

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON TUESDAY, SEPTEMBER 4, 2007,  
AT 6:59 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 6:59 p.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Employee

Fire Division Chief Layne Shiba introduced **Ms. Angelic Bird**, who was appointed to the position of Receptionist/Office Specialist for the Montclair Fire Department effective August 20, 2007. He noted Receptionist/Office Specialist Bird earned her bachelor's degree in history with a minor in political science from **Azusa Pacific University** after graduating from **Montclair High School** and also received a multiple-subject teaching credential. He added that she is active in the community, having served as Secretary for the **Ontario-Montclair Junior Women's Club** for two years while maintaining her membership on the children's ministry leadership team and youth staff at **Bethany Baptist Church**.

Division Chief Shiba welcomed Receptionist/Office Specialist Bird to the Montclair City family and Mayor Eaton presented her with a City pin.

**B. Proclamation Declaring September as "Save A Life Month" in the City of Montclair**

Mayor Eaton presented Fire Division Chief Steve Jackson with a proclamation declaring September as "Save A Life Month" in the City of Montclair.

Division Chief Jackson accepted the proclamation and thanked Mayor Eaton on behalf of Chief Ament and the Fire Department. He stated that by the end of this month, the Fire Department would have certified approximately forty City employees in cardio-pulmonary resuscitation (CPR), airway management, and use of portable automatic external defibrillators (AEDs). He emphasized the importance of City employees being trained in CPR so we can be well prepared in the event of an emergency. He added that through a **Homeland Security** grant, the Fire Department would be purchasing five additional portable AEDs to be placed in City-owned buildings throughout the community.

Mayor Eaton thanked Division Chief Jackson.

**VI. PUBLIC COMMENT**

- A. Mr. Loren Martens**, 4285 Benito Street, Montclair, noted he was informed this weekend that Montclair does not have noise abatement after 10:00 p.m. and asked if this is correct.

City Manager McDougal answered, "No."

Mayor Eaton answered, "We have it."

**Mr. Martens** thanked Mayor Eaton.

**VII. PUBLIC HEARINGS**

- A. Consider Continuance of Public Hearing Regarding Resolution No. 07-07, a Resolution of the City of Montclair Redevelopment Agency Approving *Agreement No. 07-90*, a *Disposition and Development Agreement* by and Between the City of Montclair Redevelopment Agency and San Antonio Gateway Housing Development Corporation (National Community Renaissance) Concerning the Property Located at 10355 Mills Avenue**

**Consider Continuance of Public Hearing Regarding Resolution No. 07-2709, a Resolution of the City of Montclair Consenting to Approval of *Agreement No. 07-90*, a *Disposition and***

***Development Agreement by and Between the City of Montclair Redevelopment Agency and San Antonio Gateway Housing Development Corporation (National Community Renaissance) Concerning the Property Located at 10355 Mills Avenue***

Mayor/Chairman Eaton declared it the time and place set for a public hearing to consider continuance of the public hearing regarding Redevelopment Agency Resolution No. 07-07 and City of Montclair Resolution No. 07-2709 approving *Agreement No. 07-90, a Disposition and Development Agreement* by and between the City of Montclair Redevelopment Agency and San Antonio Gateway Housing Development Corporation (National Community Renaissance) concerning the property located at 10355 Mills Avenue and invited comments from the public.

There being no one in the audience wishing to speak, Mayor/Chairman Eaton closed the public hearing and returned the matter to the City Council/Redevelopment Agency Board for their consideration.

City Manager/Executive Director McDougal asked that this item be continued to provide National Community Renaissance representatives and staff additional time to address certain financial terms of proposed *Disposition and Development Agreement No. 07-90*.

Moved by Council Member/Director Paulitz and seconded by Mayor Pro Tem/Vice Chairman Dutrey to continue this item to a future meeting.

Motion carried as follows:

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

**VIII. CONSENT CALENDAR**

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to approve the following Consent Items as presented:

**A. Approval of Minutes - None**

**B. Administrative Reports**

- 1. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond*, and Retention of *Payment Bond* for Six Months for Completion of the Palo Verde Street Storm Drain Project**

The City Council approved the following regarding completion of the Palo Verde Street Storm Drain Project:

- (a) Filing of a *Notice of Completion*.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.

**2. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond*, and Retention of *Payment Bond* for Six Months for Completion of the Signalization of the Arrow Highway and Police Department Intersection Project**

The City Council approved the following regarding completion of the Signalization of the Arrow Highway and Police Department Intersection Project:

- (a) Filing of a *Notice of Completion*.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.

**3. "No Action" on Alcoholic Beverage Permit Application – Best Market**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Jeong Rang Lee, President, BM & JY, Inc., for Best Market, 10410 Ramona Avenue, Montclair, California.

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

The City Council approved the City Warrant Register dated September 4, 2007, totaling \$1,314,654.34 and the Payroll Documentation dated July 8, 2007, amounting to \$679,527.77, with \$489,859.17 being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 07-91-I-80, an Irrevocable Annexation Agreement With Ontario-Montclair School District for 5555 Howard Street***

The City Council approved *Agreement No. 07-91-I-80, an Irrevocable Annexation Agreement* with the Ontario-Montclair School District for 5555 Howard Street.

2. **Award of Contract to GK & Associates in the Amount of \$54,500 for GASB 34 Infrastructure Valuation and Pavement Management System Services**

**Approval of *Agreement No. 07-92* With GK & Associates**

**Authorization of a \$54,500 Appropriation Transfer From the Contingency Fund to the General Fund**

The City Council took the following actions related to GASB 34 infrastructure valuation and pavement management system services:

- (a) Awarded a contract to GK & Associates in the amount of \$54,500.
  - (b) Approved *Agreement No. 07-92* with GK & Associates.
  - (c) Authorized a \$54,500 appropriation from the Contingency Fund to the General Fund.
3. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 07-94 through 07-98, 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. 07-94 through 07-98, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the five EHIP participants listed on Exhibit A attached to the agenda report on this item.

4. **Approval of *Agreement Nos. 07-99, 07-100, 07-101, and 07-102* With Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, Respectively, for Use of Ball Field Facilities**

The City Council approved *Agreement Nos. 07-99, 07-100, 07-101, and 07-102* with Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, respectively, for use of ball field facilities.

#### **D. Resolutions**

1. **Adoption of Resolution No. 07-2710 Adopting a Measure I Three-Year Capital Improvement Program for the City of Montclair**

The City Council adopted Resolution No. 07-2710 adopting a Measure I Three-Year Capital Improvement Program for the City of Montclair.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at recent **Metro-link** and **Southern California Association of Governments** Energy and Environment Committee meetings.

D. City Council/Agency Board

1. Council Member/Director Paulitz cited an article in the August 26, 2007 *Inland Valley Daily Bulletin (IVDB)* that reported a more than 3,700-student decline in enrollment of schools within the **Ontario-Montclair School District** in the last four years, reportedly because families cannot afford to live in the community and have relocated to the High Desert. He further cited an August 31, 2007 *IVDB Letter to the Editor* that blamed government and the "economic migrants" who are doubling up in housing. He quoted the following excerpt from the letter:

*Let's not blame developers or even economic migrants for this predicament but the public officials and their housing intelligentsia who won't tell us the consequences of their policies and don't want to cut back their bureaucratic fiefdoms.*

Council Member/Director Paulitz expressed his opinion that the decline in enrollment is caused by residents who improve their homes and remain in them long after their children have grown. In addition, he noted learning from a realtor that a number of parents in the community register their children in other school districts using relatives' addresses.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He announced that the **Montclair Kiwanis** is conducting a fundraiser, the proceeds of which will benefit the club's youth sponsorship programs **Montclair High**

**School Key Club** and the **Kingsley Elementary School K-Kids**. He noted the raffle tickets are \$5 each and that a drawing will be held for either a laptop computer or \$500 in cash.

