

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND
MONTCLAIR HOUSING CORPORATION BOARDS, AND
MONTCLAIR HOUSING AUTHORITY COMMISSION HELD
ON MONDAY, SEPTEMBER 15, 2014, AT 6:59 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 6:59 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ruh led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz; Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Director of Finance Parker; City Attorney Robbins; Acting Deputy City Clerk Phillips

V. PRESENTATIONS

A. Introduction of New Employees and Promotee

Fire Chief Mayhew introduced Fire Engineer James Colby, who was promoted to his new position effective August 25, 2014. He noted Engineer Colby began his career with the Montclair Fire Department as a Firefighter on June 9, 2008, and that he is now responsible for coordinating the Emergency Maps and Fire Preplan Program; as part of the program, he coordinates schedules and assignments for **Mt. San Antonio College** interns. He noted Engineer Colby serves as a member of the Station Beautification and CONFIRE committees and is a Criminal Justice instructor at **San Joaquin College**.

Mayor Eaton congratulated Engineer Colby on his promotion and presented him with a City pin.

Chief Mayhew introduced **Mr. Jordan Burchett**, who was appointed to the position of Firefighter/Paramedic effective August 25, 2014. He noted Firefighter/Paramedic Burchett became an Explorer with the San Bernardino County Fire Department in 2005 and in 2012 attended the **Victor Valley College** 35th Fire Academy and the 18th Paramedic Academy.

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

Chief Mayhew introduced **Mr. Michael Hernandez**, who was appointed to the position of Firefighter/Paramedic effective August 25, 2014. He stated that Firefighter/Paramedic Hernandez decided to become a Firefighter after assisting an injured person while in college and observing the ministrations of the local fire agency during the incident. He noted Firefighter/Paramedic Hernandez earned an Associate's degree from **Rio Hondo College** and a Bachelor's degree from **California State University, Long Beach**. He noted Firefighter/Paramedic Hernandez ended a seven-year career with the **United Parcel Service** to work on an ambulance while attending paramedic school, after which he worked as a Reserve Firefighter for the **Alhambra Fire Department** and as a Firefighter for the **Fullerton Fire Department**.

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

Police Chief/Public Safety Executive Director deMoet introduced **Mr. Miguel Lozano Jr.**, who was appointed to the position of Police Officer effective September 8, 2014. He noted Officer Lozano graduated from **Alta Loma High School** in 2007—receiving the *Cum Laude Honors Society* award for earning a high grade point average—and continued his education at **Chaffey College** and **Azusa Pacific University** while working as a barista at **Starbucks**. He noted Officer Lozano was employed as a server at **Kings Fish House** after college and hired by the Montclair Police Department during his training at the **Riverside Sheriff's Academy**.

Mayor Eaton welcomed Police Officer Lozano to the Montclair City family and presented him with a City pin.

B. Presentation of a Donation by Montclair Chamber of Commerce to Foothill Family Shelter

Mayor Eaton introduced **Montclair Chamber of Commerce** President/Chief Executive Officer **Darleen Curley**.

Ms. Curley stated that the **Montclair Chamber of Commerce** Board of Directors decided this year to share some of the proceeds from its annual golf tournament, the **Chamber's** biggest fundraiser, with a different 501(c)(3) member every year beginning in 2014 as a way to honor the **Chamber's** nonprofit organizations. She stated that Foothill Family Shelter was selected to receive the donation this year and introduced **Ms. Megan Nehamen**, Co-Executive Director, **Foothill Family Shelter**.

Ms. Nehamen introduced **Foothill Family Shelter** Treasurer **Helene Blumner** and Immediate Past President **Clyde Helton**. She expressed her gratitude to the City on behalf of **Foothill Family Shelter** for its continual support and to the **Chamber** for the innovative idea to give back to the community. She noted **Foothill Family Shelter** has been serving homeless families in the community since 1984 and that it is donations such as this that have a significant impact on families transitioning from homelessness to stable permanent housing.

