

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, NOVEMBER 15, 2010, 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

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh 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 Starr; Director of Redevelopment/Public Works Staats; Acting Director of Community Development/Agency Planner Diaz; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Promotees

Fire Chief Ament introduced Secretary Angelic Bird, who was appointed to her new position with the Code Enforcement Unit effective October 4, 2010. He noted Secretary Bird received her Bachelor's degree in History from **Azusa Pacific University** with a minor in Political Science and began her career with the Fire Department in August 2007 as a Receptionist/Office Specialist.

Mayor Eaton congratulated Secretary Bird on her new appointment and presented her with a City pin.

Fire Chief Ament introduced Deputy Fire Marshal Mike Donley, who was promoted to his new position effective October 4, 2010. He

noted Deputy Fire Marshal Donley began his career with the City as a Police Officer in May 1980 and transferred to the Fire Department in 1997 where he worked for 13 years as the Administrative Officer/Emergency Services Coordinator.

Mayor Eaton congratulated Deputy Fire Marshal Donley on his promotion and presented him with a City pin.

Director of Redevelopment/Public Works Staats introduced Administrative Aide Fabiola Preciado, who was appointed to her new position effective November 8, 2010. She noted Administrative Aide Preciado began her career with the City in summer 2007 as an Intern in the Engineering Division; and beginning in December 2007, she interned concurrently with the Engineering Division and Montclair Housing Corporation until being appointed part-time Administrative Aide for the Montclair Housing Corporation in October 2009. A lifelong Montclair resident, she noted Administrative Aide Preciado received her Bachelor's degree in Architecture in spring 2007 from **Woodbury University**.

Mayor Eaton congratulated Administrative Aide Preciado on her new appointment and presented her with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading - Adoption of Ordinance No. 10-918 Amending Specific Chapters in Title 10 of the Montclair Municipal Code Related to Adoption of Building Codes to Regulate Construction in the City of Montclair and to Establish January 1, 2011, as the Effective Date of the Codes

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-918 amending specific Chapters of the Montclair Municipal Code related to adoption of building codes to regulate construction in the City of Montclair and to establish January 1, 2011, as the effective date of the codes 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 Paulitz and seconded by Mayor Pro Tem Dutrey that Ordinance No. 10-918, entitled "**An Ordinance of the City Council of the City of Montclair Amending Specified Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2010 Edition of the California Building Code, Volumes 1 and 2; the 2010 Edition of the California**

Residential Code; the 2010 Edition of the California Plumbing Code; the 2010 Edition of the California Electrical Code; the 2010 Edition of the California Mechanical Code; and the 2010 Edition of the California Green Building Standards Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties," be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 10-918 was unanimously adopted by the following ROLL CALL vote:

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

1. Minutes of Adjourned Joint Council/Agency Meeting of October 18, 2010

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of October 18, 2010.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 1, 2010

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 1, 2010.

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 October 31, 2010.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated November 15, 2010, totaling \$1,332,225.18; the Payroll Documentation dated September 12, 2010, amounting to \$581,757.41, with \$419,982.71 being the total cash disbursement; and the Payroll Documentation dated September 26, 2010, amounting to \$609,418.78, with \$437,976.05 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 October 31, 2010.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 10.01.10-10.31.10 in the amounts of \$4,830.55 for Project I; \$8,121.57 for Project II; \$132,176.30 for Project III; \$334,674.02 for Project IV; \$87,411.52 for Project V, and \$309,163.58 for the Mission Boulevard Joint Redevelopment Agency 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 October 31, 2010.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 10.01.10-10.31.10 in the amount of \$66,013.33.

7. Setting a Public Hearing to Receive Public Comment on Allocation and Expenditure of Supplemental Law Enforcement Services Funds

The City Council set a public hearing for Monday, December 6, 2010, at 7:00 p.m. in the City Council Chambers to receive public comment on the allocation and expenditure of Supplemental Law Enforcement Services Funds.

