

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, MARCH 19, 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.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft 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; 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 Holdaway; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Proclamation Declaring April as "American Red Cross Month" in the City of Montclair

Mayor Eaton presented a proclamation to **Ms. Theresa Franke**, Board Member, **American Red Cross, Inland Valley Chapter**, declaring April as "American Red Cross Month" in the City of Montclair.

Ms. Franke accepted the proclamation and thanked Mayor Eaton. She asserted that resources would always be available to Montclair residents during emergencies and in the event of a disaster, the **Inland Valley Chapter's** commitment to serve the entire western San Bernardino County region notwithstanding.

Mayor Eaton stated, "We're very supportive of the work that you do, and we're happy to do this."

VI. PUBLIC COMMENT

- A. **Mr. Keith Ealy**, 10747 Monte Vista Avenue, Montclair, asked for an update on his complaint about the noise and other nuisances at **Revelation Raceway**.

Council Member Paulitz asked Fire Chief Tapia to report on correspondence sent to the owners of the **Revelation Raceway** property.

Chief Tapia reported that Code Enforcement Officer Rivera and City Planner Lustro met with both owners of the **Revelation Raceway** property after receipt of **Mr. Ealy's** complaint. He advised that a *Notice to Correct* was issued to the property owners regarding the noise and other nuisances at the site, the property was reinspected on Saturday, and a report was made to the Code Enforcement Committee this evening. He assured **Mr. Ealy** that the City is in the process of gaining compliance.

Council Member Paulitz thanked Chief Tapia for his report.

Mayor Eaton assured **Mr. Ealy** that the City is working on abating the nuisances.

Mr. Ealy thanked Mayor Eaton and the Council for the City's attention to his complaint.

City Manager McDougal advised that a formal inspection of the site occurred on Tuesday, February 13, 2007, at which time the owners were notified to correct the nuisances cited by **Mr. Ealy** as well as other Health and Safety Code violations. He stated that due process allows a reasonable period of time for abatement of the violations/code compliance, though in the meantime, Code Enforcement and Planning staff have visited the property on several occasions. He indicated that the property was reinspected on Saturday; however, the Code Enforcement Officer who inspected the property was not scheduled to work today so a current update is not available at this time. Should the owners fail to comply with the *Notice to Correct*, staff will seek direction from the Code Enforcement Committee and City Council. He assured **Mr. Ealy** that staff has taken his complaint seriously.

- B. **Mr. Loren Martens**, 4285 Benito Street, Montclair, commented as follows:
1. He thanked the Council and staff for the pavement repairs made at "all the bad spots" on Ramona Avenue, noting the drive is much smoother on that street.

2. He asked that repairs be made to the curb and gutter on the north side of Orchard Street between Camulos and Ramona Avenues as "it's settling and falling down below the asphalt, which in some places has broken away and holds water and doesn't drain."

Mayor Eaton told **Mr. Martens**, "It will be looked at."

Mr. Martens thanked Mayor Eaton.

VII. PUBLIC HEARINGS

A. **Second Reading – Adoption of Ordinance No. 07-891 Amending Chapters 11.02 and 11.10 of the Montclair Municipal Code Defining and Prohibiting Medical Marijuana Dispensaries**

Mayor Eaton declared it the time and place set for 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 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 Ordinance No. 07-891, entitled "**An Ordinance of the City Council of the City of Montclair, California, Amending Section 11.02.010 of Chapter 11.02 and Adding Section 11.10.030 to Chapter 11.10 of the Montclair Municipal Code Defining and Prohibiting the Establishment of Medical Marijuana Dispensaries Within the City,**" 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. 07-891 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Paulitz requested that Item B-8 be removed from the Consent Calendar for comment.

Mayor Pro Tem/Vice Chairman Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

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:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency Corporation Meeting of March 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 meeting of March 5, 2007.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of March 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 March 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 February 28, 2007.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated March 19, 2007, totaling \$1,452,367.81, and the Payroll Documentations dated January 7, 2007, amounting to \$595,678.36, with \$394,012.68 being the total cash disbursement, and January 21, 2007, amounting to \$607,394.82, with \$429,582.48 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending February 28, 2007.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 2.01.07–2.28.07 in the amounts of \$241.85 for Project I; \$147.17 for Project II; \$851,288.76 for Project III; \$190,069.08 for Project IV; and \$30,214.35 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 February 28, 2007.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 2.01.07–2.28.07 in the amount of \$22,485.40.

7. Approval of Parcel Map No. 17142 to Subdivide a Property Located on the East Side of Monte Vista Avenue North of Phillips Boulevard

Authorizing Parcel Map No. 17142 to be Recorded with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Approved Parcel Map No. 17142 to subdivide a property located on the east side of Monte Vista Avenue north of Phillips Boulevard so that a single-family dwelling might be constructed on Parcel 2.
- (b) Authorized Parcel Map No. 17142 to be recorded with the Office of the San Bernardino County Recorder.

9. Approval of *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2007*

The City Council approved the *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2007*.

10. Approval of *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2007*

The Redevelopment Agency Board approved the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2007*.

11. Approval of *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2007*

The Montclair Housing Corporation Board approved the *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2007*.

C. Agreements

2. Award of Contract for the Signalization of the Arrow Highway and Police Department Facility Intersection Project to Oak Engineering, Inc., in the Amount of \$156,043

Approval of *Agreement No. 07-27* With Oak Engineering, Inc.

Authorization of a \$15,500 Construction Contingency

The City Council took the following actions related to the Signalization of Arrow Highway and Police Department Facility Intersection Project:

- (a) Awarded a contract to Oak Engineering in the amount of \$156,043.
- (b) Approved *Agreement No. 07-27* with Oak Engineering, Inc.
- (c) Authorized a \$15,500 construction contingency.

3. Redevelopment Agency Board of Directors' Approval of *Agreement No. 07-28* With Mr. R. Richard Fleener, Fleener Associates, for Planning Services

The Redevelopment Agency Board of Directors approved *Agreement No. 07-28* with Mr. R. Richard Fleener, Fleener Associates, for planning services.

4. Award of Contract for the Foundation Area 12 Alley Improvement Project to Roadway Engineering, Inc., in the Amount of \$230,632.20

Approval of *Agreement No. 07-29* With Roadway Engineering, Inc.

Authorization of a \$25,000 Construction Contingency

The City Council took the following actions related to the Foundation Area 12 Alley Improvement Project:

- (a) Awarded a contract to Roadway Engineering, Inc., in the amount of \$230,632.20.
- (b) Approved *Agreement No. 07-29* with Roadway Engineering, Inc.
- (c) Authorized a \$25,000 construction contingency.

D. Resolutions

1. Adoption of Resolution No. 07-2687 Authorizing Mayor Eaton to Sign the Right-of-Way Certification for the Ramona Avenue/Union Pacific Grade Separation Project

The City Council adopted Resolution No. 07-2685 authorizing Mayor Eaton to sign the right-of-way certification for the Ramona Avenue/Union Pacific Grade Separation Project.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

8. Acceptance of the Housing Improvement Task Force *Action Plan 2007* and Authorization for Staff to Pursue Recommendations Described Therein

Council Member Paulitz asked the City's Planning consultant, **Mr. R. Richard Fleener**, President, Fleener Associates, to review the Housing Improvement Task Force goals contained in the proposed action plan. He asked **Mr. Fleener**, "How's everything in Tennessee?"

Mr. Fleener answered, "When I left this morning, it was very good. Although it's good to be in Southern California again, too." He commented on the reawakening and surge of Task Force activity last year, the 20-year anniversary of the establishment of the Task Force. Advising that housing conditions cycle in 20-year intervals, he noted it has been almost twenty years since the first Foundation Area was established in Montclair as a means of ameliorating the deterioration of multifamily neighborhoods resulting from property neglect, changes in the socioeconomic levels of the residents, and burgeoning crime. He indicated the Task Force has begun to notice some deterioration occurring in the community related to ownership changeovers, the continuing changes in the social demographic, and an unfortunate increase in criminal activity, which reawakened the Task Force's innovative spirit to address these challenges. In an effort to strengthen future owners associations, he stated that one of the Task Force's most important recommendations in *Action Plan 2007* is the City Council/Redevelopment Agency Board's adoption of a

policy mandating that in exchange for receipt of any City/Redevelopment Agency-funded improvements, all future associations shall be required to retain a professional management company to manage the association's day-to-day operational duties as well as to conduct all Five-Star property inspections.

Council Member Paulitz asked **Mr. Fleener** to report on San Antonio Gateway.

Mr. Fleener noted when San Antonio Gateway, designated as Foundation Area 7 by the Task Force in mid-1992, was first identified as an area possessing great potential for revitalization of the southern Montclair multifamily neighborhoods, it consisted of disjointed landlocked vacant lots located north of Holt Boulevard, east of Mills Avenue. He advised that the area should improve significantly within the next few years with the completion of the Taylor Woodrow *Bellafina* single-family residential subdivision and Southern California Housing Development Corporation's 75-unit affordable family and 85-unit senior housing projects.

Council Member Paulitz thanked **Mr. Fleener** for the report. He commended the Task Force for "doing a great job" over the years and for presenting the subsequent year's goals in the *Action Plan* reports. He emphasized that the Task Force's accomplishments demonstrate that the Council clearly has the best interest of the community in mind with regard to housing. He noted the City's emphasis was on commercial development when he was first elected to the City Council and it was his opinion at that time that housing was being neglected. Since then, he noted the Redevelopment Agency, Task Force, and Code Enforcement have been proactive in implementing programs to improve the City's housing stock; and because of that, the community is in much better shape today than it was twenty years ago.

Mayor Pro Tem Dutrey inquired as follows:

- (a) Are any new Foundation Areas being targeted for the future?

Mr. Fleener advised that the Task Force has completed improvements or has projects underway in its 12 established Foundation Areas and will continue to evaluate neighborhoods as problems present themselves. He indicated that no additional areas are presently being studied regarding the possibility of establishing new Foundation Areas.

- (b) Will established Foundation Areas (such as Helena Gardens) be reevaluated as time goes by for any needed structural repairs or landscaping renovation?

Mr. Fleener replied that it is the Task Force's opinion and goal it would be unnecessary for the City itself to become reinvented in the property owners associations because they should be self-sufficient and self-reliant, particularly with new owners associations being required to retain professional management companies to oversee day-to-day operations.

As 2007 marks the Task Force's 21-year anniversary, Mayor Pro Tem Dutrey surmised that though the Task Force's permanence was uncertain at the time of its inception, in the long run it has proven to be essential in removing the blight and crime elements from multifamily neighborhoods and thus should remain in force and continue its important work in the community. He stated that he is "really happy with its accomplishments."

Council Member Paulitz recalled a time when dissolution of the Task Force was being considered and that he was opposed to the idea because "we still have a lot of work to do." For the record, he emphasized the importance of the Task Force continuing to monitor the City's residential neighborhoods "indefinitely" to maintain a healthy environment and stable community.

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried unanimously to accept the Housing Improvement Task Force *Action Plan 2007* and authorize staff to pursue recommendations described therein.

C. Agreements

1. **Approval of *Agreement No. 07-26 Amending Agreement No. 91-65* by and Between the City of Montclair, the City of Montclair Redevelopment Agency, and the San Bernardino Associated Governments for Improvements at the Montclair Transcenter**

Mayor Pro Tem Dutrey noted the proposed agreement with the San Bernardino Associated Governments (SANBAG) would provide for payment of the maintenance costs for the new pedestrian undercrossing and for security and landscaping services at the Montclair Transcenter for a two-year period. He inquired as follows:

- (a) What will be the funding source for these items at the end of that time?

City Manager McDougal replied that the items would be paid for out of the General Fund, noting the City currently pays approximately \$300,000 a year on Transcenter maintenance.

- (b) Is the City currently paying for security services?

City Manager McDougal answered, "Yes."

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously that the City Council approve *Agreement No. 07-26* amending *Agreement No. 91-65* by and between the City of Montclair, the City of Montclair Redevelopment Agency, and SANBAG for improvements at the Montclair Transcenter.

