

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON TUESDAY, JANUARY 19, 2010, 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.

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh 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. Introduction of Police Department Promotee

Police Chief Jones introduced Deputy Police Chief Steve Lux, who was promoted to his new position effective January 4, 2010.

Mayor Eaton congratulated Deputy Police Chief Lux on his promotion and presented him with a City pin.

B. Presentation of Military Banners to Montclair Servicemen Who Have Completed Their Military Service

Community Action Committee Chairperson Hollis Judkins presented the following five former Montclair servicemen with banners displayed in the City last year in honor of their military service: brothers **Jonathan J. Wren, Nicholas D. Wren, and Steven M. Wren** (*in absentia*); **Luis Campos**; and **Matt Okamuro** (*in absentia*).

VI. PUBLIC COMMENT

Mayor/Chairman Eaton reminded 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 subjects that do not appear on tonight's agenda.

A. **Ms. Sharon Stevens**, Montclair, stated that she became homeless after an illegal eviction, though she is doing better than most because she has a vehicle. She decried the lack of services in the community for the homeless and appealed to the City to apply for

American Recovery and Reinvestment Act of 2009 funding through the **United States Department of Housing and Urban Development's** Homelessness Prevention and Rapid Rehousing Program. Noting she has been homeless for one year, she asserted that her experience as a caseworker in homeless and battered women's shelters would qualify her to volunteer in the City's endeavor to obtain stimulus funds to help those who are without shelter and services this winter. She reported that currently in Los Angeles County, there are approximately 90,000 homeless individuals and that there are between 50 and 100 homeless in Montclair. She left information on the Homelessness Prevention and Rapid Rehousing Program with staff, expressing her hope that she be called upon as a volunteer to assist the City in obtaining a portion of the \$1.5 billion in federal stimulus money set aside for the program.

Mayor Eaton thanked **Ms. Stevens** for her comments.

VII. PUBLIC HEARINGS

A. **Adoption of Resolution No. 10-2824 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by José F. Carrillo and Silvia L. Chicas and Located at 10179 Lehigh Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 10-2824 authorizing recovery of abatement costs incurred by the City related to property owned by José F. Carrillo and Silvia L. Chicas and located at 10179 Lehigh 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 Mayor Pro Tem Dutrey that the following actions be taken:

1. That Resolution No. 10-2824, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to Report of Cost of Abatement for Property Located at 10179 Lehigh 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 \$1,655.52 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 10-2824.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 10-2824 was unanimously adopted and the Council determined that the \$1,655.52 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 10-2824 by the following vote.

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

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Item C-3 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

City Attorney Robbins advised that the Council's approval of Item B-10, "Consider Placing City Manager Lee C. McDougal on Special Assignment for the Period Beginning March 1, 2010, Through June 29, 2010, or the Date of His Retirement From Active Employment, Whichever Occurs First," will allow City Manager McDougal to facilitate transition of his position to Deputy City Manager Edward Starr, his successor, and to complete specialized projects before he retires related to a best practices study of organizational and operational efficiency, economic development and attainment of federal employment and transportation funds, and advisement on administrative and operational issues. She noted effective March 1, 2010, the City Manager's day-to-day management responsibilities would be assumed by Deputy City Manager Starr and that he would be consulted by Council and staff on matters of City concern. She spoke in support of the item.

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of January 4, 2010

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 January 4, 2010

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 21, 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 December 21, 2009

3. Minutes of Adjourned Joint Council/Agency Meeting of June 15, 2009

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of June 15 2009

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending December 31, 2009

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated January 19, 2010, totaling \$1,373,837 25 and the Payroll Documentation dated December 6, 2009, amounting to \$617,193 16, with \$450,241 47 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending December 31, 2009

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12.01.09-12 31 09 in the amounts of \$9,092.83 for Project I, \$309.37 for Project II, \$135,328.25 for Project III, \$153,657.96 for Project IV, and \$588,536 62 for Project V

5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending December 31, 2009

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 12 01 09-12 31 09 in the amount of \$32,831 37

7. Consider Setting a Public Hearing to Consider Making an Environmental Finding Related to a Proposed Splash Pad Project in Alma Hofman Park Pursuant to the California Environmental Quality Act

The City Council set a public hearing for Monday, February 1, 2010, at 7:00 p.m in the City Council Chambers to consider making an environmental finding related to a proposed splash pad project in Alma Hofman Park pursuant to the California Environmental Quality Act.

8. Consider Setting a Public Hearing to Prioritize Funding for Fiscal Year 2010-11 Community Development Block Grant Projects

The City Council set a public hearing for Monday, February 1, 2010, at 7:00 p.m. in the City Council Chambers to prioritize funding for Fiscal Year 2010-11 Community Development Block Grant projects.

9. Consider Setting a Public Hearing to Consider Ordinance No. 09-912 Adding Chapter 1.16 to the Montclair Municipal Code Regarding Claims Against the City

The City Council set a public hearing for Monday, February 1, 2010, at 7:00 p.m. in the City Council Chambers to consider Ordinance No 09-912 adding Chapter 1 16 to the Montclair Municipal Code regarding claims against the City.

10. Consider Placing City Manager Lee C. McDougal on Special Assignment for the Period Beginning March 1, 2010, Through June 29, 2010, or the Date of His Retirement From Active Employment, Whichever Occurs First

The City Council placed City Manager Lee C. McDougal on special assignment for the period beginning March 1, 2010, through June 29, 2010, or the date of his retirement from active employment, whichever occurs first.

C. Agreements

1. Approval of Agreement No. 10-07 With L. D. King, Inc., in the Amount of \$39,500 for Construction Survey and Staking Services for the Mission Boulevard Improvement Phase 7 Project

Authorization for City Manager to Amend the Agreement

Scope of Services as May be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions

- (a) Approved *Agreement No 10-07* with L. D King, Inc., in the amount of \$39,500 for construction survey and staking services for the Mission Boulevard Improvement Phase 7 Project.
- (b) Authorized the City Manager to amend the Agreement Scope of Services as may be necessary for a total increase not to exceed \$5,000

2. Approval of *Agreement No. 10-09, an Agreement for Consultant Services With David Taussig and Associates, Inc., Regarding Community Facilities District Formation Services*

The City Council approved *Agreement No. 10-09, an Agreement for Consultant Services* with David Taussig and Associates, Inc., regarding Community Facilities District formation services.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

3. Approval of *Agreement No. 10-10 With San Bernardino County for Construction of a Splash Pad at Alma Hofman Park*

Council Member Paulitz reminded the Council that the Mahalia Jackson Memorial Fountain at Alma Hofman Park was so often vandalized it had to be removed after only two years. While he spoke in support of the proposed project, he did express a concern related to ongoing and annually increasing maintenance costs for the splash pad, suggesting its use be restricted to summertime to curtail such costs. He asked if consideration were given to any other alternative infrastructure.

Mayor Eaton advised that it is staff's recommendation the splash pad be operated from around Memorial Day through Labor Day at an annual cost, including maintenance, of approximately \$35,000

City Manager McDougal advised that no other alternatives have been considered

Council Member Ruh noted that though the proposed splash pad would be a nice amenity for Montclair, his concern is that California is currently in a three-year drought; and Southern California and, in particular, this region has certainly been affected. He asked if the City would comply with the same water-conservation measures required of residents and businesses

Council Member Raft expressed her opinion that the community would very much welcome a splash pad water feature at the park and give it a lot of use. She spoke in support of the item so long as its use is restricted for summer use only She concurred with Council Member Ruh regarding the City's compliance with water-conservation requirements.

Mayor Pro Tem Dutrey received confirmation that the water used in the splash pad would be treated and reused as required by law. He commented as follows

- (a) He noted the City has made quite an investment in the youth of the community and announced the grand opening of the new Montclair Youth Center, converted from the former Police station, would be held at 9:30 a.m on Thursday, January 27, 2010. He emphasized that Montclair is one of the few cities in the Inland Empire to provide a youth center and encouraged the public to attend the ceremony.
- (b) He noted the City opened the Montclair Skate Park in late 2004 despite concerns regarding graffiti, trash, and public nuisance conditions.
- (c) He stated that since the City has not offered a summer aquatics program for quite awhile, the proposed water feature would give youth a safe environment to cool off during hot summer months.

Mayor Pro Tem Dutrey commended **Fourth District Supervisor Ovitt** for earmarking County funds for the proposed project and spoke in support of the item.

Supervisor Ovitt advised that a zero-depth splash pad feature provides an opportunity for youth to frolic and shoot water pistols in a safe environment. He clarified that the water for the use is filtered and reused without much loss, adding that maintenance is relatively inexpensive compared to a swimming pool. He stated that he looks forward to working with the City on the project, adding that he would be attending the grand opening of the new Montclair Youth Center.

Mayor Eaton thanked **Supervisor Ovitt** for considering Montclair for the new water feature, noting it would be a great addition to the park.

Moved by Council Member Paulitz, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the City Council approve *Agreement No 10-10* with San Bernardino County for construction of a splash pad at Alma Hofman Park.

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**

Charles Howell v City of Montclair

City Attorney Robbins requested a Closed Session pursuant to Government Code Section 54956.9(a) regarding the above item.

B. **City Manager/Executive Director** – No comments

C. **Mayor/Chairman**

- 1 Mayor Eaton announced that he would be running for reelection in November 2010

D. City Council/Agency Board

1. Council Member/Director Paulitz asked that an item be placed on the February 1, 2010 agenda related to potentially amending the North Montclair Downtown Specific Plan to accommodate a 385-unit multifamily residential project proposed for the site. He noted it is not the intent of the plan to include such a use. He asserted that he has opposed new apartment developments in Montclair during his 32 years on the Council because of the City's many past issues with multifamily rental units. He stated he would be opposed to any future apartment developments not owned by nonprofit organizations.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows
 - (a) He congratulated **Montclair High School** students for raising \$21,000 during its second annual *Miles for Montclair* 5K walk yesterday to support homeless students on campus. He noted Council Member Ruh's attendance when he arrived to donate to the fundraiser and commended the students for organizing this wonderful event on behalf of those in need.
 - (b) Acknowledging **Supervisor Ovitt's** presence at tonight's meeting, he commended the **County of San Bernardino** and **Supervisor/Board Chairman Ovitt** for appointing former **Ontario City Manager Greg Devereaux** as the new San Bernardino County Administrative Officer. He noted **Mr. Devereaux** was successful and did a great job managing the cities of Ontario and Fontana. He expressed his opinion that **Mr. Devereaux** would provide the strong leadership needed to guide the County in the right direction.
 - (c) He noted his attendance at the January 7, 2010 **League of California Cities Inland Empire Division** dinner meeting at which **LCC Public Affairs Consultant Mike Madrid** gave a presentation. He advised that he has a copy of a coalition's (comprised of the LCC, local government, transportation, and public transit leaders) ballot measure initiative, entitled, "Local Taxpayer, Public Safety and Transportation Protection Act," that if approved by the voters in November 2010, would close loopholes and prevent the state from borrowing, raiding, or otherwise redirecting local government (local taxes, property taxes, redevelopment), transportation (Highway Users Tax on gasoline and Proposition 42 funds), and public transit funds. He invited everyone to sign the initiative, which must receive approximately 1 million signatures to qualify for the November 2010 ballot.
3. Council Member/Director Ruh commented as follows
 - (a) He noted his participation with the students in **MHS's Miles for Montclair** walkathon yesterday, despite the rain and cold, to raise \$21,000 for the 200 homeless students on campus. He reported the sad statistic that in San Bernardino County alone under the 1987 **McKinney-Vento Homeless Assistance Act**, there are 12,000 homeless students, a number that is unacceptable. He praised **MHS** students for taking the time, effort, and action in their stand to make their voices heard. He noted it is disconcerting that for almost ten years in the Inland Empire, a mantra for high-cost housing drowned out concerns for the homeless as well as lower wage earners. He noted many of those expensive homes are in now in foreclosure and the former

owners' private airplanes and luxury automobiles have been repossessed. He emphasized the importance of providing increased services and support for the homeless throughout San Bernardino County

Council Member Ruh expressed his hope that MHS students will continue their leadership role in making the homeless issue a priority for all of us because "it is incumbent on each one of us to look deep inside and realize the obtuse sense of social Darwinism that's taken over our society needs to end" Whatever the circumstances causing a person to become homeless, it does not mean they are inferior to those of us who are fortunate enough to have housing, he added. He noted the homeless students simply want the opportunity to finish school; live in a safe, secure environment; and have a chance at being a success in life.

Council Member Ruh recited the **Gospel of St. Matthew**, Chapter 25, Verses 34 through 36, as follows, which describes his philosophy as a human being

Then the King will say to those on his right, 'Come, you who are blessed by my Father; take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.

Council Member Ruh noted we would all do well to remember the **Bible** passage. He commended the MHS students for what they have done for their homeless peers, noting he would be in contact with them "to see what else we can do and find other opportunities to help these students." He advised that the students themselves have started a "clothes closet" for the homeless that has caught on throughout the **Chaffey Joint Union High School District**; clothing donations could be made at MHS and any other high school in the **District**. He thanked the following sponsors for the event: **Bull Outdoor Products, Best Buy, Islands Fine Burgers & Drinks, Southwest Airlines, Starbucks, HoneyBaked Ham, and Adolfo's**. He thanked the sponsors for making a difference to the homeless students, adults, and, sadly, seniors and stated, "We all need to do what we can to help."

- (b) He announced the **United States Census Bureau** will open a temporary local office in Chino Hills on January 26, 2010; those interested in becoming a census worker could call 1-866-861-2010/TTY 1-800-877-8339. Noting Montclair has a Complete Count Committee, he expressed his hope that all residents complete and return their 2010 Census questionnaires, noting the importance of doing so for reapportionment in the State Legislature and Congress as well as to determine an accurate demographic of the City's current population. He advised that the City's Reapportionment Committee is now taking applications from persons who meet eligibility criteria, noting of the 14 individuals

chosen for the Committee, five will be Democrats, five will be Republicans, with the remainder from other political parties balanced between men, women, Asian, Latino, African-American, and other ethnic groups. He advised those interested in applying to leave their information with him

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of January 4, 2010

The City Council received and filed the Personnel Committee meeting minutes of January 4, 2010, for informational purposes.

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

At 7 50 p m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7 50 p.m , the City Council went into Closed Session regarding pending litigation pursuant to Section 54956 9(a) of the Government Code.

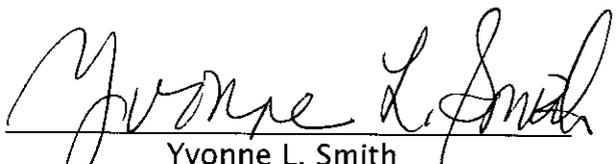
XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:02 p m., the City Council returned from Closed Session Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:03 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