

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON MONDAY, MARCH 6, 2006,  
AT 7:02 P.M. IN THE CITY COUNCIL CHAMBERS,  
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:02 p.m.

II. INVOCATION

**Pastor Dale Rose, First Assembly of God Church**, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

For the record, City Clerk/Agency Secretary Donna Jackson noted Mayor/ Chairman Eaton is not in attendance at tonight's meeting.

Present: Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, 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)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

Mayor Pro Tem/Vice Chairman Dutrey advised 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. **Mr. Manuel Saucedo**, Field Representative, **Senator Nell Soto's** Office, Ontario District Office, 822 North Euclid Avenue, Ontario, presented a *Certificate of Recognition* to Fire Chief Tapia and asked that he present Fire Division Chief Zoccoli, Fire Captains Jackson and Crouch, Fire Engineers Dowser and Hall, and Fire-fighter Nicholas Magallanez with their *Certificates of Recognition*.

Chief Tapia accepted his *Certificate* and thanked **Mr. Saucedo**.

Mayor Pro Tem Dutrey thanked **Mr. Saucedo**.

Council Member Ruh thanked **Mr. Saucedo** and asked that he relay the City's gratitude to **Senator Soto**.

B. **Ms. Lenora Farrar**, 5234 Phillips Boulevard, Chino, asked the status of her complaint registered at the last meeting about **Crestwood Corporation's** removal of her property fence and tree.

Director of Community Development Clark told **Ms. Farrar** that

staff contacted **Crestwood Corporation** about her fence and tree issue on February 22, 2006, advising that the company was asked to contact **Ms. Farrar** to make restitution.

**Ms. Farrar** stated that she has not been contacted by **Crestwood Corporation**.

Council Member Ruh asked **Ms. Farrar** if she has given her contact information to staff.

**Ms. Farrar** replied that she gave her information to Director of Community Development Clark at the last meeting.

Mayor Pro Tem Dutrey asked **Ms. Farrar** to call Director of Community Development Clark tomorrow morning regarding contacting **Crestwood Corporation** to have her matter resolved. He noted there are certain development conditions required of the subdivision developer.

**Ms. Farrar** thanked Mayor Pro Tem Dutrey.

Mayor Pro Tem Dutrey thanked **Ms. Farrar** for her comments.

## VII. PUBLIC HEARINGS

### A. Projects and Prioritization of Funding for the Fiscal Year 2006-07 Community Development Block Grant Program

Mayor Pro Tem Dutrey declared it the time and place set for public hearing related to projects and prioritization of funding for the Fiscal Year 2006-07 Community Development Block Grant (CDBG) Program 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 Paulitz and seconded by Council Member Ruh to approve the following CDBG projects and funding levels for Fiscal Year 2006-07:

Code Enforcement Program	\$ 38,000
Foundation Area No. 11	98,000
Foundation Area No. 12	50,000
Saratoga Park Improvement	10,000
Reeder Heritage Foundation	50,000
Sunset Park Restroom	25,000
Graffiti Abatement Program	40,000*
Montclair Golden Express	<u>7,000*</u>
TOTAL	<u>\$318,000</u>

\*Total public service projects: \$47,000

Motion carried as follows:

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

### B. Adoption of Resolution No. 06-2622, a Resolution of the City Council of the City of Montclair Establishing Utility Underground District No. 6 Generally Located Along Ramona Avenue From Holt Boulevard to Mission Boulevard

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider Resolution No. 06-2622 establishing Utility Underground District No. 6 generally located along Ramona Avenue from Holt Boulevard to Mission Boulevard 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 Paulitz and seconded by Council Member Raft that Resolution No. 06-2622, entitled "**A Resolution of the City Council of the City of Montclair Establishing Utility Underground District No. 6 Generally Along Ramona Avenue From Holt Boulevard to Mission Boulevard,**" be read by number and title only, further reading be waived, and it be declared adopted.\*

For the record, Mayor Pro Tem Dutrey stated that as this general area of Montclair is developed, it is the City's hope that it will become a vital, beautiful part of the City. He expressed his hope that the Ramona Avenue Grade Separation project will begin construction in 2007.

\*The City Council waived the reading of the Resolution.

Resolution No. 06-2622 was adopted by the following vote:

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

**C. Second Reading – Adoption of Ordinance No. 06-871 Amending Various Sections of Titles 8 and 11 of the Montclair Municipal Code**

Mayor Pro Tem Dutrey 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 Pro Tem Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

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 Within Titles 8 and 11 of the Montclair Municipal Code,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 06-871 was adopted by the following ROLL CALL vote:

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

**D. Second 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 Pro Tem Dutrey 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 Pro Tem Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Ruh 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 second reading.

The City Council waived the reading of the Ordinance.

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

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

At this time, Mayor Pro Tem Dutrey asked that any audience members desiring to address the City Council regarding any item on the agenda, including Section VII, "Public Hearings," Item G, "Consider Adoption of Ordinance No. 06-883 Establishing Prezone Designations for Approximately 370 Acres Within the City's Sphere of Influence," must submit a *Speaker Information Card*; and they would be afforded five minutes each to speak.

- E. **First Reading - Consider Adoption of Ordinance No. 06-875, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I (Educational Revenue Augmentation Fund, Fiscal Year 2004-05)**

**First Reading - Consider Adoption of Ordinance No. 06-876, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III (Educational Revenue Augmentation Fund, Fiscal Year 2004-05)**

**First Reading - Consider Adoption of Ordinance No. 06-877, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV (Educational Revenue Augmentation Fund, Fiscal Year 2004-05)**

**First Reading - Consider Adoption of Ordinance No. 06-878, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V (Educational Revenue Augmentation Fund, Fiscal Year 2004-05)**

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance Nos. 06-875, 06-876, 06-877, and 06-878 extending the time limits with respect to the Redevelopment Plans for City of Montclair Redevelopment Project Area Nos. I, III, IV, and V (Educational Revenue Augmentation Fund, Fiscal Year 2004-05) 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 Ruh and seconded by Council Member Raft that the following actions be taken:\*

1. That Ordinance No. 06-875, entitled "**An Ordinance of the City Council of the City of Montclair Extending The Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I (Educational Revenue Augmentation Fund, Fiscal Year 2004-05),**" be read by number and title only, further reading be waived, and this be declared its first reading.
2. That Ordinance No. 06-876, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III (Educational Revenue Augmentation Fund, Fiscal Year 2004-05),**" be read by number and title only, further reading be waived, and this be declared its first reading.
3. That Ordinance No. 06-877, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV (Educational Revenue Augmentation Fund, Fiscal Year 2004-05),**" be read by number and title only, further reading be waived, and this be declared its first reading.
4. That Ordinance No. 06-878, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V (Educational Revenue Augmentation Fund, Fiscal Year 2004-05),**" be read by number and title only, further reading be waived, and this be declared its first reading.

Mayor Pro Tem Dutrey asked how much the Redevelopment Agency paid to the Educational Revenue Augmentation Fund in Fiscal Year 2004-05 pursuant to California Health and Safety Code Section 33681.12.

Director of Redevelopment/Public Works Staats answered, "Approximately \$600,000" for Fiscal Year 2004-05, adding that the amount will be a little more for the Fiscal Year 2005-06 payment because it will include the Mission Boulevard Joint Redevelopment Project.

Mayor Pro Tem Dutrey stated he is pleased the Redevelopment Agency is being allowed to extend the Redevelopment Project Plans for an additional year in an effort to recoup some of the revenue losses.

\*The City Council waived the reading of the Ordinances.

First Reading of Ordinance Nos. 06-875, 06-876, 06-877, and 06-878 was adopted by the following vote:

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

- F. **First Reading – Consider Adoption of Ordinance No. 06-879, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I (Educational Revenue Augmentation Fund, Fiscal Year 2005-06)**

**First Reading – Consider Adoption of Ordinance No. 06-880, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III (Educational Revenue Augmentation Fund, Fiscal Year 2005-06)**

**First Reading – Setting Adoption of Ordinance No. 06-881, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV (Educational Revenue Augmentation Fund, Fiscal Year 2005-06)**

**First Reading – Consider Adoption of Ordinance No. 06-882, an Ordinance of the City Council of the City of Montclair Extending the Time Limits with Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V (Educational Revenue Augmentation Fund, Fiscal Year 2005-06)**