- (b) He expressed his appreciation to staff for scheduling the first Transactions and Use Tax Oversight Committee meeting to be held September 27, 2007.
- (c) He noted there seems to be an increase in instances of loud music during the evening hours in the City, advising that there is typically a request for assistance related to the excessive noise during the ride-alongs he attends. He noted having to notify the Police Department about the loud live music being played after hours at a large party in his neighborhood a few weeks ago and expressed his opinion that such behavior displays a total lack of respect for your neighbors. He requested an item be placed on the agenda for the next meeting related to development of an Ordinance prohibiting outdoor live music or disc jockey-type entertainment after a specified time of night. He also asked that Police Chief Thompson give a presentation during the item on how the Police Department controls loud music and that City Attorney Robbins report on the provisions of the existing Noise Ordinance related to loud music.

Mayor Eaton asked Mayor Pro Tem Dutrey if he believes the existing Ordinance is inadequate and ineffective.

Mayor Pro Tem Dutrey expressed his opinion that the existing Ordinance "is not strong enough" and stated, "I think we need to let people know that after 9:00 p.m., there are no more deejays outside your backyard."

Mayor Eaton stated, "I don't agree with that."

Mayor Pro Tem Dutrey stated, "I think that it is an issue that we need to address in Montclair" and reiterated his request that an item on stricter noise control be placed on the next agenda.

It was the consensus of the City Council that an item related to development of an Ordinance prohibiting outdoor live music or disc jockey-type entertainment after a specified time of night be placed on the agenda for the next meeting.

3. Council Member/Director Ruh commented as follows:
- (a) He noted Mayor Eaton, Mayor Pro Tem Dutrey, and he attended Fire Chief Tapia's retirement party last Friday and recognized staff for all the work involved in arranging the event, adding, "We certainly wish him well on his retirement."
  - (b) He cited a recent **IVDB** editorial that reported **Governor Schwarzenegger's** veto of \$55 million in funding for **Assembly Bill 2034**, which provides successful programs statewide directed at serving homeless persons, parolers, and probationers with serious mental illness, has directly affected **Tri-City Mental Health Center** in Pomona, which derives one fifth of its total budget from the funding that is used to help chronically mentally ill, chronically homeless people as well as the mentally ill who are released from incarceration. In contrast, he stated that a tax break unsanctioned by the **Governor** and estimated at \$45 million annually is being resumed for those who buy yachts, planes, and recreational vehicles out of state. Noting he did not see much opposition by cities that could have put pressure to not have this loophole reinstated, he advised that he would inquire about this issue at the **League of California Cities Annual Conference**.
  - (c) Citing a recent **IVDB** article that reported the lack of local promotion for the **National Association of Stock Car Auto Racing (NASCAR) Nextel Cup** races held over the **Labor Day** weekend at the **California Speedway** in Fontana, he concurred with comments made in the article that promotional campaigns should first target Inland Empire residents.
  - (d) He reported that **U.S. District Court Judge Oliver Wagner** has ordered federal and state water projects to reduce the amount of water diverted from the Sacramento-San Joaquin Delta area to Southern California because of the adverse affect on the endangered delta smelt, a decision stemming from a lawsuit in which several conservation groups sued for protection of the species. He advised that **Judge Wagner's** ruling would affect the **Metropolitan Water District**, which derives two-thirds of its water supply from the State Water Project via the California Aqueduct, and the 26 agencies in six counties that purchase water from the wholesaler.

At this time, Mayor Eaton invited **Mr. Martens** to come forward to speak.

**Mr. Martens** asked if loud live music and disc jockey-type entertainment is exempt from the Noise Ordinance.

Mayor Eaton answered, "I don't think so. We are going to be looking at that."

**Mr. Martens** asked where he might obtain a copy of the Noise Ordinance.

Mayor Eaton told **Mr. Martens** he could request a copy of the Ordinance from the City Clerk's office.

City Attorney Robbins advised that the Noise Ordinance could also be found on the City's website.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Public Works Committee Meeting of July 19, 2007**

The City Council received and filed the Public Works Committee meeting minutes of July 19, 2007, for informational purposes.

##### **2. Minutes of Code Enforcement Committee Meeting of August 20, 2007**

The City Council received and filed the Code Enforcement Committee meeting minutes of August 20, 2007, for informational purposes.

##### **3. Minutes of Personnel Committee Meeting of August 20, 2007**

The City Council received and filed the Personnel Committee meeting minutes of August 20, 2007, for informational purposes.

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

At 7:18 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