

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
MARCH 2, 2009, AT 6:59 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 6:59 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

City Clerk Jackson noted for the record that Mayor Pro Tem/Vice Chairman Dutrey is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; 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

Absent: Mayor Pro Tem/Vice Chairman Dutrey (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Mr. Loren Martens**, 4285 Benito Street, Montclair, noted he is a long-time Montclair resident, advising that he collected signatures to incorporate the City. He noted the City has been losing businesses along Holt and Mission Boulevards, possibly because of the economic downturn. He suggested the City might devise some

incentives to retain businesses, such as offering them a 25 or 30 percent discount for renewing their business licenses for a two-year period.

Mayor Eaton thanked **Mr. Martens** for his suggestion.

B. Ms. Lupe Y. Esparza, 4785 Harvard Street, Montclair, noted effective next month, she will have resided in Montclair for 13 years and that she is a Southern California native. Noting she enjoys living in the "lovely town" of Montclair in the Inland Empire, she commented as follows:

1. She reported there continues to be a problem with speeding on her street near Monte Vista Avenue, noting she had worked with retired Sergeant Grinstead on the issue in the past. She stated that the issue relates to motorists avoiding San Bernardino Street by taking a "shortcut" along Harvard Street. At times, she advised that vehicles might reach speeds of 50 to 60 miles per hour, which presents a constant danger to her four grandchildren who visit often. She noted **Joshua**, a neighbor's nephew, was struck by a vehicle last summer.

Ms. Esparza requested that either additional 25-mile per hour signs be placed along Harvard Street or speed bumps be installed to curtail speeding.

2. She reported that a group of youth has regularly been gathering and loitering along an area of Helena Avenue and has become "a nuisance to the neighborhood."

Mayor Eaton thanked **Ms. Esparza** for her comments. He told her that Acting Police Chief Jones has implemented a Traffic Division in the Police Department and would be contacting her.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 18728 for a Single-Lot Residential Subdivision for Condominium Purposes on .49 Acre on the South Side of Bandera Street, West of Central Avenue

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18728 for a single-lot subdivision for condominium purposes on .49 acre on the south side of Bandera Street, west of Central Avenue, 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 Ruh that the City Council approve Tentative Tract Map No. 18728 for a single-lot residential subdivision for development of five condominium on approximately .49 acre at 5165-5195 Bandera Street on the south side of Bandera Street, west of Central Avenue.

Motion carried as follows:

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

B. Second Reading – Adoption of Ordinance No. 09-907 Amending Chapter 7.02 and Adding Chapter 7.06 to Title 7 of the Montclair Municipal Code Adopting an Illegal Drugs, Violent Crime, and Gang-Related Crime Eviction Program

Chairman Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-907 amending Chapter 7.02 and adding Chapter 7.06 to Title 7 of the Montclair Municipal Code adopting an Illegal Drugs, Violent Crime, and Gang-Related Crime Eviction Program.

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 Ordinance No. 09-907, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 7.02 and Adding Chapter 7.06 to Title 7 of the Montclair Municipal Code Adopting an Illegal Drugs, Violent Crime, and Gang-Related Crime Eviction Program,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 09-907 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Item D-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of February 17, 2009

The City Council and Redevelopment Agency Board approved the minutes of the Regular Joint City Council/Redevelopment Agency Board meeting of February 17, 2009.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of February 17, 2009

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 February 17, 2009.

B. Administrative Reports

1. Authorization of an Appropriation From the SB 509 Public Safety Fund to Pay the City of Montclair's Portion of San Bernardino County West End Narcotics Enforcement Team's Annual Operating Expenses

The City Council authorized an appropriation from the SB 509 Public Safety Fund to pay the City's portion of San Bernardino County Narcotics Enforcement Team's annual operating expenses.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated March 2, 2009, totaling \$580,330.85 and the Payroll Documentation dated January 4, 2009, amounting to \$652,893.27, with \$477,425.10 being the total cash disbursement.

C. Agreements

1. Award of Contract to Desert Ranger Construction, Inc., in the Amount of \$966,324 for Construction of the Amherst Avenue Improvements West Project

Montclair Housing Corporation and Redevelopment Agency Boards of Directors' Approval of *Agreement No. 09-17* With Desert Ranger Construction, Inc.

Authorization for a \$100,000 Construction Contingency

The Montclair Housing Corporation and Redevelopment Agency Boards took the following actions:

- (a) Awarded a contract to Desert Ranger Construction, Inc., in the amount of \$966,324 for the Amherst Avenue Improvements West Project.
 - (b) Approved *Agreement No. 09-17* with Desert Ranger Construction, Inc., for engineering and design services for the widening of Fremont Avenue between Phillips Boulevard and Tract No. 17422.
 - (c) Authorized a \$100,000 construction contingency.
2. **Rejection of Bids Received From Delta 3 Construction Services, Inc., and United Contractors Company, Inc., as Being Nonresponsive Related to the Interior Remodel and Site Improvements for the New Youth Center Project**

Award of Contract to KPRS Construction Services, Inc., in the Amount of \$2,696,000 for the Interior Remodel and Site Improvements for the New Youth Center Project

Approval of *Agreement No. 09-18* With KPRS Construction Services, Inc.

Authorization of a \$300,000 Construction Contingency

The City Council took the following actions related to the Interior Remodel and Site Improvements for the New Youth Center Project:

- (a) Rejected bids received from Delta 3 Construction services, Inc., and United Contractors Company, Inc., as being nonresponsive.
 - (b) Awarded a contract to KPRS Construction Services, Inc., in the amount of \$2,696,000.
 - (c) Approved *Agreement No. 09-18* with KPRS Construction Services, Inc.
 - (d) Authorized a \$300,000 constitution contingency.
3. **Approval of *Agreement No. 09-19, an Easement Purchase and Sale Agreement* With Lloyd H. Wells, Trustee of the Lloyd Wells Gift Trust Dated November 24, 1987, for Property Located on the West Side of Monte Vista Avenue, South of Brooks Street, in the City of Montclair**

Authorization for City Manager McDougal to Sign *Agreement No. 09-19*

The City Council took the following actions:

- (a) Approved *Agreement No. 09-19*, an Easement Purchase and Sale Agreement with Lloyd H. Wells, Trustee of the Lloyd Wells Gift Trust Dated November 24, 1987, for property located on the west side of Monte Vista Avenue, south of Brooks Street, in the City of Montclair.
- (b) Authorized City Manager McDougal to sign Agreement No. 09-19.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. Adoption of Resolution No. 09-2787 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

Deputy City Manager/Director of Administrative Services Starr advised that staff would recommend this item be approved with the exclusion from Exhibit A (*Report of Delinquent Civil Debts - March 2009*) to Resolution No. 09-2787 of the \$183.88 delinquency owed by **Ms. Lupe Y. Esparza** for her property located at 4785 Council Member Paulitz noted the City Council received a letter this evening from **Ms. Jeanne Koelle** questioning the validity of the proposed lien for a \$148.05 delinquency on her property at 4254 Denver Street, supposedly because **Ms. Koelle's** property management company has not received a trash and sewer bill in 21 years.

Deputy City Manager/Director of Administrative Services Starr clarified that the tenant had been paying the trash and sewer bills until September 2008. He advise that the property owner was notified ten days ago that an item related to placing a lien on her property for the delinquency would be presented for City Council consideration this evening. He added that the property owner took no further action on this matter other than to write the City Council.

Council Member Paulitz asked if **Ms. Koelle** and/or her property management company has been notified that the tenant had been responsible for payment of the trash and sewer charges.

Deputy City Manager/Director of Administrative Services Starr stated that **Ms. Koelle** and her property management company were notified of the potential lien action should the delinquency not be paid.

Council Member Paulitz thanked Deputy City Manager/Director of Administrative Services Starr for the report.

Moved by Council Member Paulitz that the City Council adopt Resolution No. 09-2787 authorizing placement of liens on the 236 accounts listed on Exhibit A to the Resolution for delinquent sewer and trash charges, noting the removal of 4785 Harvard Street.*

Council Member Raft asked for clarification on the large delinquency of \$2,164.38 for 5205 San Bernardino Street.

Deputy City Manager/Director of Administrative Services Starr explained that the property is a multifamily complex and that the amount could represent a three-month delinquency.

City Manager McDougal advised that the address is the 98-unit Heritage Park senior apartment complex.

*Motion seconded by Council Member Raft and carried that the City Council adopt Resolution No. 09-2787 authorizing placement of liens on the 236 accounts listed on Exhibit A to the Resolution for delinquent sewer and trash charges, noting the removal of 4785 Harvard Street.

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 commented as follows:

(a) He noted he was in Washington, DC, over four days last week on behalf of the **San Bernardino Associated Governments** to lobby our Congressional representatives for project funding.

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

(a) He congratulated **Monte Vista Water District (MVWD)** President **Sandra S. Rose** of Chino and Vice President **Maynard Lenhert**, and Director/Auditor **Tony Lopez** of Montclair for being reelected to additional two-year terms on the Board of Directors. He noted they would continue to serve alongside Directors **Philip L. Erwin** and **G. Michael Milhiser**.

- (b) He reported that **Governor Schwarzenegger** declared a state of emergency in California on Friday because of three years of below-average rain and snowfall in California. Under the declaration, he noted the Governor directed state agencies to implement a water-reduction plan and conservation actions and urged urban water agencies to reduce water use by 20 percent. Noting most water usage occurs outdoors, he suggested residents work with the **MVWD** and **Inland Empire Utilities Agency** on long-term solutions to reducing outdoor water usage along with switching to water-efficient plumbing fixtures indoors if they haven't done so already.
- (c) Noting the **City of Upland** will be considering cancellation of its red light camera enforcement program contract with **Redflex Traffic Systems, Inc.**, in a few weeks, he asked if the City contracts with the same company.

Acting Police Chief Jones answered, "No."

- (d) He sadly noted the passing last Thursday of former **State Assembly Member** and **State Senator Nell Soto**, a sixth-generation Pomona native, at the age of 82. He stated that **Ms. Soto** was a long-time advocate in the region for education, children, and the environment and worked tirelessly on transportation and water issues. He noted **Ms. Soto** began her career in public service as a member of the **Pomona City Council** from 1986 to 1998 and from 1998 to 2008 as a member first of the **Assembly**, then **Senate**, and back to the **Assembly** for two years.

Council Member Ruh advised that a rosary for **Ms. Soto** would be held this evening and the funeral mass tomorrow. He stated, "We certainly do wish the family our condolences and our sympathies. She is what some of the legislators have said is the last of the "Old Guard" in Sacramento. May she rest in peace."

- 2. Council Member/Director Raft congratulated Planning Commission Vice Chairman Maynard Lenhart on his reelection to the **MVWD** Board.
- 3. Council Member/Director Paulitz stated that he served with **Ms. Soto** for about four years on the **South Coast Air Quality Management District (SCAQMD)** Board of Directors, during which "she was always a strong advocate for making sure everybody knew the rules and regulations we were promulgating." He noted when they served together on an **SCAQMD** task force that it was very important to her that new

regulations were reported in the *Inland Valley Daily Bulletin* for the benefit of the public. He stated that he "is very sorry to hear about her passing because I've known her for quite a few years."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of January 15, 2009

The City Council received and filed the Personnel Committee meeting minutes of January 15, 2009, for informational purposes.

2. Minutes of Personnel Committee Meeting of February 17, 2009

The City Council received and filed the Personnel Committee meeting minutes of February 17, 2009, for informational purposes.

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

At 7:23 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of iconic local political figure **Nell Soto**, who faithfully served 12 years on the **Pomona City Council** and for 10 years in the **State Legislature**, ending with her retirement from office in December 2008.

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

Yvonne L. Smith
Transcribing Secretary