

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, SEPTEMBER 8, 2009, AT 7:00 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 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

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors 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: Council Member/Director Paulitz (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Ms. Liza Harari**, 9812 Geneva Avenue, Montclair, complained about the graphic banners attached to the driver and passenger sides as well as the back of a sport-utility vehicle parked on San Bernardino Street. She expressed her concern, considering the sensitive nature of the images being displayed, on behalf of her children and students who pass by the vehicle as they travel to and from school. She gave the Council photographs depicting the subject banners.

Mayor Eaton told **Ms. Harari** that the Council is aware of the issue and advised that the vehicle owner is protected by his/her **First Amendment** rights.

City Attorney Robbins was directed by the Council to explore the City's jurisdictional or legal rights to remove the banners.

Mayor Eaton advised **Ms. Harari** that she would be contacted with City Attorney Robbins' findings.

Mayor Pro Tem Dutrey asked **Ms. Harari** to leave her telephone number with Director of Community Development Lustro.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

City Manager McDougal requested that Item C-3, "Approval of Agreement No. 09-82 With San Bernardino County to Receive Approximately \$7,225 in Nonmatching Funds From the Emergency Management Performance Grant Program," be withdrawn from the Consent Calendar.

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 Regular Joint Council/Agency/Montclair Housing Corporation Meeting of August 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 August 17, 2009.

B. Administrative Reports

1. Redevelopment Agency Board of Directors' Annual Review of the City of Montclair Redevelopment Agency Exterior Housing Improvement Program and Approval of Certain Recommendations

The Redevelopment Agency Board completed its annual review of the City of Montclair Redevelopment Agency Exterior Housing Improvement Program (EHIP) and approved the following changes to the program recommended by the Real Estate Committee:

- (a) Include rain sensors with new sprinkler systems.

- (b) Reduce the amount of turf area installed to 50 percent or less and continue use of drought-tolerant landscaping.
- (c) Discontinue landscaping improvements during July, August, and September when plants would require more water to become established.
- (d) Develop a pilot program for 20 EHIP recipients willing to eliminate turf from their landscape design plan and agreeing to specific conditions.

2. Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Phase 7 Project

The City Council authorized staff to advertise for bid proposals for the Mission Boulevard Improvement Phase 7 Project.

3. 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.

4. Amendment of the Fiscal Years 2009–2013 Capital Improvement Program Adding the Mills Avenue Alley Improvement Project

Authorization to Advertise for Bid Proposals for the Project

Authorization of City Manager to Award the Project to the Lowest Responsible, Responsive Bidder and to Sign a Construction Contract

The City Council took the following actions related to the Mills Avenue Alley Improvement Project:

- (a) Amended the Fiscal Years 2009–2013 Capital Improvement Program adding the project.
- (b) Authorized staff to advertise for bid proposals for the project.
- (c) Authorized the City Manager to award the project to the lowest responsible, responsive bidder and to sign a construction contract.

5. "No Action" on Alcoholic Beverage Permit Application – 7-Eleven, Inc.

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Frank S. Gambino, Vice President, and Mr. Steve Bonneville, Assistant Secretary, 7-Eleven, Inc., for 7-Eleven, 4875 Mission Boulevard, Units 1 and 2, Montclair, California.

6. "No Action" on Alcoholic Beverage Permit Application – Central Avenue Market

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Jasubha Mayurdhvajsinh, Harhar Mahadev Corporation, for Central Avenue Market, 10132 Central Avenue, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 8, 2009, totaling \$2,248,670.57 and the Payroll Documentation dated June 21, 2009, amounting to \$637,807.84, with \$569,050.07 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 09-79 Amending Agreement No. 08-06 With WLC Architects for Design of the Montclair Youth Center

The City Council approved *Agreement No. 09-79* amending *Agreement No. 08-06* with WLC Architects for design of the Montclair Youth Center.

2. Approval of Agreement No. 09-80 Amending Agreement No. 08-16 With WLC Architects for Design of the Montclair Senior Center

The City Council approved *Agreement No. 09-80* amending *Agreement No. 08-16* with WLC Architects for design of the Montclair Senior Center.

4. Redevelopment Agency Board of Directors' Approval of Agreement No. 09-84, an Exclusive Right to Negotiate Agreement by and between the City of Montclair Redevelopment Agency and National Community Renaissance of California Regarding Property Located at 4113 Kingsley Street

The Redevelopment Agency Board approved *Agreement No. 09-84, an Exclusive Right to Negotiate Agreement*, by and between the City of Montclair Redevelopment Agency and

National Community Renaissance of California regarding property located at 4113 Kingsley Street.

5. Approval of Agreement No. 09-85, a Settlement Agreement With David Farrell Fikel

The City Council approved *Agreement No. 09-85, a Settlement Agreement* with David Farrell Fikel.

6. Approval of Agreement No. 09-86 With the California Department of Education to Provide Summer After-School Programs

The City Council approved *Agreement No. 09-86* with the California Department of Education to provide summer after-school programs.

7. Approval of Agreement No. 09-87, a Purchase and Sale Agreement With Robert D. Kessler and Sira Kessler, Trustees of the Kessler Family Living Trust, Under Declaration of Trust Dated September 12, 2009, for Property Located at 4790 Mission Boulevard in the City of Montclair

The City Council approved *Agreement No. 09-87* with Robert D. Kessler and Sira Kessler, Trustees of the Kessler Family Living Trust, Under Declaration of Trust Dated September 12, 2009, for property located at 4790 Mission Boulevard in the City of Montclair.

D. Resolutions

1. Adoption of Resolution No. 09-2812 Adopting a Measure I Six-Year Capital Improvement Program

Adoption of Resolution No. 09-2813 Adopting a Five-Year Capital Project Needs Analysis

The City Council adopted the following Resolutions:

- (a) Resolution No. 09-2812 adopting a Measure I Six-Year Capital Improvement Program.
- (b) Resolution No. 09-2813 adopting a Five-Year Capital Project Needs Analysis.

2. Adoption of Resolution No. 09-2814 Determining the Status of Local Safety Employee David Farrell Fikel

The City Council adopted Resolution No. 09-2814 determining the status of local safety employee David Farrell Fikel.

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 McDougal announced the public is invited to attend Police Chief Keith Jones' official swearing-in ceremony next Monday, September 14, 2009, at 9:00 a.m. in the Police Department atrium.

Mayor Eaton told Acting Police Chief Jones, "Some of us won't be there, Keith; but our hearts are with you."

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at recent **Metro-link, Omnitrans, and San Bernardino Associated Governments** board meetings.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey sadly noted the passing of Council Member Paulitz's wife, **Connie Paulitz**, last Friday after suffering the same illness for the last five years as her mother and grandmother. He solemnly noted **Mrs. Paulitz** is now "in a better place" and, thankfully, free of pain.

Mayor Pro Tem Dutrey noted he met **Connie** in the mid-1980s after Council Member Paulitz was reelected to the City Council. He anecdotally reminisced that she told Council Member Paulitz, "You're taking advantage of this poor boy! He should be doing something better with his life than campaigning for you," when Mayor Pro Tem Dutrey volunteered during Council Member Paulitz's 1990 reelection campaign. He noted **Connie** worked as a full-time homemaker, devoting her life to their two daughters and four sons. He added that she was typically very quiet and composed unless she had something important to say, and then would speak her mind.

Mayor Pro Tem Dutrey sadly noted he visited **Connie** only once in the last five years because of her illness. He stated, "She was a very special lady in the City of Montclair, along with the **Paulitz** family." He advised that the **Paulitz's** have

lived in Montclair for the past 49 years. He stated, "She will be sorely missed."

Mayor Pro Tem Dutrey announced that **Mrs. Paulitz's** funeral services are this Friday, September 11, 2009, at 10:00 a.m. at **Our Lady of Lourdes Catholic Church**, 10191 Central Avenue, Montclair.

2. Council Member/Director Ruh commented as follows:
 - (a) He noted his sympathies are with the **Paulitz** family during this very sad time. He added that he left a card at the **Paulitz** home Saturday morning.
 - (b) He commended the Montclair, Upland, and Ontario Fire Departments for their quick responses and joint efforts today to extinguish a gas dryer fire in a senior resident's home located in the 5600 block of Benito Street. He advised that, thankfully, the resident safely evacuated the residence and is fine; though, unfortunately, there is extensive damage to the home. He added that the resident seems to be "doing OK now" and does not require assistance.
 - (c) He credited the **Inland Valley Humane Society & S.P.C.A.** with successfully seizing ten underage puppies last week from an illegal dog breeding kennel at a residence in the 9700 block of Kimberley Avenue. He noted such "puppy mills" create unhealthy and harmful conditions for the young animals.
 - (d) He noted his attendance on August 29, 2009, at a Foreclosure Prevention Resource Fair hosted by **Assembly Member Torres** in collaboration with **Representative Napolitano**, guest speaker **Attorney General Jerry Brown**, the **City of Pomona**, and **Neighborhood Partnership Housing Services, Inc.** He expressed his appreciation of all the elected officials who assisted many regional homeowners with loan modification options and financial stability information.
 - (e) He noted while taking his car to a car wash at the **Metro** dealerships recently the large number of vehicle trade-ins for more fuel-efficient models to take advantage of the national cash for clunkers program. He emphasized that each new vehicle purchased in the program represents a significant amount of sales tax revenue to the City.
 - (f) He reported that of 133 nations surveyed by the **World Economic Forum** in its Global Competitiveness Report,

2009–2010, Switzerland was "oddly enough" ranked No. 1 followed by the United States, Singapore, Sweden, Denmark, Finland, Germany, Japan, Canada, and the Netherlands. He advised that Switzerland overtook the US this year because its performance has remained relatively stable, whereas the US has seen a weakening across a number of areas, particularly the massive debt incurred between 2000 and 2006, making the US the largest debtor nation in the world coupled with low savings rates among other problems. Although the US remains very competitive overall, he spoke of the importance of the nation's executive leadership focusing on the reasons for the nation's decline as a world leader so the country might regain economic stability to be competitive in the business environment.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of August 17, 2009

The City Council received and filed the Code Enforcement Committee meeting minutes of August 17, 2009, for informational purposes.

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

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

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

At 7:15 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of **Mrs. Constance Marie "Connie" Paulitz**, beloved wife of Council Member Leonard Paulitz, who sadly passed away on Friday, September 4, 2009, after a long illness.

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

Yvonne L. Smith
Transcribing Secretary