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at recent **SANBAG** and **Omni-trans** Board meetings.
- (b) He noted Council Member Ruh, City Manager McDougal, Fire Chief Tapia, and he attended the **National League of Cities 2007 Annual Congressional City Conference** last week and met with representatives of **U.S. Senators Boxer's** and **Feinstein's** offices and with **Representative Dreier** regarding obtaining funding for the Ramona Avenue grade separation project. He noted he was pleased to learn a few days later from **Mr. Jamie Jones, David Turch and Associates**, the City's federal legislative advocate, that **Representative Dreier's** office informed him they are actively working on securing funding for the project. He stated that he left Washington with a positive feeling of support for Montclair's needs.

- (c) He noted City Engineer Hudson and he attended an Inland Empire Landscaping Alliance Board meeting last Thursday at **Inland Empire Utilities Agency** headquarters. He stated that the **Alliance**, comprised of the cities of Montclair, Chino, Chino Hills, Upland, and Ontario and **IEUA**, is encouraging more use of reclaimed water and drought-resistant plants.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted he informed the **Montclair Little League** at its opening game on Saturday, March 10, 2007, at Saratoga Park that Mayor Eaton was unable to attend because he was in Washington, D.C., to request funding for City projects.
 - (b) He noted his attendance on March 9, 2007, at the **Southern California Association of Governments 10th Annual Regional Economic Forecast for Southern California** at the **Ontario Convention Center**, at which he learned from a presentation entitled "What is Middle Class?" that manufacturing industries, which represent the core of employment opportunities for the working class, are leaving the Inland Empire and being replaced by the goods movement, logistics, technology, science, and healthcare industries. He noted there are serious educational challenges in the region related to low high school graduation rates, a low transfer rate to higher education, and few vocational schools.
2. Council Member/Director Ruh commented as follows:
 - (a) He noted that all the Congressional representatives Mayor Eaton and he spoke to have a clear understanding of the strong need for grade separations throughout Southern California and are working at obtaining funding for them. He noted he also had an opportunity to meet with representatives of the **Federal Highway Administration** and that funding might be forthcoming from the agency. He noted the general consensus among the Congressional representatives is the unity among communities that are working together for the safety and integrity of the region as a whole. He concurred with Mayor Eaton that their trip was very productive.
 - (b) He cited an article in yesterday's newspaper regarding a massive pet food recall, noting he visited a number of

different stores in the last few days and learned that most had already recalled the affected "cuts and gravy" style food sold in aluminum cans and pouches or were in the process of doing so. He cautioned pet owners to check their food supply and return affected products to the retailer for exchange. He advised that he would make a contact telephone number for **Menu Foods** available at City Hall tomorrow for concerned pet owners to inquire further, or they could log on to the manufacturer's website at www.menufoods.com.

- (c) He noted this Wednesday is Literacy Night at the **Montclair Branch Library** from 5:00 to 7:00 p.m. and encouraged families to attend to read with their children and to do so at home, emphasizing that "literacy needs to be encouraged." He suggested reading programs be established at schools and libraries because "it is so important for our young people to be able to read so you can get those better paying jobs."
- (d) He encouraged the community to attend the **2007 State of the City – Building Roads For Our Future Address** on Wednesday, March 28, 2007, in the Montclair Community Center auditorium.
- (e) He asked City Clerk Jackson how long the signature scroll will be available to the public.

City Clerk Jackson advised that the scroll would be available after all public meetings until the City's time capsule dedication ceremony on April 24, 2007.

Council Member Ruh encouraged the public to sign the scroll with their memories of Montclair and wishes for the future. He noted his sister found a photograph of Palo Verde Street dated May 1959 "when it was still a dirt road."

- (f) He noted that while he was unable to attend the **SCAG** conference, he did obtain some information from a representative of the organization, notably that as the dynamic in California transitions from a manufacturing base to a more retail/entertainment base, the good-paying jobs will largely be unattainable to the under-educated. He concurred with Mayor Pro Tem Dutrey that "we do need to encourage our young people to go to college" or to attend vocational schools. He reiterated that cities in the Inland Empire need to be aware of the high cost of housing and do their share to provide attainable housing.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of February 15, 2007

The City Council received and filed the Public Works Department Committee meeting minutes of February 15, 2007, for informational purposes.

3. Minutes of Personnel Committee Meeting of March 5, 2007

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

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation on Graffiti Tracking System

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, April 2, 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 7:38 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