

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, MAY 5, 2008, 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 cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

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, Raft, and Ruh; City Manager/Executive Director McDougal; Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Employee

Police Chief Thompson introduced **Mr. Jeffrey Tysl**, who was appointed to the position of Police Officer effective April 14, 2008. He noted Officer Tysl began his employment with the Montclair Police Department as a Police Cadet in December 2006; and after successfully completing all phases of testing for Police Officer Trainee, he entered the **Los Angeles County Sheriff's Academy** on December 3, 2007. Chief Thompson stated that he was proud to pin Officer Tysl's badge on him at his graduation from the **Academy**

on April 11, 2008. Officer Tysl currently attends **Mt. San Antonio College**, he added, and is majoring in criminal justice.

Chief Thompson congratulated Officer Tysl on his new appointment, and Mayor Eaton presented him with a City pin.

VI. PUBLIC COMMENT

- A. **Mr. Jon S. Holmes**, 1632 West Arrow Highway, Upland, announced that **Our Lady of Lourdes Knights of Columbus Council No. 7412** (in collaboration with the **Montclair Kiwanis, California Highway Patrol, American Medical Response**, and Montclair Police and Fire Departments) will conduct a *Bicycle and Safety Fair for Kids* on Saturday, May 17, 2008, from 9:00 a.m. to 2:00 p.m. at **Our Lady of Lourdes Catholic Church**, 10191 Central Avenue. He invited the Council, staff, and public to attend.

Mayor Eaton thanked **Mr. Holmes** for the invitation and told him that all available Council Members would attend.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

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. **Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of April 21, 2008**

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of April 21, 2008.

B. Administrative Reports

1. **Setting a Public Hearing to Consider Resolution No. 08-02, a Resolution of the City of Montclair Redevelopment Agency Approving *Agreement No. 08-32, a Disposition and Development Agreement by and Between the City of Montclair Redevelopment Agency and Montclair Senior Housing Partners, L.P.* (National Community Renaissance of California) Concerning the Property Located at 10355 Mills Avenue**

Setting a Public Hearing to Consider Resolution No. 08-2730, a Resolution of the City of Montclair Consenting to Approval of *Agreement No. 08-32, a Disposition and Development Agreement by and Between the City of Montclair Redevelopment Agency and Montclair Senior Housing Partners, L.P.* (National Community Renaissance of California) Concerning the Property Located at 10355 Mills Avenue

The Redevelopment Agency set a public hearing for Monday, June 2, 2008, at 7:00 p.m. in the City Council Chambers as the date, time, and place for a public hearing to consider adoption of Resolution No. 08-02 approving *Agreement No. 08-32, a Disposition and Development Agreement by and between the City of Montclair Redevelopment Agency and Montclair Senior Housing Partners, L.P.* (National Community Renaissance of California) concerning property located at 10355 Mills Avenue.

The City Council set a public hearing for Monday, June 2, 2008, at 7:00 p.m. in the City Council Chambers as the date, time, and place for a public hearing to consider adoption of Resolution No. 08-02 consenting to approval of *Agreement No. 08-32, a Disposition and Development Agreement by and between the City of Montclair Redevelopment Agency and Montclair Senior Housing Partners, L.P.* (National Community Renaissance) concerning the property located at 10355 Mills Avenue.

2. Setting a Public Hearing to Consider Ordinance No. 08-902 Establishing Fees for State Franchise Video Service Providers

The City Council set a public hearing for Monday, June 2, 2008, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 08-902 establishing fees for state franchise video service providers.

3. Setting a Public Hearing to Consider Ordinance No. 08-903 Amending Section 9.20.440, *Et Seq.*, of the Montclair Municipal Code Related to Exhibit J of the *Regional Sewage Service Contract* as Amended March 2, 2005, by the Inland Empire Utilities Agency

The City Council set a public hearing for Monday, June 2, 2008, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 08-903 amending Section 9.20.440, *et seq.*, of the Montclair Municipal Code related to Exhibit J of the *Regional Sewage Service Contract* as amended March 2, 2005, by the Inland Empire Utilities Agency.

