

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, JULY 21, 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 Paulitz led those assembled in the Pledge.

IV. ROLL CALL

City Clerk Jackson noted for the record that Mayor Pro Tem/Vice Chairman Dutrey is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Deputy City Manager/Director of Administrative Services Starr; Assistant Director of Redevelopment Caldwell; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Mayor Pro Tem/Vice Chairman Dutrey (excused)

V. PRESENTATIONS

A. Presentation of 2008 Home Beautification Awards

Mayor Eaton stated that as part of the City's ongoing efforts to encourage pride and community spirit, the Montclair Community Action Committee (CAC) has again sponsored the annual *Home Beautification Awards* program. He introduced CAC Chairperson Hollis Judkins.

CAC Chairperson Judkins advised that the CAC continues to sponsor this program to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted the CAC selected three finalists from a total of 26 homes and that the top three homes exemplify a true sense of pride in ownership. She thanked all residents who help to make Montclair a beautiful city in which to live.

A brief power point presentation showcased the finalists' residences.

The following three finalists were presented with framed City certificates and **Costco** gift cards (property identification signs would be distributed at a later date).

"2008 Most Picturesque Home" - **Mr. Ray Arona**, 4307 Clair Street

"2008 Home of Distinction" - **John and Mirta Galligher**, 5605 Berkeley Street

"2008 Home of the Year" - **Dave Gates and Margita Singleton**, 9240 Bel Air Avenue

Mayor Eaton congratulated the winners of the *2008 Home Beautification* awards and thanked all residents who have contributed to the beautification of Montclair. He also thanked the CAC for organizing and facilitating the program.

VI. PUBLIC COMMENT - None

A. **Mr. Don Vodvarka**, 10202 Columbine Avenue, Montclair, commented as follows:

1. He congratulated the finalists in the *2008 Home Beautification* program, noting their pride in ownership certainly shows in their beautifully maintained homes.
2. He noted that since completion of the recent sidewalk and gutter improvements in his neighborhood, there has been weed overgrowth at certain properties and trash accumulating in the front yard of one residence in particular. He suggested staff inspect the conditions before the weeds, if allowed to mature, erode the pavement and split the new gutters.

Mr. Vodvarka presented the Council with photographs depicting the subject conditions.

Mayor Eaton thanked **Mr. Vodvarka** for the photos and his comments.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 08-2749 Amending the Fee Schedule for the Collection and Disposal of Commercial Refuse

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2749 amending the fee schedule for the collection and disposal of commercial refuse 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 Paulitz inquired as follows:

1. Will Burrtec Waste Industries, Inc., also be requesting adjustments to the residential refuse service rate schedule?

City Manager McDougal answered, "Yes."

2. When will the item be presented to the City Council?

Deputy City Manager/Director of Administrative Services Starr responded that an item would most likely be presented to the Council at the August 4, 2008, regular joint meeting requesting a public hearing be set for the August 18, 2008 regular joint meeting.

Noting the 3.5 percent commercial refuse rate adjustment would become effective July 1, 2008, should this item be approved, Council Member Ruh inquired as follows:

1. Would the adjustment be retroactive to that date?

City Manager McDougal advised that the July trash and sewer bills have not yet been mailed.

Deputy City Manager/Director of Administrative Services Starr added that the rate increases would not become effective unless this item is approved by the Council and, should that be the case, the rate adjustment would be reflected along with notification to that effect in the next utility billing statements to commercial users.

2. Has the business community commented about the proposed rate adjustment?

City Manager McDougal answered, "No, we have not heard from commercial businesses."

Deputy City Manager/Director of Administrative Services Starr noted Burrtec Waste Industries, Inc., is contractually provided with an annual commercial refuse rate adjustment by a percentage increase not to exceed the *Consumer Price Index*.

Council Member Ruh concurred that the proposed adjustment would be made pursuant to Agreement No. 93-6 with Burrtec Waste Industries, Inc. He emphasized that most of the City's small businesses are struggling quite a bit right now in this economic downturn. He noted such smaller enterprises "should make their voices heard on these items."

