

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, JUNE 16,
2008, AT 7:02 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 7:02 p.m. and asked that cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh 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; Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Employees

Fire Chief Ament introduced **Mr. James Colby**, who was appointed to the position of Firefighter effective June 9, 2008. He noted Firefighter Colby received a Bachelor of Arts degree in Communications from **California State University, Fullerton**, and an Associate of Science degree in Fire Technology from **Mt. San Antonio College** in 2008, where he also completed the Fire Academy.

Chief Ament welcomed Firefighter Colby to the Montclair City Family and Mayor Eaton presented him with a City pin.

B. Presentation of Annual Performance Bonus by Burrtec Waste Industries, Inc., to Chaffey Joint Union High School District for Use by Montclair High School Environmental Group *Project Earth* in Its Efforts Related to the School's Recycling and Waste-Diversion Programs

Mayor Eaton introduced **Mr. Jim Arvans**, Waste and Recycling Consultant, **Burrtec Waste Industries, Inc.**

On behalf of **Burrtec Waste Industries**, **Mr. Arvans** presented a \$2,417 annual performance bonus check to Accounting Supervisor Robinson. She stated that she would be pleased to forward the check to **Montclair High School's *Project Earth*** club in appreciation of the club's environmental efforts throughout the year and of its continued success in facilitating the school's waste-diversion program over the past 13 years.

VI. PUBLIC COMMENT

- A. Mr. Kirk Bauer, Alternate Avenues**, 9675 Monte Vista Avenue, Montclair, stated that **Alternate Avenues**, a new nonprofit that opened on March 1, 2008, specializes in helping women with unplanned pregnancies. He noted the organization would soon hold an open house and that he looks forward to a great coexistence with the progressive City of Montclair.

Mayor Eaton thanked **Mr. Bauer** for his remarks.

VII. PUBLIC HEARINGS

- A. Second Reading - Adoption of Ordinance No. 08-902 Establishing Fees for State Franchise Video Service Providers**

Mayor Eaton declared it the time and place set for public hearing to consider the second reading of Ordinance No. 08-902 establishing fees for state franchise video service providers and invited comments from the public.

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

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 08-902, entitled, "**An Ordinance of the City Council of the City of Montclair Establishing Fees for State Franchise Video Service Providers**," be read by number and title only, further reading be waived, and this be declared its second reading.

Second Reading of Ordinance No. 08-902 was unanimously adopted by the following ROLL CALL vote:

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

B. Second Reading - Adoption of Ordinance No. 08-903 Amending Section 9.20.440, *Et Seq.*, of the Montclair Municipal Code Related to Exhibit J of the Regional Sewage Service Contract as Amended March 2, 2005, by the Inland Empire Utilities Agency

Mayor Eaton declared it the time and place set for public hearing to consider the second reading of Ordinance No. 08-903 amending Section 9.20.440, *et seq.*, of the Montclair Municipal Code related to Exhibit J of the Regional Sewage Service Contract as amended March 2, 2005, by the Inland Empire Utilities Agency and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton 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. 08-903, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Sections 9.20.440, *Et Seq.*, of the Montclair Municipal Code Related to Exhibit J of the Regional Sewage Service Contract as Amended March 2, 2005, by Inland Empire Utilities Agency,**" be read by number and title only, further reading be waived, and this be declared its second reading.

Second Reading of Ordinance No. 08-903 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item D-11 be removed from the Consent Calendar for comment.

Moved by Mayor/Chairman Eaton, 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 June 2, 2008

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 June 2, 2008.

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 May 31, 2008.

2. Approval of City Warrant Registers and Payroll Documentations

The City Council approved the City Warrant Register dated June 16, 2008, totaling \$768,791.89 and the Payroll Documentation dated April 13, 2008, amounting to \$654,539.77, with \$487,235.64 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 May 31, 2008.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 05.01.08-05.31.08 in the amounts of \$7,042.76 for Project I; \$220.54 for Project II; \$2,106,593.66 for Project III; \$691,408.21 for Project IV; \$2,296,717.01 for Project V, and \$107,379.93 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 May 31, 2008.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated

5.01.08–05.31.08 in the amount of \$31,043.74.