4. Receive and File Status Report on Emergency Contracting Procedures Related to Certain Park Repairs at Kingsley and Saratoga Parks and Determine There Is a Need to Continue the Action

The City Council took the following actions related to the Musco lighting system and security system at Kingsley Park and certain other repairs at Saratoga Park:

- (a) Received and filed the status report.
- (b) Determined there is a need to continue repairs/improvements at the parks.

5. Declaring Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared the unclaimed property in Police custody listed on the attachment to the agenda report on this item as surplus and available for auction.

6. Declaring One Vehicle and Three Pieces of Equipment as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair

The City Council declared the following Public Works vehicle and equipment as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair:

<i>Year and Model</i>	<i>Serial/Vehicle Identification Number</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
1993 Chevrolet HD 3500 service truck	1GBKC34N3PJ110072	72,433	\$2,500
1979 Ingram 4- to 6-ton Roller	495858FA23	N/A	\$1,300
1978 Vermeer T300B trencher/root cutter	203	N/A	\$ 850
1978 Vermeer trailer	1URD181C581003049	N/A	\$ 250

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 5, 2008, totaling \$878,323.15 and the Payroll

Documentation dated March 2, 2008, amounting to \$637,040.70, with \$421,497.01 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 08-16 With WLC Architects, Inc., for the Architectural and Engineering Design of the Montclair Senior Center

The City Council approved *Agreement No. 08-16* with WLC Architects, Inc., for the architectural and engineering design of the Montclair Senior Center.

2. Approval of Agreement No. 08-28-I-82, an Irrevocable Annexation Agreement With Mr. Roberto Alarcon for 4287 Grand Avenue

The City Council approved *Agreement No. 08-28-I-82*, an *Irrevocable Annexation Agreement* with Mr. Roberto Alarcon for emergency connection of his single-family residence at 4287 Grand Avenue.

3. Approval of Agreement No. 08-30-I-83, an Irrevocable Annexation Agreement With Mr. Gerardo Ortiz for 5352 Howard Street

The City Council approved *Agreement No. 08-30-I-83*, an *Irrevocable Annexation Agreement* with Mr. Gerardo Ortiz for emergency connection of his single-family residence at 5352 Howard Street.

4. Approval of Agreement No. 08-31 With Government Finance Officers Association for Strategic Plan Implementation Advisory Services

The City Council approved *Agreement No. 07-31* with Government Finance Officers Association for strategic plan implementation advisory services.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE

A. Unpermitted and/or Illegal Additions and Structures in Residential Areas

City Manager McDougal summarized a memorandum given to the Council earlier that reported there are, based on his recent

informal survey, approximately three or four hundred structures in the City with issues similar to **Mr. Rodriguez's** patio addition. He suggested Code Enforcement and Planning staff conduct a citywide survey to ascertain the scope of unapprovable or illegal structures or additions in residential zones; and he would report staff's findings, recommendations, and solutions to the Council. In the meantime, he advised that Code Enforcement has been directed to suspend any further actions against **Mr. Rodriguez** regarding his patio addition until the issue has been resolved.

City Manager McDougal further noted a new issue has been discovered at the **Rodriguez** property that he will address with them once the survey has been completed.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54957 of the Government Code

Public Employee Performance Evaluation

City Manager/Executive Director McDougal

Moved by Mayor/Chairman Eaton, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, June 2, 2008, at 5:00 p.m. in the City Hall Conference Room, 5111 Benito Street, Montclair, California.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal noted he is pleased to report that the City received final approval last Thursday from the **California Department of Transportation** and **the Federal Highway Administration** that we may now advertise for construction bids for the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

City Engineer Hudson reported the project would be advertised on May 12, 2008, and the contract awarded on June 2, 2008. He noted construction is slated to commence the beginning of August 2008.

Mayor Eaton and Council Member Paulitz stated that they are both very happy that the project will soon be underway.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at a recent **Metrolink** Board meeting.
 - (b) He noted he enjoyed attending the Human Services Division's 27th annual Volunteer Recognition Dinner last Tuesday and asked that Director of Community Development Lustro relay his praise to Human Services Division staff for the excellent event. He reported that during the past year, over 270 volunteers contributed more than 65,000 hours to a variety of Human Services Division programs, adding that the cost for these services would have been more than \$500,000 calculated at minimum wage. He stated, "Our volunteers have done a wonderful job," and thanked them all.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted he has been asked why the work on Orchard Street has been suspended and when it would proceed across Central Avenue.

