

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR  
AGENCY AND MONTCLAIR HOUSING CORPORATION,  
BOARDS HELD ON MONDAY, OCTOBER 15, 2012,  
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**

**Pastor Vicki Brobeck, Grace Fellowship Foursquare Church**, 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; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; City Attorney Robbins; Deputy City Clerk Smith

**V. PRESENTATIONS**

**A. Introduction of New Employee**

Fire Division Chief Jackson introduced **Mr. Nathan Brooks**, who was appointed to the position of Firefighter/Paramedic effective September 24, 2012. He noted Firefighter/Paramedic Brooks completed **Crafton Hills College** Regional Fire Academy in 2010 and the Paramedic Program in 2011. He added that Firefighter/Paramedic Brooks is currently an emergency medical technician instructor at the college and previously worked as an EMT-Basic and Paramedic for **American Medical Response**.

Mayor Eaton welcomed Firefighter/Paramedic Brooks to the Montclair City family and presented him with a City pin.

**B. Proclamation Declaring October 18, 2012, as "Lights on After-school" Day in the City of Montclair**

Mayor Eaton presented a proclamation to Senior Recreation Supervisor Laura Floyd Cole declaring October 18, 2012, as "Lights on Afterschool" in the City of Montclair.

Senior Recreation Supervisor Floyd-Cole accepted the proclamation and thanked Mayor Eaton. She stated that the Human Services Division is very proud to sponsor its *13th Annual Lights on Afterschool* event this Thursday, October 18, 2012, from 6:30 to 8:30 p.m. in the Community Center. She noted the event gives the community an opportunity to see how their children are served by after-school programs and that this year's theme, "The Arts," will showcase visual and performing arts. She stated that the children have worked very hard on their performances and artwork and look forward to having the City Council and community "come out and join us."

**VI. PUBLIC COMMENT**

Mayor Eaton advised speakers that they will be afforded five minutes each to address the City Council.

- A. Mr. Roger Lambert**, 4861 Fauna Street, Montclair, noted he was delayed going home a few weeks ago because Orchard Street at the intersection of Tudor Avenue was closed as a result of an accident involving a young female who was struck by a vehicle. He noted the way Tudor Avenue jogs one street width to the west presents a dangerous situation because motorists traveling north on Tudor Avenue have poor sight visibility at the intersection. He suggested either a traffic signal or flashing in-pavement lights be installed to alert motorists when pedestrians are using the crosswalk.

Mayor Eaton thanked **Mr. Lambert** for his comments and advised that City Engineer Hudson would follow up on his suggestions.

- B. Mr. Rob Pipersky**, 4319 Orchard Street, Montclair, noted he has been a Police Officer in Montclair for over 32 years, including his time as a Reserve Officer, and commented as follows:
1. He stated that it has been the goal of the Police Department to clean up problem areas in the City and that through the years, the Police Department has seen an overall 25 percent reduction in crime that continues to decline. He stated that he is proud as an Officer and resident of Montclair to be a part of this crime reduction.
  2. He expressed his concern that City Council candidate, business owner, and investor **Sean Brunske** indicated at the **San Bernardino Public Employees Association** candidate

interviews and in his campaign mailer that it is his intent if elected to relax the City's Code Enforcement standards and to streamline the building permit process. He noted doing so would allow businesses of questionable nature into our City.

3. He noted he was shocked to learn from an Internet search that the **Traveler's Inn** in Indianapolis, Indiana, owned by **Mr. Brunske** is listed as "the worst of the worst motels in Indianapolis and was responsible from June 6, 2008, to June 13, 2011, for more than 1,214 Police runs." Additionally, he stated that the motel was responsible for involving at least 2,269 Officers in calls ranging from assaults, disturbances, strangulations, and illegal narcotics along with public safety and nuisance activity. He stated, "The Indianapolis prosecutors indicate that no other hotel or lodging in their jurisdiction has had similar numbers of criminal or nuisance activity or consumed a similar level of public safety time and resources. It is estimated to have cost the Indianapolis Police Department between \$200,000 and \$250,000 for these responses to **Mr. Brunske's** property. The next most resource-intensive hotel had comparatively 36 percent fewer Police runs. The **Traveler's Inn** motel was also found to have at least 114 violations of Indiana's minimum health and hospital code standards, and **Mr. Brunske** apparently has failed to obtain a business license for the property. Indianapolis officials have filed a complaint for permanent injunction, fines, and punitive damages against **Mr. Brunske** for the property. Apparently, **Mr. Brunske** has had similar failed experiences including the **USA Hotel** property in Fort Mitchell, Kentucky."
4. He asked that the City Council not allow **Mr. Brunske**, whether he is elected to the City Council or not, to have an influence on City Planning rules and regulations that would allow him to bring these types of seedy businesses to Montclair and cause an unwelcome drain on City resources.
5. He expressed his concern that residents are being asked by the leadership of the Montclair Police Officers Association and Montclair Fire Fighters Association to consider **Mr. Brunske's** candidacy without the benefit of knowing what type of business or political partner and leader he would be.

Mayor Eaton thanked Officer Pipersky for his comments.

- C. **Ms. Nadia Paz** identified herself as a Customer Service Representative/Office Specialist in the City of Montclair Finance Division. She stated that she fears for her safety and that of her coworkers, colleagues, and Montclair residents should City Council candidate and former Assistant Finance Director **Richard Beltran** be elected at

the November 6, 2012 General Municipal Election. She described the unfortunate circumstances surrounding her working relationship with **Mr. Beltran**, her former supervisor, from which a platonic friendship developed that deteriorated rapidly with **Mr. Beltran's** inability to accept rejection of his romantic pursuits. She stated that during this time, **Mr. Beltran** demonstrated an inability to lead while behaving in an unprofessional irrational manner that culminated in her formal complaint against him on July 19, 2011, and his early retirement on September 30, 2011, to prevent the matter being further investigated. She concluded her remarks by asking, "Given the fact that **Mr. Beltran** is emotional, irrational, conducts himself unprofessionally, and is unable to acknowledge when he is wrong, what can the City do to shield us from his behavior?"

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

- D. Senior Accountant Michael Piotrowski, Finance Division, City of Montclair, stated that he is speaking in support of Finance Division staff to attest to the circumstances under which **Mr. Beltran** left the City of Montclair. He advised the residents of Montclair that he believes "**Mr. Beltran's** candidacy is not in the best interests of the City, given his history; and it seems to me to be more vengeful than productive."
- E. **Ms. Raquel Badawi** identified herself as an Accounting Specialist in the City of Montclair Finance Division and commented as follows:
  - 1. She likewise expressed her concern regarding **Mr. Beltran's** candidacy for Montclair City Council because his unprofessionalism on a day-to-day basis while employed as the City's Assistant Finance Director during the period of time between 2010 and his retirement caused staff much stress and contributed to a very uncomfortable, hostile work environment. She advised that **Mr. Beltran's** emotional outbursts and erratic behavior related to his infatuation with **Ms. Paz** and his inability to accept rejection created a very stressful disruptive atmosphere at work that caused her to feel unsafe.
  - 2. A 33-year Montclair resident, **Ms. Badawi** emphasized for the benefit of employees and residents that it is doubtful **Mr. Beltran** has the best interests of the City of Montclair at heart, given the fact that he has never acknowledged nor has he accepted responsibility for his abusive treatment of Finance Division staff.
- F. **Mr. Victor Flores** thanked the City Council and staff for allowing him this opportunity to comment, noting he would do so as an Accounting Specialist with the City of Montclair Finance Division and as a 30-year Montclair resident. He stated that as a former subordinate to **Mr. Beltran**, he questions **Mr. Beltran's**

"extremely dangerous motives" for running for a seat on the Montclair City Council since his early retirement last year. **Mr. Flores** emphasized "what a grave and dangerous hazard to the City's best interests would result if **Mr. Beltran** were elected" because of erratic and unprofessional behavior related to the deterioration of his friendship with **Ms. Paz** in the two years prior to his retirement, which created an unhealthy working environment and caused animosity among Finance Division employees. He expressed his disappointment and concern regarding **Mr. Beltran's** increasingly distraught behavior in his futile attempts to regain his authority, once removed as supervisor of the Finance Division, by his overt harassment of Senior Accountant Piotrowski, advising that he experienced hair loss from the extreme stress at work during that period.

**Mr. Flores** concluded his comments by asking that his concerns be considered and further addressed by staff.

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

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

Council Member Ruh requested that Items B-7 and B-9 be removed from the Consent Calendar for comment.

Council Member Dutrey requested that Item D-2 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried to approve the following Consent Items as presented:

**A. Approval of Minutes**

**1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board of October 1, 2012**

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and Montclair Housing Corporation Board of Directors approved the minutes of the October 1, 2012 regular joint meeting.

**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 September 30, 2012.

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

The City Council approved the City Warrant Register dated October 15, 2012, totaling \$1,056,841.02, the Payroll Documentation dated August 26, 2012, amounting to \$590,966.18, with \$417,818.00 being the total cash disbursement, and the Payroll Documentation dated September 9, 2012, amounting to \$571,971.63, with \$402,992.34 being the total cash disbursement.

**3. Receiving and Filing of Successor Agency Treasurer's Report**

The City Council acting as successor to the Redevelopment Agency Board received and filed the Agency Treasurer's Report for the month ending September 30, 2012.

**4. Approval of Successor Agency Warrant Register**

The City Council acting as successor to the Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 9.01.12-9.30.12 in the amounts of \$67.73 for Project I; \$0.00 for Project II; \$22,686.17 for Project III; \$564.35 for Project IV; \$2,540.85 for Project V; \$0.00 for the Mission Boulevard Joint Redevelopment Project; and \$0.00 for the Recognized Obligation Retirement Funds.

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

The MHC Board received and filed the MHC Treasurer's Report for the month ending September 30, 2012.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 9.01.12-9.30.12 in the amount of \$39,705.34.

**8. Authorization to Receive \$12,681.35 From the FY 2011 State Homeland Security Grant Program for Purchase of Emergency Medical Gloves**

**Authorization of a \$12,681.35 Appropriation From the Contingency Account to Purchase Emergency Medical Gloves From Life-Assist, Inc.**

The City Council authorized the following actions:

- (a) The Fire Department to receive \$12,681.35 from the FY 2011 State Homeland Security Grant Program.

- (b) A \$12,681.35 appropriation from the Contingency Account for purchase of emergency medical gloves from Life-Assist, Inc.

**10. Receiving and Filing Status Report on Emergency Contracting Procedures Related to Certain Repairs at Kingsley Park and Determining There Is a Need to Continue the Action**

The City Council took the following actions:

- (a) Received and filed the agenda report on emergency contracting procedures related to certain repairs at Kingsley Park.
- (b) Determined there is a need to continue the action.

**11. Montclair Housing Corporation Board of Directors' 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 the 4791, 4811, and 4820 Canoga Street Improvement Project**

**Release of Retention 30 Days After Recordation of *Notice of Completion***

**Authorization of Additional \$729 Construction Contingency for Costs Related to Project Scope of Services**

The Montclair Housing Corporation Board of Directors took the following actions related to the 4791, 4811 and 4820 Canoga Street Improvement 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) Will release retention 30 days after recordation of *Notice of Completion*.
- (e) Authorized an additional \$729 construction contingency for costs related to project scope of services modifications.
- (f) Authorized a \$729 appropriation from the Montclair Housing Corporation Fiscal Year 2012-13 Budget for costs associated with the project.

**12. Receiving and Filing of Alcoholic Beverage Permit Application – Bowlium**

The City Council received and filed the Alcoholic Beverage permit application for a Type 47 – "On-Sale General – Eating Place" license for the Bowlium, 4666 Holt Boulevard, Montclair, California, to allow the continued sale and service of beer, wine, and distilled spirits at the establishment.

**C. Agreements**

**1. Approval of *Agreement No. 12-96* With Monte Vista Water District Regarding Transfers of Ownership of Various Parcels of Land**

The City Council approved *Agreement No. 12-96* with Monte Vista Water District regarding transfers of ownership of various parcels of land.

**2. Acceptance of Request by Low Bidder E. Avico, Inc., to Rescind Its Bid**

**Award of Contract for the Community Center Restroom Project to T. A. Pointer Enterprises, Inc., in the Amount of \$314,499**

**Approval of *Agreement No. 12-97* With T. A. Pointer Enterprises, Inc., for the Community Center Restroom Project**

**Authorization of a \$40,000 Construction Contingency**

The City Council took the following actions related to the Community Center Restroom Project:

- (a) Accepted a request by low bidder E. Avico, Inc., to rescind its bid.
- (b) Awarded a contract to T. A. Pointer Enterprises, Inc.
- (c) Approved *Agreement No. 12-97* with T. A. Pointer Enterprises, Inc.
- (d) Authorized a \$40,000 construction contingency.

**D. Resolutions**

**1. Adoption of Resolution No. 12-2969 Adopting a Five-Year Capital Project Needs Analysis**

The City Council adopted Resolution No. 12-2969 adopting a Five-Year Capital Project Needs Analysis.

3. **Adoption of Resolution No. 12-08, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency Approving the Housing Due Diligence Audit Review Completed by Teaman, Ramirez & Smith, Inc.**

The City Council adopted Resolution No. 12-08, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency approving the Housing Due Diligence Audit Review completed by Teaman, Ramirez & Smith, Inc.

## **IX. PULLED CONSENT CALENDAR ITEMS**

### **B. Administrative Reports**

7. **Approval of a Time Extension Request for a Precise Plan of Design for a 129-Unit Residential Development Within the North Montclair Downtown Specific Plan**

Council Member Ruh spoke in support of the project because it would provide jobs, construction, property and retail sales tax revenues, and a commercial component. He asked when the project is expected to move forward.

Director of Community Development Lustro advised that Hutton Development plans to break ground on the project by July or August 2013.

Council Member Ruh noted the project will provide 129 housing units featuring 99 apartment units built to condominium standards, 30 single-family units, and a commercial element. He noted the project would mirror transit-oriented developments in Irvine, Pasadena, and old town San Diego that offer different modes of transportation to their residents.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council approve a one-year time extension to December 6, 2013, for a Precise Plan of Design related to the 129-unit Arrow Station residential development within the North Montclair Downtown Specific Plan.

9. **Receiving and Filing the Results of Omnitrans "Go Smart" College Free Pass Pilot Program**

Council Member Ruh noted the program was designed to provide students attending California State University, San Bernardino; Chaffey College; Crafton Hills College; and San Bernardino Valley College free passes to take Omnitrans buses to and from school. He stated the project has been phenomenally successful in reducing emissions and 11,447 trip days to Chaffey College; 1,098 trip days to Valley

College; and 118 trip days to California State University, San Bernardino; for a total of 12,663 trip days. He advised the statistics show the impact mass transit has on our community and the need for it. He stated he is pleased so many students participated in the worthwhile program.

Mayor Pro Tem Raft noted she was astounded by the overall ridership results and pollution reductions. She stated that Montclair's contribution of \$7,350 of its share of AB 2766 funds was well worth it because 199 Montclair students participated in the program. She stated, "I think it is a great program—too bad we did not start it a long time ago."

Mayor Eaton noted he recalls when the program was presented to the Omnitrans Board of Directors and that it received a unanimous vote once a few of the cities decided they could contribute their fair share of program costs. He noted the Board is extremely pleased that the program has worked as well as it has.

Council Member Dutrey noted the program is certainly advantageous for our students considering the outrageously high gasoline prices. He noted the Montclair Golden Xpress Senior Citizen Transportation Program was implemented ten years ago thanks to Council Member Paulitz. He stated that he is pleased AB 2766 subvention funds were used for this worthwhile program that is an added investment in the community.

Council Member Ruh noted an added benefit of the program is that students are able to use their passes for transportation to and from work.

Council Member Paulitz noted the AB 2766 Subvention Fund Program is through the South Coast Air Quality Management District and that he formerly served as a member of the District's Board of Directors.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously that the City Council receive and file the results of Omnitrans' "Go Smart" College Free Pass Pilot Program.

#### **D. Resolutions**

- 2. Adoption of Resolution No. 12-2970 Urging Members of Congress to Pass and the White House to Sign Legislation to Avert Across-the-Board Fiscal Year 2013 Sequestration Cuts and to Come Together to Develop a Long-Term Budget Compromise**

Council Member Dutrey asked if the cuts would affect Community Development Block Grant (CDBG) and other federal funding.

City Manager Starr advised that the recommendation is for across-the-board cuts if Congress does not cobble together a plan for the necessary reductions as directed under the Budget Control Act of 2011. He noted the cuts would include CDBG funding.

Council Member Dutrey noted there would be massive cuts to defense funding and other programs that would definitely affect Montclair.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council adopt Resolution No. 12-2970 urging Members of Congress to pass and the White House to sign legislation to avert across-the-board Fiscal Year 2013 sequestration cuts and to come together to develop a long-term budget compromise.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

**1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator Edward C. Starr**

*Agency: City of Montclair*

*Employee Organizations: Management  
Montclair Fire Fighters Association  
Montclair Police Officers Association  
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session regarding the above matter.

**B. City Manager/Executive Director**

**1. City Manager Starr addressed the following questions and comments raised by staff earlier this evening:**

- (a) He concurred with remarks made by Officer Pipersky concerning **Mr. Brunske** in that he received a telephone call last week from **Indianapolis City Prosecutor Helen Marchal** seeking contact information for **Mr. Brunske**

because her office has been attempting for a number of months to serve him with a complaint for a permanent injunction, fines, and punitive damages regarding his failure to properly maintain the **Travelers Inn** property.

He advised it certainly is a concern for the City if it is **Mr. Brunske's** intent if elected to the City Council to relax the City's Code Enforcement standards and to streamline the building permit process to allow such businesses in Montclair. He stated, "I would hope **Mr. Brunske** would take that into consideration and amend his platform, at least as it relates to those issues."

- (b) He stated that though he cannot discuss a personnel matter, he is able to address the requests for some means of protection for Finance Division employees related to **Mr. Beltran's** candidacy. In response to their reservations and concerns related to adverse impacts should **Mr. Beltran** be elected to the City Council, he noted the City Attorney has advised it would be the City's obligation to seek a restraining order against **Mr. Beltran** from appearing at City Hall during whatever times the court would restrict him. He noted his presumption that the court would allow **Mr. Beltran** to attend City Council meetings if a restraining order is issued; however, the court order would likely impact **Mr. Beltran's** ability to visit City Hall beyond the hours of City Council meetings. He expressed his understanding that the City Council cannot give such direction, though it is certainly something the City Attorney would pursue and perhaps something that the organization would have to respond to and address should **Mr. Beltran** be elected to the City Council.

### C. Mayor/Chairman

#### 1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance on September 21, 2012, along with Mayor Pro Tem Raft and Council Member Dutrey at the very spirited and successful second annual Bully Awareness Campaigns held at **Serrano** and **Vernon** middle schools. He noted the programs were helpful to teach students how to intervene and find help if they witness someone being bullied, what the consequences are for bullies, and to make a commitment to take a stand against bullying.
- (b) He noted his attendance at recent **Omnitrans, Metrolink, and San Bernardino Associated Governments** Board meetings.

- (c) He noted he had the great distinction of honoring **Ms. Mary Cotter** at her 100th birthday party last Thursday at the Senior Center, which was filled to capacity in her honor. He noted the "very sweet and wonderful" **Ms. Cotter** insists on serving him a beverage whenever he attends the senior lunch program. He stated, "Thank God for **Mary**," who has volunteered for over 20 years at the lunch program and, amazingly, continues to drive!
- (d) He noted reading in certain campaign fliers distributed by **Mr. Beltran** and **Mr. Brunske's** that the City Council forced the paramedic unit to be parked. He stated, "This City Council never ordered that unit parked. That came from the Fire Chief who is no longer here. That unit is back in service, but the point that people need to know is that when that unit was parked, whenever a fire truck went out, there was a paramedic on board. We were never without paramedic service, and I am really tired of them pounding us on public safety and paramedics."

#### **D. City Council/Successor Agency Board/MHC Board**

- 1. Council Member/Director Paulitz commented as follows:
  - (a) He likewise noted his attendance at **Ms. Cotter's** birthday party. He noted he frequently attends the senior lunch program and that before he can sit down, **Ms. Cotter** will have his hot water and teabag ready for him because she remembers what everyone drinks!
  - (b) He commended the Public Works employees for doing a great job building the **Americans With Disabilities Act**-compliant ramp approach to the south door of City Hall. He noted the project will be completed once the railings are installed and stated, "We did this in-house, thank goodness."
  - (c) He emphasized that Montclair limits one political sign per candidate per property. He advised those candidates with more than one sign per lot that they have until tomorrow to remove the extra signage "or somehow they might disappear."
  - (d) He announced the following City events:

*Community Health Fair* – Tuesday, October 16, 2012  
9:00 a.m. to 12:00 p.m.,  
Community Center

*2012 Candidates Forum* – Wednesday, October 17, 2012  
7:00 p.m., Senior Center

*Lights on Afterschool* – Thursday, October 18, 2012  
6:30 to 8:30 p.m.  
Community Center

Council Member Paulitz stated, "These are the things that this community looks forward to: the Family Fun Festival in June, the Halloween party, and the Christmas Tree-Lighting ceremony: These activities are what our residents want. They want their parks kept nice and clean and they want their streets swept. [These services], in my mind, are just as important as public safety. People do not want to have a policeman at the door—that is usually trouble! They do not want a fireman at the door because either there is a fire or somebody's hurt. I do not want to downgrade them, but I want to emphasize that this City has to satisfy all the residents of the community. If a candidate decides to run for office, he should be running on equality for everybody, a balanced budget, and enough reserves so we do not have another **City of San Bernardino.**"

2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
  - (a) She likewise noted her attendance at **Ms. Cotter's** birthday celebration. She stated, "You say she is driving; not only that but she does not wear glasses, her hearing is good, and she has a good memory. If any of us could be that lucky *if* we ever reach a hundred, it would be a blessing."
  - (b) She noted she asked **Ontario-Montclair School District** Board of Trustees President **Sam Crowe** at the Bullying Awareness Campaign last month if the program could be extended to all the schools in the **District**. She noted he indicated he would speak to the principals of each school about doing so. She emphasized that the most effective programs to reduce bullying start with training and take a comprehensive approach involving collaboration among students, parents, schools, and the community and that there is a positive change in culture and climate when all parties become involved stakeholders and take personal responsibility for standing up, speaking out, and eliminating bullying at every grade level.

3. Council Member/Director Dutrey commented as follows:
- (a) He noted it was his intent to wish **Ms. Cotter** a "happy birthday" last Friday because he was unable to attend her birthday party, though he learned she had taken Friday off to stay at a casino, where she was given the top suite and comped wherever she went in honor of her becoming a centenarian. He stated that he would see **Ms. Cotter** this Friday to wish her "happy birthday."
  - (b) He noted the Code Enforcement Committee met this evening to discuss reuse of the Déjà Vu site at the north-west corner of Central Avenue and Mission Boulevard. He stated that the San Bernardino County Planning Commission will consider a Conditional Use Permit (CUP) this Thursday to allow the establishment to serve alcoholic beverages and operate as a comedy club/sports bar. Noting staff has notified the County Planning Commission of the City's concerns and conditions of approval for the use, he advised it is the City's position and the Code Enforcement Committee's direction to staff to oppose the County Planning Commission's decision to grant a CUP for the proposed use. He advised that if the County Planning Commission does adopt the use, it is the City's intention to appeal the decision to the **San Bernardino County Board of Supervisors**.

Council Member Dutrey expressed his concern that the proposed use would become a nuisance related to the allowance of alcoholic beverages, which will most likely increase the number of calls for Montclair Police Department mutual-aid service at the establishment. He further expressed his opinion that the proposed use is not in the best interests of the City or the County.

- (c) He noted residents living in the newer neighborhood of Howard Street and Central Avenue expressed their concerns to him during his tours of the City a few weeks ago regarding theft of recyclable commodities, which he has noticed in his neighborhood as well. He asked that staff work with **Burrtec Waste Industries** on a pilot program to curtail theft of recyclable materials and report to the City Council at the November 19, 2012 meeting.
4. Council Member/Director Ruh commented as follows:
- (a) He noted he was unable to attend **Ms. Cotter's** birthday celebration, stating, "At a hundred years, it certainly is commendable. I work full-time, and I know she understands that. I still wish her very well; and as they would

say in Latin, '*Ave centauri vale*,' which is essentially, 'Happy hundred years.' I want to be as able as she is at 75 much less a hundred."

- (b) He noted his attendance on Saturday at the Fire Department's annual Open House and Pancake Breakfast that was "very successful" with a "very good turnout of residents." He noted the participation of the Community Action Committee, **Ontario-Montclair School District**, **Montclair Hospital Medical Center**, and several other community organizations. He noted the breakfast included pancakes, sausages, orange juice, and coffee for the low price of \$3 and that the demonstrations of fire safety and Exit Drills In the Home were most beneficial to the residents.
- (c) He read the following editorial he noticed in the ***Inland Valley Daily Bulletin*** that "would bear repeating here tonight because I think it is important":

*Montclair City Council is perhaps the easiest endorsement for our editorial board to make this election season.*

*It's a straightforward case of backing two incumbents who have worked responsibly to hold the line on city expenses in the face of the Great Recession and its aftermath.*

*We support Carolyn Raft and John Dutrey for reelection in this well-managed city.*

*Montclair, more than most cities in the Inland Valley, actually has reined in expenses in response to falling revenue. The city laid off 11 employees—regrettable but necessary—when it lost its redevelopment agency. It was one of the first in the area to go to a two-tier system that provides more modest pensions to new employees. And the city has insisted that employees pay more of the employee portion of their pension costs.*

*The pension issue has led to friction with public safety unions, and that disagreement lies at the center of this election. The police and fire unions, after reaching impasses with the city and having contracts*

*imposed upon them, want to get the incumbents out of office and replace them with union-friendlier challengers.*

*We think Dutrey, Raft, and their City Council colleagues are doing a good job of protecting the public purse while dealing fairly with employees. Raft has long been the fiscal hawk on the council. Dutrey, himself a public employee in Rialto and a booster of public safety, has been backed by the employee associations in past elections, but not this time.*

*Our view is that all public employees should pay the full employee share of their pension plans; that's why it's called the "employee share." Many councils shortsightedly agreed to pick it up when times were good, but those times are gone.*

*Police officers and firefighters are the good guys and gals in town, there to protect and serve the public. Their union leaders and lawyers, however, are out to get as big a chunk of the public purse as possible, which is their job. The best city councils and city managers, in our view, are willing to stand up to the financial and political power of the unions—not in order to underpay the members but to reach a reasonable balance that protects taxpayers.*

*In Montclair, the incumbents are doing just that. Reelect incumbents John Dutrey and Carolyn Rat.*

- (d) He stated that through work he had an opportunity over the weekend to meet with former Pasadena Mayor and Democratic nominee for the new 41st District of the **California State Assembly Chris Holden**. He noted the 41st District comprises La Cañada Flintridge, Alta Dena, Pasadena, Sierra Madre, Monrovia, Irwindale, San Dimas, La Verne, Claremont, and half of Rancho Cucamonga. In response to **Mr. Holden's** inquiries about issues in this area, Council Member Ruh advised him that the Gold Line, which **Mr. Holden** pushed to expand into the San Gabriel Valley, "is of vital economic and congestion-relieving importance to this region." He stated that

**Mr. Holden** was certainly surprised to learn that the **San Bernardino Associated Governments** did not include the Gold Line in its priorities, though Mayor Eaton pressed for its inclusion, and indicated he will represent Upland and Rancho Cucamonga as well as Claremont if elected and that he certainly intends to prioritize the Gold Line. Council Member Ruh noted he was pleased to learn that **Mr. Holden** has already worked with **U.S. Representatives Judy Chu, Grace Napolitano, Gary Miller, and Joe Baca** who agree on the importance of this project to expand mass transit opportunities. He advised that such modes of transportation are fairly convenient to use and they are certainly less than \$5 a gallon for gasoline.

- (e) He noted advising a resident at the Fire Department Open House who spoke of the need for sidewalks near Moreno Elementary School that the City balances the needs of a neighborhood to find an equitable solution to providing sidewalks.
- (f) He noted history buffs are aware that today marks 50 years since the beginning of the 13-day **Cuban missile crisis**, one of the major confrontations of the Cold War that put the world on the brink of nuclear war. He noted **President John F. Kennedy** and **Soviet Premier Nikita Krushchev** faced off in Cuba with a military blockade of Soviet nuclear missiles aimed at the United States being placed on Cuba. He stated it took leadership on both sides to prevent the total annihilation of the world. He stated, "At the time, both were criticized in their own countries and reviled by some. Fifty years later, we understand that their true leadership prevented a nuclear holocaust. I think we need to find ways to use good diplomacy that works and step up and be real leaders, whether at a very small local level, such as a school board, or whether at an international level, such as the President of the United States. I think it takes leadership; people willing to look at the whole example of everything and do not what is best for them and their legacy but what is best for everyone else."

## **E. Committee Meeting Minutes**

### **1. Minutes of Personnel Committee Meeting of October 1, 2012**

The City Council received and filed the Personnel Committee meeting minutes of October 1, 2012, for informational purposes.

**XII. COUNCIL WORKSHOP**

**A. AB 1484 (Amended Redevelopment Dissolution Legislation) and Montclair Successor Redevelopment Agency**

**B. City Auditor's Report**

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Raft, and carried to continue this item to an adjourned meeting on Monday, November 5, 2012, at 5:45 p.m. in the City Council Chambers.

**XIII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 7:56 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 7:56 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:12 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

**XV. ADJOURNMENT OF CITY COUNCIL**

At 8:13 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk