

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY, MONTCLAIR HOUSING CORPORATION,  
AND MONTCLAIR FINANCING AUTHORITY BOARDS  
HELD ON MONDAY, AUGUST 6, 2007, AT 6:57 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 6:57 p.m.

II. INVOCATION

San Bernardino County Fourth District Supervisor Gary Ovitt gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

Mayor Eaton asked that everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

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; Acting Director of Administrative Services Beltran; Director of Redevelopment/Public Works Staats; Acting Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; Deputy City Attorney/Agency Counsel Holdaway; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Employees/Promotees

Director of Redevelopment/Public Works Marilyn Staats introduced NPDES/Environmental Compliance Inspector Michael Roberts, who was appointed to his new position effective August 6, 2007. She noted NPDES/Environmental Compliance Inspector Roberts began his career with the City as a Maintenance Worker in October 2004.

Director of Redevelopment/Public Works Staats congratulated NPDES/Environmental Compliance Inspector Roberts on his new appointment and Mayor Eaton presented him with a City pin.

Director of Redevelopment/Public Works Staats introduced **Mr. Fernando Castellanos**, who was appointed to the position of Maintenance Worker in the Public Works Department Parks Division effective July 9, 2007. She noted Maintenance Worker Castellanos previously worked for the **City of Claremont Parks Division**.

Director of Redevelopment/Public Works Staats welcomed Maintenance Worker Castellanos to the Montclair City family and Mayor Eaton presented him with a City pin.

Director of Redevelopment/Public Works Staats introduced **Mr. Robert Olsen**, who was appointed to the position of Maintenance Worker in the Public Works Department Parks Division effective July 9, 2007. She noted Maintenance Worker Olsen

previously worked for **Breur Construction** and also served in the **United States Marine Corps** in the Iraqi Freedom campaign.

Mayor Eaton welcomed Maintenance Worker Olsen to the Montclair City family and presented him with a City pin.

Director of Redevelopment/Public Works Staats introduced **Mr. Andrew Perez**, who was appointed to the position of Maintenance Worker in the Public Works Department Streets Division effective July 9, 2007. She noted Maintenance Worker Perez was previously employed by the **Pomona Fairplex** and the **Ontario International Airport**.

Director of Redevelopment/Public Works Staats welcomed Maintenance Worker Perez to the Montclair City family and Mayor Eaton presented him with a City pin.

Police Chief Chester Thompson introduced **Ms. Silvia Carlos**, who was appointed to the position of Police Services Specialist effective July 2, 2007. He noted Police Services Specialist Carlos previously worked in the areas of customer service and clerical support.

Chief Thompson welcomed Police Services Specialist Carlos to the Montclair City family and Mayor Eaton presented her with a City pin.

Chief Thompson introduced **Ms. Janine Gordon**, who was appointed to the position of Police Services Specialist effective July 2, 2007. He noted Police Services Specialist Gordon served as Parks and Recreation Commissioner for the **City of Pomona** for two terms and that she has a background in customer service and business management having managed a family construction business for over fifteen years.

Chief Thompson welcomed Police Services Specialist Gordon to the Montclair City family and Mayor Eaton presented her with a City pin.

Chief Thompson introduced **Ms. Courtnie Mair**, who was appointed to the position of Police Officer Trainee effective June 25, 2007. He noted Officer Trainee Mair began her career with the Police Department as a Police Cadet in May 2005. She successfully completed all phases of the exam for Police Officer and entered the academy. Officer Trainee Mair recently competed in the **Roller Hockey Junior Olympics** and was asked to play for Team USA, which is quite an honor, but turned the offer down to enter the **San Bernardino County Sheriff's Academy**.

Chief Thompson welcomed Officer Trainee Mair to the Montclair City family and Mayor Eaton presented her with a City pin.

Chief Thompson introduced **Ms. Megan Stafford**, who was appointed to the position of Officer Trainee effective June 25, 2007. He noted Officer Trainee Stafford received a full scholarship to play basketball at the **University of California, Irvine**, where she graduated with a Bachelor of Arts degree in Psychology and Social Behavior. After traveling through Central America and Europe, she enrolled at **Marymount University** in Arlington, Virginia, where she received her Master of Arts degree in Forensic Psychology. Prior to entering the academy, she worked for the Santa Rosa City Attorney's office.

Chief Thompson welcomed Officer Trainee Stafford to the Montclair City family and Mayor Eaton presented her with a City pin.

Chief Thompson introduced **Mr. Eric Rivera**, who was appointed to the position of Officer Trainee effective June 25, 2007. He noted Officer Trainee Rivera received a Bachelor of Arts degree in Criminal Justice and an Associate of Arts degree in Sociology from the **University of Tennessee at Martin**.

Chief Thompson welcomed Officer Trainee Rivera to the Montclair City family and Mayor Eaton presented him with a City pin.

Fire Chief Troy Ament introduced Fire Captain Pat Hein, who was promoted to his new position effective July 23, 2007. He noted Captain Hein studied fire science at **Chaffey College** in 1977 and worked for two years as a seasonal Firefighter for the **California Department of Forestry** and was employed as a Firefighter for **General Dynamics**, Pomona, in 1979. He became a Reserve Firefighter for the Fire Department in February 1982, and was hired full time seven months later. He was promoted to Fire Engineer in April 1991.

Chief Ament noted Captain Hein serves on the Training and Emergency Medical Services Committees and on the Urban Search and Rescue Team and has served as President, Vice President, and Political Action Committee Treasurer of the Montclair Fire Fighters Association.

Chief Ament stated that Captain Hein has been happily married to his wife, **Elaine**, for 24 years and they have three children: **Patrice, Thomas, and Christen**. On Christmas Eve five years ago, **Mrs. Hein** volunteered Captain Hein to play Santa for over one thousand underprivileged children at a soup kitchen. This heartwarming experience motivated Captain Hein to spearhead a Bikes for Kids Program that has grown from sixty donated bicycles in its first year to over five hundred bicycles last year.

Chief Ament congratulated Captain Hein on his promotion and Mayor Eaton presented him with a City pin.

Chief Ament introduced Fire Engineer Greg Poupard, who was promoted to his new position effective July 30, 2007. He noted Engineer Poupard began his career with the Fire Department in 1982 as a Reserve Firefighter and was hired full time in 1983. He added that Engineer Poupard has his Associate of Science degree in Fire Technology and is a Certified Firefighter Officer, has served in the Fire Department's Service Area Management Group and on the Diversity Committee and Fire Apparatus Advisory and Specifications Team, has assisted with development of the Puppet Education Program, and is a member of the Montclair Fire Fighters Association.

Chief Ament congratulated Engineer Poupard on his promotion and Mayor Eaton presented him with a City pin.

Chief Ament introduced Engineer Mike Van Fossen, who was promoted to his new position effective August 6, 2007. He noted Engineer Van Fossen began his career with the Fire Department in January 1984 as a Reserve Firefighter and was hired full time in 1987. During his career, Mike has served as Vice President of the Montclair Fire Fighters Association and currently serves as the Committee's Treasurer. He has been married to his high school sweetheart, **Leslie**, for 33 years, and they have five great children: **Jeff, Kristy, Stacy**, daughter-in-law **Amy**, and son-in-law **Tyler**, and three grandsons: **Jake, Dylan, and Josh**. He is excited about his promotion to Fire Engineer and looks forward to continuing to serve the residents of Montclair.

Chief Ament congratulated Engineer Van Fossen on his promotion and Mayor Eaton presented him with a City pin.

Chief Ament introduced Senior Fire Inspector Richard Rivera, who was appointed to his new position effective August 6, 2007. He noted Senior Fire Inspector Rivera began his career with the City as a Code Enforcement Officer in November 1990 and that during his career, he has assisted with development of the Bicycle Code Enforcement Program and implementation of the Reserve Code Enforcement Program. He became a certified Fire Inspector in 1998 and a certified Arson Investigator in 2004, and at times serves as Deputy Fire Marshal. He has also been a member of the West End Task Force and the Development Review Committee, currently administers the City's Zero Tolerance Fireworks Program and weed-abatement program, and facilitates the annual Open House.

Chief Ament noted Senior Fire Inspector Rivera lives in Redlands with his wife, **Terri**, and has two sons, **Aaron** and **Richard**, and one grandson, **Nathan**.

Chief Ament congratulated Senior Fire Inspector Rivera on his promotion and Mayor Eaton presented him with a City pin.

Chief Ament introduced Senior Code Enforcement Officer Gabe Fondario, who was promoted to his new position effective August 6, 2007. He noted Senior Code Enforcement Officer Fondario became the City's first Reserve Code Enforcement Officer in 1994 and was hired full time in 1997. During his career, Senior Code Enforcement Officer Fondario has been actively involved in neighborhood revitalization and in 1997, he assisted in establishing the C.A.U.T.I.O.N. Program, which continues to positively affect neighborhoods by promoting community involvement, resulting in the enhanced appearance of properties throughout the City.

Chief Ament noted Senior Code Enforcement Officer Fondario serves on the Housing Improvement Task Force and the Montclair Community Collaborative Case Management Team. As a member of these groups, he works together with other City departments and organizations to implement new enforcement techniques and neighborhood-improvement strategies to maintain the health, safety, and welfare of the community.

Chief Ament noted Senior Code Enforcement Officer Fondario was born in Rome, New York, in 1963; and his family moved to Montclair in 1965. He has two children, **Vinnie** and **Jenna**, and looks forward to the challenge of building upon our already effective Code Enforcement Unit to continue achieving community goals.

Chief Ament congratulated Senior Code Enforcement Officer Fondario on his promotion and Mayor Eaton presented him with a City pin.

Acting Director of Community Development/Agency Planner Lustro introduced **Ms. Courtney Aguirre**, who was appointed to the position of Resource Analyst with the Human Services Division effective July 9, 2007. He noted Resource Analyst Aguirre received her Bachelor of Arts degree in Political Science from the **University of California, Berkeley**, and will receive her Master of Public Administration from **California State University, Fullerton**, next spring. She acquired grant-writing experience while working for the nonprofit **Kennedy Commission** in Orange County and grant-review experience as a Safety Net Funding volunteer for **Orange County United Way**. She most recently was employed by the **City of Anaheim's Community Services Department** as a management intern. She looks forward to strengthening and expanding the community programs the City offers our residents.

Acting Director of Community Development/Agency Planner Lustro welcomed Resource Analyst Aguirre to the Montclair City family and Mayor Eaton presented her with a City pin.

Mayor Eaton congratulated the new employees and promotees and stated, "We're very pleased for all of you."

## VI. PUBLIC COMMENT

- A. **Mr. Edmund Garcia**, Vice President, **Montclair Warriors Junior All-American Football League**, P.O. Box 3037, Montclair, noted the **League** has been actively involved in the community for the past 17 years offering a safe environment to train youth to excel in this challenging sport. He expressed his disappointment at being told by **Montclair High School (MHS)** recently that the **Montclair Warriors** can no longer practice there because of ongoing renovations at the school. Having exhausted all possible alternate locations in the community, he appealed to the Council for support in finding an alternate practice field.

Mayor Eaton asked City Manager McDougal to assist **Mr. Garcia** with his issue.

City Manager McDougal noted he spent most of last week working with the **Montclair Warriors** to find a suitable alternate location for the organization's practice sessions and reported the following:

1. Saratoga Park is not an option because of the City's existing Lease Agreement with the **American Youth Soccer Organization**.
2. MacArthur Park does not have adequate parking facilities and was found to be unsuitable for the use.
3. The City-owned southern portion of Sunset Park is unavailable because the City promised the residents that no organized activities would take place there as a condition of the City's purchase of the site.
4. Human Services Supervisor Marcia Richter contacted **Echos of Faith World Outreach**, 11256 Central Avenue, Chino, because the church has a large grass field that the **Montclair Warriors** might use and forwarded contact information to **Mr. Willie Mumford**, President, **Montclair Warriors**.
5. A meeting was held today with two representatives from the **Ontario-Montclair School District (OMSD)** regarding this and other matters who advised that the Assistant Superintendent has asked all school principals in the **District** if their school grounds contain an available grass field the **Montclair Warriors** might use for practice sessions. The process may take some time because a number of the principals are currently on vacation.

Noting the **Montclair Warriors** was scheduled to begin practice a week ago, City Manager McDougal stated that it is unfortunate **MHS** notified the organization at the last minute of the unavailability of its grass field for football practice. He advised that City park facilities cannot accommodate the over one hundred league members and expressed his hope that **OMSD** will come through with a suitable site for the organization to use.

Mayor Eaton asked if **OMSD** is going to advise City Manager McDougal if a site is available.

City Manager McDougal answered, "That was my understanding in our meeting today, yes."

**Mr. Willie Mumford**, President, **Montclair Warriors Junior All-American Football League**, 4529 Benito Street, Montclair, commented as follows:

1. He noted he founded the **Montclair Warriors** almost eighteen years ago for the benefit of community youth.
2. He stated that he has been unsuccessful in his attempts to speak to someone at **Echos of Faith World Outreach**.
3. He indicated that the first day of football practice was last Monday and **MHS** has given the organization until tomorrow to use the field, after which it will be unavailable until next season.
4. He questioned the exclusive use of available City parklands by local **Little League**, softball, and soccer organizations, emphasizing that area cities' **Pop Warner Football** leagues have available venues in those cities.
5. Noting he has exhausted all potential sites, he appealed to the Council to provide the **Montclair Warriors** with "a strip of grass" on which to practice.

Council Member Ruh asked if Essex Park might accommodate the **Montclair Warriors**.

City Manager McDougal answered, "It's not big enough for football."

Council Member Ruh suggested the **Montclair Warriors** could use the field at **Chino Basin Water Conservation District (CBWCD)** and stated he would contact the **District** tomorrow.

Discussion centered on the **Montclair Warriors'** large membership; the renovations taking place at **MHS** that prohibit the organization from continuing to use the school's grass field; the existing agreements with local little league, softball, and soccer organizations for use of City parklands; the possibility of the **Montclair Warriors** having its individual teams share City parklands with the other sports organizations; and the fact that Essex Park is only large enough for **Little League** use and the north side of Sunset Park is not large enough for football practice.

City Manager McDougal indicated there is still the possibility that **OMSD** will locate a suitable school site for the **Montclair Warriors**.

**Mr. Mumford** noted his organization has been refused use of a number of community school facilities at which he has made inquiries including **Serrano** and **Vernon Middle Schools**.

Mayor Pro Tem Dutrey advised that staff is actively working on assisting the **Montclair Warriors** and that the solution might be for the **League** to have individual teams use portions of City parkland.

Council Member Paulitz suggested the **Montclair Warriors** address this issue at an **OMSD** Board meeting.

Council Member Ruh reiterated that he would telephone **CBWCD** regarding the possibility of the **Montclair Warriors** using the **District's** grass field.

**Mr. Mumford** indicated he spoke to **Mr. Richard K. "Pete" Peterson**, **OMSD** Facilities Planning Coordinator, who referred him to a custodian who referred him to individual school principals, a large number of whom are on vacation.

Mayor Eaton advised that staff would work with **OMSD** to locate a suitable practice field for the **Montclair Warriors**.

**Mr. Mumford** thanked Mayor Eaton and the Council.

- B. Ms. Monica Fetuuaho**, 1851 North Del Norte Avenue, Ontario, identified herself as the owner of 4952 Fauna Avenue, Montclair. She complained that the proposed assessment amount for sewer and trash delinquencies on her property is roughly double the actual amount owed. She noted she has been unable to pay her bills because in August 2005 she lost her job. She stated that she has health issues and asked if the City could work with her on payment of the overdue amount, such as accepting a partial payment.

Council Member Ruh asked if staff could negotiate a settlement on the amount owed by **Ms. Fetuuaho**.

City Manager McDougal stated that staff is simply complying with the policy established in Ordinance No. 02-815 for collection of delinquent civil debts. He advised that owners received bimonthly notification of their delinquencies and were notified on July 26, 2007, that the special assessments proposed this evening would be considered by the Council and, as such, are nonnegotiable.

Council Member Paulitz expressed his opinion that owners capable of paying their property taxes each year would be capable of paying their delinquent civil debts included as special assessments on their property taxes. He asked if converting outstanding sewer and trash liens to special assessments is part of the City's collection policy.

City Manager McDougal answered, "That's the policy the Council adopted."

Council Member Paulitz asked at which point outstanding liens become special assessments.

City Manager McDougal advised that outstanding liens are placed as special assessments on the tax rolls annually each August.

Council Member Paulitz stated that owners desiring to do so could pay their special assessments prior to their becoming due in December each year. Other than that, there is not much the City can do at this point unless the policy is changed.

Mayor Pro Tem Dutrey noted Consent Calendar Item D-3 relates to this issue.