7. Setting a Public Hearing to Consider Ordinance No. 08-904 Adding Section 9.26 to Title 9 of the Montclair Municipal Code Related to Flood Plain Regulation and Management

The City Council set a public hearing for Monday, July 7, 2008, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 08-904 adding Section 9.26 to Title 9 of the Montclair Municipal Code related to flood plain regulation and management.

8. Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Project-Phases 5 and 6

The City Council authorized to advertise for bid proposals for the Mission Boulevard Improvement Project-Phases 5 and 6.

9. Authorization to Transfer After-School Program (ASP) Grant Funds to Purchase After-School Program Supplies

The City Council authorized the Transfer of \$225,000 from the ASP Personnel Account to the ASP Supplies Account to purchase ASP supplies.

10. Authorization of an \$8,157.44 Appropriation From the Contingency Account to Purchase Three Advanced Life Support Adult and Pediatric Training Manikins From Life Assist, Inc.

Authorization to Receive \$8,157.44 From the Homeland Security Grant Program for Purchase of Advanced Life Support Adult and Pediatric Training Manikins

The City Council authorized the following:

- (a) An \$8,157.44 appropriation from the Contingency Account to purchase three advanced life support adult and pediatric training manikins from Life Assist, Inc.
- (b) Receipt of \$8,157.44 from the Homeland Security Grant Program for purchase of advanced life support adult and pediatric training manikins.

11. Authorization of a \$16,167 Appropriation From the Contingency Account to Cover Montclair's Portion of the 20 Percent Matching Funds to Purchase a Joint-Use Mobile Driver Training Simulator

Authorization to Participate in a \$388,000 Department of

Homeland Security Assistance to Firefighters Regional Grant for Purchase of the Mobile Driver Training Simulator

The City Council authorized the following:

- (a) A \$16,167 appropriation from the Contingency Account to cover Montclair's portion of the 20 percent matching funds to purchase a joint-use mobile driver training simulator.
- (b) Participation in a \$388,000 Department of Homeland Security Assistance to Firefighters regional grant for purchase of the mobile driver training simulator.

12. Authorization to Receive \$45,326 From a Federal Emergency Management Agency (FEMA) Grant for Purchase of Vehicle Exhaust Removal Systems From Air Technology Solutions, Inc.

Authorization of a \$5,036 Appropriation From the Capital Outlay Account to Cover the 10 Percent Match Required by FEMA for Purchase of the Systems

The City Council authorized the following:

- (a) Receipt of \$45,326 from a Federal Emergency Management Agency (FEMA) grant for purchase of vehicle exhaust removal systems from Air Technology Solutions, Inc.
- (b) A \$5,036 appropriation from the Capital Outlay Account to cover the 10 percent match required by FEMA for purchase of the systems.

13. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to Completion of the Joint Benson Avenue Rehabilitation Project

The City Council approved the following related to completion of the Joint Benson Avenue Rehabilitation Project:

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

14. Receive and File Status Report on Emergency Contracting Procedures Related to Certain Park Repairs at Kingsley and Saratoga Parks and Determine There Is a Need to Continue the Action

The City Council took the following actions related to the Musco lighting system and security system at Kingsley Park and certain other repairs at Saratoga Park:

- (a) Received and filed the status report.
- (b) Determined there is a need to continue repairs/improvements at the parks.

C. Agreements

1. Approval of *Agreement No. 08-23* With DataProse for Utility Statement Processing Services

The City Council approved *Agreement No. 08-23* with DataProse for utility statement processing services.

2. Approval of *Agreement No. 08-38* With Albert Grover & Associates for Traffic Engineering Services

The City Council approved *Agreement No. 08-38* with Albert Grover & Associates for traffic engineering services.

