

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, AUGUST 4, 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

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

Police Chief Thompson introduced **Ms. Kristi Hernandez**, who was appointed to the position of Police Officer effective July 7, 2008, after graduation from the **San Bernardino County Sheriff's Academy** on June 19, 2008. He noted Officer Hernandez began her career with the Montclair Police Department as a Police Cadet in 1991; was appointed to the position of Reserve Police Officer in 1993; and, after her subsequent appointment to the position of Police Dispatcher, dispatched as a member of the Communications Division for nine years.

Chief Thompson congratulated Officer Hernandez on her new appointment and Mayor Eaton presented her with a City pin.

Police Chief Thompson introduced **Ms. Ashlee Westall**, who was appointed to the position of Police Officer effective July 7, 2008, after graduating from the San Bernardino County Sheriff's Academy on June 19, 2008. He noted Officer Westall began her career with the Montclair Police Department as a Police Dispatcher in 1997.

Chief Thompson congratulated Officer Westall on her new appointment and Mayor Eaton presented her with a City pin.

Police Chief Thompson introduced **Mr. Ben Cypher, Ms. Shannon Juarez, and Mr. Ronnie Goble**, who were all appointed to the position of Police Officer effective July 7, 2008.

Chief Thompson congratulated Officers Cypher, Juarez, and Goble on their appointments and Mayor Eaton presented them with City pins.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 08-2750 Adjusting Taxicab Service Rates in the City of Montclair

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2750 adjusting taxicab service rates in the City of Montclair 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 spoke in support of the proposed increase. He asked if taxicab operators compute mileage at the varying rates charged by other cities.

Mr. Rudy Muñoz, General Manager, Yellow Cab Co., advised that the rates in other areas are much higher, such as between \$2.60 and \$2.80 per mile in Los Angeles County. He stated that Yellow Cab Co. is requesting only a \$.30 rate increase at this time.

Council Member Ruh noted he understands the justification behind the proposed rate increase, though he expressed a concern regarding creating burden to the public. He asked if rates are computed at the point of pickup or destination.

Mr. Munoz clarified that rates do not change from area to area but would remain the same as at the point of pickup.

Moved by Council Member Ruh and seconded by Council Member Raft that Resolution No. 08-2750, entitled, "**A Resolution of the City Council of the City of Montclair Adjusting Taxicab Service Rates in the City of Montclair,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2750 was unanimously adopted by the following vote:

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

B. Adoption of Resolution No. 08-2756 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Ms. Maria E. Salmeron and Located at 4423 San Bernardino Street, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2756 authorizing recovery of abatement costs incurred by the City related to property owned by Ms. Maria E. Salmeron and located at 4423 San Bernardino Street, Montclair, California, 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 the following actions be taken:

1. That Resolution No. 08-2756, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 4423 San Bernardino Court, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the City Council determine that the \$548.76 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2756.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2756 was unanimously adopted and the Council determined that the \$548.76 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2756 by the following vote:

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

C. Adoption of Resolution No. 08-2758 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Inland Aids Project and Located at 5191 Merle Street, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2758 authorizing recovery of abatement costs incurred by the City related to property owned by Inland Aids Project and located at 5191 Merle Street, Montclair, California, 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 the following actions be taken:

1. That Resolution No. 08-2758, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 5191 Merle Street, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the City Council determine that the \$1,976.05 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2758.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2758 was unanimously adopted and the Council determined that the \$1,976.05 reimbursement amount be paid to

the City of Montclair within ten calendar days of adoption of Resolution No. 08-2758 by the following vote:

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

VIII. CONSENT CALENDAR

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 unanimously 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 21, 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 21, 2008.

B. Administrative Reports

1. Setting a Public Hearing to Consider Tentative Tract Map No. 18717 for an Industrial Condominium in the 4900 Block of Mission Boulevard

The City Council set a public hearing for Monday, August 18, 2008, at 7:00 p.m. in the City Council Chambers to consider Tentative Tract Map No. 18717 for an industrial condominium in the 4900 block of Mission Boulevard.

2. Setting a Public Hearing to Consider Tentative Tract Map No. 18718 for an Industrial Condominium at the Northeast Corner of Mission Boulevard and Monte Vista Avenue

The City Council set a public hearing for Monday, August 18, 2008, at 7:00 p.m. in the City Council Chambers to consider Tentative Tract Map No. 18718 for an industrial condominium at the northeast corner of Mission Boulevard and Monte Vista Avenue.

