MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, DECEMBER 7, 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 everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor/Chairman Eaton 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 - None

VI. PUBLIC COMMENT

A. **Mr. Jeffrey Fuller,** Past President and Board Member, **Montclair Chamber of Commerce,** 5220 Benito Street, advised that as the Council is probably aware, former **Chamber** Executive Director **Kelly Johnson** recently resigned. He introduced **Ms. Darlene Curley** who has been appointed President/Chief Executive Officer of the **Chamber.**

Mayor Eaton welcomed **Ms. Curley.**

Ms. Curley noted she is pleased to be back in Montclair, where she bought her first home when relocating to the area to work as Montclair **PFF Bank and Trust** Branch Manager. Noting she enjoyed getting to know City staff and local businesses during her residency here, she stated, "I was just thrilled to come back home and be with people I enjoy so much" when the opportunity to serve as **Chamber** President/CEO presented itself. She noted she looks forward "to working with all of you."

Mayor Eaton thanked **Ms. Curley** for her comments.

B. **Mr. Gautam Dutta,** Esquire, Deputy Director, Political Reform Program, **New America Foundation,** 3435 Wilshire Boulevard, Suite 2724, Los Angeles, discussed the advantages of a "ranked-choice voting" system that would encourage "more Latinos to vote and participate in civic affairs" and provide "a proven way for the City to protect itself from potentially costly litigation." He

expressed his understanding that though demographically there is a majority of Latinos in Montclair, "no Latino has yet to be elected to this City Council." He noted ranked voting, which guarantees higher voter turnout by eliminating the need for runoff elections, has been used across the nation for decades and has recently been endorsed by the **Hermosa Beach City Council.** He advised that general law cities, such as Montclair, would need to become charter cities to implement a ranked voting system until the **Legislature** passes a ranked voting law.

Mayor Pro Tem Dutrey commented as follows:

1. He advised that former Mayor Pro Tem Elouise "Dolly" Lewman, who served four terms from 1982 through 1998, was the first Hispanic and first woman to serve on the Montclair City Council.

2. He expressed his understanding that ranked voting is a very complicated system that most voters would not understand, advising that such a change should be decided by the voters.

3. He concurred that it would be ideal to have more Latino voters because of Montclair's 60 percent Latino demographic and expressed his opinion that a Latino would likely be elected in the next consolidated election. Noting he might be considered Hispanic, having grown up in Spain, he advised that Montclair's last two elections were decided by a Latino majority.

4. He noted the increasingly popular trend of district elections in California.

5. He noted Montclair is the only city in San Bernardino County on which **New America Foundation** seems to be focused.

Mr. Dutta stated that the voter error rate does not change in cities that adopt ranked voting, which voters easily understand upon receiving instruction. The system's being race neutral allows increased voter participation, though districting can be disruptive, particularly in smaller cities like Montclair, he added.

Council Member Paulitz asked, "If we don't have a problem, why are we trying to fix it? Noting his support of a Latino candidate in Montclair's 2008 General Municipal Election and an African-American in Montclair's 2006 General Municipal Election, he advised that Montclair has diverse election candidate representation and support. He noted Montclair is a general law city and that adopting a charter or districting would be "ridiculous" because Montclair is a small city. He noted the "utter chaos," including recalls, malfeasance, layoffs, in a local city having seven districts. He noted Montclair's "fine City Council in the last 20 years" that has been very stable, adding, "We don't have a problem." He advised that former Mayor Pro Tem Lewman is Latino and served 16 years on the Montclair City Council.

Mr. Dutta pointed out there are no Latinos in the gallery this evening, suggesting there is a problem with Latino resident participation at Montclair's regular joint meetings. He added, "Charter cities come in all sizes; they don't have to adopt districts."

Mayor Eaton thanked **Mr. Dutta** for his comments.

C. **Ms. Jennifer Nesslar,** Field Representative, **Assembly Member Torres's District Office,** 822 North Euclid Avenue, Suite A, Ontario, invited everyone to a Holiday Open House on Thursday, December 17, 2009, from 4:00 to 7:00 p.m. at the District office.

Mayor Eaton thanked **Ms. Nesslar** for the invitation.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

City Manager McDougal requested that Item C-1, "Consider Approval of *Agreement No. 09-112-I-85,* an *Irrevocable Annexation Agreement* With Fabian and Eloisa Rodriguez for 11303 Wesley Avenue (Assessor's Parcel No. 1013-043-31) be removed from the Consent Calendar, which would be returned at a later date.

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 October 19, 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 October 19, 2009.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 2, 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 November 2, 2009.

B. Administrative Reports

1. Setting a Public Hearing to Consider Ordinance No. 09-911 Deleting Chapter 10.44, Amending Chapter 7.02, and Adding Chapter 7.24 to the Montclair Municipal Code Related to Public Nuisances

The City Council set a public hearing for Monday, December 21, 2009, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 09-911 deleting Chapter 10.44, amending Chapter 7.02, and adding Chapter 7.24 to the Montclair Municipal Code related to public nuisances.

2. Approval of Fiscal Year 2009-10 Recommendations for the Schedule of Community Benefits Funding

The City Council approved the following recommendations for the Fiscal Year 2009-10 Community Benefits funding:

FISCAL YEAR 2009-10 COMMUNITY BENEFITS ASSISTANCE PROGRAM FUNDING SCHEDULE

Program	*FY 2009-10 Recommendations*
Community Senior Services	$ 1,083
House of Ruth	1,083
Inland Hospice Association	1,083
John Wooton Scholarship Foundation	1,000
Montclair Community Collaborative	1,000
Montclair Meals on Wheels	1,500

Pomona Valley Workshop	1,085
Project Sister	1,083
Visiting Nurse Association	1,083
TOTAL	$10,000

3. **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 Completion of Montclair Police Department Facility Bid Package No. 12-Glass and Glazing**

   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. 12-Glass and Glazing:

   (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.*

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 Completion of Montclair Police Department Facility Bid Package No. 20-Plumbing**

   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. 20-Plumbing:

   (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. **Authorization to Create a Technical Services Specialist Position to Replace a Full-Time Police Officer Position in the Police Department**

   The City Council authorized creation of a Technical Services Specialist position to replace a full-time Police Officer position in the Police Department.

6. **Approval of City Warrant Register and Payroll Documentation**

   The City Council approved the City Warrant Register dated December 7, 2009, totaling $2,573,545.59 and the

Payroll Documentation dated September 27, 2009, amounting to $611,438.01, with $454,856.32 being the total cash disbursement.

C. **Agreements**

2. **Approval of *Agreement No. 09-119* With LAN Engineering Corporation Amending Agreement Nos. 02-01 and 02-35 for Design and Right-of-Way Acquisition Services Associated With the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project**

   The City Council approved *Agreement No. 09-119* with LAN Engineering Corporation amending Agreement Nos. 02-01 and 02-35 for design and right-of-way acquisition services associated with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

3. **Approval of *Agreement Nos. 09-120 (Robert and Sira Kessler), 09-121* (Carlos Perdomo), *09-122* (Victor Castro), *09-123* (Tom Beller), *09-124* (Albert Weir), and *09-125* (Donald Green), *Self-Move Agreements* in Conjunction With Right-of-Way Acquisition for the Monte Vista Avenue Grade Separation Project**

   The City Council approved *Agreement Nos. 09-120* (Robert and Sira Kessler), *09-121* (Carlos Perdomo), *09-122* (Victor Castro), *09-123* (Tom Beller), *09-124* (Albert Weir), and *09-125* and (Donald Green), *Self-Move Agreements* in conjunction with right-of-way acquisition for the Monte Vista Avenue Grade Separation Project.

4. **Approval of *Agreement No. 09-126* With Hobby Club USA for Acquisition of Real Property at 10763-10771 Monte Vista Avenue and Acceptance of Quitclaim Deed**

   Authorization for City Manager to Execute Agreement No. 09-126

   The City Council took the following actions:

   (a) Approved *Agreement No. 09-95* with Hobby Club USA for acquisition of real property at 10763-10771 Monte Vista Avenue.

   (b) Accepted Quitclaim Deed.

   (c) Authorized City Manager to execute *Agreement No. 09-126.*

5. **Award of Contract to Cal Grove Corp. in the Amount of $62,550**

   Approval of *Agreement No. 09-127* With Cal Grove Corp. for Construction of the Montera Elementary Soccer Park Project

   Authorization of a $5,000 Construction Contingency

   The City Council took the following actions:

   (a) Awarded a contract to Cal Grove Corp. in the amount of $62,550.

   (b) Approved *Agreement No. 09-127* with Cal Grove Corp. for construction of the Montera Elementary Soccer Park Project.

(c) Authorized a $5,000 construction contingency.

6. **Approval of *Agreement No. 09-128* With the County of San Bernardino for Participation in the Avoid the 25 Campaign and Awareness Program**

The City Council approved *Agreement No. 09-128* with the County of San Bernardino for participation in the Avoid the 25 Campaign and Awareness Program.

C. **Resolutions**

1. **Redevelopment Agency Board of Directors' Adoption of Resolution No. 09-05, a Resolution of the City of Montclair Redevelopment Agency Making a Finding that the Planning and Administrative Expenses Funded From the Low- and Moderate-Income Housing Fund are Necessary for the Production, Improvement, or Preservation of the Community's Supply of Low- and Moderate-Income Housing**

The Redevelopment Agency Board adopted Resolution No. 09-05, a Resolution of the City of Montclair Redevelopment Agency making a finding that the planning and administrative expenses funded from the Low- and Moderate-Income Housing Fund are necessary for the production, improvement, or preservation of the community's supply of low- and moderate-income housing.

2. **Adoption of Resolution No. 09-2822 Fixing the Salaries for Certain Police Department Employees Represented by the Montclair Police Officers Association**

The City Council adopted Resolution No. 09-2822 fixing the salaries for the Montclair Police Officers Association-represented employees indicated on Schedule "A" to the Resolution.

3. **Adoption of Resolution No. 09-2823 Supporting Wilderness and Wild River Designations for the San Gabriel Mountains.**

The City Council adopted Resolution No. 09-2823 supporting wilderness and wild river designations for the San Gabriel Mountains.

IX. **PULLED CONSENT CALENDAR ITEMS** - None

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 noted his attendance at recent **Omnitrans, San Bernardino Associated Governments, and Metrolink** Board meetings.

D. **City Council/Agency Board**

1. Council Member/Director Paulitz commented that there are two Latino members and one African-American member on the Montclair Planning Commission.

2. Council Member/Director Raft noted she was pleased with the large turnout at the Christmas Tree Lighting ceremony last Thursday.

   Mayor Eaton asked Assistant Director of Human Services Richter if there is a count of the number of attendees at the event, noting there was quite a crowd.

   Assistant Director of Human Services Richter answered, "375."

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

   (a) He noted his appreciation of Public Works Department's leadership in cleaning and repairing City-owned bus shelters.

   (b) He recognized Human Services Division and Public Works Department staff for making last Thursday's Christmas Tree Lighting ceremony a very successful event.

   (c) He recognized the professionalism of Police and Fire Department safety officers during his Thanksgiving weekend ride-alongs. He noted an incident requiring Police assistance at the **Mission Drive-In Theater** that weekend and asked that staff look into obtaining safety employee access when the facility is closed.

4. Council Member/Director Ruh commented as follows:

   (a) He commended Assistant Director of Human Services Richter and Human Services Division and Public Works Department staff for the "wonderful" Christmas Tree Lighting ceremony. He noted it seemed as if there were more than 375 attendees, adding that for some families, the City's event is their only exciting seasonal festivity outside of their homes. He noted being told by a resident that the City's ceremony is a Christmas tradition for her family and that she has brought her 12-year-old daughter to the ceremony every year since she was just one year old.

   (b) He announced the **Metrolink Holiday Toy Express Train** would arrive at the Montclair **Metrolink** station on Saturday, December 19, 2009, at 7:45 p.m. and encouraged everyone to arrive early so they could easily find parking.

   (c) He commended the **Montclair Community Collaborative** for partnering with **Chaffey College** to sponsor the *Online to College* Program. He recalled discussing the beneficial academic program with a **City of Laguna Hills** Planning Commissioner and asked that staff contact her with information about the program. He suggested the program be publicized to other California cities, considering the high cost of tuition in California.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of October 15, 2009

The City Council received and filed the Public Works Committee meeting minutes of October 15, 2009, for informational purposes.

2. **Minutes of Code Enforcement Committee Meeting of November 16, 2009**

   The City Council received and filed the Code Enforcement Committee meeting minutes of November 16, 2009, for informational purposes.

3. **Minutes of Personnel Committee Meeting of November 16, 2009**

   The City Council received and filed the Personnel Committee meeting minutes of November 16, 2009, for informational purposes.

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

At 7:23 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Transcribing Secretary