

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, JUNE 1, 2009, AT 6:59 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 6:59 p.m.

II. INVOCATION

Senior Pastor Kundan L. Peter, First United Methodist Church of Montclair, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz 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; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Ms. Annette Brunsky**, 5472 Deodar Street, Montclair, noted she is a 35-year Montclair resident and that she would speak this evening on behalf of all Montclair residents. Noting she, herself, lives in a "relatively good area of the City," she expressed her concern regarding the City's proposal to lay off ten Police Officers and stated it is difficult to understand "why we would do something so detrimental to our City."

Mayor Eaton told **Ms. Brunsky** no response would be made to her comments at this time.

- B. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's Office**, 822 North Euclid Avenue, Suite A, Ontario, stated that this week marks the deadline to move all Assembly bills out of the house of origin into the **Senate**. She noted ten of **Assembly Member Torres'** bills have already been moved to the **Senate** and that three bills are on the **Assembly** floor and are expected to be passed by the **Assembly** general membership by Thursday. She advised that **Assembly Member Torres's** legislative package moving to the Senate floor reflects her concern for public safety and the 9-1-1 system, at-risk youth and families, and maintaining public services for families during these difficult times. She noted residents may call **Assembly Member Torres's Office** at (909) 984-7741 with any questions, adding that the **Assembly Member's** website at <http://democrats.assembly.ca.gov/members/a61/> would continually be updated with any new bills she introduces.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

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 May 18, 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 May 18, 2009.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 09-2799 Repealing Resolution No. 05-2584 and Revising the Schedule of Fines for Administrative Citations

The City Council set a public hearing for Monday, June 15, 2009, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 09-2799 repealing Resolution No. 05-2584 and revising the schedule of fines for administrative citations.

2. Setting a Public Hearing to Consider Ordinance No. 09-909 Amending Chapters 6.02 and 6.12 of the Montclair Municipal Code Regulating Loud and Unreasonable Noises and Disturbances

The City Council set a public hearing for Monday, June 15, 2009, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 09-909 amending Chapters 6.02 and 6.12 of the Montclair Municipal Code regulating loud and unreasonable noises and disturbances.

3. Approval of the Filing of a *Notice of Completion* for the Montclair Police Department Facility Miscellaneous Construction and Repairs Project

The City Council approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder for the Montclair Police Department Facility Miscellaneous Construction and Repairs Project.

4. 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 Montclair Police Department Facility Bid Package No. 17-Miscellaneous Specialties

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

The City Council approved the following related to completion of Montclair Police Department Facility Bid Package No. 17-Miscellaneous Specialties:

- (a) Filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release of retention 30 days after recordation of *Notice of Completion*.

5. 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 Montclair Police Department Facility Bid Package No. 19-Hydraulic Elevator

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

The City Council approved the following related to completion of Montclair Police Department Facility Bid Package No. 19-Hydraulic Elevator:

- (a) Filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release of retention 30 days after recordation of *Notice of Completion*.

6. Authorization to Advertise for Bid Proposals for the Alma Hofman Senior Center and Park Improvements Project

The City Council authorized staff to advertise for bid proposals for the Alma Hofman Senior Center and Park Improvements Project:

7. "No Action" on Alcoholic Beverage Permit Application - Bombay Bistro

The City Council voted "No action" on the "On-Sale General" license application of Amarjit Kaur, Satwant Kaur, and Jagir Singh for Bombay Bistro, 8851 Central Avenue, Suites E and F, Montclair, California.

8. "No Action" on Alcoholic Beverage Permit Application - El Gran Chaparal Market

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Gurchran Singh for El Gran Chaparal Market, 9686 Central Avenue, Montclair, California.

9. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 1, 2009, totaling \$1,655,264.80 and the Payroll Documentation dated March 29, 2009, amounting to \$613,218.35, with \$483,594.66 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 09-38 With Chaffey Joint Union High School District for Law Enforcement Services During Fiscal Year 2009-10

The City Council approved *Agreement No. 09-38* with the Chaffey Joint Union High School District for law enforcement services during Fiscal Year 2009-10.

2. Approval of Agreement No. 09-39 With San Bernardino County Department of Aging and Adult Services Amending Agreement No. 08-37 to Provide a Senior Citizen Nutrition Program

The City Council approved *Agreement No. 09-39* with the San Bernardino County Department of Aging and Adult Services amending *Agreement No. 08-37* to provide a Senior Citizen Nutrition Program.

D. Resolutions

1. Adoption of Resolution No. 09-2800 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Liens

The City Council adopted Resolution No. 09-2800 authorizing placement of liens on the 171 accounts listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiators

Agency: City of Montclair

*Employee Organizations: City Manager
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 pursuant to Government Code Section 54957.6 regarding conference with designated labor negotiators.

City Attorney Robbins told Mayor Eaton, "It's great to have you back."

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton stated, "It's good to be back and out of the hospital. I'm pleased to be here."

D. City Council/Agency Board

1. Council Member/Director Paulitz noted his attendance at the Community Action Committee (CAC) Memorial Day 2009 flag-lowering ceremony last Monday. He stated, "It was done very tastefully this year, and I appreciate all the efforts that staff put into that."
2. Council Member/Director Raft also noted her attendance at the Memorial Day ceremony, adding that each year the ceremony draws "more and more people, and that's really great."
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He thanked staff for organizing the very nice Memorial Day event.
 - (b) He told Mayor Eaton, "I'm happy to see you back." He expressed his hope for **Mrs. Eaton's** speedy recovery from her recent surgery.
 - (c) He recognized staff, the Reeder Heritage Foundation, and **Soroptimist International of Montclair/Inland Valley** for their contributions in organizing the First Annual Reeder Heritage Foundation fundraiser on May 23, 2009, noting it was a "wonderful event."
 - (d) He asked that an item be placed on the June 15, 2009 agenda related to a resolution the **League of California Cities** proposes cities adopt that finds California cities would experience a severe fiscal hardship if additional local property tax revenues are borrowed and additional unfunded mandates are adopted by the **State of California**.
4. Council Member/Director Ruh commented as follows:
 - (a) He also noted his attendance at the Memorial Day ceremony, which was "very well done." He advised that the CAC and staff expend a tremendous amount of time, work, and effort to organize this event each year and should be commended for continuing to do so.

- (b) He noted he was unable to attend the Reeder Heritage Foundation fundraiser because he was out of town, though he heard it went very well.
- (c) He noted he will be out of town at a conference in Sacramento beginning tomorrow and will be unable to attend the Family Fun Day this Saturday. He stated, "I believe as always it will be a well-done event, and I encourage as many residents to attend as possible."
- (d) He noted last week, **Assembly Member Torres** honored **Café Montclair** as one of her "Small Business of the Year" recipients and **Senator Gloria Negrete McLeod** honored **Los Portales Mexican Grill** as one of her "Small Business of the Year" recipients. He stated, "Those are very positive statements about the business community here in Montclair." He suggested the Council recognize **Assembly Member Torres** and **Senator McLeod** at a future meeting for their services to community residents.
- (e) Concerning Mayor Pro Tem Dutrey's comments regarding the state budget, he noted "it is dire for many, many local governments and special districts" because a lot of the funds that were available in the past are disappearing and many of the programs the state had previously funded are either being eliminated or will have to be run by local government. He noted some of the programs are specifically designed to help lower income families; and if they are eliminated, "I don't know where those families would go for help." He noted that though the vehicle license fee has been raised, the revenues are not being returned to local governments in the same manner as in the past. He expressed his belief "that we can all come together and get through this tough time."
- (f) He stated that tonight, his heart and thoughts are with over 21,000 **General Motors** employees who will very shortly find themselves out of work. He stated, "Thirty years ago, **General Motors** was the largest private sector employer in the United States. Out of 618,000 employees, the automaker is down to approximately 60,000 employees; and at the end of the week will be down to approximately 40,000 employees." He noted his "heart is with a lot of those families tonight as well."

At this time, Mayor Eaton invited **Mr. Steven A. Figueroa** to come forward to comment. He told **Mr. Figueroa** that he has two minutes to speak as he did not submit a *Speaker Information Card* in time to speak during "Public Comment" earlier this evening.

Mr. Figueroa, P.O. Box 115, Riverside, thanked Mayor Eaton for allowing him to comment. Noting he has been an education advocate and community activist for 25 years, he expressed his concern regarding several recent incidents at local schools, including **Serrano Middle School, Hawthorne Elementary School**, and others, in which law enforcement officers used excessive force to control students with physical or developmental disabilities. Noting certain federal statutes regulate the rights of persons with disabilities, he suggested law enforcement should undergo additional specialized training related to methods of interacting with children with disabilities while on school grounds.

Mr. Figueroa requested a meeting be arranged between the **Ontario-Montclair School District**; Acting Police Chief Jones; **Ms. Margo Rodriguez**, the parent of a student recently involved in an incident with a Police Officer; and himself to enhance public relations.

Mayor Eaton suggested **Mr. Figueroa** contact Acting Police Chief Jones to schedule the meeting.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of May 18, 2009

The City Council received and filed the Personnel Committee meeting minutes of May 18, 2009, for informational purposes.

XII. COUNCIL/AGENCY/MHC WORKSHOP

A. Preliminary Budget Review

Moved by Council Member/Director Paulitz, seconded by Mayor Pro Tem/Vice Chairman Dutrey, and carried unanimously to continue this item to an adjourned joint meeting on Monday, June 15, 2009, at 5:30 p.m. in the City Council Chambers.

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

At 7:17 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:17 p.m., the City Council went into Closed Session regarding conference with designated labor negotiators pursuant to Section 54957.6 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:40 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 on this matter would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:41 p.m., Mayor Eaton adjourned the City Council.

Submitted for City Council/Redevelopment Agency Board/Montclair Housing Corporation Board approval,

Yvonne L. Smith
Transcribing Secretary