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

The City Council declared both a 1992 and 1995 Chevrolet Caprice as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair.

4. Declaring Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared the unclaimed property in Police custody listed on an attachment to the agenda report on this item as surplus and available for auction.

5. "No Action" on Alcoholic Beverage Permit Application - Rockin Baja Coastal Cantina

The City Council declared "No action" on the "On-Sale General" license application of Ms. Rose Marie Cootauco, President, Trilady, Inc., for Rockin Baja Coastal Cantina, 9335 Monte Vista Avenue, Montclair, California.

6. "No Action" on Alcoholic Beverage Permit Application - Bowlium Lanes

The City Council declared "No action" on the "On-Sale General" license application of Mr. Charles V. Kinstler and Ms. Lynda J. Kinstler, Bowlium Enterprises, LLC, for the Bowlium Lanes, 4666 Holt Boulevard, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 4, 2008, totaling \$1,081,322.76 and the Payroll Documentation dated May 25, 2008, amounting to \$637,366.40, with \$475,803.76 being the total cash disbursement.

C. Agreements

2. Approval of Agreement No. 08-82 With the City of West Covina for Mobile Data Computer Connectivity, Data

Processing Equipment, Software, and Service of Computer-Aided Dispatch and Records Management System Programs

The City Council approved *Agreement No. 08-82* with the City of West Covina for mobile data computer connectivity, data processing equipment, software, and service of computer-aided dispatch and records management system programs.

D. Resolutions

- 1. Adoption of Resolution No. 08-2757 Authorizing Mayor Paul M. Eaton to Sign Master Agreement for Administering Agency-State Agreement for Federal-Aid Projects No. 5326R (City Agreement No. 08-59)**

The City Council adopted Resolution No. 08-2757 authorizing Mayor Paul M. Eaton to sign Master Agreement for Administering Agency-State Agreement for Federal-Aid Projects No. 5326R (City Agreement No. 08-59).

- 2. Adoption of Resolution No. 08-2759 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts**

The City Council adopted Resolution No. 08-2759 authorizing placement of assessments on the 537 properties listed on Exhibit A attached to the agenda report on this item for the delinquent sewer and trash accounts.

- 3. Adoption of Resolution No. 08-2760 Approving the Strictly Race-Neutral Annual Anticipated DBE Participation Level (AADPL) of 4 Percent for Federal Fiscal Year (FFY) 2008/09**

The City Council adopted Resolution No. 08-2760 approving the strictly race-neutral AADPL of 4 percent for FFY 2008/09.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

- 1. Approval of *Agreement No. 08-79* With Monte Vista Water District for Use of Reclaimed Water**

Mayor Pro Tem Dutrey inquired as follows:

- (a) When will the water line conversions be completed at City parks?

Noting there is a six-month timeline for completion of the onsite conversions to qualify for the Los Angeles

County Metropolitan Water District's grant reimbursements for the project, City Engineer Hudson advised that the conversions should be completed in approximately three months.

- (b) Will the streets in which the reclaimed water distribution system was installed be resurfaced?

City Engineer Hudson replied that All American Asphalt has to date completed a base course and would be completing an asphalt overlay to cover the grind limit.

Mayor Pro Tem Dutrey asked if the entire street would be overlaid with asphalt.

City Engineer Hudson responded that most streets would receive an eight-to-ten-foot-wide asphalt overlay, though Kingsley Street, which was resurfaced a few years ago, would receive a centerline to gutter line overlay.

- (c) Will the four-area asphalt overlay project in the City of Montclair Capital Improvement Program coincide with the asphalt overlay included in this project?

City Engineer Hudson replied that he is not sure if the projects would coincide. He stated that staff has just developed a new pavement management program and that he would be presenting a list of recommendations for pavement work to the Public Works Committee within the next couple of months.

Mayor Pro Tem Dutrey noted the City's policy has always been not to resurface entire streets in excavation projects.

- (d) Will the streets in the subject project be overlaid 50 percent to the midpoint?

