

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, OCTOBER 5, 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.

II. INVOCATION

The Reverend Dr. Kundan L. Peter, Senior Pastor, **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 Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Promotee

Fire Chief Ament introduced Fire Engineer Sergio Mejia, who was promoted to his new position effective September 20, 2009, after serving as a Firefighter since July 2007.

Mayor Eaton congratulated Fire Engineer Mejia on his promotion, expressed his pride in Fire Engineer Mejia's service to the City and residents of Montclair, and presented him with a City pin.

VI. PUBLIC COMMENT

A. Mr. David Daleiden, 742 North Amherst Avenue, Claremont, identified himself as a student at **Claremont-McKenna College**

and the leader of a chapter of the right-to-life advocacy group, **Live Action**. He generally spoke in support of the City's decision to allow banners to be displayed in front of **Family Planning Associates Medical Group**, 5050 San Bernardino Street, and of his opposition to legalized abortion.

- B. **Mr. Ryen Boone**, 39 West 356 Washburn Drive, Geneva, Illinois, identified himself as a student at **Claremont-McKenna College** and a member of **Live Action**. He noted his attendance this evening serves as a reminder on the abortion debate and told the City Council, "We each have a personal responsibility, and I would like you to exercise yours."
- C. **Ms. Christina Noriega**, 1030 Columbia Avenue, #712, Claremont, identified herself as a student at **Scripps College** and a member of **Live Action**. She generally spoke in support of the City's protection of **First Amendment** rights and of her opposition to legalized abortion.

Mayor Eaton thanked the speakers, advising that Council Members would likely respond to their comments during Section XI, "Communications," of the agenda for tonight's meeting.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

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 - None

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 5, 2009, totaling \$628,885.47 and the Payroll Documentation dated July 19, 2009, amounting to \$640,120.29, with \$464,041.92 being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 09-92* With AM Johnson Consulting for ArtCorps Program Management Services

The City Council approved *Agreement No. 09-92* with AM Johnson Consulting for ArtCorps Program management services.

2. Approval of Agreement No. 09-93 With the Hope Through Housing Found to Provide an After-School Program at the San Antonio Vista Apartments

The City Council approved *Agreement No. 09-93* with the Hope Through Housing Foundation to provide an After-School Program at the San Antonio Vista Apartments.

3. Approval of Agreement No. 09-94 With Ontario-Montclair School District to Provide an After-School Program

The City Council approved *Agreement No. 09-95* with the Ontario-Montclair School District to provide an After-School Program.

4. Approval of Agreement No. 09-95 With the California Department of Public Health to Provide a Nutrition Education Program

The City Council approved *Agreement No. 09-95* with the California Department of Public Health to provide a Nutrition Education Program.

5. Approval of Agreement No. 09-96 With the San Bernardino County Department of Aging and Adult Services to Provide Funding From the American Recovery and Reinvestment Act of 2009 for the Senior Citizen Nutrition Program

The City Council approved *Agreement No. 09-96* with the San Bernardino County Department of Aging and Adult Services to provide funding from the American Recovery and Reinvestment Act of 2009 for the Senior Citizen Nutrition Program.

D. Resolutions

1. Adoption of Resolution No. 09-2816 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 09-2816 authorizing placement of liens on the 169 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 54956.8 of the Government Code Regarding Real Property Negotiations

Property: 10374 Marion Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Philip Vo

Negotiators: Director of Redevelopment/Public Works Staats and Assistant Director of Redevelopment Caldwell

Under Negotiation: Recommendations Regarding a Purchase Offer

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Section 54956.8 of the Government Code.

B. City Manager/Executive Director – No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

(a) He noted his attendance and excellent turnouts at the following events:

(1) *Por La Vida* Tenth Anniversary – September 16

(2) **Montclair Community Collaborative** 13th Anniversary celebration, "Community Partners are Flowers in Life's Garden" – September 28

(3) Police Department Open House and Pancake Breakfast – October 3

(4) Police Department employee retirement party – October 3

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

(a) He also noted his attendance at both the *Por La Vida* Tenth Anniversary and **Montclair Community Collaborative** 13th Anniversary celebrations held last month as

well as the Police Department Open House and Pancake Breakfast and Police employee retirement party on Saturday.

- (b) He told the **Live Action** speakers, "You are preaching to the choir." He advised that he has walked and carried signs at **Family Planning Associates Medical Group** while praying the **Rosary**. He asserted, "If I could do it, I would close that place; but I can't."
2. Council Member/Director Raft commented as follows:
- (a) She noted she was unable to attend the Police Department employee retirement party because she was busy moving that day.
 - (b) She concurred with comments made by the **Live Action** speakers "100 percent."
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
- (a) He commended staff for improving the Council Chambers audio system.
 - (b) He noted he was unable to attend the Police Department events because he was in Las Vegas over the weekend.
 - (c) He recognized the **Montclair Community Collaborative (MCC)** for celebrating its 13th anniversary, noting work prevented him from attending the event. He advised that staff, **Ontario-Montclair School District** representatives, community members, faith-based and community-based organizations, businesses, and county representatives involved in **MCC** have worked diligently to provide needed services in the community.
 - (d) He noted from last week's City Manager's Weekly Report that, incredibly, the City has received over ten million emails since 2004. He noted 8.6 million of those emails were blocked as spam and another 17,000 were blocked because of viruses, resulting in an average of 6,000 emails received daily, which is astonishing in itself. He commended Information Technology staff for continually updating the City's **Barracuda Spam and Virus Firewall** to monitor and block the latest Internet threats.
 - (e) He noted Fire Chief Ament presented a proposed reorganization of the Fire Department at an adjourned joint meeting earlier this evening, which the City Council approved in concept. He expressed his belief that such

action sets an important tone of the City's current fiscal condition. He recalled that our City Administrator directed each department to reorganize to conserve personnel resources during the recession of the early 1990s. He stated that doing so has proved very successful in the past, and continuing to do so would be prudent considering the economic outlook in the foreseeable future.

