

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, SEPTEMBER 2, 2003,
AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:01 p.m.

II. INVOCATION

Council Member Ruh gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Raft and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Mayor/Chairman Eaton (excused); Council Member/Director Paulitz (excused)

Mayor Pro Tem Dutrey reported that Mayor Eaton is doing well in his recuperation at home from foot surgery last month. He advised that Council Member Paulitz is attending another meeting this evening.

V. PRESENTATIONS – None

VI. PUBLIC COMMENT

Mayor Pro Tem/Vice Chairman Dutrey reminded those audience members desiring to address the Council and Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card* and they would be afforded five minutes each to speak on subjects that do not appear on tonight's agenda.

A. Mr. Ronald Armstrong, 5601 Deodar Street, Montclair, reiterated past comments concerning his being a public spokesperson, the

importance of the **Ralph M. Brown Act**, and his opinion that the Council does not set a good example for community youth.

Mayor Pro Tem Dutrey thanked **Mr. Armstrong** for his comments.

VII. PUBLIC HEARINGS

A. Continuation of Second Reading of Adoption of Ordinance No. 03-834 Amending Chapter 11.38 of the Montclair Municipal Code Related to Fences

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider Ordinance No. 03-834 amending Chapter 11.38 of the Montclair Municipal Code related to fences and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

City Manager McDougal reported that at its August 18, 2003 meeting, the Code Enforcement Committee reviewed the inventory of existing fence violations and maximum fence heights allowed within front-yard setbacks in area cities, as directed by the Council at its August 4, 2003 meeting, and that the committee requested additional information be assembled for review at its meeting on September 15, 2003. He advised that staff is requesting this item be continued to the regularly scheduled meeting of October 6, 2003.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to continue this item to the regular joint meeting of October 6, 2003, to allow the Code Enforcement Committee to review additional requested information.

VIII. CONSENT CALENDAR

Council Member Ruh requested that Items B-1 and C-2 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Raft, seconded by Council Member/Director Ruh, and carried 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 18, 2003

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of August 18, 2003.

B. Administrative Reports

2. Authorizing the Chief of Police or His Designee to Act as the City's Representative to File the Application for Acceptance to the Federal Local Law Enforcement Block Grant (LLEBG)

The City Council authorized Police Chief Thompson or his designee to act as the City's representative to file the application for acceptance of the Federal Local Law Enforcement Block Grant (LLEBG).

3. Authorization to Advertise for Bid Proposals for the Overhead Street Name Sign Replacement Project

The City Council authorized staff to advertise for bid proposals for the Overhead Street Name Sign Replacement Project.

4. Acceptance of Grant Deed No. 1612 for the Purpose of Maintenance and Use of Sidewalks and Appurtenances

The City Council accepted Grant Deed No. 1612 for right-of-way dedication for the maintenance and use of sidewalks and

appurtenances at the Sav-On store located at the southeast corner of Holt Boulevard and Ramona Avenue.

5. Acceptance of Grant Deed No. 1617 From Chino Basin Water Conservation District for San Bernardino Street Storm Drain Extension Project

The City Council accepted Grant Deed No. 1617 for acceptance of an easement from Chino Basin Water Conservation District (CBWCD) for extension of the existing San Bernardino Street storm drain (completed in 1991) through the District's property at 4594 San Bernardino Street.

6. "No Action" on Alcoholic Beverage Permit Application - Tony Roma's

The City Council voted "No action" on an "On-Sale General for Bona Fide Eating Place" license application for Benroma Enterprises, Inc., for Tony Roma's, 9335 Monte Vista Avenue, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated September 2, 2003, totaling \$1,134,955.00, and the Payroll Documentation dated July 27, 2003, amounting to \$535,720.62, with \$374,186.53 being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 03-107* Between the Cities of Ontario, Upland, and Montclair for the Benson Avenue Sewer Diversion Project

The City Council approved *Agreement No. 03-107* between the cities of Ontario, Upland, and Montclair for the Benson Avenue Sewer Diversion Project to accommodate the new Giant RV store.

3. Approval of *Agreement Nos. 03-113, 03-114, 03-115, and 03-116* With Montclair Little League, Quad Cities Little League, Montclair Golden Girls Softball League, and American Youth Soccer Organization, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 03-113, 03-114, 03-115, and 03-116* with Montclair Little League, Quad Cities Little League, Montclair Golden Girls Softball League, and American Youth Soccer Organization, respectively, for use of ball field facilities.

