

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND REDEVEL-  
OPMENT AGENCY AND MONTCLAIR HOUSING  
CORPORATION BOARDS HELD ON MONDAY,  
JANUARY 18, 2011, AT 6:59 P.M. IN THE CITY  
COUNCIL CHAMBERS, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 6:59 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

Mayor Pro Tem/Vice Chairperson Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Paulitz, Dutrey, and Ruh; City Manager/Executive Director Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Presentation of Military Banners to Montclair Servicemen Who Have Completed Their Military Service

Community Action Committee Chairperson Hollis Judkins thanked the following former Montclair servicemen for their service to our country and presented them with banners displayed in the City last year in honor of their military service: **Mr. Luis A. Barrios**, **Mr. Victor Borrego**, **Mr. Eric Gasca**, and **Mr. Joseph Morales** (*in absentia*). She noted **Mr. David Roof** presently resides in Georgia and presented his banner to his mother, **Mrs. Rose Roof**.

B. Presentation to Mayor Eaton by Renowned American Sculptor John E. Svenson of His Book EXPLORING FORM Written By His Son David Svenson

**Mr. Svenson** reminisced about his arrival in Montclair (then known as "**Monte Vista**") in 1927 when he was adopted at the age of three by **Edward** and **Florence Svenson** and about building his adobe brick home with his beloved wife, **Luann**, on his parents' Palo Verde Street property in 1949. He gave Mayor Eaton some vintage family photographs to display, presented Mayor Eaton with a copy of his book **EXPLORING FORM**, and asked to be included when the City begins the proposed restoration of the property as well as for a tour of his former home.

Mayor Eaton accepted the book and thanked **Mr. Svenson**. He advised **Mr. Svenson** that **Mrs. Eaton** would keep him informed of the City's restoration plans and that he most certainly could have a tour. He told **Mr. Svenson** that staff would be contacting him to arrange the tour and thanked him for attending tonight's meeting.

Council Member Ruh noted the **Svenson** family was the first his parents met when they moved to the community of **Monte Vista** on April 15, 1959—right across the street from the **Svensons** on Margarita Avenue, now Palo Verde Street. He recalled the entire family attended his baptism at **Our Lady of Lourdes Catholic Church** and the kindness of **John** and **Luann Svenson** and his mother, **Florence**, who would have cookies and milk for him each day after school. He noted he has "wonderful memories of a very different Montclair, a wonderful era that is now gone; but I'm so glad that we have **John** and his memories and these photographs to help preserve that great time."

## VI. PUBLIC COMMENT

- A. **Mr. Al Cottrell**, 5611 Mission Boulevard, Ontario, complained about vehicles being advertised for sale while parked along Mission Boulevard, San Bernardino County, claiming such sales would ruin the attractive new landscaping.

Mayor Eaton thanked **Mr. Cottrell**, stating, "It's folks like you who help us preserve what we have," and advised him that staff would follow up on his complaint.

- B. **Mr. Milo Victoria**, Chief Executive Officer/General Manager, **Omnitrans**, 1700 West Fifth Street, San Bernardino, noted he attended tonight's meeting to introduce himself as the "new" CEO of **Omnitrans**, next week marking a full year that he has served in such capacity, and to say that he has been very fortunate to serve the region during that time. He discussed the efforts of **Omnitrans** to provide its ridership with the excellent service they deserve and spoke in favor of **Omnitrans'** continued partnership with the "beautiful" City of Montclair.

Mayor Eaton thanked **Mr. Victoria** for his comments, stating, "I do enjoy serving on the [**Omnitrans**] Board."

## VII. PUBLIC HEARINGS - None

## VIII. CONSENT CALENDAR

Council Member Paulitz requested that Item B-7 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson 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 December 20, 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 (MHC) Board meeting of December 20, 2010.

**2. Minutes of Regular Joint Council/Agency/MHC Meeting of January 3, 2011**

The City Council and Redevelopment Agency/MHC Boards approved the minutes of the Regular Joint City Council/ Redevelopment Agency Board/MHC Board meeting of January 3, 2011.

**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 December 31, 2010.

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

The City Council approved the City Warrant Register dated January 18, 2011, totaling \$1,314,805.29; and the Payroll Documentation dated December 5, 2010, amounting to \$706,548.62, with \$498,393.35 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 December 31, 2010.

**4. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12.01.10-12.31.10 in the amounts of \$25,214.12 for Project I; \$424.89 for Project II; \$61,376.30 for Project III; \$22,533.95 for Project IV; \$52,267.85 for Project V, and \$1,032,028.98 for the Mission Boulevard Joint Redevelopment Agency Project.

**5. Receiving and Filing of MHC Treasurer's Report**

The MHC Board received and filed the MHC Treasurer's Report for the month ending December 31, 2010.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 12.01.10-12.31.10 in the amount of \$52,592.83.