City Engineer Hudson advised that typically, streets in these types of projects are overlaid about a foot outside the trench line. He stated that the pavement damage in this project was so extensive, All American Asphalt was informed it would be necessary to pave well beyond that one-foot cutback limit; in most places, new pavement overlay is about eight-to-ten-feet wide—sometimes covering half of the street. The intersection of Benson Avenue and San Bernardino Street is being entirely resurfaced, he added.

Mayor Pro Tem Dutrey expressed his concern from an aesthetic standpoint of the patchwork look of partial new asphalt overlay.

Mayor Pro Tem Dutrey noted he is pleased with the Monte Vista Water District's new reclaimed water distribution system that will use recycled water to irrigate the City's parklands and school grounds, thereby contributing to the City's environmental conservation efforts as well as reducing demands on potable water sources and saving the City some money. He suggested businesses with large-scale turf could in the future be connected to the system.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that the City Council approve *Agreement No. 08-79* with the Monte Vista Water District for use of reclaimed water.*

Council Member Paulitz asked if staff has considered connecting City fire hydrants to the reclaimed water distribution system.

City Engineer Hudson replied that other cities have considered doing so. Because many fire departments also use the water in their pumpers as an emergency water supply, he advised that recycled water is typically not used in fire hydrants.

Council Member Paulitz thanked City Engineer Hudson for the information.

Council Member Raft concurred with Mayor Pro Tem Dutrey regarding the appearance of the partial asphalt overlay on the subject streets. She inquired as follows:

- (a) Will the City be resurfacing these streets; and, if so, how long will the project take?

City Engineer Hudson responded that it depends solely on the condition of the streets. He advised that appearance is not a governing factor on whether a street is overlaid; it has more to do with rideability and the condition of the asphalt. He stated that pavement management has little to do with whether some of the asphalt on a street is freshly black and the rest of it is oxidized gray, noting the new surface will eventually fade and turn the same or a similar shade of gray. He stated that in view of concerns expressed this evening about the appearance of the asphalt, staff would review the pavement management program to see about

advancing one or more of the subject streets to cap them sooner rather than later.

- (b) Is the partial asphalt overlay on the subject City streets completed?

City Engineer Hudson answered, "No."

- (c) When is the project slated for completion?

City Engineer Hudson answered, "We hope to have everything completed, including the striping, cutting of traffic signal loops, and raised pavement markets, by the end of this month."

Council Member Raft thanked City Engineer Hudson for the information.

Noting he has advocated use of recycled water for a number of years, Council Member Ruh expressed his complete support of this item. He inquired as follows:

- (a) In view of the approximately \$57,000 the City anticipates it will save by irrigating City parklands with reclaimed water, is it possible to include City-owned facilities and property in the system?

City Engineer Hudson reminded Council Member Ruh that Alma Hofman Park/City Hall is included with the City parks listed on the agenda report on this item that are proposed for connection to the reclaimed water distribution system. He added that medians will be converted so long as they are located within a reasonable distance to the reclaimed water line. He stated that if, in the future, Monte Vista Water District believes extending the reclaimed water main line would be profitable, the District might bear the cost to do so provided the City commits to purchasing recycled water for use in those areas in which the lines are extended. Otherwise, the end user, in this case, the City, would bear the cost, he added.

- (b) Will signs need to be posted at parks where reclaimed water is in use as in other cities?

City Engineer Hudson responded that the City is posting signs as well as painting or replacing valve cover caps with purple or an emblem indicating the water is not for human consumption. He noted signs have been placed

at Wilderness Park, which is now being irrigated with reclaimed water.

Council Member Ruh thanked City Engineer Hudson for the information.

*Motion carried unanimously as follows:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: 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 a recent **Metrolink** Board meeting and that he is pleased with the surge in ridership caused by the rise in gasoline prices.

D. City Council/Agency Board

1. Council Member/Director Raft requested a Resolution opposing **Assembly Bill 2058 (Levine, Brownley, and Davis) - Recycling: Plastic Carryout Bags**, as amended, be presented for Council consideration at the August 18, 2008 regular joint meeting.

Mayor Eaton suggested a recommendation be made in the proposed Resolution to further amend **AB 2058** to ban the use of plastic carryout bags from stores.

Council Member Raft concurred.

