

**MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON TUESDAY, JANUARY 2, 2007,  
AT 7:00 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 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**

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; Acting Director of Community Development Lustro; 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. Authorization for Allocation and Expenditure of State Supplemental Law Enforcement Services Funds**

Mayor Eaton declared it the time and place set for public hearing to consider authorizing allocation and expenditure of State Supplemental Law Enforcement Services Funds 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 requested clarification on the Police Department's becoming involved with the Chino Police Department's Special Weapons and Tactics (SWAT) force.

Police Chief Thompson advised that with funding provided by the State Supplemental Law Enforcement Services grant, the Department would be financially able to join with the Chino Police Department's SWAT team in hopes that the Upland Police Department would also be able to join forces in a tri-city regional team that would be better able to execute dangerous operations.

Mayor Pro Tem Dutrey asked if the Police Department would be entering into a written agreement with the Chino Police Department for SWAT services.

Noting Captain Keith Jones and he attended the swearing-in ceremony of new **Chino Police Chief Stan Stewart** this afternoon and that **Chief Stewart** would more than likely be serving in that capacity for at least the next five years, Chief Thompson reasoned that, considering the Montclair Police Department would not have that much money invested in the SWAT program, a written contract should not be an issue.

Mayor Eaton requested clarification on the technology behind "lite flares."

Police Chief Thompson clarified that sulfur-burning flares leave a residue on the street and will probably be outlawed by the South Coast Air Quality Management District in the near future, so the Department is switching to a new portable plastic device that emits a flashing red light. He advised that despite the seemingly high cost of the new flares, they are one-fourth the cost of those sold by another vendor and are extremely durable, much safer than traditional flares, and will work for at least one year on nine-volt batteries.

Moved by Council Member Paulitz and seconded by Council Member Raft that the Council authorize the expenditure of State Supplemental Law Enforcement Services Funds for the following equipment and services to enhance the Police Department's patrol services:

Taser® cam for X-26 Tasers® (75)	\$ 32,500
Automated license plate recognition system	24,000
Upgrade for handguns (75)	12,375
Educational and promotional items	13,341
SWAT training for three SWAT Officers	6,000
Sokkia measuring and mapping device	6,200
Tactical equipment for third SWAT Officer	3,000
Lite flares (34)	<u>2,584</u>
<b>TOTAL</b>	<b><u>\$100,000</u></b>

Motion carried unanimously by the following vote:

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

## VIII. CONSENT CALENDAR

Council Member Ruh 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 Paulitz, and carried unanimously to approve the following Consent Items as presented:

### A. Approval of Minutes - None

### B. Administrative Reports

#### 1. Setting a Public Hearing to Consider Resolution No. 07-2677 Requesting the Local Agency Formation Commission Initiate Proceedings for City of Montclair Annexation No. 28

The City Council set a public hearing for Tuesday, January 16, 2007, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 07-2677 requesting the Local Agency Formation Commission initiate proceedings for City of Montclair Annexation No. 28.

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

The City Council approved the City Warrant Register dated January 2, 2007, totaling \$119,108.31 and the Payroll Documentation dated October 29, 2006, amounting to \$588,953.46, with \$428,174.52 being the total cash disbursement.

**C. Agreements**

**1. Approval of Agreement No. 07-01 With HPS Mechanical, Inc., and Union 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. 07-01* with HPS Mechanical, Inc., and Union 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.

**3. Approval of Agreement No. 07-05 With Construction Testing and Engineering, Inc., for Geotechnical Services Associated With Construction of the New City of Montclair Police Department Facility**

The City Council approved *Agreement No. 07-05* with Construction Testing and Engineering, Inc., for geotechnical services associated with construction of the new City of Montclair Police Department facility.

**D. Resolutions - None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**2. Approval of Agreement Nos. 07-02, 07-03, and 07-04 With Montclair Little League and Montclair Golden Girls Softball League, Respectively, for Use of Ball Field Facilities**

Council Member Ruh requested that staff continue a dialogue with residents living adjacent to Vernon Park to address any concerns they might have about evening light and noise issues.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried unanimously that the City Council approve *Agreement Nos. 07-02* and *07-03* with Montclair Little League for use of the respective ball field facilities at Saratoga and Kingsley Parks and *Agreement No. 07-03* with Montclair Golden Girls Softball League for use of ball field facilities at Vernon Park.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel**

1. City Attorney/Agency Counsel Robbins wished everyone a "Happy New Year."

**B. City Manager/Executive Director - No comments**

**C. Mayor/Chairman - No comments**

#### D. City Council/Agency Board

1. Council Member/Director Raft advised that recent legislation protects dogs by prohibiting them from being tethered and asked whose responsibility it would be to enforce the new law. Council Member Raft requested that staff prepare a like Ordinance for Council consideration.

