

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON MONDAY, OCTOBER 3, 2005,  
AT 7:02 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 7:02 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 Neal Froese, Rock of Life Community Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz led those assembled in the Pledge.

Mayor/Chairman Eaton reminded those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card*, and they would be afforded five minutes each to speak on subjects that do not appear on tonight's agenda.

IV. ROLL CALL

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

V. PRESENTATIONS

A. Introduction of New Community Action Committee Member

Mayor Eaton introduced **Mrs. Hollis Judkins**, who was appointed to the Community Action Committee (CAC) on September 6, 2005. He noted **Mrs. Judkins** has lived in Montclair for the past seven years and that she serves as a volunteer with the Montclair Walkers and Choral groups and the Montclair Walkers trips and tours, adding that she also serves as Vice President of the Montclair Senior Citizens Club.

Mayor Eaton welcomed **Mrs. Judkins** to the CAC and Montclair City family and presented her with a City pin.

B. Presentation of Plaques to Citizen Rescue Vehicles Sponsors

Mayor Eaton expressed the City's gratitude to the sponsors of the Police Department's Citizen Rescue Vehicle, also known as the "Peacekeeper." He noted the armored vehicle was built in 1979 for the **United States Air Force** and that after it was retired by the **Air Force**, it was given to the **U.S. Border Patrol**. He stated that the Police Department acquired the vehicle from the **Border Patrol** in 2003, when it was just a shell of its former condition and especially compared to its currently enhanced status.

Mayor Eaton, assisted by Police Chief Thompson, presented plaques to the following organizations for their contributions in restoring the Citizen Rescue Vehicle: **Richard Hibbard Chevrolet of Claremont** (accepted by **Mr. Paul Ebbs**) and **ComSerCo** of Riverside (accepted by **Mr. Steve Hall** and **Mr. Randy Drain**).

Mayor Eaton thanked each of the following sponsors that were not in attendance to receive their plaques, noting the plaques would be sent to them: **Rancho Transmission of Rancho Cucamonga, Off-Road Enterprise of Montclair, Chaffey Auto Body of Montclair, Federal Sign Corporation, Arrow Truck Bodies of Ontario, and Showy Display of Pinon Hills.**

Mayor Eaton advised that the Citizen Rescue Vehicle is parked in the City Hall parking lot for public inspection.

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS**

**A. Approval of Tentative Parcel Map No. 17462 for a Two-Lot Residential Subdivision at 4588 Benito Street**

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Parcel Map No. 17462 for a two-lot residential subdivision at 4588 Benito Street 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 Mayor Pro Tem Dutrey and seconded by Council Member Raft that the City Council approve Tentative Parcel Map No. 17462 for a two-lot residential subdivision at 4588 Benito Street.

Motion carried unanimously as follows:

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

**B. First Reading - Adoption of Ordinance No. 05-869 Amending Sections 8.36.020, 8.36.060, and 8.36.090 of Title 8 of the Montclair Municipal Code Related to Parking Within City Limits**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 05-869 amending Sections 8.36.020, 8.36.060. and 8.36.090 of Title 8 of the Montclair Municipal Code related to parking within City limits and invited comments from the public.

City Manager McDougal advised the Council that the City Attorney has recommended the following change to Section 8.36.090, "Parking commercial vehicles and commercial equipment within City limits," Subsection B:

B. It is unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more, or trailer or commercial equipment, irrespective of weight, upon any public or private property in the City within residential zones and within the following zones, to-wit: A-P Administrative Professional Zone, the C-1 Neighborhood Shopping

Center Zone, the C-3 General Commercial Zone, between the hours of 2:00 a.m. and 6:00 a.m., or for more than four hours between the hours of 6:00 a.m. and 2:00 a.m., except:

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 Mayor Pro Tem Dutrey that Ordinance No. 05-869, entitled "**An Ordinance of the City Council of the City of Montclair Amending Sections 8.36.020, 8.36.060, and 8.36.090 of Title 8 of the Montclair Municipal Code Related to Parking Within City Limits,**" be read by number and title only, further reading be waived, and this be declared its first reading.\*

Council Member Ruh asked how many residents whose homes abut alleys have complained about vehicles being parked in the alleyways behind their homes.

City Engineer Hudson responded that both residents and business owners/operators have raised parking-related issues. He indicated that over the past year, several items have been raised at Public Works Committee meetings, notably, a County resident who parked his commercial vehicle where practical on the City side of Pipeline Avenue south of Howard Street, which created a sight-distance problem. He noted an Upland resident was parking his commercial vehicle on the southwest corner of Benson Avenue and Arrow Highway to avoid being ticketed in Upland; the tractor-trailer blocked visibility of several businesses and created a sight-distance problem for patrons merging onto Benson Avenue. He advised that one of the proposed amendments to proposed Ordinance No. 05-869 prohibits commercial vehicles in excess of 10,000 pounds gross vehicular weight from parking on City streets and restricts parking on private driveways.

Council Member Ruh received clarification that proposed Ordinance No. 05-869 applies to commercial vehicles in excess of 10,000 pounds gross vehicular weight and trailers, regardless of weight and not to most vehicles.

Discussion centered on restricted and allowable parking in alleyways, depending on the width of the alley.

Council Member Ruh expressed his concern that residents be able to park their vehicles in alleyways.

Chief Thompson clarified that the California Vehicle Code prohibits parking in alleyways, noting the Vehicle Code has been somewhat preempted by the City's Parking Ordinance. He advised that staff frequently receives complaints from residents who are unable to safely access alleys because of illegally parked vehicles, noting the proposed amendments to the Ordinance would bring the Montclair Municipal Code into compliance with the Vehicle Code. He suggested residents contact staff to determine the propriety of parking in their alleyways.

Council Member Ruh asked where residents who live on Central Avenue below Palo Verde Street who have more than two vehicles would be able to park.

Chief Thompson advised that parking is currently prohibited in narrow alleyways to allow safe and viable access for safety vehicles.

City Manager McDougal clarified that pursuant to the California Vehicle Code, parking is prohibited on paved surfaces in alleyways, irrespective of the current parking provisions of the Montclair Municipal Code. He admitted that many alleyways in the City have large enough dirt surfaces where parking would currently be permissible.

Council Member Ruh reiterated his concern about the burden placed on residents having multiple vehicles to find adequate parking.

Council Member Raft noted in her campaigns for reelection to the City Council the sight-distance problems for motorists caused by commercial vehicles parked in business districts. She noted observing vehicles parked illegally in alleyways that would obstruct access for safety vehicles. She spoke in complete support of proposed Ordinance No. 05-869.

Mayor Pro Tem Dutrey noted the importance of maintaining right-of-way access through alleyways for safety vehicles. He concurred that residents facing parking challenges should contact City staff to address the issue.

Council Member Paulitz noted he inspects nearby alleys during his daily walks through the neighborhood and concurred that parking in narrow alleyways obstructs resident and safety vehicle access. He added that oftentimes an opportunity for undesirable storage of items is created adjacent to illegally parked vehicles, not to mention that dripping oil from parked vehicles contributes to pavement erosion. He spoke in complete support of proposed Ordinance No. 05-869 to eliminate parking in alleyways and the sight-distance problems created by the parking of commercial vehicles in residential and business districts.

**Mr. Loren Martens**, 4285 Benito Street, Montclair, concurred with the problems associated with parking in narrow alleyways. He expressed his concern with the proposed provision to prohibit commercial vehicle parking because he has commercial license plates on a camper as well as on two pickup trucks to allow them to haul items in the truck beds.

Council Member Ruh noted he would oppose the item and that he would further research **Mr. Martens'** and other concerns before the second reading of Ordinance No. 05-869.

\*The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 05-869 was adopted by the following vote:

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

## VIII. CONSENT CALENDAR

City Attorney Robbins requested that Item C-4, entitled "Approval of *Agreement No. 05-127, a License Agreement and Addendum* by and Between the City of Montclair Redevelopment Agency and Costar Group for Online Real Estate Subscription Services," be removed from the Consent Calendar to allow further work to be done on the proposed agreement.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried unanimously to remove Item C-4 from the Consent Calendar to be returned at a later date.

Council Member Paulitz requested that Items B-1 and B-7 be removed from the Consent Calendar for comment.

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

Mayor Pro Tem Dutrey requested that Item B-3 be removed from the Consent Calendar for comment.

Noting he would like to comment on Item B-3, Council Member Ruh requested that Items C-1 and C-5 be removed from the Consent Calendar for comment.

Mayor Eaton asked if correspondence placed on the dais this evening from the **American Massage Therapy Association, Incorporated**, related to Item B-2, "Consider Setting a Public Hearing to Consider Ordinance No. 05-868 Amending Chapter 4.56 of Title 4 and Chapter 11.78 of Title 11 of the Montclair Municipal Code Related to the Regulation of Massage Technicians and Massage Establishments," would be included in the public hearing item.

City Manager McDougal answered, "Yes."

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

**A. Approval of Minutes**

**1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 19, 2005**

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of September 19, 2005.

**B. Administrative Reports**

**2. Setting a Public Hearing to Consider Ordinance No. 05-868 Amending Chapter 4.56 of Title 4 and Chapter 11.78 of Title 11 of the Montclair Municipal Code Related to the Regulation of Massage Technicians and Massage Establishments**

The City Council set a public hearing for Monday, October 17, 2005, in the City Council Chambers to consider Ordinance No. 05-868 amending Chapter 4.56 of Title 4 and Chapter 11.78 of Title 11 of the Montclair Municipal Code related to the regulation of massage technicians and massage establishments.

**4. Approval of Parcel Map No. 17100 Located at the Northeast Corner of Kimberly Avenue and Mane Street**

**Authorization of Parcel Map No. 17100 to be Recorded with the Office of the San Bernardino County Recorder**

The City Council took the following actions:

- (a) Approved Parcel Map No. 17100 located at the northwest corner of Kimberly Avenue and Mane Street.
- (b) Authorized Parcel Map No. 17100 to be recorded with the Office of the San Bernardino County Recorder.

**5. Acceptance of Grant of Easement for Roadway & Appurtenances at Brooks Street Basin**

**Acceptance of Grant of Temporary Construction Easement for Construction of Roadway & Appurtenances at Brooks Street Basin**

The City Council accepted the following:

- (a) Grant of Easement for Roadway & Appurtenances at Brooks Street Basin.
- (b) Grant of Temporary Construction Easement for Construction of Roadway & Appurtenances at Brooks Street Basin.

**6. Authorization to Amend Fiscal Year 2006-2010 Capital Improvement Program to Add the Richton Parking Facility Project**

**Authorization to Advertise for Bid Proposals for the Richton Parking Facility Project**

The City Council authorized the following actions related to the Richton Parking Facility Project:

- (a) Amendment of the Fiscal Year 2006-2010 Capital Improvement Program to add the project.
- (b) Advertisement for bid proposals for the project.

**8. Authorization to Transfer \$1,000 From the Contingency Account for the Purpose of Upgrading the Replacement Floor Covering in the Code Enforcement Offices at Fire Station No. 1**

The City Council authorized \$1,000 to be transferred from the Contingency Account to Account No. 001-400-4536-6201 to upgrade the replacement floor covering in the Code Enforcement offices at Fire Station No. 1.

**9. Declaring Eight Traffic Counters as Surplus and that They be Traded In Toward Acquisition of Eight New Traffic Counters from Jamar Technologies**

The City Council declared eight traffic counters (Serial Nos. 02572, 02573, 02574, 02575, 02576, 02577, 02578, and 02579) as surplus and that they be traded in toward the purchase of eight new traffic counters from Jamar Technologies.

**10. Declaring Vehicles as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair**

The City Council declared the following vehicles as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair:

<i>Department</i>	<i>Year and Model</i>	<i>Vehicle Identification No.</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
Police	1995 Chevrolet Caprice	1G1BL52P5SR145601	101,001	\$1,150
Police	1996 Chevrolet Caprice	1G1BL52P7TR152678	110,949	\$1,200
Police	1999 Chevrolet Tahoe	1GNEC13R4XR153295	93,011	\$2,100
Fire	1990 Astro cargo van	1FTCR10T9JUB98221	67,836	\$1,200
Redevelopment/ Public Works	1990 Oldsmobile Cutlass Cierra	1FTCR10T9JUB98221	66,354	\$ 725

**11. Designation of Voting Delegate to the 82 Annual National League of Cities Congress of Cities and Exposition, December 6-10, 2005, Charlotte, North Carolina**

The City Council designated Mayor Paul M. Eaton as voting delegate to the National League of Cities Annual Business Meeting to be held Saturday, December 10, 2005, at the 82 Annual National League of Cities Congress of Cities and Exposition in Charlotte, North Carolina.

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

The City Council approved the Warrant Register dated October 3, 2005, totaling \$984,999.61 and the Payroll Documentation dated August 21, 2005, amounting to \$528,172.89, with \$356,426.56 being the total cash disbursement.

**C. Agreements**

**2. Approval of Agreement No. 05-125 With Cost Recovery Systems, Inc., for State Mandate Reimbursement Claiming Services**

The City Council approved *Agreement No. 05-125* with Cost Recovery Systems, Inc., for state mandate reimbursement claiming services.

**3. Approval of Tract Map No. 17315 Located on the South Side of Mission Boulevard Between Ramona and Monte Vista Avenues**

**Approval of Agreement No. 05-126, a Subdivision Agreement With Brighton Place II Partners L.P.**

**Authorization for City Engineer to Reduce and Release Payment and Performance Bonds Upon Satisfactory Completion of Improvements Within the Public Rights-of-Way**

The City Council took the following actions:

- (a) Approved Tract Map No. 17135 located on the south side of Mission Boulevard between Ramona and Monte Vista Avenues.
- (b) Approved *Agreement No. 05-126, a Subdivision Agreement* with Brighton Place II Partners L.P.
- (c) Authorized the City Engineer to reduce and release payment and performance bonds upon satisfactory completion of improvements within the public rights-of-way.

**6. Approval of Agreement No. 05-129 With Inland Empire Utilities Agency for Industrial Wastewater Pretreatment Program Services**

The City Council approved *Agreement No. 05-129* with Inland Empire Utilities Agency for industrial wastewater pretreatment services.

**7. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 05-130 Through 05-133, Rehabilitation Grant Agreements by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program (EHIP) Participants**

The Redevelopment Agency Board approved *Agreement Nos. 05-130 through 04-133, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the four EHIP participants listed on Exhibit A to the agenda report on this item.

#### **D. Resolutions**

##### **1. Adoption of Resolution No. 05-2608 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 05-2608 authorizing placement of liens on the 69 properties listed on Exhibit A to Resolution No. 05-2608 for delinquent sewer and trash charges.

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

##### **B. Administrative Reports**

##### **1. Setting a Public Hearing to Consider the Following:**

**Adoption of Resolution No. 05-2610 Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for a 1.08-Acre Site at 4210 Holt Boulevard, Modifying the Land-Use Designation From "Commercial" to "R-3/11 DU/AC" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre), and for a .25-Acre Site North of 4234 Holt Boulevard, Modifying the Land-Use Designation From "R-3/11 DU/AC" to "Commercial"**

**Approval of Tentative Tract Map No. 17498 Subdividing a 10.4-Acre Site Into 9 Numbered Lots and 14 Lettered Lots for the Purpose of Developing a Planned Residential Development of 106 Detached Single-Family Dwelling Units in the 4200 Block of Holt Boulevard**

Mayor Eaton noted Council Member Raft's disqualification on this item because of the proximity of her home to the subject site.

Noting no map of Tentative Tract Map No. 17498 was included in the agenda report, Council Member Paulitz asked how the 106 detached homes would be arranged.

Director of Community Development Clark clarified that the homes would be arranged around the common areas similar to a condominium layout, noting each property owner would receive a deed for the area directly beneath the dwelling unit. He added that there would be no prescribed lot lines for the subdivision.

Council Member Paulitz asked that a photocopy of Tentative Tract Map No. 17498 be included in the public hearing agenda report on this item.

Moved by Council Member Paulitz and seconded by Mayor Eaton that the City Council set a public hearing for Monday, October 17, 2005, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 05-2610 approving a Holt Boulevard Specific Plan amendment for a 1.08-acre site at 4210 Holt Boulevard, modifying the land-use designation from "Commercial" to "R-3/11 DU/AC" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre), and a .25-acre site north of 4234 Holt Boulevard, modifying the land-use designation from "R-3/11 DU/AC" to "Commercial" and

approval of Tentative Tract Map No. 17498 subdividing a 10.4-acre site into 9 numbered lots and 14 lettered lots for the purpose of a Planned Residential Development of 106 detached single-family dwelling units in the 4200 block of Holt Boulevard.

Motion carried as follows:

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

**3. Authorization to Hire Three Police Officers and to Promote One Existing Police Officer to Sergeant for the Purpose of Organizing a Problem-Oriented Policing (POP) Team**

Noting the pervasiveness of graffiti vandalism throughout the City and the importance of its effective suppression as established in the Montclair Business Plan goals for Fiscal Year 2005-06, Mayor Pro Tem Dutrey asked when the new POP Team would be operational to address graffiti-abatement measures and other community issues that require more attention or resources than standard enforcement services.

Chief Thompson responded that it takes six months for Police Officer trainees to receive their training. In addition to four months of field training. He noted the Police Department is presently short on personnel.

Council Member Ruh expressed his support of establishing the new POP Team to more effectively suppress graffiti vandalism and increased traffic enforcement at the Montclair Plaza during Christmas. He asked if there would be any future budget considerations related to this item.

Chief Thompson advised that unmarked vehicles would be needed to implement this new program.

Council Member Ruh noted these types of programs work very well in other communities and that he is very glad Montclair is implementing a similar program.

Chief Thompson concurred.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that the City Council authorize the hiring of three Police Officers and the promotion of one Police Officer to Sergeant for the purpose of organizing a POP Team.

City Manager McDougal clarified that experienced veteran Police Officers would be assigned to the POP Team.

\*Motion carried unanimously as follows:

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

**7. Authorization to Obtain a Real Estate Appraisal of the Redevelopment Agency-Owned Property Located at 5326 San Bernardino Street**

**Authorization for a \$1,300 Appropriation From the Special Housing Fund for Appraisal Services**

Council Member Paulitz inquired as to the disposition of the structure on the property located at 5326 San Bernardino Street.

Mayor Pro Tem Dutrey noted staff presented the Real Estate Committee with a developer's proposal to build a commercial center at the northeast corner of Central Avenue and San Bernardino Street to include 5326 San Bernardino Street. He noted the Committee discussed the preservation of the former City Hall structure by its relocation to the Reeder ranch property and of the development containing a historical element recognizing the significance of the site to the City's origins. He noted he advocated acquiring the former City Hall building to preserve the City's history.

Council Member Paulitz suggested the property purchase contract contain a provision for relocation of the building. He noted the developer of the former Sam's Club site agreed to acquire property on Kingsley Street east of Central Avenue to build Saratoga Park in order to acquire the site. He noted the importance of preserving the building as a part of the City's history rather than just having a historical element at the proposed development on San Bernardino Street.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey, and carried unanimously that the Redevelopment Agency Board authorize the following actions:\*

- (a) A real estate appraisal of the Redevelopment Agency-owned property located at 5326 San Bernardino Street.
- (b) A \$1,300 appropriation from the Special Housing Fund for appraisal services.

Council Member Ruh suggested the building could be incorporated into the design of the new commercial development, which would save on relocation costs as well as allow the building to be used. He noted the Union Station building in Washington, D.C., was successfully converted into a premier collection of shops and art galleries.

Mayor Eaton noted the Real Estate Committee has advised staff to consider all options.

\*Motion carried unanimously as follows:

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

## C. Agreements

### 1. **Approval of Agreement No. 05-123 Amending Agreement No. 98-73 With All City Management Services, Inc., for School Crossing Guard Services**

Council Member Ruh asked if Ontario-Montclair School District (OMSD) has approved the use of All City Management Services, Inc., to provide school crossing guard services.

City Manager McDougal answered, "No."

Council Member Ruh noted he wanted to determine whether the City or OMSD would be liable if an unfortunate incident involving a crossing guard occurred.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried unanimously that the City Council approve *Agreement No. 05-123* amending *Agreement No. 98-73* with All City Management Services, Inc., for school crossing guard services.

**5. Approval of Agreement No. 05-128 Amending Agreement No. 04-72 With the Ontario-Montclair School District for Use of Soccer Fields at Montera Elementary School**

Council Member Ruh spoke in support of this item, noting the City needs more soccer fields to accommodate the popularity of the sport. He noted that residents **Terry** and **Joan Singleton** have over the years strongly advocated the need for additional soccer fields in the City.

Moved by Council Member Ruh and seconded by Council Member Paulitz that the City Council approve *Agreement No. 05-128* amending *Agreement No. 04-72* with the Ontario-Montclair School District to remove a provision allowing OMSD to withdraw from the Agreement after five years.\*

Noting City Manager McDougal mentioned during a prior meeting that the Redevelopment Agency-owned property at the corner of Ramona Avenue and State Street is being considered as a possible location for new soccer fields, Mayor Pro Tem Dutrey asked that staff explore the feasibility of constructing new soccer fields at the site and return a report to the Council. He spoke in support of exploring additional sites for soccer fields because of the popularity of the sport.

City Manager McDougal noted Public Works staff has provided several options for soccer fields on the Agency-owned parcel, and it appears that three different-size fields could be constructed there. He added that another Agency-owned parcel at the corner of Ramona Avenue and Brooks Street has also been studied as an option for new soccer fields and that undeveloped parkland on Vernon Avenue south of Mission Boulevard is currently being studied. He noted all options look good and a report would be presented to the Council at a study session at some future time.

Council Member Ruh suggested American Youth Soccer Organization team representatives be invited to attend the study session.

Mayor Pro Tem Dutrey inquired as to the exact location and size of the site on Vernon Avenue being studied for soccer fields.

City Manager McDougal responded that the site is midway between Howard Street and Phillips Boulevard on the west side of Vernon Avenue and that it is a little over four acres.

\*Motion carried unanimously as follows:

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

**D. Resolutions**

**2. Adoption of Resolution No. 05-2609 Committing Public Funds for the Public Purpose of Supporting and Assisting With Relief and Recovery Efforts for the Gulf Coast Region Struck by Hurricane Katrina on August 29, 2005, and**

## **Designating Gulfport, Mississippi, as a Community of Particular Interest for Purposes of Recovery Assistance**

Council Member Raft noted watching an interview of an American Red Cross representative on Fox News who admitted that not all the donations to the victims of the September 11, 2001 tragedy were actually given to them. She noted the representative indicated some of the money was given to other causes and that the balance of funds has not yet been distributed. She noted the importance of donations being given where designated instead of to some other cause. She suggested that the City's donation for Hurricane Katrina relief instead be given to the Salvation Army.

Noting Director of Administrative Services Starr has extensively researched this matter, Mayor Eaton asked him to comment.

Director of Administrative Services Starr noted he understands Council Member Raft's concerns, concurring that not all donations designated for the victims of September 11 received the funds. He noted representatives of the American Red Cross have indicated that in recognition of the error they made concerning donations to the victims of September 11, all donations designated for Hurricane Katrina relief will be given to those victims. He expressed his opinion there is no need for the Council to be concerned that donations to the American Red Cross designated for Hurricane Katrina relief will not reach their destination.

Council Member Raft stated she wanted to ensure the City's donation would reach the victims of Hurricane Katrina.

Council Member Paulitz suggested a specific location for the City's donation should be designated, such as Gulfport, Mississippi.

Council Member Ruh commented as follows:

- (a) He noted he is in favor of helping the victims of Hurricane Katrina, though he is not in favor of designating a donation to any one city.
- (b) He stated that the homeowners and residents of the Lower Ninth Ward neighborhood of New Orleans are in need of housing because it is questionable whether that district would be reopened because of the extensive flooding damage throughout that area. He noted that those interested in taking a family into their homes can access the [www.hurricanehousing.org](http://www.hurricanehousing.org) website to offer assistance.
- (c) He advised that whatever the Council decides this evening, he hopes the City's donation would be given to the hurricane victims who truly need the help.

Mayor Pro Tem Dutrey commented as follows:

- (a) Noting the American Red Cross would be one of the first nonprofit organizations to respond to a disaster in Montclair, he expressed his opinion that donating to the American Red Cross for Hurricane Katrina relief is the right thing to do.
- (b) He noted the reason for assisting Gulfport, Mississippi, at this time is because the need there is so great, and that's why the County of San Bernardino and a number of

area cities have already done so. He indicated that Gulfport is just the first city that Montclair might assist in addition to other cities recommended by the National League of Cities.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that the City Council adopt Resolution No. 05-2609 authorizing a \$12,500 donation from the Community Benefits Fund Account to the American Red Cross for Hurricane Katrina relief and direct the City Manager to contact the Gulfport, Mississippi, Town Council to make available any surplus City equipment that may assist in relief and recovery efforts; donation of such equipment shall receive the prior approval of the City Council.\*

Council Member Ruh reported that in response to the **Federal Emergency Management Agency's** national call for 1,000 two-man teams of firefighters to volunteer to assist with providing first aid and relief information to Gulf Coast residents, Firefighter/Paramedic Ed Cook and Firefighter Steve Hall volunteered their services and are serving as Community Relations Officers in Baton Rouge. He suggested that they be invited to attend a meeting upon their return to be welcomed back and thanked for their volunteer spirit as well as to speak about their experiences serving in the Gulf Coast. He noted Firefighter/Paramedic Cook's and Firefighter Hall's desire to assist in Hurricane Katrina relief is truly wonderful and asked that everyone please keep them in their thoughts and prayers.

Fire Chief Turner reported that Firefighter/Paramedic Cook and Firefighter Hall would be demobilized this Saturday and that Code Enforcement Officer Scott Sherwood is extending his services of being in charge of security for eight shelters in Algiers, a district of New Orleans, for a third week.

\*Motion carried unanimously as follows:

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

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel**

1. **Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiators**

*Agency: City of Montclair*

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

City Attorney Robbins requested a Closed Session regarding conference with designated labor negotiators pursuant to Government Code Section 54957.6.

2. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

<u>Assessor's Parcel Nos.</u>	<u>Property</u>
1007-691-03	Montclair Transcenter
1007-691-05	"

*Negotiating Parties:* City of Montclair, City of Montclair Redevelopment Agency, and the State of California Department of Transportation

*Negotiator:* City Manager/Executive Director McDougal

*Under Negotiation:* Purchase of Montclair Transcenter Property

City/Agency Attorney Robbins asked that the City Council and Redevelopment Agency Board make the appropriate findings to add a Closed Session pursuant to Government Code Section 54956.8 regarding the Redevelopment Agency's potential purchase of the Montclair Transcenter property from the **State of California Department of Transportation (Caltrans)**. She stated that **Caltrans** has specified a deadline of October 7, 2005, for a decision to be made and has been unresponsive to staff's requests for further information, indicating a need for immediate action by the Redevelopment Agency Board. She clarified that this matter came to staff's attention after the agenda for tonight's meeting was posted.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Ruh, and carried unanimously that the City Council/Redevelopment Agency Board add an urgency Closed Session matter to this agenda pursuant to Section 54956.8 of the Government Code regarding the real property negotiations noted above.\*

City/Agency Attorney Robbins advised that a follow-up matter to the added Closed Session item might involve possible pending litigation involving the principals listed above pursuant to Government Code Section 54956.9(c).

\*Mayor Pro Tem/Vice Chairman Dutrey amended his motion to include a possible pending litigation matter involving the City of Montclair, the City of Montclair Redevelopment Agency, and Caltrans pursuant to Section 54956.9(c) of the Government Code.

Amended motion seconded by Council Member/Director Ruh and carried unanimously as follows:

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

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

(a) He noted Council Member Ruh's and his attendance last Saturday at the **Pomona Valley Habitat for Humanity "Claremont Blitz Build"** project in which six houses will be built in six weeks at the northeast corner of Claremont Boulevard and First Street. He noted more

than 230 volunteers participated in the kickoff event. Advising that the project needs more volunteer support, he encouraged those interested in helping to build the houses to telephone (909) 596-7098, Ext. 202, adding that no building experience is required. He noted the six families selected last spring by the **Pomona Valley** affiliate's 12-member board were introduced and are required to contribute a minimum number of "sweat equity" hours in the building of their own and other **Habitat** homes.

- (b) He noted last Thursday was "Montclair Day at the Fair" at which Montclair's Community Hero, **Ms. Theresa Brutico**, was honored with a plaque. He noted **Ms. Brutico** dedicates her time to a number of senior programs, including coordinating day trips and tours for the Montclair Walkers and volunteering at the nutrition site and the Community Health Fair and Holiday Food and Toy Basket giveaway each year.

#### D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey noted Mayor Eaton's and his attendance at the **International Council of Shopping Centers Western Division "Establishing New Retail Traditions" Conference** last Wednesday in Palm Springs, the primary purpose of which is to convince commercial developers to build their shopping centers and other commercial ventures in Montclair.
2. Council Member/Director Ruh commented as follows:
  - (a) He gave his sincere condolences to the family of **Pomona Mayor Eddie Cortez** who passed away Tuesday, September 20, 2005. He noted former **Mayor Cortez** was truly a champion of Pomona. He noted his attendance last Monday along with about 700 individuals, from day laborers to top business executives and representatives from the **Governor's** office, at **Mayor Cortez's** memorial service at the **First Baptist Church of Pomona**, which was a testimony to his life.
  - (b) He also noted his attendance at the **Pomona Valley Habitat for Humanity** groundbreaking/wall raising ceremony last Saturday, adding that the **Citrus Valley Association of Realtors**, for which he serves as Governmental Affairs Director, would be funding and building one of the six homes. He noted meeting **Pomona Colleges Admissions Office** employee **Ms. Beth Hubbard** and her daughters, the family selected to purchase the home. He expressed his hope that a series of newspaper articles would be written about the families that were selected to purchase homes in the project.
  - (c) He applauded and congratulated **Senator Soto** for her receipt at a luncheon last Friday of the **California Alliance Concerned With School Age Parenting and Pregnancy Prevention (CAC SAP) "Legislator of the Year"** award for introducing **SB 161 - California Youth Access to Information Act**, a "Teen Bill of Rights" that creates a clearinghouse for informing California youth of their existing rights. He noted the **CAC SAP** is concerned with the epidemic of teen pregnancy and is dedicated to the prevention of adolescent childbearing and other pertinent issues related to the health and well being of expectant and parenting youth.

- (d) He announced that **Senator Soto** would be conducting a Pension Summit on Friday, October 21, 2005, from 9:30 a.m. to 3:00 p.m. at the **Avalon Restaurant, Fairplex.**
- (e) He noted the **Governor** signed **Senator Soto's SB 477 – Emergency Services: Recovery Process** into law on September 29, 2005, advising the legislation authorizes the **Office of Emergency Services** to establish a process that makes available assistance to communities recovering from emergencies. He noted he is pleased with the bipartisanship exhibited by the passing of the legislation.
- (f) He noted the **Governor** signed **Assembly Member McLeod's AB 620 – Criminal Proceedings: Examination of Witnesses** into law on September 22, 2005. He advised this legislation would now allow prosecutors to conduct their interviews outside the courtrooms to preserve the witness testimonies of elderly and dependent adult victims of crimes who may not make it to trial because of illness.
- (g) He announced **Assembly Member McLeod's** continental breakfast to be held Friday, October 14, 2005, from 8:30 to 9:30 a.m. at the **Ontario YMCA Conference Center, 215 West C Street**, at which guest speaker **California State Controller Steve Westly** will address issues impacting California.
- (h) He noted **SB 687 (Simitian) – School Accountability Report Card: Reporting Requirements: Standardized Templates: Review and Revisions**, also known as the "Classroom Instructional Improvement and Accountability Act," was signed into law on September 28, 2005, and essentially imposes a state-mandated local program by specifying reporting requirements for the assessment of estimated expenditures per pupil and would require that assessment of estimated expenditures per pupil to include salaries of personnel at the school.
- (i) He gave the Council copies of a publication of the **California Budget Project**, September 2005, entitled "Making Ends Meet – How Much Does It Cost to Raise a Family in California?" He noted the report estimates the earnings needed by families and single adults to achieve a modest standard of living without public assistance. Noting the report divides California into ten regions, he discussed the expenses per month as a percentage of total income needed to live in the region comprised of Orange, Riverside, San Bernardino, and Ventura counties. He noted the median income for a family of four in Montclair is approximately \$51,000 and that about 500 households live at or below the poverty line. He spoke of the financial challenges of low-income families that are struggling to make ends meet.
- (j) He discussed an unfortunate incident that occurred in Gretna, Louisiana, in the aftermath of Hurricane Katrina in which a bridge that is the main escape route from New Orleans to Gretna was blockaded. He expressed his opinion about the poor attitudes of the armed law enforcement officers to evacuees attempting to cross the bridge, though the blockade of Gretna occurred before the bridge was blocked as a result of the community losing power, water, and sewer facilities and having no shelters, food, water, or the capacity to take evacuees.

- (k) Council Member Ruh offered the following to memorialize the victims of Hurricane Katrina:

*This is in memoriam.*

*It's in memoriam for the thousands of lives lost because they didn't have the means to make it out of a city that filled up faster than a bowl of gumbo.*

*In memoriam for those stubborn old New Orleansians who lived through Betsy, Camille, and countless other threats to their homes.*

*In memoriam for the millions of displaced persons, their homes, their peace of mind.*

*In memoriam for the thousands of children who watched their loved ones die, their pets taken away from them, their lives destroyed in one fell swoop.*

*In memoriam of all the poor, some of the poorest of the poor who had no homes before and may never have a home again.*

*In memoriam of the lives lost long ago who would literally turn over in their graves if they saw the destruction of their city.*

*In memoriam of all the students who have found themselves without an education and no school to attend.*

*In memoriam of the brides who had their weddings planned in New Orleans, and a damper was put on the happiest days of their lives.*

*In memoriam of all the politicians who have to make some tough calls.*

*In memoriam of all the rescuers who have Katrina's ugly scars on their minds forever.*

*In memoriam of the animals who roam the city in search of food, water, a friend.*

*Many died of starvation or succumbed to disease.*

*In memoriam for those residents who stood up to the racist and soulless individuals as well as local governments who refused to shelter the victims, fearing them to be a burden on society.*

*In memoriam for the many other cities around the world, Louisiana, and the country who have taken the evacuees, even at their inconvenience.*

*In memoriam for those who saw the Katrina survivors as brothers and sisters and not as criminals.*

*A memorial for a city that never sleeps, whose national anthem is a soulful jazz tune and whose face is characterized by thick-trunked oak trees and droopy Spanish moss.*

*In memoriam of all the hot New Orleans nights, sitting in a high-ceilinged kitchen cooling under the whirring fan.*

*In memoriam for a city that was, and let's hope for a future for a city and people who will be again.*

**E. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of August 18, 2005**

The City Council received and filed the Public Works Committee meeting minutes of August 18, 2005, for informational purposes.

**2. Minutes of Code Enforcement Committee Meeting of September 19, 2005**

The City Council received and filed the Code Enforcement Committee meeting minutes of September 19, 2005, for informational purposes.

**3. Minutes of Personnel Committee Meeting of September 19, 2005**

The City Council received and filed the Personnel Committee meeting minutes of September 19, 2005, for informational purposes.

**XII. ADJOURNMENT OF MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS**

At 8:19 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 8:19 p.m., the City Council and Redevelopment Agency Board went into Joint Closed Session regarding conference with designated labor negotiators pursuant to Government Code Section 54957.6, real property negotiations pursuant to Government Code Section 54956.8, and possible pending litigation pursuant to Government Code Section 54956.9(c).

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 9:36 p.m., the City Council/Redevelopment Agency Board returned from Joint Closed Session. Mayor Pro Tem/Vice Chairman Dutrey announced the City Council met in Closed Session regarding labor negotiations and the City Council/Redevelopment Agency Board met in Closed Session regarding real property negotiations and possible pending litigation, information was received by the City Attorney and staff and direction given by the City Council/Redevelopment Agency Board, and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

At 9:37 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency Board of Directors.

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

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Yvonne L. Smith  
Transcribing Secretary