**8. Approval of Parcel Map No. 19246 Located at 5436-5440 Arrow Highway**

**Authorization of Parcel Map No. 19246 to be Recorded With the Office of the San Bernardino County Recorder**

The City Council took the following actions:

(a) Approved Parcel Map No. 19246 located at 5436-5440 Arrow Highway.

(b) Authorized Parcel Map No. 19246 to be recorded with the Office of the San Bernardino County Recorder.

**9. Approval of the Filing of a *Notice of Completion* for the Montera Elementary School Soccer Field Netting Project; Reduction of *Faithful Performance Bond* to 10 Percent; and Retention of *Payment Bond* for Six Months**

The City Council took the following actions regarding completion of the Montera Elementary School Soccer Field Netting Project:

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduced the *Faithful Performance Bond* to 10 percent.
- (c) Retained the *Payment Bond* for six months.

**10. Approval of the Filing of a *Notice of Completion* for the Replacement of Playground Equipment at Alma Hofman Park Project; Reduction of *Faithful Performance Bond* to 10 Percent; and Retention of *Payment Bond* for Six Months**

**Authorization of an Additional \$24,529.27 Construction Contingency for Costs Related to Replacement of Playground Equipment at Alma Hofman Park Project**

The City Council took the following actions regarding completion of the Replacement of Playground Equipment at Alma Hofman Park Project:

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduced the *Faithful Performance Bond* to 10 percent.
- (c) Retained the *Payment Bond* for six months.
- (d) Authorized an additional \$24,529.27 construction contingency for costs related to the Replacement of Playground Equipment at Alma Hofman Park Project.

**11. Acceptance and Appropriation of Healthy City Sponsorship Funds From the San Bernardino County Department of Public Health**

The City Council accepted and appropriated \$25,000 in Healthy City sponsorship funds from the San Bernardino County Department of Public Health for personnel and program costs related to creation and promotion of an employee wellness program and community health activities.

**C. Agreements**

**1. Approval of *Agreement No. 11-07* With Omnitrans Regarding Service and Maintenance of Passenger Amenities**

The City Council approved *Agreement No. 11-07* with Omnitrans regarding service and maintenance of passenger amenities.

**2. Redevelopment Agency Board of Directors' Approval of *Rehabilitation Grant Agreement Nos. 11-08* Through *11-12* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants**

The Redevelopment Agency Board approved *Rehabilitation Grant Agreement Nos. 11-08* through *11-12* by and between the City of Montclair Redevelopment Agency and the five Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

3. **Approval of *Agreement No. 11-13* Authorizing the Inland Empire Chapter of the American Red Cross to Provide Emergency Services on Behalf of Individuals and Families Who Are Victims of Disaster**

**Approval of *Agreement No. 11-14* Authorizing the Inland Empire Chapter of the American Red Cross to Use the Montclair Community Center as a Mass-Care Shelter**

The City Council approved the following Agreements with the Inland Empire Chapter of the American Red Cross:

- (a) *Agreement No. 11-13* authorizing provision of emergency services on behalf of individuals and families who are victims of disaster.
  - (b) *Agreement No. 11-14* authorizing use of the Montclair Community Center as a mass-care shelter.
4. **Redevelopment Agency Board of Directors' Approval of *Agreement No. 11-15*, a *Purchase and Sale Agreement* by and Between the City of Montclair Redevelopment Agency and the Lillian B. Reed Revocable Family Trust Dated October 11, 2006, for the Property Located at 5444 Palo Verde Street**

**Authorization of a \$354,000 Appropriate From the Housing Fund for Acquisition and Closing Costs for the Property Located at 5444 Palo Verde Street**

The Redevelopment Agency Board took the following actions related to property located at 5444 Palo Verde Street:

- (a) Approved *Agreement No. 11-15*, a *Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and the Lillian B. Reed Revocable Family Trust Dated October 11, 2006, for purchase of the subject property.
  - (b) Authorized a \$354,000 appropriation from the Housing Fund for acquisition and closing costs.
5. **Redevelopment Agency Board of Directors' Approval of *Agreement No. 11-16*, a *Purchase and Sale Agreement* by and Between the City of Montclair Redevelopment Agency and Edward Malinowski and Robert Malinowski Regarding the Multifamily Property Located at 10333 Pradera Avenue**

**Authorization of a \$434,000 Appropriation From the Housing Fund for Property Purchase and Closing Costs for the Multifamily Property Located at 10333 Pradera Avenue**

The Redevelopment Agency Board took the following actions related to the multifamily property located at 10333 Pradera Avenue:

- (a) Approved *Agreement No. 11-16*, a *Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and Edward Malinowski and Robert Malinowski regarding the subject property.
- (b) Authorized a \$434,000 appropriation from the Housing Fund for acquisition and closing costs.

**D. Resolutions - None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**7. Authorization to Allocate Funds From the Contingency Fund and Redevelopment Agency to the California Public Employees' Retirement System Replacement Benefit Plan**

Council Member Paulitz pointed out that the subject allocation to the California Public Employees' Retirement System Replacement Benefit Plan on behalf of retired City Manager Lee McDougal would be paid annually for the rest of Mr. McDougal's life. He advised that the Council should be aware of such future retirement allocations in view of recent state pension reform newspaper editorials.

Moved by Council Member Paulitz, seconded by Mayor Eaton, and carried unanimously that the City Council authorize funds to be allocated from the Contingency Fund and Redevelopment Agency to the California Public Employees' Retirement System Replacement Benefit Plan to meet contractual obligations on behalf of retired City Manager Lee C. McDougal.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel - None**

**B. City Manager/Executive Director**

1. City Manager/Executive Director Starr commented as follows:

- (a) He noted Director of Redevelopment/Public Works Staats and he would be testifying in Sacramento tomorrow before the newly formed **California Motor Vehicle Board** regarding **Volkswagen of America's** interest to locate at the **Metro AutoPlex**. He advised that he and Director of Redevelopment/Public Works Staats would be testifying that it would be a benefit to Montclair for the dealership to be located here in response to a protest action.
- (b) He reminded the Council of the Strategic Planning Session on Tuesday, February 1, 2011, at 2:00 p.m. in the Senior Center.
- (c) He reminded the Council of the Thayne Appeal Hearing scheduled for this Thursday at 6:00 p.m. in the City Council Chambers.
- (d) He advised that the Midyear Budget Review would be held Tuesday, February 15, 2011, at 6:00 p.m. in the City Council Chambers.

**C. Mayor/Chairman - None**

**D. City Council/Agency Board**

1. Council Member/Director Ruh commented as follows:

- (a) He gave the Mayor and Council Members T-shirts on behalf of approximately 1,200 **Montclair High School** students who participated in the **3rd Annual Miles for Montclair Walkathon** yesterday that raised over \$26,000 to aid homeless **MHS** students. He noted the

very sobering statistics that there are 400 **MHS** students and almost 23,000 students in San Bernardino County whom are classified under the **McKinney-Vento Homeless Assistance Act** as homeless according to **Margaret Hill, Ph.D.**, Assistant Superintendent, **SLPP, San Bernardino County Superintendent of Schools**. He stated, "It is truly a tragedy and one that we all need to take seriously," adding that he is pleased with the large turnout of students and their efforts to help their peers. He noted the following sponsors for the event: **Southwest Airlines, Vole Outdoor Products, Metro Nissan, Best Buy, Tommy's Original Hamburgers, DJ Eddie Boy, Back Abbey, Ontario-Montclair School District, Starbucks, KidCare International, Arrowhead Credit Union, HoneyBaked Ham, Gandolfo's, Logan's Candies, and Majestic Trophy.**

Council Member Ruh advised that **Assembly Member Torres** participated in the event and that it was truly a peaceful way to honor **Dr. King's** legacy.

- (b) He noted his attendance on January 12, 2011, at a **Metro Gold Line Foothill Extension** meeting in Pomona related to expansion of the light-rail system from the San Gabriel Valley to Montclair. He noted the approximately forty to fifty meeting attendees were given an opportunity to comment on the plans for the project.
- (c) He noted he attended along with about 35 others **Fourth District Supervisor Ovitt's** recent San Bernardino County scoping meeting and that similar meetings are being held throughout the county.
- (d) He commented on the following historical events:
  - (1) Yesterday marks the 82nd birthday of the **Reverend Dr. Martin Luther King Jr.** Council Member Ruh stated, "Were he here today, I think he would look at a very difference America than the one he envisioned."
  - (2) Yesterday was also the 50th anniversary of **President Dwight D. Eisenhower's** famous farewell address warning about the dangers of the military-industrial complex concept, which refers to policy and monetary relationships between legislators, national armed forces, and the industrial sector that supports them. He stated, "Perhaps we should have listened."
  - (3) This Thursday, January 20, 2011, will mark 50 years since **President John F. Kennedy** was inaugurated—"The first Roman Catholic ever to be President during a very interesting era."
  - (4) **Robert Sargent Shriver Jr.**, an American statesman and activist and father of former **First Lady of California Maria Shriver**, passed away today. One of the great men of our nation; his accomplishments in life truly dwarf that of most of us. **Mr. Shriver** spent his life helping those most in need. He founded numerous social programs and organizations, including **Head Start, VISTA (Volunteers In Service To America), Upward Bound, Foster Grandparents**, and the **Job Corps**, and was

active in the **Special Olympics**, founded by his wife, **Eunice Kennedy Shriver**. He served as the first director of the **Peace Corps** and as U.S. Ambassador to France from 1968 to 1971. His entire life was spent in service to this nation.