- (f) In response to the **Live Action** speakers, he noted the **First Amendment** guarantees the right of freedom of speech, which must be respected. He advised that the City of Montclair has no regulatory power over the issue of legalized abortion and that only the **United States Supreme Court** is able to make those types of decisions for our country. He expressed his viewpoint that "the most powerful voice of abortion is the power of prayer, and Council Member Paulitz's and my church here in Montclair has been a strong advocate of protecting unborn children."

4. Council Member/Director Ruh commented as follows:

- (a) He expressed his condolences to the family of retired Fire Chief Dan Tapia, whose mother, **Mary J. Tapia**, passed away on September 30, 2009. He stated, "All of us here at the City share sympathy, prayer, and our outreach to him and all of his family during this very difficult time. His mother was a very accomplished lady when you read about the many nice things she did to help her neighbors, to be a part of her community, and simply to be there when other people needed her. In her 83 years, I think she accomplished quite a bit; and so my sympathies go out to her family tonight."
- (b) He noted **Pomona Valley Habitat for Humanity (PVHFH)** will soon be opening its **ReStore** at 4609 Holt Boulevard, Montclair. He noted the store will sell donated home-improvement goods—furniture, home accessories, building materials, and appliances—and that proceeds from the sale of these items will provide funding for all of **PVHFH's** community improvement work while simultaneously providing an environmentally and socially responsible way to keep good reusable materials out of the waste stream. He stated that he is pleased the store "could find a home right here in Montclair; I think it's very beneficial to us and to our residents." He added that shopping at the **ReStore** would not only provide tax revenues in Montclair but also funding for a very worthwhile cause.

- (c) He also noted his attendance at the **Montclair Community Collaborative** 13th Anniversary ceremony, adding "it was very good to see so many individuals honored for their fine work in this wonderful endeavor, which does help support our families; make them whole, and in many cases, give them the hope they need and the tools they need to empower themselves for a better life."
- (d) He also noted his attendance at the Police Department Open House and Pancake Breakfast as well as the Police Department employee retirement party. He encouraged the public to make reservations to tour the new state-of-the-art Police headquarters, which is considered a hallmark throughout Southern California.
- (e) He noted he was unable to attend the Fire Department employee retirement party because of a last-minute family commitment. He expressed his best wishes to retirees Fire Division Chief Randy Rohrer and Engineer Greg West.
- (f) He congratulated Fire Engineer Mejia on his promotion. He noted Fire Engineer Mejia's family must be proud of all that he has accomplished and achieved and told him to "keep up the good work."
- (g) In response to the **Live Action** speakers, he stated that "as an American I believe in our **Constitution**, I believe in our system of law, I believe that the **First Amendment** is one of our sacred amendments and gives us the right to speak out on many of the issues of our time; it has provided us a safe harbor over the years to allow people to freely express debate on a wide range of issues. The issues have ranged from everything from, in our early days, banking and taxation issues; into the 1850s, the issue of slavery; an issue in the 1910s and 1920s was women's right to vote; all the way to the issues we are facing today: abortion, the death penalty, health care, and many other issues. I believe we need to find ways to continue to champion the **First Amendment** so that everybody has that opportunity to speak their mind in a civil and free way without infringing on the rights of others. It's in our **Constitution**; we have all sworn an oath to uphold that **Constitution**. I think it is one of our sacred duties.

"I will also say that my Roman Catholic faith teaches me many things of issues, especially of debate, of issues as articulated very clearly with **St. Thomas Aquinas**, who

spoke so clearly about the need to speak out on issues. I think we all fully understand that each of one us who believes in a higher authority and a higher power receives guidance from them and has to make those decisions within our consciences of what we believe is right, true, and correct. We may not always agree with decisions that are made; but when we don't agree with them, then we need to do what we can to change those systems and to change what is in place. One can look only as far back as 50 years ago: In many parts of this country, especially in parts of the Deep South and the former Confederacy, there were laws on the books and statutes from the **U.S. Supreme Court** that indicated it was OK for races of people to be segregated by law; it was perfectly OK to discriminate based on race, religion, and sexual orientation. It took a lot of vigilant people who worked hard and sacrificed their lives and time to overcome those laws and to prove them wrong. That has been our history in this country, and I believe it will continue to be our history as long as we continue to respect the **First Amendment.**"

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of September 21, 2009

The City Council received and filed the Code Enforcement Committee meeting minutes of September 21, 2009, for informational purposes.

2. Minutes of Personnel Committee Meeting of September 21, 2009

The City Council received and filed the Personnel Committee meeting minutes of September 21, 2009, for informational purposes.

XII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:26 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors in memory of **Ms. Margaret Carroll**, who passed away on August 16, 2009, at the age of 80. He stated that **Ms. Carroll** was a Montclair resident for 48 years and that in 2009, she was named Montclair's Volunteer of the Year. He stated that **Ms. Carroll** was Past President and a 45-year member of the Montclair Vista Women's Club and was also involved in district and state women's clubs, having served as the **California Federation of Women's Clubs** Public Relations Chairperson.

At 7:26 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8: p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8: p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary