

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
OCTOBER 6, 2008, AT 7:00 P.M. IN THE POLICE
DEPARTMENT BRIEFING ROOM, 4870 ARROW
HIGHWAY, MONTCLAIR, CALIFORNIA**

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

Mayor Pro Tem/Vice Chairman Dutrey 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

A. Mr. Terry Singleton, 5362 Palo Verde Street, Montclair, thanked the Police Department, particularly Sergeant Brian Ventura "who went above and beyond the call of duty," the Code Enforcement Unit, and City staff for responding to a recent incident in his neighborhood. He noted his neighbor has since moved away. He thanked all the voters who approved the retail transactions and use tax so the "much-deserved" Police headquarters could be built.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Council Member/Director Ruh requested that Item B-1 be removed from the Consent Calendar for comment.

With regard to Item C-1, "Consider Approval of *Agreement No. 08-108* With Toby B. Hayward, Inc., for the City of Montclair Police Department Facility Miscellaneous Construction and Repairs Project," Mayor Pro Tem Dutrey asked if the \$85,000 needed to complete the project is available from the original funding allocation.

City Engineer Hudson answered, "Yes."

At this time, Mayor Eaton invited **Mr. Roman Nava**, Small Business Liaison, **San Bernardino County Fourth District Supervisor Ovitt's Office**, to come forward to comment.

Mr. Nava encouraged Montclair residents to vote by mail, noting the deadline to request a vote-by-mail ballot is October 28, 2008. He further encouraged Montclair residents to vote early because of the expected large turnout for the 2008 Presidential Election on Tuesday, November 4, 2008. He advised that those desiring to vote prior to the election could do so on October 19, 2008, from 11:00 a.m. to 6:00 p.m. at **Victoria Gardens** and from 12:00 to 6:00 p.m. at **The Shoppes at Chino Hills**.

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/Montclair Housing Corporation Meeting of June 16, 2008

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

2. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 15, 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 15, 2008.

B. Administrative Reports

2. Declaring Certain City Property as Surplus and Available for Auction

The City Council declared the items contained on the Surplus Property List - October 2008 attached to the agenda report on this item as surplus and available for auction.

3. "No Action" on Alcoholic Beverage Permit Application - Bombay Bistro

The City Council took "No action" on the "On-Sale General" license application of Balbir Singh, President, Harman Corporation, for Bombay Bistro, 8851 Central Avenue, Suites E and F, Montclair, California.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 6, 2008, totaling \$2,799,734.10 and the Payroll Documentation dated July 20, 2008, amounting to \$728,375.69, with \$531,495.12 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 08-108 With Toby B. Hayward, Inc., for the City of Montclair Police Department Facility-Miscellaneous Construction and Repair Project

The City Council approved *Agreement No. 08-108* with Toby B. Hayward, Inc., for the City of Montclair Police Department Facility-Miscellaneous Construction and Repair Project.

2. Approval of Agreement No. 08-109 With Miller Environmental Incorporated for the Interior Demolition of the Future Youth Center Project

The City Council approved *Agreement No. 08-109* with Miller Environmental Incorporated for the Interior Demolition of the Future Youth Center Project.

D. Resolutions

1. Adoption of Resolution No. 08-2768 Adopting a Measure I Two-Year Capital Improvement Program

The City Council approved Resolution No. 08-2768 adopting a Measure I Two-Year Capital Improvement Program.

2. Adoption of Resolution No. 08-2775 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 08-2775 authorizing placement of liens on the 197 delinquent accounts listed on Exhibit A to Resolution No. 08-2775.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Setting a Public Hearing to Consider the Following:

Resolution No. 08-2769 Approving a General Plan Amendment to Change the Land Use Designation of 1.75 Acres at 10319 Mills Avenue From "Business Park" to "R-3/14 du/ac"

Resolution No. 08-0770 Approving an Amendment to the Holt Boulevard Specific Plan to Change the Land Use Designation of 175 Acres at 10319 Mills Avenue From "Business Park" to "R-3/14 du/ac"

Resolution No. 08-0771 Approving a Density Bonus Pursuant to Chapter 11.85 of the Montclair Municipal Code to Allow Construction of a 50-Unit Affordable Family Housing Development on 1.75 Acres at 10319 Mills Avenue

Resolution No. 08-0772 Approving a Precise Plan of Design Associated With a Proposed 50-Unit Affordable Family Housing Development at 10319 Mills Avenue

Council Member Ruh advised that he agrees with the concept of the proposed project and inquired as to its funding mechanism.

Director of Redevelopment/Public Works Staats responded that both County of San Bernardino Home Investment Partnership Act (HOME) Program and 9 Percent Low-Income Housing Tax Credit Program funding is being considered.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried unanimously that the City Council set a public hearing for Monday, October 20, 2008, at 7:00 p.m. in the City Council Chambers to consider adoption of the following Resolutions:

- (a) Resolution No. 08-0769 approving a General Plan Amendment to change the land use designation of

1.75 acres of land at 10319 Mills Avenue from "Business Park" to "R-3/14 du/ac."

- (b) Resolution No. 08-0770 approving an amendment to the Holt Boulevard Specific Plan to change the land use designation of 1.75 acres at 10319 Mills Avenue from "Business Park" to "R-3/14 du/ac."
- (c) Resolution No. 08-0771 approving a Density Bonus pursuant to Chapter 11.85 of the Montclair Municipal Code to allow construction of a 50 unit affordable family housing development on 1.75 acres at 10319 Mills Avenue.
- (d) Resolution No. 08-0772 approving a Precise Plan of Design associated with a proposed 50-unit affordable family housing development at 10319 Mills Avenue.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation

Robert Hill v. City of Montclair

City Attorney Robbins requested a Closed Session pursuant to Section 54956.9(a) of the Government Code on the above matter.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman - No comments

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

- (a) He noted there have been several rent increases at the **Heritage Park Senior Apartments** and asked if staff could look into the matter.

Director of Community Development Lustro indicated that staff would look into it.

- (b) He discussed **Senate Bill 375 (Steinberg) - Transportation Planning; Travel Demand Models; Sustainable Communities Strategy; Environmental Review** that would reduce greenhouse gases. He noted the **League of California Cities** supports the bill.

- (c) He spoke on issues related to the revised \$700 billion economic recovery plan passed by **Congress** and signed by **President Bush** last Friday. The financial bill will boost the lending and banking industry by buying their troubled assets and debt, thereby clearing the debt and modifying loans and allowing credit and money to begin flowing again normally.
 - (d) He expressed his appreciation of the **Singletons** and thanked them for their efforts.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
- (a) He noted he and Council Member Raft recently observed the After-School Program in operation at **El Camino Middle School**, Ontario. He stated that approximately eighty to ninety students participate in the program at this school, noting he is pleased that the program is well structured and quite effective. He added that many cities have adopted After School Programs based on Montclair's program model.
 - (b) He announced that the Lights On After School Program will be held Thursday, October 16, 2008, from 6:30 to 8:30 p.m. in the Community Center auditorium.
 - (c) He noted his attendance at the **League of California Cities 2008 Annual Conference** two weeks ago and discussed the recently adopted state budget.
 - (d) He noted he is pleased with the aesthetics of the new Police headquarters, which belongs to the residents of Montclair, and noted the "building showcases what the City is all about."
 - (e) He noted his attendance at the **Montclair Chamber of Commerce's** Hispanics United in Business Mixer on September 30, 2008, at **Acapulco Mexican Restaurant**. He noted he is pleased that the **Chamber** facilitated this mixer to engage Hispanic business owners and managers in the community.
3. Council Member/Director Raft reiterated comments made by Mayor Pro Tem Dutrey regarding the After School Program, noting, "it's one of the City's greatest programs."
4. Council Member/Director Paulitz commented concerning assistance provided by Montclair paramedics to participants of the senior lunch program on two different occasions last week.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 21, 2008

The City Council received and filed the Public Works Committee meeting minutes of August 21, 2008, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of September 15, 2008

The City Council received and filed the Code Enforcement Committee meeting minutes of September 15, 2008, for informational purposes.

3. Minutes of Personnel Committee Meeting of September 15, 2008

The City Council received and filed the Personnel Committee meeting minutes of September 15, 2008, for informational purposes.

Mayor Eaton thanked audience members for attending tonight's meeting at the new Police headquarters Briefing Room and told them they could schedule future tours of the facility with any of the Officers at this meeting.

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

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

At 7:27 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(a).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:43 p.m., the City Council returned from Closed Session. Mayor Eaton announced the following: "The City Council met in Closed Session regarding pending litigation. Information was received and direction given to City staff." No further announcements were made.

XIV. ADJOURNMENT OF CITY COUNCIL

At 7:44 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith, Transcribing Secretary