

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON MONDAY, SEPTEMBER 18, 2006,  
AT 6:58 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 6:58 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. He added that the regular joint meetings are now available in audio format on the City's website and can be accessed the day following the meeting after 10:00 a.m.

**II. INVOCATION**

Mayor/Chairman Eaton gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

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

Mayor Eaton advised all attending students to write today's date and the time he will be signing their certificates before presenting them for signature at the end of the meeting.

**IV. ROLL CALL**

For the record, City Clerk/Agency Secretary Donna Jackson noted Council Member/Director Ruh is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz and Raft; 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

Absent: Council Member/Director Ruh (excused)

**V. PRESENTATIONS**

**A. Presentation on Oxygen Masks for Pets by Ms. Margaret Coffman, President, Helping Out Pets Everyday (HOPE)**

Mayor Eaton introduced **HOPE** President **Margaret Coffman**.

**Ms. Coffman** stated that **HOPE** is a nonprofit volunteer organization based in Upland that provides pets for adoption to **PETCO**, Montclair, every first and third Saturday of the month between 10:00 a.m. and 2:00 p.m. She advised that **HOPE** has decided to use the donations it has received from **PETCO's Spring a Pet** campaign to benefit the pets in Montclair by providing the Montclair Fire Department with oxygen masks for pets in distress from smoke inhalation during a fire.

**Ms. Coffman** gave Fire Chief Tapia a set of reusable pet oxygen masks for each fire truck.

Fire Chief Tapia accepted the pet oxygen masks and thanked **Ms. Coffman**. He noted the masks would be very useful when rescuing pets, the Fire Department's second priority after rescuing all human life.

Mayor Eaton thanked **Ms. Coffman**.

## VI. PUBLIC COMMENT

- A. **Ms. Sandra Rose**, President, **Neighborhood Partnership Housing Services (NPHS)**, 320 West G Street, Suite 103, Ontario, acknowledged Mayor Eaton, Council Member Paulitz, and **Mr. Don Vodvarka** as past members of the **Neighborhood Partnership of Montclair** Board. She introduced **NPHS's** new Executive Director **Jed Davis**, who served as **NPHS's** HomeOwnership Center manager for the past two years.

**Mr. Davis** noted **NPHS** has been very successful in Montclair over the past 16 years helping hundreds of residents with homebuyer education and counseling, down payment assistance, and home-improvement lending. He noted none of these services would have been possible without the support of and resources provided by the City of Montclair. He thanked the City for its support over the years, noting a chief priority during his leadership will be to strengthen that relationship so mutual resources may be leveraged to ensure that more Montclair residents will benefit from **NPHS** programs and services.

Mayor Eaton welcomed **Mr. Davis** to the **NPHS** Board, stating, "We're glad you're on board and look forward to working with you."

## VII. PUBLIC HEARINGS

- A. **Adoption of Resolution No. 06-2657 Amending the Fee Structure for Collection and Disposal of Commercial Refuse for Fiscal Year 2006-07**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 06-2657 amending the fee structure for collection and disposal of commercial refuse for Fiscal Year 2006-07 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.

Mayor Pro Tem Dutrey asked for clarification as to why the proposed rate increases are higher than the averages listed on Table 1.

Director of Administrative Services Starr reported that the averages reflect the median refuse rate of area cities and agencies providing refuse services and advised that the proposed rate represents somewhat of an average of the cities surveyed.

Mayor Pro Tem Dutrey pointed out that the proposed 4.7 percent commercial refuse service rate increase is significantly lower than the cumulative Consumer Price Index increase from April 2003 to April 2006, in view of the fact that the last commercial refuse rate adjustment was made in October 2002.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that Resolution No. 06-2657, entitled "**A Resolution of the City Council of the City of Montclair Amending the Fee Structure for Collection and Disposal of Commercial Refuse for Fiscal Year 2006-07**," be read by number and title only, further reading be waived, and it be declared adopted.\*

Council Member Raft noted no one really likes to approve a rate increase, though she understands Burrtec Waste Industries' need to increase rates considering the soaring price of gasoline. She spoke in support of adoption of proposed Resolution No. 06-2657.

Director of Administrative Services Starr noted Burrtec's request for a rate adjustment would be retroactive to July 1, 2006. Rates would increase from \$1.47 to \$28.10 a month depending on the bin service, he added.

**Mr. Mike Arreguin**, Vice President, Municipal Services, **Burrtec Waste Industries, Inc.**, thanked the Council and staff for "the opportunity to serve in the fine City of Montclair. We have a great relationship with our customers, City staff members, and the Council. We appreciate and enjoy working in the City."

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

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

Resolution No. 06-2657 was adopted by the following vote:

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

**B. Adoption of Resolution No. 06-2665 Adjusting Taxicab Service Rates in the City of Montclair**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 06-2665 adjusting taxicab service rates in the City of Montclair 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.

