

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, AUGUST 1, 2011, 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 Ruh led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Council Member/Director Dutrey is not in attendance at the meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Paulitz 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; Deputy City Clerk/Agency Secretary Smith

Absent: Council Member/Director Dutrey (excused)

V. PRESENTATIONS – None

VI. PUBLIC COMMENT

A. Ms. Jennifer Nessler, Field Representative, Assembly Member Torres's District Office, 13160 7th Street, Chino, announced the following events:

1. *28th Annual National Night Out* - Tuesday, August 2, 2011. **Assembly Member Torres** will visit Montclair's celebration that will again be held in the **Target** parking lot, 9052 Central Avenue, from 5:00 to 8:00 p.m.
2. *Mortgage and Foreclosure Fraud Awareness Workshop* - Saturday, August 27, 2011, from 8:30 a.m.-12:30 p.m. at **Ontario Police Department** Community Room, 2500 South Archibald Avenue, Ontario. Presentations will be given on impacts of foreclosure fraud, reverse mortgage fraud and other fraud against seniors, and foreclosure prevention.

Mayor Eaton thanked **Ms. Nessler** for the announcements.

- B. **Mr. Don Vodvarka**, 10202 Columbine Avenue, Montclair, discussed an ongoing matter in his neighborhood related to brown lawns and weed growth, which is particularly evident between the curb and sidewalk and curb and asphalt along Columbine and Saratoga Avenues, causing him much embarrassment when entertaining at his home. He noted he has been complaining off and on to Code Enforcement about this matter and submitted a list of properties in violation of the City's Property Appearance Ordinance to Director of Community Development Lustro.

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

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Ruh, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. **Minutes of the Regular Joint Council/Agency Board/MHC Board Meeting of July 18, 2011**

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved the minutes of the July 18, 2011 regular joint meeting.

B. Administrative Reports

1. **Setting a Public Hearing to Consider Ordinance No. 11-925 Amending Section 8.32.010 of Title 8 of the Montclair Municipal Code Pertaining to Maximum Speed Limits on Mills Avenue**

The City Council set a public hearing for Monday, August 15, 2011, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 11-925 amending Section 8.32.010 of Title 8 of the Montclair Municipal Code pertaining to maximum speed limits on Mills Avenue.

2. Setting a Public Hearing to Consider Ordinance No. 11-926 Electing to Comply With and Participate in the Voluntary Alternative Redevelopment Program Contained in Part 1.9 of Division 24 of the California Health and Safety Code

The City Council set a public hearing for Monday, August 15, 2011, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 11-926 electing to comply with and participate in the Voluntary Alternative Redevelopment Program contained in Part 1.9 of Division 24 of the California Health and Safety Code.

3. Authorization to Receive \$10,000 Donation From Montclair Hospital Medical Center for Purchase of Specialized Emergency Medical Services Equipment and/or Supplies

The City Council authorized the Fire Department to receive a \$10,000 donation from Montclair Hospital Medical Center for purchase of specialized emergency medical services equipment and/or supplies.

4. Authorization to Purchase Two 2011 Chevrolet Caprice PPV Sedans With Detective Packages From Mark Christopher Chevrolet

The City Council authorized the purchase of two 2011 Chevrolet Caprice PPV sedans with detective packages from Mark Christopher Chevrolet.

5. Redevelopment Agency Board of Directors' Approval of the Filing of a Notice of Completion, Reduction of the Faithful Performance Bond to 10 Percent, and Retention of the Payment Bond for Six Months for the 9916 Central Avenue Landscape Improvement Project

Release of Retention 30 Days After Recordation of Notice of Completion

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

- (a) Approved the filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.

- (b) Authorized reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Authorized retention of *Payment Bond* for six months.
- (d) Authorized release of retention 30 days after recordation of *Notice of Completion*.

6. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 1, 2011, totaling \$1,398,134.49; and the Payroll Documentation dated June 19, 2011, amounting to \$702,872.39, with \$478,562.48 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 11-102 Amending Agreement No. 06-18 With San Bernardino Community College District, Crafton Hills College, Authorizing the Fire Department to Provide Clinical Training to Emergency Medical Students

The City Council approved *Agreement No. 11-102* Amending Agreement No. 06-18 with San Bernardino Community College District, Crafton Hills College, authorizing the Fire Department to provide clinical training to emergency medical students.

2. Authorization to Retain Beard/Provencher and Associates, Inc., to Provide Specialized Fire Plan Checking Services for Fire Sprinkler, Fire Alarm, Underground Fire Line, Fire Pump, and Standpipe Plans

Approval of Agreement No. 11-103 With Beard/Provencher and Associates, Inc., to Provide Such Specialized Services

The City Council took the following actions:

- (a) Authorized retention of Beard/Provencher and Associates, Inc., to provide specialized fire plan checking services for fire sprinkler, fire alarm, underground fire line, fire pump, and standpipe plans.
- (b) Approved *Agreement No. 11-103* with Beard/Provencher and Associates, Inc., to provide such specialized services.

3. Approval of Agreement No. 11-104 With All City Management Services, Inc., for School Crossing Guard Services

The City Council approved *Agreement No. 11-104* with All City Management Services, Inc., for school crossing guard services.

4. **Approval of *Agreement No. 11-105* With The Liquidation Company for the Public Sale of Surplus and Unclaimed Property**

The City Council approved *Agreement No. 11-105* with The Liquidation Company for the public sale of surplus and unclaimed property.

D. Resolutions

1. **Adoption of Resolution No. 11-2919 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts**

The City Council adopted Resolution No. 11-2919 authorizing placement of assessments on the 691 properties listed on Exhibit A of the Resolution for delinquent sewer and trash accounts.

2. **Adoption of Resolution No. 11-2920 Authorizing Staff to Submit an Application to the State for Funding Under the Proposition 1B State-Local Partnership Program**

The City Council adopted Resolution No. 11-2920 authorizing staff to submit an application to the state for funding under Proposition 1B State-Local Partnership Program of curb, gutter, and sidewalks in residential areas along Monte Vista Avenue between Mission and Phillips Boulevards for pedestrian safety and the new loop road connecting Monte Vista Avenue with State Street for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

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 City Manager Starr, Assistant Director of Human Services Richter, and he attended **Assembly Member Torres's** open house on Saturday honoring local businesses, women, and veterans. He noted **Nationwide Insurance**, owned and operated by **Mr. Dan**

Neale, the City's Health Education Specialist Leticia Gavilanes, and Montclair resident **Mr. Arturo Padilla** were honored; and he thanked them for all they do for the community.

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

- (a) He congratulated all honorees at **Assembly Member Torres's** open house, noting he was unable to attend because of his involvement through work at a Mortgage & Fraud Prevention Workshop. He noted he conveyed his best wishes to **Assembly Member Torres** earlier that day.
- (b) He noted the **California Citizens Redistricting Commission (CCRC)**, in compliance with the Voters FIRST Act, is comprised equally of Democrats, Republicans, and those who are independent or unaffiliated and tasked with drawing Congressional, Legislative, and State Board of Equalization district lines in conformity with strict, nonpartisan criteria designed to create districts of relatively equal population that will provide fair representation for all Californians including the following:
 - (1) Compliance with **Voting Rights Act** to ensure minorities have equal opportunity to elect representatives of their choice.
 - (2) Districts must be contiguous so that all parts of the district are connected to each other.
 - (3) Districts must respect the boundaries of cities, counties, neighborhoods, and communities of interest, and minimize their division, to the extent possible.
 - (4) Districts should be geographically compact to have a fairly regular shape.

Council Member Ruh noted his attendance at five of the **CCRC** meetings throughout the state and that he has closely followed how lines were drawn. He gave as an example a draft visualization plan for our Congressional District released last month that included the cities of Pomona, Claremont, Upland, Montclair, Ontario, and Rancho Cucamonga, noting the proposed district conformed to new district criteria. He advised, however, that the final draft plans approved by the **CCRC** on Friday

changed the initial plan to group together Pomona, Montclair, and Ontario with Bloomington, Grand Terrace, and downtown Rialto while splitting Upland at 15th Street into two different districts. He noted the local Assembly District includes Pomona, Ontario, Montclair, and Chino, which do have a commonality of interest, though the 21st Senatorial District in the Burbank and Glendale area would, oddly enough, include Upland. He advised that the proposal for our Congressional District is "rather frustrating because our interests do not lie with Bloomington and Grand Terrace, which are nice communities, but our interests lie out here. I really wonder what this Commission was trying to do. I wish the Commission would have taken more time to do their job correctly—would have listened to input from residents, not input from professional politicians who had their representatives there. Most of the meetings had individuals there arguing on behalf of one politician or another."

Council Member Ruh cited articles written by **Mr. Tony Quinn**, a former Republican strategist, and **Mr. Paul Mitchell**, a Democratic strategist, who make the same criticisms of the new district lines. He quoted a portion of Mr. Quinn's article as follows:

"Often the Commission went to ridiculous extremes in the line drawing. Libert Ontai, a San Diego Commissioner and Republican, made it clear he would not vote for any Senate plan unless two San Diego Asian areas many miles apart were placed in the same district. The result is an absurd Senate district that probably is unconstitutional and probably in violation of compactness."

Council Member Ruh noted "whatever the racial politics are, they can be balanced out; but the districts need to be compact. I think that's what the authors are stating. These districts are not compact. We really need to watch this." He expressed his hope that more residents would email their thoughts to the Commission.

Mayor Eaton asked, "In your opinion, what will it take to fix the redistricting system?"

Council Member Ruh answered, "Lawsuits that are already being filed. They may ask cities to join in on some of those lawsuits." He noted individuals are arguing about the absurd boundaries that make absolutely no sense, particularly when cities are divided. He indicated that communities of interest should be based on "economics, demographics, where people shop, recreate, and go to school—all the common ties of a community."

- (c) He noted finding a vintage ad online related to the new Montclair Fire Department's air conditioning system. He suggested the ad be archived along with "all the pieces of Montclair history that residents have" until they could be displayed when the Reeder Ranch becomes a museum.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of July 18, 2011

The City Council received and filed the Personnel Committee meeting minutes of July 18, 2011, for informational purposes.

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

At 7:16 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
Deputy City Clerk