Mr. Hilton presented **Ms. Curley** with a plaque and thanked the **Chamber** on behalf of the **Foothill Family Shelter** Board, staff, the residents of the 28 apartments the organization maintains, and the hundreds of families assisted by the organization each month.

Ms. Curley accepted the plaque and warmly thanked **Mr. Hilton**. She presented a check for \$1,233 to **Ms. Nehamen**, **Ms. Blumner**, and **Mr. Hilton** on behalf of the **Montclair Chamber of Commerce** Board of Directors and its members.

Ms. Nehamen, **Ms. Blumner**, and **Mr. Hilton** accepted the check and thanked **Ms. Curley**.

Mayor Pro Tem Ruh noted the City provides two units to **Foothill Family Shelter** on a continuing basis to house the homeless, "which says a lot about the caring capacity of this community and our residents."

Mayor Eaton concurred and thanked Mayor Pro Tem Ruh for his comment.

At this time, Mayor Eaton paused the meeting to allow those wishing to leave to do so.

VI. PUBLIC COMMENT

- A. Mr. Benjamin Wood**, 4638 San Bernardino Street, Montclair, noted he has resided in Montclair for about four years. He stated that his comments this evening relate to an email he sent to the City Council and thanked Council Member Dutrey for his response. He cited a recent *New York Times* article that compared the

demographic composition of local police forces with that of the subject cities "in the wake of the Ferguson issue in which the community responded to the police violence in a very remarkable way." He suggested the reason for the protests and civil unrest following the police murder of unarmed black youth **Michael Brown** in Ferguson, Missouri, is because of the city's predominantly white police force in a largely African-American community. He expressed his opinion that such racial disparity is an important issue and that according to the article, the Montclair Police Department "has the highest disparity between the police on the force and the community they are serving." He noted the racial differential of 69 percentage points is the highest of the cities surveyed in the greater Los Angeles basin and that in comparison, Ferguson, Missouri, was ranked at 55 percent. Noting his interest in the issue stems from his involvement in a survivors of police violence/police accountability support group, he asked what the City Council is planning to do to mitigate the racial divide between Montclair Police Officers and the residents in the community.

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

Council Member Paulitz noted he would comment during Section XI, "Communications," Item D, "Council/SA/MHC/MHA Board."

Mayor Pro Tem Ruh suggested Chief deMoet meet with **Mr. Wood** to discuss the issue, noting "in some cases, the statistics presented were perhaps not exactly accurate from what I have read and what I know."

City Manager Starr stated, "That is not a bad idea since the Chief is here this evening. It certainly would be productive for **Mr. Wood** and Chief deMoet to talk; however, as Council is aware, staff put a lot of thought into this issue that was not only raised by **Mr. Wood** but by the article that was prepared by the authors who submitted their version of this issue to the *New York Times*. Our analysis clearly demonstrates that the article prepared by the two authors was very superficial, merely creates the appearance of an issue in the various cities that were examined, and it puts forth some statistics without really expounding on the problem that the authors put out there or really exploring it to any significant degree. As Mayor Pro Tem Ruh pointed out, the statistics that were used by the authors, at least as they relate to the City of Montclair, were incorrect. I have prepared as the Chief has prepared memorandums to the City Council that discuss this issue at length. If it is the Council's direction, I would be pleased to make those documents available to **Mr. Wood** so he can see and understand that the issue created by these authors does not exist in Montclair. In fact, just to look at the statistical issues that were discussed, if you look at the current Police force right now in Montclair, we have 46 positions. The article states Montclair has 60 positions, and

then it goes from there to indicate the City's white Police Officers clearly outnumber the Officers of color, but not only that, that the Officers represent a disproportionate representation within the community as far as race goes. If you actually look at the numbers as they are right now, we have one Native American Alaskan native, which would be 2.174 percent of the Department's current configuration; one African-American, again 2.174 percent; and one Asian, 2.174 percent. We have 13 Hispanic Police Officers, which represents 28.261 percent, and 30 white Officers, which represents 65.217 percent; but we currently have a recruitment process going on right now in which we have potentially identified as many as five Hispanic-surname individuals coming on the Police Department. If we complete this current recruitment process, it will raise the number of Officers from 46 to 52, and then the statistical abstract will change from there where the number of Hispanic-surname Officers would climb to 18 and that would represent 34.615 percent of the configuration of the Police Department. The white Officers would drop from the current 65.217 percent to 59.616 percent. I bring this up as a point to demonstrate that as we continue to recruit and fill vacancies in the Police Department, more and more Hispanic candidates are presenting themselves for consideration; and more and more the City is finding itself in the position where we are hiring more and more Hispanic candidates simply because now they are representing themselves as a larger population within the recruitment pool. It is not that the City or other cities have not attempted to hire Hispanics into their police forces or other positions within their organizations, it has simply been that historically, the number of Hispanic-surnamed candidates have not presented themselves to any significant degree in that pool. The first priority in recruiting for any position in any organization is to follow civil service rules; and in civil service rules, you seek to hire based on merit and ignore all other factors as long as you remain in compliance with federal laws related to protecting certain designated classes. We believe we have always followed that; but in the end, the bottom line is you seek to hire the best candidates. When you have a pool that has relatively few Hispanic-surnamed candidates in it, then you are not looking at a large population in that pool in which to recruit from. Now that that population base in the pool is shifting and we are seeing more and more Hispanic candidates, then we are seeing more and more Hispanic candidates that represent themselves as extremely well-qualified candidates for consideration. In hiring based on the merit system, the Police Department is finding itself hiring more and more Hispanic candidates into the Police Department. I think that will be a continuation as we go forward."

Mayor Eaton noted he has no objection to distribution of copies of staff's memorandums to **Mr. Wood**. He received consensus from the City Council to do so and advised **Mr. Wood** that he would be receiving copies of staff's memorandums on this issue.

VII. PUBLIC HEARINGS

A. First Reading – Consider Adoption of Ordinance No. 14-946 Amending Chapter 11.78 of the Montclair Municipal Code Related to Thrift Stores and Second-Hand Merchandise Stores

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 14-946 amending Chapter 11.78 of the Montclair Municipal Code related to thrift stores and second-hand merchandise stores 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.

Council Member Paulitz inquired as follows;

1. Will 3-Way Thrift Store, Inc., 10174 Central Avenue, become a conforming use with the adoption of proposed Ordinance No. 14-946?

City Manager Starr answered, "It would remain a legal nonconforming use." He noted the Conditional Use Permit would expire once the use ceases operation.

Council Member Paulitz expressed his understanding that the proposed Ordinance amendment would allow the C-2 zone to permit thrift stores.

City Manager Starr advised that the amendment represents a cleanup measure by staff to include thrift stores and second-hand merchandise store uses that were inadvertently omitted from the Ordinance. He noted 3-Way Thrift Store is not located in one of the zones designated for these types of uses, though the business would be allowed to continue operating as a legal nonconforming use with adoption of proposed Ordinance No. 14-946.

2. Why are thrift stores not included in the C-2 zone?

City Manager Starr advised that type of use is more compatible in the General Commercial zone and the Business Park and Commercial zones of the Holt Boulevard Specific Plan.

Council Member Paulitz expressed his understanding that "that strip along Central Avenue is the General Commercial zone."

City Manager Starr replied that the use is in a C-2 zone.

City Planner Diaz indicated the C-2 zoning is reserved for more limited types of commercial businesses and that the

C-3 zone is more appropriate for thrift stores because it is more conducive to higher operating types of conditions that this type of use usually creates.

Council Member Paulitz received confirmation that such uses require a CUP. Noting he does not see much difference between the C-2 and C-3 zones other than residential areas adjacent to the C-2 zone, he stated that he has no objection to the recommended action.

Mayor Pro Tem Ruh stated, "I think it is good that we are looking at this to clearly defining a business niche that seems to be growing in Southern California. If you go to many of the thrift stores, they are many times operated by well-known nationwide nonprofits and even local nonprofits. In other cases, you will find the thrift stores are serving many of our lower income as well as some affluent families—you will see almost any kind of person there. What is interesting is if you start to look at thrift stores in general, how they are changing in communities—if you go to Studio City along Ventura Boulevard, those thrift stores are called "vintage stores." You will find the same thing on Melrose Avenue in Hollywood. Those stores sell things that go for far more than you would pay at Nordstrom or Saks Fifth Avenue, and it is because it was something from 1981 but it was something special and costs \$300. Thrift stores have very different meanings to different people. I think that if you are looking at this, we are clearly trying to identify the niche where this business goes because it is not going to be something that diminishes. We see them sort of growing in many communities in many different shapes and sizes. I think it is good that we looked at this and are moving forward with it. Thank you."

Council Member Dutrey expressed his belief that this item is cleanup language related to the subject Montclair Municipal Code section.

Moved by Council Member Dutrey and seconded by Council Member Raft that Ordinance No. 14-946, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 11.78 of the Montclair Municipal Code Related to Thrift Stores and Second-Hand Merchandise Stores,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 14-946 was adopted by the following vote:

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

B. Second Reading – Adoption of Ordinance No. 14-944 Adding Chapter 11.37 to the Montclair Municipal Code Related to Emergency Shelters and Single-Room Occupancy Lodging

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 14-944 adding Chapter 11.37 to the Montclair Municipal Code related to emergency shelters and single-room occupancy lodging 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 Council Member Dutrey that Ordinance No. 14-944, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 11.37 to the Montclair Municipal Code Related to Emergency Shelters and Single-Room Occupancy Lodging Facilities (Case No. 2014-18)**," 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. 14-944 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

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

A. Approval of Minutes – None

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 August 31, 2014.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 15, 2014, totaling \$1,461,325.75 and the

Payroll Documentation dated July 27, 2014, amounting to \$565,936.25 gross, with \$392,379.15 net 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 Successor to the Redevelopment Agency Treasurer's Report for the month ending August 31, 2014.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 08.01.14-08.31.14 in the amounts of \$91,195.50 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds; \$105.80 from the Tax-Exempt Bond Proceeds; and \$45.00 from the Taxable Bond Proceeds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending August 31, 2014.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 08.01.14-08.31.14 in the amount of \$40,303.92.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending August 31, 2014.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 08.01.14-08.31.14 in the amount of \$23,487.53.

9. Consider Setting a Public Hearing to Consider Ordinance No. 14-947 Amending Chapter 8.16.020 of the Montclair Municipal Code

The City Council set a public hearing for Monday, October 6, 2014, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 14-947 amending Chapter 8.16.020 of the Montclair Municipal Code.

10. **Consider Setting a Public Hearing to Consider The Possible Execution and Delivery By the Montclair Public Financing Authority of Its Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in a Principal Amount Not to Exceed \$45,000,000 and the Execution and Delivery By the City of Montclair and the Montclair Public Financing Authority of a Lease Agreement, the Principal Amount of the Lease Payments Payable Under Which Shall Be Sufficient in Time and Amount to Pay Scheduled Debt Service on the Bonds**

The City Council set a public hearing for Monday, October 6, 2014, at 7:00 p.m. in the City Council Chambers to consider the possible execution and delivery by the Montclair Public Financing Authority of its Lease Revenue Refunding Bonds (Public Facilities Projects), Issue of 2014, in a principal amount not to exceed \$45,000,000 and the execution and delivery by the City of Montclair and the Montclair Public Financing Authority of a Lease Agreement, the principal amount of the lease payments payable under which shall be sufficient in time and amount to pay scheduled debt service on the bonds.

C. Agreements

1. **Approval of *Agreement No. 14-61* With the Hope Through Housing Foundation to Continue to Provide an After-School Programs at San Antonio Vista Apartments**

The City Council approved *Agreement No. 14-61* with the Hope Through Housing Foundation to continue to provide an After-School Programs at the San Antonio Vista Apartments.

2. **Approval of *Agreement No. 14-78* With Montclair Golden Girls Softball League and *Agreement Nos. 14-79* and *14-80* With Montclair Little League for Use of Ball Field Facilities**

The City Council approved *Agreement No. 14-78* with Montclair Golden Girls Softball League for use of the field at Vernon Park for its softball activities weekday and Saturdays and *Agreement Nos. 14-79* and *14-80* with Montclair Little League for use of ball field facilities at respective Kingsley and Saratoga Parks Mondays, Wednesdays, Fridays, and Saturdays.

3. **Approval of *Agreement No. 14-81* With the California Highway Patrol for Use of the Montclair Police Department Firearms Shooting Range**

The City Council approved *Agreement No. 14-81* with the California Highway Patrol for use of the Montclair Police Department firearms shooting range.

4. **Approval of *Agreement No. 14-83* With Montclair-ET, LLC, to Permit Use of the Montclair Town Center to Operate a Certified Farmers Market in the City of Montclair**

The City Council approved *Agreement No. 14-83* with Montclair-ET, LLC, to permit use of the Montclair Town Center to operate a Certified Farmers Market in the City of Montclair.

5. **Approval of *Agreement No. 14-89* Amending *Agreement No. 14-33* With Heritage Education Group to Operate a Certified Farmer's Market at the Montclair Town Center**

The City Council approved *Agreement No. 14-89* amending *Agreement No. 14-33* with Heritage Education Group to operate a Certified Farmer's Market at the Montclair Town Center.

6. **Approval of *Agreement No. 14-90* to Retain the Law Office of Jon F. Hamilton to Provide Legal and Consulting Services Related to Litigation and Employee Relations Matters**

The City Council approved *Agreement No. 14-90* to Retain the law Office of Jon F. Hamilton to provide legal and consulting services related to litigation and employee relations matters.

D. Resolutions

1. **Adoption of Resolution No. 14-3049 Adopting a Five-Year Capital Projects Needs Analysis**

The City Council adopted Resolution No. 14-3049 adopting a Five-Year Capital Projects Needs Analysis.

2. **Consider Adoption of Resolution No. 14-3050, a Resolution of the City Council of the City of Montclair Authorizing the Execution and Delivery of *Agreement No. 14-91*, a *Joint Exercise of Powers Agreement* by and Between the City of Montclair and the Montclair Housing Authority**

Consider Adoption of Resolution No. 14-03, a Resolution of the Board of Directors of the Montclair Housing Authority authorizing the Execution and Delivery of *Agreement No. 14-91*, a *Joint Exercise of Powers Agreement* by and Between the City of Montclair and the Montclair Housing Authority

The City Council adopted Resolution No. 14-3050, a Resolution of the City Council of the City of Montclair authorizing the execution and delivery of *Agreement No. 14-91*, a *Joint*

Exercise of Powers Agreement by and between the City of Montclair and the Montclair Housing Authority.

The Montclair Housing Authority Board of Directors adopted Resolution No. 14-03, a Resolution of the Montclair Housing Authority authorizing the execution and delivery of *Agreement No. 14-91, a Joint Exercise of Powers Agreement* by and between the City of Montclair and the Montclair Housing Authority.

3. City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 14-05 Adopting a Recognized Obligation Payment Schedule for January 1, 2015, Through June 30, 2015; Adoption of Administrative Budget for January 1, 2015, Through June 30, 2015; and Authorization of Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code

The City Council, acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, adopted Resolution No. 14-05 adopting a Recognized Obligation Payment Schedule for January 1, 2015, through June 30, 2015; adopted Administrative Budget for January 1, 2015, through June 30, 2015; and authorized certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

1. Closed Session Pursuant to Section 54956.9(d)(1) of the Government Code Regarding Pending Litigation

Montclair v. Beltran

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

B. City Manager/Executive Director - No comments

C. Mayor/Chairman - No comments

D. City Council/Successor Agency Board/MHC Board/MHA Board

1. Council Member Paulitz commented concerning City Manager Starr's memorandum related to racial demographics at the

Montclair Police Department. He stated, "It should not matter what the composition of the Montclair Police force is if we recruit the best and train them. It should not matter how they treat a Spanish-speaking person or a black person or an Asian person. It should not make any difference. I think that is irrelevant. You cannot force a person to apply to be a peace officer. As **Mr. Starr** pointed out, the recruitment pool was not that [diverse] at one time as it is now.

"I would like to make another point related to the statistics mentioned in the subject *New York Times* article: Just because a person is Spanish-speaking or of Hispanic origin does not mean necessarily that he is black, white, or brown. He could be all. If you were really going to go through it again and say, "OK, there were 13 Hispanics but it looks like about 10 of them are white, so they should be added to the white group. There would still be an imbalance. I mean, that is ridiculous.

"No. 3, the one I really want to talk about, is the reason we did not have until recently many recruits of Hispanic ethnicity is the origin of their distrust of the police officer, which stems from a religious war that happened from 1926 to 1929 in Mexico. Many people do not know that there was a civil war going on with 25,000 members of the opposition army, known as 'La Crista.' There were many martyrs, many Catholics were strung up on telephone poles, priests were hunted down and shot, and churches were desecrated until the peasants revolted. The government was anti religion, and that feeling prevailed when Mexican immigrants came to the United States. They had a distrust of police officers because the officers had been persecuting their priests and pastors back home. It does not surprise me that until just recently, there is a distrust of wanting even to become a police officer because they were the oppressors of the people during the anti-clericalism of the ruling Mexican government. I think **Mr. Wood** left, and he should be advised of this and that the *New York Times* article he cited is pure sensationalism about a nonproblem—an excuse looking for a problem.

"I want to reiterate three points: (1) a candidate's racial background should make no difference in the Police Department's hiring practices; (2) one cannot be forced to become a police officer; and (3) there is a historical reason for persons of Mexican heritage having an inherent mistrust of the police. Thank you."

Mayor Eaton thanked Council Member Paulitz for his comments.

2. Council Member/Director Raft commented as follows:
 - (a) She concurred with comments made by Council Member Paulitz and stated, "It should not make any difference. You have to hire the best, and it does not make a difference no matter nationality they are."
 - (b) She noted the **West Valley Mosquito and Vector Control District** has received reports of two human cases of West Nile virus in the District's boundaries, with the first case an Ontario resident who most likely contracted the infection in Fontana and the second case also an Ontario resident. She stated that the infections are being investigated and cautioned everyone to apply mosquito repellent when outdoors in the evenings and early morning hours.

3. Council Member/Director Dutrey commented as follows:
 - (a) He noted his attendance a few weeks ago at the **League of California Cities (LCC) 2014 Annual Conference and Expo**, in Los Angeles, at which he attended the following sessions:
 - (1) *Next Generation Managers: What Every Council Member Should Know!* Compared the differences between the city management profession in 1971 and 2012 and the fact that it is now being represented by Generation X managers who are better educated, more familiar with current technology, more diverse, employ a more collaborative work ethic, and are the most-prepared generation.
 - (2) *The California Voting Rights Act - an Update.* The California Voting Rights Act of 2001 (CVRA) was signed into law on July 9, 2002, making it easier for minority groups in California to prove their votes are being diluted in at-large elections. In 1986, the **U.S. Supreme Court** established conditions that must be met to prove that minorities are being disenfranchised; and the CVRA eliminated one of the requirements. Unlike the federal Voting Rights Act, the CVRA does not require plaintiffs to demonstrate a specific geographic district where a minority is concentrated enough to establish a majority, making it easier for minority voters to sue local governments to eliminate at-large elections.

An update was given on the lawsuits against the cities of Palmdale and Whittier for violation of the CVRA. The **City of Whittier** agreed to hold a special election at which the electorate voted to change the city charter to hold district elections for members of the City Council, but the plaintiffs have continued to litigate on two fronts: (i) changing the date of elections to November of even years; and (ii) changing district boundaries.

Speakers referred to attorneys who specialize in CVRA lawsuits against government entities as "ambulance chasers" who charge \$700 per hour. Governmental entities that lose such lawsuits must pay all of the plaintiffs' legal fees.

- (3) *Alternative Methods of Fire Service-Based Service Delivery.* Montclair's contract with the **City of Upland** for command staff sharing and joining service boundaries has resulted in enhanced services for both communities.
- (4) *Using Interest-Based Principles in Labor Negotiations and Workplace Management.* City representatives and labor unions sit together at a roundtable and share ideas related to issues facing the city and employees, allowing partnerships to form and issues to be resolved.

- (b) He noted his attendance at Montclair Day at the **L.A. County Fair** last Wednesday, during which he presented awards to Montclair's three Community Heroes: **Ms Dee Connelly** for volunteering at the Senior Nutrition Program and other City events; **Ms. Ruth Bonillas** for her courage in assisting the Police Department to track down the offender in a fatal hit-and-run this spring; and **Mr. Leonardo Benitez**, who designed the tree layout for the Montclair Fruit Park, helped plant the trees, and assists with maintenance.

Mayor Eaton thanked Council Member Dutrey for representing the City at the LCC annual conference and for filling in for him this year at the fair.

4. Mayor Pro Tem/Vice Chairman Ruh commented as follows:

- (a) He noted Mayor Eaton and he would be attending **Assembly Member Freddie Rodriguez's** regional freeway workshop from 10:30 a.m. to 12:00 p.m. on Wednesday at the **Ontario Police Department** Community Room,

2500 South Archibald Avenue. He stated that **Assembly Member Rodriguez** will provide an update on the status of current freeway projects and information on future improvements being planned. He noted **Assembly Member Rodriguez**, as a former Pomona Council Member, knows these issues very well from a city standpoint and expressed his appreciation of **Assembly Member Rodriguez's** advocacy in Sacramento on behalf of the cities in his district.

- (b) He noted his attendance last Tuesday at the San Dimas City Council meeting at which **Assembly Member Chris Holden** gave a rundown on some of the bills that would affect cities, school districts, and parks and recreation districts. He noted **Assembly Member Holden** told him after the meeting he stands ready to do whatever necessary to assist with the 3,500-foot extension of the **Gold Line** from the county line to Montclair. He stated that he told **Assembly Member Holden** of the great partnership between Montclair and **U.S. Representative McLeod, Senator Torres, and Assembly Member Rodriguez**; and **Assembly Member Holden** concurred that they are all strong proponents of the **Gold Line**. He noted he is pleased Montclair has so many strong advocates for the **Gold Line's** extension to Montclair.
- (c) He noted speaking to **Ms. Uva Mendez**, one of the City's "great volunteers," at the grocery store recently who told him she loves volunteering and being a part of Montclair despite residing in Ontario "because staff treats me with respect and dignity and makes me feel that I am wanted." He noted it is true of all Montclair staff: **Ms. Mendez** interfaces with all departments—Police, Fire, Public Works, Community Development, City Manager, Administrative Services, and Human Services—"and sings the praises of all employees. That says something when a resident of another city is spending time here to volunteer, and it makes me feel that we really are doing the right things for our residents. We are doing outreach, we meet with them, we have great opportunities—our new Farmers Market is going gangbusters. We just completed our concerts in the park series; what a wonderful opportunity for our residents to enjoy free entertainment under the stars. This says a lot about our community."
- (d) He expressed his appreciation for all the work of City staff right now, particularly the Police, Fire, Public Works, Code Enforcement, and Human Services employees who work outside everyday in the extreme heat.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of September 2, 2014

The City Council received and filed the Personnel Committee meeting minutes of September 2, 2014, for informational purposes.

XII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS

At 7:48 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:14 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, information was received and direction provided to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:15 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk