

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, JUNE 15, 2009, AT 7:02 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 7:02 p.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

City Clerk/Agency Secretary Jackson noted for the record that Council Member/Director Paulitz is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors 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

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's Office**, 822 North Euclid Avenue, Suite A, Ontario, noted **Assembly Member Torres** attends all *Relay for Life* fundraising events. She presented the City on behalf of **Assembly Member Torres** a *Certificate of Recognition* for its continued support of the **American Cancer Society's Relay for Life** fundraisers.

Council Member Ruh asked that **Ms. Nessler** relay the Council's gratitude to **Assembly Member Torres** for her early attendance last Saturday morning at the *6th Annual Relay for Life Montclair* fundraiser.

Ms. Nessler indicated that she would be pleased to do so.

- B. Ms. Shannon Juarez, Nutri-Body, Inc.**, 9885 Central Avenue, Suite B, Montclair, complained that the company is only able to display a banner sign at the Montclair store for 48 days each year. She requested the store be granted a variance to override the banner sign restriction for a period of time to increase the store's advertising capabilities through such use.

Mayor Eaton told **Ms. Juarez** the City Council could not make a decision on her request this evening because it is not on the agenda. He asked staff to respond to **Ms. Juarez's** request.

Director of Community Development Lustro advised that the rules for display of temporary banners, whether they are for promotional sales or grand openings of new businesses, are stipulated in the Zoning Code. He stated that if the Council desires to make a permanent change related to banner signs, staff would certainly pursue amending the Code section at the Council's direction.

Mayor Eaton requested clarification on the number of days allowed for display of promotional banner signs.

Director of Community Development Lustro replied that businesses are limited to a maximum of 48 calendar days per year, either consecutively or for shorter periods, for display of promotional banners.

Mayor Eaton thanked **Ms. Juarez** for bringing the banner sign restrictions to the Council's attention.

Ms. Juarez pointed out that the **Montclair Plaza** has displayed a promotional banner for over a year, noting she is unsure if **Plaza** management received a variance to do so or if they were given "preferential treatment." She reiterated that being granted a variance to extend the number of days **Nutri-Body, Inc.**, could display a temporary banner for advertising purposes would very much help their business.

Council Member Ruh suggested an item related to **Ms. Juarez's** request be agendaized to further study the matter.

City Manager McDougal suggested a workshop on the topic be scheduled for July 6, 2009, at 5:45 p.m. and that **Montclair Chamber of Commerce** representatives be invited to attend. He

added that comments from the Planning Commission concerning the matter would be helpful at the workshop.

Ms. Juarez thanked City Manager McDougal and the Council.

VII. PUBLIC HEARINGS

A. **Adoption of Resolution No. 09-2799 Repealing Resolution No. 05-2584 and Revising the Schedule of Fines for Administrative Citations**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 09-2799 repealing Resolution No. 05-2584 and revising the schedule of fines for administrative citations and invited comments from the public.

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

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried that the City Council adopt Resolution No. 09-2799, entitled, "**A Resolution of the City Council of the City of Montclair Repealing Resolution No. 05-2584 and Revising the Schedule of Fines for Administrative Citations,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 09-2799 was adopted by the following vote:

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

Noting Council Member Paulitz and he are members of the Real Estate Committee, Mayor Pro Tem Dutrey expressed their appreciation of staff for preparing this item, which no doubt was quite time consuming.

B. **First Reading - Consider Adoption of Ordinance No. 09-909 Amending Chapters 6.02 and 6.12 of the Montclair Municipal Code Regulating Loud and Unreasonable Noises and Disturbances**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-909 amending Chapters 6.02 and 6.12 of the Montclair Municipal Code regulating

loud and unreasonable noises 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.

Moved by Council Member Ruh and seconded by Council Member Raft that Ordinance No. 09-909, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapters 6.02 and 6.12 of the Montclair Municipal Code Regulating Loud and Unreasonable Noises and Disturbances,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 09-909 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Items B-7 and D-5 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman 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 Regular Joint Council/Agency/Montclair Housing Corporation Meeting of June 1, 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 June 1, 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 May 31, 2009.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 15, 2009, totaling \$914,323.42 and the Payroll Documentation dated April 12, 2009, amounting to \$629,544.64, with \$476,529.43 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 May 31, 2009.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 5.01.09-5.31.09 in the amounts of \$26,259.63 for Project I; \$226.68 for Project II; \$2,221,499.98 for Project III; \$280,742.01 for Project IV; \$900,949.57 for Project V, and \$194,946.63 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 May 31, 2009.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 5.01.09-5.31.09 in the amount of \$278,518.97.

8. Cancellation of Automated Red Light Camera enforcement Program With Nestor Traffic Systems, Inc.

The City Council canceled the City's Automated Red Light Camera Enforcement Program with Nestor Traffic Systems, Inc.

9. Authorization to Purchase Once Bendix King VHF Portable Radio and Two Lapel Speaker Microphones From 49er Communications, Inc.

The City Council authorized purchase of one Bendix King VHF Portable radio and two lapel speaker microphones from 49er Communications, Inc.

10. **Authorization for the City Manager to Negotiate, Award, and Sign a Construction Contract for the Bleacher Storage and Reroofing of Various City Facilities Project for an Amount Not to Exceed \$700,000**

The City Council authorized the City Manager to negotiate, award, and sign a construction contract for the Bleacher Storage and Reroofing of Various City Facilities Project for an amount not to exceed \$700,000.

C. Agreements

1. **Approval of *Agreement No. 09-14* Amending *Agreement No. 07-43* With AEI-CASC Engineering, Inc., for Water Quality Management Plan-Check Services**

The City Council approved *Agreement No. 09-14* amending *Agreement No. 07-43* with AEI-CASC Engineering Inc., for water quality management plan-check services.

2. **Approval of *Agreement No. 09-40* With the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for Landscape Maintenance Services of Median Islands, Parks, and Parkways**

The City Council and Redevelopment Agency Board approved *Agreement No. 09-40* with the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for landscape maintenance services of median islands, parks, and parkways.

3. **Approval of *Agreement No. 09-41* With West Coast Arborists for Tree-Maintenance Services**

The City Council approved *Agreement No. 09-41* with West Coast Arborists for tree-maintenance services.

4. **Approval of *Agreement No. 09-42* With California Landscape and Design, Inc., for Maintenance Services at the Montclair Skate Park**

The City Council approved *Agreement No. 09-42* with California Landscape and Design, Inc., for maintenance services at the Montclair Skate Park.

5. **Award of Contract to Sam Construction Co. in the Amount of \$47,770 for the 9916 Central Avenue Improvements Project**

Approval of *Agreement No. 09-48* With Sam Construction Co.

Authorization of a \$10,000 Construction Contingency

The Redevelopment Agency Board of took the following actions related to the 9916 Central Avenue Improvements Project:

- (a) Awarded a contract to Sam Construction Co. in the amount of \$47,770.
- (b) Approved *Agreement No. 09-48* with Sam Construction Co.
- (c) Authorized a \$10,000 construction contingency.

6. Approval of *Agreement No. 09-49* With the County of San Bernardino for Allocation and Expenditure of Justice Assistance Grant Program Funds

Authorization for the City Manager to Sign the Agreement on Behalf of the City Council

The City Council took the following actions:

- (a) Approved *Agreement No. 09-49* with the County of San Bernardino for allocation and expenditure of Justice Assistance Grant Program funds.
- (b) Authorized the City Manager to sign the Agreement on behalf of the City Council.

7. Approval of *Agreement No. 09-50* With Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 09-50* with Nutrition Ink to provide nutrition-education services for the City's Senior Citizen Nutrition Program.

8. Approval of *Agreement No. 09-51* With Catering Services Inc., to Provide Meals for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 09-51* with Catering Services, Inc., to provide meals for the City's Senior Citizen Nutrition Program.

