

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY, MONTCLAIR HOUSING CORPORATION, AND MONTCLAIR FINANCING AUTHORITY BOARDS HELD ON MONDAY, JUNE 19, 2006, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Council Member/Director Paulitz gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

For the record, City Clerk/Agency Secretary Donna Jackson noted Mayor/Chairman Eaton 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; Deputy City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

A. Introduction of New Employee/Promotees

Mayor Pro Tem Dutrey introduced **Mr. Jonathon Mackay**, who was appointed to the position of Police Officer effective June 19, 2006. He noted Officer Mackay, who is the son of Customer Service Representative/Office Specialist Robin Mackay, graduated from the **San Bernardino County Sheriff's Academy** on Thursday, June 15, 2006.

Mayor Pro Tem Dutrey welcomed Officer Mackay to the Montclair City family and presented him with a City pin.

Mayor Pro Tem Dutrey introduced Police Sergeant Brian Ventura, who was promoted to his new position effective May 15, 2006. He noted Sergeant Ventura served in the **United States Army** prior to beginning his employment as a Police Officer with the Montclair Police Department in 2001 and has worked as a Patrol Officer, Motor Officer, Field Training Officer, Range Master, and Child Sex Crimes Detective. He noted Sergeant Ventura received the Police Department's Life-Saving Award in 2004. He added that Sergeant Ventura's father **Mr. Tony Ventura** will retire in September from the **Azusa Police Department** after 18 years of service.

Mayor Pro Tem Dutrey congratulated Sergeant Ventura on his promotion and presented him with a City pin.

Mayor Pro Tem Dutrey introduced Police Lieutenant Bryon Kelly, who was promoted to his new position effective May 15, 2006. He noted Lieutenant Kelly served in the **United States Marine Corps** prior to beginning his employment as a Police Officer with the Montclair Police Department in 1990 and worked as a Field Training Officer, Range Master, and Detective prior to his promotion to Sergeant/Watch Commander in 2002. He stated that Lieutenant Kelly currently supervises patrol and communications operations.

Mayor Pro Tem Dutrey congratulated Lieutenant Kelly on his promotion and presented him with a City pin.

Mayor Pro Tem Dutrey introduced Police Captain Chris Weiske, who was promoted to his new position effective May 15, 2006. He noted Captain Weiske has had a long and illustrious career with the Montclair Police Department beginning with his appointment to Police Officer in 1973 and promotions to Sergeant in 1981 and Lieutenant in 1997, when he began managing the Field Services and Support Services programs. He noted Captain Weiske received the Police Department's Certificate of Honor in 1990 and Life-Saving Award in 1992 and that he has served as president and negotiator for the Montclair Police Officers Association.

Mayor Pro Tem Dutrey congratulated Captain Weiske on his promotion and presented him with a City pin.

B. Presentation of 2006 Home Beautification Awards

Mayor Pro Tem Dutrey stated that as part of the City's ongoing efforts to encourage pride and community spirit, the Montclair Community Action Committee (CAC) has again sponsored the annual *Home Beautification Awards* program. He introduced CAC Chairperson Darleen Hartman to announce the 2006 finalists and winners.

CAC Chairperson Hartman advised that the CAC continues to sponsor this program to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted the CAC selected three finalists from a total of 13 homes and that the top three homes exemplify a true sense of pride in ownership. She thanked all residents who help to make Montclair a beautiful city in which to live.

A brief power point presentation showcased the finalists' residences.

The following three finalists were presented with framed City certificates and **Costco** gift cards (identification signs would be distributed at a later date).

"2006 Picturesque" award - **Jacinto and Raquel Navarro**, 11096 Stagecoach Avenue

"2006 Most-Improved Home" award - **Ernesto and Yaeri Velasco**, 10084 Greenwood Avenue

"Home of the Year 2006" award - **Joe Valdivia**, 5571 Deodar Street

Mayor Pro Tem Dutrey congratulated the winners of the 2006 *Home Beautification* awards and thanked all residents who have contributed to the beautification of Montclair. He recognized the CAC for its outstanding work on this program.

At 7:16 p.m., Mayor Pro Tem/Vice Chairman Dutrey recessed the City Council/Redevelopment Agency Board/Montclair Housing Corporation Board/Montclair Financing Authority Boards of Directors.

At 7:17 p.m., Mayor Pro Tem/Vice Chairman Dutrey reconvened the City Council/Redevelopment Agency Board/Montclair Housing Corporation Board/Montclair Financing Authority Boards of Directors.

Mayor Pro Tem/Vice Chairman Dutrey reminded those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation/Montclair Financing Authority Boards regarding any topic appearing on tonight's agenda to submit a *Speaker Information Card*, and at the appropriate time they would be afforded five minutes each to speak on such items.

VI. PUBLIC COMMENT - None

Mayor Pro Tem/Vice Chairman Dutrey stated that Mayor/Chairman Eaton has requested that the next regularly scheduled Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of July 3, 2006, be canceled because of the **Fourth of July** holiday. Should that be the Council's consensus, he advised that Items B-7 and B-8 under Section VIII, "Consent Calendar," of tonight's agenda related to setting public hearings for Monday, July 3, 2006, would be revised to the public hearings being set for Monday, July 17, 2006.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to cancel the regular joint meeting of July 3, 2006, and to change the public hearing dates in Section VIII, "Consent Calendar," Items B-7 and B-8 to Monday, July 17, 2006.

VII. PUBLIC HEARINGS

A. **Adoption of Resolution No. 06-03, a Resolution of the City of Montclair Redevelopment Agency Approving *Agreement No. 06-60, a Purchase and Sale Agreement* by and Between the City of Montclair Redevelopment Agency and Skyland Partners, LLC, and Authorizing Execution of the *Agreement* and All Documents in Connection Therewith**

Vice Chairman Dutrey declared it the time and place set for public hearing to consider Redevelopment Agency Resolution No. 06-03 approving *Agreement No. 06-60, a Purchase and Sale Agreement* by and between the Agency and Skyland Partners, LLC, and authorizing execution of the *Agreement* and all associated documents related to Skyland Partners' acquisition of the Agency-owned property at 5326 San Bernardino Street and invited comments from the public.

Mr. Jian Torkan, Skyland Partners, LLC/ICO Real Estate Group, 9663 Santa Monica Boulevard, #737, Beverly Hills, noted Skyland Partners, LLC, is currently developing commercial centers throughout San Bernardino and Los Angeles counties and has determined that the southeast corner of Central Avenue and San Bernardino Street would be an ideal location for a commercial center. He advised that Skyland Partners, LLC, had initially been in negotiations to acquire 9681 Central Avenue but decided that the Agency-owned parcel must first be acquired. He indicated that if Skyland Partners, LLC, is successful in such acquisition, it would then proceed with negotiations to acquire 9681 Central Avenue to develop its project. He added that Skyland Partners, LLC., is also interested in acquiring additional property north of the subject site along Central Avenue for future expansion of the proposed commercial center.

Mr. Sergio Alvarez, Broker/Owner, ERA New Century Realty, 9734 Central Avenue, Montclair, identified himself as the owner of 9681 Central Avenue. He acknowledged that Skyland Partners, LLC, was in negotiations with him last year to acquire the vacant lot but that he canceled the transaction after a prolonged nine-month escrow. He identified an investor associate of his who

desires to acquire the Agency-owned property to combine with his corner lot to develop a commercial center similar to that proposed by Skyland Partners, LLC, and expressed his opposition to the Redevelopment Agency's proposed sale of 5326 San Bernardino Street to Skyland Partners, LLC.

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

Director Ruh asked if **Mr. Alvarez** has submitted plans for his project to the City.

Mr. Alvarez stated that he submitted plans to develop the corner lot last year that were set aside while the property was in escrow with Skyland Partners, LLC. He noted his investor is interested in purchasing the Agency-owned property at this time and that they have plans to build a commercial center on both properties.

Director Paulitz received clarification from **Mr. Alvarez** on his and his investor's plans for their proposed development should his investor be successful in purchasing the Agency-owned property.

Director Paulitz inquired as follows:

1. Is the \$327,000 purchase price for 5326 San Bernardino Street indicated in proposed *Purchase and Sale Agreement No. 06-60* with Skyland Partners, LLC, the appraised value or a negotiated amount?

Executive Director McDougal stated that the Redevelopment Agency Board set a minimum purchase price, and Skyland Partners, LLC, made a offer for the \$327,000.

2. What is the difference between the purchase price and the amount the Agency paid for the property in 2003?

Executive Director McDougal advised that the amount is listed on the agenda report under "Fiscal Impact."

Executive Director McDougal noted Skyland Partners, LLC, has been aboveboard for the past several months in working with staff on its proposed project and that due diligence has been performed. He advised the Redevelopment Agency Board that staff recommends the Board take the action proposed on this item based upon its direction to staff and staff's negotiations with Skyland Partners, LLC, on the proposed project. He added that **Mr. Alvarez's** investor has yet to make an offer on the subject property.

Mr. Alvarez suggested he could make an offer on the property and submit a proposal to develop a commercial center similar to that proposed by Skyland Partners, LLC.

Director Raft asked **Mr. Alvarez** how long he has owned the vacant lot at 9681 Central Avenue.

Mr. Alvarez replied that he has owned the property for approximately two years and nine months.

Director Raft noted she is curious because the lot has remained vacant and undeveloped for quite some time.

Mr. Alvarez indicated he had submitted a number of proposals but received little guidance from Planning staff on the best use for the subject site. He noted an economic adversity did not allow him to pursue acquisition of the Agency-owned property, though his

investor is now ready to make an offer on it to develop a joint project.

Vice Chairman Dutrey commented as follows:

1. He advised that he and Mayor Eaton first addressed this issue on the Real Estate Committee. He noted the former **Hurst** property at 5326 San Bernardino Street was the site of the original Montclair City Hall, and the Agency intended to preserve the residence and other structures as a historical landmark when it acquired the property three years ago. He recalled Mayor Eaton's and his concern about the disposition of the property when this item was first proposed to the Real Estate Committee last November because of the historical significance of the site. He emphasized that preservation of the history of the site is of utmost importance.
2. He noted the lengthy government process involved in land-disposition matters, which would explain the prolonged nine-month escrow experienced by **Mr. Alvarez**.
3. He expressed his opinion that Skyland Partners, LLC, has acted in good faith throughout the negotiation process and that it would be negligent on the part of the Redevelopment Agency Board to abandon the proposed project at this time to consider other offers. He added that Skyland Partners, LLC, would be required to acquire the 9681 Central Avenue property within 90 days of commencement of proposed *Agreement No. 06-60* for the *Agreement* to remain in effect.
4. He emphasized that the Redevelopment Agency Board desires a quality commercial center be developed at the subject site.

Director Ruh suggested the circumstances surrounding the proposed project seem almost futile because of the questionable disposition of the corner vacant lot in the proposed transaction and that perhaps this item should be postponed to allow the two parties interested in developing the site to negotiate an equitable solution. He expressed his hesitance in moving forward with an obviously futile situation.

Vice Chairman Dutrey asked for clarification on the timeline of proposed *Agreement No. 06-60*.

Agency Counsel Robbins clarified that pursuant to proposed *Agreement No. 06-60*, Skyland Partners, LLC, would be required to acquire the 9681 Central Avenue property prior to close of escrow for the *Agreement* to remain in effect. She added that escrow is required to close within nine months of the commencement of the *Agreement*, and Skyland Partners, LLC, may request a five-month extension of escrow.

Mr. Torkan stated that Skyland Partners, LLC, will do its best to come to an amicable agreement with **Mr. Alvarez** to acquire 9681 Central Avenue, adding that Skyland Partners, LLC, has been successful in such transactions in the past. He noted the importance of the Agency collaborating with an experienced developer on the proposed project, particularly one interested in future expansion of the proposed commercial center.

Mr. Alvarez expressed his and his investor's understanding of the scope of developing a commercial center at the site.

Vice Chairman Dutrey asked **Mr. Torkan** if nine months would be sufficient to close escrow or if it could possibly close sooner.

Mr. Torkan answered, "We had negotiated that point with the Redevelopment Agency."

Director Ruh expressed his hope that a nine-month rather than a 90-day escrow would offer sufficient time for the parties to come to an agreement about the disposition of the corner lot property. He added this item presents a great opportunity for an under-utilized parcel in the City to be turned into a thriving commercial center as well as to expand upon the commercial nature of Central Avenue to tie into the properties that are developing south of the I-10 Freeway. He noted there was a small convenience store at that corner at one time.

Moved by Director Ruh and seconded by Director Raft that Resolution No. 06-2627, entitled "**A Resolution of the City of Montclair Redevelopment Agency Approving Agreement No. 06-60, a Purchase and Sale Agreement by and Between the City of Montclair Redevelopment Agency and Skyland Partners, LLC, and Authorizing the Execution of the Agreement and All Documents in Connection Therewith,**" be read by number and title only, further reading be waived, and it be declared adopted.*

Director Paulitz asked why **Mr. Alvarez** did not previously present his proposal to the Redevelopment Agency Board.

Agency Planner Clark advised that staff received a letter of interest from **Mr. Alvarez** simultaneously with the proposal from Skyland Partners, LLC, but did not receive an offer from **Mr. Alvarez's** investor.

Director Paulitz asked why staff negotiated with one party and not the other.

Director of Redevelopment/Public Works Staats clarified that staff began negotiating with Skyland Partners, LLC, when the company was in escrow to acquire **Mr. Alvarez's** property. She noted Skyland Partners, LLC, approached staff in August 2005 regarding acquisition of the Agency property. She added that staff received a letter of interest from A-1 General Building on March 6, 2006, and that the parties terminated their escrow between those dates. She noted that coincidentally on March 6, 2006, staff finalized the terms of proposed *Agreement No. 06-60* with Skyland Partners, LLC.

*The Redevelopment Agency Board waived the reading of the Resolution.

Resolution No. 06-03 was adopted by the following vote:

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

B. Adoption of Resolution No. 06-2640 Requesting the Local Agency Formation Commission Initiate Proceedings for City of Montclair Annexation No. 27

Mayor Pro Tem Dutrey declared it the time and place set for public hearing to consider Resolution No. 06-2640 requesting the Local Agency Formation Commission (LAFCO) initiate proceedings for City of Montclair Annexation No. 27 and invited comments from the public.

Mr. Layne M. Barry, C.L.S. Landscape Maintenance, 4307 State Street, Montclair, noted the owner of C.L.S. Landscape Maintenance is concerned about his business being annexed to Montclair because he has met all San Bernardino County requirements to operate his business in the County. He asked why the City is

interested in annexing the proposed 41-acre area and what would change upon annexation.

Mayor Pro Tem Dutrey asked the nature of business conducted by C.L.S. Landscape Maintenance.

Mr. Barry responded that mulch is processed at the site, which contains a yard for equipment and a parking area.

Mayor Pro Tem Dutrey inquired as to the zoning that is proposed for the site.

Director of Community Development Clark answered, "That's an M-1 Zone for that property, so this use could continue."

Mr. Barry expressed his concern about C.L.S. Landscape Maintenance having to meet City requirements, such as moving a perimeter fence if curbs are installed along State Street.

Mayor Pro Tem Dutrey told **Mr. Barry** that C.L.S. Landscape Maintenance is a permitted use under the proposed M-1 Zone and that curb, gutter, and sidewalk improvements would not be required by the City.

Mr. Barry asked if the City has any future plans for the C.L.S. Landscape Maintenance site.

Mayor Pro Tem Dutrey answered, "No."

Mr. Jerry Crosswell, 4125 State Street, Montclair, commented as follows:

1. Noting he attended the public hearing related to adopting the rezoning of approximately 370 acres of unincorporated San Bernardino County territory that included the subject area, he recalled that the majority of the speakers at that hearing were opposed to the action.
2. He stated that as an affected property owner, he is bothered by the continuation of the annexation process.
3. He expressed his curiosity as to whom requested the rezoning/annexation of the subject area, noting he definitely opposes annexation of his property to the City.
4. He expressed his opinion that the City desires to annex the subject area for control purposes including increased tax revenue.
5. He expressed his skepticism about the City's intentions for the area proposed to be annexed.

Ms. Ruth Mace, 4180-4190 Mission Boulevard, Montclair, concurred with **Mr. Crosswell** that the City's sole reason to annex the subject area is for increased tax revenue.

Mr. Tim Dunning, 4329 State Street, Montclair, noted attending Montclair City Council meetings in the 1970s with his father, **Mr. W. H. Dunning** (who purchased 4329 State Street in 1955). He asked if the City collects sales tax from the Mission Drive-In Theatre swap meet and if the City regulates that use and is aware of its tremendous traffic and environmental impacts and associated crime and trash.

Mayor Pro Tem Dutrey answered, "We're aware of that," noting the City has had discussions with the theater owner regarding those issues.

Mr. Dunning further commented as follows:

1. He noted the theater owner purchased a building adjacent to his business approximately ten years ago that has remained vacant for about twenty years. He complained about the gang activity at the property including graffiti vandalism of the building and his business.
2. He noted his indifference to the proposed annexation action "as long as everybody's straightforward with us," though he could see no benefit to the City because of the gang activity at the subject site.

Mr. Dunning inquired as follows:

1. Why is the City proposing to annex the 41-acre site?
2. What is the status of the Ramona Avenue Grade Separation Project? Are engineering plans available for public inspection?

Mayor Pro Tem Dutrey responded to **Mr. Dunning's** questions as follows:

1. Senate Bill 1266 amended Government Code Section 56375.3, which sets forth guidelines, including waiving mandatory protest proceedings, for annexing areas of unincorporated territory that are completely or substantially surrounded by the corporate boundaries of a city. The City was notified by LAFCO of three such "Island" areas of unincorporated San Bernardino County territory in the City's Sphere of Influence, and the public hearings associated with rezoning these areas took place in March 2006. The City Council recently directed staff to proceed with annexation of the subject area.
2. The engineering plans for the Ramona Avenue Grade Separation Project are currently being developed. State and federal environmental reviews have delayed the project, and it is hoped it will commence next year.

Mayor Pro Tem Dutrey noted the City has met many times with the owners of the Mission Drive-In Theater and swap meet regarding trash and parking issues.

Mr. Albert De Alba, 4115 State Street, Montclair, noted an auto body shop is located at this address. He inquired as to the business's disposition should this item be approved.

Mayor Pro Tem Dutrey replied that an auto body shop is a permitted use in the designated M-1 Zone.

Council Member Ruh advised that the City's Code Enforcement standards would apply.

Mr. De Alba asked if he could be provided with the City's Code Enforcement standards.

Mayor Pro Tem Dutrey suggested **Mr. De Alba** contact Director of Community Development Clark to have all nonstandard development conditions at 4115 State Street inventoried, photographed, and documented for recordation purposes so that such conditions would be recognized as legal nonconforming uses.

Mr. Tom Reed, Specialized Equipment Systems, 4253 State Street, Montclair, noted he has owned his business since 1979 and that in 1986 he presented a proposal to the County to develop a new building at his property, at which time he was told the project

would need to conform to the City's standards including curb and gutter installation. He stated that those public improvements would block access of his heavy industrial equipment to his business and asked if this item could be continued until he sells his property and moves his business.

Council Member Paulitz asked for clarification on **Mr. Reed's** development proposal.

Director of Community Development Clark clarified that the Montclair Planning Commission reviewed **Mr. Reed's** development proposal in 1986 and made its recommendations to the County, which would no doubt have included the public improvements.

Mr. Reed stated he does not oppose the proposed annexation of his property to the City because he is already being taxed at the City's 8.25 percent sales tax rate. He asked where he would present property improvement proposals and what the requirements would be for such improvements should this item be approved.

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.

Council Member Ruh inquired as follows:

1. Who is requesting the proposed annexation?

City Manager McDougal answered, "The Montclair City Council."

Mayor Pro Tem Dutrey noted the Council decided to move forward with the proposed annexation at the June 6 strategic planning session.

2. Would an owner of one of the 18 residential properties in the subject area be allowed to add a room to the residence if the area were annexed to the City?

Director of Community Development Clark answered, "Yes, under our Code they could add onto a house with limitations," noting that substantially increasing the size of the home would require a Conditional Use Permit.

3. What would be the outcome if one of the residences were built in 1936 and during an expansion project it is discovered that the home was not built to County standards?

Director of Community Development Clark answered, "It's hard to say what the County standards were in 1936 or if the County even had a building department. We would follow whatever the regulations were and honor that."

4. What would be the disposition of the Shady Lane Mobile Lodge should this item be approved?

Council Member Paulitz responded that the mobile home park would remain as a legal nonconforming use.

Council Member Ruh expressed his concern about losing this valuable type of affordable housing. He recalled another community in the region that annexed an area that included a mobile home park; and within a year, the property was developed into a senior housing facility. He expressed his hope that something similar would not happen here.

Council Member Ruh commented as follows:

1. He noted the following should this item be approved:
 - (a) Homeowners would be unable to cover their front yards with beautiful Italian interlocking paver stones because doing so would be in violation of the City's Property Appearance Ordinance.
 - (b) Parking on unpaved surfaces in the front yards of residences would not be permitted.
 - (c) Businesses would be subjected to City codes.
 - (d) Nonconforming business uses would not be permitted to expand.
 - (e) Businesses conducted out of homes that are inactive for six months would not be allowed to continue.
2. He noted many homeowners and property and business owners choose to live and/or operate their businesses in unincorporated County territory so as not to be regulated by a municipality.
3. He stated he opposes this item just as he opposed approval of the rezoning designations for the original 370-acre area that included the subject area.
4. He expressed his opinion that Senate Bill 1266 is flawed because it waives the mandatory protest proceedings for annexations.
5. He stated, "I don't know what needs to be cleaned up in the area, folks," concerning comments by Council Members that "we need to clean up this area" supposedly made during the prior City Council public hearings to establish rezoning designations in the approximately 370 acres of unincorporated San Bernardino County territory that included the subject site.
6. He reiterated that there is a need for affordable housing for working-class families in the community and not for the upscale housing desired by certain Council Members.

Council Member Paulitz commented as follows:

1. Concerning the comment questioning the proposed annexation, he emphasized that the rezoning process and subsequent annexation action proposed this evening were initiated pursuant to a new state annexation law and by LAFCO designating three island areas of unincorporated County territory in the City's Sphere of Influence available for annexation pursuant to the new state guidelines. He noted these proceedings were thoroughly explained during related Planning Commission and City Council public hearings.
2. He noted his resentment on behalf of other members of the Council and himself regarding inferences by Council Member Ruh that they desire to annex the subject area to clean it up or build upscale housing. He asserted that he never made either statement.

Moved by Council Member Paulitz and seconded by Council Member Raft that Resolution No. 06-2640, entitled "**A Resolution of the City Council of the City of Montclair Requesting the**

Local Agency Formation Commission Initiate Proceedings for City of Montclair Annexation No. 27," be read by number and title only, further reading be waived, and it be declared adopted.*

Mayor Pro Tem Dutrey commented on the following projects that serve to enhance the quality of life for both City and County residents:

1. Noting the public improvements at the intersection of Mission Boulevard and Ramona Avenue, he stated that the City is committed to continuing to improve Mission Boulevard including installing landscape improvements between Ramona and Central Avenues.
2. He noted the City is committed to develop a grade separation on Ramona Avenue at the Union Pacific Railroad tracks and that the Redevelopment Agency will pay a portion of the \$15 million cost of the project.
3. He remarked on the new William Fox Homes Brighton Place residential subdivision at the southeast corner of Mission Boulevard and Ramona Avenue.
4. He noted that last Monday the Planning Commission approved a new commercial center anchored by Starbuck's Coffee at the southwest corner of Mission Boulevard and Ramona Avenue to replace a former Arco station. He added that an Arco station was built at the southwest corner of Mission Boulevard and Central Avenue about two years ago.

Mayor Pro Tem Dutrey further commented as follows:

1. He stated that one of the reasons the subject area is being proposed for annexation to the City is because it is largely surrounded by City boundaries. He advised that inclusion of the subject area into the City will give it a sense of identity and assist patrol officers to effectively respond to calls for service there. He added that the City would be improving the infrastructure in that area that would more than likely not be improved if the area remains unincorporated County territory.
2. He noted the subject area would be further enhanced by future development.
3. He advised that the City has no plans to exercise eminent domain on existing residences or commercial properties.

*The City Council waived the reading of the Resolution.

Resolution No. 06-2640 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Paulitz requested that Item D-7 be removed from the Consent Calendar for comment.

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 Regular Joint Council/Agency/Montclair Housing Corporation/Montclair Financing Authority Meeting of June 5, 2006

The City Council and Redevelopment Agency, Montclair Housing Corporation, and Montclair Financing Authority Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board/Montclair Financing Authority Board meeting of June 5, 2006.

2. Minutes of Adjourned Joint Council/Agency Meeting of June 6, 2006

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of June 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 May 31, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 19, 2006, totaling \$1,030,055.46 and the Payroll Documentation dated April 16, 2006, amounting to \$554,504.54, with \$382,558.26 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 May 31, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 5/01/06-5/31/06 in the amounts of \$783.48 for Project I; \$972.93 for Project II; \$722,415.69 for Project III; \$67,379.68 for Project IV; and \$26,603.07 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 May 31, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 5/01/06-5/31/06 in the amount of \$9,430.86.

7. Setting a Public Hearing to Consider Resolution No. 06-07, a Resolution of the City of Montclair Redevelopment Agency Approving *Agreement No. 06-92, a Purchase and Sale Agreement* by and Between the City of Montclair Redevelopment Agency and Ms. June Morrison Concerning a Portion of the Property Located at 10215 Central Avenue

The City Council set a public hearing for Monday, July 17, 2006, at 7:00 p.m. in the Montclair City Council Chambers, 5111 Benito Street, Montclair, California, to consider Resolution No. 06-07, a Resolution of the City of Montclair Redevelopment Agency approving *Agreement No. 06-92*, a *Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and Ms. June Morrison concerning a portion of the single-family residence located at 10215 Central Avenue.

8. Setting a Public Hearing to Consider Ordinance No. 06-886 Adding Sections 9.24.410 Through 9.24.480 to Title 9 of the Montclair Municipal Code Related to the City Storm Drain System

The City Council set a public hearing for Monday, July 17, 2006, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 06-886 adding Sections 9.24.410 through 9.24.480 to Title 9 of the Montclair Municipal Code related to the City Storm Drain System.

9. Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Project - Phase IV

The City Council and Redevelopment Agency Board authorized staff to advertise for bid proposals for the Mission Boulevard Improvement Project - Phase IV.

10. Authorization to Transfer \$3,425 From the Contingency Account to Purchase Four Service Weapons

The City Council authorized transfer of \$3,425 from the Contingency Account to Account No. 001-400-4423-5269 for purchase of three Sig Sauer 9-millimeter pistols, one Glock .45-caliber semiautomatic pistol, and three laser lights for use by Police Officers not qualified to use the standard .45-caliber Sig Sauer pistol.

11. Authorization to Transfer \$11,000 From the Contingency Account for Purchase and Installation of Emergency Equipment in New Police Vehicles

The City Council authorized transfer of \$11,000 from the Contingency Account to equip five new nonpatrol Police vehicles with emergency apparatus.

12. Declaring Unclaimed Property in Police Custody as Surplus and Available for Action

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

C. Agreements

1. Authorization to Retain Dapeer, Rosenblit & Litvak, LLP, to Provide Specialized Code Enforcement Legal Services

Approval of *Agreement No. 06-76* With Dapeer, Rosenblit & Litvak, LLP, to Provide Specialized Code Enforcement Legal Services

The City Council took the following actions:

- (a) Authorized retention of Dapeer, Rosenblit & Litvak, LLP, to provide specialized Code Enforcement legal services.

(b) Approved *Agreement No. 06-76* with Dapeer, Rosenblit & Litvak, LLP, to provide specialized Code Enforcement legal services.

2. Award of Contract to Marin Bravo Electric, Inc., in the Amount of \$184,985

Approval of *Agreement No. 06-78* With Marin Bravo Electric, Inc., for the Fire Stations 1 & 2 Emergency Generator Replacement Project

Authorization of an \$18,500 Construction Contingency

Authorization of a \$203,485 Appropriation From the City Facility Improvement Fund for the Fire Stations 1 & 2 Emergency Generator Replacement Project

The City Council took the following actions related to the Fire Stations 1 & 2 Emergency Generator Replacement Project:

- (a) Awarded a contract to Marin Bravo Electric, Inc., in the amount of \$184,985.
- (b) Approved *Agreement No. 06-78* with Marin Bravo Electric, Inc.
- (c) Authorized an \$18,500 construction contingency.
- (d) Authorized a \$203,485 appropriation from the City Facility Improvement Fund to finance the project to supply backup energy to the Emergency Operations Center.

3. Approval of *Agreement No. 06-81* With West Coast Arborists for Tree-Maintenance Services

The City Council approved *Agreement No. 06-81* with West Coast Arborists for tree-maintenance services.

4. Approval of *Agreement No. 06-82* by and Between the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for Landscape and Maintenance of Median Islands, Parks, and Parkways

The City Council approved *Agreement No. 06-82* by and between the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for landscape and maintenance of median islands, parks, and parkways.

5. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 06-89 Through 06-91, 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. 06-89 through 06-91, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the three EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Redevelopment Agency Board of Directors' Adoption of Resolution No. 06-05, a Resolution of the City of Montclair

Redevelopment Agency Authorizing Expenditure of Redevelopment Agency Funds for Graffiti Abatement for Fiscal Year 2006-07

The Redevelopment Agency Board of Directors adopted Resolution No. 06-05, a Resolution of the City of Montclair Redevelopment Agency authorizing expenditure of Redevelopment Agency funds for graffiti abatement for Fiscal Year 2006-07.

City Council Approval of *Agreement Nos. 06-83, 06-84, 06-85, 06-86, and 06-87* Approving *Promissory Note Nos. 06-01, 06-02, 06-03, 06-04, and 06-05*, Respectively, Between the City of Montclair and the City of Montclair Redevelopment Agency

The City Council approved *Agreement Nos. 06-83, 06-84, 06-85, 06-86, and 06-87* approving *Promissory Note Nos. 06-01, 06-02, 06-03, 06-04, and 06-05*, respectively, between the City of Montclair and the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 06-83, 06-84, 06-85, 06-86, and 06-87* Approving *Promissory Note Nos. 06-01, 06-02, 06-03, 06-04, and 06-05*, Respectively, Between the City of Montclair Redevelopment Agency and the City of Montclair

The Redevelopment Agency Board of Directors approved *Agreement Nos. 06-83, 06-84, 06-85, 06-86, and 06-87* approving *Promissory Note Nos. 06-01, 06-02, 06-03, 06-04, and 06-05*, respectively, between the City of Montclair Redevelopment Agency and the City of Montclair.

Redevelopment Agency Board of Directors' Adoption of Resolution No. 06-06 Adopting the Fiscal Year 2006-07 Budget for the City of Montclair Redevelopment Agency

The Redevelopment Agency Board of Directors adopted Resolution No. 06-06 adopting the Fiscal Year 2006-07 Budget for the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of *Agreement No. 06-88* Approving *Promissory Note No. 06-01* Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation

The Redevelopment Agency Board of Directors approved *Agreement No. 06-88* approving *Promissory Note No. 06-01* between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation.

Montclair Housing Corporation Board of Directors' Approval of *Agreement No. 06-88* Approving *Promissory Note No. 06-01* Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency

The Montclair Housing Corporation Board of Directors approved *Agreement No. 06-88* approving *Promissory Note No. 06-01* between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 06-01 Adopting the Fiscal Year 2006-07 Budget for the Montclair Housing Corporation

The Montclair Housing Corporation Board of Directors adopted Resolution No. 06-01 adopting the Fiscal Year 2006-07 Budget for the Montclair Housing Corporation.

2. Adoption of Resolution No. 06-2636 Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 7, 2006, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities

Adoption of Resolution No. 06-2637 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to Be Held on Tuesday, November 7, 2006

Adoption of Resolution No. 06-2638 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to Be Held on Tuesday, November 7, 2006, With the Statewide General Election to Be Held on the Date Pursuant to Section 10403 of the California Elections Code

The City Council adopted the following Resolutions:

- (a) Resolution No. 06-2636 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 7, 2006, for the election of certain officers as required by the provisions of the laws of the State of California related to General Law cities.
- (b) Resolution No. 06-2637 adopting regulations for candidates for elective office pertaining to Candidates' Statements submitted to the voters at an election to be held on Tuesday, November 7, 2006.
- (c) Resolution No. 06-2638 requesting the Board of Supervisors of the County of San Bernardino to consolidate a General Municipal Election to be held on Tuesday, November 7, 2006, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code.

3. Adoption of Resolution No. 06-2639 Approving Agreement No. 06-80, a Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Local Agencies (Exhibit 9-A) and (Exhibit 9-B) the Annual Anticipated Disadvantaged Business Enterprise Participation Level of 9 Percent for Federal Fiscal Year 2006-07

The City Council adopted Resolution No. 06-2639 approving *Agreement No. 06-80, a Disadvantaged Business Enterprise Race-Neutral Implementation Agreement* for local agencies (Exhibit 9-A) and (Exhibit 9-B) the annual anticipated disadvantaged business enterprise participation level of 9 percent for federal Fiscal Year 2006-07.

4. Adoption of Resolution No. 06-2641 Authorizing Approval of the Change in Population in San Bernardino County During 2005 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2006-07

The City Council adopted Resolution No. 06-2641 authorizing approval of the change in population in San Bernardino County during 2005 for the purpose of calculating the Gann Spending Limit for Fiscal Year 2006-07.

5. **Adoption of Resolution No. 06-2642 Authorizing Approval of the Percentage Change in Montclair Nonresidential New Construction During Fiscal Year 2004-05 as the Final Fiscal Year 2004-05 Change in the Cost-of-Living Factor for Use in Calculating the Gann Spending Limit for Fiscal Year 2005-06 and Provisional Adoption of the Percentage Change in California Per Capita Personal Income During Calendar Year 2005 as the Change in the Cost-of-Living Factor for Fiscal Year 2005-06 for Use in Calculating the Gann Spending Limit for Fiscal Year 2006-07**

The City Council adopted Resolution No. 06-2642 authorizing approval of the percentage change in Montclair nonresidential new construction during Fiscal Year 2004-05 as the final Fiscal Year 2004-05 change in the cost-of-living factor used in calculating the Gann Spending Limit for Fiscal Year 2005-06 and provisional adoption of the percentage change in California per capita personal income during Calendar Year 2005 as the change in the cost-of-living factor for Fiscal Year 2005-06 for use in calculating the Gann Spending Limit for Fiscal Year 2006-07.

6. **Adoption of Resolution No. 06-2643 Establishing an Appropriations Limit for Fiscal Year 2006-07 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code**

The City Council adopted Resolution No. 06-2643 establishing an appropriations limit for Fiscal Year 2006-07 pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code.

8. **Adoption of Resolution No. 06-2645 Authorizing Destruction of Certain Finance Division Public Records Pursuant to Section 34090 of the California Government Code**

The City Council adopted Resolution No. 06-2645 authorizing destruction of certain Finance Division public records pursuant to Section 34090 of the California Government Code.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

7. **Adoption of Resolution No. 06-2644 Adopting the City of Montclair Fiscal Year 2006-07 Annual Budget**

Moved by Council Member Paulitz and seconded by Council Member Raft that Resolution No. 06-2644, entitled "**A Resolution of the City Council of the City of Montclair Adopting the Fiscal Year 2006-07 Annual Budget,**" be read by number and title only, further reading be waived, and it be declared adopted with the following adjustments to the Budget document:

- ✓ That each member of the Montclair Community Action Committee receive a \$50 stipend per meeting attended.
- ✓ That each member of the Montclair Planning Commission receive as salary \$250 per month.
- ✓ That \$10,000 be allocated for engineering planning purposes for Montclair Annexation No. 27 to determine the location of sewer lines and unpaved streets and street curb needs.*

Council Member Raft fully concurred with the proposed \$50 per meeting stipend for each member of the CAC because they do a tremendous job on all their activities throughout the year.

Mayor Pro Tem Dutrey concurred that the CAC certainly deserves to be compensated for all its work on City activities during the year.

*The City Council waived the reading of the Resolution.

Motion carried as follows:

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

X. RESPONSE - None

XI. COMMUNICATIONS

- A. City Attorney/Agency Counsel - No comments
- 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) In view of the annexation item just approved that waived the mandatory protest proceedings for annexations, he expressed his hope that members of the Council do not object to any future legislation that does not give an opportunity for a vote by local government.
- (b) He noted his attendance at the well-done **Montclair Plaza/Montclair Chamber of Commerce** Flag Day event on June 14, 2006. He thanked **Chamber** Executive Director **Kelly Johnson**; **Ms. Marie Martorano**, Marketing Manager, **Montclair Plaza**, and **Mr. Bobbie Hyde**, Manager, **Ben Bridge Jewelers**, for their contributions to the event. He commended the **Montclair Plaza** for coordinating the event with a number of regional shopping centers across the country to celebrate and show respect for our nation's flag and to honor community military and public safety heroes.
- (c) He congratulated **Assembly Member McLeod**, **Senator Soto**, and **Representative Dreier** on their victories in the **June 6, 2006 Gubernatorial Direct Primary Election**. He wished them well in the **November 7, 2006 General Election**, noting they have done a very good job in the City of Montclair.
- (d) Noting the attendance this evening of **Senator Soto's** Field Representative **Mr. Manual Saucedo**, he expressed his appreciation of **Senator Soto** for having representation at virtually every Montclair Council meeting.
- (e) He extended the City's condolences on the passing on June 9, 2006, of **Gloria P. Jones**, widow of famous author **James Jones** and mother of his longtime friend and the City's legislative advocate **Mr. Jamie Jones**, **David Turch and Associates**.

- (f) He noted the passing on May 12, 2006, of **Mr. Emeliano Flores**, brother of Planning Commission Chairman Luis Flores. He asked that this evening's meeting be adjourned in the memory of **Mr. Flores**.

Council Member Ruh stated his thoughts and prayers are with the families of **Mrs. Jones** and **Mr. Flores**.

- 2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He reported that the Council decided against pursuing annexation of the unincorporated County area east of Central Avenue at the June 6 strategic planning session, reiterating its decision to pursue annexation of the area approved for annexation this evening. He stressed the importance of Council Members being cautious in commenting at public meetings so as to not mislead the public. He stated that Montclair is very interested in preserving homeowners' property rights, an important fundamental City principle. He emphasized that all legal nonconforming uses in the area just approved for annexation would be documented and allowed to continue.
 - (b) As a member of the **Montclair High School (MHS) Class of 1983**, he noted he was honored to address the **MHS graduating Class of 2006** last Wednesday. He noted his pride in watching the graduates receive their diplomas and his hope that they will all aspire to a higher education and attain their goals in life.

E. Committee Meeting Minutes

- 1. **Minutes of Public Works Committee Meeting of April 20, 2006**

The City Council received and filed the Public Works Committee meeting minutes of April 20, 2006, for informational purposes.

- 2. **Minutes of Public Works Committee Meeting of May 18, 2006**

The City Council received and filed the Public Works Committee meeting minutes of May 18, 2006, for informational purposes.

- 3. **Minutes of Personnel Committee Meeting of June 5, 2006**

The City Council received and filed the Personnel Committee meeting minutes of June 5, 2006, for informational purposes.

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

At 8:37 p.m., Mayor Pro Tem/Vice Chairman Dutrey adjourned the City Council and Redevelopment Agency, Montclair Housing Corporation, and Montclair Financing Authority Boards of Directors.

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

Yvonne L. Smith
Transcribing Secretary