Council Member Ruh stated, "We need to be understanding that this is a difficult economic time" and that "we need to find ways to work with our residents when we have these things." He noted staff could offer a payment plan to those facing economic hardship and suggested Consent Calendar Item D-3 be pulled for further discussion.

- C. Ms. Mona Valenzuela**, 9648 Pradera Avenue, Montclair, stated that she arrived too late this evening to pay her outstanding lien and asked if she could pay tomorrow.

Mayor Eaton asked if **Ms. Valenzuela** would be able allowed to pay tomorrow.

City Manager McDougal answered, "Yes."

Council Member Ruh asked what time the billing office opens.

City Manager McDougal answered, "7:00 a.m."

**VII. PUBLIC HEARINGS – None**

**VIII. CONSENT CALENDAR**

Mayor Eaton requested that Item D-3 be removed from the Consent Calendar for discussion.

Council Member Raft requested that Item C-4 be removed from the Consent Calendar for comment.

At this time, Mayor Eaton invited **Mr. Loren R. Martens** to come forward to speak regarding Item B-7, "Consider Approval of Warrant Register and Payroll Documentation."

**Mr. Loren R. Martens**, 4285 Benito Street, Montclair, commented as follows:

- ✓ He commented that he was vacationing in St. Louis and visited the **Gateway Arch** the day before the entire span of the Interstate 35W Mississippi River bridge collapsed in Minneapolis, Minnesota, on August 1. He noted he crossed the bridge numerous times the weekend before.
- ✓ He noted the total cash disbursement in the Payroll Documentation dated June 10, 2007, exceeds half a million dollars for the first time that he can recall. He stated, "We must be getting bigger and doing more."

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented:

**A. Approval of Minutes**

**1. Minutes of Special Joint Council/Agency/Montclair Housing Corporation Meeting of June 12, 2007**

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Special Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of June 12, 2007.

**2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of July 16, 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 16, 2007.

**B. Administrative Reports**

**1. Setting a Public Hearing to Consider Approval of Tentative Parcel Map No. 18657 for a Two-Lot Residential Subdivision at 11170 College Avenue**

The City Council set a public hearing for Monday, August 20, 2007, at 7:00 p.m. in the City Council Chambers to consider Tentative Parcel Map No. 18657 for a two-lot residential subdivision at 11170 College Avenue.

**2. Setting a Public Hearing to Consider Approval of Tentative Parcel Map No. 18715 for a Single-Lot Commercial Subdivision at 9309-9379 Central Avenue**

The City Council set a public hearing for Monday, August 20, 2007, at 7:00 p.m. in the City Council Chambers to consider Tentative Parcel Map No. 18715 for a single-lot commercial subdivision at 9309-9379 Central Avenue.

**3. Vacation, Relinquishment, and Quitclaim of Grant Deed No. 1636, an Easement for Drainage and Ingress, Egress, and All Other Uses Incident Thereto, In, Over, Under, and Across Property Belonging to Chino Basin Water Conservation District**

The City Council vacated, relinquished, and quitclaimed Grant Deed No. 1636, an easement for drainage and ingress, egress, and other uses incident thereto, in, over, under, and across property belonging to Chino Basin Water Conservation District.

**4. Authorization to Purchase One 2006 Ford Crown Victoria, One 2007 Chevrolet Impala, and One 2007 Ford Escape From Enterprise Car Sales**

The City Council authorized the purchase of one 2006 Ford Crown Victoria, one 2007 Chevrolet Impala, and one 2007 Ford Escape from Enterprise Car Sales to replace existing mechanically deteriorated nonsafety vehicles in use by the Code Enforcement Unit, Emergency Services, and Fire Prevention Bureau.

**5. Authorization for Woodcrest Vehicle Center to Convert Four 2007 Ford Crown Victoria Police Interceptor Sedans to Police Vehicles**

**Authorization for Woodcrest Vehicle Center to Modify Two Existing Police Vehicles, Converting Them to Limited-Use Emergency Police Vehicles**

The City Council authorized Woodcrest Vehicle Center to perform the following:

- (a) Conversion of four 2007 Ford Crown Victoria Police Interceptor sedans to emergency police vehicles.
- (b) Modification of two existing police vehicles to limited-use emergency police vehicles.

**6. Designation of Voting Delegate and Alternate to the 2007 League of California Cities Annual Conference & Exposition, September 5 through 8, 2007, Sacramento, California**

The City Council designated Mayor Paul M. Eaton as Montclair's voting delegate and Council Member Bill Ruh as alternate to the 2007 League of California Cities Annual Conference & Exposition, September 5 through 8, 2007, Sacramento, California.

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

The City Council approved the City Warrant Register dated August 6, 2007, totaling \$3,465,751.53 and the Payroll Documentation dated June 10, 2007, amounting to \$737,447.76, with \$509,236.43 being the total cash disbursement.

### C. Agreements

1. **Approval of *Agreement No. 07-77* With the Monte Vista Water District for the Sale of Recycled Water**

The City Council approved *Agreement No. 07-77* with the Monte Vista Water District for the sale of recycled water.

2. **Approval of *Agreement No. 07-78* With the California Insurance Pool Authority Amending Joint Powers Agreement No. 03-121**

The City Council approved *Agreement No. 07-78* with the California Insurance Pool Authority amending Joint Powers Agreement No. 03-121.

3. **Approval of *Agreement No. 07-79* With Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 07-79* with Nutrition Ink to provide nutrition-education services for the City's Senior Citizen Nutrition Program.

5. **Approval of *Agreement No. 07-85* With the San Bernardino County Service Area 70 Consolidated Fire District for a Household Hazardous Waste Collection Facilities Program**

The City Council approved *Agreement No. 07-85* with the San Bernardino County Service Area 70 Consolidated Fire District for a Household Hazardous Waste Collection Facilities Program.

6. **Approval of *Agreement No. 07-86* With the County of San Bernardino to Administer a Women-Infant-Children Program at the Montclair Medical Clinic**

The City Council approved *Agreement No. 07-86* with the County of San Bernardino to administer a Women-Infant-Children Program at the Montclair Medical Clinic.

### D. Resolutions

1. **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)**

The City Council adopted 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).

2. **Adoption of Resolution No. 07-2706 Rescinding Resolution No. 07-2679 Designating Restricted Parking on Public Streets**

The City Council adopted Resolution No. 07-2706 rescinding Resolution No. 07-2679 designating restricted parking on public streets.

4. **Adoption of Resolution No. 07-06, a Resolution of the City of Montclair Redevelopment Agency Approving the Forms of and Authorizing the Execution of Agreement No. 07-81, an Indenture of Trust Agreement, Agreement No. 07-82, a Continuing Disclosure Agreement, Agreement No. 07-83, an Escrow Agreement, Agreement No. 07-84, a Bond Purchase Contract, and an Official Statement Related to**

**Issuance of the City of Montclair Redevelopment Agency's Tax Allocation Refunding Bonds, Issue of 2007A, and Taxable Tax Allocation Refunding Bonds, Issue of 2007B; and Approving Certain Actions in Connection Therewith (Redevelopment Project Area No. III)**

**Adoption of Resolution No. 07-01, a Resolution of the Montclair Financing Authority Approving the Forms of Agreement No. 07-81, an Indenture of Trust Agreement, Agreement No. 07-82, a Continuing Disclosure Agreement, Agreement No. 07-83, an Escrow Agreement, Agreement No. 07-84, a Bond Purchase Contract, and an Official Statement: Authorizing Execution of the Bond Purchase Contract Related to Issuance of the City of Montclair Redevelopment Agency's Tax Allocation Refunding Bonds, Issue of 2007A, and Taxable Tax Allocation Refunding Bonds, Issue of 2007B; and Approving Certain Actions in Connection Therewith (Redevelopment Project Area No. III)**

**Adoption of Resolution No. 07-2708, a Resolution of the City Council of the City of Montclair Approving the Sale of City of Montclair Redevelopment Agency Tax Allocation Bonds, Issue of 2007A, and Taxable Tax Allocation Refunding Bonds, Issue of 2007B (Redevelopment Project Area No. III)**

The Redevelopment Agency and Montclair Financing Authority Boards and City Council adopted the following respective Resolutions related to issuance of the City of Montclair Redevelopment Agency's Tax Allocation Refunding Bonds, Issue of 2007A, and Taxable Tax Allocation Refunding Bonds, Issue of 2007B (Redevelopment Project Area No. III ):

