

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, FEBRUARY 20, 2007,
AT 6:59 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 6:59 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

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge.

IV. ROLL CALL

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)

Mayor Eaton announced that as part of the City of Montclair's 50th Anniversary celebration, a time capsule commemorating the past 50 years will be dedicated on April 24, 2007. He advised that beginning with tonight's meeting, a "signature scroll" that will be locked in the time capsule will be made available at the conclusions of public meetings for those who care to sign their names or leave a message for future generations. Those in attendance who desire to become a part of Montclair's history are to see City Clerk Jackson at the conclusion of the meeting, and they will be given an opportunity to sign the scroll, he added.

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Projects and Prioritization of Funding for the Fiscal Year 2007-08 Community Development Block Grant Program

Mayor Eaton declared it the time and place set for public hearing to establish projects and prioritization of funding for the Fiscal Year 2007-08 Community Development Block Grant Program 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 to approve the following CDBG projects and funding levels for Fiscal Year 2007-08:

Code Enforcement Program	\$ 40,000
Foundation Area No. 11	150,000
Foundation Area No. 12	50,000
Reeder Heritage Foundation	42,200
Graffiti Abatement Program	40,000*
Montclair Golden Express	<u>9,800*</u>
TOTAL	<u>\$332,000</u>

*Total public service projects: \$49,800

Motion carried as follows:

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

B. Amendment to Tentative Tract Map No. 18286 Revising the Number of Numbered Lots from 13 to 6

Mayor Eaton declared it the time and place set for public hearing to consider LaingUrban's request to amend Tentative Tract Map No. 18286 reducing the number of numbered lots from 13 to 6 and invited comments from the public.

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

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that the City Council approve an amendment to Tentative Tract Map No. 18286 reducing the numbered of numbered lots from 13 to 6 subject to the following two conditions of approval:

- (1) Tentative Tract Map No. 18286 would subdivide an existing 6.95-acre site into six numbered lots and three lettered lots (streets and common area) for the purpose of developing a condominium project of 184 dwelling units at 4952-4974 Arrow Highway.
- (2) Conditions 1(b) through 56 (Case No. 2006-34) approved by the City Council on December 6, 2006, shall remain in full force and effect.

Motion carried as follows:

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

C. Redevelopment Agency Board of Directors' Adoption of Resolution No. 07-01 Approving and Authorizing Execution of Agreement No. 07-14, a Purchase and Sale Agreement by and Between the City of Montclair, City of Montclair Redevelopment Agency, and Honda Trading America Corporation, and Approving the Disposition of Certain Real Property to Honda Trading America Corporation and Making Certain Findings in Connection Therewith

City Council Adoption of Resolution No. 07-2683, a Resolution of the City Council of the City of Montclair Approving and Authorizing Execution of *Agreement No. 07-14, a Purchase and Sale Agreement* by and Between the City of Montclair, City of Montclair Redevelopment Agency, and Honda Trading America Corporation

Redevelopment Agency Board of Directors' Adoption of Resolution No. 07-02, a Resolution of the City of Montclair Redevelopment Agency Making Certain Findings With Respect to Public Improvements to be Financed by the City of Montclair Redevelopment Agency

City Council Adoption of Resolution No. 07-2684, a Resolution of the City Council of the City of Montclair Making Certain Findings With Respect to Public Improvements to be Financed by the City of Montclair Redevelopment Agency

City Council Acceptance of an Easement for Street and Related Purposes for the Ramona Avenue/Union Pacific Grade Separation Project

City Council Approval of *Agreement No. 07-12, a Cooperative Agreement* With the San Bernardino Associated Governments, Acting in Its Capacity as the San Bernardino County Transportation Authority, to Provide Construction Management and Administration for the Ramona Avenue/Union Pacific Grade Separation Project

Mayor/Chairman Eaton declared it the time and place set for public hearing for the Montclair Redevelopment Agency to consider adoption of Resolution Nos. 07-01 and 07-02 and approval of *Purchase and Sale Agreement No. 07-14* with Honda Trading America Corporation and the City Council to consider adoption of Resolution Nos. 07-2683 and 07-2684, approval of *Cooperative Agreement No. 07-12* with the San Bernardino County Transportation Authority, and acceptance of an easement from Honda Trading America Corporation for street and related purposes all pertaining to the Ramona Avenue/Union Pacific Grade Separation Project and invited comments from the public.

There being no one in the audience wishing to speak, Mayor/Chairman Eaton closed the public hearing and returned the matter to the Redevelopment Agency Board and City Council for their consideration.

Moved by Mayor Pro Tem/Vice Chairman Dutrey and seconded by Mayor/Chairman Eaton that the Redevelopment Agency Board and City Council take the following actions:

1. That Resolution No. 07-01, entitled "**A Resolution of the City of Montclair Redevelopment Agency Approving and Authorizing Execution of Agreement No. 07-14, a Purchase and Sale Agreement by and Between the City of Montclair, the City of Montclair Redevelopment Agency, and Honda Trading America Corporation, and Approving the Disposition of Certain Real Property to Honda Trading America Corporation and Making Certain Findings in Connection Therewith,**" be read by number and title only, further reading be waived, and it be considered adopted.
2. That Resolution No. 07-2683, entitled "**A Resolution of the City Council of the City of Montclair Approving and Authorizing Execution of Agreement No. 07-14, a Purchase and Sale Agreement by and Between the City of Montclair, the City of Montclair Redevelopment Agency, and Honda Trading America Corporation,**" be read by number and title

only, further reading be waived, and it be considered adopted.

3. That Resolution No. 07-02, entitled "**A Resolution of the City of Montclair Redevelopment Agency Making Certain Findings With Respect to Public Improvements to Be Financed by the City of Montclair Redevelopment Agency,**" be read by number and title only, further reading be waived, and it be considered adopted.
4. That Resolution No. 07-2684, entitled "**A Resolution of the City of Montclair Making Certain Findings With Respect to Public Improvements to Be Financed by the City of Montclair Redevelopment Agency,**" be read by number and title only, further reading be waived, and it be declared adopted.
5. That the City Council accept an easement from Honda Trading America Corporation for street and related purposes for the Ramona Avenue/Union Pacific Grade Separation Project.
6. That the City Council approve *Agreement No. 07-12*, a *Cooperative Agreement* with the San Bernardino Associated Governments, acting in its capacity as the San Bernardino County Transportation Authority, to provide construction management and administration for the Ramona Avenue/Union Pacific Grade Separation Project.

The Redevelopment Agency Board and City Council waived the readings of the Resolutions.

The Redevelopment Agency Board adopted Resolution Nos. 07-01 (thereby approving *Agreement No. 07-14*) and 07-02 and the City Council adopted Resolution Nos. 07-2683 and 07-2684, accepted an easement from Honda Trading America Corporation for street and related purposes, and approved *Agreement No. 07-12* all related to the Ramona Avenue/Union Pacific Grade Separation Project by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey noted he would abstain from voting on Item B-11, "Consider a Donation of Public Funds to the Ontario-Montclair YMCA 'Strong Kids Campaign 2007,'" because his wife serves on the Ontario-Montclair YMCA Board.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried to approve the following Consent Items as presented, noting Mayor Pro Tem Dutrey's abstention from voting on Item B-11:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of February 5, 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 February 5, 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 January 31, 2007.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 20, 2007, totaling \$1,110,598.32 and the Payroll Documentation dated December 10, 2006, amounting to \$692,141.24, with \$477,668.36 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 January 31, 2007.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 1/01/07-1/31/07 in the amounts of \$6,257.74 for Project I; \$2,922.05 for Project II; \$448,305.88 for Project III; \$78,686.16 for Project IV; and \$108,496.96 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 January 31, 2007.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 1/01/07-1/31/07 in the amount of \$96,798.84.

7. Setting a Public Hearing to Consider Tentative Parcel Map No. 18494 for an Industrial Condominium at 5494 and 5512 Arrow Highway

The City Council set a public hearing for Monday, March 5, 2007, at 7:00 p.m. in the City Council Chambers to consider Tentative Parcel Map No. 18494 for an industrial condominium at 5494 and 5512 Arrow Highway.

8. Setting a Public Hearing to Consider Ordinance No. 07-891 Amending Chapters 11.02 and 11.10 of the Montclair Municipal Code Defining and Prohibiting Medical Marijuana Dispensaries

The City Council set a public hearing for Monday, March 5, 2007, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 07-891 amending Chapters 11.02 and 11.10 of the Montclair Municipal Code defining and prohibiting medical marijuana dispensaries.

9. Approval of Policy Guidelines Regulating Use of Connect-CTY Emergency Telephone-Notification System

The City Council approved the policy guidelines regulating use of the Connect-CTY emergency telephone-notification system.

10. Awarding a Procurement Contract to IKON Office Solutions, Inc., for Purchase of a Canon imageRUNNER 7086 Digital Copier System Including Annual Maintenance Service

Authorizing a \$17,538.67 Transfer From the General Fund Contingency Account to Administrative Services Department Account No. 1001-400-4317-6201 for Purchase of a Canon imageRUNNER 7086 Digital Copier System

The City Council took the following actions:

- (a) Awarded a procurement contract to IKON Office Solutions, Inc., for purchase of a Canon imageRUNNER 7086 digital copier system including annual maintenance contract.
- (b) Authorized a \$17,538.67 transfer from the General Fund Contingency Account to Administrative Services Department Account No. 1001-400-4317-6201 for purchase of a Canon imageRUNNER 7086 digital copier system.

11. Donation of Public Funds to the Ontario-Montclair YMCA "Strong Kids Campaign 2007"

The City Council, with the exception of Mayor Pro Tem Dutrey, authorized a \$9,500 donation from the City's General Fund to the YMCA's "Strong Kids Campaign 2007."

12. Authorization to Purchase 75 Taser® Cams for Use With the X-26 Tasers®

The City Council authorized purchase of 75 Taser® Cams for use with the X-26 Tasers®.

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 07-19 Through 07-24, 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. 07-19 through 07-24, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the six EHIP participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. Adoption of Resolution No. 07-2682 Authorizing Destruction of Certain Police Department Records Pursuant to the Montclair Police Department Policy for the Retention and Destruction of Records

The City Council adopted Resolution No. 07-2682 authorizing destruction of the Police Department records listed on the Schedule of Records Recommended for Destruction attached thereto.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at recent board meetings and his participation at a ribbon cutting at **ERA New Century Realty** on February 15, 2007.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted riding along with Code Enforcement Officer Scott Sherwood on January 29 for half a day to observe Code Enforcement in action and remarked, "It's nice to see that our Code Enforcement Division is doing a great job in Montclair."
 - (b) He noted his attendance at the **Local Government Commission's 6th Annual New Partners for Smart Growth** conference on February 8 through 10, 2007, at the **Westin Bonaventure Hotel**, Los Angeles, that featured the latest on cutting-edge smart growth issues, implementation tools, and strategies to create safe, healthy, and livable communities including transit-oriented developments. He noted the North Montclair Downtown Specific Plan will incorporate smart growth disciplines.
 - (c) He noted he had lunch with **Montclair Plaza** General Manager **Larry Martin** last Friday, who told him **General Growth Properties, Inc.'s** large-scale remodeling of the mall is moving forward.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of January 18, 2007

The City Council received and filed the Public Works Committee meeting minutes of January 18, 2007, for informational purposes.

2. Minutes of Personnel Committee Meeting of February 5, 2007

The City Council received and filed the Personnel Committee meeting minutes of February 5, 2007, for informational purposes.

XII. COUNCIL/AGENCY/MHC WORKSHOP

A. Update on Foundation Area 11 and San Antonio Gateway

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to continue this item to an adjourned joint meeting on Monday, March 5, 2007, at 5:45 p.m. in the City Council Chambers.

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

At 7:08 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Monday, March 5, 2007, at 5:45 p.m. in the City Council Chambers.

At 7:08 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary