

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND REDEVEL-  
OPMENT AGENCY AND MONTCLAIR HOUSING  
CORPORATION BOARDS HELD ON MONDAY,  
DECEMBER 1, 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. 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**

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**

**A. Presentation of 2009 Used Oil Recycling and Pollution Prevention Art Calendar Awards**

NPDES Coordinator Joe Rosales presented the following Montclair students with "Honorable Mention" *Certificates of Recognition* and \$20 **John's Incredible Pizza** gift certificates for their artistic contributions to the 2009 Used Oil and Recycling Art Calendar:

**Joshua Meza, Kingsley Elementary School**  
**Yaneisy Escalante, Our Lady of Lourdes Elementary School**  
**Carmen Aguilar, Monte Vista Elementary School (in absentia)**

**Clara Zaraul, Ramona Elementary School**  
**Beatriz Villarreal, Moreno Elementary School**  
**Marissa Villalpando, Ramona Elementary School**  
**Alondra Bernardino, Our Lady of Lourdes Elementary School**  
**Stephanie Ramirez, Our Lady of Lourdes Elementary School**  
**Sabine Delgado, Kingsley Elementary School**

NPDES Coordinator Rosales presented **José Alvarez** and **Samuel Ramos, Kingsley Elementary School**, each with "Third Place" *Certificates of Recognition* and \$25 **Best Buy** gift cards; **Jeremy Po, Our Lady of Lourdes Elementary School**, with a "Second Place" *Certificate of Recognition* and a \$100 **Best Buy** gift card; **Victoria Alarcon, Kingsley Elementary School**, with a "First Place" *Certificate of Recognition* and three tickets to **Knott's Berry Farm**; and **Angie Barraza, Ramona Elementary School**, with the "Grand Prize" *Certificate of Recognition* and four tickets and a \$25 gift card to **Disneyland** (donated by **Tri-Alloy Group**). He noted **Angie's** beautiful artwork graces the cover of the 2009 Used Oil Recycling and Pollution Prevention calendar.

NPDES Coordinator Rosales congratulated all the 2009 Used Oil and Recycling Art Calendar contest winners, stating, "We are very proud of you."

Mayor Eaton thanked NPDES Coordinator Rosales for his presentation.

**B. Presentation Related to an Alternate Design Concept for the City of Montclair Senior Center**

City Engineer Hudson stated that an alternate design concept for the new senior center would be presented this evening by **Mr. Frank Cuomo**, AIA/Senior Project Architect/Associate, **WLC Architects, Inc.** He advised that the alternate design would mitigate certain original design-concept issues related to fire sprinkler retrofitting, relocation of site utilities, site drainage, the need for a larger contingency to allow for unknown conditions, and, most importantly, the complete suspension of Community Center functions for at least one year during the project's construction.

**Mr. Cuomo** reviewed the original design concept and alternate design proposal for the new senior center. He noted the new design features a stand-alone building with a seating capacity of 240; a private garden courtyard (fenced and gated at either end for security purposes and to allow access to service vehicles) linking the new structure to the existing Community Center; a private garden yard on the east side of the structure; a catering kitchen and office; a main entry designed to maximize natural lighting; four staff offices, a reception area, conference room, and

staff restroom; new accessible public restrooms, and a new park restroom addition. He advised that the alternate design would require no fire sprinkler retrofit, minimal relocation of site utilities, and a smaller contingency because of fewer unknown conditions and would allow the Community Center to remain fully functional while the new senior center building is being built. He compared the original and alternate designs' square footage, main hall capacity, restroom facilities, and staff offices. He emphasized the cost savings of the alternate design, estimated at \$4.96 million, compared to the \$5.685 million estimated cost of the original design, which can be attributed to not having to retrofit fire sprinklers, minimal relocation of site utilities, and the smaller anticipated contingency.

**Mr. Cuomo** concluded his presentation with a virtual tour showcasing the design aspects of the new building's exterior.

**Mr. Cuomo** clarified for an audience member that no buildings at the Civic Center would be demolished to accommodate the new senior center facility.

Mayor Eaton stated, "I think it looks really great. Good job."

Mayor Pro Tem Dutrey inquired as follows:

1. Will all the entrances to the new building be on the west side?

**Mr. Cuomo** answered, "That's correct."

2. Will the kitchen be larger than the existing kitchen?

**Mr. Cuomo** answered, "No," noting it would be a catering kitchen in which dishes could be reheated.

3. How will the park restroom addition be secured?

**Mr. Cuomo** advised that the facilities would be secured with wrought-iron gates that would be unlocked during facility operating hours.

