

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
OCTOBER 15, 2007, AT 7:00 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 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. He announced that the regular joint meetings are now available in audio format on the City's website and can be accessed the day following the meeting after 10:00 a.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey 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

Director of Community Development Clark introduced **Mrs. Merry Westerlin**, who was appointed to the position of Deputy Building Official effective October 1, 2007. He noted Deputy Building Official Westerlin worked for the past six years as the Building Inspection Supervisor for the **City of Rancho Cucamonga**; prior to that, she worked as a Building Inspector with the **Willdan Group**,

Inc., and in private industry for a family-owned construction company for 11 years.

Director of Community Development Clark welcomed Deputy Building Official Westerlin to the Montclair City family, and Mayor Eaton presented her with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of October 1, 2007

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of October 1, 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 September 30, 2007.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 15, 2007, totaling \$886,030.56 and the Payroll Documentation dated August 19, 2007, amounting to \$638,016.25, with \$447,832.60 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 September 30, 2007.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 9.01.07–9.30.07 in the amounts of \$36,777.06 for Project I; \$290.00 for Project II; \$812,606.91 for Project III; \$93,482.07 for Project IV; \$2,201,545.09 for Project V; and \$213,049.90 for the Mission Boulevard Joint Redevelopment 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 September 30, 2007.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 9.01.07–9.30.07 in the amount of \$51,734.18.

7. Setting a Public Hearing to Consider Ordinance No. 07-899 Related to Adoption of the 2007 Editions of the California Building, Electrical, Mechanical, and Plumbing Codes

The City Council set a public hearing for Monday, November 5, 2007, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 07-899 related to the 2007 editions adoption of the California Building, Electrical, Mechanical, and Plumbing Codes.

8. Setting a Public Hearing to Consider Ordinance No. 07-900 Related to Adoption of the 2007 Edition of the California Fire Code

The City Council set a public hearing for Monday, November 5, 2007, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 07-900 related to adoption of the 2007 Edition of the California Fire Code.

9. Declaring Vehicles and Equipment as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair

The City Council declared the following vehicles and equipment as surplus and authorized their sale by Nationwide Auction Systems on behalf of the City of Montclair:

<i>Department</i>	<i>Year and Model</i>	<i>Vehicle Identification Number</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
Police	2003 Ford Crown Victoria	2FAHP71W23X171953	97,734	\$2,550
Police	2003 Ford Crown Victoria	2FAHP71W93X171951	110,000	\$2,350
Police	2000 Kawasaki motorcycle	JKAKZCP214B517812	25,124	\$ 350
Fire	1995 Chevrolet Caprice	1G1BL52D1SR159396	117,350	\$1,800
Fire	1994 Chevrolet Caprice	1G1BN52P3RR157234	121,590	\$1,750
Fire	1995 Chevrolet Caprice	1B1BL529XSR159347	147,631	\$1,650
Public Works	1978 Jacobsen Aerator	540537	N/A	\$ 200

10. Designation of Voting Delegate to the Annual National League of Cities' Congress of Cities and Exposition, November 13-17, 2007, New Orleans, Louisiana

The City Council designated Mayor Paul M. Eaton as Montclair's voting delegate at the 2007 National League of Cities Annual Business Meeting to be held on Saturday, November 17, 2007, at the Ernest N. Morial Convention Center, New Orleans, Louisiana.

11. "No Action" on Alcoholic Beverage Permit Application - El Encanto Night Club

The City Council voted "No action" on the "On-Sale General" application of Messrs. José Haro and Javier Solis for El Encanto Night Club, 10555-57 Mills Avenue, Montclair, California.

C. Agreements

1. Approval of Agreement No. 07-108, an Exclusive Right to Negotiate Agreement by and Between the City of Montclair Redevelopment Agency and Mills Family Housing Partners, L.P.

The City Council approved *Agreement No. 07-108, an Exclusive Right to Negotiate Agreement* by and between the City of Montclair Redevelopment Agency and Mills Family Housing Partners, L.P.

2. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 07-109 Through 07-114, 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. 07-109 through 07-114, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the six EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Adoption of Resolution No. 07-2714 Fixing the Salaries for Certain City Employees Represented by the Montclair Fire Fighters Association

The City Council adopted Resolution No. 07-2714 fixing the salaries of certain City employees represented by the Montclair Fire Fighters Association.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE

A. September 10, 2007 Vehicle Versus Pedestrian Traffic Accident on Kingsley Street

Noting he reviewed staff's very thorough report on this subject, Council Member Paulitz inquired as follows:

1. Has the subject vehicle been impounded?

Police Chief Thompson answered, "Yes."

2. Has the owner of the vehicle tried to claim it?

Chief Thompson answered, "To our knowledge, he has not; but we'd have to check on that."

3. Would the tow service notify the Police Department if the owner claimed the vehicle?

Chief Thompson answered, "Yes," advising that the owner must obtain a release authorization from the Police Department before claiming his vehicle.

4. How is it possible, given that proof of insurance is required to register a vehicle, that there are so many uninsured vehicles on the road?

Chief Thompson advised that insurance companies do not inform the **California Department of Motor Vehicles (DMV)** if policies are canceled immediately after vehicles are registered.

5. Isn't the insurance company required to notify the **DMV** that the insurance has been canceled?

Chief Thompson indicated that the law does not require such notification be made.

6. What would be the disposition of a driver involved in an accident in which there are injuries if the driver has valid identification but no driver's license?

Chief Thompson advised that the driver would not be arrested or processed. In the event the driver has no driver's license or valid identification, he stated that the driver would be cited and fingerprinted at the scene.

7. Why were the onlookers or the author of the *Letter to the Editor* so certain the driver was an illegal immigrant?

Chief Thompson answered, "I have no idea."

8. The report indicated that the **U.S. Immigrations and Customs Enforcement (ICE)** would respond to an incident at our request. Did we actually contact **ICE** in this particular case?

Chief Thompson answered, "Not at the time of the accident;" adding it was several weeks after the accident that **ICE** was contacted, once it became apparent that we should update our policy in these types of cases.

9. Is there a protocol currently in place to contact **ICE** in a similar case?

Chief Thompson answered, "Yes," adding that if there is reason to believe the subject is an illegal immigrant, we will contact **ICE** for further screening/processing either at the scene or at the **West Valley Detention Center**.

Mayor Eaton asked Chief Thompson to explain the functions of **ICE**.

Chief Thompson clarified that **ICE** is composed of investigative and enforcement staffs.

Council Member Paulitz thanked Chief Thompson for the information.

Council Member Raft noted it is her understanding that insurance companies are required to notify the **DMV** if policyholders cancel their vehicle insurance.

Chief Thompson stated, "I don't know if that's true or not. I can find out and get back to you."

Council Member Raft stated, "That would be appreciated."

Mayor Pro Tem Dutrey commented as follows:

1. He noted the seriousness of the illegal immigrant driver issue in California and the nation and that there has been much discussion at the state level regarding providing undocumented workers/illegal immigrants in this country with drivers' licenses, though the decision ultimately rests with the state.
2. He noted the driver in this case did not have a driver's license and was uninsured at the time of the accident, the Police Department correctly responded according to policies and procedures in place at the time of the accident, the driver's vehicle was towed, and attempts were made to issue the driver a citation to appear in court. He noted it is unfortunate that because of the circumstances in this case, the driver failed to appear in court and take responsibility for the accident.
3. He recounted an incident during a Police Department ride-along in which the Officer pulled over an illegal immigrant for speeding, and the driver's only identification was his **Los Angeles County Sheriff's Department Jail Facility** paperwork for failure to appear on a previous traffic citation. He noted the driver was issued a citation to appear in court and that his vehicle was towed because he had no valid identification.
4. He noted it is ironic that, typically, the drivers in such cases will purchase another vehicle rather than wait to retrieve their vehicles once the 30-day impound period has expired.
5. He noted he is pleased with the new and more proactive illegal immigrant driver policy and procedure.

Noting he has reviewed the report and is relatively satisfied with the information, Council Member Ruh stated he is pleased that staff continues to follow standard operating procedure in this

matter. He inquired concerning **ICE's** typical response time in a request for assistance.

Chief Thompson responded that **ICE** has four agents assigned to San Bernardino County and that their minimum response time is two hours. He stated that alternatively, an agent will issue a fax to detain the suspect at the **West Valley Detention Center** until the agent is available to conduct an evaluation.

Council Member Ruh asked if the arresting Police Officer remains with the suspect until the **ICE** agent arrives.

Chief Thompson answered, "Yes."

Council Member Ruh asked if the case becomes the jurisdiction of **San Bernardino County**.

Chief Thompson replied that it becomes the jurisdiction of the federal government. He noted **ICE** follows up with deportation procedures once convicted illegal immigrants serve their prison time.

Council Member Ruh noted he would look into vehicle insurance regulations. He thanked Chief Thompson for the information.

Noting the driver's vision was obstructed by glare from the sun hitting his grimy windshield, Council Member Raft inquired as follows:

1. Could a driver be cited under such conditions?

Chief Thompson answered, "Yes."

2. Was the driver in this case cited?

Chief Thompson replied that the driver was issued a citation by mail; but, unfortunately, he had moved two weeks prior. He advised that the **District Attorney's Office** has cited the driver for driving without a license, so there is a bench warrant out for his arrest.

Council Member Raft noted if a change is made to an insurance policy, the insurance company will fax a copy of the revised policy to the insured or a copy may be picked up at the insurance office.

Chief Thompson reported that the adult female incurred severe bruising and the four-year-old juvenile female suffered a fractured right leg in the accident.

Mr. Loren Martens, 4285 Benito Street, Montclair, asked if the City of Montclair has an illegal immigrant-based identity theft procedure in place.

City Manager McDougal stated that he is not aware that this type of crime has affected City staff.

Mr. Martens thanked City Manager McDougal and stated, "I'm encouraged."

Mayor Eaton told City Manager McDougal, Chief Thompson, and Captain Jones that he appreciates their work to revise the Police Department's policy and procedure.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director

1. City Manager McDougal invited Mayor Eaton and the Council to attend a welcome reception for new **Chaffey College** Superintendent/President **Henry D. Shannon**, Ph.D., jointly hosted by the **Ontario, Rancho Cucamonga, Upland, Montclair, Chino, Chino Hills, and Fontana Chambers of Commerce**. He encouraged the Council's attendance, noting the City Councils of the other six cities represented by the **Chaffey Community College District** would likewise be invited to the reception. He noted **Dr. Shannon** relocated here from St. Louis, where he served as Chancellor of the **St. Louis Community College System**. He thanked the **Rancho Cucamonga Chamber of Commerce** for organizing the multichamber reception to welcome **Dr. Shannon** to the region.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at recent **Omnitrans** and **San Bernardino Associated Governments** Board and committee meetings.
 - (b) He noted his attendance along with Mayor Pro Tem Dutrey and Council Members Paulitz and Raft at the **Ontario-Montclair YMCA Fiesta de Comida** fundraiser held last Wednesday to raise funds for youth day camps, sports, and recreation programs.
 - (c) He noted his attendance on October 9, 2007, along with other City officials and community leaders at the ribbon cutting and grand opening of **Café Montclair**, Montclair's newest fine dining establishment.

D. City Council/Agency Board

1. Council Member/Director Paulitz noted five nuns celebrated their 40th year at **Our Lady of Lourdes Catholic Church** on October 6, 2007, and that Mayor Eaton presented them with certificates to commemorate the occasion.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted his attendance last Saturday at the Fire Department's annual Open House/Pancake Breakfast fundraiser at Fire Station No. 1.
 - (b) He noted Mayor Eaton, Council Member Paulitz, and he attended **Mrs. Juanita Vodvarka's** 99th birthday party last Saturday. He added that they look forward to celebrating **Mrs. Vodvarka's** 100th birthday party next year.
 - (c) Noting he was, unfortunately, unable to attend **Café Montclair's** grand opening last week, he highly recommended the restaurant.
 - (d) He noted he has a petition in favor of **Assembly Constitutional Amendment 8 (De La Torre)**, the **League of California Cities-** and **California Redevelopment Agency-**supported eminent domain reform bill, for those interested in signing it.
3. Council Member/Director Ruh commented as follows:
 - (a) Noting he was out of town last week at a legislative conference, he advised that he would provide the Council with a report on the bills signed by **Governor Schwarzenegger**.
 - (b) He noted his attendance earlier today at a luncheon for **Los Angeles World Airports** Executive Director **Gina Marie Lindsey**, who outlined her strategy for modernization, regionalization, and development of new initiatives to update airport services at **Los Angeles International, LA/Ontario International (LA/ONT), Van Nuys, and LA/Palmdale Regional Airports**. He advised that the cargo facilities at **LA/ONT** are proposed to be expanded in an effort to reduce freeway congestion and promote regional foreign trade.
 - (c) He noted the immediate response from **Los Angeles County** firefighters and the **California Department of Transportation** and **California Highway Patrol** to the

I-5 Freeway/Newhall Pass 31-car pileup late last Friday that left three persons dead and damaged a vital portion of the north-south artery. He advised that **MetroLink** has added extra passenger cars to southbound trains originating in Palmdale, and two extra trains will originate at the **Via Princessa Station** near the Via Princessa interchange on the Antelope Valley Freeway, which will continue all the way to **Los Angeles Union Station**. He noted the fact that motorists could use the I-5 Freeway Monday morning in both directions is a testament to quick and coordinated work from state and local agency managers and heroic efforts by workers on the pavement.

- (d) He noted the seriousness of San Bernardino County's growing homeless problem as reported in the *2007 Homeless Census and Survey* released two weeks ago, which indicates that San Bernardino County's homeless population overall rose 39.9 percent since 2003 that is largely attributable to the population increase and rising cost of living. He reported the statistics for Montclair and other cities in the 4th District, emphasizing the "need to do what we can to solve the problem," e.g., the establishment of regional and localized shelters. He recognized **St. Mark's Episcopal Church**, Upland, for establishing the **St. Mark's Homeless Shelter**. He expressed his hope that there will be no more rounding up of the homeless to be transported elsewhere as was documented several years ago. He reiterated that 50 percent of those residing in homeless shelters are working on a regular basis and noted it takes a family working at minimum wage 160 hours to earn enough to pay the rent.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 1, 2007

The City Council received and filed the Personnel Committee meeting minutes of October 1, 2007, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Progress Report on Construction of New Police Facility

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to continue this item to an adjourned joint meeting on Monday, November 5, 2007, at 5:45 p.m. in the City Council Chambers.

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

At 7:30 p.m., Mayor/Chairman Eaton adjourned the City Council and
Redevelopment Agency and Montclair Housing Corporation Boards of
Directors.

Submitted for City Council/ Redevelop-
ment Agency Board/Montclair Housing
Corporation Board approval,

Yvonne L. Smith
Transcribing Secretary