

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORA-
TION BOARDS HELD ON MONDAY, JULY 16, 2007,
AT 6:59 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 6:59 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 Larry Brazier, MorningStar Christian Church, 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; Director of Administrative Services Starr; Assistant Director of Redevelopment Caldwell; Acting Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: City Manager/Executive Director McDougal (arrived at 7:11 p.m.)

V. PRESENTATIONS

A. Presentation of Maintenance Superintendents Association, Inland Empire/Desert Chapter, 2007 "Manager of the Year" Award to Assistant Public Works Superintendent Xavier Mendez by President Barry Mulcock

Mayor Eaton introduced **Mr. Barry Mulcock**, President, **Inland Empire/Desert Chapter** of the **Maintenance Superintendents Association (MSA)**.

Mr. Mulcock introduced the following members of the **MSA Inland Empire/Desert Chapter**: Past President **Randy West**, Website Consultant/Public Works Superintendent **Mario Orioli**, Executive Board Representative **Mike Brooks**, and Past Treasurer **Joe Flores**. He presented **MSA** Vice President/Assistant Public Works Superintendent **Xavier Mendez** with the **MSA** "2007 Manager of the Year" award for his leadership and contributions to the organization and its membership. **Mr. Mulcock** noted Assistant Public Works Superintendent **Mendez** has been involved with **MSA** since 2000 and has previously served as Secretary and Treasurer.

Assistant Public Works Superintendent Mendez accepted his award and thanked **Mr. Mulcock**.

B. Introduction of New Promotees

Mayor Eaton introduced Fire Division Chief Layne Shiba, who was appointed to this position effective May 29, 2007, after retiring from the Fire Department in December 2005. He noted Division Chief Shiba began his career with the Montclair Fire Department as a Firefighter in 1975 and was promoted to Engineer in 1978 and Captain the following year. He noted Division Chief Shiba has assisted with the Reserve Firefighter Program, developing and coordinating mini academies for all new reserves; he assisted with implementation of a Smoke Detector Giveaway Program; he was involved in the Fire Department's Outreach and Public Education Puppet Programs; and he became one of the Fire Department's first emergency medical technicians.

Division Chief Shiba continued to work as a part-time Code Enforcement and Fire Prevention Supervisor after retiring as Captain in December 2005 after thirty years of service. He has assisted in the transition of the Fire Department's management team and recently decided to come out of retirement and rejoin the Department to continue serving the residents of Montclair.

Division Chief Shiba has been married to his wife, Cynthia, for 30 years; and they have two grown children, Christine and Travis.

Mayor Eaton congratulated Division Chief Shiba on his appointment and presented him with a City pin.

Mayor Eaton introduced Fire Division Chief Steve Jackson, who was promoted to his new position effective July 9, 2007. He noted Division Chief Jackson began his career with the Montclair Fire Department as a Reserve Firefighter in 1989 and was promoted to full-time Firefighter in 1990. He noted Division Chief Jackson was promoted to the rank of Engineer in 1999 and received his paramedic license that same year. In July 2005, he was appointed to Acting Fire Captain and six months later on January 2, 2006, he

was promoted to Fire Captain, Mayor Eaton added. Since January 2007, he noted Division Chief Jackson has been assigned to the position of EMS Coordinator.

Division Chief Jackson is a member of the Fire Department's EMS, Training, and Fire Apparatus Advisory and Specifications Team Committees. He also served as Vice President of the Montclair Fire Fighters Association for six years and on the negotiation team.

Division Chief Jackson was born in Upland in 1963. He has been married to his wife, Michele, for 16 years; and they have four boys: Steven, Kyle, Troy, and Tyler. Division Chief Jackson feels blessed to be promoted to his new position and looks forward to serving the residents of Montclair for many more years.

Mayor Eaton congratulated Division Chief Jackson on his promotion and presented him with a City pin.

City Manager/Executive Director McDougal arrived at the meeting at 7:11 p.m.

C. Presentation of 2007 Home Beautification Awards

Mayor Eaton stated that as part of the City's ongoing efforts to encourage pride and community spirit, the Montclair Community Action Committee (CAC) has again sponsored the annual *Home Beautification Awards* program. He introduced CAC Vice Chairperson Hollis Judkins who, assisted by CAC Chairperson Mary Fondario, announced the 2007 finalists and winner.

Community Action Committee Vice Chairperson Judkins advised that the CAC continues to sponsor this program to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted the CAC selected four finalists from a total of 17 homes and that the top four homes exemplify a true sense of pride in ownership. She thanked all residents who help to make Montclair a beautiful city in which to live.

A brief power point presentation showcased the finalists' residences.

The following two finalists were presented with framed City certificates and **Costco** gift cards (identification signs would be distributed at a later date).

