

**MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND REDEVEL-  
OPMENT AGENCY AND MONTCLAIR HOUSING  
CORPORATION BOARDS HELD ON MONDAY,  
SEPTEMBER 15, 2008, AT 7:00 P.M. IN THE CITY  
COUNCIL CHAMBERS, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m.

**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**

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 - None**

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

Council Member/Director Paulitz requested that Item C-3 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 September 2, 2008**

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of September 2, 2008.

**2. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 2, 2008**

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of September 2, 2008.

**B. Administrative Reports**

**1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending August 31, 2008.

**2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated September 15, 2008, totaling \$599,926.28 and the Payroll Documentation dated July 6, 2008, amounting to \$746,766.50, with \$541,644.05 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 August 31, 2008.

**4. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 08.01.08-08.31.08 in the amounts of \$10,193.90 for Project I; \$1,276.24 for Project II; \$965,987.99 for Project III; \$129,682.90 for Project IV; and \$176,082.68 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 August 31, 2008.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 08.01.08-08.31.08 in the amount of \$25,756.93.

**7. Authorization to Purchase One Dual-Purpose Electric Fire Hose and Equipment Dryer From American Airworks for Fire Station No. 1**

The City Council authorized purchase of one dual-purpose electric fire hose and equipment dryer from American Airworks for Fire Station No. 1.

**C. Agreements**

**1. Approval of *Agreement No. 08-84* With San Bernardino County Transportation Authority Amending Agreement No. 07-12 for Construction Management Services for the Ramona Avenue/Union Pacific Railroad Grade Separation Project**

The City Council approved *Agreement No. 08-84* with the San Bernardino County Transportation Authority amending Agreement No. 07-12 for construction management services for the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

**2. Rejection of Bid by IAC Engineering, Inc., as Being Nonresponsive to the City's Notice Inviting Bids**

**Award of Contract to All American Asphalt, Inc., in the Amount of \$2,310,631**

**Approval of *Agreement No. 08-96* With All American Asphalt, Inc., for the Mission Boulevard Improvement Phases 5 and 6 Project**

**Authorization of a \$225,000 Construction Contingency**

The City Council took the following actions:

- (a) Rejected bid submitted by IAC Engineering, Inc., as being nonresponsive to the City's Notice Inviting Bids.

- (b) Awarded a contract to All American Asphalt, Inc., in the amount of \$2,310,631.
  - (c) Approved *Agreement No. 08-96* with All American Asphalt, Inc., for the Mission Boulevard Improvement Phases 5 and 6 Project.
  - (d) Authorized a \$225,000 construction contingency.
4. **Approval of *Agreement No. 08-104* With the California Highway Patrol for Use of the Montclair Police Department Firearms Shooting Range**
- The City Council approved *Agreement No. 08-104* with the California Highway Patrol for use of the Montclair Police Department firearms shooting range.
5. **Approval of *Agreement No. 08-105* With AM Johnson Consulting and *Agreement No. 08-106* With Leslie Matamoros to Implement a "California Stories: California Story Fund" Humanities Program**
- The City Council approved *Agreement No. 08-105* with AM Johnson Consulting and *Agreement No. 08-106* with Leslie Matamoros to implement a "California Stories: California Story Fund" humanities program.
6. **Approval of *Agreement No. 08-107* With AM Johnson Consulting for ArtCorps Program Management Services**
- The City Council approved *Agreement No. 08-107* with AM Johnson Consulting for ArtCorps Program management services.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

3. **Approval of *Agreement No. 08-102*, a *Transitional Housing Agreement* by and Between Foothill Family Shelter, Inc., the City of Montclair, and the City of Montclair Redevelopment Agency Regarding Property Located at 10350 Amherst Avenue**
- Approval of *Agreement No. 08-103*, a *Memorandum of Understanding* by and Between the City of Montclair (Montclair Community Collaborative) and Foothill Family**

**Shelter, Inc., Regarding Provision of Services to Residents of Transitional Housing Units Located at 10350 Amherst Avenue**

Council Member/Director Paulitz inquired concerning the selection process for potential candidates for the proposed transitional housing program.

Assistant Director of Human Services Richter advised that potential candidates for the program must be Montclair residents and must already be registered with Foothill Family Shelter, Inc., and participating in the organization's mandatory counseling, case management, employment preparation or improvement, parenting, and credit repair programs to be considered for placement in one of the transitional housing units.

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried unanimously that the City Council and Redevelopment Agency Board take the following actions:

- (a) The City Council and Redevelopment Agency Board approve *Agreement No. 08-102, a Transitional Housing Agreement* by and between Foothill Family Shelter, Inc., the City of Montclair, and the City of Montclair Redevelopment Agency regarding property located at 10350 Amherst Avenue.
- (b) The City Council approve *Agreement No. 08-103, a Memorandum of Understanding* by and between the City of Montclair (Montclair Community Collaborative) and Foothill Family Shelter, Inc., regarding provision of services to residents of transitional housing units located at 10350 Amherst Avenue.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel - No comments**

**B. City Manager/Executive Director**

- 1. City Manager/Executive Director McDougal announced he would again lead a city managers delegation to build a **Pomona Valley Habitat for Humanity** home this Wednesday at the **L.A. County Fair**. He noted the two homes being built this year would be relocated to Chino Hills at the conclusion of the fair.

Mayor Eaton stated, "Good for you; that's great."

**C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented that the **National Transportation Safety Board** is currently investigating the **Metrolink**/freight train accident that occurred last Friday and has asked the **Metrolink** Board to refrain from commenting on the incident.

**D. City Council/Agency Board**

1. Council Member/Director Ruh commented as follows:
  - (a) He noted his attendance at a **Los Angeles Metropolitan Transportation Authority** Board meeting last week regarding a congestion management pricing "demonstration project" related to conversion of high-occupancy vehicle lanes to toll lanes on the I-10 Freeway between El Monte and downtown Los Angeles and on the California 110 Freeway between the **University of Southern California** and downtown Los Angeles. He noted being told that the project would likely be expanded throughout Southern California if it were successful in those two locations, despite the fact that it would do nothing to relieve the already congested freeways. He noted the Board had no answer to his inquiry concerning the proposal being a form of "double taxation" since those freeways were built with public funds. He expressed his long-term concern on behalf of Montclair residents that the project would make its way to the Inland Empire, noting the proposed toll lanes are "incorrect and wrong." He noted he is pleased that **Representatives Miller, Solis, Napolitano, and Dreier** are working at the federal level to prevent the proposed project. He emphasized, in light of the many other issues facing California, that though the proposed project might seem minor, it is certainly major to those who regularly commute on the subject freeways.
  - (b) He noted the State Legislature compromised on a spending plan over the weekend and expressed his understanding that most of the proposed budget cuts are in education and health care programs. He reported the following budget-reduction proposals:
    - (1) 2.9 billion - Grades K through 12 and community colleges

- (2) 10 percent – Medi-Cal rates for the first two months (saving \$307 million)
- (3) \$233 million – **University of California** system
- (4) \$215 million – **California State University** system
- (5) \$542 million – Suspension of cost-of-living adjustments for **California Work Opportunity and Responsibility to Kids** state and federal Supplemental Security Income payments

Council Member Ruh advised that he would send City Manager McDougal a follow-up email on this issue as more information becomes available.

- (c) He commented on last Friday's **Metrolink** tragedy and spoke in support of a second railroad track being installed in that area of Chatsworth because doing so would be a safety measure that would certainly benefit the region. He suggested updated collision avoidance systems, known as "positive train controls," should be implemented in the plethora of areas in Southern California in which freight and commuter trains share the same tracks. He expressed the public's and his sympathies on behalf of the victims and their families of this horrific tragedy.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He reported on the following items discussed at a Code Enforcement Committee meeting earlier today:
    - (1) The Committee is updating the Noise Ordinance, and staff will present the Committee's recommendations to the Council at a future meeting.
    - (2) The Committee is proposing a new Ordinance regulating vacant and foreclosed properties, which is becoming a serious issue in the community, that will likewise be presented to the Council at a future meeting.
  - (b) He noted Mayor Eaton, staff, and he met with the principal owner of the **Comp USA** site at the northeast corner of Moreno Street and Central Avenue during the **International Conference of Shopping Centers (ICSC)** trade show last Thursday in San Diego. He advised that

the owner is motivated to rebuild the entire site pending the consent of all the owners.

- (c) He noted Mayor Eaton's and his participation in the C.A.U.T.I.O.N. Program cleanup last Saturday in the alley behind the 9300-9400 blocks of Central Avenue and that Mayor Eaton once again contributed by operating a skip loader tractor. He added that the **Montclair High School** football team also assisted in the cleanup.
  - (d) He advised that the Legislature's state budget compromise for this fiscal year includes an **Educational Revenue Augmentation Fund** shift of \$350 million, or \$7 million per agency. He added that, fortunately, the budget compromise will not affect the City's General Fund.
  - (e) He expressed his condolences to the **Metrolink** tragedy victims and their families.
3. Council Member/Director Raft commented as follows:
- (a) She expressed her regrets that she was unable to attend the **ICSC** business expo last week.
  - (b) She noted our prayers are with the **Metrolink** tragedy victims and their families.
4. Council Member/Director Paulitz thanked staff for parking the City's fleet vehicles in the Police Department parking lot, which made parking in the lot behind City Hall easier for Senior Citizen Nutrition Program participants.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of September 2, 2008**

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

## **XII. COUNCIL/AGENCY WORKSHOP**

### **A. Update by Federal Legislative Advocate David Turch and Associates**

Moved by Council Member/Director Ruh, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, October 6, 2008, at 5:45 p.m. in the City Council Chambers.

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

At 7:14 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,

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Yvonne L. Smith, Transcribing Secretary