

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, DECEMBER 20, 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 Ruh led those assembled in the Pledge.

IV. ROLL CALL

City Clerk noted for the record that Council Member/Director Paulitz is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, and Ruh; City Manager/ Executive Director Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; Deputy City Attorney/Agency Counsel Holdaway; City Clerk/ Agency Secretary Jackson

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Presentation of 2010 Holiday Home Decoration Contest Winners

Mayor Eaton announced that the Montclair Community Action Committee has once again sponsored its Holiday Home Decoration Contest as part of the City's ongoing efforts to encourage community pride and spirit. He noted CAC Chairperson Hollis Judkins would be announcing the contest winners.

CAC Chairperson Judkins gave a presentation on the nominees for the 2010 Holiday Home Decoration Contest. She announced the following 13th Annual Holiday Home Decoration Contest 2010 winners while Mayor Eaton presented each with a framed *Award of Excellence* certificate and Montclair restaurant gift card and Field Representative **Vickie McLeod, Assembly Member Norma Torres's District Office**, and Field Representative **Wendy Medina, Senator Gloria Negrete McLeod's District Office**, presented each with a *Certificate of Recognition*:

<i>Category</i>	<i>Winner(s)</i>
Magical Fantasy:	James and Brad Ray , 9611 Camulos Avenue
Winter Wonderland:	Javier and Rosie Ramirez and family, 4362 San Bernardino Court
Spirit of Christmas: All Aboard for	Navarro family, 5529 Bonnie Brae Street
Christmas:	Martinez family 9839 Coalinga Avenue

CAC Chairperson Judkins congratulated all of the winners and thanked them for sharing their creativity with the community. She encouraged everyone to take a look at these beautifully decorated homes to share in the joy and spirit of Christmas, noting copies of the list of winners are available in the Council Chambers and at City Hall and the winners will be displayed on the City's website at www.ci.montclair.ca.us. She thanked everyone for attending and wished a "Merry Christmas" to all.

On behalf of the City Council, Mayor Eaton thanked CAC Chairperson Judkins and members of the CAC for organizing and facilitating this event each year. He congratulated all the winners and encouraged everyone to take a look at the winning entries.

Mayor Eaton thanked audience members for their attendance and wished "Happy Holidays" to those who would like to leave the meeting at this time.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 10-919 Related to Adoption of the 2010 Edition of the California Fire Code

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-919 related to adoption of the 2010 Edition of the California Fire Code 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 Raft and seconded by Council Member Ruh that Ordinance No. 10-919, 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 Fire Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties,**" was read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 10-919 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Deputy City Attorney Holdaway asked that the City Council consider approval of proposed *Agreement No. 10-140* in Item C-2, "Approval of the Filing of a *Notice of Completion* for the Interior Remodel and Site Improvements for the new Youth Center Project, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months/Release of Retention 30 Days After Recordation of Notice of Completion/Approval of *Agreement No. 10-140* Amending *Agreement No. 10-22* With Cavalier Construction for Miscellaneous Construction Work Associated With the Montclair Youth and Senior Centers and \$20,000 Increase of Compensation Due Pursuant to *Agreement No. 10-22*/Authorization of a \$31,200 Transfer From the Construction

Contingency for the Interior Remodel and Site Improvements," subject to review and approval by the City Attorney. He noted "there are a couple of minor amendments" he would like to make to proposed *Agreement No. 10-140*.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried to approve the following Consent Items as presented, noting proposed *Agreement No. 10-140* in Item C-2 is subject to review and approval by the City Attorney.

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 15, 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 November 15, 2010.

2. Minutes of Adjourned Joint Council/Agency Meeting of December 6, 2010

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of December 6, 2010.

3. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 6, 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 December 6, 2010.

4. Minutes of Adjourned Council Meeting of December 8, 2010

The City Council approved the minutes of the Adjourned City Council meeting of December 8, 2010.

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 November 30, 2010.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated December 20, 2010, totaling \$849,249.98; the Payroll Documentation dated October 24, 2010, amounting to \$944,424.43, with \$430,099.45 being the total cash disbursement; and the Payroll Documentation dated November 7, 2010, amounting to \$596,529.29, with \$428,528.37 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 November 30, 2010.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 11.01.10-11.30.10 in the amounts of \$2,276.13 for Project I; \$237.76 for Project II; \$47,184.79 for Project III; \$20,011.13 for Project IV; \$54,561.63 for Project V, and \$15,093.04 for the Mission Boulevard Joint Redevelopment Agency 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 November 30, 2010.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 11.01.11-11.30.10 in the amount of \$88,186.36.

7. Setting a Public Hearing to Consider Resolution No. 11-2871 Repealing Resolution No. 09-2796 and Revising the Bail Schedule for Parking Violations

The City Council set a public hearing for Monday, January 3, 2011, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 11-2871 repealing Resolution No. 09-2796 and revising the bail schedule for parking violations.

8. Acceptance of Grant Deed No. 1660, an Easement for Street Improvements Located at 11118 Fremont Avenue Associated With the Fremont Avenue and Howard Street Improvement Project-Phase 2

Authorization to Advertise for Bid Proposals for the Fremont Avenue and Howard Street Improvement Project-Phase 2

The City Council took the following actions regarding the Fremont Avenue and Howard Street Improvement Project-Phase 2:

- (a) Accepted Grant Deed No. 1660, an easement for street improvements located at 11118 Fremont Avenue associated with the project.
- (b) Authorized staff to advertise for bid proposals for the project.

9. Authorization to Purchase Educational Materials for Proper Use of the 9-1-1 System

The City Council authorized the purchase of educational materials for proper use of the 9-1-1 System.

10. Declaring Unclaimed Bicycles in Police Custody as Surplus and Available for Donation to the California Institution for Women

The City Council declared the unclaimed bicycles in Police custody listed on the attachment to the agenda report as surplus and available for donation to the California Institution for Women.

11. **"No Action" on Alcoholic Beverage Permit Application – Chipotle Mexican Grill, Inc.**

The City Council voted "No action" on the "On-Sale General Eating Place" license application of Mr. Montgomery Frederick Moran, Chairman of the Board, and Mr. Jack Robert Hartung, Chief Financial Officer, Chipotle Mexican Grill, Inc., Chipotle Mexican Grill, Inc., for Chipotle Mexican Grill, Central Avenue and Moreno Street, Montclair, California.

12. **"No Action" on Alcoholic Beverage Permit Application – 7-Eleven, Inc., and Pardeep and Jeena Sharma**

The City Council voted "No action" on the "Off-Sale Beer and Wine" application of 7-Eleven, Inc., and Pardeep and Jeena Sharma for 7-Eleven Store 2171-22849, 4500 Holt Boulevard, Montclair, California.

C. **Agreements**

1. **Approval of *Agreement No. 10-139* With Kaiser Foundation Hospitals, Southern California Region, to Fund Capacity Building Efforts at the Montclair Medical Clinic**

The City Council approved *Agreement No. 10-139* with Kaiser Foundation Hospitals, Southern California Region, to fund capacity building efforts at the Montclair Medical Clinic.

2. **Approval of the Filing of a *Notice of Completion* for the Interior Remodel and Site Improvements for the New Youth Center Project, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months**

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

Approval of *Agreement No. 10-140* Amending *Agreement No. 10-22* With Cavalier Construction for Miscellaneous Construction Work Associated With the Montclair Youth and Senior Centers and \$20,000 Increase of Compensation Due Pursuant to *Agreement No. 10-22*

Authorization of a \$31,200 Transfer from the Construction Contingency for Construction of the Interior Remodel and Site Improvements

The City Council approved the following related to the Interior Remodel and Site Improvements for the New Youth Center Project:

- (a) The 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 the retention 30 days after recordation of the *Notice of Completion*.
- (e) *Agreement No. 10-140* amending *Agreement No. 10-22* with Cavalier Construction for miscellaneous construction work associated with the Montclair Youth and Senior Centers and increased by \$20,000 the compensation due

pursuant to Agreement No. 10-22 subject to final review and approval by the City Attorney.

- (f) A \$31,200 transfer from the construction contingency for the Interior Remodel and Site Improvements for the New Youth Center Project to the Mission Boulevard Improvement Phase B Project.

3. Approval of Agreement No. 10-141 With Government Finance Officers Association for Strategic Plan Advisory Services

The City Council approved *Agreement No. 10-141* with the Government Finance Officers Association for strategic plan advisory services.

4. Approval of Agreement No. 10-142 Amending Agreement No. 10-109 With the Hope Through Housing Foundation to Include Additional Terms and Conditions to the Contract

The City Council approved *Agreement No. 10-142* amending *Agreement No. 10-109* with the Hope Through Housing Foundation to include additional terms and conditions to the contract.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel

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

Property: 5444 Palo Verde Street

Negotiating Parties: City of Montclair Redevelopment Agency and Lillian B. Reed

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

Under Negotiation: Recommendations Regarding a Purchase Offer

2. Closed Session Pursuant to Section 54956.8 of the Government Code 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 a Purchase Offer

Deputy Agency Counsel Holdaway requested a Closed Session on the above two matters pursuant to Section 54956.8 of the Government Code.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:

- (a) He inquired as to the Council's availability on Tuesday, January 25, 2011, at 6:00 p.m. for a labor negotiations impasse hearing related to the Montclair Fire Fighters Association.

Council Member Dutrey advised that he could not attend the hearing because of a conflict with a **City of Rialto** Council meeting.

City Manager Starr asked Council Member Dutrey if Tuesday, January 11, 2011, meets with his schedule.

Council Member Dutrey stated that he would be attending **City of Rialto** Council meetings on both January 11 and January 25, 2011.

City Manager Starr noted he would pursue alternate hearing dates with labor counsel.

- (b) He reminded the City Council that the 2011 Strategic Planning Session is scheduled for Tuesday, February 1, 2011, at 2:00 p.m.

Council Member Ruh advised that he will be out of town from January 30 through February 4, 2011.

City Manager Starr noted airline reservations have already been made for the **Government Finance Officers Association** consultants.

Council Member Ruh noted he would submit his comments in writing.

- (c) He noted the Council might have noticed that the Montclair Skate Park bowls are filling with rainwater because the sump pump is broken. He advised that the pump will be fixed tomorrow.
- (d) He wished the Council, staff, and community members a "Merry Christmas and Happy New Year."

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance on December 7, 2010, at the grand opening dedication ceremony of the new \$2.5 million **Chaffey College Transit Center** located at the college's main campus in Rancho Cucamonga. He advised that the beautiful new facility, a joint project between **Chaffey College** and **Omnitrans**, will serve a growing ridership and reduce parking and traffic issues at the college.
- (b) He noted his attendance on December 8, 2010, at **Metrolink's** unveiling of its new fleet of stainless steel **Guardian** passenger cars, "the safest in American," at the **Santa Fe Depot**, San Bernardino. He advised that the new stainless steel cars have safety enhancements (including a crush zone, fire-retardant seats, and collapsible tables) that make them better able to withstand crashes without harming passengers. He added that

four of the new cars are now in service on the Riverside line.

- (c) He noted Council Member Dutrey's and his attendance on December 8, 2010, at the 2010 **Chaffey College** Report to the Community luncheon.
- (d) He noted all members of the Council attended the **2010 Metrolink Holiday Toy Express** on Sunday, December 12, 2010, advising that the turnout for the event was incredibly between 700 and 800 individuals, all of whom very much enjoyed themselves.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
 - (a) She remarked on the increasingly larger crowds at the **Metrolink Holiday Toy Express** event in Montclair each year how much the children enjoy the festivities.
 - (b) She congratulated all the winners of the 2010 Holiday Home Decoration Contest this year, noting their homes are quite beautiful.
 - (c) She wished everyone, "Happy Holidays," adding, "I hope everyone has a great Christmas and that they get what they want this year."
2. Council Member/Director Dutrey commented as follows:
 - (a) Noting he was unable to attend the December 6, 2010 workshop regarding plans for a high-speed commuter rail line between San Francisco and Los Angeles, he spoke in support of a below-grade alignment through Montclair for the Los Angeles to San Diego extension.
 - (b) He recognized City Clerk Donna Jackson for doing a "terrific job" as City Clerk and during her 22 year tenure with the City of Montclair. He noted he has enjoyed working with City Clerk Jackson over the years and wished her well on her retirement.
 - (c) He wished everybody a "Merry Christmas."
3. Council Member/Director Ruh commented as follows:
 - (a) He commended CAC Chairperson Hollis Judkins and all the CAC Members for their excellent work—as well as Assistant Director of Human Services Richter and Senior Human Services Supervisor Roche for an outstanding job—to organize and facilitate the 2010 Holiday Home Decoration Contest.
 - (b) He noted there could be no doubt about this being the Christmas season by the eager expressions on children's faces as the **Metrolink Holiday Toy Express** rolls into town and they first spot **Santa**. He advised that he truly enjoyed sharing the wonderful experience with the large turnout at the event.
 - (c) He wished "many, many happy journeys" to City Clerk Jackson on her retirement this week. Noting she has been a part of our community and Council Members' lives for many years, he told her, "We wish you the very, very best."

- (d) He asked everyone to envision Christmas Eve as he read the following Christmas wish he penned, entitled, "On Christmas Eve":

*Put your thoughts with the old women,
alone in their rooms and awake in their
beds, remembering these nights past and
the laughter of children. Nights when it
wasn't so still, when there was too much to
do and hungry guests to feed;*

*For the person at the office who laughs too
hard at bad jokes and is so eager to please,
yet is stepped over and can't understand
why;*

*For the shy folks who would stun you with
their grace and talent if you gave them half
the chance;*

*For everyone on the night shift tonight and
those who have to work tomorrow;*

*For the families of our Police Officers, Fire-
fighters, and Paramedics working tonight;*

*For the Officers, Firefighters, and Para-
medics themselves who run into danger to
help us;*

*For those in hospital beds praying for
dignity and relief and those doctors who
take special care on this night and hold
their hands;*

*For the nurses who enter the room later,
pull up a chair, and listen to quiet confes-
sions;*

*For clergy who struggle with belief and find
it again and are renewed;*

*For all of our sailors on ships this night,
especially those standing watch on the
bridge, staring out into cold, black water,
remembering brightly lit rooms;*

*For the men and women of the U.S. Armed
Forces and the intelligence services and the
foreign services overseas, who put them-
selves at risk to protect those of us back
home, and for their families waiting for
them to return;*

For our great nation facing difficult days;

*For our leaders of all parties facing difficult
decisions;*

*For those whom I may have offended from
what I have done or what I have failed to
do, I simply say, "I'm sorry";*

*For my friends who have graciously allowed
me to visit with them, especially when I just*

needed to talk, I cannot adequately express my thanks, but thank you again;

For everyone who has kept hold of what is important about this special night—

It is a gift offered to us by a perfect child born in a manger in Bethlehem so very long ago.

It is all about love, and I hope it comes to each of you, comforts you, and remains.

Merry Christmas, and may there be peace in 2011. Merry Christmas and Happy New Year!

Mayor Eaton thanked Council Member Ruh for his very nice thoughts of the season.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 6, 2010

The City Council received and filed the Personnel Committee meeting minutes of December 6, 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 former Council Member **George C. Klotz**, who sadly passed away on Wednesday, December 8, 2010, after a courageous battle with cancer. He noted **Mr. Klotz** served on the City Council from 1980 to 1984 and will be greatly missed by family and friends.

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 7:37 p.m., the Redevelopment Agency Board returned from Closed Session. Vice Chairperson Raft 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 7:38 p.m., Vice Chairperson Raft adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary