

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, AUGUST 21, 2006,
AT 6:58 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 6:58 p.m. and asked that everyone 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 Ruh 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 Starr; Director of Redevelopment/Public Works Staats; Acting Director of Community Development Lustro; City/Agency Engineer Hudson; Deputy City Attorney/Agency Counsel Holdaway; Deputy City Clerk Smith

Absent: City Manager/Executive Director McDougal (excused)

V. PRESENTATIONS

A. Introduction of New Promotee

Mayor Eaton introduced Police Sergeant Henry Carlos, who was promoted to his new position effective July 27, 2006. He noted Sergeant Carlos began his career with the Montclair Police Department in 1988 as a Reserve Officer and that he was appointed to full-time Police Officer in 1990, serving alternately as Field Training Officer, Firearms Instructor, Urban Rifle Instructor, Active Shooter Instructor, Verbal Judo Instructor, as well as for four years as an undercover Narcotics Officer. He added that Sergeant Carlos was named "Officer of the Year" in 2000 by department Sergeants. He noted Sergeant Carlos holds Associate of Science and Bachelor of Arts degrees in Criminal Justice.

Mayor Eaton congratulated Sergeant Carlos on his promotion and presented him with a City pin.

VI. PUBLIC COMMENT

Mayor Eaton advised those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card*, and they would be afforded five minutes each to speak on topics that do not appear on tonight's agenda. He added that pursuant to the provisions of the **Ralph M. Brown Act**, the City Council and Agency and MHC Boards are prohibited from taking action on items not listed on the agenda.

A. **Mr. John Gordon**, 5209 Kingsley Street, Montclair, complained about the health issue stemming from the trash and roach

infestation in the alleyways bounded by Kingsley and Bandera Streets and Central and Mills Avenues. He noted he has personally disposed of trash from certain alley areas, though doing so does not remedy the roach infestation in his and his neighbors' homes. He advised that the alleys are periodically cleared of debris but that trash continues to accumulate between cleanings, adding that the apartment house owners have been apathetic about the related health issue. He gave the Council recent photographs depicting the amount of debris in the alleys.

Mayor Eaton told **Mr. Gordon** that he understands how there could be problems in that area because Mayor Pro Tem Dutrey, Council Member Ruh, and he have participated in a number of neighborhood cleanups there in the past. He asked **Mr. Gordon** to document the addresses in question so Code Enforcement could abate the issue.

Mr. Gordon noted he has talked to Code Enforcement Officer Gabe Fondario a few times about the matter.

Mayor Eaton advised that the City tries to be proactive about keeping alleyways trash free.

Council Member Ruh spoke of apartment tenants he knows who complain about indifferent landlords, noting the behavior of a few bad tenants overshadows the good ones. He suggested Code Enforcement work with the property owners to abate the issue. He asked if **Burrtec Waste Industries, Inc.**, could provide larger bins in the apartment alleys.

Mayor Pro Tem Dutrey asked **Mr. Gordon** if there is a bin at the site.

Mr. Gordon replied that there is, though it is not placed inside the trash enclosure because it tends to become overfilled.

Noting he has participated in the annual **C.A.U.T.I.O.N.** cleanups in that area, Mayor Pro Tem Dutrey stated it is a real challenge to have the cooperation of apartment house owners and tenants to keep the alleys clean of debris. He added that illegal dumping of oversized items into bins often occurs.

Council Member Ruh concurred.

Mayor Eaton thanked **Mr. Gordon** for bringing this issue to the Council's attention.

Council Member Paulitz received clarification that the bin becomes too overfilled when placed inside the trash enclosure. He noted Fire Chief Tapia is in attendance at this meeting and would direct staff to abate the issue.

Acting City Manager Starr advised that staff would inspect the site to determine if a larger bin might be placed in the enclosure.

- B. Ms. Michelle DeMott**, Fairplex Marketing Manager, **Fairplex**, 1101 West McKinley Avenue, Pomona, announced that the **Los Angeles County Fair** kicks off Friday, September 8, 2006, and runs through Sunday, October 1, and will be open Wednesdays through Sundays. Noting the fair honors 18 local communities, she stated that "Montclair Day at the Fair" would be celebrated Saturday, September 9, 2006, and includes a lunch from 11:30 a.m. to 1:30 p.m. for all City employees and their guests provided by the City and the Montclair City Employees Association, Montclair Police Officers Association, and Montclair Fire Fighters Association; a special stage presentation honoring Mayor Eaton and Council Member Paulitz, Montclair's 2006 Community Heroes; a special horserace; culminating with a festive community parade

at 3:00 p.m. that will feature the **Montclair High School Mighty Cavaliers Marching Band and Color Guard**. She invited the Council, staff, and residents to participate in the fun-filled festivities, noting residents who obtain special coupons from the Human Services Division would receive a free admission ticket with each ticket purchased.

Mayor Eaton stated, "We're looking forward to it, **Michelle**; thanks so much for being here."

VII. PUBLIC HEARINGS

A. **Second Reading – Adoption of 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**

Mayor Eaton declared it the time and place set for 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 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.

For the record, Council Member Ruh disclosed his membership on the California Regional Water Quality Control Board, Santa Ana Region. He noted he is eligible to vote on this item.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 06-886, entitled "**An Ordinance of the City Council of the City of Montclair Adding Sections 9.24.410 Through 9.24.480 to Title 9 of the Montclair Municipal Code Related to the City Storm Drain System,**" 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 Ordinance.

Second Reading of Ordinance No. 06-886 was unanimously adopted by the following ROLL CALL vote:

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

B. **First Reading – Adoption of Ordinance No. 06-887 Adding Chapter 3.18 to Title 3 of the Montclair Municipal Code Related to Transportation Development Impact Fees**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 06-887 adding Chapter 3.18 to Title 3 of the Montclair Municipal Code related to Transportation Development Impact Fees.

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.

Council Member Ruh asked if a nexus study explaining how the proposed transportation development impact fees were derived has been conducted.

Acting City Manager Starr responded that City Engineer Hudson derived the proposed fees from those assessed in area

communities. He added that there is a comprehensive transportation development impact fee chart that the Council is welcome to review.

City Engineer Hudson reported that a nexus study has been completed consisting of a study of the potential for single-family and multifamily residential, office, retail, and industrial development in the City and that appropriate fees are based on that potential, the City's obligations for future street transportation-related improvements, and the specific development's share of those improvements.

Council Member Ruh thanked City Engineer Hudson for the information, noting such a study is necessary should the City ever be challenged about making a profit on the proposed fees.

Mayor Pro Tem Dutrey noted the proposed action stems from the voters' approval in November 2004 of continuation of the Measure I one-half of 1 percent retail transactions and use tax for countywide transportation improvements. He noted the challenge involved in mitigating the ever-increasing traffic and transportation impacts related to present and future growth in the Inland Empire and of finding ways to fund the new transportation facilities despite the large bond proposal on the November 2006 ballot. He stated that the proposed Measure I Ordinance would offset some of the funding required to build new roadways as areas are developed by requiring developers to pay their fair share.

Mayor Pro Tem Dutrey expressed his concern regarding the proposed regional project to widen San Bernardino Street from the Los Angeles County line to Benson Avenue from four lanes to six lanes because of the residential nature of the street. He asked how widening the street might impact the homes.

City Engineer Hudson reported that the nexus study projects were developed locally and reviewed by the Public Works Committee. He advised that some street-widening projects were eliminated from the study, though it was believed that there would eventually be a need to increase the capacity of San Bernardino Street so it was left in the study. He added that the project would require an Environmental Impact Report to determine the impacts and mitigation measures needed, if any.

Mayor Pro Tem Dutrey noted such a project would be a sensitive issue for affected residents and suggested they be involved in the process.

Acting City Manager Starr pointed out that though San Bernardino Street traverses through residential neighborhoods, it continues to be a major artery for the City.

Mayor Pro Tem Dutrey concurred, though he cautioned that the City needs to be attentive to residents' concerns, if any, when the project takes place.

Council Member Paulitz asked if there would be sufficient right-of-way to conduct the project.

City Engineer Hudson advised that the project could be done by eliminating parking in front of some areas of San Bernardino Street, though he would suggest moving the curb back a little on each side to try to minimize the amount of right-of-way the City would have to obtain.

Moved by Council Member Paulitz and seconded by Council Member Raft that Ordinance No. 06-887, entitled "**An Ordinance of the City Council of the City of Montclair Adding Chapter 3.18**

to Title 3 of the Montclair Municipal Code Related to Transportation Development Impact Fees," be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 06-887 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Ruh requested that Items B-8 and C-5 be removed from the Consent Calendar for comment.

For the record, Acting City Manager Starr advised the Council of the following correction to Item B-2, "Approval of Warrant Register and Payroll Documentation," and gave the Council copies of the revised report:

FISCAL IMPACT: The Warrant Register dated August 21, 2006, totals ~~\$4,214,644.23~~ \$4,259,256.95.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented, noting the correction to Item B-2:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of August 7, 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 August 7, 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 July 31, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 21, 2006, totaling \$4,259,256.95 and the Payroll Documentation dated June 25, 2006, amounting to \$694,117.72, with \$496,725.41 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 July 31, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 7/01/06–7/31/06 in the amounts of \$1,037.80 for Project I; \$105.70 for Project II; \$106,554.02 for Project III; \$29,459.50 for Project IV; and \$236,815.42 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 July 31, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 7/01/06–7/31/06 in the amount of \$53,151.80.

7. "No Action" on Alcoholic Beverage Permit Application – La Casa De Alvarado

The City Council voted "No action" on the "Off-Sale General" license application of Mr. Rafael Alvarado Gallegos for La Casa de Alvarado, 5461 Holt Boulevard, Suite G, Montclair, California.

9. Approval of Accounts Receivable Write-Off Schedule as the Schedule of Uncollectible Accounts

Authorization for the Administrative Services Department to Reduce the Accounts Receivable Account and the Allowance for Doubtful Accounts by \$4,865.34

The City Council took the following actions:

- (a) Approved the Accounts Receivable Write-Off schedule as the schedule of uncollectible accounts.
- (b) Authorized the Administrative Services Department to reduce the General Accounts Receivable Account and the Allowance for Doubtful Accounts by \$4,865.34.

10. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of the Kingsley Street Rehabilitation Project

The City Council approved the following actions related to completion of the Kingsley Street Rehabilitation Project:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.

C. Agreements

1. Approval of Agreement No. 06-110-I-74, an Irrevocable Annexation Agreement With Erasmo and Maria Pedroza for 11266 Monte Vista Avenue

The City Council approved *Agreement No. 06-110-I-74*, an *Irrevocable Annexation Agreement* with Erasmo and Maria

Pedroza for emergency connection of their property at 11266 Monte Vista Avenue to the City Sewer System.

2. Approval of Tract No. 17954 Located South of Mission Boulevard Between Ramona and Monte Vista Avenues

Authorizing Tract Map No. 17954 to be Recorded With the Office of the San Bernardino County Recorder

Approval of *Agreement No. 06-111*, a *Subdivision Agreement* With Terrasol Place LLC Related to Tract No. 17954

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

The City Council took the following actions:

- (a) Approved Tract No. 17954 located north of Mission Boulevard between Ramona and Monte Vista Avenues.
- (b) Authorized Tract Map No. 17954 to be recorded with the Office of the San Bernardino County Recorder.
- (c) Approved *Agreement No. 06-111*, a *Subdivision Agreement* with Terrasol Place LLC related to Tract No. 17954.
- (d) Authorized the City Engineer to reduce and release payment and performance bonds upon satisfactory completion of improvements within the public rights-of-way.

3. Approval of *Agreement No. 06-112* With the Liquidation Company for the Public Sale of Surplus and Unclaimed Property

The City Council approved *Agreement No. 06-112* with the Liquidation Company for the public sale of surplus and unclaimed property.

4. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 06-113* Through *06-119*, *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. 06-113* through *06-119*, *Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the seven EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Adoption of Resolution No. 06-2658 Adopting a National Incident Management System into the City's Emergency Management System

The City Council adopted Resolution No. 06-2658 adopting a National Incident Management System into the City's emergency management system.

2. Adoption of Resolution No. 06-2659 Adopting a Measure I Four-Year Capital Improvement Program for the City of Montclair

The City Council adopted Resolution No. 06-2659 adopting a Measure I Four-Year Capital Improvement Program for the City of Montclair.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

8. Authorization to Submit an Application for Request for Designation to the United States Department of State, Bureau of Consular Affairs, for Passport-Acceptance Services

Council Member Ruh expressed his opinion that the service would be a valid one for our community and is certainly needed in this area. He inquired as to the process for the City to become a passport-acceptance facility.

Acting City Manager Starr advised that staff would submit the Request for Designation application to the Los Angeles Passport Agency for processing with the United States Department of State, Bureau of Consular Affairs. He stated that it will take approximately three months for the City to be approved as a passport-acceptance facility.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried unanimously that the City Council authorize staff to submit a Request for Designation application to the Los Angeles Passport Agency to provide passport-acceptance services.

C. Agreements

5. Approval of Agreement No. 06-120 With the California Department of Health Services to Provide a Nutrition Education Program

Council Member Ruh noted there certainly is a need for the *Por La Vida* Program that promotes healthy eating and physically active lifestyles. He asked if the City can continue to apply for the California Department of Health Services three-year grant that funds the program.

Provisional Assistant Director of Human Services Richter responded that proposed *Agreement No. 06-120* is the City's fourth multiyear contract with the California Department of Health Services. She advised that sometimes the City changes its focus to coincide with the Department of Health Services' in order to qualify for another three-year grant. She noted the grant funds a full-time employee and provides nutrition education at all the school sites.

Council Member Ruh emphasized the importance of continuing this very worthwhile program.

Provisional Assistant Director of Human Services Richter noted the state is pleased with the City's program.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the City Council approve *Agreement No. 06-120* with the California Department of Health Services to provide a nutrition education program.

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.8 of the Government Code Related to Real Property Negotiations

Assessor's Parcel No.: 1012-072-09

Property: 10635 Ramona Avenue, Montclair

Negotiating Parties: City of Montclair Redevelopment Agency and Per Kvalheim/Tri-Alloy

Negotiators: Director of Redevelopment/Public Works Staats and City Engineer Hudson

Under Negotiation: Status Report and Recommendations Regarding Acquisition of Easements on Subject Property in Conjunction With Ramona Avenue/Union Pacific Railroad Grade Separation Project

Deputy City Attorney/Agency Counsel Holdaway requested a Joint Closed Session pursuant to Section 54956.8 of the Government Code related to the above matter.

B. Acting City Manager/Executive Director

1. Acting City Manager/Executive Director Starr encouraged the community to participate in "Montclair Day at the Fair" on Saturday, September 9, 2006, noting residents will receive two-for-one discount coupons in their trash and sewer bills.

C. Mayor/Chairman - No comments

D. City Council/Agency Board

1. Council Member/Director Paulitz reported on the following two items from this evening's Code Enforcement Committee meeting:
 - (a) 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 is now operational. Staff is presently being trained on the new system.
 - (b) The City has retained a prosecutor to provide specialized Code Enforcement legal services.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted Ontario Mayor Paul Leon conducted a Mayor's Summit last week to address topical regional issues. He expressed his hope that the Councils of Montclair, Ontario, Chino, Chino Hills, Upland, Rancho Cucamonga, and Fontana can continue addressing these important issues on a regular basis in an effort to present a stronger lobbying voice to our legislators.
 - (b) He encouraged all Montclair residents to participate in "Montclair Day at the Fair" on September 9 in celebration of our 50th anniversary and reminded residents to take advantage of the two-for-one discount coupons in their utility bills. He thanked the 50th Anniversary Planning Committee for its efforts to organize all of this year's events.
 - (c) He congratulated Council Member Ruh and Council Member Paulitz for having no opposition in the November 7, 2006 Statewide General Election, which is a sure sign that the residents approve of the work the Council is doing in the community. He noted Mayor Eaton is looking forward to his campaign for reelection.

3. Council Member/Director Ruh commented as follows:

- (a) He noted Mayor Eaton's and his attendance at the opening of the new **Verizon Wireless** store at the **Montclair Plaza**.
- (b) He noted Mayor Eaton's and his attendance at the grand opening of **Nutri-Body**, a body-fitness, nutrition, and supplement center located at the northeast corner of Central Avenue and Benito Street.
- (c) He noted his disappointment in professional athletes who use ergogenic aids to enhance their sports performance because of the bad example they set for youth. He advised young people that "cheating under any circumstances is just wrong." He appealed to youth to "do the right thing, don't get involved with drug use, study the best you can, and be the best you can."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of August 7, 2006

The City Council received and filed the Personnel Committee meeting minutes of August 7, 2006, for informational purposes.

XII. ADJOURNMENT OF MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:38 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7:38 p.m., the City Council/Redevelopment Agency Board went into Joint Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:03 p.m., the City Council/Redevelopment Agency Board returned from Joint Closed Session. Mayor/Chairman Eaton announced the City Council/Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:04 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Deputy City Clerk