City Engineer Hudson reported that the reclaimed water line installation project began a few months ago and was suspended by the City at the intersection of San Bernardino Street and Benson Avenue when the **Inland Empire Utilities Agency** contractor attempted to cross the intersection without an adequate traffic-control plan. He advised that the work was allowed to proceed on the other side of the intersection, south on Vernon Avenue to Orchard Street, and across Orchard Street to Central Avenue, at which time the City again suspended the project for lack of an adequate traffic-control plan. Staff worked out a suitable traffic-control plan with the contractor last Thursday, and today the work was scheduled to commence westerly across Orchard Street toward the intersection. He advised that traffic would be severely reduced to one lane in each direction on both Orchard Street and Central Avenue and that work hours will be limited to between 8:30 a.m. and 3:30 p.m. in an effort to avoid peak traffic movements on Central Avenue, adding that left-turn movements during certain phases would also be suspended for all directions. He noted it is anticipated that work might commence at the intersection as early as tomorrow

(more than likely Wednesday) and will take at least a week to complete.

Council Member Paulitz asked if traffic would be detoured onto Poulsen Avenue.

City Engineer Hudson replied that keeping one lane open in each direction will avoid the need for traffic detours. He noted advisory signs would be posted suggesting those traveling east/west should use Monte Vista Avenue or Benson Avenue and those traveling north/south should use San Bernardino Street or Holt Boulevard.

Council Member Paulitz thanked City Engineer Hudson.

Mayor Eaton noted the pavement patches over the newly installed pipeline are, in a word, "terrible." He asked if those areas could be smoothed out.

City Engineer Hudson noted the contractor was advised that once the pipeline crossed Central Avenue, Orchard Street would need to at least be based in before proceeding any farther west. He noted the cold-mix asphalt tends to move quite a bit when traffic hits it and requires a lot of maintenance to remain drivable. He added that pavement would soon be laid in that area.

Mayor Eaton thanked City Engineer Hudson for the information.

- (b) He noted Council Member Ruh's and his attendance last Wednesday at the **Montclair Chamber of Commerce's** Business Leadership Seminar at **John's Incredible Pizza** at which keynote speaker **San Bernardino County Fourth District Supervisor Gary Ovitt** addressed the subjects of airline passenger service, rail transportation requirements, environmental pollution, **Proposition 90**, and public safety.
- (c) He noted he thoroughly enjoyed the 1950s sock hop-themed Volunteer Recognition Dinner last Tuesday, which was titled the catchy, "Montclair Volunteers Rock." He expressed his appreciation of staff for all the work involved in organizing this fun-filled event.

2. Council Member/Director Raft commented as follows:

- (a) She also noted she thoroughly enjoyed attending, along with 150 guests, the Volunteer Recognition Dinner last Tuesday. She stated that Human Services Division did a terrific job of organizing the event and thanked Director

of Community Development Lustro, Assistant Director of Human Services Richter (who made her entrance into the auditorium sitting sidesaddle on a motorcycle!), and staff for all their hard work.

Council Member Raft encouraged residents interested in "doing something worthwhile" with a group of fun-loving individuals to contribute to their community through volunteer service. She noted she enjoyed working in the Senior Citizen Nutrition Program over the past year. She added that despite the numbers reported by Mayor Eaton earlier, the City could always use more volunteers; and she encouraged all those interested to either sign up as a volunteer or join in some of the fun activities that Montclair has to offer.

- (b) She noted she would be speaking to staff about increasing the number of evening and weekend senior activities once the new senior and youth centers are completed. She expressed her hope that she would be able to volunteer at evening activities.

3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

- (a) He thanked the **Rodriguez** family for providing him with the photographs and maps of their property. He asked City Manager McDougal when the citywide residential survey would be completed.

City Manager McDougal replied that the survey should be completed by the end of July 2008.

