

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORA-
TION BOARDS HELD ON MONDAY, MAY 7, 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.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

Mayor Eaton asked that everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

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; Acting Director of Administrative Services Beltran; 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

V. PRESENTATIONS

A. Introduction of New Employees/Promotee

Mayor Eaton introduced **Ms. Nicole Greene**, who was appointed to the position of Environmental Manager effective April 16, 2007. He noted Environmental Manager Greene, who has her bachelor's degree in Environmental Science, previously worked as an intern with the **Inland Empire Utilities Agency** Planning and Organics Management Department, an Environmental Compliance Inspector for the **City of Riverside**, and most recently as Regulatory Consultant for **PCR Services Corporation**, an environmental consulting firm.

Mayor Eaton welcomed Environmental Manager Greene to the Montclair City family and presented her with a City pin.

Mayor Eaton introduced **Mr. Steven Valdivia**, who was appointed to the position of Junior Accountant effective April 16, 2007. He noted Junior Accountant Valdivia has previously worked for the City as a Racquetball Coordinator and part-time Account Clerk and most recently as Accounting Specialist/Cash Receipts for the Finance Division.

Mayor Eaton congratulated Junior Accountant Valdivia on his new appointment and presented him with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading – Adoption of Ordinance No. 07-890 Amending Section 9.20.390 of the Montclair Municipal Code Related to the Monthly Sewer Rate Per Equivalent Dwelling Unit

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 07-890 amending Section 9.20.390 of the Montclair Municipal Code related to the monthly sewer rate per equivalent dwelling unit (EDU) and invited comments from the audience.

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. 07-890, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 9.20.390 of the Montclair Municipal Code Related to Sewer Maintenance Fees,**" 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. 07-890 was unanimously adopted by the following vote:

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

B. Second Reading – Adoption of Ordinance No. 07-892 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 07-892 amending Section 9.20.460 of the Montclair Municipal Code related to the equivalent dwelling unit (EDU) value and invited comments from the audience.

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 Paulitz that Ordinance No. 07-892, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee,**" 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. 07-892 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem/Vice Chairman Dutrey requested that Item B-2 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

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

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of April 2, 2007.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of April 16, 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 April 16, 2007.

B. Administrative Reports

1. Setting a Public Hearing to Consider Adoption of Resolution No. 07-2690 Approving a General Plan Amendment to the Official Land-Use Map for Approximately 2.31 Acres at the Northwest Quadrant of Central Avenue and Phillips Boulevard, Modifying the Land-Use Designation From "Low-Density Residential" to "Neighborhood Commercial"

The City Council set a public hearing for Monday, June 4, 2007 at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 07-2690 approving a General Plan amendment to the Official Land-Use Map for approximately 2.31 acres at the northwest quadrant of Central Avenue and Phillips Boulevard, modifying the land-use designation from "Low-Density Residential" to "Neighborhood Commercial."

3. Authorization to Transfer \$20,000 From the Contingency Account for Emergency Response Apparatus Maintenance and Repairs

The City Council authorized the transfer of \$20,000 from the Contingency Account to Account No. 001-400-4535-5203 for emergency response apparatus maintenance and repairs.

4. Authorization to Purchase One Chevrolet 4500 Pickup Truck With Service Bed From Rotolo Chevrolet

The City Council authorized the purchase of one Chevrolet 4500 pickup truck with service bed capable of carrying up to 16,000 pounds from Rotolo Chevrolet.

5. "No Action" on Alcoholic Beverage Permit Application - Bombay Bistro

The City Council voted "No action" on the "On-Sale General" license application of Mr. Xavier Coelho, President, and Mr. Antonio Patrocino Vas, Secretary, XCAV Restaurant Group, Inc., for Bombay Bistro, 8851 Central Avenue, Suites E and F, Montclair, California.

6. "No Action" on Alcoholic Beverage Permit Application – Sushi Hut

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Jin Ma Parker and Keithrick La Marque Parker for the Sushi Hut, 9513 Central Avenue, Suites B and C, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated May 7, 2007, totaling \$2,493,053.43, and the Payroll Documentations dated March 4, 2007, amounting to \$605,025.32, with \$424,927.97 being the total cash disbursement, and March 18, 2007, amounting to \$589,179.16, with \$417,618.43 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 07-43 With AEI-CASC Engineering for \$80,000 for Continuation of Review of Water Quality Management Plans

The City Council approved *Agreement No. 07-43* with AEI-CASC Engineering for \$80,000 for continuation of review of Water Quality Management Plans.

2. Rescinding Agreement No. 07-08 With Municipal Engineering Resources for Default

Approval of Agreement No. 07-44, an Agreement for Consultant Services With LAE Associates to Provide California Department of Transportation Services for the Ramona Avenue/Union Pacific Railroad Grade Separation Project

The City Council took the following actions related to the Ramona Avenue/Union Pacific Railroad Grade Separation Project:

- (a) Rescinded *Agreement No. 07-08* with Municipal Engineering Resources for default.
- (b) Approved *Agreement No. 07-44*, an *Agreement for Consultant Services* with LAE Associates to provide California Department of Transportation local processing services.

3. Redevelopment Agency Board of Directors' Approval of Agreement No. 07-45, a Professional Services Agreement by and Between the City of Montclair Redevelopment Agency and Amies Communications to Provide Graphic and Design Services for the Creation of New Economic Development Marketing Materials

The Redevelopment Agency Board of Directors approved *Agreement No. 07-45, a Professional Services Agreement* by and between the City of Montclair Redevelopment Agency and Amies Communications to provide graphic and design services for the creation of new economic development marketing materials.

4. Approval of Agreement No. 07-46, a License Agreement by and Between the City of Montclair Redevelopment Agency and National Community Renaissance Regarding Temporary Use of 9916 Central Avenue for Property Management Services

The Redevelopment Agency Board of Directors approved *Agreement No. 07-46, a License Agreement* by and between the City of Montclair Redevelopment Agency and National Community Renaissance regarding temporary use of 9916 Central Avenue for property management services.

D. Resolutions

1. Adoption of Resolution No. 07-2689 Authorizing Submission of a Fiscal Year 2007-08 Used Oil Recycling Block Grant Application to the California Integrated Waste Management Board

Designation of Mayor Paul M. Eaton or His Designee as the Person Authorized to Execute All Necessary Documents for the Purpose of Securing Grant Funds

The City Council took the following actions:

- (a) Adopted Resolution No. 07-2689 authorizing submission of a Fiscal Year 2007-08 Used Oil Recycling Block Grant Application to the California Integrated Waste Management Board.
- (b) Designated Mayor Paul M. Eaton or his designee as the person authorized to execute all necessary documents for the purpose of securing grant funds.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

2. City Council's and Redevelopment Agency Board of Directors' Approval of the City of Montclair Capital Improvement Program for Fiscal Years 2008-2012

Mayor Pro Tem Dutrey asked when the next phase in the Mission Boulevard improvements (between Monte Vista Avenue and Central Avenue) is anticipated to begin.

City Engineer Hudson responded that the project, which would pick up just east of Monte Vista Avenue to Central Avenue but would include no improvements at Central Avenue, should be out to bid as early as late summer and under construction by the end of the year.

Mayor Pro Tem Dutrey noted future phases of the Mission Boulevard improvements (from west of Ramona Avenue to the west City limit and from Central Avenue east to the east City limit) are currently unfunded and that Measure I funds would finance the planning/design and construction of improvements from east of Pipeline Avenue to the west City limit in Fiscal Year 2009-10. He asked City Manager McDougal about potential funding sources for the last construction phase of the project.

City Manager McDougal advised that Director of Redevelopment/Public Works Staats and he met recently with Agency Special Counsel and the underwriter to discuss advance funding for the Mission Boulevard improvements. He stated that Counsel and the underwriter are studying the prospect, which could accelerate the remaining project schedule, and will report their findings to staff in the very near future.

Mayor Pro Tem Dutrey suggested funding for the balance of Mission Boulevard improvements be a topic of discussion at the Strategic Planning Workshop in June. He asked the status of the conceptual design plans for conversion of the existing Police Department into a youth center.

City Engineer Hudson indicated that a conceptual study was done for both expansion of the Community Center, including construction of outside-accessible restrooms for park activities, and for conversion of the Police Department into a youth center. He noted the conceptual design plan and preliminary development schedule was brought before the Council in December 2005, and the decision at that time was to wait until the new Police facility was completed to determine

funding availability before proceeding with further design of both projects. He advised that direction was given at the meeting regarding improving parking, noting the Public Works Committee has discussed the topic and has come up with a design for doubling the parking at Alma Hofman Park, with further consideration given to adding additional parking on the south side of the Community Center.

With the relative stability of construction costs for the new Police facility, Mayor Pro Tem Dutrey suggested a workshop be held to address the Community Center remodel and Police Department conversion to a youth center so direction can be given to staff on how to proceed.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously that the City Council and Redevelopment Agency Board of Directors approve the City of Montclair Capital Improvement Program for Fiscal Years 2008-2012.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director

1. With the cancellation of the May 21, 2007 regular joint meeting, City Manager/Executive Director McDougal announced that this would be the last public meeting for Fire Chief Dan Tapia who will be retiring on May 29, 2007.

Mayor Eaton congratulated Chief Tapia on his well-deserved retirement. He thanked Chief Tapia for his exemplary service to the City and the Montclair community.

Mayor Pro Tem Dutrey thanked Chief Tapia for his many years of dedicated service to the City. He noted that while Chief Tapia had an opportunity to retire about a year and a half ago, he decided to stay and assume the duties of Fire Chief at City Manager McDougal's request.

Council Member Ruh agreed that while it will be a well-deserved retirement for Chief Tapia, we will miss him and the work he has done for Montclair. He stated it is important to note that the City has been very fortunate in that our Fire Chiefs have all been from this area and had an understanding of the dynamics of the region. He emphasized that Chief Tapia is very well respected by our legislators **Senator**

McLeod, Assembly Member Soto, and former Senator Ayala. He suggested Chief Tapia's retirement be formally recognized at a meeting in June.

City Manager McDougal advised that a party for Chief Tapia is being scheduled in August.

Council Member Raft told Chief Tapia that he would certainly be missed and that he has done a great job for the City these many years. She stated, "I know you are leaving the Department in very capable hands. Good luck to you, and I wish you all the best."

Council Member Paulitz told Chief Tapia he very much appreciates all his work on the Code Enforcement Committee, noting he will miss discussing property improvement issues with him. He thanked Chief Tapia for his many years of service to the City.

Chief Tapia thanked Mayor Eaton, the Council, and City Manager McDougal. He stated it has been an honor to serve the City for well over twenty-nine years and though he may be retiring, a part of him will be here forever. He noted the following Confucius quotation certainly holds true for his career with the City of Montclair:

Choose a job you love, and you will never have to work a day in your life.

Chief Tapia concluded his remarks by stating that he will miss the rapport of his colleagues during their decision-making sessions to better serve the residents of Montclair.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance on Thursday, April 19, at the **Pomona Valley Habitat for Humanity** "Celebrating Partnerships Recognition Dinner" in appreciation of its municipal and community partners, advising that City Manager McDougal was honored for his leadership in organizing the first "City Managers' Build Day" of the **Habitat for Humanity** house built at the **L. A. County Fair** last year, which helped introduce the charitable organization to city officials throughout the area. He congratulated City Manager McDougal on being honored, stating his recognition was "well deserved."

- (b) He noted he was pleased to attend the Montclair Police Department Volunteer Appreciation Banquet last Friday to honor Volunteers in Policing, Reserve Police Officers, and Police Chaplains for going "above and beyond the call of duty for the amount of time they put in. We really appreciate the work that they have done."
- (c) He noted his attendance at recent **Omnitrans** and **San Bernardino Associated Governments** Board meetings.
- (d) He noted his attendance last Friday at a West End Mayors Luncheon at which transportation issues were addressed and **San Bernardino County District Attorney Michael A. Ramos** outlined ways to suppress street gangs that have disrupted the lives of residents and families and strategies to effectively curtail graffiti vandalism.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted he was very impressed with the appearance of the residences along Rudisill and El Morado Streets and Columbine and Rose Avenues during a walk this morning, adding that the homes in these neighborhoods are well maintained. He noted he only noticed two code violations, one involving the lack of a drive approach to a new driveway at a residence on Rose Avenue and the other of a vehicle inexplicably parked on gravel adjacent to a driveway. He commended Code Enforcement Division for its work with residents over the years to maintain their properties to code standards. He noted that when owners improve their properties, it has a synergistic effect on the rest of the neighborhood.
 - (b) He noted the City has been blessed with the absence for almost a year and a half of "rabble-rouser" speakers at these meetings who routinely addressed their personal or political agendas.
2. Council Member/Director Raft also noted her attendance at the Volunteer Appreciation Banquet, adding it was nice to see the volunteers recognized for all they do in the community.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He also noted his attendance at the "nicely done" Volunteer Appreciation Banquet held at the **Sycamore Inn**,

Rancho Cucamonga. He thanked Police Chief Thompson for his leadership in organizing the event.

- (b) He noted he and his father will be leaving next Wednesday for Europe to visit family in France and Spain and will return on June 2. He added that he is anticipating learning some French while on vacation.

4. Council Member/Director Ruh commented as follows:

- (a) He also noted his attendance at the Volunteer Appreciation Banquet. He stated it is important to note that the services provided by the volunteers are sincerely heartfelt and that these individuals donate their time to City programs because they truly care about this community. He expressed his appreciation of all City volunteers.
- (b) He congratulated *Inland Valley Daily Bulletin* Chief Executive Officer and publisher **Bob Balzer** on his new job of running the **California Polytechnic University, Pomona**, five- to seven-year capital campaign, which will formally begin in the fall of 2008. He noted **Mr. Balzer** was involved for many years on the **Chaffey College Foundation Board**. He wished him "*Citius, Altius, Fortius* (Latin for 'Swifter, Higher, Stronger') as you take on a great new challenge and a new chapter in your life."
- (c) He noted the recent time capsule dedication ceremony was very well attended and suggested that in addition to opening it in 50 years, it be opened in 25 years (in 2031) for the benefit of those of us who are still around and to add items from that period.
- (d) He sadly noted the recent passing of long-time Montclair resident **Ms. Elizabeth Folmer**, who served as the City's Mini School Coordinator for 48 years, retiring in June 2005 at the age of 81. He noted "**Miss Betty**" did a lot for this community and asked that tonight's meeting be adjourned in her memory.
- (e) He invited the public to attend the City's **Memorial Day 2007** flag-lowering ceremony on Monday, May 28, 2007, at 6:00 p.m. at the Civic Center Memorial Garden to conclude with the flag lowering in front of City Hall. He noted this year's ceremony would honor community military veterans who served our country during war or peacetime as well as **Montclair High School** graduate and former **U.S. Army Private First Class Alex Ocegeura** who was killed in action on October 31, 2006.

He encouraged residents to attend the event in "honor of those who have made a sacrifice for our country, those who continue to make a sacrifice for our country, and to celebrate the freedom that we have here in America."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of March 22, 2007

The City Council received and filed the Public Works Department Committee meeting minutes of March 22, 2007, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of April 16, 2007

The City Council received and filed the Code Enforcement Committee meeting minutes of April 16, 2007, for informational purposes.

3. Minutes of Personnel Committee Meeting of April 16, 2007

The City Council received and filed the Personnel Committee meeting minutes of April 16, 2007, for informational purposes.

Mayor Eaton announced the following:

- ✓ The regular joint meeting of May 21, 2007, has been canceled for lack of a quorum. The next regularly scheduled meeting will be held June 4, 2007.
- ✓ There is one vacancy on the Planning Commission for a four-year term to expire June 30, 2011. Applications are available at City Hall and will be accepted until 6:00 p.m. on Monday, May 21, 2007. The incumbent may reapply to serve another term.
- ✓ This evening's meeting will be adjourned in memory of **Ms. Elizabeth "Miss Betty" Folmer**, who passed away Sunday, April 29, 2007. **Miss Betty** worked for the City of Montclair for 48 years, much of that time as the Mini School Coordinator, and retired at the age of 81 years old.

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

At 7:29 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of long-time Montclair resident **Ms. Elizabeth**

"Miss Betty" Folmer who faithfully worked for the City of Montclair for 48 years.

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

Yvonne L. Smith, Transcribing Secretary