

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION, BOARDS HELD ON MONDAY, MARCH 15, 2004, AT 7:03 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

---

I. CALL TO ORDER

Mayor Pro Tem Dutrey called the meeting to order at 7:03 p.m.

II. INVOCATION

**Pastor Neal Froese, Rock of Life Community Church**, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

Absent: Mayor/Chairman Eaton (excused); City Manager/Executive Director McDougal (excused)

Mayor Pro Tem Dutrey advised that Mayor Eaton is at present flying back from Washington, D.C.

V. PRESENTATIONS

A. **Presentation of Awards to Council Member Leonard Paulitz for His Contributions to San Bernardino County Cities as a Governing Board Member of the South Coast Air Quality Management District**

On behalf of the City of Montclair, Mayor Pro Tem Dutrey presented Council Member Paulitz with a plaque in recognition of his many accomplishments and contributions to the 16 cities he represented during his 12 years of exemplary service on the **South Coast Air Quality Management District (SCAQMD)** Governing Board.

On behalf of the **SCAQMD**, **Ms. Cynthia Verdugo-Peralta**, Board Member, **SCAQMD**, presented Council Member Paulitz with a gift from his **SCAQMD** colleagues. She noted that Council Member Paulitz has been an inspiration to the Board and kindly mentored her when she was newly elected to the Board in 2000. She noted she enjoyed serving with Council Member Paulitz on the Technology Committee and on the **California Fuel Cell Partnership**. She stated she is honored not only to have served with Council Member Paulitz at **SCAQMD** but also to be his friend.

**Ms. Jellina Eifer**, District Representative, **Assembly Member Gloria Negrete McLeod's** Office, presented Council Member Paulitz with a *Certificate of Recognition* honoring his 12 years of

distinguished service to San Bernardino County cities in the areas of resource conservation and environmental protection.

**Ms. Judy Boroch**, President, **Montclair Chamber of Commerce**, presented Council Member Paulitz with a plaque honoring his commitment and outstanding contributions to San Bernardino County cities, particularly to the City of Montclair.

Council Member Raft read a letter from **Mr. Roy Wilson**, Supervisor, **Riverside County Board of Supervisors**, and Vice Chair of the **SCAQMD Board**, which is entered into the record as follows:

*Dear Leonard,*

*I regret that I am unable to attend your reception on March 15 because I will be in Scotland on a long-planned vacation. I say to you with no insincerity that had I known you were being honored, I would have tried to plan this trip for a different week.*

*Your contributions to the South Coast Air Quality Management District are well known within air-quality management circles; but more importantly, the vast majority of the public, which is not familiar with the District, has benefited from your unselfish service.*

*Air quality and the economy in the Inland Empire have improved greatly during the past decade because you were willing to make the tough decisions. Thanks to you, we were able to prove the naysayers wrong. Your contributions toward advancing clean air technologies were also unparalleled.*

*I wish you the best in the future, Leonard, as it has been a "breath of fresh air" serving with you on the South Coast Board.*

*Sincerely,*

*Roy Wilson  
Vice Chair*

Council Member Ruh read a letter from **Senator Barbara Boxer**, which is entered into the record as follows:

*Dear Mr. Paulitz:*

*It is with great pleasure that I join your colleagues and friends in offering my sincere appreciation for your hard work to enrich life in San Bernardino County through your leadership on the Board of the South Coast Air Quality Management District.*

*You deserve a great deal of credit for devoting your expertise and years of experience to the very worthy endeavor of promoting a healthy and prosperous environment for the enjoyment of our Inland Empire residents. I applaud your dedicated service to the community and know that your efforts are deeply appreciated by many.*

*Congratulations on this special honor, and you have my best wishes for continued success.*

