

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
NOVEMBER 19, 2007, AT 7:00 P.M. IN THE CITY
COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:00 p.m..

II. INVOCATION

Council Member/Director Paulitz gave the Invocation.

III. PLEDGE OF ALLEGIANCE

U.S. Army Master Sergeant Arturo Padilla led those assembled in the Pledge.

IV. ROLL CALL

Present: 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

Absent: Mayor/Chairman Eaton (excused)

Mayor Pro Tem Dutrey advised that Mayor Eaton is preparing for a medical procedure on November 20, 2007.

V. PRESENTATIONS

A. Introduction of New Employee

Director of Redevelopment/Public Works Staats introduced **Mr. Edward Molitor**, who was appointed to the position of Maintenance Worker effective November 5, 2007. She noted Maintenance Worker Molitor is a Montclair native who attended Montclair schools and graduated from **Chaffey College** with an Associate of Science degree in Industrial Management. She noted he spent four years in the **United States Marine Corps** and worked for **United Technologies** for 11 years, **Circle Seal Controls** for 2 years, and **Boyd Corporation** for the past 12 years.

Director of Redevelopment/Public Works Staats welcomed Maintenance Worker Molitor to the Montclair City family and Mayor Pro Tem Dutrey presented him with a City pin.

B. Presentation of Certificate of Recognition to Montclair Hospital Medical Center for Receiving the 2008 Pulmonary Care Excellence Award

Mayor Pro Tem Dutrey presented **Montclair Hospital Medical Center (MHMC)** Administrator **Gregory Brentano** with a certificate of recognition for the organization's receipt of the **HealthGrades 2008 Pulmonary Care Excellence Award**.

Mr. Brentano accepted the certificate and thanked Mayor Pro Tem Dutrey. He advised that **HealthGrades**, the leading independent healthcare rating organization, ranked **MHMC** in the top 10 percent for pulmonary care excellence of all hospitals nationwide. He noted **MHMC** is pleased to have received this honor and thanked the City for the recognition.

Mayor Pro Tem Dutrey stated he appreciates the excellent care provided by **MHMC** and congratulated **Mr. Brentano** on **MHMC's** receipt of the award.

C. Presentation of Veterans' Banners to Military Personnel Residing in the City of Montclair Who Have Completed Their Tours of Duty

In observance of **Veterans Day**, Community Action Committee Vice Chair Hollis Judkins thanked **U.S. Army Lieutenant Colonel Anne Dutrey**, **U.S. Navy Petty Officer Third Class** and 2004 **Montclair High School** graduate **Rickie Gonzalez**, and **U.S. Army** veteran and 2003 **MHS** graduate **Joshua C. Martinez** (in absentia) for their years of service and dedication to our country and presented them with banners that were displayed in the community this year in their honor. She further thanked all servicemen and women and their families for their service to our country.

Mayor Pro Tem Dutrey recognized and thanked **U.S. Army Master Sergeant Arturo Padilla** for his continuing service to our country.

At 7:13 p.m., Mayor Pro Tem/Vice Chairman Dutrey recessed the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:14 p.m., Mayor Pro Tem/Vice Chairman Dutrey reconvened the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading - Adoption of Ordinance No. 07-899 Amending Specified Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2007 Edition of the California Building Code, Volumes 1 and 2; the 2007 Edition of the California Electrical Code; the 2007 Edition of the California Mechanical Code; and the 2007 Edition of the California Plumbing Code; Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider the second reading of Ordinance No. 07-901 amending the Montclair Municipal Code regarding procedures regulating the application and abatement of graffiti and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Paulitz and, seconded by Council Member Raft that Ordinance No. 07-901 entitled, "**An Ordinance of the City Council of the City of Montclair Amending the Montclair Municipal Code Regarding Procedures Regulating Graffiti and Graffiti Abatement**," be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 07-899 was adopted by the following ROLL CALL vote:

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

B. Second Reading – Adoption of Ordinance No. 07-900 Related to Adoption of the 2007 Edition of the California Fire Code

Adoption of Resolution No. 07-2713 Making Express Findings Regarding Modifications to the 2007 Edition of the California Fire Code

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider the second reading of Ordinance No. 07-900 related to adoption of the 2007 edition of the California Fire Code and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Ruh and, seconded by Council Member Raft that Ordinance No. 07-900 entitled, **"An Ordinance of the City Council of the City of Montclair Amending Specified Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2007 Edition of the California Fire Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties,"** be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Ordinance No. 07-2718 was adopted by the following ROLL CALL vote:

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

Moved by Council Member Ruh and, seconded by Council Member Raft that Resolution No. 07-2713 entitled, **"A Resolution of the City Council of the City of Montclair Making Express Findings Regarding Modifications to the California Fire Code, 2007 Edition, to Comply With State of California Health and Safety Code Sections 17922, 19952, 17958.5, and 17958.7(a) and the California Building Standards Commission,"** be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Resolution.

Resolution No. 07-2713 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 5, 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 November 5, 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 October 31, 2007.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 19, 2007, totaling \$1,135,651.81 and the Payroll Documentation dated September 16, 2007, amounting to \$618,690.69, with \$439,025.41 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 October 31, 2007.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 10.01.07-10.31.07 in the amounts of \$657.88 for Project I; \$2,473.95 for Project II; \$37,079.32 for Project III; \$21,969.73 for Project IV; and \$20,572.86 for Project V.

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 October 31, 2007.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 10.01.07-10.31.07 in the amount of \$67,101.59.

7. Setting a Public Hearing to Consider Ordinance No. 07-901 Amending the Montclair Municipal Code Regarding Procedures Regulating the Application and Abatement of Graffiti

The City Council set a public hearing for Monday, December 3, 2007, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 07-901 regarding procedures regulating the application and abatement of graffiti.

8. Setting a Public Hearing to Consider Resolution No. 07-2718 Adjusting Transportation Development Impact Fees

The City Council set a public hearing for Monday, December 3, 2007, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 07-2718 adjusting transportation development impact fees.

9. Authorizing Expenditure of \$73,906.10 for Purchase of 12 Hewlett-Packard Power-Over-Ethernet Network Switches from Best Buy

The City Council authorized expenditure of \$73,906.10 from the Fiscal Year 2007-08 General Fund Budget (\$52,000) and from Police facility bond proceeds (\$21,906.10) for purchase of 12 Hewlett-Packard Power-Over-Ethernet network switches from Best Buy.

10. Approval of Parcel Map No. 18743 Located on the North Side of Saddleback Street West of Fremont Avenue

Authorization for Parcel Map No. 18743 to be Recorded with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Approved Parcel Map No. 18743 located on the north side of the Saddleback Street west of Fremont Avenue.
- (b) Authorized Parcel Map No. 18743 to be recorded with the Office of the San Bernardino County Recorder.

11. Authorization for Allocation and Expenditure of State Supplemental Law Enforcement Services Funds

The City Council authorized the allocation and expenditure of State Supplemental Law Enforcement Services funds to purchase the following patrol services equipment:

Mobile Video Recorders (12)	\$ 88,700
Forensic Recovery of Evidence Device (FRED)	8,400
Sokkia Measuring/Mapping Device Upgrade	<u>2,900</u>
TOTAL	<u>\$100,000</u>

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 07-127 and 07-128, 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. 07-127 and 07-128, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the two EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Adoption of Resolution No. 07-08 Approving Agreement No. 07-126, an Affordable Housing Agreement by and Between the City of Montclair Redevelopment Agency and José Dominguez and Deborah Dominguez Regarding Property Located at 10350 Kimberley Avenue

The City Council adopted Resolution No. 07-08 approving *Agreement No. 07-126, an Affordable Housing Agreement* by and between the City of Montclair Redevelopment Agency and José Dominguez and Deborah Dominguez regarding the property located at 10350 Kimberley Avenue.

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 - Absent

D. City Council/Agency Board

1. Council Member/Director Paulitz noted he participated in the **Robbins Brothers Jewelers** ribbon-cutting last Thursday, on behalf of Mayor Eaton and that he was pleased to represent the City at the event.
2. Council Member/Director Raft wished everyone a happy and safe Thanksgiving with their families.
3. Council Member/Director Ruh commented as follows:
 - (a) He noted Mayor Eaton and he attended the **Vedic Temple** grand opening on Saturday, November 10, 2007. He noted the temple, located at 9720 Central Avenue, is the western regional headquarters and offers services in the Hindu faith tradition. He noted Mayor Eaton and he were very impressed with the interior design of **Vedic Temple** and that the opening ceremony was quite interesting. He advised that the organization would be providing meal programs to shut-ins in the community. He welcomed **Vedic Temple** to Montclair, noting he looks forward to future events.
 - (b) He announced that **Assembly Member Nell Soto's** Ontario District Office would be distributing turkeys and Thanksgiving food baskets to needy families during this holiday season compliments of **Cardenas Market, Golden State Water Company, and Stater Bros.** He applauded Senator Soto's efforts to facilitate her turkey distribution and Thanksgiving Food Basket Program each year "to help make Thanksgiving better for some families."
 - (c) He noted his attendance last Thursday at a conference at which he had the privilege of having breakfast with **Ms. Della Reese** and had an opportunity to learn about her friendship/working relationship with a number of celebrities including **Frank Sinatra; Ed Sullivan; Joey Bishop; Lena Horne; and Sammy Davis, Jr.** Noting **Ms. Reese** is an ordained minister, he stated that she has a very positive outlook on life despite having to overcome many challenges. He noted **Ms. Reese** recalled that she was not permitted to stay in the Las Vegas casinos at which she performed at the beginning of her career in the mid-1950s because of her heritage. Recalling that both **Mr. Sinatra** and **Mr. Sullivan** believed such racial discrimination to be inappropriate, she told Council Member Ruh about

Mr. Sinatra's refusal to perform at one casino unless **Mr. Davis, Ms. Horne,** and she were given rooms adjoining his. He noted the story illustrates "how far we've come as a society in just a few short years" that is something to be thankful for this time of year.

- (d) He announced the **Metrolink Holiday Toy Express Train** would arrive at the Montclair **Metrolink** station on Sunday, November 25, 2007, at 7:15 p.m. He encouraged families to arrive early to the spectacular event.
- (d) He noted the City's 2007 Christmas Tree-Lighting Ceremony would be held December 6, 2007, at 6:00 p.m. in the Starlight Patio Theater. He noted **Santa** and **Mrs. Claus** would arrive aboard a fire truck.
- (e) At this time of Thanksgiving, he stated it is a time to give thanks. He noted, "We live in a land of tremendous abundance, yet there are those among us tonight who still are struggling. We need only to look at some of our neighbors, at some of our families right here in this community to understand how much need there is. And to think about giving thanks, consider the following:

If you woke up this morning with more health than illness, you're more fortunate than the million who will not survive this week. If you've never experienced the danger of battle, the loneliness of prison, the agony of torture, or pangs of starvation—you're ahead of 500 million people in this world. If you can attend a church meeting without fear of harassment, arrest, torture, or death, you're more fortunate than more than 3 billion people across the globe. If you have food in your refrigerator, clothes on your back, a roof overhead, and a place to sleep—you're richer than 75 percent of the population in the world. If you have money in the bank, in your wallet, spare change in a dish somewhere, or even behind the sofa cushion, consider that you are among the top 8 percent of the world's wealthiest individuals. If your parents are still alive and married, you're very rare, even in America. If you can read, you are more fortunate than more than 2 billion people in the world who cannot read at all.

We have so much to be thankful for: Be thankful for your family, your friends; spend time with them. Make sure you tell the people who are very near and dear to you that you love them because it may be the only time you get to do so. Peace to everyone at Thanksgiving."

Mayor Pro Tem Dutrey thanked Council Member Ruh for his Thanksgiving thoughts.

- 4. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He announced that tonight's meeting would be adjourned in honor and memory of retired **Police Lieutenant Robert Metzger**, a 17-year veteran of the Montclair Police Department and a longtime Montclair resident, who passed away on November 5, 2007. He noted our prayers are with the **Metzger** family.
 - (b) He wished everyone a Happy Thanksgiving.
 - (c) He noted the Redevelopment Agency Board adopted Resolution No. 07-08 this evening approving an *Affordable Housing Agreement* with **José** and **Deborah**

Dominguez in response to the **Dominguezes** desire to provide two transitional housing apartment units to needy families in the community. He advised that **Foothill Family Shelter** would facilitate the rental of the units. On behalf of the Agency Board and City Council, he thanked the **Dominguezes** for their altruism toward needy families in Montclair.

- (d) He asked that everyone thank the brave soldiers fighting in Iraq and Afghanistan for risking their lives and for the sacrifices they have made for our freedom as well as any military personnel they encounter for their service to our country, noting they appreciate such civilian recognition.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 5, 2007

The City Council received and filed the Personnel Committee meeting minutes of November 5, 2007, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update by State Legislative Advocate Charles W. Bader, CWB Consulting

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Ruh, and carried to continue this item to an adjourned joint meeting on Monday, December 3, 2007, at 5:45 p.m. in the City Council Chambers.

Mayor Pro Tem Dutrey asked attending **Montclair High School** students to write today's date and the time Council Members or staff would be signing their attendance forms before presenting them for signature once the meeting is adjourned.

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

At 7:29 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of retired **Police Lieutenant Robert Metzger**, a 17-year veteran of the Montclair Police Department and longtime resident of Montclair.

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

Yvonne L. Smith
Transcribing Secretary