"2007 *Most Picturesque*" award – **Ms. Doris Yenhert**, 10047 Carrillo Avenue

"2007 *Most-Unique Home*" award – **Chuck and Wanda Blankenship**, 9512 Bolton Avenue

Community Action Committee Vice Chairperson Judkins noted the "2007 Home of Distinction" and "Home of the Year 2007" awards would be sent to respective winners **Van** and **Maria Leppert**, 11004 Stallion Avenue, and **Mr. Guillermo Servim**, 4855 Mane Street, in their absence this evening.

Mayor Pro Tem Dutrey recognized the CAC for its outstanding work on this program.

Mayor Eaton congratulated the winners of the *2007 Home Beautification* awards and thanked all residents who have contributed to the beautification of Montclair. He also thanked the CAC for organizing and facilitating the event.

VI. PUBLIC COMMENT

- A. **Mr. Keith A. Ealy**, 10747 Monte Vista Avenue, Ontario, discussed issues related to his negotiations with the City's appraiser regarding the City's acquisition of the one-half-acre parcel he owns on Monte Vista Avenue for the right-of-way needed to build the Ramona Avenue/Union Pacific Railroad grade separation. He gave the Council copies of his July 16, 2007 correspondence to the City Council on this matter with an attachment of the appraisal he obtained for the properties. He indicated that he would like to remain a Montclair resident once this matter has been settled.

Mayor Eaton directed City Engineer Hudson to contact **Mr. Ealy** to further discuss this matter and work out the issues at hand. He told **Mr. Ealy**, "We are pleased that you want to remain in Montclair."

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

City Manager McDougal requested that item D-2, "Consider Adoption of Resolution No. 07-2705 Adopting the Amended Notice of Determination Associated With Expansion of the Boundaries of Local Agency Formation Commission 3081 (Annexation No. 28)," be removed from the Consent Calendar and continued to the August 6, 2007 regular joint meeting.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried unanimously to continue Item D-2 to the August 6, 2007 regular joint meeting.

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 Regular Joint Council/Agency/Montclair Housing Corporation Meeting of July 2, 2007

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 July 2, 2007.

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 June 30, 2007.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 16, 2007, totaling \$466,770.10 and the Payroll Documentation dated May 27, 2007, amounting to \$598,763.73, with \$422,941.44 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 June 30, 2007.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 6.01.07-6.30.07 in the amounts of \$827.45 for Project I; \$1,031.48 for Project II; \$357,987.42 for Project III; \$64,198.70 for Project IV; \$1,304,572.33 for Project V, and \$17,063.04 for the Mission Boulevard Joint Project.

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 June 30, 2007.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 6.01.07-6.30.07 in the amount of \$52,797.90.

7. Declaring Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared the unclaimed property in Police custody as listed on the attachment to the agenda report on this item as surplus and available for auction.

C. Agreements

1. Approval of *Agreement No. 07-69* With the Office of the State Controller, Division of Audits, for Annual Street Report Preparation Services

The City Council approved *Agreement No. 07-69* with the Office of the State Controller, Division of Audits, for Annual Street Report preparation services.

2. Approval of *Agreement No. 07-71* With Douglas Engineering for Administrative-Related Services Associated With Construction of the Ramona Avenue/Union Pacific Railroad Grade Separation Project

The City Council approved *Agreement No. 07-71* with Douglas Engineering for administrative-related services associated with construction of the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

3. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 07-72 Through 07-76, Rehabilitation Grant Agreements* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program (EHIP) Participants

The Redevelopment Agency Board approved *Agreement Nos. 07-72 through 07-76* by and between the City of Montclair Redevelopment Agency and the five EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Adoption of Resolution No. 07-2704 Determining the Amount of Property Tax Revenue to be Exchanged Between the County of San Bernardino and the City of Montclair Resulting From the Jurisdictional Change Described in Local Agency Formation Commission 3081 (Annexation No. 28)

The City Council adopted Resolution No. 07-2704 determining the amount of property tax revenue to be exchanged between the County of San Bernardino and the City of

Montclair resulting from the jurisdictional change described in Local Agency Formation Commission 3081 (Annexation No. 28).

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 McDougal apologized to Mayor Eaton, the Council, and Fire Chief Ament for causing Chief Ament's and his late arrival to tonight's meeting. He explained that he and Chief Ament were discussing matters important to the Fire Department and "time got away from us." He thanked Mayor Eaton on behalf of Chief Ament for introducing the Fire Department promotees.

Mayor Eaton thanked City Manager McDougal for the apology.

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at **Omnitrans, San Bernardino Associated Governments, Southern California Association of Governments (SCAG), and Metrolink** Operational and Oversight Committee meetings. He noted the **SCAG** Regional Council adopted the *Final Regional Housing Need Allocation Plan* for jurisdictions within the six-county **SCAG** region on July 12, 2007, with only one dissenting vote.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted he has received reports of some Montclair Skate Park patrons not wearing proper safety gear and that oftentimes patrol is not enforcing the use of safety gear at the facility.

Mayor Eaton noted he has witnessed Officers enforcing the safety gear requirement at our Skate Park and stated, "They do the best they can."