Council Member Ruh concurred, noting he shops using cloth bags or he requests paper bags, which are recyclable.

Council Member Paulitz commented that he always reuses his plastic carryout bags. He expressed his opinion that the **State Legislature** should be focusing on passing the state budget for this fiscal year rather than devoting time "to all this frivolous stuff."

Mayor Eaton concurred.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

- (a) He noted the state is considering a proposal to balance its budget in part using local taxes and money earmarked for local transportation projects under **Proposition 1A**, passed by the voters in both 2004 and 2006 to ensure gasoline sales tax revenues pay for local transportation improvements, that imposed restrictions on the state's ability to take local money to balance its budget. As recommended by the **League of California Cities**, he requested a Resolution opposing fiscally irresponsible state budget decisions that would "borrow" local taxes and transportation funds to help offset a \$15.2 billion State Treasury deficit be presented for Council consideration at the August 18, 2008 regular joint meeting. He further requested, with the Council's concurrence, that correspondence be sent to our legislators opposing use of local government tax revenues and transportation funds to balance its budget.

It was the consensus of the Council that staff present a Resolution opposing fiscally irresponsible state budget decisions that would "borrow" local taxes and transportation funds to help balance the state budget for Council consideration at the August 18, 2008 regular joint meeting; further, that staff send correspondence to our legislators opposing use of local government tax revenues and transportation funds to offset the State Treasury deficit.

- (b) He commended the professionalism of the Police Officers involved in apprehending the offender responsible for a child rape incident that occurred on July 27, 2008. He noted it is unfortunate that the offender himself is a juvenile.
- (c) He congratulated Director of Community Development Lustro on his appointment to the **Pomona Unified School District (PUSD)** Board of Trustees to complete the term of late Board Member **Candelario "Cande" Mendoza**, which expires in November 2009. He stated it is nice to see staff achieving their public service goals to further serve their communities.

3. Council Member/Director Ruh commented as follows:

- (a) He expressed his opinion that the state will soon be adopting a spending plan for this fiscal year, noting part

of the reason one has not yet been passed, besides the difficulty and disagreements involved in balancing the budget, is that legislators have been arduously working on many unfinished bills that are equally important in their own right.

City Manager McDougal noted he just heard a news report that **Governor Schwarzenegger** proposed during private negotiations over the weekend a temporary but immediate one-cent state sales tax hike to close the state's \$15.2 billion budget gap. The proposal hinges on lawmakers agreeing to automatic spending restraints and new powers for governors to cut programs whenever the state falls into the red.

Council Member Ruh noted the proposal would require approval by the **State Legislature**.

- (b) He also congratulated Director of Community Development Lustro on his appointment to the **PUSD** Board of Trustees, noting he also sent Director of Community Development Lustro written congratulations. He expressed his belief that Director of Community Development Lustro will do a good job and carry on the tradition of his prior service between 1997 and 2005 on the board.
- (c) He noted his attendance at the July 24, 2008 **Metropolitan Transportation Authority** Board meeting and reiterated that the **Metro Gold Line** Foothill extension project will only go forward if a proposed half-cent transportation sales tax increase is approved by Los Angeles County voters at the November 4, 2008 General Election. He noted it is his understanding from a meeting he attended on July 29, 2008, that at present, the majority of the City Councils in the San Gabriel Valley area are opposed to the proposed tax increase.
- (d) He noted he appreciated the response he received from Fire Chief Ament regarding the status of the City following the July 29, 2008 Chino Hills earthquake, advising that cellular telephone network transmission is compromised directly following such disasters.
- (e) He cited a recent newspaper article that reported the San Bernardino/Riverside area ranks second in the nation in foreclosure activity, noting it is a bad situation for many of our families. He expressed his hope that in the future, once the current inventory of foreclosed homes is

cleared, local governments will seriously consider area wages when planning housing developments.

- (f) Rather than spending \$1 million on an incentive program to lure Hollywood studios to film in the Inland Empire, as the County did earlier in the year, he suggested the money would have been better spent to locate a jet engine repair facility near **LA/Ontario International Airport**. He spoke positively about local governments being more creative in coming up with some good ways to stabilize our economy.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of July 21, 2008

The City Council received and filed the Personnel Committee meeting minutes of July 21, 2008, for informational purposes.

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

At 7:34 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