

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, NOVEMBER 20, 2006,
AT 6:57 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 6:57 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 Juan Campos, New Destiny Fellowship, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft 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

A. **Proclamation Declaring December 1, 2006, as "Be a Santa to a Senior" Day in the City of Montclair**

Mayor Eaton presented **Ms. Rosalie Berger**, Community Service Representative, **Home Instead Senior Care**, with a proclamation declaring December 1, 2006, as "Be a Santa to a Senior" Day in the City of Montclair.

Ms. Berger accepted the proclamation and thanked Mayor Eaton and the Council. Noting the overwhelming success of the Be a Santa to a Senior Program in years past, she sadly advised that the gifts provided to needy seniors in the program are sometimes the only ones they will receive during the holiday season. She thanked the City for recognizing the importance of the program.

Mayor Eaton thanked **Ms. Berger** for her comments.

B. **Presentation by the Human Services Division Related to the After-School Program**

Assistant Director of Human Services Richter reviewed the highlights of Section VIII, "Consent Calendar," Item B-10, "Consider Authorization to Appropriate an Additional \$72,400 for the Human Services Grant Fund to Expand the City of Montclair After-School Program," on tonight's agenda. Noting the public testimony in support of the program at an adjourned meeting in May 2006, she emphasized the importance of the City's continuing to provide this vital program to the youth of the community.

Senior Recreation Supervisor Tanner reported on the benefits of expanding the After-School Program to elementary school students not presently served by the program.

Mayor Eaton thanked Human Services Division staff, stating he is proud of its work with the Montclair Community Collaborative and Ontario-Montclair School District to provide this important program to community youth.

Council Member Raft concurred, stating "It's a really great program" and an important one for working families. She inquired as follows:

1. Are After School Education and Safety Program (ASES) grant fund allocations determined by the number of participants?

Senior Recreation Supervisor Tanner responded that the City receives a standard amount of ASES grant funds each year, though minimum student enrollment must be maintained. She advised that doing so is not an issue because there are waiting lists at all school sites.

2. How are unruly children managed?

Senior Recreation Supervisor Tanner advised that a discipline plan similar to that used by schools is followed for consistency in managing difficult children. She indicated that an effort is made not to transition these children out of the program but to find positive ways to redirect them and change their dysfunctional behavior. She noted children with behavior problems are in particular need of the program.

Council Member Raft spoke in support of the program, noting her daughter had been involved in it.

Mayor Pro Tem Dutrey commented as follows:

1. He concurred that "this is a great program" and spoke in support of expanding it to all middle and elementary schools in Montclair.
2. He noted he was recently advised that **Proposition 49** funding will continue despite the state's financial stability unless the voters decide against it.
3. He stated it is important that parents of children enrolled in the program realize the main funding source of the program is a **Proposition 49** ASES grant along with an allocation of City funds. He suggested literature about the program include this information.
4. He spoke in support of approving the agenda report on this item.

Council Member Ruh likewise expressed his support of the program, noting it is "a true benefit to the community" for working parents. He noted he has spoken to many parents whose children have benefited from the program. He suggested staff explore funding from the **Kaiser Family Foundation, MacArthur Foundation, Ford Foundation, and California Community Foundation** if **Proposition 49** grants become unavailable in the future. He expressed his certainty that the City Council will do whatever it can to keep the program in place.

Mayor Eaton thanked Senior Recreation Supervisor Tanner for her presentation.

VI. PUBLIC COMMENT - None

Mayor Eaton gave a tribute to **Montclair High School** graduate and former **U.S. Army Private First Class Alex Ocegüera**, who was killed along with two other soldiers by an improvised explosive on October 31, 2006, while traveling through the Wygal Valley, Afghanistan. He offered his and the City's condolences to the **Ocegüera** family.

Mayor Eaton recognized Montclair resident **Mr. Scott C. Montoya**, an Orange County Deputy Sheriff, who, while deployed as a **Marine Corps**. Sergeant with the Scout Sniper Platoon, 2d Battalion, 23d Regiment, 4th Marine Division (Reserve), 1st MEF, during the Battle for Baghdad on April 8, 2003, rescued a wounded Iraqi civilian and returned to carry four Marines to safety amidst a hail of gunfire and with complete disregard for his own life. He advised that **Mr. Montoya** was awarded the **Navy Cross** medal for extraordinary heroism and courage in the face of heavy enemy artillery fire. He noted **Mr. Montoya** told a reporter for the *Orange County Register* that during the incident, the following Biblical passage went through his mind: "Greater love hath no man than this, that a man lay down his life for his friends." (John 15:13)

Mayor Eaton emphasized that although our brave military servicemen and women are committed to serving our country in the Middle East, he wishes they were all home.

Council Member Ruh noted **PFC Ocegüera's** family were presented the **Bronze Star** and **Purple Heart** medals and that **Governor Schwarzenegger** ordered all **State Capitol** flags flown at half staff in **PFC Ocegüera's** honor. He stated it would be appropriate to honor **PFC Ocegüera** and **Mr. Montoya** for their wartime sacrifices during the City's Memorial Day 2007 flag-lowering ceremony, at which time the Community Action Committee (CAC) is planning to dedicate a Veterans Memorial Wall to honor Montclair residents who are deceased and who served in any branch of the military during war or peacetime. He offered to pay for a commemorative nameplate in honor of **PFC Ocegüera** to be placed on the new Veterans Memorial Wall and suggested **Mr. Montoya** and the **Ocegüera** family be invited to attend the ceremony.

Mayor Eaton announced that the CAC's 2006 Christmas Tree Lighting Ceremony will be held Thursday, December 7, 2006, at 7:00 p.m. in the Starlight Patio Theater. He added that in the event of inclement weather, the ceremony would be held in the Community Center auditorium.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 06-2670 Amending the Master User Fee Schedule

Mayor Eaton declared it the time and place for a public hearing to consider Resolution No. 06-2670 amending the Master User Fee Schedule 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 of the term "fiscal impact" as it relates to park development fees for single-family or multifamily lots or dwellings (Table 2).

Director of Redevelopment/Public Works Staats responded that it signifies the amount the City is projecting to collect.

Council Member Ruh asked where racquetball/weight room complex patrons would store their belongings when annual locker rentals are discontinued.

City Manager McDougal explained that there is only a limited number of lockers available and that more would be available to use on a daily basis if annual locker rentals were discontinued.

Assistant Director of Human Services Richter advised that there are 20 lockers available in each of the restroom facilities. She clarified that annual locker rentals are being discontinued because stored wet towels were developing mold and becoming a health issue.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that Resolution No. 06-2670, entitled "**A Resolution of the City Council of the City of Montclair Amending the Master User Fee Schedule,**" 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. 06-2670 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 Raft, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of November 6, 2006

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of November 6, 2006.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 6, 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 November 6, 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 October 31, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 20, 2006, totaling \$1,115,798.64 and the Payroll Documentation dated September 17, 2006, amounting to \$547,276.32, with \$379,770.91 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 October 31, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 10/01/06-10/31/06 in the amounts of \$5,140.94 for Project I; \$38.16 for Project II; \$201,908.54 for Project III; \$64,873.19 for Project IV; and \$85,152.71 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 October 31, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 10/01/06-10/31/06 in the amount of \$31,374.52.

7. Setting a Public Hearing to Consider Ordinance No. 06-888 Amending the Existing Prezone Designation for Approximately 2.31 Acres Within the City's Sphere of Influence

The City Council set a public hearing for Monday, December 4, 2006, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 06-888 amending the existing prezone designation for approximately 2.31 acres in the City's Sphere of Influence.

8. "No Action" on Alcoholic Beverage Permit Application - Beach Girls 2

The City Council voted "No action" on the "On-Sale General" license application of Mr. Terry Bryant, Member, and Mr. Eric Lakey, Member, BG Sports Bar LLC, for Beach Girls 2, 10380 Central Avenue, Montclair, California.

9. "No Action" on Alcoholic Beverage Permit Application - Los Portales Mexican Grill & Seafood

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Mr. Ricardo Ayala, President, Itzel, Inc., for Los Portales Mexican Grill & Seafood, 10244 Central Avenue, Montclair, California.

10. Authorization to Appropriate an Additional \$72,400 to the Human Services Grant Fund to Expand the City of Montclair After-School Program

The City Council authorized an additional \$72,400 appropriation to the Human Services Grant Fund to expand the City of Montclair After-School Program.

11. Approval of Fiscal Year 2006-07 Recommendations for the Schedule of Community Benefits Funding

The City Council approved the following recommendations for Fiscal Year 2006-07 Community Benefits funding:

FISCAL YEAR 2006-07 COMMUNITY BENEFITS ASSISTANCE PROGRAM FUNDING SCHEDULE

<i>Programs</i>	<i>2006-07 Recommendations</i>
Community Senior Services	\$ 1,500
House of Ruth	2,025
Inland Hospice Association	1,475
John Wooton Scholarship Foundation	500
Montclair Community Collaborative	1,000
Montclair Meals on Wheels	1,500
Pomona Valley Workshop	1,500
Project Sister	1,100
Visiting Nurse Association	1,900
<i>TOTAL</i>	\$12,500

12. Authorization for a \$5,600 Transfer From the Contingency Account for Tests, Repairs, and Upgrades to the Underground Fuel Storage Tanks at Fire Station No. 1 in Compliance With Regulatory Agencies

The City Council authorized a \$5,600 transfer from the Contingency Account to Account No. 001-400-4536-5205 for tests, repairs, and upgrades to the underground fuel storage tanks in compliance with regulatory agencies.

