

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, FEBRUARY 21, 2006,
AT 7:02 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

Mayor/Chairman Eaton announced that the City Council would not be voting on annexation this evening and would just be considering setting a public hearing related to establishing prezone designations, though audience members are welcome to stay for the meeting.

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:02 p.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge.

IV. ROLL CALL

For the record, City Clerk Donna Jackson noted Council Member/Director Ruh is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz and Raft; 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; Deputy City Attorney/Agency Counsel Holdaway; City Clerk/Agency Secretary Jackson

Absent: Council Member/Director Ruh (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Ms. Cheryl Wiseman, 5445 Morgan Street, Ontario, noted she and other affected San Bernardino County residents are in attendance at this meeting because the City Council is scheduled to consider setting a public hearing related to establishing prezone designations for their properties located in approximately 370 acres of unincorporated County territory within Montclair's Sphere of Influence.

Mayor Eaton told **Ms. Wiseman** the Council would be setting the public hearing when the item is considered.

Ms. Wiseman inquired as to the percentage of homeowners required to effectively petition against such action.

Director of Community Development Clark advised there is no rule regarding the level of protest by petition or any other measure that might affect the Council's decision on pre zoning or potential future

annexation items, though the Council would certainly consider such petitions prior to taking action on these matters.

Deputy City Attorney Holdaway clarified that the item before the Council this evening relates to setting a public hearing to consider prezone designations for the subject site. He further clarified that such action does not require or commit the City to actually annex the site to Montclair.

Ms. Wiseman expressed her understanding that annexation typically follows once a site is prezoned. She read the following from Mayor Eaton's message as it appears on the City of Montclair website: "In the City of Montclair, people are our greatest resource, hence our motto: 'The People Are the City.'" She emphasized that those affected by the impending prezoning action do not want their properties to become part of Montclair and that instead desire to maintain their rural lifestyles including being able to keep their animals. She expressed their collective concern that their properties might become devalued once the prezone designations are made and asked that their petition be given merit.

Council Member Paulitz expressed his understanding that City Planner Lustro had clarified at the February 13, 2006 Planning Commission hearing that zoning would virtually remain the same should the City establish prezone designations at the subject site and that animal issues were thoroughly addressed. He asked Director of Community Development Clark for clarification that these items were addressed at that hearing.

Director of Community Development Clark responded that the prezone plan does maintain the current zoning and land-use entitlements related to permitted animals and residential, commercial, and industrial uses as well as comply with the City's General Plan. He advised that such has been repeatedly explained to affected County residents during a public workshop conducted by staff on January 10, 2006, and during a Planning Commission public hearing held February 13, 2006.

Mayor Eaton suggested this item be considered out of sequence at this time.

Mayor Pro Tem Dutrey requested that Section VIII, "Consent Calendar," Item B-8, "Consider Setting a Public Hearing to Consider Ordinance No. 06-883 Establishing Prezone Designations for Approximately 370 Acres Within the City's Sphere of Influence," be considered at this time for the benefit of the County residents attending this meeting regarding the item.

It was the consensus of the Council to consider Section VIII, "Consent Calendar," Item B-8, "Consider Setting a Public Hearing to Consider Ordinance No. 06-883 Establishing Prezone Designations for Approximately 370 Acres Within the City's Sphere of Influence," at this time.

VIII. CONSENT CALENDAR

B. Administrative Reports

8. Setting a Public Hearing to Consider Ordinance No. 06-883 Establishing Prezone Designations for Approximately 370 Acres Within the City's Sphere of Influence

Mayor Pro Tem Dutrey advised that petitions submitted against the proposed prezoning and potential future annexation of the subject site would certainly be taken into consideration by the Council. He suggested that any petitions be submitted to staff by the end of next week so they may be considered prior to the proposed public hearing on March 6, 2006.

Council Member Paulitz noted a number of petitions were received against construction of the Holt Boulevard median islands, which turned out not to be such a major concern once constructed. He emphasized that the item before the Council this evening is just to consider setting a public hearing related to establishing prezone designations and expressed his opinion that the agenda should be followed in sequential order.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried that the City Council set a public hearing for Monday, March 6, 2006, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 06-883 establishing prezone designations for approximately 370 acres in the City's Sphere of Influence.

Mayor Eaton reminded audience members desiring to address the Council on this item that the public hearing is scheduled for March 6, 2006.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. No. 17954 for a 19-Lot Residential Subdivision at 4805 Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 17954 for a 19-lot residential subdivision at 4805 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.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey to approve Tentative Tract Map No. 17954 for a 19-lot residential subdivision at 4805 Mission Boulevard subject to the 46 conditions of approval listed in the agenda report on this item.

Motion carried by the following vote:

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

B. First Reading - Adoption of Ordinance No. 06-871 Amending Various Sections of Titles 8 and 11 of the Montclair Municipal Code

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 06-871 amending various sections of Titles 8 and 11 of the Montclair Municipal Code and invited comments from the public.

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

Mayor Pro Tem Dutrey questioned the inclusion of "furniture sales and rentals" in Chapter 11.28, "Zones: C-3—General Commercial," Section 11.28.090(A) "Uses permitted subject to conditional use permit."

Director of Community Development Clark responded that doing so would result in a better element of control of outdoor displays of

furniture for sale, noting such reoccurring outdoor furniture sales along sidewalks has historically been a Code Enforcement issue.

Mayor Pro Tem Dutrey expressed his concern about doing so because of the decline in the furniture sales market, advising that there are other means of regulating outdoor furniture sales.

Council Member Paulitz pointed out that the whole purpose of this inclusion is to prohibit outdoor furniture sales in the City.

Moved by Mayor Pro Tem Dutrey that Ordinance No. 06-871, entitled "**An Ordinance of the City Council of the City of Montclair Amending Various Sections of the Montclair Municipal Code,**" be amended to remove "furniture sales and rentals" from Section 11.28.090(A) and that it be read by number and title only, further reading be waived, and this be declared its first reading.

The motion died for lack of a second.

Mayor Pro Tem Dutrey inquired if the proposed additions to Section 11.78.030, "Permitted uses," are uses permitted under a conditional use permit.

Director of Community Development Clark clarified that Chapter 11.78 is entitled, "Conditional Use Permits."

Moved by Council Member Paulitz and seconded by Council Member Raft that Ordinance No. 06-871, entitled "**An Ordinance of the City Council of the City of Montclair Amending Various Sections of the Montclair Municipal Code,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 06-871 was adopted by the following vote:

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

C. Second Reading – Adoption of Ordinance No. 06-872 Amending the Compensation Schedule for Members of the Montclair City Council

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 06-872 amending the compensation schedule for members of the Montclair City Council and invited comments from the public.

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

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that Ordinance No. 06-872, entitled "**An Ordinance of the City Council of the City of Montclair Amending Sections 2.12.050 and 2.12.060 of Chapter 2.12 of Title 2 of the Montclair Municipal Code Related to City Council Compensation,**" 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. 06-872 was adopted by the following ROLL CALL vote:

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

D. First Reading - Adoption of Ordinance No. 06-873 Amending Chapters 4.52, 11.40, and 11.78 and Adding Chapter 4.53 to Title 4 of the Montclair Municipal Code Regulating the Licensing and Operational Standards for Adult Businesses and the Licensing Procedures for Adult Performers

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 06-873 amending Sections 4.52, 11.40, and 11.78 and adding Chapter 4.53 to Title 4 of the Montclair Municipal Code regulating the licensing and operational standards for adult businesses and the licensing procedures for adult performers 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 inquired as follows:

1. What is the status of **Eyefull Adult Entertaining/Déjà Vu, Apple Bookstore, and Paradise Adult Bookstore?**

City Manager McDougal advised that the two bookstores have closed.

Director of Community Development Clark noted both properties are currently in escrow.

2. Pursuant to the City's settlement terms with **Eyefull Adult Entertaining/Déjà Vu**, when is the business required to cease operations at its present location?

City Planner Steve Lustro answered, "Six years."

3. Where in the City are adult businesses permitted?

Director of Community Development Clark responded, "South side of Brooks Street, [and] north of Mission Boulevard; essentially in the industrial areas on both sides of State Street." He noted permissible sites will expand with Annexation No. 26.

City Manager McDougal gave the Council a memorandum from Police Chief Thompson, which is entered into the record as follows:

DATE: February 21, 2006
TO: Honorable Mayor and City Council
FROM: Chester Thompson, Chief of Police
SUBJECT: ORDINANCE NO. 06-873 (Adult Businesses)

For the record and on behalf of the Montclair Police Department, we support the recommendations in Ordinance No. 06-873 with reference to Adult Businesses. In particular, we support Montclair

Municipal Code Section 4.53.060(A), Hours of Operation. The restricted hours' requirement is necessary since our patrol deployment is reduced by more than half when our Swing Shift leaves at 1:30 a.m., leaving fewer officers on patrol and fewer officers to respond to calls for service.

The Department's experience with the Apple and Paradise bookstores when they were in operation is that virtually every time officers entered the premises, they found criminal activity. Had we had the resources (officers and finances), we would have conducted frequent operations which would have resulted in numerous arrests.

For the record, Police Chief Thompson expressed his support of proposed Ordinance No. 06-873, specifically, proposed Montclair Municipal Code Section 4.53.060(A), "Hours of Operation," which restricts operating hours to between 10:00 a.m. and 12:00 a.m.

Mayor Eaton spoke in support of proposed Ordinance No. 06-873 as a means to further empower the City to effectively regulate adult businesses.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 06-873, entitled "**An Ordinance of the City Council of the City of Montclair, California, Amending Chapters 4.52, 11.40, and 11.78 of the Montclair Municipal Code and Adding Chapter 4.53 of Title 4 to the Montclair Municipal Code Regulating the Licensing and Operational Standards for Adult Businesses and the Licensing Procedures for Adult Performers,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 06-873 was adopted by the following vote:

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

E. First Reading - Adoption of Ordinance No. 06-874 Amending Sections 8.16.020 and 8.36.090 of Title 8 of the Montclair Municipal Code Related to Parking Within City Limits

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 06-874 amending Sections 8.16.020 and 8.36.090 of Title 8 of the Montclair Municipal Code related to parking within City limits and invited comments from the public.

Mr. Thomas Squyres, Squyres Trucking, 5557 Palo Verde Street, Montclair, stated that he has been a Montclair resident for over 20 years. He asked that the Council consider allowing commercial vehicle parking on Palo Verde Street west of Central Avenue, noting the street is already designated a truck route. He indicated it would be an inconvenience for him to park his commercial vehicle on Brooks Street because he lives on Palo Verde Street.

Mr. Jaime Ramirez, President, **Industrial Wood Products**, 5123 Brooks Street, Montclair, requested that he be allowed to temporarily park his commercial vehicles in front of his business

during business hours. He reiterated that the issue of his receiving a citation last month for parking his commercial vehicle for 45 minutes in front of his business has yet to be resolved.

City Manager McDougal clarified that **Mr. Ramirez's** business is located at the end of Brooks Street, east of Monte Vista Avenue.

Mr. Thomas Jennings, Quality German Auto Parts, 5113 Brooks Street, Montclair, stated that he has owned his business at this location for 12 years. He advised that he is unfortunately unable to park his pickup truck in front of his business because it weighs just over the legal limit of 10,000 pounds and requested to be allowed to do so during business hours.

Mayor Eaton thanked **Mr. Ramirez** and **Mr. Jennings** for their comments.

There being no one else 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 received clarification that currently commercial vehicles are allowed to load and unload goods or property but are unable to park anywhere in the City and that **Mr. Squyres** addressed the Public Works Committee regarding parking his commercial vehicle on Palo Verde Street, after which the Public Works Committee recommended parking be allowed on Brooks Street between Ramona and Monte Vista Avenues. He expressed his opinion that owners of businesses along Brooks Street should be allowed to park their commercial vehicles on the street fronting their businesses during business hours. He noted the reason for proposed Ordinance No. 06-874 and Ordinance No. 05-869 adopted last year relates to several parking-related issues stemming from commercial vehicles being parked on restricted and residential streets, some by nonresidents and individuals who do not own businesses in Montclair.

Council Member Paulitz asked for clarification on Section 8.16.020(B), "Truck Routes," of proposed Ordinance No. 06-874, specifically the classification of Palo Verde Street from Monte Vista Avenue to Central Avenue as an "unrestricted street."

City Engineer Hudson explained that Palo Verde Street between Monte Vista and Central Avenues is a truck route that is currently designated as unrestricted with no change proposed. He clarified that two additional streets, Monte Vista Avenue from Mission Boulevard to Brooks Street and Brooks Street from Ramona Avenue to Monte Vista Avenue, are proposed to be designated unrestricted to allow trucks to legally travel from Mission Boulevard to Brooks Street and park.

Council Member Paulitz inquired as follows:

1. What Section of proposed Ordinance No. 06-874 addresses parking on Brooks Street?

City Engineer Hudson responded that Section 8.36.090(A)(4), "Parking commercial vehicles and commercial equipment within City limits," exempts Brooks Street between Ramona and Monte Vista Avenues from the Ordinance.

2. Where on Brooks Street do **Mr. Ramirez** and **Mr. Jennings** desire to park their commercial vehicles?

City Engineer Hudson advised that their businesses are located on Brooks Street east of Monte Vista Avenue between Monte Vista and Central Avenues.

3. What is their reason for desiring to park on Brooks Street?

City Engineer Hudson replied that they have insufficient room onsite for all the trucks making deliveries and pickups and are requesting to be allowed to park during business hours in front of their businesses to allow room for deliveries and pickups.

4. Would such parking interfere with any other businesses along that street?

City Engineer Hudson responded that the volume of parking might be an issue. He noted staff has received complaints regarding that section of Brooks Street, which is the reason that allowing parking on that section of Brooks Street was not included in proposed Ordinance No. 06-874. He noted if the Council so desires, the Ordinance could be modified to extend the limits of Brooks Street and designate it as a truck route.

5. Does the street in fact dead end at **Mr. Ramirez's** property?

City Engineer Hudson concurred that Brooks Street dead ends against property that abuts the frontage road on Central Avenue, adding that eventually Brooks Street will connect to Central Avenue.

6. Where is **Mr. Squyres** proposing to park his commercial vehicle?

City Engineer Hudson advised that he could not support **Mr. Squyres'** request to park his commercial vehicle along Palo Verde Street in front of the car dealerships because the street is narrower in that section, though the street is considerably wider through the **Costco** frontage. He stated that parking is restricted on the north side of the street for all vehicles though the street is unrestricted.

Council Member Paulitz spoke in support of amending proposed Ordinance No. 06-874 to include the two modifications discussed.

Council Member Raft concurred, noting there are only businesses and no residences on Brooks Street and that Palo Verde Street should not be restricted for commercial vehicle parking.

City Engineer Hudson noted the south side of Palo Verde Street is residential and would not support commercial vehicle parking, advising that potential truck parking should be limited to the north side of the street between Central and either Carrillo Avenue or Fremont Avenue so as not to cause sight-distance problems.

Concerning allowable truck parking on Palo Verde Street, Mayor Pro Tem Dutrey suggested that any current commercial vehicle owners in the City, including **Mr. Squyres**, be issued parking permits should proposed Ordinance No. 06-874 be adopted to effectively restrict parking on that street and prevent too many trucks from parking there.

City Engineer Hudson noted that staff would rather avoid the permit process to allow Montclair residents/business owners to park tractor trailers on certain streets in the City because it would be difficult to track unless there is a time restriction to issue the permits.

Mayor Eaton asked **Mr. Squyres** if he only owns one truck for his business.

Mr. Squyres answered, "Yes," adding that he does replace his truck on a regular basis.

City Manager McDougal expressed his concern about allowing truck parking on Palo Verde Street between Central and Carrillo Avenues at the frontage of **Costco** should no sight-distance problem exist, because **Costco** would most likely have trucks staged there for deliveries and pickups. He advised there would probably be no available parking for other commercial vehicles along that small stretch of road.

Mayor Eaton asked where **Costco** currently assembles its truck fleet.

City Manager McDougal answered, "Onsite," though it would be preferable for the company to stage its trucks offsite. He advised that staff would not recommend commercial vehicles be parked along Palo Verde Street.

Concerning Mayor Pro Tem Dutrey's suggestion, Council Member Paulitz noted the Public Works Committee originally discussed a truck-parking permit process. He noted City Engineer Hudson had explained to the Committee that the permit process works for residential areas but not for individual commercial vehicles. He stated he would agree to allowing the two business owners to park in front of their business on Brooks Street, though he concurred with City Manager McDougal concerning restricting truck parking on Palo Verde Street because of the sight-distance problem. He spoke in support of adoption of the first reading of proposed Ordinance No. 06-874 and referring it back to the Public Works Committee for further revision related to allowing parking on Brooks Street east of Monte Vista Avenue between Monte Vista and Central Avenues and further consideration of allowing truck parking on the limited stretch of Palo Verde Street discussed.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that Ordinance No. 06-874, entitled "**An Ordinance of the City Council of the City of Montclair Amending Sections 8.16.020 and 8.36.090 of Title 8 of the Montclair Municipal Code Related to Parking Within City Limits,**" be read by number and title only, further reading be waived, this be declared its first reading and that it be referred back to the Public Works Committee for further revision related to potential truck parking on Brooks and Palo Verde Streets.*

Mayor Pro Tem Dutrey suggested that if truck parking in residential neighborhoods is a minor issue, the Public Works Committee might also consider grandfathering in current resident commercial vehicle owners to allow them to park their trucks in front of their residences.

*The City Council waived the reading of the Ordinance.**

City Manager McDougal noted it might be three months before revised Ordinance No. 06-874 would be returned to the Council. He asked if, in the interim, staff should suspend issuing citations for truck parking.

It was the consensus of the Council that staff suspend issuing citations for truck parking anywhere in the City effective Friday, February 24, 2006.

**First Reading of Ordinance No. 06-874 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, 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 February 6, 2006

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 February 6, 2006.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending January 31, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated February 21, 2006, totaling \$1,164,326.83 and the Payroll Documentation dated December 25, 2005, amounting to \$602,661.05, with \$400,339.86 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending January 31, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 1/01/06-1/31/06 in the amounts of \$263.26 for Project I; \$888.05 for Project II; \$58,562.21 for Project III; \$204,762.48 for Project IV; and \$10,761.89 for Project V.

5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending January 31, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 1/01/06-1/31/06 in the amount of \$7,393.55.

7. Setting a Public Hearing to Prioritize Funding for Fiscal Year 2006-07 Community Development Block Grant Projects

The City Council set a public hearing for Monday, March 6, 2006, at 7:00 p.m. in the City Council Chambers to prioritize funding for Fiscal Year 2006-07 Community Development Block Grant projects.

9. Acceptance of the Housing Improvement Task Force *Action Plan 2006* and *2005 Single-Family Survey* and Authorize Staff to Pursue Recommendations Therein

The City Council accepted the Housing Improvement Task Force *Action Plan 2006* and *2005 Single-Family Survey* and authorized staff to pursue recommendations contained therein.

10. Authorization to Advertise for Bid Proposals for the Concrete Infrastructure Repairs Project

The City Council authorized staff to advertise for bid proposals for the Concrete Infrastructure Repairs Project.

11. Authorization to Advertise for Bid Proposals for the Cycle 3 Phase 1 Street Overlay Project

The City Council authorized staff to advertise for bid proposals for the Cycle 3 Phase 1 Street Overlay Project.

12. Authorization to Advertise for Bid Proposals for the Street Name Sign Replacement Project, Phase 3

The City Council authorized staff to advertise for bid proposals for the Street Name Sign Replacement Project, Phase 3.

C. Agreements

1. Approval of Tract No. 16913 Located on the West Side of Central Avenue South of Howard Street

Authorizing Tract No. 16913 to be Recorded With the Office of the San Bernardino County Recorder

Approval of *Agreement No. 06-15*, a *Subdivision Agreement* With Central Village LLC Related to Tract No. 16913

Authorization for City Engineer to Reduce and Release Payment and Performance Bonds Upon Satisfactory Completion of Improvements Within the Public Rights-of-Way

The City Council took the following actions:

- (a) Approved Tract No. 16913 located on the west side of Central Avenue south of Howard Street.
- (b) Authorized Tract No. 16913 to be recorded with the Office of the San Bernardino County Recorder.
- (c) Approved *Agreement No. 06-15*, a *Subdivision Agreement* with Central Village LLC related to Tract No. 16913.
- (d) Authorized the City Engineer to reduce and release payment and performance bonds upon satisfactory completion of improvements within the public rights-of-way.

2. **Approval of *Agreement No. 06-17* With C. W. Driver for New Montclair Police Department Facility Construction Management Services**

The City Council approved *Agreement No. 06-17* with C. W. Driver for new Montclair Police Department facility construction management services.

3. **Approval of *Agreement No. 06-18* With the San Bernardino Community College District (Crafton Hills College) Authorizing the Fire Department to Provide Clinical Training to Emergency Medical Students**

The City Council approved *Agreement No. 06-18* with the San Bernardino Community College District (Crafton Hills College) authorizing the Fire Department to provide clinical training to emergency medical students.

4. **Approval of *Agreement No. 06-19*, a *Planning Services Agreement* by and Between the City of Montclair Redevelopment Agency and R. Richard Fleener**

The City Council approved *Agreement No. 06-19*, a *Planning Services Agreement* by and between the City of Montclair Redevelopment Agency and R. Richard Fleener.

5. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 06-20* Through *06-25*, *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. 06-20* through *06-25*, *Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the six EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. **Adoption of Resolution No. 06-2624 Repealing Resolution No. 04-2494 by Establishing a Revised Montclair Police Department Policy for the Retention and Destruction of Records and Authorizing the Destruction of Certain Police Department Records**

The City Council adopted Resolution No. 06-2624 repealing Resolution No. 04-2494 by establishing a revised Montclair Police Department Policy for the Retention and Destruction of Records and authorizing the destruction of the Police Department records contained on the *Schedule of Records Recommended for Destruction* attached to the agenda report on this item.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. Acting City Attorney/Agency Counsel -No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at recent **San Bernardino Associated Governments** and **Metrolink** meetings.
- (b) He noted he enjoyed attending **Our Lady of Lourdes Catholic Church's** 50th Anniversary celebration dinner on Saturday, February 11, 2006.
- (c) He noted his attendance at the February 13, 2006 **League of California Cities, Inland Empire Division** planning meeting at which the **Division's** goals for the year were developed.
- (d) He noted City Manager McDougal, Director of Community Development Clark, City Engineer Hudson, and he met with **State and Consumer Services Agency Secretary Fred Aguiar** in Sacramento regarding the City's possible acquisition of the Montclair Transcenter.

D. City Council/Agency Board

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

- (a) He discussed a Consent Calendar item approved this evening related to the Council's acceptance of the Housing Improvement Task Force *Action Plan 2006* and *2005 Single-Family Survey* as follows:

(1) *Action Plan 2006*

Mayor Pro Tem Dutrey spoke in support of the new proactive enforcement procedures, programs, and tools presented in *Action Plan 2006*, including the Receivership Program, retention of a City prosecutor/code enforcement attorney, and establishing multifamily improvement districts, that would effectively address current housing challenges. He noted the City has made great strides in improving its multifamily residential areas through the efforts and hard work of the Housing Improvement Task Force established 20 years ago.

He requested that Council Member Paulitz and he, as members of the Code Enforcement Committee, be given more consistent updates of the progress being made on the Receivership Program, retention of the City prosecutor/code enforcement attorney, and other enforcement procedures being recommended by the Task Force.

(2) *2005 Single-Family Survey*

Mayor Pro Tem Dutrey noted this survey consisted of a random scientific sampling of 15 percent of all single-family residences in the City and compares current single-family housing conditions with conditions reported in the 1997 Geographic Information System (GIS) Single-Family Housing Survey. He expressed his opinion that homeowners are making significant improvements to their home exteriors by installing new windows, roofs, and new landscaping, particularly in the last four or five years. He credited the Exterior Housing Improvement Program and Code Enforcement efforts as well as escalating housing prices that have allowed owners to use the equity in their homes to improve their properties.

- (b) He noted that with the hiring of **C. W. Driver** to provide construction management services on the City's new Police facility, which should break ground sometime this summer, another major goal of the City would be achieved. He noted he is pleased that the groundbreaking for the new Police facility will occur during the City's 50th Anniversary.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of February 6, 2006

The City Council received and filed the Personnel Committee meeting minutes of February 6, 2006, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation by San Bernardino Associated Governments on Development Mitigation NEXUS Study

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, March 6, 2006, at 5:45 p.m. in the City Council Chambers.

Mayor Eaton invited the public to participate in a **C.A.U.T.I.O.N.** cleanup on Saturday, February 25, 2006, from 8:00 a.m. to 12:00 p.m. He noted the group would be meeting at the corner of Canoga Street and Helena Avenue at 8:00 a.m. to work on the 4500 to 4900 blocks of Canoga and Kingsley Streets.

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

At 8:02 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Monday, March 6, 2006, at 5:45 p.m. in the City Council Chambers.

At 8:02 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At this time, Mayor Eaton invited **Ms. Lenora Farrar** to come forward to speak.

Ms. Lenora Farrar, 5234 Phillips Boulevard, Chino, complained that **Crestwood Corporation**, developer of the residential subdivision near the southwest corner of Central Avenue and Howard Street adjacent to her property, removed her fence and a tree on her property.

Director of Community Development Clark told **Ms. Farrar** that staff would follow up on the matter.

Mayor Eaton thanked **Ms. Farrar** for her comments.

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

Yvonne L. Smith
Transcribing Secretary