

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
TUESDAY, SEPTEMBER 2, 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 Raft 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. Proclamation Declaring September 2008 as "L.A. County Fair Month" in the City of Montclair

Mayor Eaton presented **Mr. Scott Kelly**, Director of Community and Government Relations, **Fairplex**, with a proclamation declaring September 2008 as "L.A. County Fair Month" in the City of Montclair.

Mr. Kelly accepted the proclamation, thanked Mayor Eaton, and commented as follows:

1. He announced that the **86th Annual L.A. County Fair** will open in just a few short days on Friday, September 5, 2008; runs through Sunday, September 28, 2008; and is closed Mondays and Tuesdays. He stated that the fair is "quite an event—anything that lasts 86 years in Southern California has got to have a lot going for it," adding that approximately one-and-one-half-million participants are expected during its 18-day run.
2. He welcomed the Council, staff, and residents to attend the fair and, notably, to attend "Montclair Day at the Fair" next Wednesday, September 10, 2008, during which two Montclair Community Heroes will be honored.
3. He noted inserts advertising discounted fair tickets were included in water and trash and sewer bills and that the **Montclair Chamber of Commerce** also advertised the availability of discounted tickets.

4. He noted City Manager McDougal will again sponsor the **Habitat for Humanity's** "City Managers Build Day" and that this year, the home that will be built at the fair will benefit a family in Chino Hills.

VI. PUBLIC COMMENT - None

- A. Police Chief Thompson announced that the Police Department (with the exception of the Patrol Division) has completed its relocation to the new headquarters facility at 4780 Arrow Highway, noting dispatch "went live" at 11:31 a.m. He expressed his gratitude to City Engineer Hudson for managing the construction of the new facility and to Public Works staff for assisting with the relocation. He thanked the Council on behalf of Police Department staff for turning their dream into a reality.

Mayor Eaton noted the Council played a pivotal role in ensuring the project was completed as quickly as possible and that it is very pleased with and proud of the new Police headquarters.

- B. **Mrs. Anne Dutrey**, 11187 Carriage Avenue, Montclair, spoke as a member of the **Ontario-Montclair YMCA** Board and thanked the Council for its ongoing support of the **Ontario-Montclair YMCA's** programs. She announced that the annual *Fiesta De Comida* fundraiser will be held Wednesday, November 5, 2008, from 6:30 to 10:00 p.m. at the new **Citizens Business Bank** arena and will include food, a concert by renown Latin jazz artist **Poncho Sanchez**, and both a live and a silent auction.

Mayor Eaton thanked **Mrs. Dutrey**, noting he plans to attend. He noted the City has made a contribution to the event.

VII. PUBLIC HEARINGS

- A. **Adoption of Resolution No. 08-2765 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Ms. Florence W. Mwangi and NDEX West, LLC, and Located at 5606 Alamitos Street, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2765 authorizing recovery of abatement costs incurred by the City related to property owned by Ms. Florence W. Mwangi and NDEX West, LLC, and located at 5606 Alamitos 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. 08-2765, 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 5606 Alamitos 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 \$675.14 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2765.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2765 was unanimously adopted and the Council determined that the \$675.14 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2765 by the following vote:

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

B. Adoption of Resolution No. 08-2766 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Town and Country Title Services and Citigroup Mortgage Services and Located at 4303 San Bernardino Court, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2766 authorizing recovery of abatement costs incurred by the City related to property owned by Town and Country Title Services and Citigroup Mortgage Services and located at 4303 San Bernardino Court, 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.

Mayor Pro Tem Dutrey noted he received confirmation from staff that the nuisances at the property have been abated.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that the following actions be taken:

1. That Resolution No. 08-2766, 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 4303 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 \$1,637.71 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2766.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2766 was unanimously adopted and the Council determined that the \$1,637.71 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2766 by the following vote:

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

C. Adoption of Resolution No. 08-2767 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by California Reconveyance Corporation and HomeQ Servicing and Located at 5428 Rosewood Street, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2767 authorizing

recovery of abatement costs incurred by the City related to property owned by California Reconveyance Corporation and HomeQ Servicing and located at 5428 Rosewood 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.

Mayor Pro Tem Dutrey noted he received confirmation from staff that the green swimming pool has been drained and all health and safety violations have been abated.

Moved by Council Member Paulitz and seconded by Council Member Raft that the following actions be taken:

1. That Resolution No. 08-2767, 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 5428 Rosewood 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 \$815.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2767.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2767 was unanimously adopted and the Council determined that the \$815.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2767 by the following vote:

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

VIII. CONSENT CALENDAR

With regard to Item B-2, "Transferring \$17,822 From the Contingency Account for the Purchase of Fitness Equipment for the New Montclair Police Facility," Council Member Raft spoke in full support of the City's partial financing of exercise equipment for the new fitness studio for the health, well being, and morale of our safety officers.

With regard to Item C-3, "Approval of *Agreement No. 08-100* With Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program," Council Member Ruh spoke in support of continuing the services of a licensed clinical social worker for this worthwhile program. He inquired as follows:

- A. Is the Ontario-Montclair School District involved in making decisions concerning the social worker position?

Assistant Director of Human Services Richter answered, "It is a combined program with the Ontario-Montclair School District; it's a 50-50 partnership."

- B. What is the work schedule of the social worker?

Assistant Director of Human Services Richter answered, "It's a full-time position."

Moved by Council Member/Director Ruh, 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 August 18, 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 August 18, 2008.

2. Approval of Special Joint Council/Agency Meeting of August 20, 2008

The City Council and Redevelopment Agency Board approved the minutes of the Special Joint City Council/Redevelopment Agency Board meeting of August 20, 2008.

B. Administrative Reports

1. Authorization for a \$1,982 Appropriation From the Contingency Account to Reimburse Fire Personnel for Costs Associated With Attendance at a Hazardous Materials Emergency Workshop in Sacramento

Authorization to Receive \$1,982 From the Homeland Security Grant Program to Repay the City for Costs Associated With Fire Personnel's Attendance at a Hazardous Materials Emergency Workshop in Sacramento

The City Council authorized the following:

- (a) A \$1,982 appropriation from the Contingency Account to reimburse Fire Engineer Hall \$986 and Firefighter/Paramedic Mora \$996 for their costs associated with attendance at the Hazardous Materials Emergency Workshop in Sacramento from September 1 through September 5, 2008.
- (b) The Fire Department to receive \$1,982 from the Homeland Security Grant Program to repay the City for costs associated with fire personnel's attendance at a Hazardous Materials Emergency Workshop in Sacramento.

2. Transferring \$17,822 From the Contingency Account for the Purchase of Fitness Equipment for the New Montclair Police Facility

The City Council authorized a \$17,822 transfer from the Contingency Account to the City Manager Fiscal Year 2008-09 Budget to purchase fitness equipment for the new Montclair Police facility fitness studio.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 2, 2008, totaling \$1,478,826.80 and the Payroll Documentation dated June 22, 2008, amounting to \$809,905.25, with \$521,523.93 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 08-97 With American Youth Soccer Organization for Use of Multipurpose Field at Saratoga Park

The City Council approved *Agreement No. 08-97* with the American Youth Soccer Organization for use of multipurpose field at Saratoga Park.

2. Award of Contract to All American Asphalt, Inc., in the Amount of \$724,000 for Central Avenue and Monte Vista Avenue Intersection Rehabilitation Project

Approval of Agreement No. 08-99 With All American Asphalt

Approval of a \$72,000 Construction Contingency

The City Council took the following actions:

- (a) Awarded a contract to All American Asphalt, Inc., in the amount of \$724,000 for Central Avenue and Monte Vista Avenue Intersection Rehabilitation Project.
 - (b) Approved *Agreement No. 08-99* with All American Asphalt, Inc.
 - (c) Authorized a \$72,000 construction contingency.
- 3. Approval of Agreement No. 08-100 With Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program**

The City Council approved *Agreement No. 08-100* with the Ontario-Montclair School District to provide a licensed clinical social worker for the case management program.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

- 1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance two weeks ago at a **Metrolink** Board meeting.
 - (b) He noted his enjoyment of his recent vacation.

D. City Council/Agency Board

- 1. Council Member/Director Paulitz commented as follows:
 - (a) He thanked Assistant Director of Human Services Richter and Human Services Division staff for facilitating a very nice senior birthday luncheon last Wednesday, which was very well attended.

- (b) He announced the Ramona Avenue/Union Pacific Railroad Grade Separation Project groundbreaking ceremony would be held this Thursday at 9:30 a.m.
- 2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He expressed his appreciation of the Code Enforcement Unit's efforts to abate public health nuisance conditions at private property in the community.
 - (b) He noted Police Chief Thompson's and his attendance last Monday at the grand opening of the new 28,000-square-foot **San Bernardino County Sheriff's Department** substation that is part of the new **Chino Hills Civic Center** complex at 14077 Peyton Drive, that will offer more efficient lobby service, more operation space, and secured interview rooms.
- 3. Council Member/Director Ruh commented as follows:
 - (a) He reported that the State Legislature passed **Senate Bill 1422** sponsored by the **Metropolitan Transportation Authority (MTA)** that would convert carpool lanes on the I-10 and I-110 freeways into toll lanes for a two-year "test phase" starting in 2010, adding that there is every indication that the **MTA** will propose similar legislation for interstates throughout Southern California. He advised that **Representatives Miller** and **Solis** have told the State Legislature that the new law is in violation of federal law and that they and other Congressional representatives who oppose the project have threatened to ban federal money for toll-lane projects. He noted he agrees with the Congressional representatives, advising that "it is an ill-conceived notion at this time and place."
 - (b) He reported that the **Los Angeles County** Board of Supervisors voted to consolidate a half-cent transportation sales tax measure on the November 2008 ballot that, unfortunately, does not include a funding commitment for the **Metro Gold Line** light rail transit extension from Pasadena to Montclair and, eventually, to the **LA/Ontario International Airport**. He expressed his hope that Los Angeles County voters do not vote for an increase in sales tax without including funding for the **Gold Line** extension because of its importance to the region. He noted his many conversations with representatives of cities in Los Angeles County who indicate they are not in favor of the measure because it does not include funding for the **Gold Line** extension. He noted the **Gold Line** extension is vitally important to alleviate regional congestion on the **Metrolink** commuter rail system and buses. He noted he would keep the Council apprised of this matter.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 4, 2008

The City Council received and filed the Public Works Committee meeting minutes of August 4, 2008, for informational purposes.

2. Minutes of Personnel Committee Meeting of August 18, 2008

The City Council received and filed the Personnel Committee meeting minutes of August 18, 2008, for informational purposes.

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

At 7:18 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