Noting he is somewhat confused as to why the **Rodriguez's** patio addition is considered to be located in the rear-yard setback, Mayor Pro Tem Dutrey suggested the Code Enforcement Committee be allowed to first review this matter.

- (b) He thanked the Human Services Division for its "spectacular" Volunteer Recognition Dinner last Tuesday.
- (c) He inquired as to when the East End Avenue grade separation project would be completed.

City Engineer Hudson advised that he has not been closely following that project but that he would check the schedule and let Mayor Pro Tem Dutrey know.

Mayor Pro Tem Dutrey expressed his opinion that the project appears to be nearing completion, which would

reopen that thoroughfare to traffic while Ramona Avenue is closed below Mission Boulevard during the Ramona Avenue/Union Pacific Railroad Grade Separation Project.

- (d) Noting he has a Rialto City Council meeting to attend the evening of June 3, 2008, that would conflict with the workshop proposed to be scheduled on that date, he suggested the workshop instead be held at 12:00 p.m.
- (e) He congratulated his good friend and mentor Council Member Paulitz for serving 30 consecutive years on the Montclair City Council. He advised that Council Member Paulitz has dedicated a total of 45 years to the City of Montclair including 15 years of service on the Planning Commission. He emphasized that Council Member Paulitz has provided great leadership to the Montclair community.

Council Member Paulitz thanked Mayor Pro Tem Dutrey for the recognition.

4. Council Member/Director Ruh commented as follows:

- (a) He noted he had planned to attend the Volunteer Recognition Dinner last Tuesday but was unable to because of a work-related conflict. He expressed his appreciation of staff for organizing the event for our volunteers who are so important to the community.
- (b) Noting his attendance at the **Chamber's** Business Leadership Seminar, he advised that **Supervisor Ovitt** reported on several county projects. He spoke of the importance of increasing dialog with all levels of government.
- (c) He spoke in support of the commencement of the Ramona Avenue/Union Pacific Railroad Grade Separation Project and all Alameda Corridor-East projects in the Inland Empire/San Gabriel valley to improve traffic movement across the **Union Pacific Railroad** tracks.
- (d) He cited a recent article in the ***Inland Valley Daily Bulletin*** that reported the San Bernardino/Riverside area ranked No. 2 nationwide in the first quarter of this year in housing foreclosure filings pursuant to a report published by the Irvine-based real estate data company **RealtyTrac**. He stated that if the current trend continues, the Inland Empire would be ranked No. 1 by the end of the year.

- (e) He noted **Chapman University** economist **Esmael Adibi** is quoted in a related *Riverside Press-Enterprise* article as stating that "housing prices need to return to their 'historic' balance with incomes." Council Member Ruh advised that the current housing slump and credit crunch comes as no surprise to him, noting he continues to assert that housing should be gauged and priced to the incomes of the entry-level working populace. He expressed his opinion that Inland Empire officials need to determine where the future is headed and analyze the economic situation as it exists today. He emphasized the need for more affordable housing in the region and that the solution for the Inland Empire is to provide the jobs we will need for the future, such as tile setters, sheet metal workers, carpenters, plumbers and pipe fitters, jet engine and diesel engine mechanics, avionics and logistics, and health care field positions (registered and licensed vocational nurses and radiology and pharmacy technicians).

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of December 20, 2007

The City Council received and filed the Personnel Committee meeting minutes of December 20, 2007, for informational purposes.

2. Minutes of Public Works Committee Meeting of March 20, 2008

The City Council received and filed the Personnel Committee meeting minutes of March 20, 2008, for informational purposes.

3. Minutes of Code Enforcement Committee Meeting of April 21, 2008

The City Council received and filed the Code Enforcement Committee meeting minutes of April 21, 2008, for informational purposes.

4. Minutes of Personnel Committee Meeting of April 21, 2008

The City Council received and filed the Personnel Committee meeting minutes of April 21, 2008, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Strategic Planning Session

It was the consensus of the City Council to take no action on this item.

XIII. 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 to Monday, June 2, 2008, at 5:00 p.m. in the City Hall Conference Room.

At 7:35 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