

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, FEBRUARY 7, 2005, AT 6:57 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 6:57 p.m.

II. INVOCATION

Pastor Dale Rose, First Assembly of God 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 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: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced City employee **Mr. Scott Sherwood**, who was appointed to the position of Code Enforcement Officer effective January 31, 2005. He noted Code Enforcement Officer Sherwood began his career with the City in 1982 as a Police Cadet and went on to serve as a Reserve Police Officer, Dispatcher, Police Officer, and last November was appointed to the position of Reserve Code Enforcement Officer.

Mayor Eaton congratulated Code Enforcement Officer Sherwood on his latest appointment and presented him with a City pin.

Mayor Eaton introduced **Mr. Jeffrey Rogers**, who was appointed to the position of Reserve Police Officer effective November 2, 2004, upon his graduation from the **Riverside Sheriff's Academy** on December 18, 2004. He noted Reserve Officer Rogers works full time as a service technician for **SBC Pacific Bell**.

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

Mayor Eaton introduced **Mr. James Thayn**, who was appointed to the position of Police Officer effective December 27, 2004, upon his graduation from the **San Bernardino County Sheriff's Academy**. He noted Officer Thayn served in the **United States Marine Corps** for five years and was promoted to the rank of Sergeant.

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

Mayor Eaton introduced **Mr. Steven Griffin**, who was appointed to the position of Police Officer effective December 27, 2004. He noted Officer Griffin was previously employed as a Police Officer with the **City of Baldwin Park** and began his law enforcement career as a Reserve Police Officer with the **San Bernardino County Sheriff's Department**.

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

B. Presentation on Safety Awareness by Ms. Bertha Cueller, San Bernardino County Health Department

Mayor Eaton introduced **Ms. Bertha Cueller**, Health Services Assistant, **San Bernardino County Health Department**.

Ms. Cuellar gave a presentation on the **Traffic S.A.F.E. (Safety Awareness For Everyone) Program**, funded through a grant from the **California Office of Traffic Safety** and from revenue generated from the Low-Cost Car Seat Program and an allocation from fines collected for nonuse of child restraints, that serves to educate parents about the importance of safely transporting children and to emphasize that placing children in age-appropriate vehicle restraint systems reduces serious and fatal injuries by more than half. She noted that **National Child Passenger Safety Week** is scheduled this year between February 13 and February 19, 2005. She gave the Council "Safe Kids Buckle Up" pamphlets, noting additional literature would be left for the public.

Council Member Ruh inquired as follows:

1. What is the telephone number for the Low-Cost Car Seat Program?

Ms. Cuellar advised that the telephone number to register for the program is 1-800-722-3578, noting the car seats are made available to qualifying families that reside in San Bernardino County and that participate in a car seat safety educational program.

2. Is there a child safety seat rental program?

Ms. Cuellar advised that, unfortunately, that program was discontinued because of a lack of funding.

Council Member Ruh inquired about a statistic he read that indicated children are safer in rear-facing child safety seats secured in the back seats of two-door rather than four-door vehicles.

Ms. Cuellar stated she was unaware of such statistic, though she understands the center position of the back seat to be the safest position to secure rear-facing child safety seats.

Mayor Eaton thanked **Ms. Cuellar** for her informative presentation on an important and timely issue to protect our children.

Ms. Cuellar indicated she would be contacting City schools to give presentations.

Mayor Eaton indicated he was sure the schools would cooperate.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 05-2564 Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for a 3.09-Acre Site on the East Side of Mills Avenue Between Holt Boulevard and Kingsley Street, Modifying the Land-Use Designation From "Business Park" to "R-3/11 DU/AC" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre)

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 05-2564 approving a Specific Plan amendment to the Holt Boulevard Specific Plan for a 3.09-acre site on the east side of Mills Avenue between Holt Boulevard and Kingsley Street, modifying the land-use designation from "Business Park" to "R-3/11 DU/AC" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre), for development of a 75-unit multifamily development at 10410-10450 Pradera Avenue and a 100-unit senior housing development at 10371-10375 Mills Avenue 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 spoke in support of the item.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Resolution No. 05-2564, entitled "**A Resolution of the City Council of the City of Montclair Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for a 3.09-Acre Site on the East Side of Mills Avenue Between Holt Boulevard and Kingsley Street, Modifying the Land-Use Designation From 'Business Park' to 'R-3/11 DU/AC' (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre),**" be read by number and title only, further reading be waived, and it be declared adopted.*

Council Member Ruh noted this is an important development that absolutely demonstrates not only the need for affordable housing in the community but the need for affordable ownership housing for the renting families that will one day be in a position to purchase property.

*The City Council waived the reading Resolution No. 05-2564.

Resolution No. 05-2564 was adopted by the following vote:

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

B. Adoption of Resolution No. 05-2565 Approving a General Plan Amendment to the Official Land-Use Map for a 7.82 Acre Site on the South Side of Mission Boulevard Between Ramona and Monte Vista Avenues, Modifying the Land-Use Designation From "General Commercial" to "Low-Density Residential"

First Reading - Adoption of Ordinance No. 05-856 Approving a Zone Change to the Montclair Municipal Code From "C-2" (Restricted Commercial) to "R-1(SL)" (Single-Family Residential Small-Lot Detached Housing Overlay) for 7.82 Acres on the South Side of Mission Boulevard Between Ramona and Monte Vista Avenues

Approval of Tentative Tract Map No. 17315 for a 23-Lot Residential Subdivision at 4691 Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 05-2565 and the first reading of Ordinance No. 05-856 and approval of Tentative Tract Map No. 17315 related to a General Plan amendment and zone change to accommodate development of a 23-lot residential subdivision at 4691 Mission Boulevard 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 asked if a developer has expressed interest in developing a residential subdivision on the vacant land directly east of the subject site.

City Manager McDougal answered, "Yes," advising that William Fox Homes, the applicant in this item, is pursuing acquisition of the property.

Mayor Pro Tem Dutrey received confirmation that Rawhide Street would eventually be continued through to Monte Vista Avenue once the vacant land is acquired for development.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Resolution No. 05-2565, entitled "**A Resolution of the City Council of the City of Montclair Approving a General Plan Amendment to the Official Land-Use Map for a 7.82-Acre Site on the South Side of Mission Boulevard Between Ramona and Monte Vista Avenues, Modifying the Land-Use Designation From 'General Commercial' to 'Low-Density Residential,'**" be read by number and title only, further reading be waived, and it be declared adopted.*

Concerning the applicant's responsibility to diligently seek out individuals or organizations interested in moving the single-family historical home to another location pursuant to the potential Cultural Resources environmental impact identified by staff, Council Member Ruh asked who is required to acquire the land upon which the house is to be relocated.

City Manager McDougal answered, "Whoever takes the house."

*The City Council waived the reading of the Resolution.

Resolution No. 05-2565 was adopted by the following vote:

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

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 05-856, entitled "**An Ordinance of the City Council of the City of Montclair Approving a Zone Change to the Montclair Municipal Code From 'C-2' (Restricted Commercial) to 'R-1(SL)' (Single-Family Residential Small-Lot Detached Housing Overlay) for 7.82-Acres on the South Side of Mission Boulevard Between Ramona and Monte Vista Avenues,**" be read by title and number 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. 05-856 was adopted by the following vote:

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

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried that the City Council approve Tentative Tract Map No. 17315 for development of a 23-lot subdivision at 4691 Mission Boulevard, subject to the 41 conditions of approval contained in the agenda report on this item.

Mayor Pro Tem Dutrey commended William Fox Homes for the beautiful job it did on the completed Brighton Place development, noting the very nice architectural design features of the homes. He indicated that these residential subdivisions are greatly improving Mission Boulevard, noting he looks forward to such time when all improvements to the thoroughfare have been completed.

City Manager McDougal requested that Section XI, "Communications," Item A-2, "Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations," related to property located at 10215 Central Avenue be withdrawn from the agenda.

It was the consensus of the Council to withdraw the above-named item from the agenda.

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item B-5 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, 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/MHC Meeting of January 18, 2005

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 January 18, 2005.

B. Administrative Reports

1. Setting a Public Hearing to Consider Approval of Tentative Tract Map No. 17207 for a Nine-Lot Residential Subdivision at 9606 Helena Avenue

The City Council set a public hearing for Monday, February 21, 2005, at 7:00 p.m. in the City Council Chambers to consider approval of Tentative Tract Map No. 17207 for a nine-lot residential subdivision at 9606 Helena Avenue.

2. Approval of *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2005*

The City Council approved the *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2005*.

3. **Approval of City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2005**

The Redevelopment Agency Board approved the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2005*.

4. **Approval of City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2005**

The Montclair Housing Corporation Board approved the *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2005*.

6. **Granting an Easement for Waterline Purposes to Monte Vista Water District Through Alma Hofman Park**

The City Council granted a pipeline easement dedication to Monte Vista Water District for a waterline relocated through Alma Hofman Park as a result of construction of the Montclair Skate Park.

7. **Declaring Unclaimed Property in Police Custody as Surplus and Available for Auction**

The City Council declared unclaimed property in Police custody listed on an attachment to the agenda report on this item as surplus and available for auction.

8. **"No Action" on Alcoholic Beverage Permit Application - Thai BBQ Restaurant**

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Chantaracharat Teerapat for Thai BBQ Restaurant, 5470 Moreno Street, B, Montclair, California.

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

The City Council approved the Warrant Register dated February 7, 2005, totaling \$1,331,743.57 and the Payroll Documentation dated December 26, 2004, amounting to \$527,034.34, with \$364,312.28 being the total cash disbursement.

C. **Agreements**

1. **Redevelopment Agency Board of Directors' Approval of Agreement No. 05-09, an Easement Purchase and Sale Agreement Between the Redevelopment Agency and Richard C. Hunsaker for Purchase of an Easement and Designation of a Temporary Construction Easement Necessary for the Ramona Avenue/Union Pacific Railroad Grade Separation Project**

City Council's Acceptance of an Easement for Street and Related Purposes for the Ramona Avenue/Union Pacific Railroad Grade Separation Project

The Redevelopment Agency Board approved *Agreement No. 05-09, an Easement Purchase and Sale Agreement* between the Redevelopment Agency and Richard C. Hunsaker

for purchase of an easement necessary for the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

The City Council accepted an easement for street and related purposes for the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

2. Award of Contract to Hardy & Harper, Inc., in the Amount of \$126,073.23

Approval of *Agreement No. 05-10* With Hardy & Harper, Inc., for the Kingsley and Orchard Streets Rehabilitation Project

Authorization of a \$13,000 Construction Contingency

The City Council took the following actions related to the Kingsley and Orchard Streets Rehabilitation Project:

(a) Awarded a contract to Hardy & Harper, Inc., in the amount of \$126,073.23.

(b) Approved *Agreement No. 05-10* with Hardy & Harper, Inc.

(c) Authorized a \$13,000 construction contingency.

3. Approval of *Agreement No. 05-11* With Inland Empire Utilities Agency for Installation of a Groundwater-Monitoring Well Near the Intersection of Monte Vista Avenue and Richton Street

The City Council approved *Agreement No. 05-11* with the Inland Empire Utilities Agency for installation of a groundwater-monitoring well behind the west curb of Monte Vista Avenue approximately 100 feet south of the centerline of Richton Street.

D. Resolutions

1. Adoption of Resolution No. 05-2566 Authorizing Destruction of Certain Police Department Records Pursuant to the Established Montclair Police Department Policy for Retention and Destruction of Records

The City Council adopted Resolution No. 05-2566 authorizing destruction of certain Police Department records pursuant to the established Montclair Police Department Policy for the Retention and Destruction of Records.

2. Adoption of Resolution No. 05-2567 Supporting H.R. 728 – the ADA Notification Act and AB 2594 – Public Accommodations: Persons with Disabilities

The City Council adopted Resolution No. 05-2567 supporting H.R. 728 – the ADA Notification Act and AB 2594 – Public Accommodations: Persons with Disabilities.

3. Adoption of Resolution No. 05-2568 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 05-2568 authorizing placement of liens for delinquent sewer and trash charges on the properties listed on Exhibit A to Resolution No. 05-2568.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

5. Approval of Recommendations of Metro Gold Line Foothill Extension Construction Authority Draft Project Definition Report

City Engineer Hudson introduced **Ms. Monica Born**, Project Engineer, Metro Gold Line Foothill Extension Construction Authority. He noted the Council has been provided with exhibits depicting the proposed continuation of the Gold Line light-rail system from its existing terminus in Sierra Madre through the Montclair station; the proposed location of the new Montclair station at the Montclair Transcenter; a site plan depicting the location of the station platform north of the existing Metrolink platform near the east end, the pedestrian underpass (currently undergoing final design modifications), and the existing Transcenter parking that should be able to accommodate the light-rail patronage in addition to any growth in Foothill Transit, Omnitrans, and Metrolink parking needs; and the location of the traction power substations that will provide the power necessary for light-rail operations. He noted the line would be constructed in two segments, with the first segment (terminating in Irwindale) to be completed in approximately 2009 and the second (terminating in Montclair) to be completed in approximately 2015. He noted this is a fairly aggressive time schedule.

Discussion centered on the adequacy of existing Montclair Transcenter parking until such time as a parking structure may be needed to accommodate the North Montclair Downtown Plan mixed-use project.

Mayor Pro Tem Dutrey noted he is pleased with the proposed location of the Gold Line station platform near the Metrolink platforms, noting the importance of their close proximity.

Mayor Eaton pointed out that there is available parking close to the new Gold Line station platform. He clarified his role as a voting member of the Metro Gold Line Foothill Extension Construction Authority Board since his appointment by the San Bernardino Associated Governments (SANBAG), noting City Engineer Hudson attends board meetings with him in the capacity of technical support.

Council Member Ruh expressed his belief that the Gold Line represents a vital means of future mass transit in the region. He noted the **Southern California Association of Governments (SCAG)** State of the Region annual report card has understandably graded mobility a "D-." He noted how odd it is that there are detractors to the new light-rail system being built, given its benefit to the region.

Moved by Mayor Eaton, seconded by Council Member Ruh, and carried that the City Council approve the four recommendations in the Metro Gold Line Foothill Extension Construction Authority Draft Project Definition Report related to station location, parking, alignment, and traction power substations pertinent to the City of Montclair.

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Property: 9855 Central Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Mr. Gilbert Trujillo

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 pursuant to Section 54956.8 of the Government Code regarding real property negotiations on the above matter, noting the withdrawal earlier this evening of Item A-2.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at regular monthly **SANBAG** and **Omnitrans** meetings earlier this month at which no budgetary items were addressed.

D. City Council/Agency Board

1. Council Member/Director Raft noted her attendance at the grand opening of **Chili's Grill & Bar** last Monday, noting it is really nice to have the restaurant in Montclair. She expressed her assurance that the new restaurant will do well in the City.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted he was unable to attend the **Chili's Grill & Bar** grand opening because he was working, though he did enjoy having lunch there last Friday with **Monte Vista Water District** General Manager **Mark Kinsey**.
 - (b) He noted Mayor Eaton's and his attendance at a meeting with **San Bernardino County Fourth District Supervisor Gary Ovitt** last Monday to address certain issues affecting Montclair, noting **Supervisor Ovitt's** support of the City.
 - (c) He noted his attendance on January 19, 2005, at the **Montclair Chamber of Commerce's** Montclair Police Officers & Employees Appreciation & Recognition Luncheon held at another of Montclair's new restaurants, **John's Incredible Pizza Co.**
 - (d) He noted his attendance at the **Ontario-Montclair YMCA's** "Drumming for Dollars" kickoff dinner on January 24, 2005, signaling the beginning of its **Strong Kids Campaign 2005**. He noted he is taking his wife's place on the **YMCA** Board in her absence and has been busy soliciting campaign donations.

3. Council Member/Director Ruh commented as follows:
- (a) He also noted his attendance at the **Chamber's** Montclair Police Officers & Employees Appreciation & Recognition Luncheon, adding that award recipients certainly deserved to be honored.
 - (b) He announced the State of the City Address/"Taste of Montclair" Luncheon to be held Wednesday, February 16, 2005, at 11:30 a.m. in the Montclair Community Center. He advised that the luncheon is being given by the **Montclair Chamber of Commerce** and reservations may be made by calling 624-4569.
 - (c) He cited a recent newspaper article advising that qualifying senior residents of San Bernardino and Riverside counties with maximum monthly incomes of \$1,000 for singles and \$2,000 per couple can apply to the **Pet Assistance Foundation, Inland Empire Branch**, for low-cost veterinary care. He noted the **Foundation's** toll-free telephone number is 1-877-772-9738 and that funding for the program is made available through a grant from the **Albert and Anna Herdina Memorial Fund for Animals**.
 - (d) He noted **Montclair Manor Care Center** resident **Mr. Robert Miller's** experiences serving in the **United States Navy** during **World War II** were profiled in an article in today's ***Inland Valley Daily Bulletin (IVDB)***. He indicated he would give the article to the Community Action Committee so **Mr. Miller** can be honored at the City's Memorial Day 2005 ceremony.
 - (e) He cited an article in Friday's ***IVDB*** that reported the results of the **SCAG** State of the Region annual report card, which analyzed 2003 data from San Bernardino, Riverside, Los Angeles, Orange, Imperial, and Ventura counties. He discussed the low marks **SCAG** gave the six-county region's housing, mobility, education, air quality, and income. He noted he would begin attending **SCAG** meetings to learn more and stressed the importance of taking these topics seriously. He concluded his comments with the following quotation by the **Reverend Dr. Martin Luther King, Jr.**, that sums up the need for unity when planning for the region:

*We must learn to live together as brothers
or perish together as fools.*

E. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of January 12, 2005

The City Council received and filed the Real Estate Committee meeting minutes of January 12, 2005, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of January 18, 2004

The City Council received and filed the Code Enforcement Committee meeting minutes of January 18, 2005, for informational purposes.

3. Minutes of Personnel Committee Meeting of January 18, 2004

The City Council received and filed the Personnel Committee meeting minutes of January 18, 2005, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Midyear Budget Review

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Mayor/Chairman Eaton, and carried to continue this item to an adjourned joint meeting on Tuesday, February 22, 2005, at 5:45 p.m. in the City Council Chambers.

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

At 7:45 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors.

At 7:45 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:04 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the 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.

XV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:05 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
Recording Secretary