3. Approval of *Agreement No. 08-45* With California Landscape and Design, Inc., for Maintenance Services at the Montclair Skate Park

The City Council approved *Agreement No. 08-45* with California Landscape and Design, Inc., for maintenance services at the Montclair Skate Park.

4. Approval of *Agreement No. 08-46* With West Coast Arborists for Tree-Maintenance Services

The City Council approved *Agreement No. 08-46* with West Coast Arborists for tree-maintenance services.

5. Approval of *Agreement No. 08-51* With Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium

The City Council approved *Agreement No. 08-51* with Liebert Cassidy Whitmore for participation in the East Inland Empire Employment Relations Consortium.

6. Approval of *Agreement No. 08-53* by and Between the City of Montclair, the City of Montclair Redevelopment

Agency, and Mariposa Horticultural Enterprises, Inc., for Landscape and Maintenance of Median Islands, Parks, and Parkways

The City Council and Redevelopment Agency Board approved *Agreement No. 08-53* by and between the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for landscape maintenance of median islands, parks, and parkways.

7. Approval of *Agreement No. 08-54* With Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 08-54* with Catering Systems, Inc., to provide meals for the City's Senior Citizen Nutrition Program.

8. Approval of *Agreement No. 08-55* With Nutrition Ink to Provide Nutrition-Education Services for the City's Senior Citizen Nutrition Program

The City Council approved *Agreement No. 08-55* with Nutrition Ink to provide nutrition-education services for the City's Senior Citizen Nutrition Program.

9. Approval of *Agreement No. 08-57* With John M. and Brenda Goller Construction Management Services Incorporated for Construction Management Services Associated With Construction of the Youth and Senior Centers

The City Council approved *Agreement No. 08-57* with John M. and Brenda Goller Construction Management Services Incorporated for construction management services associated with construction of the youth and senior centers.

10. Approval of *Agreement No. 08-58* With Stewart Geo Technologies in the Amount of \$59,835 to Conduct an Aerial Orthophotography Project

The City Council approved *Agreement No. 08-58* with Stewart Geo Technologies in the amount of \$59,835 to conduct an aerial orthophotography project.

D. Resolutions

1. Redevelopment Agency Board of Directors' Adoption of Resolution No. 08-03, a Resolution of the City of Montclair Redevelopment Agency Authorizing Expenditure of Redevelopment Agency Funds for Graffiti Abatement for Fiscal Year 2008-09

The Redevelopment Agency Board of Directors adopted Resolution No. 08-03, a Resolution of the City of Montclair Redevelopment Agency authorizing expenditure of

Redevelopment Agency funds for graffiti abatement for Fiscal Year 2008-09.

City Council Approval of *Agreement Nos. 08-40, 08-41, 08-42, and 08-43* Approving Respective *Promissory Note Nos. 08-01, 08-02, 08-03, and 08-04* Between the City of Montclair and the City of Montclair Redevelopment Agency

The City Council approved *Agreement Nos. 08-40, 08-41, 08-42, and 08-43* approving respective *Promissory Note Nos. 08-01, 08-02, 08-03, and 08-04* between the City of Montclair and the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 08-40, 08-41, 08-42, and 08-43* Approving Respective *Promissory Note Nos. 08-01, 08-02, 08-03, and 08-04* Between the City of Montclair Redevelopment Agency and the City of Montclair

The Redevelopment Agency Board of Directors approved *Agreement Nos. 08-40, 08-41, 08-42, and 08-43* approving respective *Promissory Note Nos. 08-01, 08-02, 08-03, and 08-04* between the City of Montclair Redevelopment Agency and the City of Montclair.

Redevelopment Agency Board of Directors' Adoption of Resolution No. 08-04 Adopting the Fiscal Year 2008-09 Budget for the City of Montclair Redevelopment Agency

The Redevelopment Agency Board of Directors adopted Resolution No. 08-04 adopting the Fiscal Year 2008-09 Budget for the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of *Agreement No. 08-44* Approving *Promissory Note No. 08-01* Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation

The Redevelopment Agency Board of Directors approved *Agreement No. 08-44* approving *Promissory Note No. 08-01* between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation.

Montclair Housing Corporation Board of Directors' Approval of *Agreement No. 08-44* Approving *Promissory Note No. 08-01* Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency

The Montclair Housing Corporation Board of Directors approved *Agreement No. 08-44* approving *Promissory Note*

No. 08-01 between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 08-01 Adopting the Fiscal Year 2008-09 Budget for the Montclair Housing Corporation

The Montclair Housing Corporation Board of Directors adopted Resolution No. 08-01 adopting the Fiscal Year 2008-09 Budget for the Montclair Housing Corporation.

2. **Adoption of Resolution No. 08-05, a Resolution of the City of Montclair Redevelopment Agency Approving the Forms of and Authorizing Execution of Agreement No. 08-47, an Indenture of Trust; Agreement No. 08-48, a Continuing Disclosure Agreement; Agreement No. 08-49, a Purchase Agreement; and an Official Statement Related to Issuance of the City of Montclair Redevelopment Agency's Mission Boulevard Joint Redevelopment Project (a Joint Project with the County of San Bernardino) Tax Allocation Notes, Issue of 2008, and Approving Certain Actions in Connection Therewith**

Consider Adoption of Resolution No. 08-01, a Resolution of the Montclair Financing Authority Approving the Forms of Agreement No. 08-47, an Indenture of Trust; Agreement No. 08-48, a Continuing Disclosure Agreement; Agreement no. 08-49, a Purchase Contract; and an Official Statement and Authorizing Execution of the Purchase Contract Related to Issuance of the City of Montclair Redevelopment Agency's Mission Boulevard joint Redevelopment Project (a Joint Project With the County of San Bernardino) Tax allocation Notes, Issue of 2008

Consider Adoption of Resolution No. 08-2740, a Resolution of the City Council of the City of Montclair Approving the Issuance of the City of Montclair Redevelopment Agency's Mission Boulevard Joint Redevelopment Project (a Joint Project With the County of San Bernardino) Tax Allocation Notes, Issue of 2008, and Approving Certain Actions in Connection Therewith

The Redevelopment Agency Board of Directors adopted Resolution No. 08-05, a Resolution of the City of Montclair Redevelopment Agency approving the forms of and authorizing execution of Agreement No. 08-47, an Indenture of Trust; Agreement No. 08-48, a Continuing Disclosure Agreement; Agreement No. 08-49, a Purchase Agreement; and an

Official Statement related to issuance of the City of Montclair Redevelopment Agency's Mission Boulevard Joint Redevelopment Project (a Joint Project with the County of San Bernardino) Tax Allocation Notes, Issue of 2008, and approving certain actions in connection therewith.

The Montclair Financing Authority Board of Directors adopted Resolution No. 08-01, a Resolution of the City of Montclair Financing Authority approving the forms of Agreement No. 08-47, an Indenture of Trust; Agreement No. 08-48, a Continuing Disclosure Agreement; Agreement no. 08-49, a Purchase Contract; and an Official Statement and authorizing execution of the Purchase Contract related to issuance of the City of Montclair Redevelopment Agency's Mission Boulevard joint Redevelopment Project (a joint project With the County of San Bernardino) Tax allocation Notes, Issue of 2008.

The City Council adopted Resolution No.08-2835, a Resolution of the City Council of the City of Montclair approving the issuance of the City of Montclair Redevelopment Agency's Mission Boulevard Joint Redevelopment Project (a joint project with the County of San Bernardino) Tax Allocation Notes, Issue of 2008, and approving certain actions in connection therewith.