13. Designation of Voting Delegate to the Annual Congress of Cities and Exposition, December 5-9, 2006, Reno, Nevada

The City Council designated Mayor Paul M. Eaton as Montclair's voting delegate at the National League of Cities Annual Business Meeting to be held Saturday, December 9, 2006, during the Annual Congress of Cities and Exposition in Reno, Nevada.

C. Agreements

1. Approval of Agreement No. 06-164 With HeartSavers LLC. Authorizing the Fire Department to Continue as an American Heart Association Training Site

The City Council approved *Agreement No. 06-164* with HeartSavers LLC. authorizing the Fire Department to continue as an American Heart Association training site.

2. Approval of Agreement No. 06-172 Amending Agreement No. 99-83 With the Chaffey Joint Union High School District for Use of the Community Center for a Parent-Child Class

The City Council approved *Agreement No. 06-172* amending *Agreement No. 99-83* with the Chaffey Joint Union High School District for use of the Community Center for a parent-child class.

3. Award of Contract for the Foundation Area 11 Landscape Improvement Project to Belaire-West Landscape, Inc., in the Amount of \$1,240,036

Approval of Agreement No. 06-173 With Belaire-West Landscape, Inc.

Authorization of a \$125,000 Construction Contingency

The City Council took the following actions regarding the Foundation Area 11 Phase A Landscape Improvement Project:

- (a) Awarded a contract to Belaire-West Landscape, Inc., in the amount of \$1,240,036.
- (b) Approved *Agreement No. 06-173* with Belaire-West Landscape, Inc.
- (c) Authorized a \$125,000 construction contingency.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Agency: City of Montclair

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

City Attorney Robbins requested a Closed Session regarding the above item.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at recent regional committee meetings.
- (b) He noted he greatly enjoyed attending the 50th Anniversary Holiday Extravaganza last Friday.
- (c) He thanked everyone who worked on his reelection campaign.
- (d) He wished everyone a "very, very Happy Thanksgiving."

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

- (a) He congratulated Mayor Eaton on his reelection to the City Council.

- (b) He thanked all who took the time to vote for his reelection despite his not having any opposition.
 - (c) He also noted he very much enjoyed attending the 50th Anniversary Holiday Extravaganza and thanked City Manager McDougal for being the impetus behind the unification of all three employee organizations at one annual event by providing the inducements.
2. Council Member/Director Raft commented as follows:
- (a) She wished everyone a happy and safe Thanksgiving.
 - (b) She congratulated Council Members Paulitz and Ruh on their reelection to the City Council, noting they were "very lucky" for not having any opposition.
 - (c) She congratulated Mayor Eaton on his reelection to the City Council, noting she had "all the confidence in the world" that he would be reelected.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
- (a) He likewise congratulated Mayor Eaton and Council Members Paulitz and Ruh on their victorious reelection to the City Council, advising that the voters have spoken with their endorsement of the City's policymakers. He noted Mayor Eaton received 65 percent of the affirmative vote.
 - (b) He expressed his understanding that the **City of Upland** and other cities have recently enacted Ordinances regulating the operation of medical marijuana dispensaries. He asked that a Response item on the subject be placed on the December 4, 2006 agenda.
 - (c) He congratulated the 50th Anniversary Planning Committee on the success of the well-attended Holiday Extravaganza. He noted it was great to hear from so many employees at the event how much they enjoy working for the City.
 - (d) He asked that the CAC and staff explore ways to honor **PFC Ocegüera** and **Mr. Montoya** at a future ceremony.
 - (e) He noted the positive outcome of the City's meeting with **Nordstrom** executives in September regarding the corporation's plans for a complete renovation of its Montclair store in conjunction with **General Growth Properties, Inc.'s** large-scale remodel of the **Montclair Plaza** next year. He discussed concurrent press releases to that effect received today from **Nordstrom** and **General Growth Properties**. He spoke optimistically about the future of the **Montclair Plaza** once the remodel project is completed.
4. Council Member/Director Ruh commented as follows:
- (a) He also congratulated Mayor Eaton and Council Member Paulitz on their reelection to the City Council.
 - (b) He expressed his gratitude to the voters for reelecting him to the City Council. He promised to be a visible presence in the community and invited residents to call him with their concerns.

- (c) He congratulated all newly elected State legislators and **Representative Dreier** on his reelection. He further congratulated **Senator Soto** for her election to the **61st Assembly District** seat vacated by **Assembly Member McLeod** in her election in the June Democratic primary to **Senator Soto's 32nd Senate District** seat.
- (d) He noted he was unable to attend the Holiday Extravaganza because he was attending a **National Association of Realtors** conference in New Orleans in a professional capacity. He discussed the participation of some conference attendees in the construction of "Musicians' Village," a partnership between **Harry Connick Jr.** and **Branford Marsalis**, honorary chairs of Operation Home Delivery, **Habitat for Humanity International's** hurricane rebuilding program, with the **New Orleans Area Habitat for Humanity** to build 81 homes in the New Orleans Upper Ninth Ward for displaced New Orleans musicians that would surround the **Ellis Marsalis Center for Music** to be dedicated to the musical education and development of homeowners and others who will live nearby. He proudly noted the **National Association of Realtors** has been responsible for building 54 new homes across the Gulf Coast for hurricane-stricken families, adding that conference attendees spent over forty million dollars in New Orleans during the conference.

Council Member Ruh noted it is tragic that 70 percent of New Orleans' population is either displaced or missing. He emphasized that New Orleans landmarks (Saint Louis Cathedral, Royal Street, Bourbon Street, Basin Street, Rampart Street, the Garden District, St. Charles Avenue, Jackson Square, and the French Market) are part of the fabric of America and a collective of American history. He noted visiting outlying areas, including the Lower Ninth Ward, the Tremayne District, and Mid-City District, that city leaders desire to rebuild in an upscale manner to attract only the well-to-do. He discussed the discriminatory **St. Barnard Parish** ordinance, adopted in September 2006 to bar single-family homeowners from renting to anyone except blood relatives without the special permission of the Parish Council, that has since been suspended as a result of the filing of a motion for preliminary injunction by the **Greater New Orleans Fair Housing Action Center**. He emphasized "that sometimes actions by public officials impact people's lives" and that residents being able to work in the community in which they live is the foundation of a great city. He noted it is important for New Orleans public officials to realize "that a great city doesn't demonize poverty and homelessness."

- (e) He noted he is thankful for the following things this Thanksgiving:

I'm thankful that I have a roof over my head, a job, food on my table, family and friends who care about me and I, in turn, care about them.

I'm thankful that I'm not one of the 3.5 million people in America who are homeless.

I'm thankful that my nieces and nephews are not among the 13 million children, or

one out of six, who currently tonight are living in poverty.

I'm thankful for the hands which have tended the fields, taken in the harvest, processed the food, got that food to market, and made it available to me. I know that my Thanksgiving will be materially much more abundant than many of theirs, but I wonder if mine will be as spiritually as strong.

Council Member Ruh offered the following **Gospel of St. Matthew 5:1-10**, known as "The Beatitudes," as a prayer for families across America this Thanksgiving season and in particular as a dedication to the victims of **Hurricanes Katrina and Rita**:

Now when He saw the crowds, He went up on a mountainside and sat down. His disciples came to Him, and He began to teach them, saying:

Blessed are the poor in spirit, for theirs is the kingdom of heaven.

Blessed are they who mourn, for they shall be comforted.

Blessed are the meek, for they shall inherit the Earth.

Blessed are they who hunger and thirst for righteousness, for they shall be filled.

Blessed are the merciful, for they shall obtain mercy.

Blessed are the pure of heart, for they shall see God.

Blessed are the peacemakers, for they shall be called children of God.

Blessed are they who are persecuted for the sake of righteousness, for theirs is the kingdom of heaven.

Council Member Ruh stated, "I think those are wonderful words of Thanksgiving for this season. May you spend it with family and friends you love, people you care about, and may it be one of peace and joy."

Mayor Eaton thanked Council Member Ruh for his comments.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of October 19, 2006

The City Council received and filed the Public Works Committee meeting minutes of October 19, 2006, for informational purposes.

2. Minutes of Personnel Committee Meeting of November 6, 2006

The City Council received and filed the Personnel Committee meeting minutes of November 6, 2006, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation by Montclair Community Collaborative on Children, Youth, and Adult Programs

Moved by Council Member/Director Paulitz, seconded by Mayor Pro Tem/Vice Chairman Dutrey, and carried unanimously to continue this item to an adjourned joint meeting on Monday, December 4, 2006, at 5:45 p.m. in the City Council Chambers.

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

At 7:42 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Monday, December 4, 2006, at 5:45 p.m. in the City Council Chambers.

At 7:42 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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.

At 7:42 p.m., the City Council went into Closed Session regarding conference with designated labor negotiators pursuant to Section 54957.6 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:06 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:07 p.m., Mayor Eaton adjourned the City Council to Monday, December 4, 2006, at 5:45 p.m. in the City Council Chambers.

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

Yvonne L. Smith
Transcribing Secretary