Moved by Council Member Paulitz and seconded by Council Member Raft that Resolution No. 08-2749, entitled, "**A Resolution of the City Council of the City of Montclair Amending the Fee Schedule for the Collection and Disposal of Commercial Refuse,**" be read by number and title only, further reading be waived, and it be declared adopted.

Resolution No. 08-2749 was adopted by the following vote:

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

B. Second 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 second 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.

Council Member Paulitz noted he was absent from the last meeting and requested background information on this item.

City Engineer Hudson reported that pursuant to federal and state law, local governments are required to have a flood plain management ordinance in place in order to maintain their eligibility in the National Flood Insurance Program for the benefit of property owners in the community. He advised that most of the City is considered "Flood Plain Zone X," which is subject to flooding at depths of less than one foot every 500 years; and a small portion of the City generally centered around the San Antonio Channel south of Mission Boulevard is considered "Flood Plain Zone A," which is subject to flooding at depths of up to one foot for a 100-year storm. He noted these designations generally mean the

City has no real flooding issues related to housing; though during very wet winters, there might be substantial water collecting in the streets.

Council Member Paulitz thanked City Engineer Hudson for the report.

Mayor Eaton expressed his understanding that if the Council fails to adopt proposed Ordinance No. 08-904, flood insurance at a subsidized rate would not be available to those residents wishing to purchase it or mortgage lenders that would require it.

Council Member Ruh asked if those who already have flood insurance might receive rebates or rate reductions from their insurance companies as a result of the Council's adoption of the proposed Ordinance.

City Engineer Hudson responded that such rebates or rate reductions are possible and that it would be up to the insurance companies involved, adding that the federal government would be responsible for the subsidy.

Council Member Paulitz asked if flood insurance is typical coverage in this area, noting most homeowner's insurance policies typically cover fire damage.

City Engineer Hudson advised that some mortgage lenders will require flood insurance, though he is of the opinion that not many residents in the Montclair, Upland, Ontario areas are required to carry flood insurance. He noted he receives a number of telephone inquiries from realtors and lenders regarding the zone of a particular parcel so they could determine whether flood insurance should be required.

Council Member Ruh concurred.

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 Paulitz 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 second reading.

Second Reading of Ordinance No. 08-904 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Approval of Adjourned Joint Council/Agency Meeting of June 26, 2008

The City Council and Redevelopment Agency Board approved the minutes of the Regular Joint City Council/Redevelopment Agency Board meeting of June 26, 2008.

2. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of July 7, 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 July 7, 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 June 30, 2008.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 21, 2008, totaling \$1,218,902.43 and the Payroll Documentation dated May 11, 2008, amounting to \$646,110.99, with \$480,977.73 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 June 30, 2008.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 06.01.08–06.30.08 in the amounts of \$284.55 for Project I; \$406.00 for Project II; \$7,560.17 for Project III; \$386,996.92 for Project IV; and \$30,048.53 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 June 30, 2008.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 6.01.08–06.30.08 in the amount of \$77,901.09.

7. Setting a Public Hearing to Consider Resolution No. 08-2750 Adjusting Taxicab Service Rates in the City of Montclair

The City Council set a public hearing for Monday, August 4, 2008, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 08–2750 adjusting taxicab service rates in the City of Montclair.

8. 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 Montclair Plaza Landscape Improvement Project

The City Council approved the following related to completion of the Montclair Plaza Landscape Improvement 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.

9. Approval of the Accounts Receivable Write-Off Schedule as the Schedule of Uncollected Accounts

Authorization of the Administrative Services Department to Reduce the General Accounts Receivable Account and

the Allowance for Doubtful Accounts Account by \$8,551.76

The City Council took the following actions:

- (a) Approved the Accounts Receivable Write-Off Schedule as the schedule of uncollectible accounts.
- (b) Authorized the Administrative Services Department to reduce the General Accounts Receivable Account and the Allowance for Doubtful Accounts Account by \$8,551.76.

10. Authorization to Purchase Three International Police Technologies Vision Hawk Mobile Digital Video Recorders

The City Council authorized purchase of three International Police Technologies Vision Hawk mobile digital video recorders.

C. Agreements

1. Approval of *Agreement No. 08-56* With the Hope Through Housing Foundation to Provide an After-School Program at the San Antonio Vista Apartments

The City Council approved *Agreement No. 08-56* with the Hope Through Housing Foundation to provide an after-school program at the San Antonio Vista Apartments.

2. Approval of *Agreement No. 08-69* With Ontario-Montclair School District for Continuation of Police Consultant Services

The City Council approved *Agreement No. 08-69* with the Ontario-Montclair School District for continuation of Police consultant services.

3. Approval of *Agreement No. 08-70* With L.D. King, Inc., for \$677,000 for Engineering and Design Services for the Mission Boulevard Corridor Enhancement Project - Phases 7, 8, and 9

Authorization of City Manager to Amend Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$15,000

The City Council took the following actions:

- (a) Approved *Agreement No. 08-70* with L.D. King, Inc., for \$677,000 for engineering and design services for

the Mission Boulevard Corridor Enhancement Project – Phases 7, 8, and 9.

- (b) Authorized the City Manager to amend Agreement Scope of Services as may be necessary for a total increase not to exceed \$15,000.

4. Approval of *Agreement No. 08-71* With L.D. King, Inc., for \$47,700 for Construction Surveying and Staking Services for the Mission Boulevard Improvement Project – Phases 5 and 6

Authorization of City Manager to Amend Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions:

- (a) Approved *Agreement No. 08-71* with L.D. King, Inc., for \$47,700 for construction surveying and staking services for the Mission Boulevard Improvement Project – Phases 5 and 6.
- (b) Authorized the City Manager to amend Agreement Scope of Services as may be necessary for a total increase not to exceed \$5,000.

5. Approval of *Agreement No. 08-72* With LGC Inland, Inc., in the Amount of \$20,512 for Geotechnical Observation and Testing Services for the Mission Boulevard Improvement Project – Phases 5 and 6

Authorization of City Manager to Amend Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions:

- (a) Approved *Agreement No. 08-72* with LGC Inland, Inc., in the amount of \$20,512 for geotechnical observation and testing services for the Mission Boulevard Improvement Project – Phases 5 and 6.
- (b) Authorized the City Manager to amend Agreement Scope of Services as may be necessary for a total increase not to exceed \$5,000.

6. Approval of *Agreement No. 08-73* With LGC Inland, Inc., in the Amount of \$24,350 for Geotechnical Observation and

Testing Services for the Central Avenue and Monte Vista Avenue Intersection Rehabilitation Project

Authorization of City Manager to Amend Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions:

- (a) Approved *Agreement No. 08-73* with LGC Inland, Inc., in the amount of \$24,350 for geotechnical observation and testing services for the Central Avenue and Monte Vista Avenue Intersection Rehabilitation Project.
- (b) Authorized the City Manager to amend Agreement Scope of Services as may be necessary for a total increase not to exceed \$5,000.

7. Approval of *Agreement No. 08-76* to Retain the Law Offices of Samuel J. Wells to Provide Legal and Consulting Services Related to Litigation and Employee-Relations Matters

The City Council approved *Agreement No. 08-76* to retain the Law Offices of Samuel J. Wells to provide legal and consulting services related to litigation and employee-relations matters.

8. Approval of *Agreement No. 08-77* With First 5, the Children and Families Commission for San Bernardino County, to Continue Case Management and Mental Health Services for Children Ages 0 to 5

Approval of *Agreement No. 08-78* With Bilingual Family Counseling Services to Provide Case Management and Mental Health Services

The City Council approved the following Agreements:

- (a) *Agreement No. 08-77* with First 5, the Children and Families Commission for San Bernardino County, to continue case management and mental health services for children ages 0 to 5.
- (b) *Agreement No. 08-78* with Bilingual Family Counseling Services to provide case management and mental health services.

D. Resolutions

1. Adoption of Resolution No. 08-2752 Fixing the Salaries for Certain Police Department Employees Represented by the Montclair Police Officers Association

The City Council adopted Resolution No. 08-2752 fixing the salaries for certain Police Department employees represented by the Montclair Police Officers Association.

2. Adoption of Resolution No. 08-2753 Related to Setting Sewer Standby Assessment Fees on Vacant Properties

The City Council adopted Resolution No. 08-2753 related to setting sewer standby assessment fees on vacant properties.

3. Adoption of Resolution No. 08-2754 Supporting S 1499/HR 2548 – the Marine Vessel Emissions Reduction Act

The City Council adopted Resolution No. 08-2754 supporting S 1499/HR 2548 – the Marine Vessel Emissions Reduction Act.

4. Adoption of Resolution No. 08-2755 Supporting SB 1646 to Reauthorize the Clean Fuels Program

The City Council adopted Resolution No. 08-2755 to reauthorize the Clean Fuels Program.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel – No comments

B. City Manager/Executive Director – No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at recent **San Bernardino Associated Governments (SANBAG), Metro Gold Line Phase II Joint Powers Authority, and Public Works Committee** meetings.

D. City Council/Agency Board

1. Council Member/Director Ruh cited a recent newspaper article that reported the **Metropolitan Transportation Authority (MTA)** has nearly doubled the maximum amount of funding earmarked for the **Metro Gold Line** Foothill extension if a proposed half-cent transportation sales tax increase is approved by Los Angeles County voters in November. The **MTA's** new project list recommends \$735 million for the **Gold Line** project if the tax receives voter approval and defines the **Gold Line** project as extending to Claremont rather than stopping at the Azusa/Glendora border, as well as calling for the increased funding to pay for later phases of the project. He commented on the issue as follows:
 - (a) He expressed his opinion that the **MTA** is opposed to extending the light rail line to either Claremont or Montclair and suggested a consortium of representatives from the cities along the proposed route be organized to support extending the **Gold Line** to Montclair.
 - (b) He noted San Bernardino County residents would have no control over the passage of the proposed Los Angeles County sales tax measure, adding that the measure has little chance of passing in these difficult economic times.
 - (c) He noted the **MTA** Board's senseless decision at its last meeting to forego a \$320 million federal allocation to the **Gold Line** extension in lieu of a \$213 million pledge to convert high-occupancy vehicle lanes on the California 110 Freeway to toll lanes.
 - (d) He emphasized that the western portion of San Bernardino County is more closely tied to Los Angeles County, contrary to the opinions of certain regional economists.
 - (e) He noted Claremont and Montclair have invested large amounts of money in transit-oriented developments in the hope that the **Gold Line** would be serving in either city in the not-too-distant future.
 - (f) He emphasized on behalf of commuting residents the need for the **Gold Line** extension at least to Claremont, if not Montclair.
 - (g) He asked Mayor Eaton, as Vice President of the **SANBAG** Board, if he would do his utmost to lobby the **MTA** Board

for the **Gold Line** extension to Montclair on behalf of Montclair residents.

Mayor Eaton reported that at last week's **Metro Gold Line Phase II Joint Powers Authority** meeting, the Los Angeles contingent voted to oppose the proposed tax levy to the **MTA** Board. He suggested the City send a letter of opposition to the **MTA** Board. He noted **Ontario Mayor Leon** likewise opposed the tax.

Noting he attends **MTA** Board meetings as often as he can, Council Member Ruh indicated he would attend the July 24, 2008 meeting.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of June 19, 2008

The City Council received and filed the Public Works Committee meeting minutes of June 19, 2008, for informational purposes.

2. Minutes of Personnel Committee Meeting of July 7, 2008

The City Council received and filed the Personnel Committee meeting minutes of July 7, 2008, for informational purposes.

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

At 7:27 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Transcribing Secretary