

**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, JULY 7, 2008, 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 cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor/Chairman Eaton led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Council Member/Director Paulitz is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors 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; Deputy City Clerk Smith

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Introduction of New Employees

Director of Redevelopment/Public Works Staats introduced **Ms. Alicia Johnson**, who was appointed to the position of Office Specialist effective June 16, 2008. She noted Office Specialist Johnson began her employment with the City in February 2007 on a temporary basis, filling in for the Office Specialist position in the mailroom and, in June 2007, for the Administrative Specialist

position in the Public Works Department. She noted Office Specialist Johnson was hired as a full-time Office Specialist in the Public Works Department effective June 16, 2008.

Director of Redevelopment/Public Works Staats congratulated Office Specialist Johnson on her full-time appointment and Mayor Eaton presented her with a City pin.

Director of Redevelopment/Public Works Staats introduced **Mr. Howard Groff**, who was appointed to the position of Lead Mechanic effective June 23, 2008. She noted Lead Mechanic Groff was previously employed by the **Rialto Unified School District** as an equipment mechanic and, prior to that, owned a heavy equipment and truck repair business for over 30 years.

Director of Redevelopment/Public Works Staats welcomed Lead Mechanic Groff to the Montclair City family and Mayor Eaton presented him with a City pin.

Director of Community Development Lustro introduced **Ms. Christine Smiderly**, who was appointed to the position of Office Specialist in the Human Services Division effective June 23, 2008. He noted Office Specialist Smiderly received an Associate of Science degree in Business Administration from **Crafton Hills Community College**, Yucaipa, and was previously employed by **Toyota/Lexus Financial Services**, working in customer service, bankruptcy, and operations for 14 years.

Director of Community Development Lustro welcomed Office Specialist Smiderly to the Montclair City family and Mayor Eaton presented her with a City pin.

B. Presentation by Mr. Todd Warden, Public Affairs Specialist, South Coast Air Quality Management District, on Environmental Issues

South Coast Air Quality Management District (SCAQMD) Public Affairs Specialist **Todd Warden** introduced himself as the new **SCAQMD** representative for San Bernardino County. He circulated a photograph of **Representative Jerry Lewis** taken in 1970 when he served on the **California State Assembly** depicting him holding a clean air petition. **Mr. Warden** stated that **Representative Lewis** is credited with introducing legislation that created the **SCAQMD** on January 1, 1977, because poor air quality is an issue that has historically plagued the Inland Empire and continues to do so, though the **SCAQMD** has made great strides over the years through the leadership of city officials such as Mayor Eaton and Council Member Paulitz.

Mr. Warden requested the City's support for the following proposed legislation:

1. **S 1499 (Boxer and Feinstein)/HR 2548 (Solis) – Marine Vessel Emissions Reduction Act of 2007.** The "bunker" fuel routinely used by international ships is a high-sulfur diesel that is one of the largest sources of pollution in the South Coast air basin. **S 1499/HR 2548** would amend the Clean Air Act to reduce air pollution from marine vessels by establishing rules limiting fuel sulfur content in both domestic and foreign-flagged ships traveling to U.S. ports, both along coastal waters and within the Great Lakes.
2. **Senate Bill 1646 (Padilla) – South Coast Air Quality Management District: Air Pollution Fee.** **SB 1646** would reauthorize the **SCAQMD's** successful, long-standing Clean Fuels Program, a public-private partnership that supports the rapid development and deployment of progressively lower emitting technologies through cutting-edge research and development. Funding for the program is derived from a \$1 local fee collected from vehicles registered within **SCAQMD's** jurisdiction.

Mr. Warden reported that elevated levels of the cancer-causing airborne chemical hexavalent chromium were detected near the **California Portland Cement, Colton, and TXI Riverside Cement Co., Rubidoux, plants** and that **SCAQMD** public forums were held at **Colton High School** on May 29, 2008, and at **Bloomington High School** July 1, 2008, to address the public-health risks associated with these findings. He advised that the **SCAQMD** would be investigating hexavalent chromium levels around batch plants in the region that mix and distribute cement compounds. He stated that the Council would be updated on these investigations as the results become available to the public.

Mr. Warden advised that the City of Montclair receives \$50,000 in **AB 2766 Subvention Fund Program** moneys annually for use in projects that reduce air pollution, such as the purchase of alternative-fuel fleet vehicles.

Mr. Warden concluded his presentation by requesting that the public call the **SCAQMD's** toll-free hotline "800 CUT-SMOG" to report smoking vehicles and suspected air pollution violations.

Mayor Eaton thanked **Mr. Warden** for his presentation.

Mayor Pro Tem Dutrey requested that staff place an item on the July 21, 2008 regular joint meeting agenda in support of **S 1499/HR 2548** and **SB 1646**. He expressed his opinion that

they are both important pollution-reduction and national security measures.

It was the consensus of the Council to place an item on the July 21, 2008 regular joint meeting agenda in support of **S 1499/HR 2548** and **SB 1646**.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 08-904 Adding Chapter 9.26 to Title 9 of the Montclair Municipal Code Related to Flood Plain Regulation and Management

Mayor Eaton declared it the time and place set for public hearing to consider the first reading of Ordinance No. 08-904 adding Chapter 9.26 to Title 9 of the Montclair Municipal Code related to flood plain regulation and management 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.

Council Member Ruh asked if there are specific areas of Montclair identified as "flood plains."

City Engineer Hudson advised that most of the City is located in "Flood Plain Zone X," which means less than one-foot depth of flooding for a 500-year storm (a frequency that hydrologists and flood-control engineers use). He noted there is a very small area that is generally centered along the San Antonio Channel south of Mission Boulevard that is considered "Flood Plain Zone A," which means flooding to depths of up to one foot for a 100-year storm. Noting a 100-year storm would have a 1 percent chance of occurring any given year, he advised there is a very remote possibility of one occurring; but if one did occur, there would be some areas of the City subject to flooding and flood insurance at a subsidized rate would be available for residents wishing to purchase it or lenders that would require it.

Council Member Ruh noted he just wanted to make sure because he was unable to find any areas of Montclair that have tremendous flood risks. He noted the great flood of 1938 and the floods that struck Southern California in January and February 1969. He asked if the flood of 1969 was caused by a 100-year storm.

City Engineer Hudson answered, "Yes, it was in some areas," noting 1969 was the last major storm of any real significance that caused flooding along the Cucamonga and the San Antonio channels. He

added that the last major incident before that was the great flood of 1938, which was even more extensive than the 1969 flood. He noted the 1938 flood occurred before the existence of flood control channels in the region.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Ordinance No. 08-904, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 9.26 to Title 9 of the Montclair Municipal Code Related to Flood Plain Regulation and Management,**" be read by number and title only, further reading be waived, and this be declared its first reading.

First Reading of Ordinance No. 08-904 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Eaton requested that Item D-2 be removed from the Consent Calendar for public comment.

Mayor Pro Tem Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director 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/Montclair Financing Authority Meeting of June 16, 2008**

The City Council and Redevelopment Agency/Montclair Housing Corporation/Montclair Financing Authority Boards approved the minutes of the Regular Joint City Council/ Redevelopment Agency Board/ Montclair Housing Corporation Board/Montclair Financing Authority Board meeting of June 16, 2008.

B. Administrative Reports

1. **Setting a Public Hearing to Consider Resolution No. 08-2749 Amending the Fee Schedule for the Collection and Disposal of Commercial Refuse**

The City Council set a public hearing for Monday, July 21,

2008, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 08-2749 amending the fee schedule for the collection and disposal of commercial refuse.

2. City Council and Redevelopment Agency Board of Directors' Approval of the City of Montclair Capital Improvement Program for Fiscal Years 2009-2013

The City Council and Redevelopment Agency Board approved the City of Montclair Capital Improvement Program for Fiscal Years 2009-2013.

3. Status Report on Emergency Contracting Procedures Related to Certain Park Repairs at Kingsley and Saratoga Parks

Declaring a Termination to the Emergency Action Authorized Under Resolution No. 08-2725

Approval of the Filing of a *Notice of Completion* for the Emergency Repairs

The City Council took the following actions:

- (a) Received and filed the status report on emergency contracting procedures related to certain park repairs at Kingsley and Saratoga Parks.
- (b) Declared a termination to the emergency action authorized under Resolution No. 08-2725.
- (c) Approved the filing of a *Notice of Completion* for the emergency repairs.

4. Authorization to Purchase Two 2008 Ford Crown Victoria Police Interceptor Sedans From Clippinger Ford

The City Council authorized the purchase of two 2008 Ford Crown Victoria Police Interceptors from Clippinger Ford.

5. Authorization to Advertise for Bid Proposals for the Youth Center Demolition and Asbestos Abatement Project

The City Council authorized staff to advertise for bid proposals for the Youth Center Demolition and Asbestos Abatement Project.

6. Declaring Unclaimed Bicycles in Police Custody as Surplus and Available for Auction

The City Council declared the unclaimed bicycles contained in the Surplus Property List dated July 2008 and attached to the

agenda report on this item as surplus and available for auction.

7. "No Action" on Alcoholic Beverage Permit Application – Black Angus Restaurant

The City Council took "No action" on the "On-Sale General" license application of Mr. Gene Baldwin, President/Chief Restructuring Officer, and Mr. Ronald Maccarone, Chief Financial Officer, ARG Enterprises, Inc., for Black Angus Steakhouse, 9415 Monte Vista Avenue, Montclair, California.

8. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 7, 2008, totaling \$3,083,823.41 and the Payroll Documentation dated April 27, 2008, amounting to \$623,081.86, with \$467,883.71 being the total cash disbursement.

C. Agreements

2. Approval of Agreement No. 08-62 With the Office of the State Controller, Division of Audits, for Annual Street Report Preparation Services

The City Council approved *Agreement No. 08-62* with the Office of the State Controller, Division of Audits, for Annual Street Report preparation services.

3. Approval of Agreement No. 08-63 With Chaffey Joint Union High School District for Law Enforcement Services During Fiscal Year 2008-09

The City Council approved *Agreement No. 08-63* with Chaffey Joint Union High School District for law enforcement services during Fiscal Year 2008-09.

4. Acceptance of Grants From the Inland Empire United Way to Fund the After-School Program ArtCorps and Case Management Programs

Approval of Agreement Nos. 08-64 and 08-65 With the Inland Empire United Way to Provide the After-School Program ArtCorps and Case Management Programs

The City Council took the following actions:

- (a) Accepted grants from the Inland Empire United Way to fund the After-School Program ArtCorps and Case Management Programs.

(b) Approved *Agreement Nos. 08-64* and *08-65* with Inland Empire United Way to provide the After-School Program ArtCorps and Case Management Programs.

5. Approval of *Agreement No. 08-67* With the Chino Basin Water Conservation District for the Recycled Water Connection Program

The City Council approved *Agreement No. 08-67* with the Chino Basin Water Conservation District for the Recycled Water Connection Program at the following City parks: Alma Hofman, Vernon, Kingsley, Saratoga, Sunrise, Sunset, and Wilderness Basin.

6. Approval of *Agreement No. 08-68* With EF Recovery, LLC, to Provide Hazardous Waste Cleanup Billing Services to Establish a Vehicle Fluid Recovery Program

The City Council approved *Agreement No. 08-68* with EF Recovery, LLC, to provide hazardous waste cleanup billing services to establish a Vehicle Fluid Recovery Program.

D. Resolutions

1. Adoption of Resolution No. 08-2746 Authorizing Mayor Paul M. Eaton to Sign Agreement No. 08-59 for Administering Agency-State Agreement for Federal-Aid Projects No. 08-5326R and Agreement No. 08-60, Program Supplement No. N003

The City Council adopted Resolution No. 08-2746 authorizing Mayor Paul M. Eaton to sign *Agreement No. 08-59* for administering Agency-State Agreement for Federal-Aid Projects No. 08-5326R and Agreement No. 08-60, Program Supplement No. N003.

3. Adoption of Resolution No. 08-2851 Dedicating the Firearms Range at the New Police Facility as the "Amy Nelson Public Safety Range"

The City Council adopted Resolution No. 08-2751 dedicating the firearms range at the new Police facility as the "Amy Nelson Public Safety Range."

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of *Agreement No. 08-61*, the *Fourth Amendment to Agreement No. 01-101* With Nestor Traffic Systems, Inc., for the Enforcement of Red Traffic Signal Violations

Mayor Pro Tem Dutrey asked if the two new digital camera upgrades proposed pursuant to *Agreement No. 08-61* would be placed at new intersections in the City.