3. Adoption of Resolution No. 08-2832 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities

Adoption of Resolution No. 08-2733 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 4, 2008

Adoption of Resolution No. 08-2734 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to be Held on Tuesday, November 4, 2008, With the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the California Elections Code

The City Council adopted the following Resolutions:

- (a) Resolution No. 08- 2732 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008, for the election of certain officers as required by the provisions of the laws of the State of California related to General Law cities.

- (b) Resolution No. 08-2733 adopting regarding for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on Tuesday, November 4, 2008.
- (c) Resolution No. 08-2734 requesting the Board of Supervisors of the County of San Bernardino to consolidate a General Municipal Election to be held on Tuesday, November 4, 2008, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code.

4. Adoption of Resolution No. 08-2737 Authorizing Approval of the Change in Population in the City of Montclair During 2007 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2008-09

The City Council adopted Resolution No. 08-2737 authorizing approval of the change in population in the City of Montclair during 2007 for the purpose of calculating the Gann spending limit for Fiscal Year 2008-09.

5. Adoption of Resolution No. 08-2738 Authorizing Approval of the Percentage Change in Montclair Nonresidential New Construction During Fiscal Year 2006-07 as the Final Fiscal Year 2006-07 Change in the Cost-of-Living Factor for Use in Calculating the Gann Spending Limit for Fiscal Year 2007-08 and Provisional Adoption of the Percentage Change in California Per Capita Personal Income During Calendar Year 2007 as the Change in the Cost-of-Living Factor for Fiscal Year 2007-08 for Use in Calculating the Gann Spending Limit for Fiscal Year 2008-09

The City Council adopted Resolution No. 08-2738 authorizing approval of the percentage change in Montclair nonresidential new construction during Fiscal Year 2006-07 as the final Fiscal Year 2006-07 change in the cost-of-living factor for use in calculating the Gann Spending Limit for Fiscal Year 2007-08 and provisional adoption of the percentage change in California per capita personal income during Calendar Year 2007 as the change in the cost-of-living factor for Fiscal Year 2007-08 for use in calculating the Gann Spending Limit for Fiscal Year 2008-09.

6. Adoption of Resolution No. 08-2739 Establishing an Appropriations Limit for Fiscal Year 2008-09 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code

The City Council adopted Resolution No. 08-2739 establishing an appropriations limit for Fiscal Year 2008-09 pursuant

to Article 13-B of the California Constitution and to Section 7910 of the Government Code.

7. Adoption of Resolution No. 08-2741 Fixing the Salaries for Certain Police Department Employees Represented by the Montclair Police Officers Association

The City Council adopted Resolution No. 08-2741 fixing the salaries for certain Police Department employees represented by the Montclair Police Officers Association.

8. Adoption of Resolution No. 08-2742 Authorizing Submission of a Fiscal Year 2008-09 Funding Request Form for Beverage Container Recycling and Litter Cleanup to the Department of Conservation, Division of Recycling

The City Council adopted Resolution No. 08-2742 authorizing submission of a Fiscal Year 2008-09 funding request form for beverage container recycling and litter cleanup to the Department of Conservation, Division of Recycling.

9. Adoption of Resolution No. 08-2743 Authorizing Submission of a Fiscal Year 2008-09 Used Oil Recycling Block Grant Application to the California Integrated Waste Management Board

Designating Mayor Paul M. Eaton or His Designee as the Person Authorized to Execute All Necessary Documents for the Purpose of Securing Grant Funds

The City Council took the following actions:

- (a) Adopted Resolution No. 08-2743 authorizing submission of a Fiscal Year 2008-09 Used Oil Recycling Block Grant application to the California Integrated Waste Management Board.
- (b) Designated Mayor Paul M. Eaton or his designee as the person authorized to execute all necessary documents for the purpose of securing grant funds.

10. Adoption of Resolution No. 08-2744 Adopting the City of Montclair Fiscal Year 2008-09 Annual Budget

The City Council adopted Resolution No. 08-2744 adopting the City of Montclair Fiscal Year 2008-09 Annual Budget.

IX. PULLED CONSENT CALENDAR ITEMS

11. Adoption of Resolution No. 08-2745 Relinquishing Enforcement Responsibility for the Mobilehome Parks Act

to the State of California Housing and Community Development Department

Mayor Pro Tem Dutrey inquired as to the City's limited responsibility of mobile home parks and the responsibilities the County is relinquishing, presumably to the California Department of Housing and Community Development.

Director of Community Development Lustro clarified that currently the County of San Bernardino Environmental Health Services Department performs Code Enforcement functions and monitors housing conditions in mobile home parks including the addition of accessory structures to individual park spaces. He advised that the City Building Division is only responsible for inspecting and monitoring any improvements within common areas, such as driveways, offices, and recreation facilities. He noted the City's responsibilities would remain the same should this item be approved.

Mayor Pro Tem Dutrey asked if the City or state would have regulatory authority over an illegal coach addition should this time be approved.

Director of Community Development Lustro answered, "It's currently the County and will be the State of California."

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously that the City Council adopt Resolution No. 08-2745 relinquishing enforcement responsibility for the Mobilehome Parks Act to the State of California Housing and Community Development Department.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiators

Agency: City of Montclair

*Employee Organizations: City Manager
Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session regarding the above item.

2. Closed Session Pursuant to Section 54957 of the Government Code Regarding Pending Litigation

Public Employee Performance Evaluation

City Manager/Executive Director

Moved by Council Member/Director Paulitz, seconded by Mayor Pro Tem/Vice Chairman Dutrey, and carried unanimously that this item be continued to an adjourned joint meeting on Thursday, June 26, 2008 (immediately following the Strategic Planning Session) in the City Hall Conference Room, 5111 Benito Street, Montclair, California.

B. City Manager/Executive Director

1. Noting the City Council approved Consent Calendar Item C-9 this evening (*Agreement No. 08-57 with John M. and Brenda Goller Construction Management Services Incorporated*), City Manager/Executive Director McDougal introduced **Mr. John Goller**, who will be managing and overseeing the day-to-day construction activities for the new youth and senior centers.

Mayor Eaton welcomed **Mr. Goller** to the project team.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted he has heard nothing but praise for the new Police headquarters from state and local officials who attended the dedication last Thursday and from the public that attended the Open House on Saturday. He noted Police Department personnel will be very happy in the new building.
 - (b) Announcements of Community Action Committee Appointments**

Mayor Eaton announced that there were a total of four applicants for the three vacancies on the Community Action Committee (CAC); interviews were held on June 10, 2008, from 6:00 to 8:30 p.m.; and, with Council concurrence, he would be pleased to reappoint CAC Members Mary Fondario, Hollis Judkins, and George Tellez.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously to reappoint CAC Members Mary Fondario, Hollis Judkins, and George Tellez to the CAC for four-year terms ending June 30, 2012.

D. City Council/Agency Board

1. Council Member/Director Raft noted she was pleased to attend the "very beautiful" dedication ceremony for the new Police facility that attracted over four hundred guests. She noted Police Department staff led attendees on "really great" tours of the facility. She noted "all of us are very proud of what we have accomplished" and that Police Department employees will be "very happy" with their new offices.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted his surprise when he arrived at the Police facility Open House just before 10:00 a.m. on Saturday to find a large number of residents and other visitors waiting in line to participate in the event. He stated that the looks on participants' faces revealed their excitement at being invited to share "in this great moment in the City's history." He noted Police Department employees should consider themselves very fortunate that they will soon be working in such a beautiful and exciting atmosphere.
 - (b) He noted he was pleased to attend the Family Fun Festival on June 7, 2008, and that he thoroughly enjoyed his **Tommy's** "World Famous" cheeseburger topped with **Tommy's** signature chili. He commended staff for facilitating the event and all City employees who volunteered their time to make the festival a success.
 - (c) He congratulated Mayor Eaton on being elected Vice President of the **San Bernardino Associated Governments (SANBAG)** Board of Directors. He recognized Mayor Eaton for his leadership in the region through his service on the **SANBAG** Board.
3. Council Member/Director Ruh commented as follows:
 - (a) He also noted his attendance at the Police headquarters dedication, advising that one of the foremost features of the structure, particularly during these times of rising energy costs, is that it is a green building. He stated that he is impressed that "this is a building that will change over time to suit the needs of the Police Department," emphasizing that it will continue to be

functional and current for many years. The community room feature "is another benefit because it will bring the community to the facility," he added.

- (b) He noted he was unable to attend the Police headquarters Open House on Saturday because he took part in a Legislative caucus of Congressional members and state and local leaders on a plan to introduce freeway toll lanes in the San Gabriel Valley. He reported that the **Metropolitan Transportation Authority** is proposing to convert high-occupancy vehicle lanes on the I-10 Freeway (between the I-605 and the California 134 freeways) and the California 210 Freeway (between the I-705 Freeway and the Alameda Street exit) into toll lanes. He expressed his opinion that the proposal would seriously impact Inland Empire commerce, noting **Representatives Miller, Dreier, Solis, and Napolitano** have cosponsored a bill that would ban converting HOV lanes into toll lanes nationwide. With fuel costs rising at a staggering rate, he encouraged the commuting public to become engaged in this issue, stating, "You've already paid, you shouldn't have to pay for the privilege of using a freeway again." He noted he would provide Mayor Eaton with more information for use in his leadership role on the **SANBAG** Board.
- (c) Noting he was unable to attend the Family Fun Festival because he was in Sacramento on business, he thanked Human Services Division staff for organizing and facilitating the event and all City employees who volunteered at it. He noted this is the first year since the festival's inception four years ago that he was unable to attend.
- (d) He noted while reading the local newspapers when he was in Sacramento the large number of individuals upset with politicians at all levels of government. He stated that these individuals might consider that politicians, by virtue of the work they do, live their lives in the center of public attention, interest, and observation, and that their actions in their personal, professional, and public lives are largely scrutinized by the public. He suggested the public should reserve judgment when reading newspaper stories about politicians until they know all the facts of the issue that is being reported. He offered the following pertinent quotation written by **Sophocles** over 2,500 years ago for the character **Teiresias** in his Greek tragedy **Antigone**:

Think: All men make mistakes, but a good man yields when he knows his course is wrong and repairs the evil. The only sin is pride.

- (e) He asked that residents become involved in their city and bring their ideas forward in these difficult economic times.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 2, 2008

The City Council received and filed the Personnel Committee meeting minutes of June 2, 2008, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Strategic Planning Session

Moved by Council Member/Director Paulitz seconded by Mayor Pro Tem/Vice Chairman Dutrey, and carried to continue this item to an adjourned joint meeting on Thursday, June 26, 2008, at 12:00 p.m. in the Conference Room South, 5111 Benito Street, Montclair, California.

XIII. ADJOURNMENT OF REDEVELOPMENT AGENCY, MONTCLAIR HOUSING CORPORATION, AND MONTCLAIR FINANCING AUTHORITY BOARDS OF DIRECTORS

At 7:29 p.m., Mayor/Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Thursday, June 26, 2008, at 12:00 p.m. in the Conference Room South, 5111 Benito Street, Montclair, California.

At 7:29 p.m., Mayor/Chairman Eaton adjourned the Montclair Housing Corporation and Montclair Financing Authority Boards of Directors.

At 7:29 p.m., the City Council went into Closed Session regarding conference with designated labor negotiators pursuant to Section 54957.6 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:05 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

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

At 8:06 p.m., Mayor Eaton adjourned the City Council to Thursday, June 26, 2008, at 12:00 p.m. in the Conference Room South, 5111 Benito Street, Montclair, California.

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

Yvonne L. Smith
Transcribing Secretary