dated February 15, 2009, amounting to \$660,941.59, with \$503,381.86 being the total cash disbursement.

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

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending March 31, 2009.

**4. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 3.01.09–3.31.09 in the amounts of \$1,832.50 for Project I; \$397.51 for Project II; \$151,278.64 for Project III; \$42,504.91 for Project IV; \$165,114.18 for Project V, and \$0.00 for the Mission Boulevard Joint Redevelopment Project.

**5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report**

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending March 31, 2009.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 3.01.09–3.31.09 in the amount of \$12,447.19.

**7. Setting a Public Hearing to Consider Resolution No. 09-2796 Repealing Resolution No. 94-2018 and Revising the Bail Schedule, Late Penalties, Administrative Fees, and Related Charges for Parking Violations**

The City Council set a public hearing for Monday, May 4, 2009, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 09-2796 repealing Resolution No. 94-2018 and revising the bail schedule, late penalties, administrative fees, and related charges for parking violations.

**8. Setting a Public Hearing to Consider Resolution No. 09-2797 Amending the Fee Schedule for the Control, Regulation, and Boarding of Animals**

The City Council set a public hearing for Monday, May 4, 2009, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 09-2797 amending the fee schedule for the control, regulation, and boarding of animals.

**12. Authorization to Purchase Two Welded Basketball Masts With Motor Drive Operation From Jaypro Sporting Equipment**

The City Council authorized the purchase of two welded basketball masts with motor drive operation from Jaypro Sporting Equipment.

**13. Consider Declaring Unclaimed Bicycles in Police Custody as Surplus and Available for Donation to the California Institution for Women**

The City Council declared the unclaimed bicycles listed on the attachment to the agenda report as surplus and available for donation to the California Institution for Women.

**14. "No Action" on Alcoholic Beverage Permit Application - Black Angus Steakhouse**

The City Council voted "No action" on the "On-Sale General" license application of Mr. Raymond C. French, Taurian BA, LLC, for Black Angus Steakhouse, 9415 Monte Vista Avenue, Montclair, California.

**C. Agreements**

**1. Approval of Agreement No. 09-29, a Community Development Block Grant City-County Delegate Agency Agreement for Fiscal Years 2009-10, 2010-11, and 2011-12**

The City Council approved *Agreement No. 09-29, a Community Development Block Grant City-County Delegate Agency Agreement for Fiscal Years 2009-10, 2010-11, and 2011-12.*

**2. Award of Contract to West Tek, Inc., in the Amount of \$233,700 for the Public Works Corporate Yard Above Ground Fuel Tank Project**

**Approval of Agreement No. 09-30 With West Tek, Inc.**

**Authorization of a \$25,000 Construction Contingency**

**Authorization of a \$260,000 Appropriation From the 2005 Lease Revenue Bond Proceeds for the Public Works Corporate Yard Above Ground Fuel Tank Project**

The City Council approved the following related to the Public Works Corporate Yard Above Ground Fuel Tank Project:

- (a) Award of a contract to West Tek, Inc., in the amount of \$233,700.

- (b) Approval of *Agreement No. 09-30* with West Tek, Inc.
  - (c) Authorization of a \$25,000 construction contingency.
  - (d) Authorization of a \$260,000 appropriation from the 2005 Lease Revenue Bond proceeds.
3. **Approval of *Agreement No. 09-31* With San Bernardino County to Receive Approximately \$7,427 in Nonmatching funds From the Emergency Management Performance Grant Program**

The City Council approved *Agreement No. 09-31* with San Bernardino County to receive approximately \$7,427 in nonmatching funds from the Emergency Management Performance Grant Program for the Fire Department's use in planning for, responding to, and recovering from major emergencies and disasters.

4. **Approval of *Agreement No. 09-32* Approving the Disadvantaged Business Enterprise Implementation Agreement**

The City Council approved *Agreement No. 09-32* approving the *Disadvantaged Business Enterprise Implementation Agreement*.

**D. Resolutions**

1. **Adoption of Resolution No. 09-2798 Approving the Legal Authority Element of the Sewer System Management Plan**

The City Council adopted Resolution No. 09-2798 approving the legal authority element of the Sewer System Management Plan.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

- 9. **Approval of the *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2009***
- 10. **Redevelopment Agency Board of Directors' Approval of the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2009***
- 11. **Montclair Housing Corporation Board of Directors' Approval of the *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2009***

Mayor Pro Tem/Vice Chairman Dutrey asked how safe the City's, Redevelopment Agency's, and Montclair Housing Corporation's investments are in the present economic downturn.

City Manager/Executive Director McDougal replied that a portion of all three agencies' funds is invested in certificates of deposit (CDs), though no CD balance exceeds \$100,000, the deposit amount insured by the Federal Deposit Insurance Corporation. He advised that "a larger chunk of our reserve money" is invested with the statewide Local Agency Investment Fund (LAIF) maintained by the State Treasurer.

Deputy City Manager/Director of Administrative Services Starr added, "A maximum of 50 percent goes into the LAIF."

City Manager/Executive Director McDougal reported that the rate on LAIF investments is 1.45 percent, advising that it is a very secure fund. He stated that the proposed investment policies and those that were adopted in prior years stipulate that "our investments are fairly conservative, and we don't subject any funding to risk." He added that none of the three agencies is involved in aggressive investment strategies that bear a fairly high amount of risk because the adopted investment policies strictly limit investment options. He concluded his comments by stating that the City's, Agency's, and MHC's money "is as safe as any money out there."

Mayor Pro Tem/Vice Chairman Dutrey thanked City Manager/Executive Director McDougal for clarifying the City's, Agency's, and MHC's investment strategies and policies.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously that the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approve the respective *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2009*, the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2009*, and the *City of Montclair Housing Corporation Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2009*.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel - No comments**

**B. City Manager/Executive Director - No comments**

### C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
  - (a) He thanked everyone who sent him their best wishes for a quick recovery from surgery, stating, "It worked! I'm feeling really good."
  - (b) He noted his attendance last Saturday at the 20th Anniversary Golden Follies Variety Show, which had a good turnout. He noted "the seniors did a great job."

### D. City Council/Agency Board

1. Council Member/Director Paulitz commented that he sees 2009 Volunteer of the Year second runner-up **Ms. Milton** "just about every day" at the senior lunch program, adding, "She is a cheerful lady and a very, very delightful person."
2. Council Member/Director Raft congratulated all senior volunteers in the community for their time and dedication, noting, "They are so important to our community, they save the City a lot of money, and they are all such a pleasure to work with."
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He welcomed Mayor Eaton back and told him he is looking very healthy.
  - (b) He commended and recognized Human Services Division staff and volunteers for their hard work on both the Golden Follies and annual Easter Egg Hunt, noting he was unable to attend either event.
  - (c) He noted **General Growth Properties (GGP)**, co-owner of the **Montclair Plaza**, filed for Chapter 11 bankruptcy protection last Thursday. He advised that our mall would not be affected by the bankruptcy filing because it was not included in the action. He expressed his hope that the **Plaza** might soon have a new aggressive owner who will envision the potential for a positive future for the mall.
4. Council Member/Director Ruh commented as follows:
  - (a) He noted he has conducted his own research on potential buyers of the **Montclair Plaza**, expressing his skepticism that **Forest City Enterprises, Inc.**, would be able to purchase the mall because of its own financial troubles, advising that the company is "actually disposing of malls, not acquiring them." He noted the site would be a

valuable addition to any shopping center corporation portfolio because of its freeway location and direct access.

Council Member Paulitz asked if **GGP** has apprised the City that it plans to sell the **Plaza**.

City Manager McDougal replied that staff met with **GGP** representatives two weeks ago and was advised that there would be no change in the mall's operation. He stated that the **Plaza** is not for sale and will "most likely" remain in **GGP's** inventory for some time as a result of its ownership configuration (**GGP** shares ownership of the mall with **New York State Pension Fund**). He advised that **GGP** would probably keep the **Plaza** for the long term and that the company by agreement continues to manage the mall.

Council Member Paulitz noted he now owns stock in **GGP** and needed some clarification on the matter. He expressed his opinion that the **Plaza** would not be sold because it is one of **GGP's** best properties. He added that the company filed for Chapter 11 to reorganize in an effort to reduce corporate debt and extend the terms of its mortgage maturities.

Council Member Ruh cited the recent newspaper articles that postulated the mall might be used as debt collateral in the future as **GGP** works to recapitalize itself. He further noted that pursuant to one of the articles, the **Plaza**, if eventually sold, would probably be bought by **Forest City Enterprises, Inc.**, the owner of **Victoria Gardens**, though it is his understanding the company is not in "great financial shape."

- (b) He congratulated the following women from Montclair for awards they received at the 18th Annual **Soroptimist International of Montclair/Inland Valley** Prism Awards luncheon last Thursday:

**Ms. Pat Rees**, Owner, **Action Awards** – President's Award

**Ms. Karen Jones**, Executive Director, **Pomona Valley Workshop** – Woman of Distinction Award

**Ms. Corina Garay**, Program Director, **OPARC** – Woman of Distinction Award

- (c) He noted his participation on April 11, 2009, at the City's "very well done" Easter Egg Hunt. He expressed his

appreciation of Human Services Division staff and members of the CAC for their hard work at the event.

- (d) He noted his attendance last week at **Inland Fair Housing Mediation Board's** 50th Anniversary celebration of California's Fair Housing and Employment Act. He noted California was the first state in the nation to enact a fair housing equal access law, and California led the nation because by 1968 it became federal law. He cited the **Supreme Court's** decision in 1967 to overturn the overwhelming majority vote on **Proposition 14** in the 1964 Presidential Election, which amended the **California Constitution** to nullify the 1963 **Rumford Fair Housing Act** that helped end racial discrimination, declaring the initiative unconstitutional and in violation of the **Fourteenth Amendment** to the **United States Constitution**. He stated it is difficult for him to comprehend the rationale behind the coalition opposed to fair housing in 1964 that included churches, adding that he is pleased it did not prevail so that equal access and fair housing were made a reality for everyone in California and across the nation. He encouraged anyone interested in seeing the historical presentation to contact the **Inland Fair Housing Mediation Board**.

#### E. Committee Meeting Minutes

##### 1. Minutes of Public Works Committee Meeting of February 19, 2009

The City Council received and filed the Public Works Committee meeting minutes of February 19, 2009, for informational purposes.

##### 2. Minutes of Personnel Committee Meeting of April 6, 2009

The City Council received and filed the Personnel Committee meeting minutes of April 6, 2009, for informational purposes.

## XII. COUNCIL/AGENCY WORKSHOP

### A. Update on Red Light Traffic Enforcement Program

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, May 4, 2009, at 5:45 p.m. in the City Council Chambers.

**XIII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY  
AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 7:50 p.m., Mayor/Chairman Eaton adjourned the City Council and  
Redevelopment Agency and Montclair Housing Corporation Boards of  
Directors.

Submitted for City Council/Redevelop-  
ment Agency Board/Montclair Housing  
Corporation Board approval,

---

Yvonne L. Smith  
Deputy City Clerk