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance Nos. 06-879, 06-880, 06-881, and 06-882 extending the time limits with respect to the Redevelopment Plans for City of Montclair Redevelopment Project Area Nos. I, III, IV, and V (Educational Revenue Augmentation Fund, Fiscal Year 2005-06) 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. 06-879, entitled "**An Ordinance of the City Council of the City of Montclair Extending The Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I (Educational Revenue Augmentation Fund, Fiscal Year 2005-06),**" be read by number and title only, further reading be waived, and this be declared its first reading.
2. That Ordinance No. 06-880, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III (Educational Revenue Augmentation Fund, Fiscal Year 2005-06),**" be read by number and title only, further reading be waived, and this be declared its first reading.
3. That Ordinance No. 06-881, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV (Educational**

**Revenue Augmentation Fund, Fiscal Year 2005-06),"** be read by number and title only, further reading be waived, and this be declared its first reading.

4. That Ordinance No. 06-882, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V (Educational Revenue Augmentation Fund, Fiscal Year 2005-06),"** 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 Ordinances.

First Reading of Ordinance Nos. 06-879, 06-880, 06-881, and 06-882 was adopted by the following vote:

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

**G. First Reading - Adoption of Ordinance No. 06-883 Establishing Prezone Designations for Approximately 370 Acres Within the City's Sphere of Influence**

Mayor Pro Tem Dutrey commented as follows:

1. He noted receipt of a total of 11 *Speaker Information Cards* and reminded audience members interested in addressing the Council on this item to submit their *Speaker Information Cards* to staff, and they would be afforded five minutes each to speak.
2. He advised that the Planning Commission conducted a public hearing on February 13, 2006, related to the proposal to establish prezone designations in areas comprising the majority of the unincorporated County territory in the City's Sphere of Influence (excluding the parcels within proposed Annexation No. 26) being considered by the Council this evening.
3. He told speakers they may make inquiries at the conclusion of the public-comment period.

Noting he has been advised by Fire Chief Tapia that the Chambers are filled to capacity, City Manager McDougal asked staff to leave and suggested employees could watch the proceedings on the Conference Room television monitor having local cable access.

Discussion centered on locating seats for attendees standing along the periphery of the Chambers and ensuring that those desiring to speak have submitted a *Speaker Information Card*.

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider adoption of Ordinance No. 06-883 establishing prezone designations for approximately 370 acres within the City's Sphere of Influence and invited comments from the public.

Mayor Pro Tem Dutrey commented as follows:

1. He noted for the record that staff received approximately twelve letters prior to the February 13, 2006 Planning Commission meeting and that there were a total of 28 speakers at that meeting.

2. He emphasized that this item relates to potentially establishing rezoning designations in the subject area and does not propose annexation of those parcels in the City's Sphere of Influence nor has the Council as yet decided to move forward with such action.
3. He advised that a number of past applications for projects in the City's Sphere of Influence prompted last year's Council action to establish an Official Prezone Map to be used as a planning tool for future annexations without the need to conduct separate rezone hearings each time an annexation was brought forward.
4. He emphasized that staff made an effort to correlate proposed prezone designations with existing land uses.
5. He explained that Government Code Section 54375.3, "Annexation of certain islands of territory," provides the guidelines for annexing areas of unincorporated territory that are completely or substantially surrounded by the corporate boundary of a city before January 1, 2007, including waiving in their entirety mandatory protest proceedings for annexations.
6. He identified the three different island areas in the City's Sphere of Influence.
7. He emphasized that the matter before the Council this evening relates to establishing prezone designations in the subject area, which does not mean the area would necessarily be annexed to the City.
8. He emphasized that adoption of prezone designations would have no impact on properties within the unincorporated County area unless and until the subject area is annexed to the City.

**Mr. Steven Stage**, 11217 Bolton Avenue, Ontario, commented as follows:

1. He asked for clarification of Montclair Municipal Code Section 11.14.010, "Rezoning annexed areas," from the City Attorney.
2. He received clarification on the definition of islands of unincorporated territory.
3. He generally spoke in opposition to and submitted petitions against the proposed action or any future annexation action.

**Mr. Rick Gallagher**, 11160 South Benson Avenue, Ontario, noted attending past Planning Commission meetings and a recent meeting with a representative of **Fourth District Supervisor Gary Ovitt's** Office. He spoke in opposition to the proposed action or any future annexation action.

**Mr. Christopher Moralez**, 11130 Monte Vista Avenue, Montclair, identified himself as a student at **Montclair High School**. He discussed the importance of abiding by the **U.S. Constitution**, which his grandparents and father fought to defend.

**Ms. Aleene Dugan-Brutsche**, 5200 Phillips Boulevard, Chino, displayed a ***Chino Champion*** article related to annexation and discussed another newspaper article related to this item. She generally spoke in opposition to the proposed action or any future

annexation action, noting she desires to preserve the rural atmosphere in her neighborhood. She asked for clarification of the City's R-1(20) Zone relative to horses.

Mayor Pro Tem Dutrey clarified that two horses are allowed in that zone.

**Ms. Dugan-Brutsche** requested a copy of the R-1(20) Zone designation.

Mayor Pro Tem Dutrey told her a copy would be provided to her.

**Mr. Thomas R. Nedeau**, 11271 Fremont Avenue, Montclair, noted his property was excluded at his request from a prezone designation action in October 2004. He requested clarification on the current prezone designation proposal.

Mayor Pro Tem Dutrey noted **Mr. Nedeau's** property illustrates a prime example of the City's desire to establish prezone designations in its Sphere of Influence for the benefit of property owners desiring to annex to the City, noting the advantage of their knowing the City zones in their area.

**Mr. Nedeau** generally spoke in opposition to the proposed action.

**Mr. Floyd Hughes**, 4168 Howard Street, Montclair, posed questions related to the City's acquisition of Fire Station No. 2, the reason for extending the City's boundaries when crime is supposedly not currently controlled in Montclair, and the sewer standby fee. He expressed his opinion that the Montclair Utility Users Tax is "taxation without representation" and that the purpose of the proposed action relates to an increase in revenue.

City Manager McDougal explained that Fire Station No. 2 was opened in 1970 by the Monte Vista Fire Protection District and that it received revenue from the Montclair Sphere of Influence for fire-protection services in that area.

As a relatively new resident to the area, **Mr. Stan Dillick**, 11321 Norton Avenue, Pomona, spoke in opposition to the proposed action. He noted residents' basic distrust of the City and their desire to know how they might benefit from a potential annexation of their properties to Montclair.

**Ms. Barbara Walton**, 11250 South Benson Avenue, spoke in opposition to the proposed action, stating she prefers that her property remain in unincorporated San Bernardino County territory.

**Ms. Sue Mabery**, 5458 Howard Avenue, Montclair, expressed her opinion that the majority of residents in the subject area are against the proposed action because they "are against the City of Montclair" and are concerned about losing their freedoms. She noted she pays more in sewer charges than the sewer standby fee because she executed an Irrevocable Annexation Agreement with the City to connect her property to the City Sewer System and, therefore, pays the standard sewer fee for that use.

Thirty-year County resident **Ms. Ramona Ashburn**, 10846 Grand Avenue, Ontario, commented as follows:

1. She complained that the City is proposing to prezone her neighborhood "R-1," which is quite divergent from the current County zoning designation of "Community Industrial" and contrary to the zoning designation desired by her neighbors and herself. She expressed her concern that in the

event her subdivision is, at some future point, annexed to Montclair, her property would be devalued if designated "R-1."

2. She advised that the majority of property owners on Grand Avenue have businesses on their properties.
3. She expressed her general distrust of the City's intentions regarding her subdivision and a desire to continue to reside in the unincorporated County area and to maintain the status quo.

**Mr. Jaime P. Vasquez**, 11236 South Benson Avenue, Ontario, advised that he recently purchased his home because it is located in a rural area. Noting he also attended the recent meeting with Field Representative **Josh Candelaria**, **Fourth District Supervisor Gary Ovitt's** Office, who apparently was unaware of this item, he spoke in opposition to the proposed action and in favor of maintaining the status quo.

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 commented as follows:

1. He noted for the record that petitions have been received from **Mr. Stage** this evening. He suggested that additional petitions and letters regarding this matter be mailed or submitted to Mayor Eaton, City Manager McDougal, or himself.
2. He noted he enjoys living in the rural atmosphere of South Montclair and recognized that the rural area between Pipeline and Benson Avenues is, for the most part, a "very beautiful area." He commended area residents for "doing a good job down there."
3. He noted the City of Montclair has invested tremendously in improving South Montclair and portions of the County, in cooperation with the County of San Bernardino, including the public improvements at the intersection of Ramona Avenue and Mission Boulevard. He advised that the City would be continuing to work with the County to improve, beautify, and ultimately transform Mission Boulevard as funding permits, noting the arterial has been in great need of infrastructure restoration for quite a long time.
4. He noted the new residential subdivisions at the corner of Ramona Avenue and Mission Boulevard and at Howard Street and Central Avenue. Advising that he would prefer to maintain the rural landscape in those areas, the demand for housing is so great that these types of developments are proceeding and in areas that would not have been considered for such use five to ten years ago.
5. He reported that the City is working toward development of grade separations on Ramona and Monte Vista Avenues at the Union Pacific Railroad tracks to alleviate ever-increasing freight rail traffic at those intersections. He asked City Manager McDougal how much of the funding for these projects is being provided by the City.

City Manager McDougal answered, "\$15 to \$18 million on [the] Ramona Avenue and probably \$18 to \$22 million on [the] Monte Vista Avenue" projects, noting the funding would

be coming from Redevelopment Agency tax-increment revenues.

Mayor Pro Tem Dutrey noted the advantage these grade separations would provide to all regional motorists traveling on those streets.

6. He reiterated that the action before the Council this evening relates to potentially establishing rezoning designations in the subject area. He emphasized that the City's adoption of prezone designations would have no impact on properties within the unincorporated County area unless and until the subject area is annexed to the City.
7. He clarified for those speakers residing on Bolton, Monte Vista, and Norton Avenues that they and other property owners and registered voters in that neighborhood would be eligible to participate in a public protest hearing should the Council decide to move forward with annexation of their neighborhood. He indicated that if the Council pursues annexation in the area east of Central Avenue, a public protest hearing would not be mandatory until the law sunsets at the end of the year.
8. He expressed his opinion that should the Council vote to adopt the first reading of proposed Ordinance No. 08-883 establishing the proposed prezone designations, that staff should conduct neighborhood public-information forums to promote such action; and if the Council decides to move forward with annexation of the subject area, similar neighborhood public-information forums should be conducted to promote the idea.
9. He concluded his comments by speaking very highly of Montclair as being "a great city," noting "a lot of great things happen in this small community of ours."
10. He noted that all letters and petitions would be considered by the Council.

Council Member Ruh requested clarification of the following wording—"invest in their properties"—written at the end of the last sentence of the first full paragraph on the second page of the agenda report on this item.

Director of Community Development Clark clarified that the purpose in proposing to establish prezone designations consistent with existing uses and the current nature of the neighborhood is that property owners would be inclined to continue to invest in their properties as opposed to letting their properties deteriorate in anticipation of the land use converting to some other use governed by the zoning designation.

Council Member Ruh noted that should the subject area be annexed to the City at some future time, those residents would be unable to cover their entire front yards with interlocking paver stones because doing so would be in violation of the City's Property Appearance Ordinance. Concerning the sentence, "Some have candidly communicated to staff that they 'like being unable to do whatever they want to do' in the County and fear the stricter code enforcement that would accompany annexation," at the end of the paragraph below the table in the agenda report, he asked for verification from staff that the City's Code Enforcement Division would begin monitoring the subject area should it be annexed to the City.

City Manager McDougal answered, "Once property is annexed to the City of Montclair, then it is the City's responsibility to provide code enforcement."

Council Member Ruh asked for verification that parking on unpaved surfaces in the front yards of residences would not be permitted should annexation of the subject area be approved.

Director of Community Development Clark advised that in the past staff has documented such existing legal nonconforming uses at the time annexation takes place, and they are allowed to continue.

Council Member Ruh inquired as follows:

1. Would an owner of residential property in the area of Grand and Rose Avenues be allowed to add a second unit to the property if that area were annexed to the City?

Director of Community Development Clark answered, "To a certain degree, yes," though the owner would need Planning Commission approval for an addition of over 50 percent.

2. Would an owner have to connect to the City Sewer System if his/her private sewer system is no longer serviceable?

Director of Community Development Clark responded that whether the property is in the County or City, County health codes require sewer connection in such instances if a sewer main is available adjacent to the property.

