

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, JANUARY 16, 2007,
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 asked that everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session. He announced that the regular joint meetings are now available in audio format on the City's website and can be accessed the day following the meeting after 10:00 a.m.

II. INVOCATION

Pastor Larry Brazier, Morning Star Christian Church, 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 Council Member/Director Ruh is not in attendance at tonight's meeting.

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

Absent: Council Member/Director Ruh (excused)

V. PRESENTATIONS

A. Introduction of New Employee/Promotees

Mayor Eaton introduced **Mr. Jeffrey Tysl**, who was appointed to the position of Police Cadet effective December 11, 2006. He noted Cadet Tysl is concurrently employed at **Dave & Buster's** while also studying criminal justice at **Mt. San Antonio College**.

Mayor Eaton welcomed Cadet Tysl to the Montclair City family and presented him with a City pin.

Mayor Eaton introduced Sergeant Robert Avels, who was promoted to his new position effective December 25, 2006. He noted Sergeant Avels began his career with the Montclair Police Department as a Patrol Officer in 1996, has worked as a Motor Officer and most recently as a Detective, and has served as a Field Training Officer since 1999. He added that Sergeant Avels was named "Officer of the Year" in 2001.

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

Mayor Eaton introduced Lieutenant Steve Lux, who was promoted to his new position effective January 8, 2007. He noted Lieutenant Lux began his career with the Montclair Police Department as a Police Officer in 1982 and has served in many capacities including patrol, the Detective Bureau, the Street Enforcement Team, and narcotics. He noted Lieutenant Lux was promoted to Sergeant in 1997, serving as Patrol Sergeant until assigned to supervise the Crime Suppression Unit (CSU) last year. He added that Lieutenant Lux received the Police Department's "Annual Achievement Award" in 1980 and was named "Officer of the Year" in 1991.

Mayor Eaton congratulated Lieutenant Lux on his promotion and presented him with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading – Adoption of Ordinance No. 06–889 Amending the Penalty Provisions of the Montclair Municipal Code

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 06–889 amending the penalty provisions of the Montclair Municipal Code and invited comments from the public.

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

Moved by Council Member Paulitz and seconded by Council Member Raft that Ordinance No. 06–889, entitled "**An Ordinance of the City Council of the City of Montclair Amending the Penalty Provisions of the Montclair Municipal Code,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 06–889 was adopted by the following ROLL CALL vote:

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

B. Adoption of Resolution No. 07–2677 Requesting the Local Agency Formation Commission Initiate Proceedings for City of Montclair Annexation No. 28

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 07–2677 requesting the Local Agency Formation Commission (LAFCO) initiate proceedings for City of Montclair Annexation No. 28 and invited comments from the public.

As a prospective homeowner at the Madison at the Crossing subdivision, **Mr. George Manzo**, 5271 Monte Verde Street, Montclair, objected to the Council's action at the December 18, 2006 regular joint meeting to change the prezone designation of the subject site to "C-2" (Restricted Commercial).

Council Member Paulitz received clarification that the home **Mr. Manzo** is purchasing is located in the new residential subdivision just north of the subject site.

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

Mr. Terry Kent, Director of Marketing, Crestwood Corporation, 510 West Citrus Edge Street, Glendora, commented as follows:

1. He expressed his understanding that the Council is only considering the initiation of annexation proceedings for the subject site and that development plans have yet to be submitted or considered for the vacant one-acre parcel at 11296 Central Avenue.
2. He clarified that all prospective homebuyers at the Madison at the Crossing subdivision were notified of the prezone designation amendment public hearings occurring last year and acknowledged that prezone designations are potentially subject to change.
3. He asked that the Council permit prospective Madison at the Crossing homebuyers to comment on this item.

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

Mr. Mike Palmer, 5276 Phillips Boulevard, Chino, commented as follows:

1. He reiterated his complaint about the health risks of the pooling water from the Madison at the Crossing project irrigation drainage that drains south to Phillips Boulevard through his property instead of east from the project as it should have been engineered to do. He noted the side of his home was flooded with runoff water after the recent rain. He suggested the runoff be allowed to percolate into the soil at the subdivision.
2. He concurred with the Council's action last month to change the prezone designation of the subject site to C-2.

The son-in-law of **Mrs. Arminda Diaz**, 5246 Phillips Boulevard, Chino, spoke on her behalf of her uncertainty that she would legally be able to continue living in her home once her property is annexed and the zoning changes to Restricted Commercial.

Mayor Eaton thanked the gentleman for his comments.

City Manager McDougal advised him that all property owners and residents within a 300-foot radius of the subject site would be notified of subsequent City action.

Director of Community Development Clark advised him that he will be notified of subsequent meetings related to annexation of the site and of any development proposals.

Mayor Pro Tem Dutrey inquired as to the address of the applicant's property.

Director of Community Development Clark replied that the applicant owns the vacant one-acre parcel at 11296 Central Avenue.

Mrs. Diaz's son-in-law advised that her application for a permit to build an additional dwelling on her property was denied because the existing County land-use designation for the property is "CN" (Neighborhood Commercial).

Director of Community Development Clark noted **Mrs. Diaz's** application was made to the County of San Bernardino.

Mayor Pro Tem Dutrey clarified that should the subject site be annexed to Montclair, **Mrs. Diaz's** residence would be considered a legal nonconforming use and she would certainly be able to live there.

Mrs. Diaz's son-in-law asked if she would be permitted to build an additional dwelling unit on her lot.

Director of Community Development Clark responded that staff would need to review the plans. He noted there is an *Irrevocable Annexation Agreement* on the property.

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

Mayor Eaton asked Director of Community Development Clark to respond to **Mr. Palmer's** concern about runoff from the Madison at the Crossing project.

Director of Community Development Clark replied that there is an issue with coordination between the City's and County's drainage requirements. He advised that the San Bernardino Associated Governments has corrected the issue in the County's jurisdiction, and the City would do the same when the subject site is annexed to Montclair.

Mayor Pro Tem Dutrey stated it is important to note that the City has very high commercial development standards. He stated that staff would be advising the applicant of the variety of conditions that might be imposed to reduce impacts on neighboring residences should he move forward with his commercial development. He added that neighboring property owners would be notified should the project be considered by the Planning Commission and the Council.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Resolution No. 07-2677, 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. 28,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 07-2677 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 18, 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 December 18, 2006.

2. Minutes of Adjourned Joint Council/Agency Meeting of January 2, 2007

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the

Adjourned Joint City Council/Redevelopment Agency Board meeting of January 2, 2007.

3. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of January 2, 2007

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 January 2, 2007.

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 December 31, 2006.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated January 16, 2007, totaling \$1,340,017.73 and the Payroll Documentation dated November 12, 2006, amounting to \$586,734.16, with \$402,112.50 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 December 31, 2006.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12/01/06-12/31/06 in the amounts of \$13,426.99 for Project I; \$312.55 for Project II; \$1,298,294.97 for Project III; \$261,684.45 for Project IV; and \$723,172.63 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 December 31, 2006.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 12/01/06-12/31/06 in the amount of \$33,261.52.

7. "No Action" on Alcoholic Beverage Permit Application - Mi Pueblo Market

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Vizo Ruben Gutierrezal for Mi Pueblo Market, 5002 Holt Boulevard, Montclair, California.

8. "No Action" on Alcoholic Beverage Permit Application - Montclair AM PM

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Jimmy Kong, President, and Kyung Ryun Kim, Secretary, for Montclair AM PM, 5281 Mission Boulevard, Montclair, California.

C. Agreements

1. **Approval of Agreement No. 07-06 With the Ontario-Montclair School District for Continuation of Police Consulting Services**

The City Council approved *Agreement No. 07-06* with the Ontario-Montclair School District for continuation of School Resource Officer consulting services.

2. **Approval of Agreement No. 07-07-I-78, an Irrevocable Annexation Agreement With Federico P. and Aurelia Meraz and Abraham Meraz for 4255 Grand Avenue**

The City Council approved *Agreement No. 07-07-I-78*, an *Irrevocable Annexation Agreement* with Federico P. and Aurelia Meraz and Abraham Meraz for emergency connection of their two single-family residences at 4255 Grand Avenue to the City Sewer System.

3. **Approval of Agreement No. 07-08, an Agreement for Consultant Services With Municipal Engineering Resources to Provide the California Department of Transportation With Local Assistance Processing Services Regarding the Ramona Avenue/Union Pacific Railroad Grade Separation Project**

The City Council approved *Agreement No. 07-08*, an *Agreement for Consultant Services* with Municipal Engineering Resources to provide the California Department of Transportation with local assistance processing services regarding the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

4. **Approval of Agreement No. 07-09 With CTK, Inc., in the Amount of \$25,000 for Construction Surveying and Staking Services for the Mission Boulevard Improvement Phase 4 Project**

Authorization for City Manager to Amend the Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions:

- (a) Approved *Agreement No. 07-09* with CTK, Inc., in the amount of \$25,000 for construction surveying and staking services for the Mission Boulevard Improvement Phase 4 Project.
- (b) Authorized the City Manager to amend the Agreement Scope of Services as may be necessary for a total increase not to exceed \$5,000.

5. **Approval of Agreement No. 07-11 With Sorensen Consulting to Provide Grant Writing and Related Services**

The City Council approved *Agreement No. 07-11* with Sorensen Consulting to provide grant writing and After-School Program, Senior program, and Medical Clinic services.

D. Resolutions

1. **Adoption of Resolution No. 07-2678 Authorizing Submittal of a Proposal to the San Bernardino County Department of Aging and Adult Services for Senior Program Funding**

The City Council adopted Resolution No. 07-2678 authorizing submittal of a proposal to the San Bernardino County Department of Aging and Adult Services for senior program funding.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE

A. **Senate Bill 1578 – Dogs: Tethering Prohibition (Lowenthal)**

Council Member Raft thanked staff for the comprehensive report.

It was the consensus of the Council to receive and file the report.

B. **Oral Report on Crime-Suppression Activities**

City Manager McDougal noted this evening's reports from the Housing Improvement Task Force, Code Enforcement Division, and Police Department are in follow up to Mayor Pro Tem Dutrey's request for information on current crime-suppression activities. He introduced the Chairperson of the Task Force, Assistant Director of Redevelopment Caldwell.

Assistant Director of Redevelopment Caldwell gave an overview of the following HIT Force activities that have effectively reduced crime in the apartment areas generally located along Ramona Avenue and Kingsley Street, south of Kingsley Street between Kimberly and Lehigh Avenues, and along Mills Avenue between San Jose Street and the I-10 Freeway:

1. Helena Gardens Owners Association has retained a professional management company and is considering making structural improvements to the complex.
2. Cobblestone Village Owners Association meetings are being attended by a CSU Officer, a practice that will soon be followed by the Helena Gardens Owners Association.
3. Foundation Area 12 is in the process of establishing an owners association and is considering closing off the alley and installing a vehicular gate as well as joining with the Montclair Community Collaborative (MCC) to provide an after-school learning program. In addition, a property owner is considering designating one apartment unit as transitional housing.
4. Upon the Task Force's recommendation in *Action Plan 2006*, the City Council retained the law firm of **Dapeer, Rosenblit and Litvak** to provide specialized Code Enforcement legal services. In addition to the work of City Prosecutor James Eckart to strengthen certain penalty provisions of the Montclair Municipal Code, the firm will be training staff and developing a receivership Ordinance.
5. The **Southern California Housing Development Corporation** multifamily project is moving forward, and the senior project was approved by the **Department of Housing and Urban Development** in October 2006. These projects will do much to stabilize the San Antonio Gateway neighborhood.
6. The Foundation Area 11 improvement project commenced construction today.
7. The Housing Improvement Task Force *Action Plan 2007* (to be presented to the Council at its meeting of March 5, 2007) will contain new recommendations and proposed programs.

