

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, MAY 4, 2009, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Pastor Larry Brazier, MorningStar Christian Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft led those assembled in the Pledge.

Mayor Pro Tem Dutrey advised that Mayor Eaton underwent surgery last Friday and was able to return home this evening. He stated, "Our prayers are for a speedy recovery" for the Mayor, expressing his hope that Mayor Eaton will be fully recovered by next week.

IV. ROLL CALL

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

Present: 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 Lusto; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

- A. Presentation of \$1,000 Check to the City of Montclair by the Montclair-Ontario Junior Women's Club to Assist with Medical Clinic Senior Programs**

Mayor Pro Tem Dutrey introduced **Ms. Sharon Jule**, President, **Montclair-Ontario Junior Women's Club**.

Ms. Jule presented Mayor Pro Tem Dutrey with a \$1,000 check on behalf of the **Montclair-Ontario Junior Women's Club** for use in Montclair Medical Clinic senior programs.

Photographs were taken of the City Council posing with the check.

B. Proclamation Declaring the City's Commitment to Partner With the United States Census Bureau to Ensure an Accurate Count in 2010

Mayor Pro Tem Dutrey presented a proclamation to **Ms. Shelly Bautista**, Partnership Specialist, **U.S. Census Bureau**, declaring the City's commitment to partner with the **U.S. Census Bureau** to ensure an accurate count in 2010.

Ms. Bautista accepted the proclamation and thanked Mayor Pro Tem Dutrey. She reported that a census is taken every ten years as mandated by the **U.S. Constitution**, the results of which are used to allocate seats in the **House of Representatives**, electoral votes, and \$300 billion to tribal, state, and local government program funding. She spoke of the importance of census reply confidentiality and the harsh penalties for failure to do so.

Ms. Bautista noted the City's return rate in the 2000 census was just 74 percent, which caused the City to forego millions of dollars in public service funding. She discussed her coordination efforts with Director of Community Development Lustro to organize the volunteer Complete Count Committee of community, religious, and government representatives to perform community outreach in the hopes of achieving an accurate count in 2010.

Mayor Pro Tem Dutrey thanked **Ms. Bautista** for her comments. He noted the importance of and the City's commitment to ensuring an accurate census count for Montclair in 2010. He stated, "City staff is here to assist the **U.S. Census Bureau** in any way we can."

Council Member Ruh Inquired as follows:

1. Why was there only a 74 percent return rate in 2000?

Noting the percentage is based on household unit responses in the City, **Ms. Bautista** advised that there are several reasons certain residents would choose not to respond, one being indifference, another being fear of undocumented status, as well as illiteracy among a certain percentage of residents. She emphasized that the Complete Count Committee would be working toward assisting these and other nonparticipating residents to become involved in the 2010 census count.

2. Has the **U.S. Census Bureau** decided between statistical averaging and an actual count?

Ms. Bautista apologized for not having an answer to this question.

Council Member Ruh noted he could find out from someone in Congress. He thanked **Ms. Bautista** for the information.

Council Member Paulitz received clarification that the 26 percent nonresponse rate in 2000 was determined after nonresponse surveys were completed. Noting a portion of the City south of State Street was not counted in the 1970 census, he asked if the **U.S. Census Bureau** would be guided by a map of Montclair showing its current boundaries rather than relying on census tracts, which overlap into other cities.

Ms. Bautista replied that the census count in Montclair as well as its bordering cities is her responsibility, and she will do her best to ensure each jurisdiction receives the most accurate count possible.

Council Member Paulitz thanked **Ms. Bautista** for the information.

Mayor Pro Tem Dutrey noted **Ms. Bautista** has been in communication with Director of Community Development Lustro concerning Montclair's current boundaries.

Council Member Ruh noted learning at a meeting a few months ago on the upcoming 2010 census that geographic information system overlays would be used with the census tracts to determine jurisdictional boundaries.

Ms. Bautista advised that the GIS overlays on census tracts would be coupled with an address canvassing operation, in which census workers ensure the accuracy of addresses along city boundaries utilizing a satellite-based global positioning navigational system.

Mayor Pro Tem Dutrey thanked **Ms. Bautista** for attending the meeting and wished her "good luck on your venture."

VI. PUBLIC COMMENT

- A. **Mr. Loren Martens**, 4285 Benito Street, Montclair, asked if the City's recycling program is contained in the Montclair Municipal Code (MMC).

City Manager McDougal responded that the City's Residential Curbside Recycling and Green Waste Collection Service Program was implemented in 1993 pursuant to **Assembly Bill 939: The Integrated Waste Management Act.**

Deputy City Manager/Director of Administrative Services Starr advised that the City's recycling program is not specifically contained in the MMC.

Mr. Martens noted observing while driving to the meeting tonight several trash containers along Benito Street that contained cardboard. He suggested residents be notified to continue diverting recyclable materials from their trash.

Deputy City Manager/Director of Administrative Services Starr advised that as part of the City's agreement with **Burrtec Waste Industries, Inc.**, trash haulers notify noncompliant residents if recyclable commodities are observed being thrown away in trash containers.

Mr. Martens expressed his opinion that residents should be reeducated about the benefits of diverting recyclable materials from the waste stream.

Mayor Pro Tem Dutrey noted the City's recycling program has been very successful since its inception.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 09-2796 Repealing Resolution No. 94-2018 and Revising the Bail Schedule, Late Penalties, Administrative Fees, and Related Charges for Parking Violations

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Resolution No. 09-2796 repealing Resolution No. 94-2018 and revising the bail schedule, late penalties, Administrative fees, and related charges for parking violations and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem Dutrey 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 Resolution No. 09-2796, entitled, "**A Resolution of the City Council of the City of Montclair Repealing Resolution No. 94-2018 and Revising the Bail Schedule, Late Penalties, Administrative Fees, and Related Charges for Parking Violations,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 09-2796 was adopted by the following vote:

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

B. Adoption of Resolution No. 09-2797 Amending the Fee Schedule for the Control, Regulation, and Boarding of Animals

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Resolution No. 09-2797 amending the fee schedule for the control, regulation, and boarding of animals and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem/Vice Chairman Dutrey 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 Resolution No. 09-2797, entitled, "**A Resolution of the City Council of the City of Montclair Amending the Fee Schedule for the Control, Regulation, and Boarding of Animals,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 09-2797 was adopted by the following vote:

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

C. Second Reading – Consider Adoption of Ordinance No. 09-908 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-908 amending Section 9.20.460 of the Montclair Municipal Code related to the equivalent dwelling unit value.

There being no one in the audience wishing to speak, Mayor Pro Tem/Vice Chairman Dutrey 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 Ordinance No. 09-908, entitled, "**An Ordinance**

of the City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee," be read by number and title only, further reading be waived, and this be declared its second reading.

Second Reading of Ordinance No. 09-908 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

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 Regular Joint Council/Agency/Montclair Housing Corporation Meeting of April 20, 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 April 20, 2009.

B. Administrative Reports

1. Authorization to Advertise for Bid Proposals for the Reroofing of Various City Facilities Project and to Combine It With the Bleacher Storage Project

The City Council authorized staff to advertise for bid proposals for the Reroofing of Various City Facilities Project and to combine it with the Bleacher Storage Project.

2. "No Action" on Alcoholic Beverage Permit Application - DJ's Lounge

The City Council voted "No action" on the "On-Sale General" license application of Ms. Donna Fay Spina and Mr. Joseph Paul Spina for DJ's Lounge, 9525 Central Avenue, Montclair, California.

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

The City Council approved the City Warrant Register dated May 4, 2009, totaling \$1,539,539.35 and the Payroll Documentation dated March 1, 2009, amounting to \$660,941.59, with \$503,381.86 being the total cash disbursement.

C. **Agreements**

1. **Approval of Agreement No. 09-33 Amending the Payment Schedule of Agreement No. 08-04 With the Ontario-Montclair School District to Provide After-School Programs**

The City Council approved *Agreement No. 09-33* amending the payment schedule of *Agreement No. 08-04* with the Ontario-Montclair School District to provide after-school programs.

2. **Approval of Agreement No. 09-34 Amending the Payment Schedule of Agreement No. 09-14 With the Ontario-Montclair School District to Provide After-School Programs**

The City Council approved *Agreement No. 09-34* amending the payment schedule of *Agreement No. 09-14* with the Ontario-Montclair School District to provide after-school programs.

D. **Resolutions - None**

IX. **PULLED CONSENT CALENDAR ITEMS - None**

X. **RESPONSE - None**

XI. **COMMUNICATIONS**

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

B. **City Manager/Executive Director**

1. City Manager/Executive Director McDougal reported that the **Harlem Ambassadors** handily won the game against the **House of Ruth Hoopsters** last Monday night. He noted a photograph taken during the game was prominently displayed on the "JumboTron" in the middle of **Times Square**, New York. He added that there was an excellent turnout for the game, making it a good fundraiser for the **House of Ruth**.

C. **Mayor/Chairman - Absent**

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:
 - (a) He noted his attendance last Tuesday evening at the 28th Annual Volunteer Recognition Dinner. He stated that the senior program has many volunteers from other cities as well as Montclair "because they like the way they are treated. That says a lot about the program."
 - (b) He noted his attendance at the premiere of "The Soloist," the proceeds of which would benefit **Tri-City Mental Health Center**, "which does tremendously good work." He recommended everyone see this excellent film that, along with being entertaining, serves to educate the public about mental health issues.
 - (c) He thanked **Assembly Member Norma Torres** for introducing **AB 576 - Vandalism: Graffiti: Recovery of Costs**, which "will go a long way toward helping solve the problem." He noted he appreciates **Assembly Member Torres's** foresight, adding that she truly understands the graffiti problem from her experience as Mayor and Council Member for the **City of Pomona**.
2. Council Member/Director Raft also noted her attendance at the volunteer banquet and stated, "It's so nice to recognize our volunteers every year to let them know how much we appreciate the many hours they contribute to a number of City programs."
3. Council Member/Director Paulitz commented as follows:
 - (a) He also noted his attendance at the volunteer banquet at which he received comments from a number of Montclair Walker and senior lunch program participants about the excellent dinner. He expressed his disappointment that Assistant Director of Human Services Richter did not arrive at the banquet on horseback.
 - (b) He noted the participation of the **Dutrey** family during yesterday's 12:00 p.m. mass at **Our Lady of Lourdes Catholic Church**, with Mayor Pro Tem Dutrey sprinkling parishioners with holy water, **Mrs. Dutrey** giving communion, stepson **Chris** ushering, and daughter **Janine** bringing up gifts. He told Mayor Pro Tem Dutrey that his entire family's involvement in the mass ceremony was wonderful to see.

Mayor Pro Tem Dutrey thanked Council Member Paulitz for the recognition.

4. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He thanked staff for their hard work to organize last week's Volunteer Recognition Dinner.
 - (b) He thanked the Montclair Police Officers who responded to the recent shooting at **CVS Pharmacy** and the carjacking at the **Olive Garden**.
 - (c) He recognized Code Enforcement Unit and Fire Department staff who facilitated the C.A.U.T.I.O.N. cleanup at the 4900 block of Carlton Street and the east side of the 10900 block of Monte Vista Avenue on Saturday.
 - (d) He noted he visited the Amherst Avenue properties that the Montclair Housing Corporation is presently remodeling last week and thanked all staff members involved in the project for their hard work.
 - (e) He noted Mayor Eaton and his attendance on April 26, 2009, at a **Boy Scouts of America, California Inland Empire Council** Eagle Court of Honor at which 18-yr-old Montclair resident **José Padilla** was honored with an Eagle Scout Award.
 - (f) He noted he would be absent from the May 18, 2009 regular joint meeting because he will be attending the **International Conference of Shopping Centers** trade show in Las Vegas at which he and staff will be working on bringing retail to Montclair.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of April 20, 2009

The City Council received and filed the Code Enforcement Committee meeting minutes of April 20, 2009, for informational purposes.

2. Minutes of Personnel Committee Meeting of April 20, 2009

The City Council received and filed the Personnel Committee meeting minutes of April 20, 2009, for informational purposes.

Mayor Pro Tem Dutrey invited staff to sign a get-well card for Mayor Eaton that Mayor Pro Tem Dutrey would deliver to the Mayor after tonight's meeting.

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

At 7:32 p.m., Mayor Pro Tem/Vice Chairman Dutrey 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