*Most sincerely,*

*Barbara Boxer  
United States Senator*

Council Member Paulitz asked **Mr. Hank Wedaa** to stand and be recognized as Chairman Emeritus of the **SCAQMD** Board and as a long-time former Council Member of the **City of Yorba Linda**. He also recognized **SCAQMD** Board Member **Peralta** as being the first **Governor** appointee to the Board to be confirmed by the State Senate in approximately eight years. He thanked everyone who honored him this evening for attending his reception. He stated he enjoyed his years of service on the **SCAQMD** Board. He expressed his belief that Southern California will have clean air by 2010 if alternative-fuel vehicles, whether powered by electricity, compressed natural gas, fuel cells, or hydrogen, become more popular and are in widespread use because mobile sources contribute the most contaminants to air pollution. He advised that such sources are not effectively regulated by the **State of California** and the federal **Environmental Protection Agency**. He asked for public assistance to encourage their state and federal representatives to focus on cleaning up the South Coast area, deemed the most severe nonattainment area in the country, along with the recently designated severe nonattainment area of the San Joaquin Valley.

## VI. PUBLIC COMMENT

- A. **Ms. Judy Boroach**, President, **Montclair Chamber of Commerce**, 5220 Benito Street, Montclair, announced that a joint *Casino Night* sponsored by the **Chamber, Montclair Kiwanis**, and the Montclair Community Action Committee would be held Saturday, March 27, 2003, from 6:00 to 10:00 p.m. at the **Gardens at Hillsborough Village**, 11918 Central Avenue, Chino; cost is \$25 with all proceeds to benefit Montclair youth programs.

Council Member Ruh noted he enjoyed attending last year's *Casino Night* and that he looks forward to attending this year's event.

- B. **Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, commented as follows:
1. He noted his daughter was one of the victims in the rash of vehicle break-ins that occurred last month in the cities of Ontario, Montclair, Upland, and Rancho Cucamonga. He stated that the Montclair Police Department was quick to respond to his daughter's incident and thanked Captain Kevin Piper for his assistance in the quick recovery of his daughter's stolen monitor and his neighbor's stolen equipment.
  2. With regard to his inquiry at a past meeting about whether the Red Light Camera Enforcement Program has been effective in curtailing accidents, he expressed his understanding that it has not.
  3. Concerning City Manager McDougal's response to his recent inquiry about the proposed San Antonio Gateway project that the Montclair Redevelopment Agency has acquired no more than 15 percent of the entire scope of the project area, he expressed his concern that eminent domain might be used to acquire more of the parcels at the site.

4. He noted he continues to work with community youth and stated, "We need to set a better example."

Mayor Pro Tem Dutrey reported that the proposed San Antonio Gateway development, bounded by Kingsley Street and Holt Boulevard and Ramona and Mills Avenues, represents a revitalization effort on the part of the City to improve the area. He stated that the City has been working with nonprofit homebuilders related to the project, adding that Consent Calendar Item C-3 to be considered by the Redevelopment Agency Board this evening concerns the Agency's proposed acquisition of a parcel of land, which, if approved, would be used by a nonprofit homebuilder together with three parcels of land recently acquired by the Agency to build an affordable senior housing rental complex. He advised that such proposal and another related to development of an affordable small-lot housing project would be coming before the Redevelopment Agency Board for its consideration in the near future.

## VII. PUBLIC HEARINGS

### A. **Second Reading – Adoption of Ordinance No. 03-834 Amending Chapter 11.38 of the Montclair Municipal Code**

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 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.

Council Member Ruh stated he continues to have reservations about the proposed ban on new chain-link fence installation in front-yard setbacks. He noted the unfairness of language proposed in Ordinance No. 03-834 related to repair of chain-line fences being limited to no more than 50 percent of the legally installed fence improvements. He further expressed his concern on behalf of residents whose properties contain front-yard chain-link fences higher than 48 inches.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that Ordinance No. 03-834, entitled "**An Ordinance of the City Council of the City of Montclair Amending Chapter 11.38 of the Montclair Municipal Code,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 03-834 was adopted by the following ROLL CALL vote:

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

Mayor Pro Tem Dutrey noted there was considerable discussion on this item at the last meeting, particularly related to nonconforming uses. He reminded everyone that the Code Enforcement Committee would further be reviewing the matter and that it is the City's goal to find exceptions to the Code for all nonconforming uses, other than chain-link fences, and to develop an incentive program to assist residents to replace their chain-link fences in front-yard setbacks that are higher than 48 inches.

## VIII. CONSENT CALENDAR

Director Ruh requested that Item B-1 be removed from the Consent Calendar for comment.

Vice Chairman Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, 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 March 1, 2004

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 March 1, 2004.

### B. Administrative Reports

#### 2. Setting a Public Hearing to Consider Ordinance No. 04-846 Adding Section 8.24.030 to the Montclair Municipal Code Pertaining to the Use of Curb Ramps

The City Council set a public hearing for Monday, April 5, 2004, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 04-846 adding Section 8.24.030 to the Montclair Municipal Code pertaining to the use of curb ramps.

#### 3. Setting a Public Hearing to Consider Ordinance 04-847 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value

The City Council set a public hearing for Monday, April 5, 2004, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 04-847 amending Section 9.20.460 of the Montclair Municipal Code related to the equivalent dwelling unit value.

#### 4. Approval of Negative Declaration for the City of Montclair Sidewalk Construction Project

##### Authorization to Advertise for Bid Proposals for the City of Montclair Sidewalk Construction Project

The City Council took the following actions related to the City of Montclair Sidewalk Construction Project:

(a) Approved a Negative Declaration.

(b) Authorized staff to advertise for bid proposals.

#### 5. Declaring Certain City Property and Unclaimed Property In Police Custody as Surplus and Available for Auction

The City Council declared the items listed on the *City of Montclair Property Auction Log* dated January 2004 attached to the agenda report on this item as surplus and authorized such unclaimed property to be sold at a consolidated public auction or, if not sold, to be destroyed.

**6. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending February 29, 2004.

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

The City Council approved the Warrant Register dated March 15, 2004, totaling \$704,292.34, and the Payroll Documentation dated February 8, 2004, amounting to \$494,682.43, with \$340,994.73 being the total cash disbursement.

**8. 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 February 29, 2004.

**9. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 2/01/2004-2/29/2004 in the amounts of \$29,581.87 for Project I; \$1,177.32 for Project II; \$1,367,567.23 for Project III; \$168,726.37 for Project IV; and \$537,807.08 for Project V.

**10. 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 February 29, 2004.

**11. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 2/01/2004-2/29/2004 in the amount of \$8549.81.

**12. Authorize Closure of the Community Development Block Grant Project (CDBG) for Trash Enclosures and Reallocating Funding to Unallocated Contingency Funds**

The City Council authorized closure of the CDBG Trash Enclosure Program and reallocated existing funding to CDBG unallocated contingency funds.

**C. Agreements**

**1. Approval of Agreement No. 04-33 Modifying Agreement No. 03-70 With RRM Design Group, Inc., Concerning Design of the North Montclair Median Landscaping and Entry Sign Project**

The City Council approved *Agreement No. 04-33* modifying *Agreement No. 03-70* with RRM Design Group, Inc., concerning design of the North Montclair Median Landscaping and Entry Sign Project.

**2. Approval of Agreement No. 04-35-I-55, an Irrevocable Annexation Agreement With EMT Development Corporation for 11098 Vernon Avenue**

The City Council approved *Agreement No. 04-35-I-55*, an *Irrevocable Annexation Agreement* with EMT Development

Corporation for 11098 Vernon Avenue.

**4. Approval of Agreement No. 04-38 Amending Agreement No. 04-32 With the Ontario-Montclair School District to Provide After-School Programs**

The City Council approved *Agreement No. 04-38* amending *Agreement No. 04-32* with the Ontario-Montclair School District to provide after-school programs.

**D. Resolutions**

**1. Adoption of Resolution No. 04-2494 Repealing Resolution No. 03-2437 Establishing a Revised Montclair Police Department Policy for Retention and Destruction of Records and Authorizing Destruction of Certain Police Department Records**

The City Council adopted Resolution No. 04-2494 repealing Resolution No. 03-2437 establishing a revised Montclair Police Department Policy for retention and destruction of records and authorizing destruction of certain Police Department records.

**2. Adoption of Resolution No. 04-2501 Authorizing Submittal of a Proposal for Senior Supportive Services Funding from the San Bernardino County Department of Aging and Adult Services**

The City Council adopted Resolution No. 04-2501 authorizing submittal of a proposal for senior supportive services funding from the San Bernardino County Department of Aging and Adult Services.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**1. Setting a Public Hearing Regarding Agreement No. 04-36, a Disposition and Development Agreement by and Between the City of Montclair Redevelopment Agency and the Pomona Valley Habitat for Humanity Regarding Property Located at 10327 Fremont Avenue**

Director Ruh stated that the Pomona Valley Habitat for Humanity provides a wonderful program to the community and spoke in support of the item. He asked if a Montclair family would be selected to purchase the home proposed to be built on the subject property.

Director of Redevelopment/Public Works Staats responded that the prospective buyers have already been selected and that, to her recollection, they are not from Montclair.

Director Ruh commented that there are so many families in Montclair struggling to buy a home, noting that the median price of a home is averaging above \$250,000. He expressed his opinion that more low-cost housing is needed in the community.

Moved by Director Ruh, seconded by Director Paulitz, and carried that the Redevelopment Agency Board set a public hearing for Monday, April 5, 2004, at 7:00 p.m. in the City Council Chambers to consider *Agreement No. 04-36*, a *Disposition and Development Agreement* by and between the

City of Montclair Redevelopment Agency and the Pomona Valley Habitat for Humanity for construction of an affordable single-family residence at 10327 Fremont Avenue.

**C. Agreements**

**3. Approval of Agreement No. 04-37, an Assignment and Assumption Agreement by and Between the City of Montclair Redevelopment Agency and Mr. Douglas Nye Regarding Property Located at 10419 Mills Avenue**

**Authorization of a \$582,000 Appropriation From the Housing Fund for Acquisition and Closing Costs**

Acting Executive Director Clark advised that the Redevelopment Agency Board was given a revised page 1 of proposed *Agreement No. 04-37* this evening reflecting an additional \$20,000 to the original \$10,000 deposit amount to be reimbursed to the property owner.

Moved by Director Paulitz, seconded by Director Raft, and carried that the Redevelopment Agency Board take the following actions related to the Redevelopment Agency's acquisition of 10419 Mills Avenue:

- (a) Approve *Agreement No. 04-37, an Assignment and Assumption Agreement* by and between the City of Montclair Redevelopment Agency and Mr. Douglas Nye.
- (b) Authorize a \$582,000 appropriation from the Housing Fund for acquisition and closing costs.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel - No comments**

**B. Acting City Manager/Executive Director**

- 1. Acting City Manager/Executive Director Clark asked that the Council reserve the morning of Saturday, April 3, 2004, for a tour of transit-oriented mixed-use developments at certain **Gold Line** stations along the commuter rail line from Pasadena to Los Angeles to gain a better understanding of the types of potential developments proposed for the North Montclair Downtown Plan.

**C. Mayor/Chairman - Absent**

**D. City Council/Agency Board**

- 1. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He noted attending the opening ceremonies of **Montclair Little League** on March 6, 2004, and **Quad Cities Little League** on March 13, 2004.
  - (b) He noted his attendance on Tuesday, March 6, 2004, at a **Soroptimist International of Montclair/Inland Valley** health fair held at Alma Hofman Park, where he was pleased to be given the opportunity to donate blood with **Ontario Mayor Gary Ovitt**.
  - (c) He noted his attendance on March 12, 2004, at an event in which **Senator Soto** recognized seven Inland Valley women as "Women of the Year" for their outstanding

contributions to society. He announced that **Mrs. Rosa Rangel**, owner of **Montclair Florist**, was one of the

seven women honored and suggested she be publicly recognized at a future Council meeting.

2. Council Member/Director Raft noted her attendance last week with Mayor/Chairman Eaton and Council Member/Director Ruh at the **National League of Cities Congressional City Conference** in Washington, D.C. She noted that **Congressman Dreier** brought them up to date on certain legislative priorities affecting local government. She noted the inclement weather back East.
3. Council Member/Director Ruh commented as follows:
  - (a) He discussed his attendance at a number of **National League of Cities Congressional City Conference** meetings last week on topics ranging from housing; transportation infrastructure, including the priority of freight rail in the region and the need for a national mass transit policy; and finance and intergovernmental relations, including the fact that many cities and counties will encounter difficulty in receiving necessary federal funding for needed projects because of a domestic spending cap through 2009.

Council Member Ruh noted attending a **White House** briefing with representatives from 40 other cities across the nation given by Intergovernmental Affairs Director **Ruben Barrales**, who emphasized that "self-help" cities would first be considered for any available federal transportation funding. Noting that California is a net-donor state, he advised that the federal Transportation Committee is trying to arrange it so states receive 95.5 cents on the dollar.

At the general session on housing and urban renewal in our inner cities, Council Member Ruh noted learning that one out of every four Americans is living on \$8.70 an hour or less and that only 11 percent of those individuals are transitional, part-time, or seasonal workers. He also noted learning that in California, one of the most expensive states in the union to live, on any given night 50 percent of those residing in homeless shelters are working on a regular basis.

At the general session on social issues affecting our communities, Council Member Ruh heard several proposed solutions to the broken social welfare system.

Council Member Ruh noted Mayor/Chairman Eaton's and his attendance at a meeting with **Ms. Laurie Saroff**, Legislative Assistant to **U.S. Senator Boxer**, regarding **Senator Boxer's** support for the bipartisan **Alameda Corridor-East (ACE)** grade separation funding issue.

Council Member Ruh noted Mayor/Chairman Eaton's, Council Member Raft's, and his attendance at a meeting with **Congressman Dreier** that focused on regional transportation issues, including the need for the **Gold Line** and **ACE**. He further noted attending meetings with **Congress Members Napolitano** and **Solis** regarding funding for **ACE**.

Council Member Ruh noted he was privileged to attend as a guest of **Congress Member Solis** an awards ceremony honoring actor **Victor Rivers** for his strong support of the prevention of domestic violence.

Council Member Ruh noted his attendance at a **California Society** briefing on projections for the future.

- (b) He suggested residents take the **Metrolink** to **Union Station** in downtown Los Angeles, catch the **Gold Line** to Pasadena and back, and return on the **Metrolink** to experience the commuter line that will one day run through Montclair.

Mayor Pro Tem Dutrey expressed his appreciation of Mayor Eaton and Council Members Ruh and Raft for representing the City's interests at the **National League of Cities Congressional City Conference** in extending the **Gold Line** through Montclair and lobbying for federal funding for the **ACE** grade separation projects at Ramona and Monte Vista Avenues.

Noting he has attended similar conferences many times in the past, Council Member Paulitz emphasized the personal sacrifices on the part of the Council to attend such distant out-of-state conferences as well as the many meetings involved. He noted addressing ZIP Code consolidation in the southern portion of Montclair several years ago with Congressional liaison offices and working with representatives at the main post office in Washington, D.C, adding that after much effort, the City was successful in consolidating the area into the Montclair postal district. He emphasized the need to continue aggressively lobbying our federal representatives to secure adequate funding for **ACE** grade separation projects in San Bernardino County.

Mayor Pro Tem Dutrey corrected his earlier response regarding the San Antonio Gateway project, clarifying that the proposed development's east-west boundaries are Amherst and Mills Avenues.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Public Works Committee Meeting of January 15, 2004**

The City Council received and filed the Public Works Committee meeting minutes of January 15, 2004, for informational purposes.

##### **2. Minutes of Personnel Committee Meeting of March 1, 2004**

The City Council received and filed the Personnel Committee meeting minutes of March 1, 2004, for informational purposes.

#### **XII. COUNCIL/AGENCY WORKSHOP**

##### **A. Update on North Montclair Downtown Plan**

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft and carried to continue this item to an adjourned joint meeting on Monday, April 5, 2004, at 5:45 p.m. in the City Council Chambers.

#### **XIII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 7:48 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors, reiterating his recognition of Council Member

Paulitz's 12 years of exemplary, dedicated service on the **SCAQMD** Governing Board.

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

---

Yvonne L. Smith  
Transcribing Secretary