

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
NOVEMBER 1, 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

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 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 Employee

Police Chief Jones introduced **Mr. Jared Price**, who was appointed to the position of Police Officer effective October 11, 2010. He noted Officer Price received his Associate's Degree in Criminal Justice from **Golden West College** and his Bachelor's Degree in Criminal Justice from **California State University, Long Beach**; and on September 17, 2010, he graduated from the **Orange County Peace Officers Academy**.

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

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. **First Reading – Adoption of Ordinance No. 10-918 Amending Specific Chapters in Title 10 of the Montclair Municipal Code Related to Adoption of Building Codes to Regulate Construction in the City of Montclair and to Establish January 1, 2011, as the Effective Date of the Codes**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-918 amending specific Chapters of the Montclair Municipal Code related to adoption of building codes to regulate construction in the City of Montclair and to establish January 1, 2011, as the effective date of the codes 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.

Mayor Pro Tem Dutrey requested clarification on the new codes being added in addition to the standard building codes.

Director of Community Development Lustro advised that this triennial update is typical of past California Building Code updates with the main difference being the addition of the California Residential and Green Building Standards Codes. He clarified that the Residential Code includes the residential construction elements from the California Building Code, which now applies primarily to commercial construction.

Council Member Paulitz inquired as follows:

1. What significant changes have been made to the building codes?

Building Officer Westerlin advised that the most significant change is the addition of the Green Building Standards Code, which adds a new dimension to the building codes including some recycling and water conservation regulations. She noted it includes a list of mandatory green building measures that must be applied to every new building beginning in January 2011, with water efficiency measures becoming mandatory July 2011, and the option for local governments to adopt one of two tiers, each of which adds a further set of green building measures that go above and beyond the mandatory measures of the code.

2. What is an example of a green building code?

Building Officer Westerlin advised that one requirement is for a 20 percent reduction in indoor potable water use achieved

by a 20 percent reduced flow rate for all plumbing fixtures including showerheads, bathroom and kitchen faucets, and toilets.

Moved by Council Member Ruh and seconded by Council Member Raft that Ordinance No. 10-918, entitled "**An Ordinance of the City Council of the City of Montclair Amending Specified Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2010 Edition of the California Building Code, Volumes 1 and 2; the 2010 Edition of the California Residential Code; the 2010 Edition of the California Plumbing Code; the 2010 Edition of the California Electrical Code; the 2010 Edition of the California Mechanical Code; and the 2010 Edition of the California Green Building Standards Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties,**" 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. 10-918 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Ruh requested that Items C-1 and D-1 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, 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 October 18, 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 October 18, 2010.

B. Administrative Reports

- 1. Approval of Lot Line Adjustment No. 2010-3 Affecting Two Parcels Located on the West Side of Benson Avenue Between Moreno Street and Arrow Highway and Authorize the Lot Line Adjustment be Recorded with the Office of the San Bernardino County Recorder**

The City Council took the following actions:

- (a) Approved Lot Line Adjustment No. 2010-3 affecting two parcels located on the west side of Benson Avenue between Moreno Street and Arrow Highway.
- (b) Authorized the lot line adjustment be recorded with the Office of the San Bernardino County Recorder.

- 2. Redevelopment Agency Board of Directors' Authorization to Advertise for Bid Proposals for the 9918 Central Avenue Landscape Improvement Project**

The Redevelopment Agency Board of Directors authorized staff to advertise for bid proposals for the 9918 Central Avenue Landscape Improvement Project.

- 3. "No Action" on Alcoholic Beverage Permit Application - Tokyo Japanese Market**

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Primawan for Tokyo Japanese Market, 9513 Central Avenue, Suites B and C, Montclair, California.

- 4. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated November 1, 2010, totaling \$3,568,988.85 and the Payroll Documentation dated August 29, 2010, amounting to \$577,955.90, with \$447,817.78 being the total cash disbursement.

C. Agreements

- 2. Award of Contract to Alcorn Fence Company in the Amount of \$29,635**

Approval of Agreement No. 10-116 With Alcorn Fence Company for the Montera Elementary School Soccer Field Netting Project

Authorization of a \$5,000 Construction Contingency

The City Council took the following actions related to the Montera Elementary School Soccer Field Netting Project:

- (a) Awarded a contract to Alcorn Fence Company in the amount of \$29,635.
 - (b) Approved *Agreement No. 10-116* with the Alcorn Fence Company.
 - (c) Authorized a \$5,000 construction contingency.
3. **Redevelopment Agency Board of Directors' Approval of *Rehabilitation Grant Agreement Nos. 10-117 Through 10-120* by and Between the City of Montclair Redevelopment Agency and Four Exterior Housing Improvement Program Participants**

The Redevelopment Agency Board approved *Rehabilitation Grant Agreement Nos. 10-117 through 10-120* by and between the City of Montclair Redevelopment Agency and the four Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

4. **City Council's Approval of *Agreement No. 10-121, a Purchase and Sale Agreement With Basin Ventures-LA, Inc., for Property Located on the South Side of Brooks Street East of Monte Vista Avenue in the City of Montclair***

City Council's Authorization for City Manager Starr to Sign *Agreement No. 10-121*

Redevelopment Agency Board of Directors' Authorization of a \$4,650 Reimbursement to the City for Costs Associated With *Agreement No. 10-121*

The City Council approved *Agreement No. 10-121, a Purchase and Sale Agreement* with Basin Ventures-LA, Inc., to acquire and convert an easement for drainage purposes to fee title over property located on the south side of Brooks Street east of Monte Vista Avenue in the City of Montclair for right-of-way purposes for the Monte Vista Avenue Grade Separation Project.

The City Council authorized City Manager Starr to sign *Agreement No. 10-121*.

The Redevelopment Agency Board of Directors authorized a \$4,650 reimbursement to the City for costs associated with *Agreement No. 10-121*.

5. **Approval of *Agreement No. 10-122* with the Ontario-Montclair School District to Provide After-School Programs**

The City Council approved *Agreement No. 10-122* with the Ontario-Montclair School District to provide after-school programs.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. **Approval of *Cooperative Agreement No. 10-114* Between the Cities of Montclair and Ontario and the Ontario-Montclair School District for Crossing Guard Services at Benson Avenue and San Bernardino/4th Street**

Consider Authorizing City Manager to Sign *Cooperative Agreement No. 10-114*

Council Member Ruh asked if in future school years the City of Ontario would be willing to continue collaborating with the City of Montclair and the Ontario-Montclair School District to provide a school crossing guard at the subject site.

City Manager Starr replied that the City of Ontario has long been asking the City to participate in the funding of a crossing guard at the site for students residing in Ontario who attend Montclair schools. He advised that the Ontario-Montclair School District has been reluctant to participate, so it all depends on whether or not the District would be willing to continue funding its share of the cost to provide the crossing guard.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the City Council take the following actions:

- (a) Approve *Agreement No. 10-114* between the cities of Montclair and Ontario and the Ontario-Montclair School District for crossing guard services at Benson Avenue and San Bernardino/4th Street.
- (b) Authorize the City Manager to sign *Cooperative Agreement No. 10-114*.

Mayor Pro Tem Dutrey asked if this is the first time the Ontario-Montclair School District has agreed to provide funding for this purpose.

City Manager Starr answered, "Yes, this is the first. The City of Montclair pays for one crossing guard, the City of Ontario

pays for one crossing guard, and this is the first time the cost of a crossing guard has been shared by the three agencies."

Mayor Pro Tem Dutrey asked if the City provides a crossing guard at **Kingsley Elementary School**.

City Engineer Hudson advised that the City Budget includes funding for a crossing guard at that location.

D. Resolutions

1. Adoption of Resolution No. 10-2865 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

Council Member Ruh noted he called the owner of 9680 Bel Air Avenue concerning her correspondence to the City Council regarding a proposed lien on her property and that staff is working with her on the matter.

City Manager Starr stated that staff recommends the proposed lien amount of \$286.41 for 9860 Bel Air Avenue be removed from Exhibit A, "Report of Delinquent Debts - November 2010," to proposed Resolution No. 10-2865 pursuant to an arrangement made with the property owner for the sewer and trash delinquency to be paid over a scheduled period of time.

Mayor Eaton noted he received the letter and spoke to City Manager Starr about the property owner's plight. He thanked City Manager Starr for arranging a payment scheduled with the property owner.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried unanimously that the City Council adopt Resolution No. 10-2865 authorizing placement of liens on the 249 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges, noting the removal from Exhibit A of a lien for 9680 Bel Air Avenue in the amount of \$286.41, with payment to be made pursuant to a payment schedule until the delinquency is paid in full.

X. RESPONSE

A. Violation of the City's Noise Ordinance

Council Member Paulitz asked Police Chief Jones if the matter has been resolved.

Police Chief Jones advised that it has.

It was the consensus of the City Council to receive and file the report.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Close Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations

Property: 10333 Pradera Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Edward and Robert Malinowski

Negotiators: Director of Redevelopment/Public Works Staats and Assistant Director of Redevelopment Caldwell

Under Negotiation: Recommendations Regarding Purchase Offer

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

1. City Manager/Executive Director Starr commented that the City's new Senior Center opened today to the public, noting events were held last week to dedicate the new facility and introduce the complex to employees and the public. He noted the popularity of the facility with today's attendance at the senior luncheon and other activities breaking all records. He added that tours can be arranged for those desiring to take a look at the beautiful new complex.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at regular **Omnitrans** and **San Bernardino Associated Governments (SANBAG)** Board meetings and **Metrolink** and **SANBAG** committee meetings, advising that no issues pertinent to the City were discussed.
 - (b) He noted he was very pleased with the large turnout on Saturday at the grand opening of the new Senior Center. He noted **Mrs. Eaton** attended an event at the Ontario senior center at which the topic was for everyone to visit

the new Montclair Senior Center! He stated that **Mrs. Eaton** and a friend and he arrived at the Montclair Senior Center at 11:30 a.m. today; and because of the large attendance, they had to wait for the second seating.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He discussed the following City activities:
 - (1) *Community Health Fair* - October 19, 2010 - Offered seasonal flu and Tdap vaccines/flu mist and a number of health screenings to over 400 attendees.
 - (2) *Senior Center Dedication* - October 20, 2010 - The Services Division staff did a great job organizing the ceremony.
 - (3) *Senior Center Grand Opening*- October 23, 2010 - Over 400 residents were given tours of the new facility and served breakfast courtesy of the **Montclair Kiwanis**.
 - (4) *Children's Halloween Party* - October 31, 2010 - Sponsored by the City, **Montclair-Ontario Junior Women's Club**, and **Montclair Plaza**.
 - (b) He urged only those who "have studied the issues and know the candidates" to vote in tomorrow's General Municipal Election, though he has in the past been criticized for this directive. He clarified that one "should know what you are voting for or against. If you don't have the faintest idea and you just pick and choose—that's not good for the democratic process. Anyway, tomorrow is Election Day; and you should go out and vote."
2. Council Member/Director Raft commented as follows:
 - (a) She noted the new Senior Center "is very beautiful and we are all so very proud of it."
 - (b) She noted she is very pleased that the annual Children's Halloween Party, which she understands "was a big hit," offers a safe place for children to enjoy the holiday.

- (c) She wished Council Members Paulitz and Ruh "all the best of luck" in tomorrow's election, expressing her hope that the results are in their favor.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
- (a) He thanked all staff members who participated in the Children's Halloween Party and Senior Center Grand Opening on Saturday as well as the facility's dedication ceremony and Community Health Fair. He expressed his appreciation to "all employees who made these events possible" including Police Chief Jones who made pancakes as a representative of the **Montclair Kiwanis**.
 - (b) He urged a "Yes" vote on **Proposition 22 - the Local Taxpayer, Public Safety, and Transportation Protection Act**, noting KFI AM-640 talk radio hosts **John Kobylt** and **Ken Chiampou** both support the measure to halt state raids on local funding.
 - (c) He wished Mayor Eaton and Council Members Paulitz and Ruh "good luck" in tomorrow's election. He noted an Alaskan candidate stands a good chance of becoming only the second candidate to run a successful write-in campaign for the U.S. Senate in the nation's history.
4. Council Member/Director Ruh commented as follows:
- (a) He noted he thoroughly enjoyed participating in the Children's Halloween Party wearing a costume that could be interpreted as either a Musketeer or Cavalier, a fitting tribute to **Montclair High School**, his alma mater. He noted he was amazed when Community Action Committee Member Peggy Banas and he handed out a total of 400 treat bags to creatively costumed youngsters within the first 45 minutes of the party. He thanked Human Services Division staff, notably Assistant Director of Human Services Richter, and CAC Chair Hollis Judkins and Members Mary Fondario and Marlene Havlena for their efforts to organize and facilitate the annual event.
 - (b) He also noted his attendance at the Senior Center grand opening on October 19 and that it was "very heartwarming" to witness the affection the public has for the new facility. He suggested the possibility of using the facility for other than senior events so that the young as well as the "young at heart" could enjoy the new complex.
 - (c) He noted answering a telephone call from resident **Ms. Sue Steadman** regarding an issue he was able to

assist with. He also noted receiving a call from **Mr. Fulgenzi** regarding a number of issues, including (1) the reason funds to build our Police headquarters were not spent abating graffiti in the community, and (2) the reason for speed bumps at the **Montclair Plaza** and traffic signals around the mall. Council Member Ruh advised that he was able to refer **Mr. Fulgenzi** to the appropriate City departments.

- (d) He concurred that the ability to vote is a privilege in America that we all must observe. He advised that in many cases, one vote has decided the outcome of many different elections throughout history, notably one vote gave America the English rather than the German language and one vote has decided the outcomes of a number of local elections. He encouraged everyone to vote, adding that he is pleased that many young people are interested in this election; so he hopes they will vote tomorrow "because they truly are the future of this country."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 19, 2010

The City Council received and filed the Public Works Committee meeting minutes of August 19, 2010, for informational purposes.

2. Minutes of Personnel Committee Meeting of October 18, 2010

The City Council received and filed the Personnel Committee meeting minutes of October 18, 2010, for informational purposes.

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

At 7:27 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors in memory of **Mrs. Elizabeth Lock**, wife of former **Mayor Robert W. Lock** and a long-time neighbor of the **Eatons**, who sadly passed away on Friday, October 22, 2010.

At 7:27 p.m., the 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 7:40 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced that the 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 REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 7:41 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary