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

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

City Clerk Jackson noted for the record that Council Member/Director Paulitz is absent from tonight's meeting.

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 Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes - None

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 September 30, 2009.

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

The City Council approved the City Warrant Register dated October 19, 2009, totaling $1,273,911.57 and the Payroll Documentation dated August 2, 2009, amounting to $612,090.79, with $442,134.98 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 September 30, 2009.

4. **Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 9.01.09-9.30.09 in the amounts of $67,780.03 for Project I; $4,849.71 for Project II; $938,777.20 for Project III; $444,761.45 for Project IV; $35,068.17 for Project V, and $71,390.26 for the Mission Boulevard Joint Redevelopment Project.

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 September 30, 2009.

6. **Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 9.01.09-9.30.09 in the amount of $125,943.78.

7. **Setting a Public Hearing to Consider Ordinance No. 09-910 Amending Chapter 1.04 of the Montclair Municipal Code Related to issuance of Administrative Citations and Collection of Administrative Citation Fines**

The City Council set a public hearing for Monday, November 2, 2009, at 7:00 p.m. in the City Council Chambers to consider proposed Ordinance No. 09-910 related to the issuance of Administrative Citations and collection of Administrative Citation fees.

8. **Approval of Fire Department Reorganization Proposal Presented at the October 5, 2009 Adjourned Joint Meeting**

The City Council approved the Fire Department reorganization proposal presented at the October 5, 2009 adjourned joint meeting.

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 for Completion of Montclair Police Department Facility Bid Package No. 11-Drywall, Studs, Lath, and Plaster**

Release of Retention 30 Days After Recordation of *Notice of Completion*

The City Council approved the following related to completion of Montclair Police Department Facility Bid Package No. 11-Drywall, Studs, Lath, and Plaster:

(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.

(d) Release of retention 30 days after recordation of *Notice of Completion.*

10. **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 for Completion of Montclair Police Department Facility Bid Package No. 16-Painting, Coatings, and Wall Coverings**

Release of Retention 30 Days After Recordation of *Notice of Completion*

The City Council approved the following related to completion of Montclair Police Department Facility Bid Package No. 16-Painting, Coatings, and Wall Coverings:

(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.

(d) Release of retention 30 days after recordation of *Notice of Completion.*

11. **"No Action" on Alcoholic Beverage Permit Application - Sushi Town**

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Michael and Sue Roybal for Sushi Town, 9047 Central Avenue, Montclair, California.

C. **Agreements**

2. **Approval of *Agreement No. 09-98* Authorizing Mayor Eaton to Sign *Amendment No. 3* to *State Agreement No. 75GS6090* Extending Its Expiration Date to June 30, 2010**

The City Council approved *Agreement No. 09-98* authorizing Mayor Eaton to sign *Amendment No. 3* to *State Agreement No. 75GS6090* extending its expiration date to June 30, 2010.

3. **Authorization for City Manager McDougal to Award a Contract for the Fremont Avenue Improvement Project to Kormx, Inc., in the Amount of $112,955**

Authorization for City Manager McDougal to Sign *Agreement No. 09-99* With Kormx, Inc.

Authorization for a $15,000 Construction Contingency

The City Council authorized the following:

(a) City Manager McDougal to award a contract for the Fremont Avenue Improvement Project to Kormx, Inc., in the amount of $112,955.

(b) City Manager McDougal to sign *Agreement No. 09-99* with Kormx, Inc.

(c) A $15,000 construction contingency.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of *Agreement No. 09-97*, an *Option Agreement* by and Between the City of Montclair Redevelopment Agency and National Community Renaissance of California Regarding Property Located at 4113 Kingsley Street

Vice Chairman Dutrey advised that this item is unique in that it would provide affordable housing for special needs households. He noted the majority of funding for the project would be provided by the U.S. Housing and Urban Development Section 811 Program. He asked if National Community Renaissance of California (NCR) has been successful in partnering with OPARC regarding tenancy and social service needs for the proposed project.

Mr. Alfredo Izmajtovich, Vice President of Acquisitions, NCR, advised that NCR is in discussions and negotiations with OPARC, which has expressed a strong interest, as well as with United Cerebral Palsy as potential partners in the proposed Special Needs Housing Project.

Vice Chairman Dutrey received clarification from **Mr. Izmajtovich** that both organizations are interested in participating and providing different services to potential residents and that NCR would remain the owner of the development. He asked about the status of the Section 811 application process.

Mr. Izmajtovich advised that the application is due November 16, 2009, noting approval of proposed *Option Agreement No. 09-97* is one of the threshold items for the application to be processed.

Vice Chairman Dutrey asked when construction is slated to begin.

Mr. Izmajtovich answered, "Late 2010."

Vice Chairman Dutrey thanked **Mr. Izmajtovich** for the information.

Moved by Vice Chairman Dutrey and seconded by Director Ruh that the Redevelopment Agency Board approve *Agreement No. 09-97*, an *Option Agreement* by and between the City of Montclair Redevelopment Agency and National Community Renaissance of California regarding property located at 4113 Kingsley Street.*

Director Ruh reiterated that the proposed project is quite unique. He noted the City of Monrovia recently was in the process (through a very complicated situation) "of evicting some of the developmentally disabled from some apartments, and it took intervention by the Governor to prevent those evictions. So I think that we are very unique in our forward

thinking on this type of a project because it is certainly necessary, not just here in Montclair but certainly throughout the region. It is a wonderful opportunity, and I am pleased to see that OPARC and United Cerebral Palsy will be partnering together with NCR to offer their individual services to potential residents, perhaps setting an example to other communities of the ability that we have to be inclusive of all of our residents."

*Motion carried as follows:

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

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Oral Report on Written Decision in the Matter of the Appeal of Matthew Eaton

City Attorney Robbins reported that an Appeal Hearing took place on September 29, 2009; and at that time, the City Council unanimously voted to deny the appeal of **Mr. Eaton** and uphold the written decision of the Hearing Officer.

2. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

Property:	*10307 Mills Avenue*
Negotiating Parties:	*City of Montclair Redevelopment Agency, Montclair Family Housing Partners, L.P., and Len's Market*
Negotiators:	*Director of Redevelopment/Public Works Staats; Assistant Director of Redevelopment Caldwell; Alfredo Izmajtovich, Vice President of Acquisitions, National Community Renaissance of California (property owner); and Chris Choe, Owner, Len's Market*
Under Negotiation:	*Recommendations Regarding Purchase of Lease Interest*

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Section 54956.8 of the Government Code.

B. City Manager/Executive Director - No comments

1. In follow up to his memorandum to the Council last week, City Manager McDougal advised that the **Kaiser Permanente Medical Care,** Ontario, facility canceled his third knee surgery because the facility is unable to accommodate patients, such as himself, suffering from sleep apnea. He noted his surgery is being rescheduled at **Kaiser Permanente Fontana Medical Center.**

C. Mayor/Chairman - No comments

D. City Council/Agency Board

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

   (a) He noted his attendance on October 10, 2009, at the Fire Department Open House and Pancake Breakfast, which had an excellent turnout because of the Fire Department's special outreach to community schools. He recognized Fire Department staff and the Montclair Fire Fighters Association and **Mt. San Antonio College Fire Technology Club,** among other organizations, for their contributions toward making the event a success.

   (b) He noted he toured the Ramona Avenue/Union Pacific Railroad Grade Separation Project with City Engineer Hudson last Friday. He noted the project has come a long way in the last four weeks, with the bridge beginning to appear. He advised that the project should be completed by May or June 2011. He added that City Engineer Hudson is optimistic that construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project would begin in 2011.

   Mayor Pro Tem Dutrey thanked City Engineer Hudson for the tour and encouraged anyone interested to contact City Engineer Hudson for a tour of the project.

2. Council Member/Director Ruh commented as follows:

   (a) He noted he was unable to attend the Fire Department Open House because he was out of town at a work conference. He noted he was pleased with the large turnout at the event and expressed his hope that it generated more subscriptions to the Emergency Medical Services Subscription Program.

   (b) He noted the Montclair Medical Clinic would conduct an H1N1 flu vaccine clinic on Tuesday, October 20, 2009, from 9:00 a.m. to 12:00 p.m. He noted the vaccinations would cost $2 apiece, advising that Montclair is one of the few cities in the area offering low-cost flu vaccinations. He expressed his hope that residents and the public would take advantage of the City's flu vaccine clinic.

   (c) He announced the City would hold its annual Halloween Fun Day on Saturday, October 31, 2009, at 4:30 p.m. in the Montclair Community Center. The City encourages all children and the "young at heart" to participate wearing their costumes to the festive fun-filled event, he added.

   (d) He noted he would give the Council a copy of a report developed by a consortium of chamber of commerce, business, labor, and green environmental interests on meeting the demands of a 21st Century economy that discusses California's forgotten middle-skill jobs that are relatively high paying and critical to the state's economic success. He noted **Chaffey College** offers an excellent vocational training program for many of these types of professions, advising that what is unique about these jobs is that they require lifetime education to be maintained. He suggested the City and region consider attracting the types of businesses that cater to the

middle-skill workforce to solidify retailing in the community "as we move forward into a new economy." Pursuant to the report, by 2014, 50 percent of the jobs needed in California will be of middle-skill professions, he added.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of July 16, 2009

The City Council received and filed the Public Works Committee meeting minutes of July 16, 2009, for informational purposes.

2. Minutes of Personnel Committee Meeting of October 5, 2009

The City Council received and filed the Personnel Committee meeting minutes of October 5, 2009, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation of Annexation Fiscal Impact Study

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, November 2, 2009, at 5:45 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:26 p.m., Mayor Eaton adjourned the City Council to Monday, November 2, 2009, at 5:45 p.m. in the City Council Chambers.

At 7:26 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7:26 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 7:35 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 7:36 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Monday, November 2, 2009, at 5:45 p.m. in the City Council Chambers.

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

Yvonne L. Smith
Transcribing Secretary