Noting the importance of sharing information among departments, Fire Chief Tapia advised that the combined Police Department, Code Enforcement Division, and Task Force enforcement approach since the Task Force's inception in 1981 has worked exceptionally

well and will continue to be employed. He reported on the following:

1. In addition to their routine responsibilities, Code Enforcement Officers are actively involved in nontraditional enforcement efforts. The Council's action this evening to retain City Prosecutor Eckart will give the City more opportunities to target habitual offenders.
2. Staff has revised the property maintenance and related codes and will develop stronger housing Ordinances related to narcotics and crime-related eviction programs.
3. Code Enforcement has identified the troublesome multifamily housing locations through calls for service and has been successful in working with apartment owners/managers, notably with Pinebrook property management, to educate them on tenant-screening procedures and the eviction process.
4. Code Enforcement is actively involved in a number of community-based programs, including C.A.U.T.I.O.N. cleanups and those administered by MCC; assists in locating housing for needy residents; and works with community service groups including the **Kiwanis Key Club** and probation service workers. Such community involvement results in the community's ownership of issues of mutual concern.

Police Chief Thompson commented as follows:

1. Citing the December 6, 2006 *Inland Valley Daily Bulletin* articles implicating Montclair as "another troubled town" with regard to gang-related activity, crimes, and violence, he denied that Montclair has a gang problem, asserting there is no established gang in the City. He acknowledged that gang members do reside in Montclair, which invites activity to occur as outside gang members travel through the City, some of whom elect to "shop without money."
2. More importantly, he denied the allegation in one of the articles that shootings occur "almost daily." He stated it is interesting to note that the former resident interviewed for the article allows her children to continue residing in her Montclair property, expressing his opinion that she would certainly not do so if it were unsafe.
3. He stated that the Montclair Police Department is fortunate to have increased authorized deployment levels that make for quick responses to calls for service, advising that our Department unquestionably has the quickest response times in the area.
4. He noted the community's help is critical to the Department's crime-prevention efforts, reporting that in the Foundation Areas in particular the crime rate has decreased compared to the City overall. He emphasized that the Task Force's ongoing efforts in the multifamily areas have been instrumental in combating crime.
5. While the CSU's primary objective is to eradicate graffiti and conduct related antigang enforcement programs, he advised that the special unit will be available to respond to other crimes as needed. He reported its activities as follows:
 - (a) The CSU has made approximately forty-five to fifty arrests for graffiti-related offenses and a number of other arrests for prostitution, weapons, and drug offenses since its inception in September 2006.

- (b) The judicial process is stringently executed and closely monitored in all graffiti vandalism cases to ensure the crimes are aggressively prosecuted and restitution made, with careful attention paid to those offenders placed on probation to ensure their sentences include search terms that allow officers unrestricted access to conduct random searches of their homes.
- (c) As mentioned by Assistant Director of Redevelopment Caldwell, CSU Officers will be assigned to each of the Foundation Area homeowners associations to serve as liaisons among apartment owners/managers and staff.
- (d) The CSU is actively making its presence known in the community and this month made presentations at the **Montclair Chamber of Commerce** Spotlight Breakfast and at an event hosted by the **Ontario-Montclair YMCA** and was recently introduced to Human Services Division employees.

Police Chief Thompson asserted the importance of information sharing among the Police Department, Code Enforcement Division, Task Force, property owners/managers, and residents and a combined Police Department, Code Enforcement Division, and Task Force enforcement approach as emphasized earlier by Chief Tapia to reduce crime in Montclair.

Mayor Eaton thanked Police Chief Thompson for the "good report."

Mayor Pro Tem Dutrey commented as follows:

1. He described a pattern over the last year and a half of apartment owners selling their properties to investors who purchase at premier market prices and raise rents, resulting in good tenants leaving and being replaced by undesirable residents. He added that some new apartment owners are absentee landlords who fail to properly maintain their properties, which invites the crime element.
2. He stated that last year the Code Enforcement Committee made it a precedent that the City should be proactive in preventing problems from occurring. He noted staff was advised that additional resources would be provided to resolve current issues and prevent future problems. Additionally, the City has invested much of its Community Development Block Grant funds on upgrading the Foundation Areas, so we do not want to see an increase in crime in those neighborhoods. Crime prevention is a high priority for the City, and the additional resources authorized by the Council should do much to curtail crime from increasing.
3. He noted it was disturbing to read the aforementioned newspaper articles that were fraught with inaccuracies, particularly regarding frequent gunshots occurring near **Montclair High School** or rampant Citywide gang activity, though there have been increases in some crimes.
4. He concurred that a coordinated effort between departments is key to successfully resolving an escalation in crime in the community.

Council Member Paulitz concurred that he is a firm believer in information sharing and of departments working together to resolve conflict. He stated that he is pleased with the Task Force's results and expressed his opinion that it has served as a model for other cities.

Mayor Pro Tem Dutrey noted he was impressed with the condition of Foundation Area 11, Cobblestone Village, and the apartment areas on Amherst Avenue and Bandera Street west of Monte Vista Avenue that he surveyed last Friday afternoon. He indicated he noticed little blight and some graffiti, though for the most part these areas were very clean. He noted the Cobblestone Village apartments looked very well maintained. He stated, "We're doing pretty good" and emphasized the importance of maintaining these high standards.

Mayor Eaton thanked Assistant Director of Redevelopment Caldwell, Fire Chief Tapia, and Police Chief Thompson for their comprehensive reports. Noting he is excited about the probationary search-term proviso, he told the CSU, "Keep up the good work."

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Noting her attendance at a **City of Ontario** workshop last Saturday for "Ontario West" property owners (her office building is located in Ontario West), City Attorney/Agency Counsel Robbins advised that during a tour of the area, the consultants and **Ontario** planning staff remarked on the amazing things that have occurred in Montclair with regard to revitalizing blighted areas while discussing their hopes for the Ontario West area.

Mayor Eaton stated, "That's good to hear. Thank you."

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at the following recent meetings: **Southern California Association of Governments** Regional Council, **League of California Cities, Inland Empire Division** dinner, **Omnitrans** Administrative Finance Committee, and Boards of Directors of **Omnitrans** and the **San Bernardino Associated Governments (SANBAG)**.
 - (b) Noting his attendance at the January 11, 2007 **Gold Line Phase II Joint Powers Authority** meeting, he advised that the **JPA** is working very hard to obtain the **Los Angeles County Metropolitan Transportation Authority's** approval to extend the **Metro Gold Line** through to **LA/Ontario International Airport**.

Mayor Eaton told City Engineer Hudson that **SANBAG** and the **City of Ontario** are now members of the **JPA** and that **Monrovia Mayor Rob Hammond** was reelected Chair and **Pomona Council Member George Hunter** was reelected Vice Chair of the organization.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey praised the Police Department for its professionalism during the tragic incident at **Our Lady of Lourdes Catholic Church** on January 3, 2007, and particularly Captain Chris Weiske for sensitively responding to the reporter's questions.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of November 16, 2006

The City Council received and filed the Public Works Committee meeting minutes of November 16, 2006, for informational purposes.

2. Minutes of Personnel Committee Meeting of January 2, 2007

The City Council received and filed the Personnel Committee meeting minutes of January 2, 2007, for informational purposes.

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

At 7:57 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Transcribing Secretary