- (a) Resolution No. 07-06, a Resolution of the City of Montclair Redevelopment Agency approving the forms of and authorizing the execution of Agreement No. 07-81, an Indenture of Trust Agreement, Agreement No. 07-82, a Continuing Disclosure Agreement, Agreement No. 07-83, an Escrow Agreement, Agreement No. 07-84, a Bond Purchase Contract, and an Official Statement; and approving certain actions in connection therewith.
- (b) Adoption of Resolution No. 07-01, a Resolution of the Montclair Financing Authority approving the forms of Agreement No. 07-81, an Indenture of Trust Agreement, Agreement No. 07-82, a Continuing Disclosure Agreement, Agreement No. 07-83, an Escrow Agreement, Agreement No. 07-84, a Bond Purchase Contract, and an Official Statement; and authorizing execution of the Bond Purchase Contract; and approving certain actions in connection therewith.
- (c) Resolution No. 07-2708, a Resolution of the City Council of the City of Montclair approving the sale of City of Montclair Redevelopment Agency Tax Allocation Bonds, Issue of 2007A, and Taxable Tax Allocation Refunding Bonds, Issue of 2007B.

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

### **C. Agreements**

- 4. Approval of Agreement No. 07-80 With Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program**

Council Member Raft noted she has been volunteering at the Senior Citizen Nutrition Program and stated that Catering Systems, Inc., provides well-balanced meals for much less than neighboring cities. She stated that she is pleased Montclair is able to provide very good meals at a reasonable cost.

Moved by Council Member Raft, seconded by Council Member Paulitz, and carried unanimously that the City Council approved *Agreement No. 07-80* with Catering Systems, Inc., to provide meals for the City's Senior Citizen Nutrition Program.

#### D. Resolutions

##### 3. Adoption of Resolution No. 07-2707 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts

City Manager McDougal advised that if **Ms. Fetuuaho** and **Ms. Valenzuela** pay the total due on their outstanding liens, there would be no need to place special assessments for those amounts on the tax rolls.

Mayor Eaton apologized to **Ms. Fetuuaho** and **Ms. Valenzuela** that liens/assessments are not negotiable other than payment in full.

Council Member Ruh suggested delinquent sewer and trash fees could be paid in installments over a period of time.

City Manager McDougal noted the City would be more than happy to arrange an installment program if delinquent ratepayers communicate such intention with staff. He advised that oftentimes, lien/assessment notices are ignored until liens or assessments are placed and that these actions become necessary because bimonthly sewer and trash fees have not been paid over a 90-day period.

Council Member Ruh noted ratepayers might be out of work during those times.

City Manager McDougal stated that the City can be flexible in waiving some late fees in hardship cases, though most delinquent ratepayers do pay their late fees when payments are finally received.

Council Member Ruh suggested the City offer delinquent ratepayers a proactive payment program before delinquencies become excessive.

Acting Director of Administrative Services Beltran stated that staff is amenable to payment plans so long as ratepayers communicate with staff. It is at the point when all communication ceases that collections are taken to the next level, he added.

Mayor Pro Tem Dutrey asked for clarification on the procedure for collection of past-due sewer and trash fees.

Acting Director of Administrative Services Beltran explained that a past-due balance including a late fee is shown on the following bill and, if it remains unpaid, another late fee will be added to the balance on the next bill. He advised that special assessments are placed annually each August.

Mayor Pro Tem Dutrey noted liens are collected when properties are sold or refinanced and special assessments are collected through property tax bills. He noted the importance of these collection mechanisms that ensure payment of services the City is required by state law to provide to residents.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that Resolution No. 07-2707, entitled, "**A Resolution of the City Council of the City of Montclair Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts,**" authorizing placement of assessments on the 447 properties listed on Exhibit A to Resolution No. 07-2707 that have delinquent civil debts owed to the City for sewer and trash service, 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. 07-2707 was unanimously adopted by the following vote:

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

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

*Property: 5326 San Bernardino Street*

*Negotiating City of Montclair Redevelopment Agency and Parties: Mr. Francisco Jauregui and Mr. Javier Martinez*

*Negotiators: Executive Director McDougal, Director of Redevelopment/Public Works Staats, Acting Agency Planner Lustro, and Assistant Director of Redevelopment Caldwell*

*Under Recommendations Regarding Acquisition Price Negotiation: and Terms for Sale of Subject Property*

Deputy Agency Counsel Holdaway requested the Redevelopment Agency Board of Directors meet in Closed Session on the above matter pursuant to Section 54956.8 of the Government Code.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman - No comments

D. City Council/Agency Board

1. Council Member/Director Paulitz noted his attendance July 25 through 28, 2007, at the **League of California Cities 2007 Mayors and Council Members Executive Forum & Advanced Leadership Workshops** in Monterey at which he attended certain affordable housing sessions.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He noted he recently visited the 75-unit **National Community Renaissance** family housing project nearing completion on Pradera Avenue. He expressed his opinion the public will be impressed with this beautiful affordable housing project at the grand opening to be held in a few months.
  - (b) He noted Planning Commission Vice Chairman Maynard Lenhart, who serves as a **Monte Vista Water District (MVWD)** Board Member, will be pleased with the Council's action this evening to approve *Agreement No. 07-77* with **MVWD** for its purchase and resale of recycled City water. He advised that the treated effluent would be used for groundwater recharge and direct reuse for industrial and irrigation purposes and that such reuse will increase the amount of water available as a potable water supply.
  
3. Council Member/Director Ruh commented as follows:
  - (a) He reiterated that the City should be sensitive to residents facing hardships and find ways to work with them on a proactive payment plan so delinquent sewer and trash fees could be paid in installments over time. He stated that a shift in the economy has resulted in the majority of the jobs being created in the region being in the areas of retail sales, entertainment, and hospitality, and they are not paying the wages we used to have here. He emphasized the stark reality that most Californians are only three paychecks away from homelessness. He expressed his hope that we can continue to work with residents undergoing hardships and stated, "I don't want to see them lose their homes or lose their dignity simply because of some of these situations."
  - (b) He noted reading an article in **Spirit Magazine** while on a recent **Southwest Airlines** flight entitled, "Cinema Under the Stars: America's Love Affair with the Drive-In Movie Theater." Though their numbers are dwindling, he noted drive-ins remain a favorite movie experience for many across the country. He stated that listed in the article is Montclair's own **Mission Tiki Drive-In Theater**, which was given a glowing review. He noted while his flight to Ft. Lauderdale for a conference was held over in Phoenix until a storm cleared, he told the flight attendant about the article and his association with the City of Montclair. The attendant then made an announcement that passengers should read the article and see him with any questions about Montclair.

Council Member Ruh noted this incident was cited by **David Allen** in his recent *Inland Valley Daily Bulletin* column.
  - (c) He noted meeting a young serviceman on his flight who served in two tours in Iraq. The serviceman told Council Member Ruh the story of his beautiful vintage gold watch that was originally given to his great grandfather when he served in Korea, who gave it to his grandfather when he served in Vietnam, who passed it down to his father when he served in the Gulf war, who gave it to him on his first Iraq tour of duty. Council Member Ruh told the serviceman he hoped when he gave the watch to his son, it wasn't because he had to serve in war but for some other momentous occasion.

- (d) Concerning recycled water use in the City, he emphasized the importance of the City's encouraging a more widespread use of drought-tolerant landscaping and synthetic turf as recycled water will eventually be needed for other uses.

**E. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of June 21, 2007**

The City Council received and filed the Public Works Committee meeting minutes of June 21, 2007, for informational purposes.

**2. Minutes of Code Enforcement Committee Meeting of July 16, 2007**

The City Council received and filed the Code Enforcement Committee meeting minutes of July 16, 2007, for informational purposes.

**3. Minutes of Personnel Committee Meeting of July 16, 2007**

The City Council received and filed the Personnel Committee meeting minutes of July 16, 2007, for informational purposes.

**XII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION AND MONTCLAIR FINANCING AUTHORITY BOARDS OF DIRECTORS**

At 8:09 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation and Montclair Financing Authority Boards of Directors in memory of Council Member/Director Raft's beloved nephew **Mr. Alex/Adre Reza Dupont**, who recently passed away at the age of 27 of a tragic illness.

At 8:10 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:25 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

At 8:26 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors in memory of Council Member/Director Raft's beloved nephew **Mr. Alex/Adre Reza Dupont**, who recently passed away at the age of 27 of a tragic illness.

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

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Yvonne L. Smith  
Transcribing Secretary