Mayor Eaton inquired as to the number of taxicab companies authorized to operate in Montclair.

Director of Administrative Services Starr answered, "Two—Yellow Cab Co. and Bell Cab Co."

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Resolution No. 06-2665, entitled "**A Resolution of the City Council of the City of Montclair Revising the Schedule of Rates for Taxicab Services**," be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 06-2665 was adopted by the following vote:

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

**VIII. CONSENT CALENDAR**

Council Member Paulitz requested that Item C-1 be removed from the Consent Calendar for comment.

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

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried 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 5, 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 September 5, 2006.

**B. Administrative Reports**

**1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending August 31, 2006.

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

The City Council approved the City Warrant Register dated September 18, 2006, totaling \$549,412.15 and the Payroll Documentation dated July 23, 2006, amounting to \$594,991.44, with \$407,894.19 being the total cash disbursement.

**3. Receiving and Filing of Agency Treasurer's Report**

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending August 31, 2006.

**4. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 8/01/06-8/31/06 in the amounts of \$2,315.35 for Project I; \$309.18 for Project II; \$374,673.72 for Project III; \$3,400.32 for Project IV; and \$4,148,506.63 for Project V.

**5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report**

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending August 31, 2006.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 8/01/06-8/31/06 in the amount of \$17,915.77.

**7. "No Action" on Alcoholic Beverage Permit Application - Sunshine Market**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of In Ki Baik, President, and Young Ok Baik, Secretary, BYO Inc., for Sunshine Market, 10295 Mills Avenue, Montclair, California.

**8. Amendment of the Fiscal Year 2006-10 Capital Improvement Program to Add the Signalization of the Central Avenue and Howard Street Intersection Project**

## **Authorization of a \$250,000 Appropriation From the Gas Tax Fund to Finance the Project**

The City Council took the following actions:

- (a) Amended the Fiscal Year 2006-10 Capital Improvement Program to add the Signalization of the Central Avenue and Howard Street Intersection Project.
- (b) Authorized a \$250,000 appropriation from the Gas Tax Fund to finance the project.

### **C. Agreements**

#### **2. Approval of *Agreement No. 06-148* With Bilingual Family Counseling Services to Provide Case Management and Mental Health Services**

The City Council approved *Agreement No. 06-148* with Bilingual Family Counseling Services to provide case management and mental health services.

### **D. Resolutions**

#### **1. Adoption of Resolution No. 06-2666 Endorsing Formation of the Inland Empire Landscaping Alliance**

##### **Appointment of Mayor or His City Council Designee to the Inland Empire Landscaping Alliance**

The City Council took the following actions:

- (a) Adopted Resolution No. 06-2666 endorsing formation of the Inland Empire Landscaping Alliance.
- (b) Appointed Mayor Paul M. Eaton to the Inland Empire Landscaping Alliance.

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

### **C. Agreements**

#### **1. Approval of *Agreement No. 06-147*, a *Purchase and Sale Agreement* with Montclair Partners, LP, for Acquisition of an Easement on Property Located at the Northwest Corner of Monte Vista Avenue and Mission Boulevard in the City of Montclair**

##### **Acceptance of an Easement for Street and Related Purposes for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project**

Council Member Paulitz inquired as follows:

- (a) What is the specific location of the right-of-way easement proposed to be acquired?

City Engineer Hudson replied that the easement is a strip of land approximately fifty feet wide extending the width of the parcel located at the northwest corner of Monte Vista Avenue and Mission Boulevard. Noting a connector road would be built on the easement from Monte Vista Avenue that would eventually turn north up to State Street, he advised that the subject parcel was presented to the Council during a recent Closed Session as property that was likely to be developed; and, in fact, there are development plans for it now.

- (b) Is the land directly north of the parcel developable?

City Engineer Hudson responded that the parcel north of the subject parcel contains a warehouse building; and when the interconnect road is extended from that point to State Street it will lie west of that building. He added that the subject parcel currently contains stored vehicles.

- (c) Would the access road cover the 0.42-acre easement proposed to be acquired?

City Engineer Hudson answered, "Yes."

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried that the City Council take the following actions regarding the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project:

- (a) Approve *Agreement No. 06-147, a Purchase and Sale Agreement* with Montclair Partners, LP, for acquisition of an easement on property located at the northwest corner of Monte Vista Avenue and Mission Boulevard in the City of Montclair.
  - (b) Accept an easement for street and related purposes.
3. **Award of Contract for the Mission Boulevard Improvement Phase 4 Project to Gentry Brothers, Inc., in the Amount of \$2,582,303**

**Approval of *Agreement No. 06-149 With Gentry Brothers, Inc.***

**Authorization of a \$258,000 Construction Contingency**

Mayor Pro Tem Dutrey inquired as follows:

- (a) What area would be covered by the Phase 5 improvements?

City Engineer Hudson responded that Phase 5 would generally be located from about three hundred feet east of Monte Vista Avenue to Fremont Avenue, a distance of approximately one thousand feet.

- (b) When will that project take place and what will be the funding source?

City Engineer Hudson replied that it is his intent to begin Phase 5 construction immediately following the completion of Phase 4. He stated that he proposes to use the federal funds received a few years ago combined with Measure I funds to finance Phase 5, advising that federal environmental clearance on the project has already been obtained and design plans are almost completed.

- (c) What area would be covered by the Phase 6 improvements?

City Engineer Hudson stated that Phase 6 would extend from Fremont Avenue to Central Avenue.

- (d) What is the funding source for Phase 6?

City Engineer Hudson responded that Measure I funds would be used to pay for the project.

Mayor Pro Tem Dutrey noted he spoke with an owner of property on State Street yesterday who recognizes the importance of the Mission Boulevard improvements. He stated that valuable infill projects, such as the new McDonald's Restaurant, future Starbucks Coffee, homes, and Arco station, have been built because of these improvements. He noted the property owner understands that it is the Council's leadership that makes these improvements happen.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried that the City Council take the following actions regarding the Mission Boulevard Improvement Phase 4 Project:

- (a) Award a contract to Gentry Brothers, Inc., in the amount of \$2,582,303.
- (b) Approve *Agreement No. 06-149* with Gentry Brothers, Inc.
- (c) Authorize a \$258,000 construction contingency.

**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 recent **San Bernardino Associated Governments** and **Omnitrans** Board meetings.
- (b) He noted his attendance on September 6 through 9, 2006, at the **League of California Cities (LCC)** 108th Annual Conference held at the San Diego Convention Center.
- (c) He noted he enjoyed participating in the Montclair Day at the Fair celebration on Saturday, September 9, 2006, that was attended by over six hundred employees, their families, invited guests, and members of the business community. He thanked Director of Administrative Services Starr and the 50th Anniversary Planning Committee for their efforts to coordinate the event.

Director of Administrative Services Starr noted most of the credit should go to the other members of the Committee who coordinated every aspect of this event and the other 50th anniversary activities occurring throughout the year.

Mayor Eaton stated, "You all have done a great, great job. Thank you again."

**D. City Council/Agency Board**

1. Council Member/Director Paulitz commented on Mayor Eaton and him being honored as the 2006 Montclair Community Heroes during Montclair Day at the Fair and thanked the nominating committee. He noted the event was very enjoyable and thanked staff for "doing a great job."

Mayor Eaton noted he still cannot believe that they were so honored. He thanked everyone involved in selecting him to be a 2006 Montclair Community Hero.

2. Council Member Raft commented that she enjoyed participating in the well attended Montclair Day at the Fair, noting Mayor Eaton and Council Member Paulitz truly deserve being honored as the 2006 Montclair Community Heroes because of their combined 77 years of service to Montclair.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He asked who provided the lunch for the Montclair Day at the Fair picnic.

Director of Administrative Services Starr replied that the L.A. County Fair, the City, and the Montclair City Employees Association, Montclair Police Officers Association, and Montclair Fire Fighters Association bargaining groups jointly sponsored the lunch.

Mayor Pro Tem Dutrey stated that the 50th Anniversary Committee "did a great job," adding that this year's Montclair Day at the Fair was one of the most enjoyable.

Director of Administrative Services Starr noted the committee is "very proud of that day. The Fair officials told us it was the largest community parade they could recall and probably the largest community turnout of any community Day at the Fair ever."

- (b) He also noted his attendance at the LCC 108th Annual Conference at which **Proposition 90 – Government Acquisition, Regulation of Property**, a property rights initiative that would amend the state Constitution to supposedly limit the use of eminent domain, was addressed. He advised that the initiative would actually change California's Constitution to enable large land-owners and corporations to demand huge payouts from state and local taxpayers just by claiming that a law has harmed the value of their property or business—no matter how important the law may be or farfetched the claim. He emphasized that **Proposition 90** would create difficulties for cities to implement land-use or zoning decisions and hinder cities' land-use regulatory powers if approved in November. For these reasons, he stated he would vote "No" on **Proposition 90**.
- (c) He congratulated the **Montclair High School Cavaliers** football team for its victory last Friday night against the **San Dimas High School Saints**.

#### E. Committee Meeting Minutes

##### 1. Minutes of Personnel Committee Meeting of September 5, 2006

The City Council received and filed the Personnel Committee meeting minutes of September 5, 2006, for informational purposes.

## XII. COUNCIL/AGENCY WORKSHOP

### A. Update on Problem-Oriented Policing (POP) Team

Moved by Council Member/Director Paulitz, seconded by Mayor Pro Tem/Vice Chairman Dutrey, and carried to continue this item

to an adjourned joint meeting on Monday, October 2, 2006, at 5:45 p.m. in the City Council Chambers.

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

At 7:28 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,

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Yvonne L. Smith  
Deputy City Clerk