City Manager McDougal responded that the state will delegate the responsibility of enforcing the new law to cities, adding that staff would be meeting with **Inland Valley Humane Society** representatives to amend our animal-control services contract to include the new provision.

Noting the State Legislature approved 910 bills that became effective January 1, 2007, Council Member Ruh clarified that the legislation in question is **SB 1578 - Dogs: Tethering Prohibition (Lowenthal)**, which prohibits the tethering, fastening, chaining, tying, or restraining of dogs to dog-houses, trees, fences, or other stationary objects. He advised that the legislation was introduced to prevent dogs from being choked by their restraints or to prevent them from being unable to free themselves when attacked by predators, adding that enforcement of the new statute would fall on local government.

Council Member Raft sadly noted observing the inhumane treatment of dogs in her neighborhood.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

- (a) He wished everyone a "Happy 2007."
- (b) Concerning the recent highly successful graffiti-abatement cases at Sunrise Park and the Central Avenue underpass, he asked that letters of appreciation be sent to the individual responsible for notifying the Police Department of the Sunrise Park incident while in progress and to Assistant Public Works Superintendent Xavier Mendez; Environmental Control Specialist Steve Cano; and Maintenance Workers Ron Barron, Fausto Rodriguez, Mike Roberts, and Kirk Haymore for their work in the Central Avenue case. He noted the importance of the City expressing its gratitude to those who take the time to report graffiti vandalism to the Police Department and other City personnel while the crimes are in progress.

Mayor Eaton stated, "Sure, that will be taken care of." He commented that certainly the resident who reported the crime in progress is to be commended along with the Officers who apprehended ten suspects, one of whom was nine years old.

3. Council Member/Director Ruh commented as follows:

- (a) He reiterated that he would be working with the **Montclair High School (MHS)** principal and faculty regarding the possibility of having a student serve as a liaison representative with the City.

Mayor Eaton concurred with Council Member Ruh's proposal.

Mayor Pro Tem Dutrey asked that staff prepare a Response item on the subject.

Mayor Eaton asked Council Member Ruh to provide staff with any data he collects.

- (b) He cited a recent newspaper article regarding a youth summit at the **Sheraton Suites Fairplex**, Pomona, at which the group of Pomona teens, businesspersons, elected officials, clergy, and others addressed building relationships across generations, contributing to the community, and effecting positive change together. Noting the City could benefit from a youth summit, he suggested one be conducted once the **MHS** student liaison is on board.
- (c) He suggested the City's 50-year time capsule, scheduled for burial on April 25, 2007, contain the memories of some long-time residents, including **Mr. Roy Corley**, who was born here, and **Mr. John Svenson**, whose parents settled in the Montclair area during **World War I**, when the City was a citrus community.
- (d) He noted on Friday, December 29, 2006, he had an opportunity to attend the public viewing at **St. Margaret's Episcopal Church**, Palm Desert, of **38th President Gerald R. Ford Jr.** who passed away December 26, 2006, of natural causes. He recalled that he had an opportunity to meet **President Ford** after his term in office, at which time he asked about the **President's** first day in **Congress** and was told about the newly elected U. S. Representative meeting newly reelected **U.S. Representative John F. Kennedy**. History would indelibly link **Presidents John. F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and Gerald Ford**, all of whom served in that **Congress**, notably **President Johnson's** appointment of then **Representative Ford** to the **Warren Commission** in 1964 to investigate the **Kennedy** assassination. In addition, three significant Presidents were either born in California (**President Nixon**) or called California their home (**Presidents Ford and Ronald W. Reagan**).

Council Member Ruh stated that his reason for bringing up these historical footnotes is to encourage students to take an interest in history "because once it's gone, it's gone."

#### E. Committee Meeting Minutes

##### 1. Minutes of Personnel Committee Meeting of December 18, 2006

The City Council received and filed the Personnel Committee meeting minutes of December 18, 2006, for informational purposes.

Mayor Eaton thanked **MHS** students for attending the meeting and asked them to write today's date and the time Council Members will be signing their attendance forms before presenting them for signature.

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

At 7:21 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, Transcribing Secretary