Council Member Ruh commented that he is disturbed that the residents/property owners of the subject area have not come forward with a desire for the action proposed this evening and for future annexation of their properties to Montclair. He expressed his belief "that residents have the right of self determination," adding that he would be in favor of maintaining the status quo in the subject area so that residents can continue the lifestyles they have chosen. He added that long-time residents have priority over new homeowners.

Moved by Council Member Paulitz and seconded by Council Member Raft that the following actions be taken:\*

1. The City Council hereby finds, based on the evidence submitted, that there would be no significant impact to the environment as a result of establishing the proposed prezone designations including a De Minimis finding of no effect on fish or wildlife and adopts a Negative Declaration.
2. That Ordinance No. 06-883, entitled "**An Ordinance of the City Council of the City of Montclair Approving Prezone Designations of M-1 (Limited Manufacturing), MIP (Manufacturing Industrial Park), C-3 (General Commercial), R-1 (Single-Family Residential), R-1(11) (Single-Family Residential, Minimum 11,000-Square-Foot Lot Area), R-1(20) (Single-Family Residential, Minimum 20,000-Square-Foot Lot Area), R-1(SL) (Single-Family Residential, Small-Lot Detached Housing Overlay), and R-2 (Two-Family Residential) Within the City's Sphere of Influence,**" be read by number and title only, further reading be waived, and this be declared its first reading.

Council Member Raft asked if there were some way to assure the residents and property owners of the subject area that establishing prezone designations in that area would not require or commit the City to actually annex the area to Montclair.

Director of Community Development Clark clarified that this item only pertains to establishing prezone designations that would have no impact on the subject area unless and until it is annexed to the City. He added that the decision to annex the area rests entirely with the Council.

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

The City Council found that there would be no significant impact to the environment as a result of the proposed prezone designations including a De Minimis finding of no effect on fish or wildlife and adopted a Negative Declaration and the First Reading of Ordinance No. 06-883 by the following vote:

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

Mayor Pro Tem Dutrey expressed his appreciation of the public's attendance at tonight's meeting. He reiterated that letters and petitions should be submitted at City Hall.

## VIII. CONSENT CALENDAR

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

### A. Approval of Minutes

#### 1. Minutes of Adjourned Joint Council/Agency/Montclair Housing Corporation Meeting of February 21, 2006

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of February 21, 2006.

#### 2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of February 21, 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 21, 2006.

### B. Administrative Reports

#### 1. Approval of Parcel Merger No. 2005-2 Located on the North Side of Holt Boulevard East of Vernon Avenue

The City Council approved Parcel Merger No. 2005-2 located on the north side of Holt Boulevard east of Vernon Avenue, which merges three contiguous parcels to eliminate a property line under one of the buildings at the site as requested by property owner Southwest Properties.

#### 2. 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 Modifications to the West Edison NRW Line Project

The City Council approved the following actions related to completion of the Modifications to the West Edison NRW (non-

reclaimable wastewater) Line 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.

**3. Authorization to Purchase One 2006 Chevrolet Colorado Extra Cab Truck From Lake Chevrolet for Parking-Enforcement Use**

**Authorization for Installation of Safety Equipment in the Truck at Woodcrest Vehicle Center**

The City Council authorized the following actions:

- (a) Purchase of one 2006 Chevrolet Colorado extra cab truck from Lake Chevrolet for parking-enforcement use.
- (b) Installation of safety equipment in the truck at Woodcrest Vehicle Center.

**4. Declaring Police Vehicles as Surplus and Authorizing Their Sale to Private Companies**

The City Council declared the following Police vehicles as surplus and authorized their sale to private companies:

<i>Year and Model</i>	<i>Vehicle Identification Number</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
1996 Chevrolet Caprice	1G1BL52P9TR154108	151,979	\$1,500
" "	1G1BL52P9TR159843	98,550	\$1,500
1995 Chevrolet Tahoe	1GNEC13R4XR153300	98,007	\$15,00
1995 Chevrolet Caprice	1G1BL52P2SR145331	81,624	\$1,500
" "	1GBL52P2SE145703	172,310	\$1,500
" "	1G1BL52P0SR145313	137,889	\$1,500
" "	1G1BL52P5SR145324	132,094	\$1,500

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

The City Council declared the unclaimed property in Police custody listed on the Surplus Priority List dated February 2006 attached to the agenda report on this item as surplus and available for auction.

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

The City Council approved the Warrant Register dated March 6, 2006, totaling \$827,949.63 and the Payroll Documentation dated January 8, 2006, amounting to \$714,375.96, with \$464,611.07 being the total cash disbursement.

**C. Agreements**

**1. Approval of Agreement No. 06-27 With Mt. San Antonio College Exercise Science and Wellness Center to Provide a Comprehensive Fitness Program for the Fire Department**

The City Council approved *Agreement No. 06-27* with Mt. San Antonio College Science and Wellness Center to provide a comprehensive fitness program for the Fire Department.

2. **Approval of Agreement No. 06-28-I-70, an Irrevocable Annexation Agreement With Tien Van Huynh for 11112 Monte Vista Avenue**

The City Council approved *Agreement No. 06-28-I-70*, an *Irrevocable Annexation Agreement* with Tien Van Huynh for emergency connection of his property at 11112 Monte Vista Avenue to the City Sewer System.

D. **Resolutions**

1. **Adoption of Resolution No. 06-2625 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 06-2623 authorizing placement of liens on the 108 properties listed on Exhibit A to Resolution No. 06-2625 for delinquent sewer and trash charges.

IX. **PULLED CONSENT CALENDAR ITEMS - None**

X. **RESPONSE - None**

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel**

1. **Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation**

*Jeffrey Watts v. City of Montclair*

City Attorney Robbins requested a Closed Session on the above matter pursuant to Section 54956.9(a) of the Government Code

B. **City Manager/Executive Director - No comments**

C. **Mayor/Chairman - Absent**

D. **City Council/Agency Board**

1. Council Member/Director Ruh commented as follows:

(a) He noted Council Member Raft's and his attendance at the Police *Volunteer Appreciation Banquet* held Saturday evening at the **Sycamore Inn**, Rancho Cucamonga, to recognize Reserve Police Officers, Volunteers in Policing, and the Police Chaplains for their many hours of dedication, hard work, and effort to augment the Police and public-safety services here in Montclair.

(b) He advised that 44-year Montclair residents Police Chaplain Neal Froese and his wife, June, will soon be relocating to Colorado. He stated that we all wish the Froeses well in their journey and will miss their tremendous involvement in the community.

(c) He noted his attendance at **Assembly Member McLeod's** breakfast last Friday featuring guest speaker **California Secretary of State Bruce McPherson**, who

gave a presentation on elections, election procedures, and electronic voting systems and their safeguards. He noted he was pleased at the rare bipartisan unity displayed at the breakfast regarding some of the issues facing Californians. He commended both **Assembly Member McLeod** and **Secretary of State McPherson** for putting aside partisan differences to do the people's work here in California.

(d) He noted he was unable to attend the last Council meeting because he was delayed on the East Coast because of inclement weather.

(e) Noting his attendance at **Our Lady of Lourdes Catholic Church's** 50th Anniversary celebration, he recognized and commended parishioners **Pepe Bravo** and **Evelina Contreras** for their families' respective 108 years and 115 years of longevity in and commitment to this community.

2. Mayor Pro Tem/Vice Chairman Dutrey noted his attendance on Wednesday at the City's annual employee service awards presentation and congratulated record-breaker Council Member Paulitz for his 40 years of dedicated service to the City of Montclair, first as a Planning Commissioner and as a Council Member since 1978.

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

##### **1. Minutes of Personnel Committee Meeting of February 21, 2006**

The City Council received and filed the Personnel Committee meeting minutes of February 21, 2006, for informational purposes.

#### **XII. ADJOURNMENT OF REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 8:37 p.m., Vice Chairman Dutrey adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 8:37 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Section 54956.9(a) of the Government Code.

#### **XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:47 p.m., the City Council returned from Closed Session. Mayor Pro Tem Dutrey announced the City Council met in Closed Session regarding pending litigation, information was received from the City Attorney and staff and direction provided, and no further announcements would be made at this time.

#### **XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:48 p.m., Mayor Pro Tem Dutrey adjourned the City Council.

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

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Yvonne L. Smith  
Transcribing Secretary