Council Member Ruh stated that a little-known achievement of **Mr. Shriver's** is that he served as Special Assistant to **President Lyndon B. Johnson** and is known as the organizer of the Johnson administration's "War on Poverty." He noted from 1964 to 1969, poverty rates were cut in half, dropping to their lowest level since comprehensive records began in 1958. He advised that today, the scales have been reversed; and one in six Americans lives in poverty. He suggested the country needs more social welfare programs for the poor.

Council Member Ruh stated that **Mr. Shriver** was a man of faith like **Dr. King** who attended Mass daily, even as he struggled with Alzheimer's disease. He noted **Mr. Shriver**, along with **Dr. King**, believed in the Christian tenets to which we should all ascribe: feed the hungry, clothe the naked, and shelter the homeless. He noted it is a doctrine as old as Christianity itself but seems to have been forgotten by many today.

Council Member Ruh commented that "we live in an era where we've seen a lot of violence recently, which harkens back to the 1960s—we see the same imagery then as we do now. We have a nation that is sadly very divided as it was in the 1960s. We need to find ways for all of us to try to come together as Americans. We have been divided by race, creed, color, lifestyle, demographics, and income. We're completely split apart rather than unified."

Council Member Ruh noted these turbulent times remind him of the following quotation from **Oresteia**, a trilogy of Greek tragedies written in 458 B.C. by one of his favorite authors, **Aeschylus**, that is very appropriate today and expressed his hope that "all of us in public life would remember these words so we could continue to strive to unify us, not divide us":

*There is no hope nor future for a land whose mind is split into two, and where each half strives only to destroy the other. Give Athens a single mind, a whole mind, as a marriage gives to two strangers one child.*

Council Member Ruh noted the **MHS** students "gave a great example in their unity, we need to follow that."

2. Council Member/Director Dutrey urged that the City take a stand in opposition to **Governor Brown's** proposal to eliminate redevelopment agencies, which is a short-sighted public policy that would further damage our economy while bringing little budget relief to the state. He noted from a policy standpoint, the **Governor's** proposal makes little sense

because redevelopment is a financing tool to build and improve communities and spur job growth and taxes and is the most significant provider of infrastructure, urban development, and affordable housing in the state. He advised that the message the City must send to **Governor Brown** is that redevelopment agency revenues are a local, not a state, fund as decided by the voters in 2008 (**Proposition 1A**) and 2010 (**Proposition 22**). He asked that staff place an item on the February 7, 2011 agenda related to adoption of a Resolution opposing fiscally irresponsible state budget decisions to shift local government redevelopment funds to the state.

Council Member Dutrey advised that the state passed legislation in the early 1990s that authorized the shift of property taxes from local governments to K-14 school agencies and a corresponding reduction in the state's support of K-14 education to resolve its budget shortfall. He noted the state has revised the **Revenue and Taxation Code** numerous times since then to modify the calculations and continue the tax shift. He noted Redevelopment Agency funds contributed to construction of the new Police headquarters, Ramona Avenue/Union Pacific Railroad grade separation, Mission Boulevard improvements, the **Montclair Plaza** parking structure, and the Monte Vista Avenue onramp.

3. Mayor Pro Tem/Vice Chairperson Raft concurred wholeheartedly with Council Member Dutrey's comments and suggestion, stating, "At least we have got to try."
4. Council Member/Director Paulitz noted City Manager Starr's and his attendance on January 6, 2011, at a groundbreaking ceremony at **Montclair High School** for a new \$10 million, two-story, 32-classroom building at the southeast portion of the campus to replace 30 portable classrooms. He noted the building would incorporate green design features and would be "a nice addition to our town."

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of January 3, 2011**

The City Council received and filed the Personnel Committee meeting minutes of January 3, 2011, for informational purposes.

## **XII. APPEAL HEARING**

### **A. Appeal Hearing for James Thayn**

Moved by Mayor Eaton, seconded by Council Member Dutrey, and carried unanimously to continue this item to an adjourned meeting on Thursday, January 20, 2011, at 6:00 p.m. in the City Council Chambers.

## **XIII. STRATEGIC PLANNING SESSION**

### **A. Strategic Planning Session**

Moved by Mayor/Chairman Eaton, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, February 1, 2011, at 2:00 p.m. in the Senior Center.

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

At 7:47 p.m., Mayor Eaton adjourned the City Council to Thursday, January 20, 2011, at 6:00 p.m. in the City Council Chambers.

At 7:47 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Tuesday, February 1, 2011, at 2:00 p.m. in the Senior Center.

At 7:47 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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

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Yvonne L. Smith  
Transcribing Secretary