Police Chief Thompson responded that the two digital cameras would be placed at the existing monitored intersections of Moreno Street and Holt Boulevard. He stated that staff would determine during the 90-day evaluation period if there is any better clarity in the photographs taken by the system.

Mayor Pro Tem Dutrey noted the marginal clarity of the photographs taken by the Nestor system up to this point has been an issue.

Chief Thompson concurred, noting the photographs presently taken by Nestor are via video camera as opposed to film camera, which produces a lesser quality photograph. He advised that staff would evaluate the quality and usability of the photographs taken by the new digital video cameras. Staff hopes the viability of the new digital system will result in a cost-neutral program to the City, he added.

Mayor Pro Tem Dutrey stated that it is his concern that the program be cost neutral; otherwise, he would not support it.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried that the City Council approve *Agreement No. 08-61*, the *Fourth Amendment to Agreement No. 01-101* with Nestor Traffic Systems, Inc., for the enforcement of red traffic signal violations.

D. Resolutions

2. Consider Adoption of Resolution No. 08-2747 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

City Manager McDougal gave the Council a handout provided by **John Goodman**, Esquire, Law Offices of John C. Goodman, 9073 Mac Lane, Spring Valley, California.

Mr. Goodman spoke as counsel for **Mr. John Bitetti**, owner of property located at 9933 Lindero Avenue, Montclair. **Mr. Goodman** asserted that as the property owner, **Mr. Bitetti** should not be liable for utility charges incurred by his tenants, specifically, the \$334.73 currently owed for unpaid trash and sewer fees. He objected to the City of Montclair's proposed lien action against **Mr. Bitetti** based on the following legal grounds:

- (a) California Civil Code Sections 2881 (a lien is created by contract of the parties or by operation of law) and 2882 (no lien arises by mere operation of law until the time at which the act to be secured thereby ought to be performed).
- (b) Pursuant to federal and state due process, **Mr. Bitetti** was never told that if his tenant does not pay his trash bill, it will result in a lien against his property and he will be liable for it. Had **Mr. Bitetti** been notified as such, he might have been able to protect himself by contract, by additional tenant deposit, by requiring tenant to submit [trash/sewer] bills to him [bimonthly], and so forth.

For these reasons, **Mr. Goodman** appealed to the Council to not place a lien against **Mr. Bitetti's** property, adding that the tenant has been advised to pay the delinquent fees.

Noting the property owner was apparently unaware of the proposed lien action until tonight's meeting, Council Member Ruh asked that staff negotiate with **Mr. Bitetti** to pay the delinquency; **Mr. Bitetti** could then seek reimbursement from his tenant.

City Attorney Robbins advised that typically the landlord would pay the delinquency and seek whatever recourse from the tenant. She stated that staff believes there is authority to lien the property for delinquent sewer and trash fees and believed that to be the case at the time the Ordinance related to the collection of delinquent civil debts was adopted. She specifically recalled that staff legally notified all property owners before the Ordinance was adopted so they could arrange to either include certain utilities as part of the overall rental amount or monitor their tenants' utility payments. She advised that certainly the Council could elect to either remove the subject property from the *Report of Delinquent Civil Debts - July 2008* and give the tenant a 30-day grace period to pay the delinquency or go forward with the action and require the landlord to pay the delinquency, who, in turn, could seek reimbursement from his tenant.

Council Member Ruh asked if delinquency notices are sent to both property owners and tenants.

Deputy City Manager/Director of Administrative Services Starr noted it is his understanding that property owners are notified, advising that in most instances, property owners themselves pay sewer and trash bills. He advised that there are occasions, of course, where arrangements are made between a property owner and a tenant for the tenant to pay

utilities. He stated that when unpaid sewer and trash fees become delinquent and subject to lien action, property owners are notified along with their tenants.

Council Member Ruh spoke in favor of staff's negotiating with **Mr. Bitetti** regarding payment of the delinquency, noting **Mr. Bitetti** most likely would not want his property stigmatized with a lien for a delinquent civil debt.

Deputy City Manager/Director of Administrative Services Starr concurred that **Mr. Bitetti** would be contacted regarding payment of the delinquency.

Mayor Pro Tem Dutrey inquired as to when sewer and trash fees become delinquent and how soon after the Council's approval of the recommended action the proposed liens are attached to their respective properties.

Deputy City Manager/Director of Administrative Services Starr clarified that unpaid sewer and trash fees become delinquent and subject to collection procedures if such civil debt remains unpaid for 90 days past the date on which it was billed. He added that if the Council takes the recommended action, the delinquencies listed on the *Report of Delinquent Civil Debts - July 2008* shall be attached as liens to their specific real properties within the next two weeks.

Mayor Pro Tem Dutrey stated that it is the City's policy to attach liens to properties for delinquent civil debts accrued thereto. He suggested **Mr. Bitetti** be provided a 30-day grace period to clear the debt, after which, should the debt remain unpaid, a lien should be attached to 9933 Lindero Avenue for the delinquency.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that the City Council adopt Resolution No. 08-2747 authorizing placement of liens for delinquent sewer and trash charges on 156 of the 157 accounts listed on Exhibit A to Resolution No. 08-2747, noting the removal of **Mr. Bitetti's** property at 9933 Lindero Avenue and that he be provided with a 30-day grace period to clear the debt.*

Council Member Ruh pointed out that the total lien amount indicated on the *Report of Delinquent Civil Debts - July 2008* for 9933 Lindero Avenue is \$223.87.

Mr. Goodman stated that **Mr. Bitetti** received written notification from the City dated June 18, 2008, that a total of \$334.73 is outstanding for unpaid sewer and trash fees; and of that amount, \$173.87 is delinquent.

Discussion took place regarding the \$50 lien placement fee that is included in the total lien amount.

*Resolution No. 08-2747 was adopted by the following vote:

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

Council Member Ruh stated that staff should verify the exact amount of the delinquency that **Mr. Bitetti** is required to pay.

Deputy City Manager/Director of Administrative Services Starr asked **Mr. Bitetti** to contact him and he would provide **Mr. Bitetti** with the amount.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

<i>Property</i>	
<i>Assessor's Parcel No.</i>	<i>Address</i>
1012-111-02	4790 Mission Boulevard, Montclair
<i>Negotiating Parties:</i>	<i>City of Montclair and Miguel A. and Robert D. Kessler and Waneta G. Kessler, as trustees of the Kessler Family Trust</i>
1012-101-11	10632 Monte Vista Avenue, Montclair
<i>Negotiating Parties:</i>	<i>City of Montclair and Wells Lloyd Trust</i>
1011-301-02	10777-10787 Monte Vista Avenue, Montclair
1011-301-25	" "
<i>Negotiating Parties:</i>	<i>City of Montclair and Dempsey and Sons Concrete Pumping</i>
<i>Negotiators:</i>	<i>Director of Redevelopment/Public Works Staats and City Engineer Hudson</i>

Under Recommendations Regarding Acquisition of Easements and Negotiation: Fee Title on Subject Properties in Conjunction With the Monte Vista Avenue/Union Pacific Grade Separation Project

City Attorney Robbins requested a Closed Session pursuant to Section 54956.8 of the Government Code regarding real property negotiations on the above three matters.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted he participated along with Mayor Pro Tem Dutrey and Council Member Ruh in the **American Cancer Society's 5th Annual Relay for Life Montclair** fundraiser at **Serrano Middle School** on June 21, 2008. He noted he was pleased with the large turnout at the event that received a considerable amount of charitable donations for cancer research and education.
- (b) He noted his participation in the Strategic Planning Session on June 26, 2008.
- (c) He noted his attendance on July 2, 2008 at **San Bernardino Associated Governments** and **Omni-trans** Board meetings.

D. City Council/Agency Board

1. Council Member/Director Raft noted she enjoyed the very quiet **Fourth of July** holiday this year.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He expressed his hope that everyone enjoyed the **Fourth of July** holiday. He noted he very much enjoyed watching the **John Adams HBO** miniseries that depicts the extraordinary life and times of the second President of the United States who was one of America's least understood and underestimated founding fathers. Mayor Pro Tem Dutrey highly recommended the miniseries to anyone interested in studying our nation's history.
 - (b) He noted that earlier this evening, the City Council approved the filing of a *Notice of Completion* for the emergency repairs at Kingsley and Saratoga Parks. He complimented staff on its hard work to resolve the

vandalism and wiring theft that occurred earlier this year at the parks. He asked if insurance covered any of the repairs.

Deputy City Manager/Director of Administrative Services Starr replied that insurance covered \$30,000 worth of repairs at Kingsley Park and that, unfortunately, Saratoga Park was not covered under the City's insurance policy.

- (c) He noted he enjoyed attending the Strategic Planning Session on June 26, 2008, at which Montclair Business Plan goals were reviewed and updated for Fiscal Year 2008-09, and at City Manager McDougal's performance evaluation that immediately followed. He noted the Council and staff should be commended for persevering over the four hours it took to set short- and long-range goals for City projects and programs to be accomplished during the next fiscal year.
3. Council Member/Director Ruh commented as follows:
- (a) He noted his attendance along with Mayor Eaton and Mayor Pro Tem Dutrey at the **American Cancer Society's 5th Annual Relay for Life Montclair** fundraiser. He thanked all City employees who "did a tremendous job" organizing, facilitating, and participating in the highly successful fundraiser for cancer research and education. He stated that all the participants are to be recognized for their dedication and commitment to the event despite triple-digit temperatures that weekend. He also thanked the **Ontario-Montclair School District** for allowing the 24-hour fundraiser to be held at **Serrano Middle School**. He noted he appreciates the community's efforts on this very important issue.
 - (b) He noted his attendance at a "very contentious" **Metro-politan Transportation Authority (MTA)** hearing on June 26, 2008, regarding funding for the **Metro Gold Line** extension project and reported the following:
 - (1) The hearing was attended by Congressional members and state and local leaders from every city along the proposed route, along with chambers of commerce members, business owners, and representatives from the **University of La Verne**, the **Claremont Colleges**, and **Mt. San Antonio College**, all in favor of the 24-mile extension project from Pasadena to Montclair.
 - (2) The **MTA** Board decided to delay voting on the project until November 2008 and, instead,

proposed levying a half-cent transactions and use tax dedicated to mass transit and road projects in Los Angeles County. **Los Angeles Mayor Villaraigosa** expressed his hope that his "San Bernardino County partners" would help him gain approval of the transportation project tax-hike in Los Angeles County.

- (3) **Los Angeles County First District Supervisor Gloria Molina** noted the transit funds being spent on the Wilshire Corridor subway—the "Subway to the Sea"—could more than pay for the much-needed above-ground **Gold Line** extension instead of a "luxury" subway that would serve Los Angeles's west side.
- (4) The **Metro Gold Line Foothill Extension Construction Authority** made it clear that the **MTA Board's** inclusion of the 24-mile rail link on the transit agency's long-range transportation plan by a June 2008 deadline was critical in order to leverage up to \$320 million in federal funds for the first phase of the project (to the Azusa-Glendora border).
- (5) The **MTA Board** voted to accept a \$213 million pledge to convert high-occupancy vehicle lanes to toll lanes starting on the California 110 Freeway, a project that will eventually expand to the California 210 Freeway, which has met with widespread opposition from federal, state, and local politicians in the San Gabriel Valley.
- (6) **Representatives Miller, Dreier, Solis, and Napolitano** have cosponsored a bill that would ban converting HOV lanes into toll lanes nationwide because "the freeways were built with taxpayer money—they should remain free."

Council Member Ruh noted it is a sad reflection on the priorities of a few individuals that the **Gold Line** extension might not receive the funding it needs to be built, though the need for the light rail is so great for the working class in this region that commutes to Los Angeles daily. Noting he traveled via the **MetroLink** into Los Angeles that day, he stated it was ironic that the response to a college professor's inquiry at the hearing regarding how many of the **Los Angeles County Board of Supervisors** and **MTA Board** members use mass transit was a resounding "none." The professor received a response of about 70 percent when he

posed the question to the gallery. He expressed his hope that regional officials will be very aggressive in continuing to push for the **Gold Line** extension project.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of April 17, 2008

The City Council received and filed the Public Works Committee meeting minutes of April 17, 2008, for informational purposes.

2. Minutes of Personnel Committee Meeting of June 16, 2008

The City Council received and filed the Personnel Committee meeting minutes of June 16, 2008, for informational purposes.

XII. ADJOURNMENT OF REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7:49 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:49 p.m., the City Council went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIII. 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 real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:06 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk