

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORA-
TION BOARDS HELD ON MONDAY, JULY 2, 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.

II. INVOCATION

Pastor Juan Campos, New Destiny Fellowship Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

Absent: City Manager/Executive Director McDougal (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Mr. Rusty Hoeck, 9763 Mills Avenue, Montclair, spoke in support of the Montclair Police Department and of his pride in the City of Montclair. He commented as follows:

1. He expressed his concern that motorists are speeding through the alleyway in the 9700 block of Mills Avenue, at times ignoring nearby stop signs and traffic signals.
2. He suggested an Ordinance be adopted banning refuse scavenging if one is not already in place.

Council Member Paulitz expressed his belief that the Ordinance regulating trash collection contains a provision that trash and recyclables placed at the curb for collection are the property of the City.

Director of Administrative Services Starr advised that the Montclair Municipal Code does contain a chapter addressing refuse collection and disposal, though court opinions have generally ruled that individuals have a right to sift through discarded matter once the refuse has been placed on the street for collection. He added that the City's Refuse Ordinance does limit scavenging of recyclable commodities because of the direct impact to the City in terms of refuse

rates, which are calculated by volume of recyclables processed through the Materials Recycling Facility. He advised that staff would review the Code to see if further restrictions or controls related to scavenging can be implemented.

3. He noted **Pomona Police Department** dispatch was unable to send an Officer to aid a gentleman who fell in the street last Saturday, claiming an Officer was unavailable.

B. Mr. Loren Martens, 4285 Benito Street, Montclair, commented as follows:

1. He noted he has observed scavengers looting recyclable commodities from the recycling containers before collection.
2. Noting he received an email featuring American pop songstress **Kate Smith** singing "God Bless America," he stated he would be happy to forward the email to anyone who provides him with an email address.
3. He wished the Council a "Happy **Fourth of July**."

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

With the concurrence of the Council, Mayor Eaton stated he would like to reappoint incumbent Planning Commissioner Tenice Johnson to the Montclair Planning Commission, with a four-year term to expire June 30, 2011.

Moved by Mayor Eaton, seconded by Council Member Ruh, and carried unanimously to reappoint incumbent Tenice Johnson to the Montclair Planning Commission, with a four-year term to expire June 30, 2011.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 18190 for an Industrial Condominium in the 4900 Block of Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18190 for an 18-lot industrial condominium associated with construction of six buildings on a 2.49-acre site on the north side of Mission Boulevard (in the 4900 block), approximately 250 feet east of Monte Vista Avenue 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 Paulitz to approve Tentative Tract Map No. 18190 for an industrial condominium in the 4900 block of Mission Boulevard.

Motion carried as follows:

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

B. Approval of Tentative Tract Map No. 18192 for an Industrial Condominium at the Northeast Corner of Mission Boulevard and Monte Vista Avenue

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18192 for an 18-lot industrial condominium associated with construction of

six buildings on a 2.64-acre site at the northeast corner of Mission Boulevard and Monte Vista Avenue 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.

Mayor Pro Tem Dutrey commented that he is pleased the proposed project is being planned in tandem with the project in the previous item, noting both projects indicate a strong interest in developing that area. He expressed his hope that the Redevelopment Agency is realizing a return on its investment in the joint project with the County of San Bernardino to improve the median along Mission Boulevard with this new development.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft to approve Tentative Tract Map No. 18192 for an industrial condominium at the northeast corner of Mission Boulevard and Monte Vista Avenue.

Motion carried as follows:

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

C. Approval of Tentative Tract Map No. 18681 for a Single-Lot Industrial Condominium at 8975 Vernon Avenue

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18681 for a single-lot industrial condominium associated with construction of a 20,489-square-foot building on a 1.27-acre site at 8975 Vernon Avenue 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.

Mayor Eaton asked for clarification of the term "airspace-only" ownership.

Acting Director of Community Development Lustro clarified that the term means that prospective buyers would only be acquiring the airspace within the confines of the individual condominium units themselves; the land itself would remain the property of the landowner.

Council Member Ruh inquired as to the procedure for the condominium owner to alter the exterior of the unit.

Acting Director of Community Development Lustro responded that the condominium owner would receive authorization from the property owner, who would apply to the City for a building permit.

Council Member Ruh thanked Acting Director of Community Development Lustro.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz to approve Tentative Tract Map No. 18681 for a single-lot industrial condominium at 8975 Vernon Avenue.

Motion carried as follows:

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

VIII. CONSENT CALENDAR

Council Member Ruh requested that Item B-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 to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of June 18, 2007

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of June 18, 2007.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of June 18, 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 June 18, 2007.

B. Administrative Reports

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 2, 2007, totaling \$1,492,567.16 and the Payroll Documentation dated May 13, 2007, amounting to \$601,478.98, with \$425,481.29 being the total cash disbursement.

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of Agreement No. 07-66, the First Amendment to Agreement No. 04-17, a Lease Agreement by and Between the City of Montclair Redevelopment Agency and Montclair Town Center, LLC, a Delaware Limited Liability Corporation, on Behalf of the Montclair Chamber of Commerce for a Suite Located at 5220 Benito Street

The Redevelopment Agency Board approved *Agreement No. 07-66, the First Amendment to Agreement No. 04-17, a Lease Agreement* by and between the City of Montclair Redevelopment Agency and Montclair Town Center, LLC, a Delaware Limited Liability Corporation, on behalf of the Montclair Chamber of Commerce for a suite located at 5220 Benito Street.

2. Redevelopment Agency Board of Directors' Approval of Approval of Agreement No. 07-68, the First Amendment to 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

The Redevelopment Agency Board approved *Agreement No. 07-68*, the *First Amendment to 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.

D. Resolutions

1. Redevelopment Agency Board of Directors' Adoption of Resolution No. 07-05, a Resolution of the City of Montclair Redevelopment Agency Authorizing the Assistant Director of Redevelopment to Represent the Redevelopment Agency in Matters Related to the Helena Gardens Owners Association

The Redevelopment Agency Board of Directors adopted Resolution No. 07-05, a Resolution of the City of Montclair Redevelopment Agency authorizing appointment of Assistant Director of Redevelopment Christine Caldwell as the Agency's representative and Redevelopment and Housing Associate Cecilia Leonard to serve as alternate in all matters related to the Helena Gardens Owners Association.

2. Adoption of Resolution No. 07-2701 Authorizing Submission of a Fiscal Year 2007-08 Funding Request Form for Beverage Container Recycling and Litter Cleanup to the Department of Conservation, Division of Recycling

The City Council adopted Resolution No. 07-2701 authorizing submission of a Fiscal Year 2007-08 Funding Request form for beverage container recycling and litter cleanup to the Department of Conservation, Division of Recycling.

3. Adoption of Resolution No. 07-2703 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 07-2703 authorizing placement of liens for delinquent sewer and trash charges on the 191 accounts listed on Exhibit A to Resolution No. 07-2703.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Authorization to Purchase Four 2007 Ford Crown Victoria Police Interception Sedans From Clippinger Ford

Council Member Ruh asked if Clippinger Ford offers the same vehicle refurbishing services as the dealership from which the Chevrolet Caprices were purchased.

Police Chief Thompson replied that the service was provided by Bates Automotive in Upland and that he is not aware that the company offers the same service for Ford vehicles.

Moved by Council Member Ruh and seconded by Council Member Raft to purchase four 2007 Ford Crown Victoria Police Interceptors from Clippinger Ford.*

Mayor Eaton inquired as follows;

- (a) Would the new vehicles be fully equipped at this price?

Chief Thompson responded that the vehicles would be outsourced for installation of emergency equipment.

- (b) Would the same vendor provide the service?

Chief Thompson answered, "Yes."

*Motion carried as follows:

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

X. RESPONSE

A. Sober Living Home at 10052 Ramona Avenue

Based on staff's finding that the sober living home/rooming house to be located at 10052 Ramona Avenue is not required to be licensed by the state, Mayor Pro Tem Dutrey suggested staff be directed to develop an Ordinance (similar to the City of Ontario's) to update and clarify language in the Montclair Municipal Code related to various types of community care facilities licensed by the state and to also address unlicensed facilities, such as sober living homes, to similarly require owners of such facilities to obtain a planning permit and business license. He asked Acting Director of Community Development Lustro if a planning permit is similar to a Conditional Use Permit.

Acting Director of Community Development Lustro replied that a planning permit requires the applicant to submit a residence floor plan and site plan and notify the City of any felon parolees residing in the premises, thereby allowing staff to review and monitor the facility.

Mayor Pro Tem Dutrey asked if sober living homes are typically occupied by ex-convicts meeting their probation requirements.

Acting Director of Community Development Lustro concurred, adding that ex-convicts and parolees are required to reside in such facilities for a specified period of time to meet their probation/parole requirements.

Mayor Pro Tem Dutrey noted the importance of communities providing sober living environments for recovering addicts that are for safety reasons regulated and closely monitored by the City.

Council Member Ruh concurred, emphasizing the importance of the City's being sensitive to the needs of these individuals who are only complying with their probation requirements as they reenter and begin to contribute back to society. He noted his experience in caring for his teenage foster child.

Council Member Paulitz spoke in favor of codifying expanded definitions of boarding, lodging, and rooming houses as the City of Ontario has done. He expressed the need for the City to do so in order to monitor and regulate these uses in the City. He noted visiting a senior group home on Fremont Avenue, which he found to be very clean and well kept.

Director of Administrative Services Starr advised that the City's Business License Ordinance does address rooming houses, though

it is revenue raising only and does not regulate the use. He reiterated that the planning permit would allow the City to define such uses and require submittal of a residence floor plan and site plan and notification of any felon parolees residing in the premises. Beyond that, the state has preempted local control from any regulations on rooming houses housing ten or fewer occupants, he added, stating that "we will work within the law to the extent that we can in developing an Ordinance that addresses your concerns; but we are limited in what we can address."

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh to direct staff to prepare an Ordinance to expand on the definitions of boarding, lodging, and rooming houses and update and clarify language in the Montclair Municipal Code related to various types of community care facilities licensed by the state and to also address unlicensed facilities, such as sober living homes, to similarly require owners of such facilities to obtain a planning permit and business license.*

Mayor Eaton asked **Mr. Martens** if he has a question on this item.

Mr. Martens replied that his question has been answered.

*Motion carried as follows:

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

XI. COMMUNICATIONS

A. **City Attorney/Agency Counsel** - No comments

B. **Acting City Manager/Executive Director** - No comments

C. **Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

(a) He noted his attendance at **San Bernardino Associated Governments, Metrolink, and Alameda Corridor-East** Construction Authority meetings.

(b) He noted he was pleased to participate in the June 23 **C.A.U.T.I.O.N.** cleanup at the 10300 block of Pradera Avenue and the alley behind **Kingsley Plaza**. He noted Mayor Pro Tem Dutrey assisted with painting addresses on curbs fronting apartment buildings and that there was a good turnout of residents to assist in the cleanup of their neighborhood. He expressed his appreciation to Fire Chief Ament of the Code Enforcement Unit's and on-duty fire suppression personnel's work on this important program.

(c) He emphasized that "fireworks are illegal in the City of Montclair" and that there will be a strong Police presence in the community on the **Fourth of July**.

D. **City Council/Agency Board**

1. Council Member/Director Paulitz noted private vehicles displaying "for sale" signs have been parked along Mission Boulevard and that the legality of doing so has been questioned at various committee meetings. He asked City Attorney Robbins if a court decision has been rendered

allowing private vehicles displaying for sale signs to be parked on public streets.

City Attorney Robbins replied that she would look into the matter.

2. Council Member/Director Raft wished everyone a happy and safe **Fourth of July** holiday, cautioning everyone that fire-works can be dangerous.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted his brief participation at the recent **C.A.U.T.I.O.N.** cleanup.
 - (b) He noted he and Council Member Ruh participated in the opening ceremony for the **American Cancer Society's 4th Annual Relay for Life Montclair** event at **Serrano Middle School** just before the **C.A.U.T.I.O.N.** cleanup on June 23.
 - (c) He suggested the owner of the monument wireless telecommunications facility at Spirit of Freedom Plaza be notified to maintain the facility.

Director of Administrative Services Starr advised that the owner of the facility is in the process of repainting the City logo on the facility.

- (d) In wishing everyone a happy **Fourth of July**, he noted it was awe inspiring to observe the American flag flying at **Los Angeles International Airport** upon his return from Europe. He emphasized that our nation's flag is a symbol of the peace and freedoms that we all enjoy in this great country. He advised that an important destination for him during his next trip to Europe will be a visit to the **Normandy American Cemetery**, at which a portion of the American casualties from the **Battle of Normandy** is buried.
3. Council Member/Director Ruh commented as follows:
 - (a) He advised the public of a scam occurring in Southern California. He noted he received two telephone calls from unscrupulous contractors claiming he scheduled certain home improvements that he never ordered. When advised of this, the contractors indicated that payment of a default \$25 fee would be required to cancel the job, he added. He noted a number of individuals have told him of their similar experiences and advised everyone to not fall prey to such nuisance threats by just hanging up should they receive such calls.
 - (b) He noted he was fortunate along with Mayor Eaton, Council Member Paulitz, and City Manager McDougal to attend the **Montclair Chamber of Commerce Installation of Officers and Directors Awards & Recognition Luncheon** last Tuesday. He congratulated **Mr. Jeff Fuller** on being elected the new **Chamber** President and stated, "I know he'll do a good job."
 - (c) He noted his attendance at the recent **Soroptimist International of Montclair/Inland Valley** installation ceremony and stated newly elected President Connie Roberts "will do a wonderful job." He noted the

organization does "a tremendous amount of work right here in this community and is to be commended for it."

- (d) He noted his attendance at the **Relay for Life** event on the morning of June 23, adding that he returned that evening after deciding that, though the pizza provided by the Police Department was a good choice, he would bring participants his homemade lasagna "in appreciation for the good job they are doing."
- (e) He noted **Representative David Dreier** would have a staff assistant available on Tuesday, July 24, from 9:00 a.m. to 12:00 p.m. in the City Council Chambers to assist residents of the 26th Congressional District with federal issues.
- (f) He sadly expressed his condolences to the families of the **First Presbyterian Church of Upland** youth leader and three teens who tragically were killed on June 23 when a truck collided with their van as they were returning from a week of missionary work in Bishop. He noted one of the youths was **Upland High School** student **Nick Libutti**, son of **San Bernardino County Superior Court Judge Michael Libutti**, a former **Upland City Council Member**. He stated that the decedents and seven others who were injured in the accident are in his thoughts and prayers.
- (g) He wished everyone a "wonderful **Fourth of July**" and advised against illegal fireworks activities. Instead, he encouraged residents to attend one of several public fireworks celebrations in Southern California and in our region. He cautioned that "it is illegal to have fireworks here in Montclair, and you will be cited."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 18, 2007

The City Council received and filed the Personnel Committee meeting minutes of June 18, 2007, for informational purposes.

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

At 7:35 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