

**CLAREMONT CITY COUNCIL  
MINUTES**

Tuesday, July 10, 2012 - 6:30 p.m.  
City Council Chamber  
225 Second Street, Claremont, California

---

**CALL TO ORDER**

Mayor Schroeder called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE** – led by Boy Scout Troop 608, Upland

**MOMENT OF SILENCE** – in memory of Tom Lamb

**ROLL CALL**

**PRESENT** COUNCILMEMBER: CALAYCAY, LYONS, NASIALI, PEDROZA, SCHROEDER

**ALSO PRESENT** Tony Ramos, City Manager; Sonia Carvalho, City Attorney; Colin Tudor, Interim Assistant City Manager; Paul Cooper, Chief of Police; Brian Desatnik, Community Development Director; Adam Pirrie, Finance Director; Pat Malloy, Interim Community and Human Services Director; Craig Bradshaw, City Engineer; Belle Newman, Planning Consultant; Joanne Hwang, Associate Planner; Lynne Fryman, City Clerk

**CLOSED SESSION REPORT**

Mayor Schroeder reported Council met in closed session regarding the evaluation of City Manager Ramos and took no reportable action.

**CEREMONIAL MATTERS, PRESENTATIONS AND ANNOUNCEMENTS**

Jennifer Ganino, Stephanie Vienna, and Eduardo Lomeli, Police Officers., were introduced and sworn in by Chief Cooper.

**CITY MANAGER REPORT**

City Manager Ramos reported Caltrans approved the City taking over Foothill Boulevard. The City will receive \$5.7 million from the state in the next sixty days to make improvements to the road. He congratulated the Engineering Division for obtaining a \$450,000 grant as part of the Safe Routes to School Program. He announced concerts in the park are being held every Monday, 7:30 p.m. to 9:00 p.m.

**PUBLIC COMMENT**

Mayor Schroeder invited public comment.

Mayor Schroeder announced Item No. 8 has been removed from the agenda, however, anyone wishing to comment on the item should do so at this time.

Andy Winnick, Community and Human Services Commissioner, stated he has been approached by citizens asking why the City does not have a charging station for electric vehicles. He suggested a station could be provided as a public service or customers could be charged to cover the cost of the station. He said it is important for Claremont to be on the map in this regard.

Don Slaven, Manager, Claremont Library, updated Council on the Library activities for the month of July.

There were no further requests to speak.

City Manager Ramos said staff is working on having a charging station in Claremont and is waiting for information from the COG.

Councilmember Pedroza stated the COG is working on a plan for the whole region.

Mayor Schroeder reiterated Council met in closed session on the City Manager's evaluation and commented he received a very good evaluation.

### **CONSENT CALENDAR**

Mayor Schroeder invited public comment.

Michael Keenan referred to Item No. 7 and commented \$20,000 for a 500 foot water line is a lot of money and requested more detail.

Douglas Lyon referred to Item No. 11 and said the lure of new technology to catch new lawbreakers is a powerful lure, however, it violates the spirit of Fourth Amendment because it is unreasonable search of our person. He indicated it is not just aimed at those people suspected of committing a crime, it is aimed at any of us. He stated security must be directed to impair the criminally intended and not to harass. He asked Council not to approve the purchase of the readers or cameras and take steps to remove those already installed.

There were no requests to speak.

***Councilmember Calaycay removed Item Nos. 7 and 11 from the Consent Calendar for further discussion. Councilmember Calaycay moved to approve the remainder of the Consent Calendar as presented, seconded by Councilmember Lyons and unanimously carried.***

### **Routine Administrative Items**

1. Police Commission Resignation  
Accepted with regret the resignation of Richard Louis III.

2. Adoption of a Resolution Approving City Warrant Registers  
Adopted Resolution No. 2012-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.
3. City Council/Redevelopment Agency Minutes of 6/26/12 (special and regular)  
Approved and filed.
4. Claims for Damages: Barajas, Claremont Toyota/Hogan, and Olfman  
Rejected the claims as recommended by Carl Warren and Company, the City's claims administrator.
5. Second Reading and Adoption of Ordinance Adopting a New Schedule of Fees for the Collection and Disposal of Refuse, Garbage, and Waste Matter; and the Collection of Recyclable Material; Adjusted to Reflect Changes in the Consumer Price Index  
Waived further reading and adopted Ordinance No. 2012-06, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT ADOPTING A NEW SCHEDULE OF FEES FOR THE COLLECTION AND DISPOSAL OF REFUSE, GARBAGE, AND WASTE MATTER; AND THE COLLECTION OF RECYCLABLE MATERIAL; WITHIN THE CITY OF CLAREMONT, ADJUSTED TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX.
6. Request Authority to Award Contract for Indian Hill Boulevard Storm Drain and Auto Center Entrance Project, C.I.P. No. 2011-4  
Awarded the contract for the Indian Hill Boulevard Storm Drain and Auto Center Entrance Project, C.I.P. No. 2011-4, to Sully-Miller Contracting Company of Brea, in the amount of \$1,281,624; authorized a 10% contingency of \$128,162; and appropriated \$119,786 in additional Drainage Funds to fully fund the contingency.
7. Request Authority to Award Contract for the Construction of the Parking Lot at the Northerly Terminus of Mills Avenue, C.I.P. No. 2012-6  
This item was removed from the Consent Calendar for further discussion.
8. Agreement between City of Pomona and City of Claremont for Indian Hill Storm Drain Project  
This item was removed from the agenda.
9. Approval of the Updated Claremont Standardized Emergency Management System (SEMS) Multihazard Functional Plan  
Approved the updated Standardized Emergency Management System (SEMS) Multihazard Functional Plan.
10. Alcohol Beverage Control (ABC) Grant  
Adopted Resolution No. 2012-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING PARTICIPATION IN THE STATE OF CALIFORNIA ALCOHOL, BEVERAGE CONTROL (ABC) GRANT PROGRAM, and authorized the City Manager to sign any subsequent agreement with the ABC as part of the Police Department's participation in this grant program.

11. 2011 State Homeland and Security Grant  
This item was removed from the Consent Calendar for further discussion.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION**

7. Request Authority to Award Contract for the Construction of the Parking Lot at the Northerly Terminus of Mills Avenue, C.I.P. No. 2012-6

City Engineer Bradshaw responded to questions related to the cost of the water line.

***Councilmember Calaycay moved to award the contract for construction of the Parking Lot at the Northerly Terminus of Mills Avenue Project, C.I.P. No. 2012-6, to Panorama General Engineering, Inc., of Rancho Cucamonga, in the amount of \$313,313; authorize a 10% contingency of \$31,331, for a total of \$344,644; and appropriate an additional \$35,000 from the General Fund unassigned fund balance for landscaping and water line related items, seconded by Councilmember Pedroza and unanimously carried.***

11. 2011 State Homeland and Security Grant

Chief Cooper reviewed the staff report and said having the readers in town is a significant boon to locate wanted people and those driving stolen cars. There is no seizure of a person, only seizure of the license plate. He said in eighteen months, 80 stolen cars have been recovered and 100 people arrested.

Staff responded to Council questions related to the length of time data is kept; any use other than for law enforcement purposes; complaint process if citizen believes information is misused; access to information by police officers; and reader process.

Councilmember Pedroza said the system is successful and very much accepted in the City.

Councilmember Calaycay said it is a philosophical debate. He said technology can be abused but the public can monitor the process and there are rules in place to prevent abuse. He indicated it has made Claremont police more efficient at a time of downsizing and early release of prisoners placing more out on the streets. He said he appreciates what this system has done for the Police Department.

***Councilmember Pedroza moved to authorize the expenditure of \$100,000 in grant funds for the purchase of a two-site Automated License Plate Recognition (ALPR) system from PIPS Technology, a Federal Signal Company; authorize the expenditure of \$35,000 in grant funds for the purchase of a Motorola Gold Elite Communications system; authorize the City Manager to execute a purchase order/contract with PIPS Technology, a Federal Signal Company, in the amount of \$100,000 for the purchase and installation of a two-site ALPR system; and authorize the City Manager to execute a purchase order/contract with a vendor, to be determined, for the purchase of a Motorola Gold Elite communications system in the amount of (not to exceed) \$35,000, seconded by Councilmember Calaycay and unanimously carried.***

## PUBLIC HEARINGS

12. Certification of the Claremont McKenna Master Plan Environmental Impact Report, Adoption of Environmental Findings, Adoption of the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and Approval of the Claremont McKenna College Master Plan (File #10-IMP01), and Associated Actions Including General Plan Amendment (File #10-GPA01), Zone Change (File #10-Z01), Code Amendment (File #10-CA02), Conditional Use Permit (File #10-C09), and Development Agreement (File #10-DA01)

Belle Newman, Planning Consultant, reviewed the staff report. Staff and Ms. Newman responded to Council questions related to access to the park; Upland's environmental review process; consistency with the 1992 development agreement; and vetting of impacts to the Arbol Verde community and support from that community.

Mayor Schroeder opened the public hearing.

Mathew Bibben, CMC, said the Master Plan process began in 2008. In order to obtain a mutual understanding of the college's long term plans, they have engaged in a formal review process since 2009, which included a lot of outreach. He thanked the Planning staff, City Manager Ramos, and the Architectural, Traffic and Transportation, and Planning Commissions for their work. He said they are pleased with the Master Plan and noted the goal was to create a Plan that developed responsibly and protected the neighborhood.

Chris Felix, President, Hutton Development Company, College Park Project, said his project is the closest neighbor to CMC and their experience with CMC has not been good as there has not been good communication. He asked Council to postpone approval because parcels 3, 5 and 6 are not included in the EIR. He said he was told by the President of CUC that they were purposely not included and they did not want to delay the process. He said these lots are across from their property and they were told they would be used for fields. He said, however, the City of Upland said they had conversations with the colleges about storage, office buildings or academic uses. He said he is not happy with the process and does not feel informed. He said project splitting is against the law and more information is needed on the three lots that have been purposely deleted. He said, in general, they are in support of athletic fields.

Al Villanueva, Chair, Arbol Verde Preservation Committee, said during the last 15 months there has been an open, engaged and fully transparent relationship between CMC and the neighborhood. He said there was discussion and the college made changes. Residents are asking for Council to support the Plan. He noted they are satisfied with the process because there was a series of meetings. He indicated the homes being destroyed were not built by any of the residents. CMC respects the character of the neighborhood and will work with Rancho Santa Ana Botanic Gardens to save native plants and landscape with native plants.

David Shearer, Executive Director, Claremont Heritage, said their theme this year is neighbors and neighborhoods and Arbol Verde is one of those neighborhoods. It is a collection of homes and the people who live there have a place in Claremont history. As happens with history, it is not static but moves forward. He noted Claremont Heritage has been part of the dialogue regarding Arbol Verde for many years. He complemented CMC for their diligence in preserving Claremont history. AV1 will be preserved as residential and the park will be preserved and enhanced. Claremont Heritage will be part of the process to determine which homes will be saved and which moved. He commended City staff for their hard work and expressed support for this Plan.

Susan Schenk said she supports the project but is concerned about the native plants and animals that have re-established in the quarry. She stated when the land is developed, the habitat will cease to exist. She urged the City to acknowledge this loss in the Statement of Overriding Considerations. She asked that it be clear that the City knows the loss will be significant even with the proposed mitigation measures. She submitted her written statement for the record.

Paul Rohrer, Legal Counsel for CMC, rebutted Mr. Hutton's remarks by saying parcels 3, 5 and 6 are owned by CUC and there is no agreement between the colleges for purchase or for use as fields. He said in order for them to be a piece of the Plan, they would have to be more than a gleam in a planner's eye and there is no gleam. There is no purpose or plan and nothing to talk about and if there were, they would have included it in the Plan. He referred to Ms. Schenk's comments and said that a statement of overriding considerations is not required. It is only required when there are significant unmitigated impacts.

There were no further requests to speak. Mayor Schroeder closed the public hearing.

Fernando Avila, Attorney, Best Best & Krieger, responded to Council questions related to Ms. Schenk's comments and the standard of review; acknowledgement of the loss of habitat and precedence; Mr. Felix' comments regarding the exclusion of parcels 3,5 and 6 and the environmental review of those parcels; and the timeline for the Master Plan.

Councilmember Pedroza commended CMC and noted he attended a neighborhood meeting because there were some concerns about what CMC was up to. He said the way the process was laid out is a model for the relationship the City now has with the colleges. He said the neighborhood has come out in support and that gives him confidence they are going in the right direction. He noted Mr. Felix' development is called College Park which indicates he embraces the colleges and suggested Mr. Felix work with the colleges. He said he is prepared to support staff's recommendation.

Councilmember Nasiali said CMC did a good job showing concern about the neighborhood. He stated he would be more concerned about the issue of biological resources if they were not addressed during the EIR process but they were addressed and responded to.

Councilmember Calaycay said he is happy to acknowledge Dr. Schenk's statement but at the same time respect the process as the point was made that there has been mitigation of impacts. He noted he was invited to sit in on one of the first meetings between the neighborhood and the college. He said there are a lot of opinions and process in Claremont and he is grateful when time is taken to meet with citizens and work through issues. He noted the concerns are mild, in large part to the credit of CMC for meeting with the neighborhood and addressing issues.

Councilmember Lyons said his major concern was the impact to the already existing community but he is hearing there is no objection but rather support of the Master Plan. He said everyone's voice was heard on this issue and there is no question process was followed. He indicated he is happy the colleges are building long-standing relationships of a sustainable kind and he will vote in favor.

Mayor Schroeder thanked CMC for working with the community and said he appreciates their outreach. He acknowledged Dr. Schenk's comments and said he appreciates her interest in the affairs of the City. He noted that for every action, there is a reaction and he does not believe them to be significant. He expressed support for staff's recommendation.

***Councilmember Calaycay moved to adopt Resolution No. 2012-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, TAKING THE FOLLOWING ACTIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT WITH RESPECT TO THE CLAREMONT MCKENNA COLLEGE MASTER PLAN AND ASSOCIATED ACTIONS: (1) CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; AND (2) ADOPTING ENVIRONMENTAL FINDINGS, seconded by Councilmember Pedroza and unanimously carried.***

***Councilmember Calaycay moved to adopt Resolution No. 2012-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CLAREMONT MCKENNA COLLEGE MASTER PLAN AND ASSOCIATED ACTIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE CLAREMONT MCKENNA COLLEGE MASTER PLAN (FILE #10-IMP01), seconded by Councilmember Pedroza and unanimously carried.***

***Councilmember Calaycay moved to adopt Resolution No. 2012-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING CHANGES IN THE GENERAL PLAN LAND USE DESIGNATIONS FOR PROPERTIES LOCATED AT 520 AND 540 SIXTH STREET, AND 555 BROOKS AVENUE. APPLICANT – CLAREMONT MCKENNA COLLEGE (FILE #10-GPA01), seconded by Councilmember Pedroza and unanimously carried.***

**Councilmember Calaycay moved to introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING CHANGES OF ZONE FOR PROPERTIES LOCATED AT 520 AND 540 SIXTH STREET AND 555 BROOKS AVENUE. APPLICANT – CLAREMONT MCKENNA COLLEGE (FILE #10-Z01), waive further reading of the ordinance, place the ordinance on first reading, refer the ordinance to the City Attorney for not less than five days, and direct staff to publish a summary of the ordinance in the local newspaper, seconded by Councilmember Pedroza and unanimously carried.**

**Councilmember Calaycay moved to introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AMENDING CHAPTERS 16.019 AND 16.333 OF TITLE 16 OF THE CLAREMONT MUNICIPAL CODE PERTAINING TO DEVELOPMENT IN THE AV ARBOL VERDE SINGLE-FAMILY RESIDENTIAL DISTRICTS (FILE #10-CA02), waive further reading of the ordinance, place the ordinance on first reading, refer the ordinance to the City Attorney for not less than five days, and direct staff to publish a summary of the ordinance in the local newspaper, seconded by Councilmember Pedroza and unanimously carried.**

**Councilmember Calaycay moved to adopt Resolution No. 2012-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #10-C09 TO AMEND AND RESTATE EXISTING CONDITIONAL USE PERMIT #92-C001 FOR PROPOSED DEMOLITIONS AND/OR RELOCATIONS OF EXISTING RESIDENTIAL STRUCTURES IN THE ARBOL VERDE DISTRICTS AND CONSTRUCTION OF A NEW COLLEGE ATHLETIC FIELD WITH AMPLIFYING SPEAKERS AND FIELD LIGHTING IN THE ARBOL VERDE 2 DISTRICT. APPLICANT: CLAREMONT MCKENNA COLLEGE, seconded by Councilmember Pedroza and unanimously carried.**

**Councilmember Calaycay moved to introduce AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT #10-DA01 TO AMEND AND RESTATE EXISTING DEVELOPMENT AGREEMENT #92-DA001 BY AND BETWEEN THE CITY OF CLAREMONT AND CLAREMONT MCKENNA COLLEGE (FILE #10-DA01), waive further reading of the ordinance, place the ordinance on first reading, refer the ordinance to the City Attorney for not less than five days, and direct staff to publish a summary of the ordinance in the local newspaper, seconded by Councilmember Pedroza and unanimously carried.**

The City Council recessed at 8:18 p.m.  
The City Council reconvened at 8:25 p.m.

13. City Conformance with the Los Angeles County Congestion Management Program (CMP)

Associate Planner Hwang reviewed the staff report and noted pages of the exhibit to the resolution were missing and have been distributed to Council on the dais.

Mayor Schroeder opened the public hearing.



There were no requests to speak. Mayor Schroeder closed the public hearing.

***Councilmember Calaycay moved to find the City of Claremont in compliance with the County's CMP, and adopt Resolution No. 2012-53, A RESOLUTION OF THE CITY OF CLAREMONT, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089, seconded by Councilmember Lyons and unanimously carried..***

**ORDINANCES** – None

**ADMINISTRATIVE ITEMS**

14. Adopt a Resolution Encouraging a Smoke Free Environment

Assistant City Manager Tudor reviewed the staff report. Staff responded to Council questions related to whether the logo on the signs implies there is an ordinance in place prohibiting smoking; signage in the plaza and parks; the cost to purchase signage; and fines for littering by throwing away cigarette butts.

Mayor Schroeder invited public comment.

Jim Stripling said his wife died of emphysema from smoking of cigarettes. He said there is no cure for emphysema and he tells this story to everyone he knows to stop people from smoking. He said he appreciates all of the efforts to stop people from smoking.

Edith Richardson said the resolution is meant to encourage a smoke free environment, however, the sign looks as if smoking is prohibited. She expressed concern that it may have the reverse effect. She said she supports a softer approach and emphasizing encouragement to get better results.

Charles Gerlach, Coalition for Clean Air Claremont, said this is a step toward protecting Claremont residents from second hand smoke and asked Council to look at the resolution as a compromise. He encouraged Council to make the health and safety of Claremont residents and guests a top priority. This resolution gives residents a tool to encourage others to reduce second hand smoke. The Coalition would like to continue working to create public health policy to enrich the health of Claremont residents.

Jacqueline Monroe said students learn about the dangers of second hand smoke at school and this resolution coincides with the curriculum in Claremont schools. She said she wants a cleaner and healthier Claremont.

Julia Tannebaum said she is in favor of the resolution because it encourages residents to avoid the danger of smoking and second hand smoke. The City should practice what is learned in schools and the signs are a great model. The resolution does not infringe on someone's right to smoke in their own homes but promotes a healthy lifestyle.

Maya Walker, Coalition for Clean Air Claremont, said the Coalition is working in the City to educate people about second hand smoke as the health risks are tremendous. She said cities across the state and country have adopted policies that restrict second hand smoke in outdoor areas. She indicated the signs show commitment. It is voluntary but is good and reasonable.

Carolee Monroe stated her parents' deaths were due to smoking and she has respiratory problems. It is important to talk about the dangers of smoking to kids and to continue that education.

Dean McHenry joined with others in urging Council support of the resolution. He said he favors an ordinance that would protect the well being of individuals but feels most people in Claremont believe it is better to approach this in an educational way and a resolution will do that. If Council is seeking to urge people to not smoke and think about the consequences of second hand smoke but not be penalized, signs No. 1 and 3 convey that message. He said the resolution deserves support from the Council for the health and well being of the citizens of Claremont.

Murray Monroe noted Calabasas was the first to have an ordinance. He said the resolution is going in the right direction.

Richard Weiner agreed with previous speakers and said the 50 cities in Los Angeles County with second hand smoke ordinances have had positive results. He noted some people worry about the financial impact to business, however, 80-90% have shown increased or stable sales. He said it is about health and safety and everyone has the right to breathe air clear of smoke.

Gary Garfield, Coalition for Clean Air Claremont, said the American Lung Association rated cities with an A through F grade and Claremont received a failing grade. He asked Council to adopt the resolution as it establishes a climate in which Claremont becomes a leader in encouraging a smoke free environment and does what is right for everyone.

Carolyn Gonzales said the strong suggestion of peer pressure can be more powerful than making Claremont a no smoking city. A prohibition infringes on people's rights and freedom. She said she supports strongly suggesting that people not smoke and leaving it up to Claremont residents to make it happen.

Jack Monroe said if an ordinance is adopted, there will be people who will say they will commit an act of civil disobedience and blow smoke in everyone's face. He said people that smoke have the freedom to do it but should not blow in the face of paying customers who come to this city to breathe good air under the trees.

Betty Crocker said Claremont extends from American Avenue to the mountains and if this is going to be of service to Claremont, it needs to be to all of Claremont, not just the Village. She said she does not want to see another sign go up in the City. She said residents have to pay for neighborhood watch signs and no solicitation signs and it is inconsistent and unfair that people would not have to pay for these signs. She said she does not see smoking as an issue here in Claremont as there is not a large amount of folks that smoke.

There were no further requests to speak.

Councilmember Nasiali said he has an issue with an open-ended resolution regarding where people are encouraged not to smoke and he does not know if it is the most effective way to do it. There are already ordinances prohibiting smoking in parks and the plaza. He said it would be very encouraging if all businesses, on their own initiative, would discourage smoking in their facilities without City involvement. He said he is not comfortable spending \$2,000 for signs that could be confusing because while they encourage people not to smoke, the logo appears to say smoking is prohibited.

Councilmember Pedroza agreed smoking destroys lives and families and said it would be great if people did not do it, however, it is a legal activity. He indicated this proposal is a compromise and he appreciates that it gives businesses the opportunity to be tied to a bigger cause and helps them encourage customers to not smoke. He stated he likes the concept of encouraging a smoke free environment and the educational aspect. He suggested being stricter regarding the improper disposal of cigarette butts. He said he understands it is difficult to enforce but suggested looking at increasing fines or something innovative. He said he supports this compromise.

Councilmember Calaycay said the reality is that if this was an ordinance, there would have to be signs stating the restriction and ordinance number. He said in light of what this compromise represents, all have free will and that is his concern. He said the City can encourage people to do certain things, but cannot make them because they are no longer mandating but encouraging. He said he has concerns about supporting certain resolutions, however, this resolution is set aside because it ties in education. He said there is a marketing aspect to the symbol and as it is already softened because it is a resolution, he is not overly critical of the symbol. He said it is a balancing of different rights and believes this is a fair balance. He noted it is a Council priority and he is glad they are finding a way to move it forward.

Councilmember Lyons referred to a notebook submitted by Clean Air Claremont and said it summarizes what other cities have done to reduce health risks to their citizens. He stated he would be quite happy if this were an ordinance as the City is the jurisdiction where health responsibilities lie. He commended Clean Air Claremont for taking into account all positions, doing the right thing, and moving ahead with protecting citizens, particularly youth. He said the choice may be conferred on the non-smoker to move away from second hand smoke but they may already be engaged in an activity that was originally smoke free, however, a smoker is addicted which compromises their ability to choose. He said signage should reflect evidence of a clear and present danger and that the City prefers not to have it in Claremont. He stated he believes the businesses that take this on will thrive. He said he wishes this were an ordinance but will vote in favor.

Mayor Schroeder agreed the whole community needs to be served, not just the Village. Signs will be posted at every entrance and throughout the City. The signs must send a clear message. He said health and safety of Claremont residents is the responsibility of Council. He said smoking is one of the few activities that has no redeeming value as it does cause cancer and second hand smoke is harmful. People have the right to breathe clean smoke free air and he believes smoking should be banned in public areas. He noted some believe it would infringe on their rights and uses precious resources on enforcement but noted there have been no calls for service by the Police

Department regarding the current ordinance. He expressed support for this compromise and hopes the signage reduces smoking.

***Councilmember Calaycay moved to adopt Resolution No. 2012-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, TO FOSTER A HEALTHIER CITY BY ENCOURAGING RESIDENTS, VISITORS AND BUSINESS TO ELIMINATE SECOND-HAND SMOKE IN OUTDOOR AREAS, to select sign option No. 1, and allocate \$2,000 for signage and marketing expenditures from the General Fund Unallocated Fund Balance, seconded by Councilmember Lyons and carried on a roll call vote as follows:***

**AYES: Councilmember – Calaycay, Lyons, Pedroza, Schroeder**

**NOES: Councilmember – Nasiali**

15. Resolution Opposing the United States Supreme Court in the Citizens United v. Federal Elections Committee

Assistant City Manager Tudor reviewed the staff report. Staff responded to Council questions related to enhancement to current Claremont law.

Mayor Schroeder invited public comment.

Andy Winnick said in defining personhood, the founders of this country did not have in mind corporations or unions; they meant people. He said the Supreme Court has equated money to speech and if you can limit the amount of money that can be spent you can limit the amount of speech. He said this was never the intent. More money means more political power and one person with money can keep a candidate alive and sway an election. It is contentious now as to whether government has the right to regulate contributions to campaigns directly or indirectly. He added that 501C4 social welfare organizations can contribute millions of dollars to campaigns and can do so in secret. He indicated he is asking for a Constitutional Amendment that would establish the four principles that are outlined in the resolution.

David levering concurred with Mr. Winnick and complimented staff for the analysis in the report. He said corporations are not individuals and encouraged support of the resolution.

Carlyon Gonzales said everyone has the right to voice opposition to something that is not right or fair. She said she does not have a problem with any individual writing to their Congressional representative but does have concerns if the City takes a stand when the City has no direct impact or has not had issues with election requirements.

Arnold Tuason agreed corporations are not individuals and said it is important that the City stand up and make that point. It is important the City reserve the right to control contributions. If nothing is done, corporate power may be stronger than the power of cities.

Carolee Monroe said corporations can throw all kinds of money toward a campaign and individuals cannot.

Jack Monroe said it is sad what money can do.

Charles Gerlach said Council should consider including unions in the resolution because the amount of money a union spends while participating in the political process is astounding. Corporations are legal entities and do not equate to individuals and unions are powerful entities.

Dean McHenry said the critical issue is the four points made in the resolution. These points are reasonable and sound. He said it is his sense that this issue is relevant to the City.

There were no further requests to speak.

Councilmember Nasiali said there is no question the Supreme Court has unleashed a runaway train. He said this and similar issues are better handled at the federal and state levels as they are the appropriate bodies to take action. He said if Council goes down the road of reacting every time, they could get bogged down. He said he supports the proponents' efforts to petition state officials and he will vote no.

Councilmember Pedroza said he believes the decision of the Supreme Court is a huge threat to who we are as a country. He said it comes down to "We the people" and Council should weigh in because we are the people in this country that will be impacted. He said he hopes it does not get in the way of other productive things. He said he is supportive of the resolution.

Councilmember Lyons said he has a more liberal appreciation of what is Council business and what is not. He said the decision rendered is the biggest threat that confronts democracy in America. The influence of money in politics is directing the game and runs the cost of elections up to astronomical amounts. It allows corporate board rooms to decide what is in the best interest of Americans. He said the Preamble of the Constitution was meant to assure that there be one person, one vote. He said any privileged class that becomes legally sanctioned has to be considered a threat. He said it is important to get back on course and re-identify with the founders that would never have defined personhood as a corporation. He suggested a statement be added to the resolution to require notification of the City's position be sent to elected officials at the state and federal level.

Councilmember Calaycay said many issues Council deals with have a certain element of politics and it is challenging enough to try to keep the community unified. He said anything can be rationalized to try to connect it to Claremont and Council can get mired down by contentious discussions and not be able to deal with other matters. He said Council is getting pulled into discussions that are not on the priority list and it is not necessary for Council to take this on. He indicated casting a no vote would imply that he does not agree, however, he does not feel comfortable voting yes. He said he does not want to put 37,000 residents on record as being against this if he were to vote no, so he will abstain.

Mayor Schroeder noted that on June 28, 2011, Council approved an amendment to the Best Practices to include a statement that they will refrain from taking a stance on policy decisions that are clearly unrelated to all matters within Council's jurisdiction, which opened Council up to making these decisions. He said the Supreme Courts' ruling

relates to and interferes with a section of the City's Municipal Code that limits contributions to \$250. He indicated large corporation or union funding has no place in a community like Claremont. He commented that it does cost to run a campaign, however, citizens should have the right to choose based on a candidate's qualifications rather than by an entity influencing voters by spending outrageous amounts on one candidate over another. He said it is imperative Council pass the resolution.

***Councilmember Lyons moved to adopt Resolution No. 2012-55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESTORE THE PEOPLE'S POWER TO LIMIT CORPORATE INFLUENCE IN ELECTIONS AND POLICYMAKING, amended to include unions and a statement that the resolution be forwarded to state and federal elected officials, seconded by Councilmember Pedroza and carried on a roll call vote as follows:***

**AYES:** Councilmember – Lyons, Pedroza, Schroeder  
**NOES:** Councilmember – Nasiali  
**ABSENTIONS:** Councilmember – Calaycay

**CONTINUED PUBLIC COMMENT** – None

**MAYOR AND COUNCIL**

Council Items

Council Assignment Reports

The City Council expressed their condolences to the family of Planning Commissioner Tom Lamb and said his passing is a great loss to the community and he will be missed.

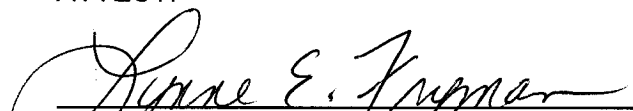
**COMMISSIONS**

**ADJOURNMENT**

Mayor Schroeder adjourned the meeting at 10:38 p.m. The next regular meeting of the Claremont City Council will be held on July 24, 2012, at 6:30 p.m. in the Claremont City Council Chamber, 225 Second Street, Claremont.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk