

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, SEPTEMBER 5, 2006,
AT 7:00 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 7:00 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 Sunnie Lee, First United Methodist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz 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 Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. **Second Reading – Adoption of Ordinance No. 06-887 Adding Chapter 3.18 to Title 3 of the Montclair Municipal Code Related to Transportation Development Impact Fees**

Adoption of Resolution No. 06-2653, a Resolution of the City Council of the City of Montclair Setting Transportation Development Impact Fees

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 06-887 adding Chapter 3.18 to Title 3 of the Montclair Municipal Code related to Transportation Development Impact Fees and Resolution No. 06-2653 setting such fees 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 Paulitz that Ordinance No. 06-887, entitled "**An Ordinance of the City Council of the City of Montclair Adding Chapter 3.18 to Title 3 of the Montclair Municipal Code Related to Transportation Development Impact Fees,**" 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. 06-887 was unanimously adopted by the following ROLL CALL vote:

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

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that Resolution No. 06-2653, entitled "**A Resolution of the City Council of the City of Montclair Setting Transportation Development Impact Fees,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 06-2653 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Paulitz requested that Item C-2 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Ruh, 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 August 21, 2006

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 August 21, 2006.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 06-2657 Amending the Fee Structure for Collection and Disposal of Commercial Refuse for Fiscal Year 2006-07

The City Council set a public hearing for Monday, September 18, 2006, at 7:00 p.m. to consider Resolution No. 06-2657 related to an amendment of the fee structure for collection and disposal of commercial refuse for Fiscal Year 2006-07.

2. Setting a Public Hearing to Consider Resolution No. 06-2665 Adjusting Taxicab Service Rates in the City of Montclair

The City Council set a public hearing for Monday, September 18, 2006, at 7:00 p.m. to consider Resolution No. 06-2665 adjusting taxicab services rates in the City of Montclair.

3. Authorization to Advertise for Bid Proposals for the Cycle 3 Phase 2 Street Overlay Project

The City Council authorized staff to advertise for bid proposals for the Cycle 3 Phase 2 Street Overlay Project.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 5, 2006, totaling \$975,409.03 and the Payroll Documentation dated July 9, 2006, amounting to \$591,405.09, with \$407,442.25 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 06-79 With the Ontario-Montclair School District for Continuation of Police Consultant Services

The City Council approved *Agreement No. 06-79* with the Ontario-Montclair School District for continuation of police consultant services.

3. Approval of Agreement No. 06-141 With the Ontario-Montclair School District to Provide the Por La Vida Parent Education Program

The City Council approved *Agreement No. 06-141* Ontario-Montclair School District to provide the Por La Vida Parent Education Program.

4. Approval of Agreement Nos. 06-143, 06-144, 06-145, and 06-146 With the Montclair Little League, Montclair Golden Girls Softball League, Quad Cities Little League, and American Youth Soccer Organization, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 06-143, 06-144, 06-145, and 06-146* with the Montclair Little League, Montclair Golden Girls Softball League, Quad Cities Little League, and American Youth Soccer Organization, respectively, for use of ball field facilities.

D. Resolutions

1. Adoption of Resolution No. 06-2655 Fixing the Salaries for Management Employees Represented by the City Manager

The City Council adopted Resolution No. 06-2655 fixing the salaries for management employees represented by the City Manager.

2. Adoption of Resolution No. 06-2663 Fixing the Salaries for City Employees Represented by the San Bernardino Public Employees Association

The City Council adopted Resolution No. 06-2663 fixing the salaries for City employees represented by the San Bernardino Public Employees Association.

3. Adoption of Resolution No. 06-2664 Fixing the Salaries for Part-Time Employees Not Represented by Formally Recognized Employee Organizations

The City Council adopted Resolution No. 06-2664 fixing the salaries for part-time employees not represented by formally recognized employee organizations.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

- 2. City Council's Award of Multiple Contracts for Construction of the City of Montclair Police Department Facility and Approval of Associated *Agreement Nos. 06-121 Through 06-140* as Identified on the Contracts List Appended to this Report**

City Council's Authorization of a \$1,200,000 Construction Contract Contingency

City Council's Rejection of Bids for Bid Package Nos. 3 (Site Concrete) and 10 (Roofing, Waterproofing, Sheet Metal, Metal Roofing) and Authorize Staff to Readvertise for Bid Proposals

City Council's Rejection of Edwin G. Bowen Company, Inc., as Nonresponsive and Award Contract to Second Low Bidder () as Identified on the Contracts List Appended to this Report

City Council's Acceptance of Bid Package No. 21 Low Bidder ACH Mechanical Contractors Inc.'s Request to Rescind Its Bid Because of a Clerical Error and Award Contract to Second Low Bidder as Identified on the Contracts List Appended to this Report

City Council's Adoption of Resolution No. 06-2661, a Resolution of the City Council of the City of Montclair Authorizing Expenditure of City of Montclair Redevelopment Project Area No. IV 2004 Tax Allocation Refunding Bond Funds for Development, Construction, and Other Associated Costs Related to the Police Department Facility and Making Certain Findings in Connection Therewith

City Council's Adoption of Resolution No. 06-2662, a Resolution of the City Council of the City of Montclair Authorizing Expenditure of City of Montclair Redevelopment Project Area No. V 2006B Tax Allocation Bond Funds for Development, Construction, and Other Associated Costs Related to the Police Department Facility and Making Certain Findings in Connection Therewith

Redevelopment Agency Board of Directors' Authorization to Reappropriate \$700,000 In Redevelopment Project Area No. IV 2004 Tax Allocation Refunding Bond Funds From Planning and Design Costs to Project Improvement Costs

Redevelopment Agency Board of Directors' Authorization of a \$2,000,000 Appropriation In Redevelopment Project Area No. V 2006B Tax Allocation Bond Funds for Development, Construction, and Other Associated Costs Related to the Police Department Facility

City Council's Authorization of a \$250,000 Appropriation From the Gas Tax Fund for Design and Construction of a Traffic Signal at the West Entrance to the Police Department Facility on Arrow Highway

Council Member/Director Paulitz inquired as follows:

- (a) Can this item be adopted in one motion?

City Attorney/Agency Counsel Robbins advised that different votes on certain items should be handled separately.

- (b) Would the time required to rebid the Site Concrete and Roofing, Waterproofing, Sheet Metal, Metal Roofing jobs inordinately delay the project?

City/Agency Engineer Hudson responded that the site concrete and roofing/waterproofing/sheet metal/metal roofing work would not be needed right away, so rebidding these jobs would not delay the project. He advised, though, that the jobs should be rebid as quickly as possible to avoid further cost increases. He noted an item related to award of these two contracts would be returned to the Council/Agency Board in about a month and a half.

- (c) Has the City reached its maximum bonded indebtedness on the Measure F bond issue proceeds?

Director of Administrative Services Starr responded that the City is bonded for 30 years based on an approximate \$1.9 million per annum payment on the bonds. He noted there is an approximate \$600,000 annual margin, which is not a significant enough amount to restructure the bond.

- (d) Will there be enough residual funds to remodel the recreation center for senior services? Council Member Paulitz noted a big selling point for the retail transactions and use tax was that a portion of the revenue proceeds would be used for this purpose.

City Manager/Executive Director McDougal explained that the cost to build a new Police facility has increased significantly since the project was first proposed to the Council two years ago. He noted it was decided that a ceiling of \$23.4 million in Measure F bond proceeds would be allocated to the project, leaving approximately \$5 million for other projects intended to be funded through Measure F including modifications to the recreation center for senior services, conversion of the Police Department facility to a youth center, and Alma Hofman Park improvements.

Mayor Pro Tem/Vice Chairman Dutrey received clarification from City Manager/Executive Director McDougal that the \$1 million contribution from the General Fund indicated in the agenda report has already be budgeted this fiscal year.

City Manager/Executive Director McDougal noted he spoke to Mayor Pro Tem/Vice Chairman Dutrey about the \$1 million General Fund appropriation during a recent telephone conversation.

Mayor Pro Tem/Vice Chairman Dutrey asked if the approximately \$2 million in Redevelopment Project Area No. V 2006B Tax Allocation Bond funds being proposed to partially fund the project has not already been allocated to other infrastructure projects in that Project Area.

City Manager/Executive Director McDougal clarified that there are unfunded projects totaling approximately \$10 million and that there is between \$3 and \$4 million in Project Area No. V 2006B Tax Allocation Bond funds available. He noted the \$2 million in question was to have been applied to either the Mission Boulevard improvements or to one of the grade separation projects.

Mayor Pro Tem/Vice Chairman Dutrey noted there would be approximately \$5 million in Measure F bond proceeds

available for the senior center and youth center projects and that additional funding sources would be looked into. He further noted the proposed \$575,000 Value Engineering reduction to try to keep the costs down. He asked if WLC Architects is, indeed, willing to pay for an entry monument.

City Manager/Executive Director McDougal answered, "Yes," noting staff had deleted the monument for financial reasons and the architect felt it contributed so much to the project's design that WLC Architects decided to pay for it.

Moved by Mayor Pro Tem/Vice Chairman Dutrey and seconded by Council Member/Director Paulitz that the following actions be taken:*

- (a) City Council's award of multiple contracts for construction of the City of Montclair Police Department facility and approval of associated *Agreement Nos. 06-121 through 06-140* as identified on the Contracts List appended to this report.
- (b) City Council's authorization of a \$1,200,000 construction contract contingency.
- (c) City Council's rejection of bids for Bid Package Nos. 3 (Site Concrete) and 10 (Roofing, Waterproofing, Sheet Metal, Metal Roofing) and authorization for staff to readvertise for bid proposals.
- (d) City Council's rejection of Edwin G. Bowen Company, Inc., as nonresponsive and award contract to second low bidder (Inland Building Companies Div./Inland Acoustics, Inc.) as identified on the Contracts List appended to this report.
- (e) City Council's acceptance of Bid Package No. 21 low bidder ACH Mechanical Contractors Inc.'s request to rescind its bid because of a clerical error and award contract to second low bidder (Air-Ex Air Conditioning, Inc.) as identified in the Contracts List appended to this report.
- (f) City Council's adoption of Resolution No. 06-2661, a Resolution of the City Council of the City of Montclair authorizing expenditure of City of Montclair Redevelopment Project Area No. IV 2004 Tax Allocation Refunding Bond funds for development, construction, and other associated costs related to the Police Department facility and making certain findings in connection therewith.
- (g) City Council's adoption of Resolution No. 06-2662, a Resolution of the City Council of the City of Montclair authorizing expenditure of City of Montclair Redevelopment Project Area No. V 2006B Tax Allocation Bond funds for development, construction, and other associated costs related to the Police Department facility and making certain findings in connection therewith.
- (h) Redevelopment Agency Board of Directors' authorization to reappropriate \$700,000 in Redevelopment Project Area No. IV 2004 Tax Allocation Refunding Bond funds from Planning and Design Costs to Project Improvement Costs.
- (i) Redevelopment Agency Board of Directors' authorization to appropriate \$2,000,000 in Redevelopment Project Area No. V 2006B Tax Allocation Bond funds for the development, construction, and other associated costs related to the Police Department facility.

- (j) City Council's authorization to appropriate \$250,000 from the Gas Tax Fund for design and construction of a traffic signal at the west entrance to the Police Department facility on Arrow Highway.

Mayor/Chairman Eaton asked if the building design option selected by the Council earlier in the year containing all originally conceived design amenities is still proposed to be built.

City Manager/Executive Director McDougal answered, "Yes."

Mayor/Chairman Eaton expressed his opinion that the Council should move forward with construction of the new Police facility as originally conceived.

City Manager/Executive Director McDougal noted the area set aside for future expansion of the facility is still proposed to be included in the plans for the new building.

Mayor/Chairman Eaton noted he is anxious to see the project completed.

In view of the cost overruns on the project, Council Member/Director Ruh emphasized the importance of the City's incorporating green building elements wherever possible into the design of the new Police facility because doing so would reduce energy costs over the long term.

*Motion carried as follows:

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

City Manager/Executive Director McDougal commented as follows:

- (a) He thanked the Council for its support of this project, despite the fact that the cost has more than doubled from a conservative estimate of \$15 million to the current \$31 million. He stated that the Council's decision to move forward on the project will provide the City and Police Department staff with a beautiful new facility "that will be a showpiece for years to come."
- (b) He acknowledged Captain Keith Jones and City Engineer Mike Hudson for their invaluable work on the project.

Mayor Pro Tem/Vice Chairman Dutrey asked City Engineer Hudson when construction is slated to begin.

City/Agency Engineer Hudson advised that a preconstruction meeting is scheduled for Friday, September 8, 2006, and that construction contracts would be forwarded to the 20 low bid contractors for signature sometime this week. He indicated that demolition of the existing site improvements is scheduled for next week. He acknowledged construction manager **C. W. Driver** and project architect **Mr. Frank Cuomo**, AIA/Senior Associate, **WLC Architects, Inc.**

Mayor Pro Tem/Vice Chairman Dutrey remarked on the cramped, outdated condition of the existing Police Department facility that is now forty years old. He added that the new Police Department facility will be an attractive addition to the City and a source of pride in the community.

Mayor/Chairman Eaton thanked Captain Jones, City Engineer Hudson, and everyone involved in the project. He stated he enjoyed serving on the project committee and advised Police Department employees that they will soon have a new facility in which to work and be proud of.

Council Member/Director Paulitz noted he is pleased with the site chosen for the new facility because the land is owned by the Redevelopment Agency and is in close proximity to Fire Station No. 1 and the Montclair Transcenter. He thanked everyone who supported this site selection.

Council Member/Director Raft concurred that the new facility will be centrally located. She also recognized the need for the new facility and spoke in complete support of the project. She thanked those involved in its development.

Mayor/Chairman Eaton thanked Police Department staff for attending tonight's meeting.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at the **Montclair Chamber of Commerce's 17th Annual Golf Tournament** luncheon on August 23, 2006.
- (b) He noted his attendance on August 28, 2006, at an **Alameda Corridor-East** Construction Authority meeting
- (c) He noted City Manager McDougal and he met with **Chino Basin Water Conservation District** General Manager/Secretary to the Board **Eunice M. Ulloa** on August 31, 2006, related to establishing an Inland Empire Landscaping Alliance. He spoke in support of formation of such a coalition to promote area landscaping consistency.
- (d) He noted his attendance on August 31, 2006, at a Metro Gold Line Foothill Extension Construction Authority meeting that addressed extending the commuter rail line to Ontario.

D. City Council/Agency Board

1. Council Member/Director Paulitz noted his attendance on August 30, 2006, at the well-attended senior monthly birthday party.
2. Council Member Raft reminded everyone to join in the fun on Saturday, September 9, 2006, at Montclair Day at the Fair to honor Mayor Eaton and Council Member Paulitz, our 2006 Montclair Community Heroes.
3. Council Member/Director Ruh commented as follows:
 - (a) He spoke in support of the Inland Empire Landscaping Alliance, expressing his hope that drought-tolerant landscaping will be the coalition's focus.

Mayor Eaton stated, "I can almost guarantee it."

Council Member Ruh noted many new housing developments in Las Vegas are required to use synthetic turf because of the ongoing drought.

- (b) He noted his attendance at a recent **Chamber** breakfast at which Treasurer **Dana Cox** was installed as President. He wished President **Cox** "a lot of luck in all the work she'll be doing with the **Chamber**."
- (c) He noted he was recently appointed to the **Ontario-Montclair School District** Alternative Governing Board that will work with some of the schools having underperforming difficulties to find ways to improve their scores. He noted he looks forward to that challenge.
- (d) He noted he will be out of town this Saturday at a professional development conference and wished everyone a wonderful time at Montclair Day at the Fair.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of August 21, 2006

The City Council received and filed the Code Enforcement Committee meeting minutes of August 21, 2006, for informational purposes.

2. Minutes of Personnel Committee Meeting of August 21, 2006

The City Council received and filed the Personnel Committee meeting minutes of August 21, 2006, for informational purposes.

XII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7:26 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Deputy City Clerk