9. Approval of Agreement No. 09-52 With Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium

The City Council approved *Agreement No. 09-52* with Liebert Cassidy Whitmore for participation in the East Inland Empire Employment Relations Consortium.

D. Resolutions

1. Redevelopment Agency Board of Directors' Adoption of Resolution No. 09-01, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of Agency Funds for Graffiti Abatement for Fiscal Year 2009-10

The Redevelopment Agency Board of Directors adopted Resolution No. 09-01, a Resolution of the City of Montclair Redevelopment Agency authorizing the expenditure of Agency funds for graffiti abatement for Fiscal Year 2009-10.

City Council's Approval of Agreement Nos. 09-43, 09-44, 09-45, and 09-46 Approving Respective Promissory Note Nos. 09-01, 09-02, 09-03, and 09-04 Between the City of Montclair and the City of Montclair Redevelopment Agency

The City Council approved *Agreement Nos. 09-43, 09-44, 09-45, and 09-46* approving respective *Promissory Note Nos. 09-01, 09-02, 09-03, and 09-04* between the City of Montclair and the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of Agreement Nos. 09-43, 09-44, 09-45, and 09-46 Approving Respective Promissory Note Nos. 09-01, 09-02, 09-03, and 09-04 Between the City of Montclair Redevelopment Agency and the City of Montclair

The Redevelopment Agency Board of Directors approved *Agreement Nos. 09-43, 09-44, 09-45, and 09-46* approving respective *Promissory Note Nos. 09-01, 09-02, 09-03, and 09-04* between the City of Montclair Redevelopment Agency and the City of Montclair.

Redevelopment Agency Board of Directors' Adoption of Resolution No. 09-02 Adopting the Fiscal Year 2009-10 Budget for the City of Montclair Redevelopment Agency

The Redevelopment Agency Board of Directors adopted Resolution No. 09-02 adopting the Fiscal Year 2009-10 Budget for the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of Agreement No. 09-47 Approving Promissory Note No. 09-01 Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation

The Redevelopment Agency Board of Directors approved *Agreement No. 09-47* approving *Promissory Note No. 09-01* between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation.

Montclair Housing Corporation Board of Directors' Approval of Agreement No. 09-47 Approving Promissory Note No. 09-01 Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency

The Montclair Housing Corporation Board of Directors approved *Agreement No. 09-47* approving *Promissory Note No. 09-01* between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 09-01 Adopting the Fiscal Year 2009-10 Budget for the Montclair Housing Corporation

The Montclair Housing Corporation Board of Directors' adopted Resolution No. 09-01 adopting the Fiscal Year 2009-10 Budget for the Montclair Housing Corporation.

2. Adoption of Resolution No. 09-2802 Authorizing Approval of the Change in Population in San Bernardino County During 2008 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2009-10

The City Council adopted Resolution No. 09-2802 authorizing approval of the change in population in San Bernardino County during 2008 for the purpose of calculating the Gann Spending Limit for Fiscal Year 2009-10.

3. Adoption of Resolution No. 09-2803 Authorizing Approval of the Percentage Change in Montclair Nonresidential New Construction During Fiscal Year 2009-10 as the Final Fiscal Year 2007-08 Change in the Cost-of-Living Factor for Use in Calculating the Gann Spending Limit for Fiscal Year 2008-09 and Provisional Adoption of the Percentage Change in California Per Capita Personal Income During Calendar Year 2008 as the Change in the Cost-of-Living Factor for Fiscal Year 2008-09 for Use in Calculating the Gann Spending Limit for Fiscal Year 2009-10

The City Council adopted Resolution No. 09-2803 authorizing approval of the percentage change in Montclair nonresidential new construction during Fiscal Year 2009-10 as the final Fiscal Year 2007-08 change in the cost-of-living factor for use in calculating the Gann Spending Limit for Fiscal Year 2008-09 and provisional adoption of the percentage change in California per capita personal income during Calendar Year 2008 as the change in the cost-of-living factor for Fiscal Year 2008-09 for use in calculating the Gann Spending Limit for Fiscal Year 2009-10.

4. Adoption of Resolution No. 09-2804 Establishing an Appropriations Limit for Fiscal Year 2009-10 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code

The City Council adopted Resolution No. 09-2804 establishing an appropriations limit for Fiscal Year 2009-10 pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code.

6. Adoption of Resolution No. 09-2806 Adopting the City of Montclair Fiscal Year 2009-10 Annual Budget

The City Council adopted Resolution No. 09-2806 adopting the City of Montclair Fiscal Year 2009-10 Annual Budget.

7. Adoption of Resolution No. 09-2807 Authorizing Submission of a Fiscal Year 2009-10 Funding Request Form for Beverage Container Recycling and Litter Cleanup to the California Department of Conservation, Division of Recycling

The City Council adopted Resolution No. 09-2807 authorizing submission of a Fiscal Year 2009-10 Funding Request Form for beverage container recycling and litter cleanup to the California Department of Conservation, Division of Recycling.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

7. Setting a Public Hearing to Consider Resolution No. 09-2801 Requesting the Local Agency Formation Commission Initiate Proceedings for City of Montclair Annexation No. 29

Mayor Pro Tem Dutrey requested clarification on the reason for inclusion of this item in the agenda.

Director of Community Development Lustro advised that the proposed annexation has been under discussion for close to one year and would be required to facilitate development of a 4.42-acre site at the southwest quadrant of Mission Boulevard and Benson Avenue for a small multitenant commercial project and to allow the development to connect to the City Sewer System. He noted the property owner indicated during discussions with staff that he would much prefer to work with the City rather than San Bernardino County regarding his project. He noted the owner was advised of the annexation process and that the Local Agency Formation Commission (LAFCO) no longer allows piecemeal annexations pursuant to new policy established by the agency. He advised that the proposed annexation boundary, which represents approximately half of the "east island," was determined after consulting with the Executive Director of LAFCO. He noted the island annexation law was extended in 2009 with a sunset date of January 2014. The entire 250 acres that comprises the east island would need to be considered in multiple annexations because 150 acres is the maximum that could be considered in an island annexation.

Mayor Pro Tem Dutrey asked the status of the annexation feasibility study of unincorporated county territory in the City's Sphere of Influence that was to be completed and the findings analyzed to weigh the cost to provide municipal services to these areas with the revenue generated through property, sales, and transactions and use taxes and other revenue sources prior to further annexations being considered. He emphasized that the City's utility users tax cannot be imposed in newly annexed areas unless approved by a majority vote of those residents.

Director of Community Development Lustro answered, "The fiscal impact analysis that the Council authorized is nearly complete. My understanding is that part of what delayed the process is the company that began the study was absorbed by Wildan Associates, and there was a change in staff midway through the study."

Council Member Ruh inquired as follows:

- (a) How many property owners would be noticed about the proposed annexation?

Director of Community Development Lustro expressed his understanding that approximately 110 property owners would be mailed public hearing notices.

(b) Do the majority of them own commercial properties?

Director of Community Development Lustro advised that the area is primarily single-family residential, though there are a small number of commercial properties along Mission Boulevard and Central Avenue.

Council Member Ruh noted the proposed annexation benefitting one owner would impact the majority of owners who might not desire their properties annexed to Montclair.

Director of Community Development Lustro stated that is a possibility, noting staff would have no concept of the support or opposition regarding this item until property owners are noticed.

Mayor Pro Tem Dutrey asked the timeframe for the proposed project.

Director of Community Development Lustro noted staff has been working with the applicant for close to one year to give him time to develop a conceptual plan for his project.

Mayor Pro Tem Dutrey stated that he does not feel comfortable moving forward on the item at this point. He suggested the Council should further explore the matter at a workshop when the results of the annexation feasibility study are available. He emphasized that the City should not create more service demands and incur more expenses than it can afford at this point, considering the budget for the next fiscal year is \$4.2 million less than last year's.

Council Member Ruh concurred, expressing his concern about increased costs and on behalf of county residents who desire to live in a more rural environment under San Bernardino County domain.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried that this item be continued for discussion at a future workshop once the results of the annexation feasibility study are available.

D. Resolutions

- 5. Adoption of Resolution No. 09-2805, a Resolution of the City Council of the City of Montclair Finding a Severe Fiscal Hardship Would be Experienced by the City of Montclair If Additional Local Property Tax Funds Are Borrowed and Additional Unfunded Mandates Are Adopted by the State of California**

Acknowledging the presence of **Ms. Nessler** in the gallery representing **Assembly Member Torres**, Mayor Pro Tem Dutrey noted one of the key components of the state budget fiasco is its impact on local governments. He noted learning in the workshop earlier this evening that **Governor Schwarzenegger's** proposal to borrow \$1.9 billion in property taxes and millions in gas taxes from local governments as a partial strategy to mitigate a projected \$24.3 billion state budget deficit by the end of the next fiscal year would mean at least a \$1.2 to \$1.3 million hit to Montclair in Fiscal Year 2009-10.

Mayor Pro Tem Dutrey expressed his pride that staff was able to effectively close the City's projected 4.2 million budget gap, and not by raising taxes or laying off employees but by making the tough decisions to reduce service and supply allocations and implement hiring freezes as well as through voluntary employee pay and benefit concessions. He noted it is a shame that even though the state raised the sales tax rate by 1 percent along with personal income taxes earlier this year, a \$24.3 billion state budget deficit is still projected at the end of Fiscal Year 2009-10 as a result of a budgeting system strained by years of overly exuberant spending by lawmakers and voters, who expanded or created programs without identifying ways to pay for them, not to mention the recession that caused a sharp drop in sales and income tax revenues. He stated that it is also a shame that the Governor proposes to continue the state's trend of using local governments' property tax and now possibly gas tax revenues as a means of partially compensating for the state deficit.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that the City Council adopt Resolution No. 09-2805, a Resolution of the City Council of the City of Montclair Finding a Severe Fiscal Hardship Would Be Experienced by the City of Montclair if Additional Local Property Tax Funds Are Borrowed and Additional Unfunded Mandates Are Adopted by the State of California.*

Council Member Ruh commented as follows:

- (a) He cited an article in Friday's *Inland Valley Daily Bulletin* in which **Assembly Member Torres** asserts that the foundation of the state budget must be restructured and reformed to resolve the existing fiscal deficit and to prevent future deficits. He expressed his hope that the Legislature will listen to some of her pragmatic ideas.
- (b) Noting local governments are managing to balance their budgets in the wake of the recession through various

cost-cutting measures, he stated that he fails to understand how the state can consistently cut programs that impact the most vulnerable among us. He noted **Governor Schwarzenegger** has proposed \$24 billion in cuts including the wholesale elimination of social service programs such as **CalWorks** that provides temporary financial assistance and employment-focused services to income-qualifying families with minor children, **Healthy Families** health insurance for low-income children that benefits Montclair tremendously, **First 5 California**, as well as cuts to in-home services for all but the most severely disabled.

- (c) He further noted that many who demand budget cuts refuse to have programs that affect them eliminated; a prime example being mutual aid programs for regional response in the event of major disasters requiring emergency management assistance. He suggested that in a pragmatic sense, budget cuts should be made across the board so the wealthy are impacted the same as the most vulnerable among us.

*Motion carried as follows:

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

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

<i>Property</i>	
<i>Assessor's Parcel No.</i>	<i>Address</i>
<i>1011-012-08</i>	<i>5011 Brooks Street, Montclair</i>
<i>Negotiating Parties: City of Montclair and Basin Ventures-LA, Inc.</i>	

1011-012-04 10625 Monte Vista Avenue, Montclair

Negotiating Parties: City of Montclair and Delbert Darrell Foreman

1011-012-03 10635 Monte Vista Avenue, Montclair

Negotiating Parties: City of Montclair and Frank J. Lizarraga Jr. et al.

Negotiators: Director of Redevelopment/Public Works Staats and City Engineer Hudson

Under Negotiation: Recommendations Regarding Acquisition of Easements on Subject Properties in Conjunction With the Monte Vista Avenue/Union Pacific Grade Separation Project

2. 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 pursuant to respective Government Code Sections 54956.8 regarding real property negotiations and Section 54957.6 regarding conference with designated labor negotiators on the above two matters.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal asked that the Council provide him with some guidance so staff can respond appropriately to annexation inquiries from the public prior to the July 6, 2009 workshop.

Mayor Pro Tem Dutrey reiterated that completion and analysis of the annexation feasibility study of unincorporated county territory in the City's Sphere of Influence should take place prior to further annexations being considered by the Council.

C. **Mayor/Chairman**

1. **Announcement of Planning Commissioner Appointments**

Mayor Eaton announced that with the consensus of the Council, incumbents **Maynard Lenhart** and **Don Vodvarka** would be reappointed to the Planning Commission, with terms to expire June 30, 2013.

Moved by Mayor Eaton, seconded by Mayor Pro Tem Dutrey, and carried to support the reappointment of **Maynard Lenhart** and **Don Vodvarka** to the Montclair Planning Commission.

D. **City Council/Agency Board**

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

(a) He congratulated Mayor Eaton for being unanimously elected President of the **San Bernardino Associated Governments** on June 2, 2009.

(b) He congratulated Council Member Raft's son **Jonathan** for his recent graduation from **California Polytechnic University, Pomona**.

2. Council Member/Director Ruh commented as follows:

(a) He noted his attendance at the *6th Annual Relay for Life Montclair* fundraiser last Saturday, adding that there was "tremendous participation from our City family." He noted the Fire and Police Departments and the general employees had set up informational booths along with many members of the business community (**Best Buy, Islands Restaurant**) and that **Burrtec Waste Industries, Inc.**, donated trash containers for the event. He stated it is a positive impact for our community that so many residents as well as residents in the region have succeeded in their battles with cancer. He noted many residents spoke of their recovery from the disease, which "really made you realize why this is such an important issue, not just here in Montclair but, indeed, throughout Southern California."

(b) He noted his attendance at the **Montclair High School** commencement ceremony last week, adding that on behalf of the City Council, he was pleased to present the graduating class with a City proclamation. He advised that it is important to note that over 25 percent of this year's graduates are continuing their education, which is

truly positive, and that most of the graduates have learned a second language. He reported that the school has instituted a Mandarin language class, the rationale being that in the future in Southern California, one would need to be fluent in Spanish as well as Mandarin to be successful in business "as, increasingly, we look for business opportunities in Central and South America and nations across the Pacific that speak Mandarin."

Council Member Ruh advised that the student honored as the **MHS Class of 2009** senior Valedictorian moved to this country nine years ago and spoke no English. He noted as he chatted with her that she now speaks perfect English and is in advanced placement for chemical engineering at **California Polytechnic University, Pomona**.

Council Member Ruh further noted the student honored as this year's Salutatorian would be attending the **University of California, Riverside**, in advanced placement to study criminal justice. He noted the student is interested in someday working as a district attorney.

Council Member Ruh noted the *Online to College Program* is to be credited with encouraging students to pursue their educational goals and dreams. He concluded his comments by stating that he was thrilled to attend the graduation to witness "so many parents proud of their children who are truly going to be successes in life."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 1, 2009

The City Council received and filed the Personnel Committee meeting minutes of June 1, 2009, for informational purposes.

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

At 7:35 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:35 p.m., the City Council went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8 and conference with designated labor negotiators pursuant to Section 54957.6 of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:24 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding real property negotiations and labor relations, information was received and direction given to staff, and no further announcements on this matter would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:25 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