- (b) He noted while driving on Benito Street in front of **Montclair High School** after school let out recently that

the traffic came to a stop while the motorist in front of him picked up student passengers. Noting he has received many complaints about traffic congestion in front of the school and that it remains a constant problem, he emphasized the need to move the sidewalk on the south side of Benito Street back to allow room for a pickup/drop-off area.

2. Council Member/Director Raft asked that this evening's meeting be adjourned in memory of **Mr. James Smith** who passed away on July 2, 2007, at the age of 90. She noted **Mr. Smith** was a Montclair resident for over 50 years, he was a **World War II U.S. Navy** veteran, and he was employed by **Lockheed Corporation**. She added that **Mr. Smith** was a member of **Rock of Life Community Church** (formerly **First Baptist Church of Montclair**) and expressed the Council's condolences to his wife, **Ruth**, and their son.

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

- (a) Noting he has received inquiries about the first meeting of the Transactions and Use Tax Oversight Committee from two members, he asked if the meeting has been scheduled.

Director of Administrative Services Starr replied that the meeting would be scheduled for the end of August.

- (b) In view of the increased enforcement on the **Fourth of July**, he noted it was relatively quiet when he drove through town around 9:30 p.m. after attending the Claremont **Fourth of July** fireworks celebration. He added that it sounded like a "war zone" when he drove south of Phillips Boulevard along Monte Vista Avenue in Chino afterward, where there were large parties at which safe-and-sane and illegal fireworks were being used. He stated he is pleased that Montclair has stepped up enforcement during this dry season, noting Montclair had its first fire on the **Fourth** when a residence's roof caught fire.

Mayor Eaton noted he routinely receives dozens of telephone calls from a resident each **Fourth of July** holiday about fireworks in the community and that this year he received only one. He thanked Fire and Police Department staff and the Code Enforcement Unit for their tireless work over the holiday to enforce the City's Zero Tolerance Fireworks Program.

- (c) He noted Mayor Eaton and he enjoyed riding on a float at the invitation of **San Bernardino County Fourth District Supervisor** and **Mrs. Gary Ovitt** in the **City of Ontario's Fourth of July** parade.
4. Council Member/Director Ruh commented as follows:
- (a) He thanked **San Bernardino County Fourth District Supervisor** and **Mrs. Gary Ovitt** for inviting him to join them on the **City of Ontario's Fourth of July** parade float, noting he was unable to do so because he had a family commitment that morning.
 - (b) He cautioned motorists not to leave their pets unattended in vehicles in the heat and to make sure they have plenty of water at home. He noted his pug puppy tends to overheat during rides in his car with the air conditioner running, so he now leaves his puppy at home.
 - (c) He cited an editorial in Sunday's ***San Gabriel Valley Tribune*** endorsing the **City of Rosemead's** decision to look into entrepreneur/sociologist **Arthur D. Greenberg's** proposal to build efficiently designed small condominiums, averaging between 250 to 500 square feet, that would be priced from \$149,000. He noted he provided a copy of the editorial to staff and that he intends to contact **Mr. Greenberg** to take a look at the product. He stated that the editorial indicates the product would provide real opportunities for home ownership to the more than three-quarters of Californians who cannot afford to buy a home, particularly the young (including young families), the working class, and seniors who want to downsize.
 - (d) He noted attending a recent meeting of the **Building Industry Association of Southern California, Baldy View Chapter**, at which builders discussed the future of housing in the Inland Empire. He noted the fact that there is not the income average in San Bernardino County to support the median home purchase price of \$350,000 without the use of subprime mortgages. He advised that "we have got to change with the world that is going on around us" as emphasized in **Alan Deutschman's** book ***Change or Die: The Three Keys to Change at Work and in Life*** that challenges us to make positive and attainable changes in all aspects of our lives.

- (e) He spoke in support of **Governor Schwarzenegger's** comprehensive \$5.9 billion water plan that proposes to secure and expand Southern California's water supplies by providing water for up to one million homes; strengthening the Delta, Southern California's most important water source; and helping Southern California communities preserve this precious resource through conservation and restoration.

- (f) He noted former First Lady **Lady Bird Johnson**, who championed conservation and worked tenaciously for the political career of her husband, **President Lyndon B. Johnson**, died last Wednesday at the age of 94. He noted **Mrs. Johnson** received **United States Secret Service** protection longer than any other American dignitary. He stated that **Mrs. Johnson** was deeply devoted to her family and the environment and that she translated her love for the land and environment into a lifetime of achievement. He credited **Mrs. Johnson** with passage of the **Highway Beautification Act of 1965**, which included improving landscaping, and for adding the native wildflower requirement as an amendment to the **Surface Transportation Urban Relocation Authorization Act**.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of July 2, 2007

The City Council received and filed the Personnel Committee meeting minutes of July 2, 2007, for informational purposes.

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

At 7:39 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of long-time Montclair resident **Mr. James Smith**.

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

Yvonne L. Smith
Transcribing Secretary