

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, APRIL 19, 2010, 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 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, Director of Community Development/Agency Planner Lustro, City/Agency Engineer Hudson, City Attorney/Agency Counsel Robbins, City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Presentation of 2010 Volunteer of the Year Awards

Mayor Eaton stated that tonight, in honor of Volunteer Appreciation Week, the City has a special presentation to recognize certain individuals who have given selflessly of their time to help those in need. He introduced Community Action Committee Chair Hollis Judkins

Noting the City is very fortunate for the many caring volunteers who quietly give of their time and resources to make Montclair a closer, more caring, compassionate community, CAC Chair Judkins stated that the CAC wants our volunteers to know how proud and grateful we are of their dedication to Montclair. She invited the following **Volunteers of Distinction** to come forward to receive a plaque from Mayor Eaton and *Certificates of Recognition* from **Mr. David Olivas** representing **U.S. Representative David Dreier**, **Mr. Rufino Bautista** representing **Senator Gloria Negrete McLeod**, **Mr. Brian Johsz** representing **San Bernardino County Fourth District Supervisor and Chairman Gary Ovitt**, and CAC Member Pat Wooton on behalf of **Assembly Member Norma Torres**:

Montclair-Ontario Junior Women's Club nominee **Ms. Angelic Bird** has actively served as a dedicated member of the club for five years in the capacities of Secretary, Vice President, and currently as President. She has worked in the areas of club publicity and public relations and designed the new club brochure. She is also involved in many club programs, such as the annual Easter

Egg Hunt, Community Health Fair, and the **Darlene Edwards Memorial Scholarship** for middle and high school students. In addition to her club activities, she volunteers at her church, Montclair's **2010 America Cancer Society Relay for Life** campaign, and **Pomona Valley Habitat for Humanity**.

Montclair Senior Citizen Nutrition Program nominee **Ms. Martha Gamble** faithfully greets and registers lunch participants each Tuesday, providing everyone with a colorful placemat that she decorates herself to their delight. She sells tickets for future birthday parties, and she can be counted on to assist where needed, such as at the annual Family Fun Festival and additional Nutrition Program days, in wrapping door prizes, and for providing "get well" cards for the sick—all with her wonderful sense of humor and a tender heart. For fun, she enjoys playing Bunco with other seniors in weekly games.

Soroptimist International of Montclair/Inland Valley nominee **Ms. Denise Smith Carrington** has served as a Board Member and currently serves as President of the organization. She is active in educating members on issues affecting women and **Soroptimist's** work to improve the lives of women and girls locally and globally; organized a clothing drive for at-risk women desiring to return to work and a food drive for the homeless, and is always willing to donate her time, financial support, or other resources to support club projects. In addition to her demanding job for a nonprofit, she regularly participates in a youth "read in" at local libraries to promote literacy, recently completed five years of service representing Montclair on the **Commission for the Status of Women, San Bernardino County**, is Secretary of a local **Toastmaster's**, and has served as a Board Member for **Neighborhood Partnership Housing Services**.

El Camino Elementary School nominee **Ms. Marsha Torres** serves as President of the **Parent Teacher Student Organization (PTSO)**. She can be found most days volunteering at the school, spending countless hours organizing fundraising events and encouraging other parents to become more involved in their children's activities. In addition, this volunteer serves as mediator, translator, and valuable link between the school's **PTSO** Board, staff, parents, and students.

Mayor Eaton extended the sincerest gratitude of the Council and residents to each **Volunteer of Distinction**. He presented the following **2010 Volunteer of the Year** awards

First Runner-Up Montclair *Por La Vida* Program nominee **Ms. Cleta Flores** completed this health, nutrition, and parenting skill-promotion program for community Hispanic women three years ago after two members of her family were diagnosed with diabetes. She began teaching three diabetes awareness classes at **El Camino Elementary School**, and, notably, her classes have more than doubled the attendance of program classes. In addition, this volunteer is active at the school, serving on a parent team that created a student folkloric group, and is a member of the **Parent Teacher Association**, School Site Council, and the **Ontario-Montclair School District** English Learner Advisory Council. A registered nurse in Mexico, she is studying to become a registered nurse in this country to expand her dedication to helping others.

Health Education Specialist Leticia Gavilanes accepted **Ms. Flores's** plaque and *Certificates* in her absence.

First Place.

Mr. Lou Ventura has been an active and committed member of **Montclair Meals on Wheels** for the past three years. At least three days a week, this dedicated volunteer distributes meals to drivers and uses his own vehicle to deliver up to 20 lunches daily to program participants. He is often the only person recipients see regularly; and he willingly spends time with them to lend a sympathetic ear, chat, and provide assistance to locate community resources. If the program is short a volunteer, he willingly makes himself available, averaging approximately 28 hours of service a month for a total of over 900 hours of service.

In addition, he has been a member of the **Retired Senior Volunteer Program, West Valley Advisory Council**, attending monthly meetings and helping with other programs, such as recruiting volunteers for community events.

On behalf of the Council, Mayor Eaton sincerely thanked and congratulated all of the City's volunteers who make Montclair a better place to live and work. He also thanked the CAC for coordinating tonight's presentation

Mayor Eaton stated that award recipients would now gather in the West Lobby for a small reception.

VI. PUBLIC COMMENT

Mayor/Chairman Eaton reminded those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation Boards that they would be afforded five minutes each to speak on subjects that do not appear on tonight's agenda. He added that no decisions would be made on any topics discussed

- A. **Mr. Vinod B. Kapoor**, 3660 Startouch Drive, Pasadena, identified himself as the owner of **EZ Lube** in Montclair. Noting he was not properly notified of **Montclair I MGP Partners LLC's** development proposal, a project that would border the east property line of his business, he strongly objected to the City's granting the company a variance to allow less than the minimum interior side-yard setbacks. He asserted that the variance would restrict future development on his property, negatively affecting his neighbors' and his property values.

Mr. Kapoor suggested the proposed project would set a precedent for multifamily developments in the North Montclair Downtown Specific Plan site and asked that the Council deny **Montclair I MGP Partners LLC's** variance and preserve the standard minimum interior side-yard setbacks.

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

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Council Member/Director Paulitz requested that Item B-7 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of February 16, 2010

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of February 16, 2010

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of March 1, 2010

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 March 1, 2010

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 March 31, 2010

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated April 19, 2010, totaling \$1,184,356.07 and the Payroll Documentation dated February 28, 2010, amounting to \$597,680.53, with \$450,638.86 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 March 31, 2010.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 3.01.10-3.31.10 in the amounts of \$2,408.72 for Project I, \$803.58 for Project II, \$29,029.17 for Project III, \$21,187.94 for Project IV; \$70,143.79 for Project V; and \$986.89 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 March 31, 2010.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 3.01.10-3.31.10 in the amount of \$52,498.27.

8. Setting a Public Hearing to Consider Ordinance No. 10-914 Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System

The City Council set a public hearing for Monday, May 3, 2010, at 7:00 p.m. in the City Council Chambers to consider

Ordinance No. 10-914 authorizing an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System.

9. Declaration of Certain City Property as Surplus and Available for Auction

The City Council declared the City property contained in the attachment to this agenda report as surplus and available for auction.

10. Review of Status Report on Emergency Contracting Procedures Related to Damaged Floor in Community Center Gymnasium to Determine If There is a Need to Continue the Action

The City Council reviewed a status report on emergency contracting procedures related to the damaged floor in the Community Center gymnasium, received and filed the report, and determined there is a need to continue the action

11. Quitclaiming All Rights and Interests to Property Located South of Palo Verde Street and West of the San Antonio Channel to Monte Vista Water District

The City Council quitclaimed all rights and interests to property located south of Palo Verde Street and west of the San Antonio Channel to the Monte Vista Water District.

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 10-40 Through 10-42, Rehabilitation Grant Agreements by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants

The Redevelopment Agency Board approved *Agreement Nos. 10-40 through 10-42, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the three Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item

D. Resolutions

1. Adoption of Resolution No. 10-2836 Giving Notice of Intention to Approve an Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System

The City Council adopted Resolution No 10-2836 giving notice of the intention to approve an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System.

2. Adoption of Resolution No. 10-2838 Adjusting the Equivalent Dwelling Unit Monthly Fee for Sewer Service

The City Council adopted Resolution No 10-2832 adjusting the equivalent dwelling unit monthly fee for sewer service.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

7. Setting a Public Hearing to Consider Resolution No. 10-2837 Approving the Following:

Tentative Tract Map No. 18213 Resubdividing a 15.1-Acre Site Into 13 Numbered Lots and 14 Lettered Lots for Condominium Purposes

Precise Plan of Design for a 385-Unit Residential Development Within the North Montclair Downtown Specific Plan

Variances for Interior Side-Yard Setbacks and Building Height

In response to an earlier comment, Council Member Paulitz advised that the proposed development would have unified ownership. He inquired as follows

- (a) Would the 13 numbered lots proposed in the resubdividing of the 15 1-acre site contain all 385 units?

Director of Community Development Lustro answered, "That is correct. The numbered lots would be groups of buildings, and the lettered lots would comprise common areas and streets.

- (b) Why are variances to allow less than the minimum interior side-yard setbacks and building height being proposed?

Director of Community Development Lustro responded as follows

- (1) He advised that the building height variance would address a geographic constraint on the property and a topographic change from Arrow Highway south to the remainder of the site for one building.
- (2) He noted the two other variances are for interior side-yard setbacks on the west side of the site (adjoining **Mr. Kapoor's** property) and the east side of the site to address an encroaching subdivision perimeter wall.

Moved by Council Member Paulitz and seconded by Council Member Ruh that the City Council set a public hearing for Monday, May 3, 2010, at 7:00 p.m in the City Council Chambers to consider Resolution No 10-2837 approving the following.*

- (a) Tentative Tract Map No. 18213 resubdividing a 15 1-acre site into 13 numbered lots and 14 lettered lots for condominium purposes.
- (b) Precise Plan of Design for a 385-unit residential development within the North Montclair Downtown Specific Plan
- (c) Variances for interior side-yard setbacks and building height.

Council Member Raft inquired as to the purpose of the interior side-yard setback variance proposed for the west side of the site.

Director of Community Development Lustro clarified that the applicant would like to fit two free-standing garage buildings within the context of the larger site plan. Moving the garages off the property line would require some significant changes to the site plan in that area, he added

Council Member Raft asked for clarification on the three building configurations.

Director of Community Development Lustro explained that each three-story building would contain multiple units.

Mayor Pro Tem Dutrey apologized for not returning **Mr. Kapoor's** telephone call and thanked him for attending the meeting. He inquired as to **Mr. Kapoor's** concern regarding the proposed location of the two garage buildings.

Mr. Kapoor noted he is upset he was not notified or given due diligence about the proposed project and that the variance to allow less than the minimum interior side-yard setbacks on the west side of the site would restrict future development on his property, negatively affecting his neighbors' and his property values.

Mayor Pro Tem Dutrey thanked **Mr. Kapoor** for his comments.

*Motion carried unanimously as follows

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

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel**

1. **Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation**

Michael Harden v City of Montclair

City Attorney Robbins requested a Closed Session pursuant to Government Code Section 54956.9(a) regarding the above pending litigation matter

B. **Acting City Manager/Executive Director**

1 Acting City Manager Starr commented as follows

(a) He congratulated all of the City's volunteers who work so conscientiously to help those in need.

(b) He noted City Clerk Jackson's absence this evening and advised that she would likely be gone the rest of the week because, sadly, her father has passed away

Mayor Eaton noted he was very sorry to hear that City Clerk Jackson has lost her beloved father

C. **Mayor/Chairman**

1. **Announcement of Two (2) Vacancies on the Planning Commission**

Mayor Eaton announced the Montclair Planning Commission has two vacancies having four-year terms that will expire on June 30, 2014

2. **Announcement of Three (3) Vacancies on the Community Action Committee**

Mayor Eaton announced the Community Action Committee has three vacancies having four-year terms that will expire on June 30, 2014

Mayor Eaton advised those interested in applying to serve on either body that the incumbents are eligible to reapply. He stated that applications for these vacancies would be available at City Hall beginning Monday, April 26, 2010, and will be accepted until 5:30 p.m. on Thursday, May 27, 2010.

3. Mayor Eaton noted Mayor Pro Tem Dutrey and he were well entertained at the *21st Annual Golden Follies Talent Showcase* on Saturday, which drew a large turnout.

D. City Council/Agency Board

1. Council Member/Director Raft thanked all City volunteers for their many hours of dedicated service to the community, stating, "We really truly appreciate them."

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows.

- (a) He told Deputy City Clerk Smith, "It's nice to see you, Yvonne."

- (b) He asked if staff has met with the owner of **Bombay Bistro** concerning possible violations to the Conditional Use Permit (CUP) during an incident two months ago.

Director of Community Development Lustro replied that staff has met with the owner on two occasions and corresponded via email. He advised that the owner's consultant would be resubmitting an amendment to the restaurant's CUP, which staff believes will effectively address the incident and strengthen the conditions in the CUP to address the restaurant's overall operations, *i.e.*, service of alcoholic beverages and entertainment. He advised that the consultant is preparing an updated floor plan for the restaurant, which staff just received last week.

Mayor Pro Tem Dutrey expressed his hope that the revised CUP would ban future concerts at the restaurant.

Director of Community Development Lustro stated, "I think the owner has learned her lesson."

Mayor Pro Tem Dutrey thanked Director of Community Development Lustro for "taking care of that."

- (c) He thanked Redevelopment Agency, Information Technology Division, and Public Works Department employees for the hard work involved in the production of the "impressive" *State of the City 2010* address last Wednesday. He noted his wife very much enjoyed attending the event.

- (d) He recognized Human Services Division staff for its efforts to organize and facilitate the *Golden Follies* talent show.

3. Council Member/Director Ruh commented as follows

- (a) He noted a professional commitment prevented him from attending the *Golden Follies* talent show. He expressed his understanding that it went very well and that some participants told him how pleased they were with the event. He echoed all the sentiments on the excellent production of the event by Human Services Division staff.

- (b) He noted his attendance at **Assembly Member Torres's Capital in Your** forum on Saturday, April 10, 2010, at the **Ganesha Park Community Center**, Pomona. He noted representatives of the **Monte Vista Water District, Ontario-Montclair School District, Chaffey Joint Union High School District, and Chaffey Community College District** contributed to a discussion of regional issues.
- (c) He echoed the sentiments on how enjoyable the *State of the City 2010* address was this year
- (d) He welcomed Deputy City Clerk Smith back from a five-month medical absence. He told her there are many, many positive thoughts going in her direction, stating, "We are glad to see you here!"

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of April 5, 2010

The City Council received and filed the Personnel Committee meeting minutes of April 5, 2010, for informational purposes.

2. Minutes of Real Estate Committee Meeting of April 6, 2010

Mayor Pro Tem Dutrey asked that the following correction be made to Section VIII, "Adjournment"

At ~~8:40~~7.40 a.m , Mayor Eaton adjourned the Real Estate Committee.

It was the consensus of the City Council to receive and file the Real Estate Committee meeting minutes of April 6, 2010, as amended, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP AND DEMONSTRATION TOUR

**A. Merlone Geier Partners/GLJ Partners
Montclair Multifamily Residential Project
"The Paseos"
Product Workshop and Demonstration Tour**

Council Member/Director Paulitz asked if the tour would take place before the workshop presentation

Mayor/Chairman Eaton told Council Member/Director Paulitz the tour would follow the presentation.

Acting City Manager/Executive Director Starr advised that the presentation would take approximately 45 minutes, followed by the bus tour.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to continue this item to an adjourned joint meeting on Saturday, May 1, 2010, at 8 30 a.m. in the City Council Chambers.

XIII. ADJOURNMENT OF REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7 45 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Saturday, May 1, 2010, at 8.30 a.m. in the City Council Chambers.

At 7 45 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7 45 p m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956 9(a).

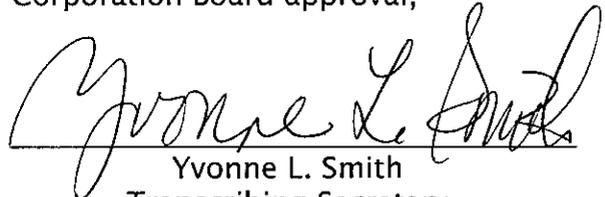
XIV. CLOSED SESSION ANNOUNCEMENTS

At 7 55 p.m., the City Council returned from Closed Session Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 7 56 p.m , Mayor Eaton adjourned the City Council to Saturday, May 1, 2010, at 8.30 a.m. in the City Council Chambers.

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


Yvonne L. Smith
Transcribing Secretary