

MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, SEPTEMBER 21, 2009, 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 Ruh 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 Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Mr. Alan Katherman, 9856 Helena Avenue, Montclair, noted he has resided on Helena Avenue for five years. He read a statement addressing the following issues:

1. Dangerous/illegal traffic maneuverings and loitering occurring in the vicinity of **Montclair High School (MHS)** near his home, particularly the double parking, vehicles blocking driveways, and hazardous U-turns made at the intersection of Helena Avenue and Berkeley Street before and after school.

Mr. Katherman noted he has complained to **MHS** Principal **Michael Hook** about the loitering and vandalism at his

residence. He suggested the simple solution of posting **MHS** security staff or Police Officers at the school during the subject time periods, individuals whose "presence alone would be a deterrent to this kind of irresponsible behavior."

2. Large number of junk food vendors conducting business near **MHS** during the subject time periods, an activity that, in addition to ruining students' health, contributes to discarded trash on **Mr. Katherman's** and his neighbors properties.

Mayor Eaton advised **Mr. Katherman** that staff would follow up on his concerns.

Mr. Katherman stated that he sent the City emails including photographs earlier today and gave the Council copies.

City Manager McDougal advised that he received **Mr. Katherman's** email and has addressed the issues with Director of Redevelopment/Public Works Staats and Police Chief Jones. He stated that the matter would be presented to the Code Enforcement Committee at its next meeting for recommendations to the City Council. Emphasizing that the City is enforcing a "zero tolerance" policy about the moving traffic violations, loitering, and vandalism, he stated that **Mr. Katherman** would be receiving correspondence from the City.

- B. **Mr. Sahaj Ananda, Nithyananda Vedic Temple**, 9720 Central Avenue, Montclair, requested the City's permission to temporarily increase the facility's occupancy from 325 to 684 during the esteemed **Swami Paramahansa Nithyananda's** visit this weekend and next month. He stated that the temple's surface parking of 114 spaces allows for a maximum building occupancy of 684 based on zoning requirements. He advised that he is presently working with Planning staff to amend the temple's conditions of approval to allow for the maximum allowable occupancy, which would be presented to the Planning Commission at its next meeting.

Director of Community Development Lustru concurred that **Vedic Temple** representatives have been working closely with Planning staff to amend its Conditional Use Permit to increase occupancy of the facility based on its maximum number of parking spaces. Staff is tentatively supportive after preliminary review of **Vedic Temple's** request but will not be able to process the request in time for the **Swami's** first visit this weekend; however, a City Council authorization to Building Division for a temporary increase in occupancy would suffice in the interim until the Planning Commission could consider the matter.

It was the consensus of the City Council that Building Division give authorization to **Vedic Temple** for a temporary increase in occupancy to a maximum of 684.

Mayor Pro Tem Dutrey expressed his concern about the impact of doubling the temple's occupancy on residents and the dealerships located to the west of the site. He spoke in support of the Planning Commission's careful consideration of **Vedic Temple's** request for a CUP amendment.

Mayor Eaton stated, "Well, let's work them on this event and get it worked out."

Mr. Ananda thanked Mayor Eaton and the Council.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item C-2 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 Adjourned Joint Council/Agency Corporation Meeting of September 8, 2009

The City Council and Redevelopment Agency Board approved the minutes of the Regular Joint City Council/Redevelopment Agency Board meeting of September 8, 2009.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 8, 2009

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 September 8, 2009.

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 August 31, 2009.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 8, 2009, totaling \$1,919,218.95 and the Payroll Documentation dated July 5, 2009, amounting to \$638,287.84, with \$465,573.60 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 August 31, 2009.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 8.01.09–8.31.09 in the amounts of \$6,269.39 for Project I; \$284.37 for Project II; \$1,064,080.31 for Project III; \$141,537.06 for Project IV; \$263,762.46 for Project V, and \$116,392.82 for the Mission Boulevard Joint Redevelopment Project.

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 August 31, 2009.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 8.01.09–8.31.09 in the amount of \$184,295.81.

7. Authorization to Advertise for Bid Proposals for the Central Avenue and Palo Verde Street Traffic Signal Improvement Project

The City Council authorized staff to advertise for bid proposals for the Central Avenue and Palo Verde Street Traffic Signal Improvement Project.

8. "No Action" on Alcoholic Beverage Permit Application – Joe's Sushi

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Mi Kyoung Jeong for Joe's Sushi, 5668 Holt Boulevard Montclair, California.

C. Agreements

1. **Approval of *Agreement No. 09-82* With San Bernardino County to Receive Approximately \$7,225 in Nonmatching Funds From the Emergency Management Performance Grant Program**

The City Council approved *Agreement No. 09-82* with San Bernardino County to receive approximately \$7,225 in nonmatching funds from the Emergency Management Performance Grant Program.

D. Resolutions

1. **Adoption of Resolution No. 09-2815 Authorizing Mayor Paul M. Eaton to Sign *Agreement No. 09-90*, Program Supplement No. N004 to *Administering Agency-State Agreement No. 08-5326R***

The City Council adopted Resolution No. 09-2815 authorizing Mayor Paul M. Eaton to sign *Agreement No. 09-90*, Program Supplement No. N004 to *Administering Agency-State Agreement No. 08-5326R*.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. **Approval of *Agreement No. 09-89* With RBF Consulting to Update the City's General Plan Housing Element**

Mayor Pro Tem Dutrey spoke in support of this item. He asked if staff is considering a General Plan update, which should be done every ten years.

Director of Community Development Lustro replied that the General Plan Maintenance Account currently contains funding sufficient for a General Plan Housing Element update to comply with the current Regional Housing Needs Assessment as well as numerous statutory requirements implemented since the last update to the Housing Element nine years ago. He expressed his hope to update the entire General Plan as soon as fiscally possible.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously that the City Council approve *Agreement No. 09-89* with RBF Consulting to update the City's General Plan Housing Element.

X. RESPONSE – None

XI. COMMUNICATIONS

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

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

C. **Mayor/Chairman** - No comments

D. **City Council/Agency Board**

1. Council Member/Director Paulitz asked if construction has begun on the Senior Center.

City Manager McDougal answered, "Yes."

2. Council Member/Director Raft expressed her condolences to Council Member Paulitz in the recent passing of **Connie** and wished him the best.

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

- (a) He also gave his condolences to Council Member Paulitz and told him, "We are here for you anytime you need us."

- (b) He congratulated Acting Police Chief Keith Jones for his official appointment as Montclair Chief of Police.

- (c) He noted *Por La Vida* celebrated its Tenth Anniversary last week. Although he was unable to attend the festivities, he recognized the many differences this important organization has made in the community.

- (d) He noted Mayor Eaton and he were honored to attend an open house for **San Bernardino County Fourth District Supervisor Ovitt** last Wednesday at his Chino Hills District Office. He stated that **Supervisor Ovitt** has done an excellent job representing Montclair in regional and County matters.

- (e) He noted Mayor Eaton, Council Member Ruh, and his attendance at Montclair Community Day at the **2009 Los Angeles County Fair**. He noted the following three community heroes were honored: **Mr. Keith Robinson** for his work as a Montclair Basketball League volunteer coach for the past 20 years, **Mr. Jose Dominguez** for completely renovating his apartment building in Montclair to provide a clean, safe, and affordable environment for less fortunate families, and

Mr. Timothy Nguyen, a student volunteer for the past two summers at the **Montclair Branch Library**.

- (f) He asked staff to report on the Helena Avenue traffic issue at a later date.
4. Council Member/Director Ruh commented as follows:
- (a) He expressed his condolences to the **Paulitz** family. He noted he was unable to attend the memorial because of a previous commitment but that he left a card expressing his thoughts and prayers at the **Paulitz** home on September 5.
 - (b) He recognized the Montclair Police Officers Association (MPOA) for conducting the recent **Tip-a-Cop** fundraiser at **Buca di Beppo Italian Restaurant** in Claremont that raised \$2,000 for the **Special Olympics**. He noted the **Special Olympics** is a wonderful program that is very "near and dear" to California First Lady **Maria Shriver**, whose mother, **Eunice Kennedy Shriver**, was instrumental in shifting the focus of the **Joseph P. Kennedy Jr. Foundation** to research on the causes of mental retardation and humane ways to treat it, culminating in, among other things, the **Special Olympics** movement. He commended MPOA for its efforts to raise funds for this worthwhile program.
 - (c) He noted a resident contacted him suggesting Ramona Avenue south of Kingsley Street could be better lit at night and asked that staff look into the matter.
 - (d) He also noted his attendance at Montclair Community Day at the Fair and recognized Montclair's Community Heroes. He thanked local officials, the Council, and representatives from the offices of **Supervisor Ovitt** and **Assembly Member Torres**, expressing his appreciation for their attendance to recognize contributing Montclair residents.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of September 8, 2009

The City Council received and filed the Personnel Committee meeting minutes of September 8, 2009, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation of Proposed Fire Department Reorganization

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, October 5, 2009, at 5:45 p.m. in the City Council Chambers.

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

At 7:17 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