8. Setting a Public Hearing to Consider Resolution No. 10-2868 Approving the Following:

Tentative Tract Map No. 18803 Subdividing a 6.95-Acre Site Into 2 Numbered Lots for Condominium Purposes, 1 Numbered Lot for a Community Center, 30 Numbered Lots for Single-Family Residential Purposes, and Three Lettered Lots for Streets and Common Areas

Precise Plan of Design for a 129-Unit Residential Development Within the North Montclair Downtown Specific Plan

The City Council took the following actions:

- (a) Set a public hearing for Monday, December 6, 2010, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 10-2868 approving the following:
 - (1) Tentative Tract Map No. 18803 subdividing a 6.95-acre site into 2 numbered lots for condominium purposes, 1 numbered lot for a Community Center, 30 numbered lots for single-family residential purposes, and three lettered lots for streets and common areas.
 - (2) Precise Plan of Design for a 129-unit residential development within the North Montclair Downtown Specific Plan.
- 9. Adoption of a Policy Establishing Parameters Related to Payment of Allowances, Stipends, and/or Other Forms of Monetary Remuneration for Appointed Members of Advisory Boards to the City Council**

The City Council adopted the following policy establishing parameters related to payment of allowances, stipends, and/or other forms of monetary remuneration for appointed members of advisory boards to the City Council:

A sitting member of an advisory board (including committee or commission) appointed by and serving the Montclair City Council who is eligible to receive an allowance, stipend, or other form of monetary remuneration for service shall receive such remuneration, paid in the succeeding month, only after attending regularly scheduled meetings (including adjourned, joint, and special meetings and qualifying conferences) of such advisory board for the previous month. During periods of hiatus and in the event a member fails to attend a meeting or any meeting is canceled (regardless of reason), the

member shall be ineligible for monetary remuneration for that meeting or for that month, whichever is applicable. If an advisory body is generally required to attend more than one meeting per month and the monetary remuneration received is paid on a per month basis, such remuneration shall be prorated to equate to an equal amount for each meeting during the month not to exceed the current maximum monthly rate when combined (except as otherwise modified by action of the City Council); monthly remuneration shall then be reduced on a per meeting basis for each meeting canceled, not scheduled because of hiatus, or not attended by the member.

10. Acceptance of Grant Deed No.1661 for a Portion of Property Located at 5011 Brooks Street as Right-of-Way Needed to Complete the Monte Vista Avenue Grade Separation Project

Authorization of City Manager Edward Starr to Sign Escrow Documents as Necessary Associated With *Purchase and Sale Agreement No. 10-121*

The City Council took the following actions:

- (a) Accepted Grant Deed No. 1661 for a portion of property located at 5011 Brooks Street as right-of-way needed to complete the Monte Vista Avenue Grade Separation Project.
- (b) Authorized City Manager Edward Starr to sign escrow documents as necessary associated with *Purchase and Sale Agreement No. 10-121*.

11. "No Action" on Alcoholic Beverage Permit Application - Taqueria Mi Mexico

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Ms. Julie Wenhua Chang and Mr. Yenchan Fan for Taqueria Mi Mexico, 5110 Holt Boulevard, Montclair, California.

C. Agreements

1. Approval of *Agreement No. 10-123* With Mt. San Antonio Community College District to Continue Providing a Comprehensive Fitness Program for the Fire Department

The City Council approved *Agreement No. 10-123* with Mt. San Antonio Community College District to continue providing a comprehensive fitness program for the Fire Department.

2. Approval of *Agreement No. 10-124* With Ontario-Montclair School District to Provide Case Management Services

The City Council approved *Agreement No. 10-124* with the Ontario-Montclair School District to provide case management services.

3. Approval of *Agreement No. 10-125* With Chaffey Community College District in Support of Its Gerontology Program

The City Council approved *Agreement No. 10-125* with Chaffey Community College District in support of its Gerontology Program.

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

		<u>Property</u>	
		<u>Assessor's Parcel No.</u>	<u>Address</u>
<i>Negotiating Parties:</i>		1011-012-08-0000	5011 Brooks Street, Montclair
	<i>City of Montclair and Basin Ventures-LA, Inc.</i>		
<i>Negotiating Parties:</i>		1011-012-04-0000	10625 Monte Vista Avenue, Montclair
	<i>City of Montclair and Delbert Darrell Foreman</i>		
<i>Negotiating Parties:</i>		1011-012-03-0000	10635 Monte Vista Avenue, Montclair
	<i>City of Montclair and Zion's First Nat'l Bank</i>		
<i>Negotiators:</i>	<i>Director of Redevelopment/Public Works Staats and City Engineer Hudson</i>		

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

2. Close Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations

Property: 5444 Palo Verde Street

Negotiating Parties: City of Montclair Redevelopment Agency and Lillian B. Reed

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

Under Recommendations Regarding a Purchase Offer Negotiation:

City Attorney/Agency Counsel Robbins requested a Closed Session on the above two matters pursuant to Government Code Section 54956.8.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:
 - (a) He noted the bargaining groups have approved closing City Hall and other administrative offices for the week of December 27 through December 30, 2010, in observance of the Christmas and New Year's holidays.
 - (b) Noting the important issue of retirements of corrupt former **City of Bell** City Council Members and employees that has garnered a tremendous interest throughout California, he advised that it was announced in press releases this weekend that the **California Public Employees Retirement System (CalPERS)**, the agency in the California executive branch that manages pension and health benefits for more than 1.6 million California public employees, retirees, and their families, has decided that these individuals' retirements would be based upon their Fiscal Year 1992-93 salaries. He added that the highest retirement in the landmark decision would be approximately \$70,000 per year for former **City Manager Robert Rizzo**. He suggested we should "recognize **CalPERS'** efforts in trying to address this issue forcefully, and the organization has done that."

Mayor Eaton noted the City Council and he are "extremely pleased" with **CalPERS'** decision.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He congratulated Council Members Paulitz and Ruh on their reelection to the Council in last Tuesday's General Municipal Election.
 - (b) He noted his attendance at regular **San Bernardino Associated Governments** and **Omnitrans** Board meetings, advising that no issues pertinent to the City were discussed.
 - (c) He noted his attendance at the **2010 League of California Cities**, Inland Empire Division **Eighth Annual James S. Thalman Memorial Service Award** dinner on November 4, 2010, at which **Rancho Cucamonga** City Manager **Jack Lam** was honored with this well-deserved award.

D. City Council/Agency Board

1. Council Member/Director Paulitz likewise congratulated Mayor Eaton and Council Member Ruh on their reelection to the Council last Tuesday.
2. Council Member/Director Raft also congratulated Mayor Eaton and Council Members Paulitz and Ruh on their reelection to the Council, adding, "It's good to have you back!"
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He likewise congratulated Mayor Eaton and Council Member Paulitz and Ruh on their reelection to the Council. He joked that Mayor Eaton had the toughest challenge running unopposed in the election, so he must have been very pleased.
 - (b) He wished a speedy recovery to Police Officer Alex Cancholla who was injured in an accident two weeks ago.

Mayor Eaton inquired as to Officer Cancholla's condition and status.

City Manager Starr reported that Officer Cancholla is recovering from several surgeries to repair a shattered

hip and fractured limbs and will remain in the hospital for quite awhile. He noted Officer Cancholla must stay off his feet for at least three months, his recuperation will be a long slow process, and he may need additional surgeries. He added that Officer Cancholla is receiving expert medical care and stated, "We certainly wish him a speedy recovery."

Mayor Eaton advised that Officer Cancholla was injured in a traffic accident on the way home from work and wished him a speedy recovery.

- (c) Though state lawmakers approved a three-month-overdue budget last month, he noted Governor Schwarzenegger on Thursday indicated he plans to call a special legislative session beginning December 6, 2010, the day newly elected legislators will be sworn in. He advised that the Governor's announcement came a day after the state Legislative Analyst's Office projected a \$6.1 billion deficit in the current fiscal year budget and another \$19 billion deficit in Fiscal Year 2011-12; in addition, as temporary tax increases expire and the state repays borrowed funds to local governments, the deficit will grow to \$22.4 billion in Fiscal Year 2012-13. He noted all incumbents in the State Legislature were reelected, so it seems the voters are pleased with their work.
- (d) He noted one good outcome of the November 2010 statewide General Election (besides the reelection of our Mayor and Council Members Paulitz and Ruh) is that the voters approved **Proposition 22** by a 61 percent majority. He advised that the majority of California voters approved a halt to state raids of local redevelopment, property tax, and transportation revenues. He thanked the voters for "essentially telling Sacramento to find other ways to solve your financial mess."

Mayor Eaton noted he read a news article indicating that the Legislature would continue to pursue local funding to balance its budget.

City Manager Starr stated that clearly, the voters have registered their concern regarding state raids of local government funding with their approval of **Proposition 22**, though they sent a mixed message with their approvals of **Propositions 25** (simple majority vote for the state budget) and **26** (requires that certain state and local fees be approved by a two-thirds majority vote). He advised that the state is most likely referring to subventions as a continuing issue with cities, noting our

primary concern and that of every city in the state is the vehicle license fee subvention. He stated that so long as the state's general fund is able to meet its subventions, then those payments would be made to local government. Emphasizing that the state has been using **Educational Revenue Augmentation Fund (ERAF)** moneys to meet that obligation, he noted the issue at this point is whether the state will redirect **ERAF** money back to its original purpose of paying for education. He stated that Montclair would lose \$2.3 million annually—a sizable hit—if that were the case and would be forced, along with a number of other cities in the state, to join the **City of Vallejo** and file for bankruptcy protection.

Mayor Eaton thanked City Manager Starr for his report.

- (e) He noted his attendance along with staff at the third annual *I-10 Corridor Economic and Transportation Summit* on October 28, 2010, at the **Victoria Gardens Cultural Center**. He reported projections at the conference indicated that the Inland Empire might see an economic recovery in 2013 or 2014 at the earliest; warehouse activity is picking up in the Inland Empire, one of the largest employment bases in the region; and residential construction is still down.
 - (f) He thanked all the City employees and recognized those in the audience attending tonight's meeting.
4. Council Member/Director Ruh commented as follows:
- (a) He thanked the residents for reelecting him to the Council, stating he "looks forward to continuing the work we have done together for the next four years." He expressed his hope that "through partnerships with other universities, we can expand the Online to College program to give community youth the opportunity to attend college, receive an education, and obtain their dreams—that's really very important."
 - (b) He congratulated Mayor Eaton and Council Member Paulitz on their reelection to the Council, stating, "I believe we have a good team here in Montclair. I can say that you have five individuals with five very different points of view at times. But when it comes to the issues of the City, we manage to combine our viewpoints to come up with a formula that works for this City. And I think that's important in governing in general. You need to be able to pull everybody's points of view together, compromise, and together achieve something that

benefits everybody in this community. So I look forward to that for the next four years."

- (c) As mentioned by City Manager Starr, he noted the passage of **Proposition 26** might wind up being more of a hindrance than what many voters believe because of the possibility of many services being cut. He noted costs increase over time and that "as a nation, as a state, and as a community we must really examine what services we want and what we are willing to pay for them." He spoke in support of social programs on behalf of "the most vulnerable in our society" including low-income families and seniors on a fixed income.
- (d) Though he was unable to attend the *I-10 Corridor Economic and Transportation Summit*, he advised that after reviewing conference materials, he noted the irony of the same economist speakers who five years ago fostered development of high-cost housing and removal of blue-collar professions in the region are now advocating the goods movement industry in the Inland Empire, which has one of the largest distribution, warehousing, and logistics systems in the nation.
- (e) He recounted the watershed election on November 8, 1960, when **John F. Kennedy** was elected the 35th President of the United States in the closest presidential race in American history. Just six days later, on November 14, 1960, he noted six-year-old **Ruby Bridges** became the first African-American child to attend an all-white elementary school in the South. He noted **Ms. Bridges Hall** was forever immortalized in the famous **Norman Rockwell** painting, entitled, "The Problem We All Live With," depicting her walking to school surrounded by **U.S. Marshal** escorts for protection. He advised that this period in history "sends the message that 50 years later, we need to make sure we always revisit history as much as we can to learn from it and understand how it can lead us into the future." He quoted famous Spanish philosopher, essayist, poet, and novelist **George Santayana** who is best known for his aphorism, "Those who cannot remember the past are doomed to repeat it." He stated that although 50 years might seem like a long time, it is very short in the history of society and a nation. He spoke of the unconscionable racial bigotry and discrimination faced by young **Ruby Bridges** while attending the formerly all-white school, emphasizing "we've come a long way, but we have a long way to go. I hope every election will turn out people who want to move forward and make

progress, whether at the national, state, or at the local level because progress is all that's going to move us forward."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 1, 2010

The City Council received and filed the Personnel Committee meeting minutes of November 1, 2010, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update on California High-Speed Rail Authority

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously to continue this item to an adjourned joint meeting on Monday, December 6, 2010, at 5:45 p.m. in the City Council Chambers.

XIII. COUNCIL/AGENCY WORKSHOP

A. Appeal Hearing for James Thayn

Moved by Council Member Ruh, seconded by Council Member Raft, and carried unanimously to continue this item to an adjourned meeting on Wednesday, December 8, 2010, at 6:00 p.m. in the City Council Chambers.

XIV. ADJOURNMENT OF MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:29 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7:27 p.m., the City Council and Redevelopment Agency Board went into Joint Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XV. CLOSED SESSION ANNOUNCEMENTS

At 8:04 p.m., the City Council and Redevelopment Agency Board returned from Joint Closed Session. Mayor Pro Tem/Vice Chairman Dutrey announced that the City Council and Agency Board met in Joint Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XVI. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:05 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency Board of Directors to Monday, December 6, 2010, at 5:45 p.m. in the City Council Chambers.

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

Yvonne L. Smith
Transcribing Secretary