4. Would antigraffiti paint be used on restroom interiors to discourage graffiti vandalism?

City Engineer Hudson answered, "We'll do everything we can to minimize the potential for it."

5. Is the estimated \$4.96 million cost of the alternate design concept computed at today's construction costs?

**Mr. Cuomo** answered, "That was based on [costs of] about three months ago. The costs may come down from there. I would say it's a very close estimate."

6. Was the estimated \$5.685 million cost of the original design concept computed at last year's construction costs?

**Mr. Cuomo** answered, "No; we actually did a comparison based on today's dollars."

7. What is the funding source for the project?

City Manager McDougal advised that the City issued \$31 million in bonded indebtedness several years ago to build a Police facility and youth and senior centers. In the intervening years, he stated that the Redevelopment Agency contributed a substantial sum toward the Police facility project, which made available additional bond moneys for the new senior and youth centers. He advised that annual revenue proceeds from the one-quarter of 1 percent Retail Transactions and Use Tax, totaling approximately \$1.9 million, fund the payment on the bonds.

Mayor Pro Tem Dutrey thanked City Manager McDougal for the report. He noted the City Council has been working on these capital-improvement projects for the last five or six years, projects that the voters themselves approved when they approved the Retail Transactions and Use Tax measure on the November 2004 ballot. He spoke in support of the alternate design concept for the new senior center presented this evening, which reduces the cost of the project by almost \$750,000. He asked if the project would commence in 2010.

City Engineer Hudson stated that staff hopes to advertise for bid proposals on the project next spring.

Council Member Paulitz commended staff for all the work involved in designing a new senior center. As a participant of the Senior Citizen Nutrition Program, he noted the importance of the proposed project and the interest of other seniors in the new facility. He expressed his opinion that the alternate design presented this evening is a "vast improvement" over the original design concept, which he also supported. He noted he would convey the information he learned tonight to other seniors, who will be very grateful for the new multipurpose facility. He stated, "I hope we see it before I leave my term of office" on the Council.

Council Member Ruh commended the estimated cost savings on the alternate design concept presented this evening, which would afford a "much more usable building." He spoke in support of the use of drought-tolerant landscaping instead of turf considering the present drought. He asked if the new building would be energy efficient.

**Mr. Cuomo** answered, "Yes, very much so." Noting R-30 thermal building insulation has been added to the former Police station that is being converted to a youth center, he stated that the new senior facility would have R-19 thermal insulation in the walls, an **ENERGY STAR**-rated reflective roof, and would incorporate other energy-efficient standards, such as natural daylight harvesting, pursuant to **California Code of Regulations Title 24, Part 6 - 2008 Building Energy Efficiency Standards**.

Council Member Ruh inquired as follows:

1. Would public groups have access to the multipurpose rooms in the new building if there were no senior uses planned?

City Engineer Hudson noted such use has been confirmed with the Assistant Director of Human Services, advising that the intent of the new facility would be to offer more usable Civic Center space that could be reserved for various public functions, such as weddings or other purposes, as long as the use does not conflict with senior activities.

Council Member Ruh suggested that renting the facility to outside uses would garner additional support for the center.

2. Are sufficient funds available to complete the conversion of the former Police station to a youth center?

City Engineer Hudson answered, "Yes," noting the youth center is presently out to bid at an estimated cost of \$3.4 million. He advised that staff anticipates bids of less than \$3 million.

Council Member Ruh noted the senior and youth centers are "two very vital functions for this community." He noted the symbiotic nature of the two centers in that one day, the youth of the community could become patrons of the senior center should they remain residents, and many seniors have grandchildren living in the community who will become active in the youth center. He thanked **Mr. Cuomo** for his presentation.

Mayor Eaton likewise thanked **Mr. Cuomo** for his presentation. He stated that he is "very excited" about the new senior center and that he is very pleased with both the alternate design concept and the substantially lower cost of the project.

Council Member Raft expressed her opinion that the new senior center will be "very beautiful" from the design concepts presented this evening, adding that she very much looks forward to its completion. She stated that she had noticed when she volunteered at the senior lunch program that it was outgrowing its present

facility and "really needs a bigger center." She spoke in support of the alternate design concept for the center as well as its considerable cost savings.

## VI. PUBLIC COMMENT

Mayor/Chairman Eaton advised those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card*, and they would be afforded five minutes each to speak on topics that do not appear on tonight's agenda. He added that pursuant to the provisions of the **Ralph M. Brown Act**, the City Council and Agency and MHC Boards are prohibited from taking action on items not listed on the agenda.

- A. **Mr. Don Vodvarka**, 10202 Columbine Avenue, Montclair, spoke as a representative of the **Montclair Kiwanis** club and announced that the club is selling **See's** candy outside **Stater Bros.** market every Friday, Saturday, and Sunday through December 21, 2008, from 10:00 a.m. to 4:00 p.m. He encouraged everyone to buy their **See's** candy Christmas gifts from the **Montclair Kiwanis**, noting all proceeds will benefit Montclair schoolchildren. He thanked the Council for allowing him to advertise this sale.

## VII. PUBLIC HEARINGS

- A. **Approval of Tentative Parcel Map No. 19104 to Subdivide a 2.33-Acre Site Into Two Parcels at 5113-5123 Brooks Street**

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Parcel Map No. 19104 to subdivide a 2.33-acre site into two parcels at 5113-5123 Brooks Street 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 to approve Tentative Parcel Map No. 19104 to subdivide a 2.33-acre site at 5113-5123 Brooks Street into two parcels of 36,900 and 64,437 square feet in size so each parcel could be sold to the existing business owners.

Motion carried as follows:

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

**B. Adoption of Resolution No. 08-2776 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Ms. Sara O. Espinal, Argent Mortgage Services, and Town and Country Title Services and Located at 9570 Poulsen Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2776 authorizing recovery of abatement costs incurred by the City related to property owned by Ms. Sara O. Espinal, Argent Mortgage Services, and Town and Country Title Services and located at 9570 Poulsen Avenue, 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 Council Member Paulitz and seconded by Council Member Raft that the following actions be taken:

1. That Resolution No. 08-2776, 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 9570 Poulsen Avenue, 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 \$455.14 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2776.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2776 was unanimously adopted and the Council determined that the \$455.14 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2776 by the following vote:

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

**C. Adoption of Resolution No. 08-2777 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Mr. Gary Deiner, Fremont Investment and Loan, and Litton Loan Corporation and Located at 5029 Flora Street, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2777 authorizing recovery of abatement costs incurred by the City related to property owned by Mr. Gary Deiner, Fremont Investment and Loan, and Litton Loan Corporation and located at 5029 Flora 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 Council Member Raft and seconded by Council Member Paulitz that the following actions be taken:

1. That Resolution No. 08-2777, 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 5029 Flora 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 \$885.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2777.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2777 was unanimously adopted and the Council determined that the \$885.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2777 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 D-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. **Minutes of Adjourned Joint Council/Agency Meeting of November 3, 2008**

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of November 3, 2008.

**2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 3, 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 November 3, 2008.

**B. Administrative Reports**

**1. Setting a Public Hearing to Receive Public Comment on Allocation and Expenditure of Supplemental Law Enforcement Services Funds**

The City Council set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider public comment on allocation and expenditure of Supplemental Law Enforcement Services funds.

**2. Setting a Public Hearing to Consider Resolution No. 08-2779 Adjusting Transportation Development Impact Fees**

The City Council set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider proposed Resolution No. 08-2779 adjusting transportation development impact fees.

**3. Setting a Public Hearing to Consider Ordinance No. 08-905 Amending Chapters 11.02, 11.18, and 11.22 and Adding Chapter 11.23 to Title 11 of the Montclair Municipal Code Related to Second Dwelling Units**

The City Council set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider proposed Ordinance No. 08-905 amending Chapters 11.02, 11.18, and 11.22 and adding Chapter 11.23 to Title 11 of the Montclair Municipal Code related to second dwelling units.

**4. Setting a Public Hearing to Consider Ordinance No. 08-906 Amending Chapter 10.02 and Adding Chapter 10.46 to Title 10 of the Montclair Municipal Code Related to Abandoned and Vacant Property Registration and Maintenance**

The City Council set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider proposed Ordinance No. 08-906 amending Chapter 10.02 and adding Chapter 10.46 to Title 10 of the Montclair Municipal Code related to abandoned and vacant property registrations and maintenance.

**5. Authorization to Purchase 50 America National Standards Institute (ASTI)-Approved High-Visibility Vests From Stroud Safety Apparel**

The City Council authorized purchase of 50 ASTI-approved high-visibility vests from Stroud Safety Apparel.

**6. Authorization to Advertise for Bid Proposals for the City Yard Women's Locker Room Project**

The City Council authorized staff to advertise for bid proposals for the City Yard Women's Locker Room Project.

**7. Authorization to Advertise for Bid Proposals for the Montera Elementary School Soccer Field Project**

The City Council authorized staff to advertise for bid proposals for the Montera Elementary School Soccer Field Project.

**8. Redevelopment Agency Board of Directors' Authorization to Advertise for Bid Proposals for the Amherst Avenue West Improvement Project**

The Redevelopment Agency Board authorized staff to advertise for bid proposals for the Amherst Avenue West Improvement Project.

**9. 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 Interior Demolition of the Future Youth Center Project**

The City Council approved the following related to completion of the Interior Demolition of the Future Youth Center 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.

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

The City Council approved the City Warrant Register dated December 1, 2008, totaling \$3,069,412.65 and the Payroll Documentation dated September 28, 2008, amounting to \$921,492.96, with \$676,376.13 being the total cash disbursement.

**11. "No Action" on Alcoholic Beverage Permit Application - Joe's Sushi**

The City Council took "No action" on the "On-Sale Beer and Wine" license application of Mi Kyoung Jeong for Joe's Sushi, 5660 Holt Boulevard, Montclair, California.

**C. Agreements**

**1. Approval of *Agreement No. 08-115, the First Amendment to Agreement No. 05-143, a Lease Agreement* by and Between the City of Montclair Redevelopment Agency and Ontario Nissan, Inc., Regarding Property Located at 8752 Monte Vista Avenue**

The Redevelopment Agency Board approved *Agreement No. 08-115, the First Amendment to Agreement No. 05-143, a Lease Agreement* by and between the City of Montclair Redevelopment Agency and Ontario Nissan, Inc., regarding property located at 8752 Monte Vista Avenue.

**D. Resolutions**

**IX. PULLED CONSENT CALENDAR ITEMS**

**D. Resolutions**

**1. Adoption of Resolution No. 08-2780 Rescinding Resolution No. 07-2706 and Redesignating Restricted Parking on Public Streets**

Mayor Pro Tem Dutrey expressed his understanding that Brooks Street had been designated an "unrestricted street" as far as truck parking is concerned. Noting the Public Works Committee has no doubt reviewed this item, he requested clarification on the proposed elimination of parking for trucks having a manufacturer's gross vehicle weight rating of 10,000 pounds or more, or for trailer or commercial equipment, irrespective of weight, on the south side of Brooks Street east of Ramona Avenue.

Director of Community Development Lustro advised that the proposed change to restrict large truck parking along Brooks Street was a direct request from Tri-Alloy Group in conjunction with the company's facility renovation. He noted the company's main concerns were that large trucks parking directly in front of the facility on the south side of Brooks Street obstructed employees' and visitors' sight distance and that trucks parking on the north side of the street directly across from the facility hampered access to the facility's entrance on the east side of the property.

Mayor Pro Tem Dutrey noted truck parking would remain in effect on the north side of Brooks Street except in front of 4570 Brooks Street and in front of **Pomona Valley Workshop**.

Council Member Ruh asked if trucks would generally be allowed to temporarily park in restricted zones while making deliveries.

City Engineer Hudson answered, "There are no exceptions for that; there is no minimum/maximum time permitted for parking." Noting he has observed trucks temporarily parking in a striped median rather than at the curb to offload cars or make arrangements to access a loading dock, he advised that there are currently no provisions in the Montclair Municipal Code for such temporary parking.

Council Member Ruh spoke on behalf of businesses expecting deliveries and truck drivers who find the need to park temporarily on streets to be able to access loading docks, expressing his understanding that trucks kept running on streets while drivers walk to business offices to gain access to loading docks are considered "parked."

City Engineer Hudson concurred that if drivers are not with their trucks, the trucks are "parked." He stated that it would be at the discretion of parking enforcement in such cases, adding that technically the drivers would be in violation of the Code and could be cited. He noted he is unaware of any complaints from truck drivers since the changes related to truck parking were made to the Code a few years ago to accommodate the truck owner who desired to occasionally park his truck in his residential neighborhood.

Council Member Ruh thanked City Engineer Hudson for his report.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council adopt Resolution No. 08-2780 rescinding Resolution

No. 07-2706 and redesignating restricted parking on public streets.

## X. RESPONSE

### A. Public Comment Regarding Construction of Front Porch at 9827 Lindero Avenue

Mayor Eaton asked if staff has communicated with **Mr. Landers**, owner of 9827 Lindero Avenue, the reasons listed in the agenda report on this item that the City would not allow him to construct a covered front porch.

Director of Community Development Lustro answered, "That is correct."

Council Member Paulitz noted some of the homes along Lindero Avenue have a small corner porch and that **Mr. Landers** has a very nice front door, which might be why he desires to add a covered porch to his property. He asked if placing an awning over the front door has been suggested to **Mr. Landers**.

Director of Community Development Lustro advised that adding an awning and the other mitigation measures listed in the agenda report have all been suggested to **Mr. Landers** and that staff would again make these suggestions to him.

Council Member Paulitz thanked Director of Community Development Lustro.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously to receive and file the report.

## XI. COMMUNICATIONS

### A. City Attorney/Agency Counsel

#### 1. Closed Session Pursuant to Section 54956.9(c) of the Government Code Regarding Anticipated Litigation

*1 Potential Case*

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

*City of Montclair v. Bissett*

City Attorney Robbins requested a Closed Session on the above two matters pursuant to respective Government Code Sections 54956.9(c) regarding anticipated litigation and 54956.9(a) regarding pending litigation.

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 Mayor Eaton, Council Member Raft, and he were pleased to attend the **Metrolink Holiday Toy Express 2008** on November 22, 2008, which had its largest turnout since the event's inception. He noted a presentation on the story of **Christmas** was quite impressive and that the **Montclair Walkers Choral Group** entertained everyone with **Christmas** carols. Noting the event was a great opportunity for our children, he thanked Human Services Division for its contribution to the event as well as Fire and Police employees who attended in large numbers to collect toys donated to the **Spark of Love** toy drive.

(b) He noted the 2008 Christmas Tree-Lighting Ceremony would be held Thursday, December 4, 2008, at 7:00 p.m. in the Community Center auditorium. He invited everybody to attend and bring their families and friends.

(c) He congratulated former **Pomona Mayor Norma J. Torrez** who was sworn in today in Sacramento since her election last month to represent the **61st Assembly District**.

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

(a) He noted Mayor Eaton, the Council, and he attended the Montclair Chamber of Commerce's Annual Firefighters Recognition Breakfast at Fire Station No. 1 on November 19, 2008, to honor the following employees:

|                              |   |
|------------------------------|---|
| 2007 Firefighter of the Year | Engineer Greg Poupard                   |
| 2007 Employee of the Year    | Administrative Officer Michael Donley   |
| 2008 Firefighter of the Year | Engineer/Paramedic Tom Dowser           |
| 2008 Employee of the Year    | Code Enforcement Officer Scott Sherwood |

Mayor Pro Tem Dutrey recognized all the contributions of the **Chamber**, staff, and the Fire Department in organizing the event.

- (b) He recognized the Montclair and **Chino Police Departments**, the **California Highway Patrol**, and the **San Bernardino County Sheriff's Department** for their work to bring the perpetrator of a tragic double fatality traffic accident that occurred in 2006 at the intersection of Central Avenue and San Bernardino Street to justice. He noted the perpetrator was convicted on November 12, 2008, on four felony counts including two manslaughter charges in the drunken driving incident that left two young people dead.
  - (c) He recognized the Public Works Department for displaying the festive Christmas decorations along Central Avenue and Moreno Street.
  - (d) He recognized the Police, Fire, and Public Works Departments for their work at the **Metrolink Holiday Toy Express 2008** event two weeks ago.
3. Council Member/Director Paulitz spoke of the controversial billboard incident in Rancho Cucamonga, noting the **City of Rancho Cucamonga** garnered 90 complaints during the one day the message was displayed. He advised that the **City of Rancho Cucamonga** discussed the matter with the sign company, which removed the message "on its own volition." He stated that subsequently, the group advocating separation of church and state that paid for the billboard message believes the **City of Rancho Cucamonga** should not have involved itself in the issue. He noted he intends to write a letter to the Editor of the *Inland Valley Daily Bulletin* to concur with a recent letter from **Rancho Cucamonga** City Manager **Jack Lam** that cities have a duty and responsibility to manage such divisive issues within their boundaries.

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

##### **1. Minutes of Public Works Committee Meeting of October 16, 2008**

The City Council received and filed the Public Works Committee meeting minutes of October 16, 2008, for informational purposes.

##### **2. Minutes of Code Enforcement Committee Meeting of November 17, 2008**

The City Council received and filed the Code Enforcement Committee meeting minutes of November 17, 2008, for informational purposes.

**1. Minutes of Personnel Committee Meeting of November 17, 2008**

The City Council received and filed the Personnel Committee meeting minutes of November 17, 2008, for informational purposes.

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

At 7:55 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:55 p.m., the City Council went into Closed Session regarding anticipated litigation pursuant to Government Code Section 54956.9(c) and potential litigation pursuant to Government Code Section 54956.9(a).

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:15 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding two pending litigation matters, information was received and direction given to staff, and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:16 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Transcribing Secretary