4. Approval of *Agreement No. 03-117* With Cost Recovery Systems, Inc., for State-Mandate Reimbursement Claiming

Services and Approval of the Proposed Scope of Work and Fees (Attachment A-6)

Authorization of an Appropriation Transfer of \$250 From the Contingency Account

The City Council took the following actions:

- (a) Approved *Agreement No. 03-117* with Cost Recovery Systems, Inc., for state-mandate reimbursement claiming services and approval of the Proposed Scope of Work and Fees (Attachment A-6).
- (b) Authorized an appropriation transfer of \$250 from the Contingency Account to Account No. 1001-400-4312-005219 to cover the increased cost of *Agreement No. 03-117*.

D. Resolutions

- 1. **Adoption of Resolution No. 03-2467 Determining the Amount of Property Tax Revenue to be Exchanged Between the County of San Bernardino and the City of Montclair Resulting From the Jurisdictional Change Described in Local Agency Formation Commission 2944 (Annexation No. 22)**

The City Council adopted Resolution No. 03-2467 determining the amount of property tax revenue to be exchanged between the County of San Bernardino and the City of Montclair resulting from the jurisdictional change described in Local Agency Formation Commission 2944 (Annexation No. 22).

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

- 1. **Authorization to Appropriate \$10,000 from the Contingency Account for Purchase of Furnishings for a Satellite Police Facility to be Located at the Northwest Corner of Mission Boulevard and Silicon Avenue**

Council Member Ruh asked about the contributions of the San Bernardino County Sheriff's Department and the California Highway Patrol toward the satellite substation.

City Manager McDougal reported that the unit itself was purchased jointly by the County of San Bernardino and the California Highway Patrol for between \$50,000 and \$60,000. He advised that the City committed to provide \$10,000 to furnish the substation in an original agreement among the three entities entered into three years ago. He added that earlier this year staff recommended to the Council an additional \$10,000 expenditure for a more proper fencing

material than that which was proposed for the site. He stated that the City's total contribution toward the substation would be \$20,000 if this item is approved this evening.

Mayor Pro Tem Dutrey stated the new facility represents a very good joint effort among the City, the County, and the California Highway Patrol.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to authorize a \$10,000 appropriation from the Contingency Account for purchase of furnishings for a satellite police facility at the northwest corner of Mission Boulevard and Silicon Avenue.

C. Agreements

2. Approval of *Agreement No. 03-112* With the House of Ruth for a Domestic Violence-Prevention Program

Council Member Ruh spoke in support of the proposed agreement with the House of Ruth to continue providing a community-wide domestic violence-prevention program. He asked if the organization is aware that the proposed agreement would provide funding through June 30, 2004.

Assistant Director of Human Services Sue Yoakum answered, "Yes."

City Manager McDougal clarified that the funding for the proposed agreement is provided through the California Department of Health Services (DHS) and that the House of Ruth is providing the initial pilot program in Montclair.

Ms. Kathy Hudspeth, Project Coordinator, House of Ruth, confirmed that DHS is providing the funding and clarified that the House of Ruth serves as the fiscal agent and is subcontracting with the City to provide development and implementation services for the domestic violence-prevention program. She expressed her appreciation of the coordination and collaboration between the City, the Ontario-Montclair School District, and the House of Ruth in this program.

Mayor Pro Tem Dutrey thanked **Ms. Hudspeth** for her organization's cooperation and willingness to work with the City of Montclair.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to approve *Agreement No. 03-112* with the House of Ruth for a domestic violence-prevention program.

Council Member Ruh noted the program includes practical intervention strategies.

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Mayor Pro Tem/Vice Chairman Dutrey reported there has been no contact from anyone representing the property owners, **AIMCO**, nor the service provider, **New Century Care**, and, to staff's knowledge, there is no new activity to report.

B. Requirements to Replace Residential Zoning

Council Member Ruh inquired as follows:

1. Were the 3.28 acres at 5150 Palo Verde Street previously zoned as commercial property?

Director of Community Development Department Clark responded that the property had been general planned as General Commercial. He clarified that the property's previous R-3 Multiple Family zoning was a carryover from over twenty years ago and that subsequently, the General Plan was revised designating the site as General Commercial. He noted that, in particular, the area was included in the North Montclair Specific Plan for potential expansion of the automobile dealerships.

2. How was the site designated in the Housing Element?

Director of Community Development Department Clark advised that the acreage was not included in the General Plan Housing Element as a potential housing site because it was general planned as Commercial.

3. How does the City plan to meet the Housing Element affordable housing requirements?

Director of Community Development Department Clark reported that the City's greatest housing deficiency is in the moderate-income and above housing categories. He advised that with the San Antonio Gateway project, the Fremont Corridor Specific Plan, and potential inclusionary housing programs, the City would well exceed its General Plan affordable housing requirements.

Council Member Ruh expressed his hope that that would be the case. He related a story told by **Senator Tom McClintock** recently about his family being able to purchase an upper middle-income home for \$35,000 in 1965, which today would sell for about \$700,000. He stated that he finds it rather incongruous that certain individuals who were able to afford entry-level housing in the early 1960s want to deny that opportunity to working-class families.

Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

1. He expressed his opinion that the San Antonio Gateway project will be very worthwhile for the City.
2. He stated it was interesting to note that in an article in last weekend's *INLAND VALLEY DAILY BULLETIN* about rising real estate prices, **Mr. Bill Velto**, manager of Tarbell Realtors in Upland, was quoted as saying that housing costs would exceed the state median in all the cities in the West End, excluding Montclair. He expressed his belief that Montclair provides the most affordable housing in the West End, noting housing prices in the community are in the \$200,000 to \$240,000 range as compared to entry-level housing prices in the cities of Upland and Chino Hills easily exceeding \$330,000.

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

XI. COMMUNICATIONS

- A. **City Attorney/Agency Counsel** – No Comments
- B. **City Manager/Executive Director** – No Comments
- C. **Mayor/Chairman** – Absent
- D. **City Council/Agency Board**

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

- (a) He asked that tonight's meeting be adjourned in memory of **City of Chino Hills Mayor Jim Thalman**, who passed away Thursday, August 28, 2003. He noted that the late **Mayor Thalman** was a friend to the City of Montclair and represented the City while serving on the **League of California Cities** Board of Directors.
- (b) He noted he enjoyed attending (though he was not a participant in) the **Montclair Chamber of Commerce's 14th Annual Golf Tournament** held last Wednesday at **Sierra Lakes Golf Club**, Fontana.

2. Council Member/Director Ruh commented as follows:

- (a) He noted he was pleased to attend a tour of the beautiful, newly opened **Church of Jesus Christ of Latter Day Saints Redlands California Temple** at the invitation of **Mr. Bob Kramer** last month.
- (b) He encouraged participation in a **Blood Bank of San Bernardino County** blood drive tomorrow at the **City of Ontario** senior center for **Ms. Hanna Rowley**, who relapsed with leukemia just weeks ago. He noted that **Hanna** is the daughter of **Mr. Jerry Rowley** and niece of **Mr. Barry Rowley** of **Monte Vista Water District**, both of whom are strong

members of the community. He added that blood donations may be made at any time on **Hanna's** behalf.

- (c) He cited a revealing statistic reported by **MSNBC "Hardball"** anchor **Mr. Chris Matthews** last Sunday related to the large pay differential in 1960 between a line worker and the chief executive officer of a corporation, specifically, that the average pay differential was 40 times between the two positions. He further reported that according to **Mr. Matthews**, today the pay differential between the same positions would be 400 times and that there exists an ever-widening gap between the poor and the wealthy, which would eventually result in the loss of the middle class. He noted it is a sad commentary on society when college graduates are unable to find employment in the region and, should they be fortunate enough to find work, to afford to live within their means.
- (d) He commented that according to Mayor Pro Tem Dutrey, the median selling price of a home in Montclair is \$240,000, which would require an annual income of \$90,000. He advised that the average annual income for a family of four in Montclair is \$50,000.

E. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of July 31, 2003

The City Council received and filed the Real Estate Committee meeting minutes of July 31, 2003, for informational purposes.

2. Minutes of Personnel Committee Meeting of August 18, 2003

The City Council received and filed the Personnel Committee meeting minutes of August 18, 2003, for informational purposes.

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

At 7:28 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of **City of Chino Hills Mayor Jim Thalman**.

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

Yvonne L. Smith
Recording Secretary