

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON TUESDAY, SEPTEMBER 7, 2010, AT 7:03 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 7:03 p.m.

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, 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 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 New Employees

Police Chief Jones introduced **Mr. Scott Jones**, who was appointed to the position of Police Officer effective August 9, 2010. He noted Officer Jones graduated from the **Los Angeles County Sheriff's Academy** on December 5, 2008, and most recently worked as a Bailiff at the **Metropolitan Courthouse** of the **Los Angeles Superior Court** and, prior to that, as a Deputy Sheriff assigned to the **Los Angeles County Sheriff's Department Men's Central Jail**.

Mayor Eaton welcomed Officer Jones to the Montclair City family and presented him with a City pin.

B. Introduction of New Community Action Committee Members

Director of Community Development Lustro introduced new Community Action Committee (CAC) Member Peggy Banas. He noted Member Banas has lived in Montclair for 28 years and was recognized in 2008 as the City's Volunteer of the Year as well as Montclair's Community Hero at the **L.A. County Fair** for her work with **Montclair Meals on Wheels** since 2000.

Mayor Eaton welcomed CAC Member Banas to the Montclair City family and presented her with a City pin.

Director of Community Development Lustro introduced new CAC Member Maureen Havlena. He noted Member Havlena has worked for 20 years as the business manager of **Our Lady of Lourdes Catholic School** and has also worked at the **L.A. County Fair** for the past 23 years.

Mayor Eaton welcomed new CAC Member Havlena to the Montclair City family and presented her with a City pin.

C. Presentation of *Certificates of Appreciation* to Outgoing Community Action Committee Members Darleen Hartman and Edward Cook for Their Many Years of Service to the Community

Director of Community Development Lustro presented outgoing CAC Members Darleen Hartman and Edward Cook (*in absentia*) with *Certificates of Appreciation* for their many years of dedicated service to the Montclair community. He noted **Ms. Hartman** coordinated the Montclair Skate Park project and was active in the CAC's fundraisers for the project.

Ms. Hartman thanked Mayor Eaton for the *Certificate*.

D. Presentation of *Certificates of Recognition* to Target and Heart of America Foundation in Appreciation of Their Generous Contributions to the Monte Vista Elementary School's Library Makeover

Mayor Eaton presented *Certificates of Recognition* to **Ms. Marybeth Lacy** and **Ms. Jenni Erickson**, Market Captains for **Target Corporation** and liaisons between **Heart of America** and the **Target** team, and Montclair **Target** Manager **Jaime "JP" Perez**, who coordinated volunteers to pack books at the **Monte Vista Elementary School** Library prior to the makeover. He thanked the representatives for their work on this project and for all that **Target** does for the community.

The **Target** representatives thanked Mayor Eaton for the *Certificate* and indicated they would deliver the **Heart of America Certificate** to **Monte Vista Elementary School** Principal **Sultana Dixon**, who was unable to attend the meeting.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

City Manager/Executive Director Starr asked that Item B-4, "Approval of Parcel Map No. 2010-1 for Three Parcels Located at 10543 Mill Avenue/ Consider Acceptance of Grant Deed No. 1658, an Easement for Construction, Reconstruction, Maintenance, and Use of Public Street and Appurtenances for One of These Three Parcels Located at 10543 Mills Avenue," be continued to a future meeting.

Moved by Council Member/Director Ruh, 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 16, 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 August 16, 2010.

B. Administrative Reports

1. Setting a Public Hearing to Consider Ordinance No. 10-916 Amending Chapters 11.02, 11.18, and 11.38 and Adding Chapter 11.19 to the Montclair Municipal Code Related to Accessory Structures in Single-Family Residential Zones

The City Council set a public hearing for Monday, September 20, 2010, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 10-916 amending Chapters 11.02, 11.18, and 11.38 and Adding Chapter 11.19 to the Montclair Municipal Code related to accessory structures in single-family residential zones.

2. Setting a Public Hearing to Consider Ordinance No. 10-917 Adding Chapter 6.26 to Title 6 of the Montclair Municipal Code Related to the Splash Pad at Alma Hofman Park

The City Council set a public hearing for Monday, September 20, 2010, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 10-917 adding Chapter 6.26 to Title 6 of the Montclair Municipal Code related to the Splash Pad at Alma Hofman Park.

3. Setting a Public Hearing to Consider a Plan Amendment for Fiscal Year 2010-11 Community Development Block Grant Projects

The City Council set a public hearing for Monday, September 20, 2010, at 7:00 p.m. in the City Council Chambers to consider a Plan Amendment for Fiscal Year 2010-11 Community Development Block Grant projects.

5. Authorization of a \$9,200 Appropriation From the Contingency Account to Hire Emergency Medical Services Initiative to Update and Enhance the City's Hazard Mitigation Plan

Authorization to Receive \$9,200 From the Homeland Security Grant Program to Reimburse the City for This Expenditure

The City Council authorized the following:

- (a) A \$9,200 appropriation from the Contingency Account to hire Emergency Medical Services Initiative to update and enhance the City's Hazard Mitigation Plan.
- (b) Receipt of \$9,200 from the Homeland Security Grant Program to reimburse the City for this expenditure.

6. Declaring Certain City Property as Surplus and Authorized for Destruction

The City Council declared the following weapons as surplus and authorized for destruction:

Remington Model 870 shotgun, Serial No. 1211007V
Remington Model 870 shotgun, Serial No. V110059V
Remington Model 870 shotgun, Serial No. V110212V
Make unknown muzzle loader, two-shot pistol, Serial No. 00083

7. "No Action" on Alcoholic Beverage Permit Application – Mi Pueblo Market

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Ms. Maria Delia Figueroa de Moreira for Mi Pueblo Market, 5002 Holt Boulevard, Montclair, California.

8. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 7, 2010, totaling \$1,795,104.93 and the Payroll Documentation dated July 4, 2010, amounting to \$601,957.48, with \$441,078.20 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 10-103, the Second Amendment to Agreement No. 92-38, a National Pollutant Discharge Elimination System Stormwater Implementation Agreement With the County of San Bernardino, the San Bernardino County Flood Control District, and Co-Permittee Cities

The City Council approved *Agreement No. 10-103, the Second Amendment to Agreement No. 92-38, a National Pollutant Discharge Elimination System Stormwater Implementation Agreement* with the County of San Bernardino, the San Bernardino County Flood Control District, and co-permittee cities.

2. Approval of Assigning Agreement No. 09-129, a Communication Site Lease With T-Mobile West Corporation, to Mobilitie Investments II, LLC, Through Agreement No. 10-104 Regarding the Alma Hofman Park Cellular Tower

The City Council approved *Agreement No. 09-129, a Communication Site Lease* with T-Mobile West Corporation, to Mobilitie Investments II, LLC, through *Agreement No. 10-104* regarding the Alma Hofman Park cellular tower.

3. Redevelopment Agency Board of Directors' Approval of Rehabilitation Grant Agreement No. 10-105 by and Between the City of Montclair Redevelopment Agency and One Exterior Housing Improvement Program Participant

The Redevelopment Agency Board approved *Agreement No. 10-105* by and between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program participant Ms. Lorraine M. Lara for 9955 Greenwood Avenue.

4. Award of Contract to Creative Contractors Corp. for the Replacement of Playground Equipment at Alma Hofman Park Project

Approval of *Agreement No. 10-106* With Creative Contractors Corp. in the Amount of \$142,427

Authorization of a \$15,000 Construction Contingency

The City Council took the following actions:

- (a) Awarded a contract to Creative Contractors Corp. for the Replacement of Playground Equipment at Alma Hofman Park Project.
- (b) Approval of *Agreement No. 10-106* with Creative Contractors Corp. in the amount of \$142,427.
- (c) Authorized a \$15,000 construction contingency.

D. Resolutions

1. Adoption of Resolution No. 10-2859 Rescinding Resolution No. 09-2817 Designating Restricted Parking on Public Streets

The City Council adopted Resolution No. 10-2859 rescinding Resolution No. 09-2817 designating restricted parking on public streets.

2. Adoption of Resolution No. 10-2861 Adopting a Measure I Five-Year Capital Improvement Program

Adoption of Resolution No. 10-2862 Adopting a Measure I Five-Year Capital Project Needs Analysis

The City Council adopted the following Resolutions:

- (a) Resolution No. 10-2861 adopting a Measure I Five-Year Capital Improvement Program.
- (b) Resolution No. 10-2862 adopting a Measure I Five-Year Capital Project Needs Analysis.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.9(b)(1) of the Government Code Regarding a Personnel Matter

Tort Claim filed by Debra Camou

2. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator

Agency: *City of Montclair*

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

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

<u>Property</u>	
<u>Assessor's Parcel No.</u>	<u>Address</u>
<i>Negotiating Parties:</i>	<i>1011-012-08 5011 Brooks Street, Montclair City of Montclair and Basin Ventures-LA, Inc.</i>
<i>Negotiating Parties:</i>	<i>1011-012-04 10625 Monte Vista Avenue, Montclair City of Montclair and Delbert Darrell Foreman</i>
<i>Negotiating Parties:</i>	<i>1011-012-03 10635 Monte Vista Avenue, Montclair City of Montclair and Zion's First Nat'l Bank</i>
<i>Negotiators:</i>	<i>Director of Redevelopment/Public Works Staats and City Engineer Hudson</i>

Under Recommendations Regarding Acquisition of Easements on Negotiation: Subject Properties in Conjunction With the Monte Vista Avenue/Union Pacific Grade Separation Project

City Attorney/Agency Counsel Robbins requested a Closed Session regarding a personnel matter pursuant to Section 54956.9(b)(1) of the Government Code, a conference with designated labor negotiator pursuant to Government Code Section 54957.6, and real property negotiations pursuant to Government Code Section 54956.8.

B. City Manager/Executive Director – No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted he was pleased to attend the *Por La Vida* graduation last Wednesday, advising that *Por La Vida* is a very worth-while healthy lifestyle program for our community.
 - (b) He noted Mayor Pro Tem Dutrey and he attended the **Monte Vista Elementary School** library makeover unveiling on August 20, 2010, and were quite impressed with the new garden courtyard, computer lab, and brand-new library complete with two Disney murals and 2,000 new books.

D. City Council/Agency Board

1. Council Member/Director Paulitz noted that the **Monte Vista Elementary School** library was the City's first prior to the County Branch library being built.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He thanked staff for its work on the Replacement of Playground Equipment at Alma Hofman Park Project approved by the City Council earlier this evening.
 - (b) In observation of Labor Day on Monday, he recognized all City employees for the work they do for the City. He stated that the City of Montclair is a great place to work, noting its wonderful family-oriented atmosphere.
 - (c) He congratulated Police Chief Jones on his one-year anniversary in his position, advising that "he has done a

great job for Montclair."

- (d) He asked if salary information has been posted on the City's website as he requested at the last meeting.

City Manager Starr replied that the information was posted right after the meeting but was removed pending certain corrections.

Mayor Pro Tem Dutrey thanked City Manager Starr.

- (e) He noted it is disappointing that the State Legislature wrapped up another session on August 31, 2010, without completing its most fundamental function of adopting a state budget, managing once again to make California look ridiculous. Expressing his opinion that a spending plan would not be passed until after the November 2010 election, he stated, "It's a sad day when politics get in the way of 'smart public policy.'"

3. Council Member/Director Ruh commented as follows:

- (a) He congratulated outgoing CAC Members Darleen Hartman and Ed Cook for their service to the community. As Council liaison to the CAC, he noted he has been very privileged to work with them both and that he has witnessed their dedication to the City and efforts to rearrange their schedules so they could participate in community events, such as the CAC-sponsored Memorial Day flag-lowering ceremony. He noted he will miss their involvement in CAC projects, though he does not begrudge **Ms. Hartman's** desire to spend more time with her family.
- (b) With regard to the City's salaries online, he noted **State Controller John Chiang** would be advising cities and counties of the correct format to post the information online. He expressed his appreciation of **Controller Chiang's** immediate efforts at transparency following the **City of Bell** pay scandal, which is the exception and not the rule regarding local government ethics, advising that "there are many cities doing everything they can in a difficult time to be very prudent."
- (c) He thanked **Target Corporation** for its involvement in the library makeover at **Monte Vista Elementary School** as well as for hosting **National Night Out** last month. He noted he personally thanked Montclair **Target** Manager **Perez** for his involvement in the community while shopping at the store on Sunday.

- (d) He noted speaking with residents at the very well attended **National Night Out** event who suggested **Neighborhood Watch** programs be implemented in the City as a means of preventing crime in the community. He asked that staff look into assisting residents interested in organizing **Neighborhood Watch** programs in their neighborhoods, advising that new CAC Member Banas indicated that she is interested in establishing a **Neighborhood Watch** program at her town-home community.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of June 17, 2010

The City Council received and filed the Public Works Committee meeting minutes of June 17, 2010, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of August 16, 2010

The City Council received and filed the Code Enforcement Committee meeting minutes of August 16, 2010, for informational purposes.

3. Minutes of Personnel Committee Meeting of August 16, 2010

The City Council received and filed the Personnel Committee meeting minutes of August 16, 2010, for informational purposes.

XII. ADJOURNMENT OF MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:25 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7:25 p.m., the City Council went into Closed Session regarding a personnel matter pursuant to Government Code Section 54956.9(b)(1) and conference with designated labor negotiator pursuant to Government Code Section 54957.6 and the City Council and Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:25 p.m., the City Council and Redevelopment Agency Board returned from Closed Session. Mayor/Chairman Eaton announced the City Council met in Closed Session regarding personnel matters and labor negotiations and the City Council and 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.

XIV. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:26 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors.

Submitted for City
Council/Redevelopment Agency
Board/Montclair Housing Corpora-tion
Board approval,

Yvonne L. Smith
Transcribing Secretary