

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, MARCH 20, 2006,
AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and reminded everyone to please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

Absent: City Manager/Executive Director McDougal (excused)

V. PRESENTATIONS

A. Presentation of "Volunteer of the Year" Award

Mayor Eaton noted Americans are unique in their uncommon capacity to selflessly offer their time to serve the public good, and Montclair's volunteers are no different. Though the striking feature of volunteers' public service is how they quietly and unassumingly carry out their duties, he stated that the City is taking this opportunity to recognize their altruism and dedication with tonight's *20th Annual Volunteer of the Year* program.

Mayor Eaton presented *Volunteers of Distinction* plaques to the following nominees:

San Bernardino County Library, Montclair Branch volunteer **Ms. Patricia Haidler**, who was unable to attend tonight's presentation, has for the past two years served as book sale chair and will soon be serving as Treasurer for the **Friends of the Montclair Library**. Always positive, motivated, and resourceful, **Ms. Haidler** has coordinated improvement and marketing projects for the **Friend's** used-book room and oversaw the repair of library furniture. She is also consistently working to recruit new library volunteers and to promote the library's literacy and tutoring programs. Lastly, she supervises donations of surplus books to other community organizations.

Monte Vista Unitarian Universalist Congregation volunteers **Dean and Anne Thorpe** have for the past three years coordinated the weekly collection of food and monetary donations from churchgoers and made deliveries to the **Inland Valley Council of Churches** Hunger Program Beta Food Security. The success of the program can be attributed to the joint efforts of the **Thorpes** over the past 20 years.

Montclair Youth Basketball League volunteer **Mr. Hank Sorenson**, who has coached in Montclair for various teams in this league for the past seven years as well as for a number of other sports leagues. A very dedicated and caring person, he serves as an excellent role model for our young athletes. **Mr. Sorenson** represents Montclair well at regional basketball tournaments, and his dedication to training our young people to excel in the sports world is commendable.

Montclair *Por la Vida* nominee **Ms. Celina Terrones** has been an active participant with this health, nutrition, and skill-promotion program for community Hispanic women since its inception six years ago. Beginning her service as a child-care provider, last year she advanced to become a ***Por la Vida* Consejera** and now conducts classes to educate, promote healthy self-esteem, and empower participants and their families to be independent and healthy. **Ms. Terrones** serves as a strong role model for these women in her dedication to their training.

Montclair Golden Girls Softball League nominee **Ms. Joan Thomas** has served on the organization's board of directors for the past 15 years and, most recently, as its player agent. She emphasizes focusing on each player's positive experience playing in the league and, by doing so, has been instrumental in changing the organization for the better. **Ms. Thomas** can often be found working the snack bar and preparing the game fields in addition to her responsibilities of registering, insuring, and placing new players and scheduling games.

Montclair Senior Citizens Program nominee **Ms. Maria Tovar** volunteers in the Senior Citizens Nutrition Program as well as at different nursing homes in Mexico for six months out of the year. Her saying is, "The people I work with give me life," and her specialty is ensuring that program participants feel welcome.

Montclair Meals on Wheels nominee **Ms. Betty Morrison** has given unselfishly of her time to deliver meals, friendship, and a sense of care and concern at least once a week for the past seven months to residents who are unable to shop and cook for themselves.

Mayor Eaton extended the sincerest gratitude of the Council and residents to each ***Volunteer of Distinction***. He presented the following ***2006 Volunteer of the Year*** awards:

Second Runner-Up: **Ms. Carolyn Ollis** is an active and committed member of the **Montclair-Ontario Junior Women's Club**, serving over the past 14 years as President, Vice President, and Secretary as well as Parliamentarian and Arts Chair at a state level. She is extremely dedicated and has worked on every youth, health, and education project the club has sponsored as well as chairing all fundraising, the proceeds from which fund all club philanthropy projects. Recently **Ms. Ollis** served on the Junior State Membership Committee.

First Runner-Up: **Kiwanis Club of Montclair** volunteer and Community Action Committee (CAC) Member **Mary Francis** has served as the organization's President, Secretary, Co-Designer, and editor of the club newsletter and presently serves as Community Service Chairperson and Membership Co-Chair. She was integral in chartering **Kiwanis's Key Club at Montclair High School (MHS)** and enjoys participating in the **Kiwanis Club's** service projects with the **Special Olympics** and the annual **Pomona Valley Workshop** picnic. **Ms. Francis** and her husband are also involved in the **Kiwanis Club's** annual **See's Candy** fundraiser. She is active in her church and was instrumental in organizing community youth to raise funds for the Montclair Skate Park.

Mayor Eaton thanked **Ms. Ollis** and **Mrs. Francis** for their continued service to the community.

First Place: **Mr. Alan Matley**, nominated by the Montclair Police Department and the retired Senior Volunteer Program for the West Valley. **Mr. Matley** has volunteered an average of 900 hours per year since 1997 and can be depended upon to schedule vehicle maintenance for the Police Department fleet and to patrol streets for illegal parking. He further assists in the training of new Police Cadets, 90 percent of whom become respected law enforcement officers in our community.

Mr. Manuel Saucedo, Field Representative, **Senator Nell Soto's Ontario District Office**, 822 North Euclid Avenue, Ontario, thanked the CAC for organizing and facilitating the volunteer awards program and congratulated the **Volunteers of Distinction** and the runners-up. On behalf of **Senator Soto**, he presented **2006 Volunteer of the Year Matley** with a *Certificate of Recognition* for his commitment to the community and congratulated him.

Mr. Thomas DesLauriers, Field Representative, **Assembly Member Gloria McLeod's District Office**, 4959 Palo Verde Street, Montclair, presented **Mr. Matley** with a *Certificate of Recognition* and thanked him on behalf of **Assembly Member McLeod** for his community service and dedication to public safety.

San Bernardino County Fourth District Supervisor Ovitt thanked each of the volunteers for their efforts in the community and for giving their valuable time for worthwhile efforts. He noted the City's appreciation for all that the volunteers do out of the goodness of their hearts while expecting very little in return. He offered the following well-known **YMCA** quote:

This is how we healthy strong kids, healthy families, and healthy communities.

On behalf of the Fourth District of the **County of San Bernardino**, **Supervisor Ovitt** presented **Mr. Matley** with a *Certificate of Recognition*, stating, "Congratulations, Alan. Very well done."

Mr. Matley accepted his award and *Certificate of Recognition* and thanked the Council, **Mr. Saucedo**, **Mr. DesLauriers**, and **Supervisor Ovitt**.

Mayor Eaton thanked all the City's volunteers for their contributions to the City.

At 7:25 p.m., Mayor/Chairman Eaton recessed the City Council and Redevelopment Agency and Montclair Housing Corporation Boards.

At 7:27 p.m., Mayor/Chairman Eaton reconvened the City Council and Redevelopment Agency and Montclair Housing Corporation Boards.

VI. PUBLIC COMMENT

- A. **Ms. Jill Hammond** and **Ms. Vicki Bartelt**, **Ontario-Montclair School District (OMSD)**, 950 West D Street, Ontario, identified themselves as representatives of the **OMSD** Alternative Governance Board. **Ms. Hammond** invited community members to apply to join the membership of the **OMSD** Alternative Governance Board for the 2006-07 school year.

Ms. Bartelt stated that school districts are accountable to meeting certain annual academic standards. She noted that should a school's students and student subgroups fail to meet the required language, arts, and math targets for two years in a row, then the school is entered into a Program Improvement Schools program requiring more stringent oversight for each successive year that the standards are not met. She advised that the **OMSD** Alternative Governance Board becomes involved with the schools that have been identified in the Program Improvement Schools program for four or five years.

Ms. Hammond stated that the **OMSD** Alternative Governance Board's purpose is to evaluate and monitor the instructional programs for schools in years 4 and 5 of **No Child Left Behind (NCLB)Act** program improvement including planning, monitoring, and overseeing the implementation of the restructuring plans developed by each school pursuant to **NCLB Act** regulations.

Ms. Bartelt advised that the **OMSD** Alternative Governance Board reports to the **OMSD** Board of Trustees and makes recommendations regarding the steps that should be taken to help the school reach state academic accountability targets.

Ms. Hammond reiterated that they are asking for community volunteers to serve on the **OMSD** Alternative Governance Board, advising there would be a time commitment of approximately one meeting per month and a three-hour visit to each of the three school sites that are in year 5 program improvement.

Ms. Bartelt noted applications are available to join the **OMSD** Alternative Governance Board.

Council Member Ruh expressed his interest in joining and asked for an application.

Council Member Paulitz asked if there is a separate Alternative Governance Board for each of the three schools and inquired as to which three schools have been targeted.

Ms. Bartelt replied that there is only one Alternative Governance Board for the entire **District** and that the three schools being monitored are **Berlyn Avenue** and **Euclid Elementary Schools** and **De Anza Middle School**.

Mayor Eaton thanked **Ms. Hammond** and **Ms. Bartelt** for their comments.

- B. **Mr. Don Vodvarka**, 10202 Columbine Avenue, Montclair, expressed his pride in being a **Kiwanis Club of Montclair** member. He noted his pride in area **Kiwanis** Key Club members for their recent efforts to assemble **Kiwanis Division 15** Lieutenant Governor **Bill Finch's** "angel" rag dolls. He thanked

Lieutenant Governor **Finch** and all student participants for their work on the project.

Mayor Eaton thanked **Mr. Vodvarka** for his comments.

- C. **Mr. Pepe Bravo**, 10261 Greenwood Avenue, Montclair, complained about a reclaimed water leak in front of 4697 Huntington Drive that has been ongoing for the past three or four months, noting he has contacted the **Monte Vista Water District** and **Golden State Water Company** to no avail.

Mayor Eaton asked for a response from City Engineer Hudson.

City Engineer Hudson responded that the **City of Upland** has yet to accept the construction work on the recently completed Pacific Electric Inland Empire Bike Trail because of two outstanding issues related to that irrigation water leak and additional fencing that is required. He noted receiving assurance from an Upland representative last week that the project contractor will attend to these issues. He advised that it is tap water that is leaking from the customer's side of the meter and that is the responsibility of the **City of Claremont** and **Golden State Water Company** and should be resolved within the next week or two.

Mr. Bravo thanked City Engineer Hudson.

Mayor Eaton thanked **Mr. Bravo** for his comments.

VII. PUBLIC HEARINGS

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

Mayor Eaton 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.

Noting the large turnout at the last meeting on this item, Council Member Raft emphasized for the benefit of the County property owners and residents affected by the proposed action that the Council does consider all protests against a proposed action before making a decision on the item. She stated that she would not vote in favor of an item should one half or more than half of the residents protest against it. She advised, however, that when only 20 percent of the total affected property owners/residents protest against an action, it can be presumed that the other 80 percent of affected property owners/residents either "approve of the action or just don't care."

Mr. Steven Stage, 11217 Bolton Avenue, Ontario, expressed his opinion that over 51 percent of the affected property owners/residents signed the petitions submitted at the last meeting opposing pre zoning and/or annexation.

Acting City Manager Clark stated that based on the information on the petitions submitted by **Mr. Stage** as well as on the additional petitions submitted to staff subsequent to the meeting, there were a total of 420 signatures representing 256 properties, which is the basis of the 22 percent of the 1,166 properties being considered for pre zoning. He clarified that the high number of signatures relates to the fact that two or three signatures were from one property. He reported that of the 420 signatures, 258 signers indicated they are registered voters, 155 are not registered voters, and 7 declined to state. He stated it was interesting to note that 18 of the total signatures were from property owners and/or

residents of parcels where Irrevocable Annexation Agreements had been executed for connection to the City Sewer System, noting a key component of all such agreements is that the property owners or their successors consent to annex to the City at such time as the City pursues annexation. He further reported that a geographical breakdown of areas within the Montclair Sphere of Influence where petition signatures originated indicates 1 signature from the Mission Boulevard island, 107 signatures from the Central Avenue island north of Howard Street, 111 signatures from the Central Avenue island south of Howard Street, and 201 signatures from other nonisland areas (Greenwood tract).

Ms. Janet Hastings, 5611 West Mission Boulevard, Ontario, noted the 107 signatures from the Central Avenue island north of Howard Street include 18 from The Palms Trailer Court, advising that most residents own their own trailers.

Acting City Manager Clark concurred.

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.

Council Member Paulitz commented as follows:

1. In comparing the proposed prezone map and map of existing County land uses attached to the agenda report on this item, he advised the zoning would virtually remain the same should the City establish prezone designations at the subject site.
2. He noted two changes were made to the proposed prezone map as a result of requests received at a workshop in January that several parcels along the north side of Howard Street between Central and Vernon Avenues and three parcels on Phillips Boulevard west of Norton Avenue be changed from "R-1" to "R-2" and that concessions were made for a property owner with a large lot to keep horses. In general, the Council has been very fair and staff diligent in maintaining the current zoning and land-use entitlements related to animals and residential, commercial, and industrial uses.
3. So far as potential annexation is concerned, he clarified 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, for the simple fact that a city could provide the best service to the area. He advised that the County desires to relinquish its urban land-management obligations because of fragmented service concerns and is fully supportive of cities assuming such jurisdictional takeovers.
4. He noted at the time of Montclair's incorporation, Phillips Boulevard was proposed to be Montclair's southern boundary but that it was changed to State Street because of resident protests. He advised that for 50 years, piecemeal annexations have taken place without forcing the annexation of any properties.
5. He noted there are two requests on tonight's agenda for connection to the City Sewer System through Irrevocable Annexation Agreements with the City because of septic system failures on the properties. He expressed his surprise that 18 parties to Irrevocable Annexation Agreements with the City for similar connections to the City Sewer System have

signed the petitions opposing rezoning and/or annexation because, as noted by Acting City Manager Clark, a key component of all such agreements is that the property owners or their successors consent to annex to the City at such time as the City pursues annexation.

6. He expressed his complete support of this item to create a logical and orderly southern service boundary for Montclair as was intended upon incorporation in 1956. He expressed his opinion that should annexation of the subject site occur at some future point, it will turn out to be not such a major concern for area property owners and residents alike. He advised that protests against future annexation of the nonisland areas should be directed to the Local Agency Formation Commission (LAFCO) and that there is no legal process regarding submitting petitions against future island annexations.
7. He urged the Council to adopt the second reading of proposed Ordinance No. 06-883.

Council Member Ruh commented as follows:

1. He reiterated his concern on behalf of the property owners/residents involved in the proposed action who have protested against it, stating "these individuals have a right to their property; they have a right to decide whether they want to be in the City or don't want to be in the City. I would urge them to go to the LAFCO meeting."
2. He noted he was surprised to learn that the County supports this item given that certain affected property owners/residents have expressed their staunch opposition to the City's rezoning and/or potential annexation of their properties to **Supervisor Ovitt**.
3. He expressed his opinion there is no need "to rush into this."

Mayor Pro Tem Dutrey commented as follows:

1. He noted it is important to clarify that the action before the Council this evening relates to a proposal to establish prezone designations in the subject area, not potential annexation of the site. He further clarified that the purpose in designating City prezones in the Montclair Sphere of Influence is for the benefit of property owners who desire to develop and annex their properties to the City.
2. He reiterated that to the greatest extent possible, staff has correlated proposed prezone designations with existing land uses and that changes were made to the proposed prezone map as a result of requests received from affected property owners. He emphasized that future consideration would be given to requests to amend prezone designations.
3. He advised that should annexation of the subject site occur in the future, staff would inventory, photograph, and document for recordation purposes all existing animal and nonstandard development conditions in the annexed area so that such conditions would be recognized as legal nonconforming uses.
4. He noted he has driven through the neighborhoods north and south of Mission Boulevard between Central and Benson Avenues as well east of Central Avenue, expressing his opinion that they are for the most part (particularly the area east and west of Central Avenue, south of Mission Boulevard)

"very beautiful areas" and that the homes are very well maintained and in compliance with City standards.

5. He expressed his opinion that the allegation made at the last meeting that crime would increase at the subject site if it were annexed to Montclair because of the City's high rate is not factual.
6. He postulated whether the true nature of the opposition to potential annexation of the site relates to an objectionable increase in regulations or to simply not wanting to be included within the boundaries of Montclair. He reiterated that "this is a great City" and that there are a number of "great things happening in the City of Montclair."
7. He expressed his opinion that should the Council decide to pursue future annexation of the subject site, staff should conduct neighborhood public-information forums to promote such action with affected property owners and residents.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz 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 second reading.
3. Establish by adoption of Ordinance No. 06-883 the following prezone designations:
 - * M-1 (Limited Manufacturing) - 55.58 acres
 - * MIP (Manufacturing Industrial Park) - 33.39 acres
 - * C-3 (General Commercial) - 61.44 acres
 - * R-1 (Single-Family Residential) - 117.62 acres
 - * R-1(111) (Single-Family Residential, minimum 11,000-square-foot lot area) - 2.85 acres
 - * R-1(20) (Single-Family Residential, minimum 20,000-square-foot lot area) - 71.92 acres
 - * R-1(SL) (Single-Family Residential, small-lot detached housing overlay) - 1.32 acres
 - * R-2 (Two-Family Residential) - 27.49 acres

Council Member Ruh commented as follows:

1. Noting he too has driven through the subject site, he concurred that the neighborhood homes are very well maintained.

2. He expressed his opinion that the property owners/residents of the subject site are not against the City of Montclair *per se* but simply choose to reside or operate their businesses in the unincorporated County territory in the City's Sphere of Influence. For that reason, he stated that he would not vote in favor of this item.

Mayor Pro Tem Dutrey reiterated that adoption of proposed Ordinance No. 06-883 would only establish prezone designations in the subject area, which would have no impact on properties within the unincorporated County area unless the subject area is annexed to the City. He emphasized that the purpose in designating City prezones in the Montclair Sphere of Influence is for the benefit of property owners who desire to develop and annex their properties to the City.

Council Member Ruh reiterated his concern regarding land uses in the subject site should annexation occur in the future.

Council Member Paulitz called for the question.

*The City Council unanimously 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 Second Reading of Ordinance No. 06-883 specifying the above prezone designations by the following vote:

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

B. Second Reading - 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)

Second Reading - 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)

Second Reading - 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)

Second Reading - 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 Eaton 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 Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh 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 second 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 second 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 second 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 second reading.

The City Council unanimously waived the reading of the Ordinances.

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

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

- C. **Second Reading - 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)**

Second Reading - 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)

Second Reading - 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)

Second Reading – 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 Eaton 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 Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey 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 second 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 second 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 second 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 second reading.

The City Council unanimously waived the reading of the Ordinances.

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

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

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of March 6, 2006

The City Council and Redevelopment Agency and Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of March 6, 2006.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of March 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 March 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 February 28, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated March 20, 2006, totaling \$1,463,735.23 and the Payroll Documentation dated January 22, 2006, amounting to \$570,992.99, with \$390,971.24 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 February 28, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 2/01/06-2/28/06 in the amounts of \$34,188.23 for Project I; \$2,660.60 for Project II; \$1,813,618.67 for Project III; \$594,480.57 for Project IV; \$1,327,742.10 for Project V, and \$20,330.78 for the Mission Boulevard Joint Redevelopment Project.

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 February 28, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 2/01/06-2/28/06 in the amount of \$38,788.82.

7. Setting a Public Hearing to Consider Resolution No. 06-2627 Approving a General Plan Amendment to the Official Land-Use Map for Approximately 110.5 Acres Within the Boundary of the North Montclair Downtown Specific Plan, Modifying the Land-Use Designations From "Low-Density Residential," "Business Park," "Public/Quasi-Public," "General Commercial," and "Regional Commercial" to "Planned Development"

The City Council set a public hearing for Monday, April 3, 2006, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 06-2627 approving a General Plan amendment to the Official Land-Use Map for approximately 110.5 acres within the boundary of the North Montclair Downtown Specific Plan, modifying the land-use designations from "Low-Density Residential," "Business Park," "Public/Quasi-Public," "General Commercial," and "Regional Commercial" to "Planned Development."

8. Setting a Public Hearing to Consider Approval of Tentative Parcel Map No. 17354 for a Two-Lot Residential Subdivision at 10410-10450 Pradera Avenue and 10371-10375 Mills Avenue

The City Council set a public hearing for Monday, April 3, 2006, at 7:00 p.m. in the City Council Chambers to consider approval of Tentative Parcel Map No. 17354 for a two-lot residential subdivision at 10410-10450 Pradera Avenue and 10371-10375 Mills Avenue.

9. Setting a Public Hearing to Consider Approval of Tentative Parcel Map No. 17667 for a Two-Lot Subdivision on the West Side of Monte Vista Avenue at Richton Street

The City Council set a public hearing for Monday, April 3, 2006, at 7:00 p.m. in the City Council Chambers to consider approval of Tentative Parcel Map No. 17667 for a two-lot subdivision on the west side of Monte Vista Avenue at Richton Street.

10. Setting a Public Hearing to Consider Ordinance No. 06-884 Amending Section 9.20.460 of the Montclair Municipal Code Related to Equivalent Dwelling Unit Value

The City Council set a public hearing for Monday, April 3, 2006, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 06-884 amending Section 9.20.460 of the Montclair Municipal Code related to equivalent dwelling unit value.

11. Authorization to Advertise for Bid Proposals for the Traffic Signal Maintenance Contract

The City Council authorized staff to advertise for bid proposals for the traffic signal maintenance contract.

C. Agreements

1. Approval of Agreement No. 06-30-I-71, an Irrevocable Annexation Agreement With Mr. Adalberto Oropeza for 11025 Roswell Avenue

The City Council approved *Agreement No. 06-30-I-71*, an *Irrevocable Annexation Agreement* with Mr. Adalberto Oropeza for emergency connection of his property at 11025 Roswell Avenue to the City Sewer System.

2. Approval of Agreement No. 06-32 With Ontario-Montclair School District for Funding of a *Por la Vida* Parent-Education Program

The City Council approved *Agreement No. 06-32* with the Ontario-Montclair School District to provide Safe School/Healthy Students grant funding for a *Por la Vida* parent-education program.

3. **Redevelopment Agency Board of Directors' Approval of *Agreement No. 06-34* by and Between the City of Montclair Redevelopment Agency and the Southern California Association of Governments (SCAG) for Consultant Services**

Redevelopment Agency Board of Directors' Adoption of Resolution No. 06-01, a Resolution of the City of Montclair Redevelopment Agency in Support of SCAG's *Compass 2% Strategy Demonstration Project*

The Redevelopment Agency Board took the following actions:

(a) Approved *Agreement No. 06-34* by and between the City of Montclair Redevelopment Agency and the Southern California Association of Governments (SCAG) for consultant services.

(b) Adopted Resolution No. 06-01, a Resolution of the City of Montclair Redevelopment Agency in support of SCAG's *Compass 2% Strategy Demonstration Project*.

4. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 06-35 Through 06-38, 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. 06-35 through 06-38, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the four EHIP participants listed on Exhibit A to the agenda report on this item.

5. **Approval of *Agreement No. 06-39-1-72, an Irrevocable Annexation Agreement With Grand Avenue Estates for 4109 Grand Avenue (Tract No. 17509)***

The City Council approved *Agreement No. 06-39-1-72, an Irrevocable Annexation Agreement* with Grand Avenue Estates for connection of the subdivision at 4109 Grand Avenue (Tract No. 17509) to the City Sewer System.

D. **Resolutions None**

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

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: 10215 Central Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and June Morrison

Negotiators: Director of Redevelopment/Public Works Staats, Agency Planner Clark, and Assistant Director of Redevelopment Caldwell

*Under
Negotiation: Recommendations Regarding Purchase Offer*

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

Property: 5326 San Bernardino Street

Negotiating Parties: City of Montclair Redevelopment Agency and A-1 General Building, Development Department

Negotiators: Director of Redevelopment/Public Works Staats, Agency Planner Clark, and Assistant Director of Redevelopment Caldwell

*Under
Negotiation: Recommendations Regarding Purchase Offer*

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

Property: 5326 San Bernardino Street

Negotiating Parties: City of Montclair Redevelopment Agency and Skyland Partners, LLC

Negotiators: Director of Redevelopment/Public Works Staats, Agency Planner Clark, and Assistant Director of Redevelopment Caldwell

*Under
Negotiation: Recommendations Regarding Purchase Offer*

Agency Counsel Robbins requested a Closed Session pursuant to Section 54956.8 of the Government Code regarding real property negotiations on the above three matters.

B. Acting City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted he was unable to attend the last meeting because he was in Washington, D.C., participating in an **Omnitrans** lobbying coalition.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

(a) He reported the following two items that were addressed at this evening's Code Enforcement Committee meeting:

(1) The new integrated software suite for use by the Building Division for building permit-tracking and by the Code Enforcement Division for tracking and enforcement applications would be implemented and fully operational by June 30, 2006.

(2) The Code Enforcement attorney-selection process should be completed by the end of April or May 2006, with interviews by a panel composed of Mayor Pro Tem Dutrey and himself, a Planning Commissioner, and two staff members scheduled for April 17, 2006.

2. Council Member/Director Raft noted receiving a thank-you letter from residents who asked that Police Officer Brian Blyther be publicly recognized for his two days of attention to their recent call for service.

Mayor Eaton stated that Police Chief Thompson would be sure to relay the residents' gratitude to Officer Blyther.

3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He thanked the CAC for organizing and facilitating the **2006 Volunteer of the Year** program every year.
 - (b) He noted the Council's approval this evening of *Agreement No. 06-34* with **SCAG**, which will provide almost \$48,000 worth of consulting services to help generate interest and support for (as well as support for the implementation process of) the North Montclair Downtown Specific Plan, designated by **SCAG** as a *2% Strategy Demonstration Project*. He stated that Montclair is one of a very few cities that have been accepted into this program and will serve as an example for future transit-oriented development along railways in Southern California.
 - (c) He noted the Planning Commission would be considering the North Montclair Downtown Specific Plan and Environmental Impact Report documents at its meetings in March and April 2006. Noting the interest of quite a few developers in the site, he expressed his opinion that the future transit village will become a flourishing regional economic hub. He noted it is appropriate the project will break ground during the City's 50th anniversary.
 - (d) He announced the State of the City Address/"Taste of Montclair" luncheon will be held Thursday, March 30, 2006, in the Montclair Community Center auditorium and will feature the **Honorable Kenneth Ziebarth**, former Council Member and Mayor, as the master of ceremonies. He noted Mayor Eaton will give the State of the City address.

4. Council Member/Director Ruh commented as follows:
 - (a) He sadly expressed his sympathy to the **Lewis** family for the passing last Tuesday of family matriarch and **Lewis Group of Companies** Executive Vice President **Goldy Lewis**. He noted **Mrs. Lewis** was the heart and soul of the company that she began with her husband, **Ralph**, in 1955 and that he was privileged to know them both. He described **Mrs. Lewis's** attention to design and detail that she perceived to be lacking in many homes, making sure kitchens were suitable for families and that they had the essentials to her specifications and personal level of comfort. He noted "she will truly be missed by the building community."
 - (b) He noted his attendance today at the dedication of newly renovated runway 26R-8L at **Ontario International Airport (ONT)**, which was revamped to replace asphalt pavement with concrete, to install a system of center-line landing lights, and to upgrade the taxiways leading from the terminal to the runway to accommodate new, larger aircraft, such as the Airbus 380, a 555-seat

jumbo jet that will go into commercial use later this year. He advised that this and future runway improvements will contribute to an ongoing process to transform **ONT** into a major player on the regional air-traffic scene. He noted discussing the need for economic growth at **ONT** with **Los Angeles** Council Member **Bill Rosendahl**, who represents an area of Los Angeles that has complained for decades about noise, traffic, and pollution resulting from ever-increasing traffic at **Los Angeles International Airport** who noted there are very few regions like the Inland Valley that are willing to accept airports.

- (c) Noting **2006 Volunteer of the Year Alan Matley's** average of 900 hours of volunteer service per year since 1997, he encouraged the public to do what they could to volunteer and "be a part of something" so as to "make a difference in somebody's life."
- (d) He announced that **Assembly Member McLeod** will conduct a domestic violence town hall forum this Thursday, March 30, 2006, from 2:00 to 4:00 p.m. in the City Council Chambers. He commended **Assembly Member McLeod** for taking on this very difficult issue at a time when domestic violence is on the rise.
- (e) He noted his attendance at the **National League of Cities 2006 Annual Congressional City Conference** in Washington, D.C., on March 11-15, 2006, at sessions on transportation, infrastructure, eminent domain for economic development, Alameda Corridor-East, and preserving the Community Development Block Grant program. He noted conference attendees were asked to forward resolutions supporting continuance of the CDBG program to their federal representatives and that he would give City Clerk Jackson the backup materials. Resolutions were also requested in support of reauthorization of the **Voting Rights Act** to protect minority voters that will expire in 2008, he added.

E. Committee Meeting Minutes

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

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

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

At 8:21 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors.

At 8:21 p.m., the Redevelopment Agency Board went into Closed Session regarding pending litigation pursuant to Section 54956.9(a) of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:37 p.m., the Redevelopment Agency returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding pending litigation, 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 8:38 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary