MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, NOVEMBER 2, 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

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

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 09-910 Amending Chapter 1.04 of the Montclair Municipal Code Related to the Issuance of Administrative Citations and Collection of Administrative Citation Fines

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-910 amending Chapter 1.04 of the Montclair Municipal Code related to the issuance of Administrative Citations and collection of Administrative Citation fines 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 Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 09-910, entitled **"An Ordinance of the City Council of the City of Montclair Amending Chapter 1.04 of the Montclair Municipal Code Related to the Issuance of Administrative Citations and Collection of Administrative Fines,"** be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 09-910 was unanimously adopted by the following vote:

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

Mayor Pro Tem Dutrey advised that the Code Enforcement Committee, comprised of Council Member Paulitz and himself, revised the Montclair Municipal Code Section related to Administrative Citations to expedite the recovery and collection of delinquent administrative fines.

VIII. CONSENT CALENDAR

Council Member Raft requested that Item A-2 be removed from the Consent Calendar for comment.

Mayor Pro Tem Dutrey requested that Item C-4 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:

A. Administrative Reports

1. Consider Setting a Public Hearing to Receive Public Comment on the Allocation and Expenditure of Supplemental Law Enforcement Services Grant Funds

The City Council set as public hearing for Monday, November 16, 2009, at 7:00 p.m. in the City Council Chambers to receive public comment on the allocation and expenditure of Supplemental Law Enforcement Services Grant funds.

3. Provision of Conceptual Approval to Participate With the San Bernardino Associated Governments in a Coordinated Regional Greenhouse Gas Inventory and Reduction Plan and Related Environmental Impact Report

The City Council provided conceptual approval to participate with the San Bernardino Associated Governments in a coordinated regional Greenhouse Gas Inventory and Reduction Plan and related Environmental Impact Report.

4. Acceptance of Quitclaim Deed From Harold W. and Peggy C. McCoy and Carl L. McCoy for Property Located on the East Side of Monte Vista Avenue, South of State Street, in the City of Montclair

The City Council accepted a Quitclaim Deed from Harold W. and Peggy C. McCoy and Carl L. McCoy for property located on the east side of Monte Vista Avenue, south of State Street, in the City of Montclair.

5. Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Project-Phase 8

Authorization of City Manager to Award Construction Contract to and Execute Agreement With Lowest Responsible, Responsive Bidder That Includes a Construction Contingency of 10 Percent

The City Council took the following actions:

(a) Authorization to advertise for bid proposals for the Mission Boulevard Improvement Project-Phase 8.

(b) Authorized the City Manager to award a construction contract to and execute an agreement with the lowest responsible, responsive bidder that includes a construction contingency of 10 percent.

6. **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 the Public Works Corporate Yard Above-Ground Fuel Tank Project**

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

The City Council approved the following related to completion of Public Works Corporate Yard Above-Ground Fuel Tank Project:

(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.*

7. **Declaration of Three Vehicles and One Trailer as Surplus and Authorization for Two Vehicles and One Trailer to be Sold by Ken Porter Auction Systems on Behalf of the City of Montclair and One Vehicle to be Salvaged for Parts and Sold for Scrap Metal**

The City Council declared the following vehicles and trailer as surplus and authorized the 2002 Ford Crown Victoria (Vehicle Identification No. 2FAHP71W43X171954), the 1992 Chevrolet Caprice, and the 1979 Zieman tilt trailer to be sold by Ken Porter Auction Systems on behalf of the City of Montclair and the remaining 2002 Ford Crown Victoria (Vehicle Identification No. 2FAHP71WD3X171952) to be savaged for parts and sold for scrap metal:

Department	*Year and Model*	*Serial/Vehicle Identification Number*	*Mileage*	*Estimated Sales Price*
Public Works	1979 Zieman tilt trailer	Z 0-050311	N/A	$800
Police	2002 Ford Crown Victoria	2FAHP71WD3X171952	95,232	N/A
Police	2002 Ford Crown Victoria	2FAHP71W43X171954	107,379	$900
Community Development	1992 Chevrolet Caprice	1G1BN5374NR146865	109,115	$750

8. **Authorization to Purchase, Deliver, and Install Office and Activity Room Furniture From Global CMAS for the New Youth Center**

The City Council authorized purchase, delivery, and installation of office and activity room furniture from Global CMAS for the new Youth Center.

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

The City Council approved the City Warrant Register dated November 2, 2009, totaling $2,473,558.50 and the Payroll Documentation dated August 16, 2009, amounting to $592,303.76, with $439,074.22 being the total cash disbursement.

B. **Agreements**

1. **Approval of *Agreement Nos. 09-101* and *09-102* With Keith Alan Ealy for Business Self Moves in Conjunction With the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project and Authorize City Manager to Sign the Agreements**

The City Council approved *Agreement Nos. 09-101* and *09-101* with Keith Alan Ealy for business self moves in conjunction with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project and authorized City Manager to sign the Agreements.

2. **Approval of *Agreement No. 09-103* With Mt. San Antonio Community College District to Continue Providing a Comprehensive Fitness Program for the Fire Department**

The City Council approved *Agreement No. 09-103* with Mt. San Antonio Community College District to continue providing a Firefighter comprehensive fitness program for the Fire Department.

3. **Approval of *Agreement No. 09-94* With Ontario-Montclair School District to Provide After-School Programs**

The City Council approved *Agreement No. 09-95* with the Ontario-Montclair School District to provide After-School Programs.

4. **Approval of *Agreement No. 09-95* With the California Department of Public Health to Provide a Nutrition Education Program**

The City Council approved *Agreement No. 09-95* with the California Department of Public Health to provide a nutrition education program.

5. **Approval of *Agreement No. 09-96* With the San Bernardino County Department of Aging and Adult Services to Provide Funding From the American Recovery and Reinvestment Act of 2009 for the Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 09-96* with the San Bernardino County Department of Aging and Adult Services to provide funding from the American Recovery and Reinvestment Act of 2009 for the Senior Citizen Nutrition Program.

C. **Resolutions**

1. **Adoption of Resolution No. 09-2817 Rescinding Resolution No. 08-2780 Designating Restricted Parking on Public Streets**

The City Council adopted Resolution No. 09-2817 rescinding Resolution No. 08-2780 designating restricted parking on public Streets.

2. **Adoption of Resolution No. 09-2818 Authorizing Mayor Eaton to Sign the Right-of-Way Certification for the Mission Boulevard Corridor Improvement Project-Phase 8**

The City Council adopted Resolution No. 09-2818 authorizing Mayor Eaton to sign the right-of-way certification for the Mission Boulevard Corridor Improvement Project-Phase 8.

3. **Adoption of Resolution No. 09-2819 Approving the Sewer System Management Plan**

The City Council adopted Resolution No. 09-2819 approving the Sewer System Management Plan.

5. **Adoption of Resolution No. 09-2821 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 09-2821 authorizing the placement of liens on 269 accounts listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

A. Administrative Reports

2. **Consider Authorization of a $45,833 Appropriation to Employ One Additional Learning Leader Coordinator for the Lehigh Elementary After-School Program**

Council Member Raft asked if the proposed After-School Education and Safety Program grant allocation of $45,833 would be the cost to employ a Learning Leader Coordinator for more than one year.

City Manager McDougal responded that the amount would pay for one year's salary and benefits for the position.

Moved by Council Member Raft, seconded by Council Member Paulitz, and carried unanimously that the City Council authorize a $45,833 appropriation to employ one additional Learning Leader Coordinator for the Lehigh Elementary After-School Program.

C. Resolutions

4. **Adoption of Resolution No. 09-2820, a Resolution Approving the Form of and Authorizing the Execution and Delivery of *Agreement No. 09-104,* a *Purchase and Sale Agreement,* and Related Documents With Respect to the Sale of the City of Montclair's Proposition 1A Receivable From the State and Directing and Authorizing Certain Other Actions in Connection Therewith**

Mayor Pro Tem Dutrey advised that in July 2009, the Governor declared a fiscal emergency and signed ABX4 14 and ABX4 15 into law as part of the 2009 Budget Act, which represented a comprehensive solution to the state's 14.6 billion budget shortfall. He stated that last month, in an effort to minimize the impact that borrowing property taxes would have on local agencies, the Governor signed Senate Bill 67 providing for implementation of a Proposition 1A Securitization Program proposed by the Legislature that authorizes a joint powers authority (California Communities Development Authority) to issue Proposition 1A bonds. He asked if the City would receive its $649,979 Proposition 1A Receivable during this fiscal year.

Deputy City Manager/Director of Administrative Services Starr answered, "Yes, it will go back into the General Fund reserve."

Mayor Pro Tem Dutrey asked if the possibility that the state will divert gas tax funds from local government during Fiscal Year 2009-10 still exists.

Deputy City Manager/Director of Administrative Services Starr answered, "Yes, the state is still planning to divert gas tax revenues during the 2009-10 and 2010-11 fiscal years and beyond."

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried unanimously that the City Council adopt Resolution No. 09-2820, a Resolution approving the form of and authorizing the execution and delivery of *Agreement No. 09-104,* a *Purchase and Sale Agreement,* and related documents with respect to the sale of the City of Montclair's Proposition 1A Receivable from the state and directing and authorizing certain other actions in connection therewith.

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel**

1. **Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiators**

Agency: *City of Montclair*

Employee Organizations: *City Manager*
Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association

2. **Closed Session Pursuant to Section 54957 of the Government Code**

Public Employee Appointment, Employment, or Evaluation of Performance

City Manager/Executive Director

City Attorney Robbins requested a Closed Session on the above two matters pursuant to Government Code Section 54957.6 regarding conference with designated labor negotiators and Section 54957 regarding public employee appointment, employment, or evaluation of performance.

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

C. **Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

(a) He noted his attendance with Mayor Pro Tem Dutrey on October 22, 2009, at the City's *Lights on After School 2009 - the Colorful Lives of Children* celebration. He noted the great turnout for the event that highlighted the artwork of and musical performances by After-School Program participants.

(b) He noted he enjoyed attending **Our Lady of Lourdes Catholic School's** 50th Anniversary celebration on October 24, 2009, at which he presented certificates to **Sister Fidelma,** principal of the school, and to the **Presentation Sisters.** Noting the event was very well attended by over 800 participants, he recognized Assistant Director of Human Services Richter for doing a "great job" coordinating the event.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

   (a) He also noted he very much enjoyed attending **Our Lady of Lourdes Catholic School's** 50th Anniversary celebration and that over a thousand parishioners attended Mass before the event.

   (b) He noted his attendance with Council Member Ruh last Saturday at the annual Children's Halloween Party, which had a great turnout.

   (c) Concerning Section VIII, "Consent Calendar," Item A-3, "Consider Providing Conceptual Approval to Participate With the San Bernardino Associated Governments (SANBAG) in a Coordinated Regional Greenhouse Gas Inventory and Reduction Plan and Related Environmental Impact Report," on tonight's agenda, he noted in the 12 years he spent on the **South Coast Air Quality Management District (SCAQMD)** Board of Governors and as a member of the **SCAQMD** Technology Committee, the focus was on controlling major pollutants, notably, mono-nitrogen oxides (NOx), sulfur, mercury, and lead. He advised that **Senate Bill 375 - Redesigning Communities to Reduce Greenhouse Gases** is attempting to control carbon dioxide, "the very thing we breathe out," by curbing urban sprawl. He expressed his opinion that the issue of global warming has since been renamed "climate change" because scientists and climatologists have discovered over the last decade that the average global surface temperature experienced a slight decrease, or cooling. He advised that as the "Earth has been around between five to seven billion years, we are not going to control any of this."

2. Council Member/Director Raft also noted her attendance at the Children's Halloween Party, which was very much enjoyed by all attendees.

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

   (a) He commended the **Metropolitan Transportation Authority (MTA)** for unanimously voting at a recent meeting to place the Gold Line Foothill Extension Phase 2A light-rail project into its Long-Range Transportation Plan. He expressed his hope that the **MTA** would continue to move forward to obtain federal New Starts Program funding and secure other federal funding resources needed to combat gridlock and its effects, create jobs, and invest in an infrastructure to improve access to the region.

   (b) He noted he was pleased to attend the *Lights on After School 2009* celebration with his daughter, who very much enjoyed the event. He stated that it presented a great opportunity to see the activities in which After-

School Program participants are involved. He expressed his pride in this worthwhile program.

(c) He noted the Police Department is working hard to apprehend the suspects in a shooting that took place in Montclair last Friday.

(d) He noted the Crime Suppression Unit hosted a multiagency (Montclair, Ontario, Upland, and Chino Police Departments; State Parole and Probation; and San Bernardino County Sheriff's Department) gang sweep on October 16, 2009, of the oldest, largest, most-active street gang in Montclair. He stated that 18 arrests were made from the joint effort.

(e) He noted he was unable to attend the Children's Halloween Party this year. He advised that his daughter **Janine** would like to tell Mayor Eaton that the monster in the West Lobby by the name of **"Edward Starr"** is "very scary," and she requests that it not be there next year! He noted he gave her no guarantees that it wouldn't.

4. Council Member/Director Ruh commented as follows:

(a) He also noted his attendance at **Our Lady of Lourdes Catholic School's** 50th Anniversary celebration. He noted it was very good to see how active the nuns are, some of them well into their 90s, who taught his Confraternity of Christian Doctrine classes at the church from first grade through his early high school years. He noted he appreciated hearing the message from the auxiliary **Bishop** who explained a bit of the history of the Irish **Presentation Sisters** in that their foundress, **Honora (Nano) Nagle,** began the order because at that time in Ireland, Catholics were forbidden by the English to be educated in the public education system. **Sister Nano Nagle** decided she would form the order and educate Catholic children in private schools, he added, and that the **Bishop's** message emphasized the importance of remembering the history of discrimination and that each of us must refrain from discriminating against those around us for whatever reason and to simply live the correct and good way.

(b) He noted his attendance on October 25, 2009, at the **Festival Cardenas** event at the **Auto Club Speedway.** Noting he met **Mr. Jesus Cardenas,** the founder of the supermarket chain, he advised that the company is in the process of expanding to offer a greater variety of products.

Mayor Eaton noted he was already committed to attend another event by the time he received his invitation to the event.

Council Member Ruh noted the event was well attended by a number of public officials.

Council Member Raft noted her attendance at last year's event at which she learned the company would be expanding.

(c) He noted there certainly was a tremendous turnout at the Children's Halloween Party and that, in fact, a large group arrived at 8:00 p.m. He commended Human Services Division for organizing the fun-filled event.

Mayor Eaton asked if Council Member Ruh dressed his dog in a costume.

Council Member Ruh responded that his dog was dressed as "cowpugula."

(d) He noted a recent article in the ***Riverside Press-Enterprise*** reported that inland water agencies did not fully agree with **Senate Bill 7 - Water Conservation (Steinberg)** pending in the State Capitol, specifically, the legislation's approach to encouraging water conservation and how that could affect water users in the state's warmer, drier regions where suburbs and lawns are the norm. He stated that inland regions are a desert and should plan accordingly with the appropriate drought-tolerant native landscaping or artificial turf so that there will be enough drinking water for the populace.

(e) He thanked **U.S. Representative Dreier** for his many years of work to obtain federal funding for the Gold Line Foothill Extension Phase 2A light-rail project. He noted some **MTA** board members would prefer to place higher priorities on projects in the Los Angeles area, such as the Regional Connector Transit Corridor and Westside Subway Extension, than to projects such as the Foothill and Eastside extensions of the Gold Line and the Crenshaw-South Bay Transit Corridor, which would provide more of a regional benefit and would be more likely to win federal funding. He cited a recent newspaper article that reported the advantage of one day being able to access quite a number of higher education institutions between East Los Angeles and Claremont, and perhaps the route would then be referred to as the "education line" rather than the Gold Line.

(f) He noted he was unable to attend the *Lights on After School 2009* event because of work.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 19, 2009

The City Council received and filed the Personnel Committee meeting minutes of October 19, 2009, for informational purposes.

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

At 7:22 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:22 p.m., the City Council went into Closed Session regarding conference with designated labor negotiators pursuant to Government Code Section 54957.6 and public employee appointment, employment, or evaluation of performance pursuant to Government Code Section 54957.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:32 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding the following two separate issues: (1) labor negotiations; and (2) public employee appointment, employment, and/or evaluation of performance; information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:33 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