

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, NOVEMBER 6, 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.

Mayor Eaton advised all attending students to write today's date and the time Council Members will be signing their attendance forms before presenting them for signature. He told the students, "It's nice to see you here. We'll try to get that taken care of for you just as soon as we can."

II. INVOCATION

Mayor/Chairman Eaton 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

A. **Mr. Loren Martens**, 4285 Benito Street, Montclair, expressed his concerns as follows:

1. He has observed individuals scavenging through recycling containers for certain commodities and tossing unwanted items into the trash that will end up in the landfill.
2. He asked if fresh fruit and vegetable cart vendors are a concern for the City in light of the recent E. coli spinach contamination in Central California.

Mayor Eaton advised **Mr. Martens** that public health issues would be handled by the **San Bernardino County Health Department**. He noted the Police Department has caused the removal of some troublesome cart vendors. He thanked **Mr. Martens** for bringing this issue to the Council's attention.

Mr. Martens asked if Code Enforcement Division could monitor refuse container removal after collection day so the containers do not interfere with the City's street sweeping program.

City Manager McDougal advised that refuse containers must be removed from the public right-of-way within 24 hours of collection.

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

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 06-2671 Ordering the Vacation of an Unused Portion of Arrow Highway West of Benson Avenue

Mayor Eaton declared it the time and place for a public hearing to consider Resolution No. 06-2671 ordering the vacation of an unused portion of Arrow Highway west of Benson Avenue 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 Resolution No. 06-2671, entitled "**A Resolution of the City Council of the City of Montclair Ordering the Vacation of an Unused Portion of Arrow Highway West of Benson Avenue,**" 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. 06-2671 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, 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 October 16, 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 October 16, 2006.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 06-2670 Amending the Master User Fee Schedule

The City Council set a public hearing for Monday, November 20, 2006, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 06-2670 amending the Master User Fee Schedule.

2. Acceptance of Grant Deed Restriction With Central Square Properties, LLC, and Bral 126 El Faro, LLC, Affecting

Two Parcels Located at the Southeast Corner of Central Avenue and the I-10 Freeway

The City Council accepted the Grant Deed Restriction with Central Square Properties, LLC, and Bral 126 El Faro, LLC, restricting access to a portion of San Jose Street and the alley east of two parcels located at the southeast corner of Central Avenue and the I-10 Freeway.

3. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Regarding Completion of the Street Name Sign Replacement Project, Phase 3

Approval of Construction Contingency Increase in the Amount of \$1,236 for the Street Name Sign Replacement Project, Phase 3

The City Council approved the following actions regarding completion of the Street Name Sign Replacement Project, Phase 3:

- (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.
- (d) Approve a \$1,236 construction contingency increase.

4. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Regarding Completion of the Kids Station Flooring Replacement Project

The City Council approved the following actions regarding completion of the Kids Station Flooring Replacement 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.

5. Authorization to Transfer \$411,000 in Unallocated Community Development Block Grant Funds to the Foundation Area 11 Phase A Landscape Improvement Project

The City Council authorized a \$411,000 transfer of unallocated Community Development Block Grant funds to the Foundation Area 11 Phase A Landscape Improvement Project.

6. "No Action" on Alcoholic Beverage Permit Application - Midori

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Hye Kyung Hwang for Midori, 5470 Moreno Street, Suite B, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 6, 2006, totaling \$1,455,343.36 and the

Payroll Documentation dated September 3, 2006, amounting to \$567,794.63, with \$391,913.63 being the total cash disbursement.

C. Agreements

1. **Approval of *Agreement No. 06-165* With L. D. King, Inc., in the Amount of \$50,800 for Construction Surveying and Staking Services for the Mission Boulevard Improvement Phase 4 Project**

Authorization for City Manager to Amend the *Agreement* Scope of Services as May be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions regarding the Mission Boulevard Improvement Phase 4 Project:

- (a) Approved *Agreement No. 06-165* with L. D. King, Inc., in the amount of \$50,800 for construction surveying and staking services.
 - (b) Authorized the City Manager to amend the *Agreement* Scope of Services as may be necessary for a total increase not to exceed \$5,000.
2. **Approval of *Agreement No. 06-167* With Zeiser Kling Consultants, Inc., in the Amount of \$14,439 for Geotechnical Work and Testing Services for the Mission Boulevard Improvement Phase 4 Project**

Authorization for City Manager to Amend the *Agreement* Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions regarding the Mission Boulevard Improvement Phase 4 Project:

- (a) Approved *Agreement No. 06-167* with Zeiser Kling Consultants, Inc., in the amount of \$14,439 for geotechnical work and testing services.
- (b) Authorized the City Manager to amend the *Agreement* Scope of Services as may be necessary for a total increase not to exceed \$5,000.

3. **Approval of *Agreement No. 06-168* With Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 06-168* with Nutrition Ink to provide nutrition-education services for the City of Montclair's Senior Citizen Nutrition Program.

4. **Approval of *Agreement No. 06-169* With J. M. Farnan Co., Inc., and Pomona First Federal for Establishment of an Escrow Account In Lieu of the City Withholding a 10 Percent Retention Associated With Construction of the New City of Montclair Police Department Facility**

The City Council approved *Agreement No. 06-169* with J. M. Farnan Co., Inc., and Pomona First Federal for establishment of an escrow account in lieu of the City withholding a 10 percent retention associated with construction of the new City of Montclair Police Department facility.

5. **Approval of *Agreement No. 06-170* With Columbia Steel, Inc., and Security Bank of California for Establishment of**

an Escrow Account In Lieu of the City Withholding a 10 Percent Retention Associated With Construction of the New City of Montclair Police Department Facility

The City Council approved *Agreement No. 06-170* with Columbia Steel, Inc., and Security Bank of California for establishment of an escrow account in lieu of the City withholding a 10 percent retention associated with construction of the new City of Montclair Police Department facility.

D. Resolutions

1. Adoption of Resolution No. 06-2672 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 06-2672 authorizing placement of liens for delinquent sewer and trash charges on the 149 properties listed on Exhibit A to Resolution No. 06-2672.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal wished "good luck" to Montclair's incumbent candidates on the November 7, 2006 General Municipal Election ballot.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance on October 17, 2006, at the Seventh Annual **Kiwanis Club of Montclair** installation of new officers dinner.
 - (b) He noted his attendance at a recent **Alameda Corridor-East Construction Authority** meeting.
 - (c) He noted his attendance on October 26, 2006, with Mayor Pro Tem Dutrey, Council Member Ruh, and staff at the **Hope Through Housing Foundation's** 8th Annual Benefit Gala at which he was proud to receive the **Community Partnership** award for Montclair's commitment to expanding affordable housing opportunities and helping the **Foundation** build communities.
 - (d) He noted his participation last Saturday at a well-attended and successful **C.A.U.T.I.O.N.** cleanup of two alleys parallel to San Bernardino Street between Monte Vista and Helena Avenues. He thanked **San Bernardino County Fourth District Supervisor Gary Ovitt** and **Mrs. Sue Ovitt** for assisting in painting the alley fences and walls.
 - (e) He noted his attendance last Monday at a special event at which the **2006 National Spirit of Humanity** award was presented to honor local partners of the Montclair Medical Clinic and Health Service Alliance overseen by volunteer Medical Director **James M. Lally, DO, MS.** He noted the **American Osteopathic Foundation** formally honored the Montclair Medical Clinic/Health

Service Alliance with the award and a \$10,000 gift on October 16, 2006, in Las Vegas that was received by Assistant Director of Human Services Marcia Richter and Resource Analyst Leslie O'Hare-Sorensen. He added that he has thanked **Dr. Lally** and the doctor of osteopathic medicine residents and students from **Western University of Health Sciences** who volunteer their time at our clinic, noting he is "so pleased this happens in our City."

- (f) He noted several residents expressed their disappointment to him that a Mayoral Candidates' Forum was not held for this election. He noted he advised them that he was willing to participate in such a forum but his challenger was not. Advising that there seems to be some misunderstanding in the community about the state of the City, he asserted, "Our City is doing just fine, thank you very much." He added that the City is very solvent and well managed.
- (g) He read the following thank-you note he received from the Mayor of **Gulfport, Mississippi**, at a recent church-sponsored activity, which is entered into the record as follows:

Dear Paul,

It was great seeing you last weekend. You and the people of your community are very special and generous. Thanks for your amazing kindness.

Sincerely,

Brent Warr

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He encouraged everyone to vote in Tuesday's election and to reelect Mayor Paul Eaton to the Council.
 - (b) He advised that he is opposed to **Proposition 90 - Government Acquisition, Regulation of Private Property** "because I think it's a trap that would cost us dearly if it passes." Noting the property rights initiative would amend the State Constitution to supposedly limit eminent domain, he emphasized that it would actually diminish state and local governments' land-use and development decisions and regulatory powers in requiring government to compensate property owners if a new law or rule imposes "substantial economic losses" on the owners.
2. Council Member/Director Raft commented as follows:
 - (a) She also encouraged everyone to vote in Tuesday's "very important" election. She advised voters to study the candidates and initiatives carefully before casting their ballots.
 - (b) She expressed her disappointment that a Mayoral Candidates' Forum was not held for this election because it would have given the voters an opportunity to find out where Mayor Eaton and his challenger stand on the issues affecting Montclair.

- (c) She wished Mayor Eaton all the best in Tuesday's election "because he is the best candidate" and encouraged residents to reelect Mayor Eaton.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
- (a) He advised that staff has been notified that **Southern California Housing Development Corporation's (SCHDC)** application for a **U.S. Department of Housing and Urban Development Section 202 Supportive Housing for Elderly Program** grant to finance the proposed 85-unit senior housing project at the southwest corner of Mills Avenue and Kingsley Street in the San Antonio Gateway development has been approved. He was pleased to note that with the 75-unit multifamily project currently under construction at San Antonio Gateway, the City is that much closer to reaching its goal of providing affordable housing while revitalizing that site. He added that **SCHDC** is potentially looking at other commercial property in the area to build a mixed-use senior project.
 - (b) He noted Mayor Eaton's and his attendance on October 21, 2006, at the **Hacienda Mobile Home Estates** grand opening party to tour the new playground facilities at the park. He noted the nonprofit **Augusta Homes** has done much to improve the park as well as **Monterey Manor Mobile Home Estates** and **Villa Montclair Mobile Home Park** since their acquisition.
 - (c) He noted he was unable to participate in the recent **C.A.U.T.I.O.N.** cleanup because he was campaigning on behalf of Mayor Eaton's reelection. He noted it is quite encouraging to have so much participation in these neighborhood cleanups.
 - (d) He recognized the Community Action Committee and Human Services Division for the program to provide the beautiful veterans banners that have been placed around the City honoring military personnel residing in Montclair.
 - (e) He encouraged everyone to vote in Tuesday's election, noting the importance of remembering all the brave American soldiers who sacrificed their lives to guarantee us that right.
 - (f) He expressed his opinion that there was no need for a Mayoral Candidate's Forum and his certainty that Tuesday's election results will prove him to be correct. He noted he is pleased at how well the City Council is working together to achieve the many "great things that are happening in our City."
4. Council Member/Director Ruh encouraged every attending student "to please register and vote" when they turn 18 because voting will probably be their "most fundamental and important right." Noting African American citizens suffered atrocities prior to integration in the South simply because they desired to exercise their inalienable right to vote and to participate fully in the democratic process, he encouraged everyone to "exercise a franchise in something as fundamental and simple as casting your opinion on whom you think should decide your future." He suggested voters consider the following **Euripides** quotation when casting their ballots in Tuesday's election:

You must act in your own and truest interests.

Council Member/Director Ruh further advised voters to carefully choose "the federal, state, and local candidates who are going to ensure your future" and to carefully consider the following:

You need to decide if you will be better off a year from now than you are tonight. Will you be better off a year from now if you find your job outsourced to a country overseas? Will you be better off a year from now if you can't afford to buy a home in the very community you're working in? Will you be better off a year from now if your children can't afford to buy a home in the very community they grew up in? Will you be better off a year from now if your children want to attend the local community college—and they used to be free—but now find that the fees have priced them out of a higher education? Would you be better off a year from now if politicians keep spending because they simply can't live within a budget as each of you is expected to do? Will you be better off a year from now if you exercise something that is so fundamentally simple as walking behind a curtain and casting your vote? Would you be better off a year from now if you don't vote tomorrow? Your future is going to depend on the decisions you make tomorrow. Vote a year from now, and it may just be too late.

Council Member/Director Ruh urged everyone to be sure to vote, noting election officials are anticipating this election to have the lowest turnout in history.

Mayor/Chairman Eaton advised that residents may call City Hall tomorrow at 626-8571 from 7:00 a.m. to 8:00 p.m. with questions about the election.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 16, 2006

The City Council received and filed the Personnel Committee meeting minutes of October 16, 2006, for informational purposes.

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

At 7:20 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
Transcribing Secretary