

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY, MONTCLAIR HOUSING CORPORATION,
AND MONTCLAIR FINANCING AUTHORITY BOARDS
HELD ON MONDAY, MAY 16, 2005, AT 7:03 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 7:03 p.m.

II. INVOCATION

Pastor Benny Nicholas, First United Methodist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

For the record, City Clerk/Agency Secretary Donna Jackson noted Mayor/Chairman Eaton and Council Member/Director Paulitz are not in attendance at tonight's meeting.

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 noted Mayor Eaton is attending an **Omnitrans** conference in Ohio and Council Member Paulitz is recovering at his home from recent heart surgery. He told those who desire to visit Council Member Paulitz to contact him at his home.

V. PRESENTATIONS

A. **Presentation of \$3,104.99 Check by Mr. Robert Gross, Grand Knight, Knights of Columbus No. 7412, Our Lady of Lourdes Council, to Mr. Ronald Wolff, President/CEO, OPARC**

Mayor Pro Tem Dutrey introduced **Mr. Robert Gross, Grand Knight, Knights of Columbus No. 7412, Our Lady of Lourdes Council.**

Mr. Gross recognized **La Cita** restaurant for donating the food for the **Our Lady of Lourdes Council's** vocation dinner last Saturday to welcome a new priest. He presented **Mr. Ronald Wolff, President/Chief Executive Officer, OPARC,** with a \$3,104.99 check representing the proceeds from a recent fundraiser.

Mr. Wolff accepted the check and thanked **Mr. Gross** and the **Knights of Columbus** for their generous donations to **OPARC** over the years that have assisted in providing help to adults with disabilities.

On behalf of the City, Mayor Pro Tem Dutrey recognized **Our Lady of Lourdes Council** and **OPARC** for all their contributions to the community and the region.

B. Presentation by Ms. Lesley Elwood, Art Program Manager, Metro Gold Line Construction Authority Foothill Extension Project, Related to Selection of Montclair Gold Line Station Artist

Mayor Pro Tem Dutrey introduced **Ms. Lesley Elwood**, Art Program Manager, **Metro Gold Line Construction Authority Foothill Extension Project**.

Ms. Elwood reviewed the process followed by the Station Design and Art Review Committee to recommend that **Ms. Ruth Ann Anderson** be selected as the Montclair Metro Gold Line station artist. She discussed **Ms. Anderson's** preliminary design proposal, which includes historical references, including bronze-clad pillars mounted with busts of three major historical figures who contributed greatly in shaping California's past; integration with standard station components; and materials and maintenance of the proposed artwork. She directed the Council's attention to a scale model depicting the artist's design concepts.

Council Member Ruh suggested Spanish commander **Captain Juan Bautista de Anza**, the first European to establish an overland route from Mexico through the Sonoran desert to the Pacific coast of California; **Father Junipero Serra**, a priest in the Franciscan order of the Catholic Church and the driving force in the Spanish conquest and colonization of what is now the state of California; and perhaps a legendary California Native American would certainly capture the essence of the region. He noted the importance of representing long-term as opposed to short-term legendary figures.

Ms. Elwood indicated that a combination of local and regional historical figures would be represented.

Mayor Pro Tem Dutrey noted the Council would be considering an item this evening related to appointment of the station artist. He asked if the Station Design and Art Review Committee would remain active in the project.

Ms. Elwood replied that the committee would continue to be involved in the project.

Mayor Pro Tem Dutrey thanked **Ms. Elwood** for her presentation.

VI. PUBLIC COMMENT

Mayor Pro Tem/Vice Chairman Eaton reminded those audience members desiring to address the Council and Redevelopment 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. Mrs. Agnes Gibboney, Leader, Families & Friends of Murder Victims, P.O. Box 1385, Alta Loma, asked for the City of Montclair's support of the Families & Friends of Murder Victims nonprofit support group. She expressed her disappointment that Montclair elected not to present the organization with a proclamation during the silver anniversary of National Crime Victims Week, April 10-16, 2005, despite repeated requests for support over the past three years.

Mayor Pro Tem Dutrey asked **Mrs. Gibboney** to leave information with City Manager McDougal, emphasizing that the City would

certainly be more than happy to present **Families & Friends of Murder Victims** with a proclamation.

Council Member Ruh asked why proclamations have not been presented to **Families & Friends of Murder Victims** for the past three years.

City Manager McDougal stated he does not recall ever receiving a request for a proclamation from the organization.

Mrs. Gibboney noted she addressed the organization's requests to "Mayor/City Clerk." She introduced **Mrs. Lois Harzell**.

Mrs. Harzell stated she has been a resident of Montclair for more than 40 years and that her children attended community schools. She sadly recounted that her son was murdered approximately one-and-a-half years ago. She expressed her dismay that Montclair had once again failed to provide a proclamation at the recent candlelight ceremony in Rancho Cucamonga to memorialize murder victims. She expressed her hope that the City would do so next year.

Council Member Ruh assured **Mrs. Harzell** that the City would certainly do so.

Mayor Pro Tem Dutrey advised **Mrs. Gibboney** that she would be contacted concerning presentation of the proclamation.

B. Mr. Tom Stoudt, President, **Montclair Fire Fighters Association, Local 3608 (MFFA)**, 18930 Red Feather Road, Apple Valley, made the following announcements:

1. The annual **Firefighters' Quest for Burn Survivors Rally 2005** fundraiser will be held Friday, June 10, 2005, with 100 percent of the proceeds to benefit local burn centers, foundations, and burn victims and families. Last year, the volunteer organization raised \$130,000 for burn survivors, \$1,000 of which was donated by **MFFA**. **Dr. George Fischbeck** has once again been invited to attend the rally; and the Council, staff, and viewing audience are also invited to participate. Anyone interested in attending should meet at Fire Station No. 1 at 2:45 p.m. on June 10.
2. The Third Annual Emergency Medical Services Picnic in appreciation of paramedic program subscribers is scheduled for Saturday, May 21, 2005, from 11:00 a.m. to 2:00 p.m. at Fire Station No. 1.

Mr. Stoudt concluded his comments by wishing Council Member Paulitz a speedy recovery.

Mayor Pro Tem Dutrey thanked **Mr. Stoudt** for his announcements, noting he would be pleased to attend the EMS Picnic this Saturday.

C. Mr. Ronald Armstrong, 5601 Deodar Street, Montclair, commented as follows:

1. He reiterated comments made at previous meetings.
2. He requested salary information for certain staff members, including their latest salary adjustments.
3. He stated his understanding that the City is pursuing acquisition of four properties on Central Avenue and expressed concern about the future affordability of the homes.

Mayor Pro Tem Dutrey told **Mr. Armstrong** the requested salary information would be provided to him.

City Manager McDougal asked City Attorney Robbins for clarification on the legality of providing such information.

City Attorney Robbins suggested, pursuant to the **California Public Records Act**, the records request be submitted to her in writing for determination on whether there is an identifiable record.

Mr. Armstrong noted various cities have readily provided him with salary information with only an informal verbal request.

- D. **Mr. Josh Candelaria**, District Director, **San Bernardino County Fourth District Supervisor Gary Ovitt's Office**, 113161 West Sixth Street, Chino, discussed a new global positioning system (GPS) tracking program to monitor high-risk convicted sex offenders and domestic violence abusers that will begin in the next few weeks pending approval by the **San Bernardino County Board of Supervisors** at its meeting tomorrow. He noted **Supervisor Ovitt** is the program's chief proponent, adding that all program costs will be paid by the **San Bernardino County Probation Department**.

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

- E. **Miss Regina Howerton** commented as follows:

1. She asked why the minutes of the April 18, 2005 regular joint meeting have not been posted on the City's website.
2. She noted the brevity of recent records of these meetings.
3. She discussed a traffic hazard on eastbound Moreno Street just east of Central Avenue from vehicles making illegal left turns onto Moreno Street from the **Washington Mutual Bank** parking lot, advising that a posted sign prohibits left-hand turns. She suggested an increase in motor officer patrol in that vicinity to increase traffic safety.

Mayor Pro Tem Dutrey advised that Police Chief Thompson would be more than happy to address **Ms. Howerton's** concerns about this traffic issue.

VII. PUBLIC HEARINGS

In the interest of time, Mayor Pro Tem Dutrey suggested, if there are no objections from the Council, the staff reports on the first three public hearing items be waived.

- A. **Second Reading – Adoption of Ordinance No. 05-863 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value**

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance No. 05-863 amending Section 9.20.460 of the Montclair Municipal Code related to the equivalent dwelling unit value 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.

Moved by Council Member Raft and seconded by Council Member Ruh that Ordinance No. 05-863, entitled "**An Ordinance of the**

City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee," be read by number and title only, further reading be waived, and this be declared its second reading.*

Council Member Ruh clarified that the proposed \$95 increase to the Regional Sewage Supplemental Capital Outlay Fee is based on the Inland Empire Utilities Agency's decision to use a ten-year average of the Engineering News Record Construction Cost Index in an effort to control the amount of the increase. He noted that Council approval of the fee increase would cause the mandatory fee on new construction connected to the City Sewer System to be paid by the builder rather than the City.

*The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 05-863 was adopted by the following ROLL CALL vote:

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

- B. Second Reading – Adoption of Ordinance No. 05-864 Approving a Zone Change to the Montclair Municipal Code from "R-1(11)" (Single-family Residential, Minimum 11,000-Square-Foot Lot Area) to "R-1(SL) (Single-Family Residential Small-Lot Detached Housing Overlay) for .31 Acres and "R-1" (Single-Family Residential) for .22 acres at 10954 Ramona Avenue**

Approval of Tentative Parcel Map No. 17100 for a Four-Lot Residential Subdivision at 10954 Ramona Avenue

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance No. 05-864 approving a zone change to the Montclair Municipal Code from "R-1(11)" (Single-Family Residential, Minimum 11,000-Square-Foot Lot Area) to "R-1(SL) (Single-Family Residential Small-Lot Detached Housing Overlay) for .31 acres and "R-1" (Single-Family Residential) for .22 acres at 10954 Ramona Avenue 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.

Moved by Council Member Raft and seconded by Council Member Ruh that the following actions be taken:

1. That Ordinance No. 05-864, entitled **"An Ordinance of the City Council of the City of Montclair Approving a Zone Change to the Montclair Municipal Code From "R-1(11) (Single-Family Residential, Minimum 11,000-Square-Foot Lot Area) to "R-1(SL)" (Single-Family Residential Small-Lot Detached Housing Overlay) for .31 Acres and "R-1" (Single-Family Residential) for .22 Acres at 10954 Ramona Avenue,"** be read by number and title only, further reading be waived, and this be declared its second reading.
2. That Tentative Parcel Map No. 17100 for a four-lot residential subdivision at 10954 Ramona Avenue be approved subject to the 37 conditions of approval listed in the agenda report on this item.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 05-864 was adopted and the Council approved Tentative Tract Map No. 17100 for a four-lot residential subdivision at 10954 Ramona Avenue subject to the 37 conditions of approval listed in the agenda report on this item by the following ROLL CALL vote:

AYES: Ruh, Raft, Dutrey

NOES: None

ABSTAIN: None

ABSENT: Paulitz, Eaton

C. Second Reading – Adoption of Ordinance No. 05-865 Amending Section 6.02.010 of the Montclair Municipal Code Related to Regulation of Fireworks

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance No. 05-865 amending Section 6.02.010 and adding Chapter 6.14 to Title 6 of the Montclair Municipal Code related to the regulation of fireworks 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 clarified that proposed Ordinance No. 05-865 would regulate the use of all fireworks and provide for the safety of the community and the prevention of fires in tandem with an aggressive zero-tolerance fireworks program established last year. He spoke of the children injured and hospitalized and fires started each year from "safe and sane" fireworks. He reiterated that family fireworks displays would be held this year at Chaffey College, Mt. San Antonio College, and a number of other local venues. He reiterated his strong support of the item.

Moved by Council Member Ruh and seconded by Council Member Raft that Ordinance No. 05-865, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 6.02.010 and Adding Chapter 6.14 to Title 6 of the Montclair Municipal Code Related to the Regulation of Fireworks,**" be read by number and title only, further reading be waived, and this be declared its second reading.*

Mayor Pro Tem Dutrey commented as follows:

1. He emphasized that fireworks, including the "safe and sane" variety, are illegal in Montclair, concurring with Council Member Ruh that proposed Ordinance No. 05-865 would strengthen the City's ability to regulate fireworks usage in an effort to provide for community safety and prevent fires.
2. He thanked Fire Chief Turner for developing the proposed Ordinance and noted a forthcoming agenda item this evening sets administrative citation fines of up to \$500 for such usage.
3. Noting the amount of fireworks activity in the community last year, he cautioned that increased enforcement practices will take place this Independence Day to ensure public safety and welfare.
4. He concurred with Council Member Ruh that a number of venues will offer family fireworks displays this year.

*The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 05-865 was adopted by the following ROLL CALL vote:

AYES: Ruh, Raft, Dutrey

NOES: None

ABSTAIN: None

ABSENT: Paulitz, Eaton

D. Approval of Tentative Tract Map No. 17191 for a 39-Lot Residential Subdivision at the Southwest Corner of Howard Street and Fremont Avenue

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 17191 for a 39-lot residential subdivision at the southwest corner of Howard Street and Fremont Avenue and invited comments from the public.

Mr. Chuck Lockman, Lockman & Associates, 14125 Telephone Avenue, Suite 1, Chino, noted his company is the engineer of record for the proposed residential development project and that **Mr. Kevin Kent**, Crestwood Corporation, is also in attendance at the meeting to answer questions. He told the Council "it was a joy working with your staff. They were professional and very helpful on this project." He noted the complexity of the proposed development with its proximity to two recently approved tract maps to the east and south. He spoke in support of the proposed project and of Crestwood Corporation's product quality.

Council Member Ruh reiterated that the community needs more affordable housing and not the high-cost housing that is proposed in this item. He asked **Mr. Kent** if it would have been possible to reduce the square footage and lot sizes of the homes proposed to be built to increase density.

Mr. Lockman agreed that density could have been increased under those circumstances. He indicated that the residential subdivision is proposed to be located adjacent to a high-density subdivision being built by Crestwood Corporation south of Howard Street and Central Avenue, and it is the opinion of Lockman & Associates and staff that a better blend with existing area housing results as density is decreased traveling west from Central Avenue. He noted the project would be compatible with the existing lower density subdivisions to the north and south, the rural farm-like area to the west, and the new homes being built to the east.

Council Member Ruh expressed his opinion that a higher density project would be compatible with existing uses and that other Council members do not desire a higher density project in that area. He strongly reiterated that the City should focus on meeting the state's Regional Housing Needs Assessment (RHNA) requirements for low- to moderate-income ownership housing for the benefit of renters in the community who might be in the market to purchase affordable homes. He stated, "This is a great development; but I'm sorry, I can't vote for it because it drives out affordability for working class families."

Council Member Raft asked if the City is meeting its RHNA requirements.

City Manager McDougal clarified that the City has not met its unreasonably high RHNA requirements nor, to his knowledge, has any other city in California because generally the requirements are unrealistic and impossible to meet. He advised that the City has made a significant effort over the years to provide affordable housing in the community, adding that the City's comprehensive housing program adopted by the Council includes in excess of

200 housing units owned by the Redevelopment Agency and Montclair Housing Corporation that are at this time available for rent. He added that this evening the Council/Agency Board will consider an item related to applying for federal Department of Housing and Urban Development financing for a proposed 85-unit senior housing project in the San Antonio Gateway development.

Council Member Raft inquired as to the prices of the four different housing models proposed in this item.

Mr. Kent responded that the prices for the units at the Howard Street/Central Avenue subdivision range between the mid-\$400,000s and low \$500,000s. He surmised that prices would probably begin in the mid-500,000s, though it is too early to know for certain.

Council Member Raft noted new homes in the region cannot be built for less than \$300,000, adding that the smaller homes in the community are being sold for as much as \$300,000. She noted affordable homes in the \$150,000 to \$250,000 range are nonexistent.

Mr. Kent advised that vacant lots are costing close to \$200,000. He spoke of the considerable increases in building materials over the past few years.

Council Member Ruh concurred with certain developers who believe that tripling densities would equal more affordability. He suggested that cities are electing not to meet their RHNA requirements and advocated that the Council focus on providing affordable ownership housing for its renters and employees of City retail businesses. He reiterated his support of the substantive change in state housing guidelines requiring communities to develop a 20-year housing plan that provides housing based on population and wages earned by retail employees in the community. He reiterated that quality has nothing to do with cost so far as affordable housing is concerned when working with a good developer like Crestwood Corporation.

There being no one else 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.

Mayor Pro Tem Dutrey commended Crestwood Corporation for its excellent and attractive residential subdivision being proposal this evening. He noted the subdivision is being proposed in an appropriate rural zone featuring one-half- and one-acre lots. In view of the North Montclair Specific Plan to develop a pedestrian-oriented mixed-use town center environment to be located north of the Montclair Plaza between Central and Monte Vista Avenues that will contain a combination of 1,500 owner-occupied and rental high density residential units, he maintained that density will be allowed where appropriate in the City.

Moved by Council Member Raft and seconded by Mayor Pro Tem Dutrey to approve Tentative Tract Map No. 17191 for a 39-lot residential subdivision at the southwest corner of Howard Street and Fremont Avenue subject to the 42 conditions of approval listed in the agenda report on this item.

Motion carried as follows:

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

E. Approval of Agreement No. 05-48, a Purchase and Sale Agreement by and Between the City of Montclair Redevelopment Agency and Gilbert and Socorro Trujillo Concerning the Single-Family Residence Located at 9855 Central Avenue

Vice Chairman Dutrey declared it the time and place set for public hearing to consider approval of *Purchase and Sale Agreement No. 05-48* by and between the City of Montclair Redevelopment Agency and Gilbert and Socorro Trujillo for sale of 9855 Central Avenue and invited comments from the public.

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

Director Raft inquired as to the size of the lot.

Executive Director McDougal responded that the lot measures at least 7,200 square feet.

Vice Chairman Dutrey noted he had some reservations about this item related to the buyers' removal of a development condition requiring construction of the parking lot that was attached to the sale of the property. Noting he was outvoted by the Real Estate Committee and in Closed Session, he advised that he could not support this item.

Council Member Ruh expressed his opinion that the buyers are negotiating in good faith.

Moved by Council Member Ruh and seconded by Council Member Raft to approve *Agreement No. 05-48, a Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and Gilbert and Socorro Trujillo concerning sale of the single-family residence at 9855 Central Avenue.

Motion carried as follows:

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

F. Adoption of Resolution No.05-02, a Resolution of the City of Montclair Redevelopment Agency Approving Agreement No. 05-44, an Option Agreement by and Between the City of Montclair Redevelopment Agency and the Southern California Housing Development Corporation, Inc., and Making Certain Findings in Connection Therewith

Adoption of Resolution No.05-2583, a Resolution of the City Council of the City of Montclair Consenting to Approval of Agreement No.05-44, an Option Agreement by and between the City of Montclair Redevelopment Agency and Southern California Housing Development Corporation, Inc., and Making Certain Findings in Connection Therewith

Authorization for a \$735,000 Appropriation From the Housing Fund for Southern California Housing Development Corporation, Inc., Senior Project Costs

Mayor Pro Tem/Vice Chairman Dutrey declared it the time and place set for joint public hearing for the Redevelopment Agency Board to consider adoption of Resolution No. 05-02 and the City Council to consider adoption of Resolution No. 05-2583 related to approval of *Option Agreement No. 05-44* between the Redevelopment Agency and Southern California Housing Development

Corporation, Inc., and authorization for a \$735,000 appropriation from the Housing Fund for payment of costs associated with the senior project and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro Tem/Vice Chairman Dutrey closed the joint public hearing and returned the matter to the City Council/Agency Board for their consideration.

Council Member Raft received clarification that the proposed 85-unit senior project would be guaranteed to be owned, managed, and operated as an affordable housing project for at least 55 years.

Council Member Ruh spoke in support of the proposed senior housing development, though he strongly disagreed with the project only offering rental units. He stated, "Shame on anybody who opposes affordable ownership in this community."

Mayor Pro Tem Dutrey commented as follows:

1. He emphasized that the units will be affordable to very low-income seniors and that rental amounts will be gauged at 30 percent of seniors' monthly incomes. He further emphasized the extent of affordable housing in Montclair as compared to neighboring cities, including a large number of mobile home units, the proposed 85-unit senior project and corresponding 75-unit multifamily development at San Antonio Gateway, and the acquisition and renovation of 13 single-family homes along Central Avenue that have affordability rental restrictions.
2. He concurred with Council Member Ruh that the price of real estate is unreasonably high following the collapse of the housing market in the mid-1990s. He discussed the worrisome possibilities that could occur depending upon the economy, including families that purchase property with interest-only financing. He expressed his opinion that land use is not the issue in this item but more so the law of supply and demand in understanding how market prices are determined.
3. He noted the urban issues that arise out of population growth, including traffic congestion, overcrowded schools, increased demands for water, and rising crime rates.
4. He reiterated that the City has done a "terrific" job in providing affordable housing in the community.

Moved by Council Member/Director Raft and seconded by Council Member/Director Ruh that the following actions be taken:*

1. That Resolution No. 05-02, entitled "**A Resolution of the City of Montclair Redevelopment Agency Approving Agreement No. 05-44, an Option Agreement by and Between the Agency and the Southern California Housing Development Corporation, Inc., and Making Certain Findings in Connection Therewith,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That Resolution No. 05-2583, entitled "**A Resolution of the City Council of the City of Montclair Approving Agreement No. 05-44, an Option Agreement by and Between the Agency and the Southern California Housing Development Corporation, Inc., and Making Certain Findings in Connection Therewith,**" be read by number and title only, further reading be waived, and it be declared adopted.

3. That the Redevelopment Agency Board authorize a \$735,000 appropriation from the Housing Fund for payment of costs associated with the senior project.

Council Member Ruh reiterated that this item will result in more rental housing, emphasizing that ownership is a necessary component in providing affordable housing.

*The Redevelopment Agency Board and City Council waived the readings of the Resolutions.

Resolution Nos. 05-02 and 05-2583 were both adopted and the Redevelopment Agency Board authorized a \$735,000 appropriation from the Housing Fund by the following vote:

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

G. Adoption of Resolution No. 05-2584 Revising the Schedule of Fines for Administrative Citations

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Resolution No. 05-2584 revising the schedule of fines for administrative citations 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 Attorney Robbins noted the slight increase in General and Continuing Violations fines.

Moved by Council Member Raft and seconded by Council Member Ruh that Resolution No. 05-2584, entitled "**A Resolution of the City Council of the City of Montclair Revising the Schedule of Fines for Administrative Citations,**" be read by number and title only, further reading be waived, and it be declared adopted.*

Council Member Raft noted the necessity of this item.

*The City Council waived the reading of the Resolution.

Resolution No. 05-2584 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member Ruh requested that Item C-1 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/MHC Meeting of April 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 April 18,
2005.

**2. Minutes of Regular Joint Council/Agency/MHC/MFA
Meeting of May 2, 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/Montclair Financing Authority
Board meeting of May 2, 2005.

B. Administrative Reports

**1. Setting a Public Hearing to Consider Ordinance No. 05-866
Adding Chapter 11.81 to Title 11 of the Montclair
Municipal Code Related to Inclusionary Housing**

The City Council set a public hearing for Monday, June 6,
2005, at 7:00 p.m. in the City Council Chambers to consider
Ordinance No. 05-866 Adding Chapter 11.81 to Title 11 of
the Montclair Municipal Code related to Inclusionary Housing.

**2. Setting a Public Hearing to Consider Adoption of a
Mitigated Negative Declaration Associated With the City of
Montclair Pedestrian Safety Program/Safe Routes to
Schools**

The City Council set a public hearing for Monday, June 6,
2005, at 7:00 p.m. in the City Council Chambers to consider
adoption of a Mitigated Negative Declaration associated with
the City of Montclair Pedestrian Safety Program/Safe Routes
to Schools.

**3. Setting a Public Hearing to Consider Approval of Tentative
Tract Map No. 17422 for a Nine-Lot Residential Subdivision
at 11211 Fremont Avenue**

The City Council set a public hearing for Monday, June 6,
2005, at 7:00 p.m. in the City Council Chambers to consider
approval of Tentative Tract Map No. 17191 for a nine-lot
residential subdivision at 11211 Fremont Avenue.

**4. City Council and Redevelopment Agency Board of
Directors' Approval of City of Montclair Capital
Improvement Program for Fiscal Years 2006-2010**

The City Council and Redevelopment Agency Board of
Directors approved the Capital Improvement Program for
Fiscal Years 2006-2010.

**5. Authorizing City Manager to Sign an Application on Behalf
of the City of Montclair for Lot Line Adjustment No. 2005-2
Adjusting Various Property Boundaries in the Civic Center
Area**

**Approval of Lot Line Adjustment No. 2005-2 Adjusting
Various Property Boundaries in the Civic Center Area**

The City Council took the following actions:

- (a) Authorized the City Manager to sign an application on
behalf of the City of Montclair for Lot Line Adjustment
No. 2005-2 adjusting various property boundaries in the
Civic Center area.

(b) Approved Lot Line Adjustment No. 2005-2 adjusting various property boundaries in the Civic Center area.

6. Declaring One Vehicle and One Fertilizer Spreader as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair

The City Council declared the following vehicle and fertilizer spreader as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair:

<i>Department</i>	<i>Year and Model</i>	<i>Vehicle Identification No.</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
Public Works	(unknown year) Fertilizer spreader	W689-00586	N/A	\$ 100
Community Development	1994 Ford 16-passenger bus	1FDKE30G3RHA44402	181,101	\$ 3,000

7. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of the Pedestrian Signal Head Modifications at Various Locations Project

The City Council approved the following actions related to completion of the Pedestrian Signal Head Modifications at Various Locations 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.

8. Acceptance of Station Design and Art Review Committee Recommendations for Montclair Gold Line Station Artist

The City Council accepted the Station Design and Art Review Committee's recommendation to appoint Ms. Ruth Ann Anderson as the Montclair Gold Line Station artist.

9. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending April 30, 2005.

10. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated May 16, 2005, totaling \$920,527.07 and the Payroll Documentation dated April 3, 2005, amounting to \$534,560.59, with \$363,364.70 being the total cash disbursement.

11. 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 April 30, 2005.

12. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 4/01/05-4/30/05 in the amounts of \$4,514.48 for Project I; \$1,387.60 for Project II; \$340,889.99 for Project III; \$167,558.97 for Project IV; and \$401,814.03 for Project V.

13. 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 April 30, 2005.

14. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 4/01/05-4/30/05 in the amount of \$361,951.10.

C. Agreements

2. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 05-55 Through 05-61, Rehabilitation Grant Agreements* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program (EHIP) Participants

The Redevelopment Agency Board approved *Agreement Nos. 05-55 through 04-61, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the seven EHIP participants listed on Exhibit A to the agenda report on this item.

3. Award of Contract to Sol Construction, Inc., in the Amount of \$36,322

Approval of *Agreement No. 05-62* With Sol Construction, Inc., for the Essex Park Drainage Project

Authorization of a \$3,700 Construction Contingency

The City Council took the following actions related to the Essex Park Drainage Project:

- (a) Awarded a contract to Sol Construction, Inc., in the amount of \$36,322.
- (b) Approved *Agreement No. 05-62* with Sol Construction, Inc.
- (c) Authorized a \$3,700 construction contingency.

D. Resolutions

1. Adoption of Resolution No. 05-2585, a Resolution of the City Council of the City of Montclair Designating Authorized Agents for Submittal of an Application for Federal Financial Assistance From the Office of Emergency Services Related to Recent Storms

The City Council adopted Resolution No. 05-2585, a Resolution of the City Council of the City of Montclair designating authorized agents for submittal of an application for federal financial assistance from the Office of Emergency services for reimbursement of costs associated with emergency repairs related to storm damage from last year.

2. Adoption of Resolution No. 05-2586 Authorizing Submission of a 2005-2006 Used Oil Recycling Block Grant Application to the California Integrated Waste Management Board

The City Council adopted Resolution No. 05-2586 authorizing submission of a 2005-2006 Used Oil Recycling Block Grant Application to the California Integrated Waste Management Board.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of Agreement No. 05-54 Amending Agreement No. 04-105 With San Bernardino County Department of Aging and Adult Services to Increase Funding for the Senior Citizens Nutrition Program

Council Member Ruh asked if the \$9,000 in additional funding would be ongoing.

Assistant Director of Human Services Yoakum advised that the additional funding is a one-time bonus incentive awarded by the County because the program has increased patronage. She noted the program would receive approximately \$2,500 from the County for the next fiscal year and the City would be eligible for additional bonuses if the program's patronage continues to increase.

Council Member Ruh noted that the program is vital to our seniors.

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to approve *Agreement No. 05-54* amending *Agreement No. 04-105* with the San Bernardino County Department of Aging and Adult Services to increase funding for the Senior Citizens Nutrition Program.

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: 4218 Holt Boulevard

Negotiating Parties: City of Montclair Redevelopment Agency and Mr. Brian Bauer, South Coast Investment Properties

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

Under Negotiation: Recommendations regarding purchase offer

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Government Code Section 54956.8.

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

Property: 10391 Pradera Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Jimmy and Dina Pan

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

Under Negotiation: Recommendations regarding purchase price

Agency Counsel Robbins withdrew her request for a Closed Session on the above matter pursuant to Government Code Section 54956.8.

3. Closed Session Pursuant to Section 54957 of the Government Code Regarding Real Property Negotiations

Public Employee Performance Evaluation

City Manager/Executive Director

It was the consensus of the Council to continue this item to an adjourned joint meeting on Monday, June 6, 2005, at 5:00 p.m. in the City Hall Conference Room, 5111 Benito Street, Montclair, California.

B. City Manager/Executive Director

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

(a) In follow up to an earlier comment that the minutes of the April 18, 2005 regular joint meeting have not been posted to the City's website, he advised that those minutes were not approved by the Council/Agency Board/Montclair Housing Corporation Board until this evening. He noted the April 18, 2005 meeting minutes would be posted to the City's website tomorrow.

(b) He advised that the record of public meetings is, by law, a record of the actions taken by the City Council/Redevelopment Agency Board/Montclair Housing Corporation Board relative to items listed on the agenda for a particular meeting. He added that such records of meetings were never intended to record all statements made by the Council, staff, or public.

C. Mayor/Chairman - Absent

D. City Council/Agency Board

1. Council Member/Director Raft wished Council Member Paulitz a speedy recovery from his recent surgery and expressed her hope he would be attending these meetings again very soon.

2. Council Member/Director Ruh commented as follows:

(a) He announced the Community Action Committee's **Memorial Day 2005** flag-lowering ceremony to be held Monday, May 30, 2005, at 6:00 p.m. in honor of the

tremendous contributions of our Police and Fire personnel, particularly their duties during and since the September 11, 2001 tragedy. He encouraged all residents to participate in the ceremony, advising they should be at the Veteran's Memorial Courtyard adjacent to City Hall by 5:30 p.m.

- (b) He noted his attendance at the **17th Annual Candlelight Vigil** at the **National Law Enforcement Officers Memorial** in Washington, D.C., last Friday evening at which police officers gathered from across the United States, Scotland, and Canada to respect, honor, and remember the 153 law enforcement heroes who in 2004 made the ultimate sacrifice, as well as 262 additional fallen heroes whom history had until this point forgotten. He encouraged everybody to visit this national monument, which is a very important part of our country and our history.
- (c) He asked if the Police Department has been affected by the **2005 Ford Crown Victoria** recalls related to a dashboard fire risk.

Police Chief Thompson reported that he discussed the issue with Fire Chief Turner, who checked **Ford Motor Company's** website today and learned that no **2005 Ford Crown Victoria** recalls are currently listed. He advised that the issue will be monitored for any future recalls.

- (d) He noted visiting the **National World War II Memorial** while in Washington, D.C., noting he attended a private dedication ceremony at the memorial last year. He advised the public that they can register their loved ones who served in World War II at the **WWII Registry** of the **National World War II Memorial** at www.wwiimemorial.com, adding that soldiers' records can be easily accessed at the memorial.
- (e) He noted he was among those evacuated from the U.S. Capitol building on Wednesday, May 11, 2005, while he was having lunch in the Senate dining room. He noted the evacuation was orderly and well handled by Capitol police, that the residents did well coping with the temporary interruption of the **Metro** rail system, and that visitors maintained their composure during the incident. He noted observing **U.S. Senators Edward Kennedy** and **Orrin Hatch** being escorted from the building by security officers. He also noted spotting **U.S. Senator Olympia Snowe**, former **Governor Pete Wilson**, and other lawmakers while waiting in the holding area at **Lafayette Park**.

Mayor Pro Tem Dutrey thanked Council Member Ruh for his report of the incident, noting Council Member Ruh was mentioned in an article in today's ***Inland Valley Daily Bulletin***.

- 3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He discussed the events that will take place next year to celebrate the **City of Montclair's 50th Anniversary**, including a community event with food, rides, and live entertainment; a special State of the City luncheon/presentation; a Golden History wine-and-cheese evening reception at the **George and Hazel Reeder** home; and a

special Golden History golf tournament sponsored by the **Montclair Chamber of Commerce**. He suggested the planning committee review the possibility of conducting a regular joint meeting in April 2006 at the **Phil Hurst** home, 5326 San Bernardino Street, the site of the original Montclair City Hall, to further celebrate the City's heritage.

- (b) He asked that everyone remember on this **Memorial Day** the brave soldiers who are sacrificing their lives serving overseas, particularly in Iraq and Afghanistan, to preserve democracy.
- (c) He encouraged residents to attend a Strategic Planning Workshop to be held Tuesday, June 7, 2005, at 5:00 p.m. in the Conference Room South to review and update the Montclair Business Plan goals for Fiscal Year 2005-06.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of May 2, 2005

The City Council received and filed the Personnel Committee meeting minutes of May 2, 2005, for informational purposes.

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

At 8:28 p.m., Mayor Eaton adjourned the City Council to Monday, June 6, 2005, at 5:00 p.m. in the City Hall Conference Room, 5111 Benito Street, Montclair, California.

At 8:28 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 8:28 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

Concerning the City's Golden Anniversary in 2006, Council Member Ruh suggested staff research historically significant community residents, such as noted architectural sculptor **Mr. John Edward Svenson** and **Mrs. Lucille Hutchinson**, an original member of the **Ontario-Montclair School District** Board who was also involved in the City's incorporation. He noted her widow, **Mr. Earl Hutchinson**, would be an excellent resource for photographs and historical anecdotes.

Mayor Pro Tem Dutrey announced that the City is seeking photographs of the community's historic past, including periods when the City was known as Monte Vista and Narod, for inclusion in a pictorial history of Montclair scheduled for release in 2006. Those having such photographs or photographs of historically significant community residents to contribute to the publication are asked to contact Administrative Analyst April Mitts at (909) 445-1809 by June 1, 2005. All photos accepted for publication will be properly referenced in the book and appropriate credit given to each contributor. The City of Montclair cannot guarantee that the publisher will return the photographs to contributors unblemished.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:47 p.m., the Redevelopment Agency Board returned from Closed Session. Vice Chairman Dutrey 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.

XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:48 p.m., Vice Chairman Dutrey adjourned the Redevelopment Agency Board of Directors to Monday, June 6, 2005, at 5:00 p.m. in the City Hall Conference Room.

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

Yvonne L. Smith
Transcribing Secretary