

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, NOVEMBER 7, 2005,
AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:01 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 Mark Schipul, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge.

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 Employees

Mayor Eaton introduced **Mr. Jerad Burns**, who was appointed to the position of Police Officer effective October 10, 2005. He noted Officer Burns graduated from the **Riverside County Sheriff's Academy** on October 5, 2005.

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

Mayor Eaton introduced **Ms. Michelle Roche**, who was appointed to the position of Sports Coordinator effective October 17, 2005. He noted Sports Coordinator Roche had been previously employed by the City between 1998 and 2002 as a Playground Director, had worked at the **Los Angeles Fairplex** as a writer and volunteer Program Coordinator, and for the **Spanish Trails Council of the Girl Scouts** as a Membership Manager.

Mayor Eaton welcomed Sports Coordinator Roche to the Montclair City family and presented her with a City pin.

B. Presentation to Council Member Ruh by Senator Robert Dutton in Recognition of His Recently Being Honored as "Outstanding Citizen of the Inland Empire" by the Old Baldy Council Boy Scouts of America

Mayor Eaton introduced **31st District Senator Robert Dutton**.

Senator Dutton stated that Council Member Ruh truly gives back to the community through his service on the Montclair City Council, **National Association of Realtors** Federal Housing Policy Committee, **Alameda Corridor-East** Construction Authority, **Doctor's Hospital Medical Center of Montclair** Board of Trustees, **Chaffey College Community College Foundation**, and **Friends of Ontario Airport** and his assistance to former **Senator Fred Aguiar**, **Senator Nell Soto**, and former **U.S. Representative Jay Kim**.

Senator Dutton presented Council Member Ruh with a *California Legislative Resolution* on behalf of **Assembly Member Bill Emerson** and himself in recognition of Council Member Ruh's recently being honored as the *Good Scout of the Year for 2005*, *Outstanding Citizen of the Inland Empire* by the **Old Baldy Council Boy Scouts of America**.

Council Member Ruh accepted his *Certificate* and thanked **Senator Dutton**, his spouse, **Andrea**, and District Representative **Roberta Broedow**. He stated that **Senator Dutton** really cares and takes a very rare pragmatic bipartisan approach to the legislation he introduces. He thanked **Senator Dutton** for all that he does in this community and **Mrs. Dutton** and District Representative **Broedow** for the work that they do.

VI. PUBLIC COMMENT

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.

- A. **Ms. Hollis Judkins**, 9914 Greenwood Avenue, Montclair, alerted the Council to the dangerous traffic situation at the intersection of Monte Vista Avenue and Benito Street, primarily involving vehicles speeding through the north-south traffic signals' red-interval phasing and causing "horrendous" collisions. She related a recent incident involving a vehicle hurtling through the intersection that, after rear ending the vehicle in front of it, almost rolled onto the sidewalk, narrowly missing students walking home from school. She added that while the street was being cordoned off, a vehicle hastily turned west onto Benito Street and almost hit her, three students, and the Crossing Guard. She expressed her appreciation for anything that can possibly be done to mitigate this dangerous traffic situation.

Mayor Eaton told **Ms. Judkins** that the Police Chief and City Engineer would look into the matter.

Ms. Judkins advised that the Police patrol all they can and suggested perhaps the traffic signal intervals could be adjusted.

- B. **Mr. John Boles, Monterey Manor Mobile Home Estates**, 11250 Ramona Avenue, Space 110, Montclair, invited the Mayor and Council to the park's Thanksgiving potluck this Saturday, November 12, 2005, at 6:00 p.m. in the clubhouse.

Mayor Eaton thanked **Mr. Boles** for the special invitation.

VII. PUBLIC HEARINGS

- A. **Providing Direction Regarding Appropriate Residential Refuse Rate Discount Program for Senior and/or Nonsenior Households**

Adoption of Resolution No. 05-2605 Amending the Fee Structure for Collection and Disposal of Residential Refuse

Authorization to Allocate Funds From the Refuse Impound Fund for Household Hazardous Waste Program

Mayor Eaton declared it the time and place set for public hearing for the City Council to provide direction regarding an appropriate residential refuse rate discount program for senior and nonsenior households and to consider adoption of Resolution No. 05-2605 amending the fee schedule for collection and disposal of residential refuse and authorization to allocate of funds from the Refuse Impound Fund for the Household Hazardous Waste Program 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 Ruh inquired as follows:

1. How is a senior household determined?

Director of Administrative Services Starr responded that, as defined in proposed Resolution No. 05-2605, a senior household is a residence in the City of Montclair in which the head of household, as either the residing property owner or the primary tenant of record, is at least 65 years of age.

Council Member Ruh noted the City offers a utility tax low-income exemption.

Director of Administrative Services Starr advised that the City has never offered an income-driven refuse rate subsidy.

2. Has the City ever considered such a subsidy?

Director of Administrative Services Starr answered, "No," primarily because of the cost to administer a subsidy program in which households would have to be reevaluated on an annual basis to determine their qualification for the program.

Council Member Ruh spoke in favor of continuing the present 26.5 percent Senior Household Discount Program in view of ever-increasing fuel and energy costs and considering the number of senior households that are struggling to make ends meet.

3. Why are so few residents taking advantage of household hazardous waste disposal sites?

Director of Administrative Services Starr replied that it seems to be a matter of convenience. He indicated that a marketing effort would be included in the next billing to encourage participation in the program. He noted there are mostly commercially related drop-offs at the various disposal sites.

4. Is it possible that scavengers are collecting recyclable commodities throughout the community for profit?

Director of Administrative Services Starr responded that certainly a lot of scavenging takes place on trash day.

Mayor Pro Tem Dutrey commented as follows:

1. He confirmed with Director of Administrative Services Starr that if the 20 Percent Senior Household Discount Program were approved, senior households would receive a monthly increase of \$1.04.

2. Noting all residents have benefited from the City's refuse-rate subsidies since 1991 and in view of the limited balance in the Refuse Impound Fund to continue such subsidies to all house-holds, he suggested the Council approve the 20 Percent Senior Household Discount Program to allow senior house-holds to continue receiving subsidies through January 2014. He further suggested the Council address the future subsidy-funding shortfall during the Preliminary Budget review next June.
3. He noted Montclair would rank the second-lowest of the eight cities (including Montclair) surveyed in the region should the Council approve the proposed \$18.50 refuse rate adjustment for nonsenior households and either the 25.6 Percent or the 20 Percent Senior Household Discount Program.

Council Member Paulitz inquired as to the origin of the Refuse Impound Fund.

Director of Administrative Services Starr responded that the fund originated during Fiscal Year 1990-91 and that a disbursement from a settlement agreement with Monte Vista Disposal, Inc., in August 1994 was deposited into the fund to be used for refuse-related purposes.

Council Member Paulitz commented as follows:

1. He concurred with Mayor Pro Tem Dutrey that the Council should approve the 20 Percent Senior Household Discount Program.
2. He expressed his opinion that offering an income-driven refuse rate subsidy would garner a poor response from senior residents.
3. Noting the white paint residue on his trash container and his street on a recent trash-collection day, he stated that residents are simply disposing of hazardous waste in their trash containers. He noted how he effortlessly collects used batteries and other household hazardous waste items and easily disposes of the items at a hazardous waste collection facility contracted by the City.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that the Council take the following actions:*

1. That the 20 Percent Senior Household Discount Program be implemented.
2. That Resolution No. 05-2605, entitled "**A Resolution of the**

City Council of the City of Montclair Related to the Amendment of the Fee Structure for the Collection and Disposal of Residential Refuse," be read by number and title only, further reading be waived, and it be adopted.

3. That \$15,107 be allocated from the Refuse Impound Fund for administration of the Household Hazardous Waste Program.

Council Member Raft concurred with the 20 Percent Senior Household Discount Program. She asked if the public is regularly notified of what constitutes hazardous waste.

Director of Administrative Services Starr responded that a routine marketing program has been followed through the years to educate the public about hazardous waste. He noted the program could be intensified.

Discussion centered on more effective hazardous waste disposal notification methods.

Council Member Ruh reiterated his concern regarding stabilizing refuse rates for senior households, though he would support the 20 Percent Senior Household Discount Program if that is the consensus of the Council. He suggested the senior refuse-rate subsidy be revisited during Preliminary Budget negotiations next June.

*The City Council unanimously waived the reading of the Resolution.

Resolution No. 05-2605 was unanimously adopted by the following vote:

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

- B. Adoption of Resolution No. 05-2611 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Robert A. and Veronika Lind and Located at 10245 Columbine Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 05-2611 authorizing recovery of abatement costs incurred by the City related to property owned by Robert A. and Veronika Lind and located at 10245 Columbine Avenue, Montclair, California, and invited comments from the public.

Mr. Loren Martens, 4275 Benito Street, Montclair, questioned the

legality of charging the Code Enforcement Officer's work hours against the subject property.

City Manager McDougal advised that all costs, including staff's work hours, associated with abatement of unlawful property nuisances may be legally assessed against the properties. He noted the subject property has been involved in three separate abatement incidents in the last ten years. He added that additional staffing is employed when these types of abatement cases are being processed by regular Code Enforcement staff.

Mayor Eaton expressed his opinion that the staff work hours being assessed against the subject property is legal.

Council Member Paulitz noted as a member of the Code Enforcement Committee the issue of arranging adequate staffing to manage the increased workload resulting from such nuisance-abatement cases. He added that as a taxpaying resident, he would not appreciate his City taxes being used to pay for the abatement of unlawful property nuisances of one property owner. He noted his familiarity with the several abatement incidents at the subject site, which a neighbor has jokingly nicknamed "Junkyard Bob."

Mr. Martens indicated Council Member Paulitz's time spent at Code Enforcement Committee meetings should likewise be assessed against the property.

Council Member Paulitz advised that City Council Members are not compensated for meeting attendance.

There being no one else in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

City Attorney Robbins advised that Council Member Paulitz and City Manager McDougal are correct in their statements that staff work hours spent to remedy property nuisances may be legally assessed against properties abated by the City pursuant to the Montclair Municipal Code and as supported by case law.

Council Member Raft noted the latest nuisance-abatement procedure at the subject property began in September 2004 and continued for almost a year through August 2005. With abatement procedures occurring almost monthly during that time period, she added that she could understand how a total of 108 work hours were spent to abate the property.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that the following actions be taken:

1. That Resolution No. 05-2611, entitled "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 10245 Columbine Avenue, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the Council determine that the \$13,741.36 reimbursement amount be paid to the City of Montclair within ten calendar days of the adoption of Resolution No. 05-2611.

The City Council unanimously waived the reading of Resolution No. 06-2611.

Resolution No. 06-2611 was unanimously adopted and the Council determined that the \$13,741.36 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 05-2611 by the following vote:

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

C. Second Reading - Adoption of 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 Massage Technicians and Massage Establishments

Mayor Eaton declared it the time and place set for public hearing to consider adoption of 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 massage technicians and massage establishments and invited comments from the public.

Moved by Council Member Paulitz and seconded by Council Member Ruh that Ordinance No. 05-868, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 4.56.040.A.4 of Title 4 and Section 11.78.030.D.9 of Title 11 of the Montclair Municipal Code Related to the Regulation of Massage Establishments,**" 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. 05-868 was unanimously adopted by the following ROLL CALL vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Item B-9 be removed from the Consent Calendar for comment.

Mayor Eaton noted Council Member Raft's disqualification on Item B-5, "Consider Approval of Lot Line Adjustment No. 2005-3 Affecting Two Parcels Located on the North Side of Holt Boulevard West of Amherst Avenue" because of the proximity of her residence to the subject property.

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, noting the disqualification of Council Member Raft on Item B-5:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of October 17, 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 October 17, 2005.

B. Administrative Reports

1. Setting a Public Hearing to Receive Public Comment on Allocation of State Supplemental Law Enforcement Services Funds

The City Council set a public hearing for Monday, November 21, 2005, in the City Council Chambers to receive public comment on the allocation of State Supplemental Law Enforcement Services funds.

2. Setting a Public Hearing to Consider Resolution No. 05-2615 Requesting the Local Agency Formation Commission Initiate Proceedings for Reorganization to Include City of Montclair Annexation No. 26

The City Council set a public hearing for Monday, November 21, 2005, in the City Council Chambers to consider Resolution No. 05-2615 requesting the Local Agency Formation Commission initiate proceedings for reorganiza-

tion to include City of Montclair Annexation No. 26.

3. Setting a Public Hearing to Consider Ordinance No. 05-870 Amending Chapter 11.14 of Title 11 of the Montclair Municipal Code Related to Prezoning and Establishment of an Official Prezone Map

The City Council set a public hearing for Monday, November 21, 2005, in the City Council Chambers to consider Ordinance No. 05-807 amending Chapter 11.14 of Title 11 of the Montclair Municipal Code related to prezoning and establishment of an Official Prezone Map.

4. City Council Adoption of Graffiti Abatement Program Goals, Objectives, and Guidelines

The City Council adopted the Graffiti Abatement Program Goals, Objectives, and Guidelines.

5. Approval of Lot Line Adjustment No. 2005-3 Affecting Two Parcels Located on the North Side of Holt Boulevard West of Amherst Avenue

The City Council, with the exception of Council Member Raft, approved Lot Line Adjustment No. 2005-3 related to Tract Map No. 17498 affecting two parcels located on the north side of Holt Boulevard west of Amherst Avenue.

6. Acceptance of Grant Deed No. 1634, an Easement for Purposes of Maintaining, Repairing, and Use of Drainage Catch Basin, Water Quality Clarifier, and Appurtenances

Authorizing Grant Deed No. 1634 to be Recorded With the Office of the San Bernardino County Recorder

The City Council approved the following actions:

- (a) Accepted Grant Deed No. 1634, an easement for purposes of maintaining, repairing, and use of drainage catch basin, water quality clarifier, and appurtenances.
- (b) Authorized Grant Deed No. 1634 to be filed with the Office of the San Bernardino County Recorder.

7. Authorization to Amend the Fiscal Year 2006-2010 Capital Improvement Program Adding the Montclair Fire Department Emergency Backup Generator Replacement Project

Authorization to Advertise for Bid Proposals for the Montclair Fire Department Emergency Backup Generator Replacement Project

The City Council authorized the following related to the Montclair Fire Department Emergency Backup Generator Replacement Project:

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

8. Authorization to Receive \$13,054 From a Federal Emergency Management Agency Grant for Purchase of Radios From Rivcomm, LLC

Authorization of a \$1,450 Appropriation From the Capital Outlay Account to Cover the Required 10 Percent Match

The City Council authorized the following:

- (a) The Fire Department to receive a \$13,054 Federal Emergency Management Agency grant for the purchase of new technologically advanced radios from Rivcomm, LLC.
- (b) A \$1,450 appropriation from Emergency Services Capital Outlay Account No. 001-400-4533-6204 to cover the required 10 percent match.

10. Authorization to Advertise for Bid Proposals for the Replacement of Playground Equipment at Sunrise and Saratoga Parks Project

The City Council authorized staff to advertise for bid proposals for the Replacement of Playground Equipment at Sunrise and Saratoga Parks Project, which will replace existing playground equipment at the parks with modern American Disabilities Act-compliant equipment.

11. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of the Montclair Skate Park at Alma Hofman Park Project

The City Council approved the following actions related to completion of the Montclair Skate Park at Alma Hofman Park Project:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.

(c) Retention of the *Payment Bond* for six months.

12. "No Action" on Alcoholic Beverage Permit Application - Bombay Bistro

The City Council voted "No action" on the "On-Sale General" license application of VAS Antonio Patrocino for Bombay Bistro, 8851 Central Avenue, Suites E and F, Montclair, California.

13. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated November 7, 2005, totaling \$1,185,239.30 and the Payroll Documentation dated September 18, 2005, amounting to \$540,280.98, with \$363,097.23 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 05-141-I-67, an Irrevocable Annexation Agreement With Ms. Elizabeth A. Frias-Dean for 11280 Roswell Avenue

The City Council approved *Agreement No. 05-141-I-67, an Irrevocable Annexation Agreement* with Ms. Elizabeth A. Frias-Dean for emergency connection of her property at 11280 Roswell Avenue to the City Sewer System.

2. Redevelopment Agency Board of Directors' Approval of Agreement No. 05-142, an Easement Purchase and Sale Agreement by and Between the City of Montclair Redevelopment Agency and Los Angeles Drive-In Theatre Corporation/Jafam Corporation for Purchase of an Easement Necessary for the Ramona Avenue/Union Pacific Railroad Grade Separation Project

City Council's Acceptance of an Easement for Street and Related Purposes for the Ramona Avenue/Union Pacific Railroad Grade Separation Project

The Redevelopment Agency Board approved *Agreement No. 05-142, an Easement Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and Los Angeles Drive-In Theatre Corporation/Jafam Corporation for purchase of an easement necessary for the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

The City Council accepted an easement for street and related purposes for the Ramona Avenue/Union Pacific Railroad

Grade Separation Project.

D. Resolutions

1. Adoption of Resolution No. 05-2616 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 05-2616 authorizing placement of liens on the 87 properties listed on Exhibit A to Resolution No. 05-2616 for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

9. Authorization of a \$15,556 Appropriation From the Contingency Account to Purchase Two Thermal Imagers and Accessories From Mallory Fire

Authorization to Receive \$15,556 From the State Homeland Security Grant Program for Purchase of Thermal Imaging Equipment

Council Member Paulitz asked for clarification on the usage of thermal imaging equipment.

Fire Chief Turner responded that the hand-held thermal imaging camera equipment allows firefighters to rapidly scan through the carbon properties of smoke to quickly find bodies in a smoke-filled structure.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously that the City Council authorize the following:

- (a) A \$15,556 appropriation from the Contingency Account to purchase two thermal imagers and accessories from Mallory Fire.
- (b) Acceptance of a \$15,556 grant from the State Homeland Security Grant Program for purchase of thermal imaging equipment.

X. RESPONSE

A. Residential Development Costs and Public Fees

Emphasizing that one so often hears that the reason housing is

not affordable is all the governmental fees charged and regulations placed on new residential construction, Council Member Paulitz advised that staff's Response report proves that this is not the case. He noted the report indicates that based on the relatively few residential development-impact fees assessed overall, Montclair is considered a "low-fee city." He reported that there is a public-fee percentage of only 5 percent for a 2,100-square-foot small-lot single-family dwelling and 5.6 percent for a 1,100-square-foot small-lot single-family dwelling in Montclair. He noted he would be retaining the table attached to the report for future reference and thanked staff for the comprehensive report on estimated residential development costs.

Moved by Mayor Pro Tem Dutrey, seconded by Mayor Eaton, and carried unanimously that the Council receive and file the report.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

*Assessor's Parcel
Number:*

1012-072-09

Property:

10635 Ramona Avenue, Montclair

*Negotiating Parties: City of Montclair Redevelopment Agency
and Per Kvalheim/Tri-Alloy*

Negotiators:

*Director of Redevelopment/Public Works
Staats and Agency Engineer Hudson*

Under Negotiation:

*Status Report and Recommendations
Regarding Acquisition and Easements on
Subject Property in Conjunction With
Ramona Avenue/Union Pacific Railroad
Grade Separation Project*

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Government Code Section 54956.8.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton reminded everyone to vote in the Special Statewide Election on Tuesday, November 8, 2005.

D. City Council/Agency Board

1. Council Member/Director Paulitz thanked Director of Redevelopment/Public Works Staats for having the air conditioning fixed in Community Center Room A, the location of the senior lunch program.
2. Council Member/Director Raft encouraged everyone to please study the important issues in their sample ballots and vote in tomorrow's election.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He likewise encouraged everyone to vote in tomorrow's election.
 - (b) In follow-up to the Council's receipt of a quarterly graffiti report last week, he requested a report be returned to the Council at the November 21, 2005 meeting on certain details of the cases reported including age and residence of the perpetrators, crimes committed, and punishment received. He suggested that perhaps the parents of minor perpetrators should be sued for damages and court costs in a civil court action.
 - (c) He encouraged all who are truly interested in legislative reform to vote in favor of **Proposition 77 - Redistricting** in tomorrow's election.
4. Council Member/Director Ruh commented as follows:
 - (a) He concurred with Mayor Pro Tem Dutrey's remarks related to graffiti, recalling that several judges a few years ago actually sentenced parents along with their children. He noted a case in Rancho Cucamonga in which the parents of a minor convicted of vandalizing the **Etiwanda-San Savaine Flood Control Channel** were sentenced with their child to clean up the graffiti. He expressed his opinion that sentences involving the parents of minor graffiti vandals are most effective.
 - (b) He noted the President's Advisory Panel on Federal Tax Reform is proposing to eliminate the mortgage interest, residential property tax, and homeowner's association deductions and is suggesting limiting the amount of health insurance that employers can provide tax-free to employees. Advising that these proposals are ill-advised in today's economy, he stated he would be presenting to the Council the **City of San Jose's** recently adopted resolution advising against elimination of the mortgage interest deduction that was forwarded to that City's

Congressional representatives, something the Council should consider doing with a similar City Resolution.

- (c) He noted the **County of San Bernardino** conducted a used electronic equipment drop-off for residents at the Civic Center south parking lot last Saturday. He recognized staff for working with the **County** to organize and effectively market the event.
- (d) He noted participating in the West End Public Service Awards ceremony on Thursday, October 20, 2005, at the **Ontario Marriott** to present **San Bernardino County Supervisor** and **State Senator Ruben S. Ayala** with the *West End Citizen of the Year Award*. He recognized **Senator Ayala** for being one of the first Latinos elected to state office.
- (e) He commented concerning the recent passings of the following notable national historical figures:
 - (1) **Vivian Malone Jones** (October 13, 2005) – One of two African-American students to break the color barrier at the **University of Alabama** in 1963 by overcoming former **Governor George Wallace's** infamous "stand in the schoolhouse door" to help integrate the school, she became the first African-American student to graduate from the university in 1965. **Ms. Jones**, along with **Mr. James Hood**, enrolled at the previously all-white institution after winning a federal lawsuit.
 - (2) **Rosa Parks** (October 24, 2005) – The United States civil rights pioneer whose simple act of defiance on a segregated Montgomery, Alabama, bus in 1955 stirred the nonviolent protests of the modern civil rights movement and catapulted an unknown minister named **Martin Luther King Jr.** to international prominence. Often called the mother of the movement that led to the dismantling of institutionalized segregation in the South, **Mrs. Parks** became a symbol of human dignity when she was jailed for refusing to relinquish her bus seat to a white man when she was riding home from work on the evening of December 1, 1955. Her arrest for violating Alabama's bus segregation laws galvanized Montgomery's African-Americans who boycotted the city's buses for 381 days until the **U.S. Supreme Court** declared the law unconstitutional in 1956.

- (3) **Edward R. Roybal** (October 24, 2005) - The first 20th century Mexican-American elected to the Los Angeles City Council (1949-1963) and to the **House of Representatives** (1963-1992), he stood up against the loyalty oath of the McCarthy era and was an early Congressional critic of the Vietnam War and a supporter of labor rights who put domestic need over militarism throughout his life. In addition, **Representative Roybal** led the fight to provide bilingual proceedings in courts and to outlaw age discrimination.

Council Member Ruh proposed the Council forward correspondence to **U.S. Representative Dreier** and **Senators Boxer** and **Feinstein** recommending **Rosa Parks** be memorialized with a commemorative statue at **National Statuary Hall** located in our nation's capitol.

Mr. Martens expressed his disappointment in Mayor Pro Tem Dutrey's remarks related to **Proposition 77**, expressing his opinion that such commentary is not appropriate at these meetings. He further expressed his disappointment in City Attorney Robbins' lack of intervention at the time the comments were made.

Mayor Pro Tem Dutrey stated that he has a First Amendment constitutional right to speak on any subject he so desires.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of September 15, 2005

The City Council received and filed the Public Works Committee meeting minutes of September 15, 2005, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of October 17, 2005

The City Council received and filed the Code Enforcement Committee meeting minutes of October 17, 2005, for informational purposes.

3. Minutes of Personnel Committee Meeting of October 17, 2005

The City Council received and filed the Personnel Committee meeting minutes of October 17, 2005, for informational purposes.

XII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 8:17 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors.

At 8:17 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:26 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:27 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary