

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND REDEVEL-  
OPMENT AGENCY AND MONTCLAIR HOUSING  
CORPORATION BOARDS HELD ON TUESDAY,  
SEPTEMBER 20, 2010, AT 6:59 P.M. IN THE CITY  
COUNCIL CHAMBERS, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA

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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 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 Employees

Director of Redevelopment/Public Works Staats introduced Economic Development Coordinator Miguel Garcia, who was appointed to his new position effective August 23, 2010. She noted Economic Development Coordinator Garcia earned a Bachelor of Arts degree in English with honors from **Georgetown University**, after which he pursued a number of public service opportunities, notably with ***Amigos de los Rios***, a San Gabriel Valley nonprofit organization dedicated to creating sustainable communities in Southern California through park planning and implementation. She added that he previously served as a Resource Analyst in the Human Services Division and co-facilitator of the Montclair

Community Collaborative and successfully managed a wide range of grant projects.

Mayor Eaton congratulated Economic Development Coordinator Garcia on his new appointment and presented him with a City pin.

## VI. PUBLIC COMMENT

A. **Mr. Christopher Agrella**, 11064 Wesley Avenue, Montclair, commented as follows:

1. He noted he spoke to City Engineer Hudson regarding more visible signage for the intersections of Grand Avenue/Pipeline Avenue and Phillips Boulevard/Pipeline Avenue.
2. He suggested adding two handicapped parking spaces close to City Hall in the north parking lot to accommodate persons with disabilities.

Council Member Paulitz asked if the City has provided adequate signage for the subject intersections.

City Engineer Hudson advised that stop signs are available in 24-, 36-, and 48-inch sizes and that the City typically uses 36-inch signs. He stated that some options include replacing existing signage with 48-inch signs and adding reflectorized tape and flashers, which would require an additional expense for electrical or solar power.

City Engineer Hudson advised that there are six handicapped spaces in the north lot, three more than required based on the size of the lot, so the City is far in excess of code requirements.

City Manager Starr noted that though he understands **Mr. Agrella's** concern, the handicapped spaces need to be evenly distributed throughout the lot to accommodate persons with disabilities frequenting all Civic Center facilities.

Council Member Paulitz spoke in support of replacing the stop signs at the subject intersections with 48-inch signs to increase traffic safety.

B. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's District Office**, 822 North Euclid Avenue, Suite A, Ontario, advised that **Assembly Member Torres** has joined with **Western University of Health Science** in a free Health Screening & Resource Fair on Saturday, September 25, 2010, from 10:00 a.m. to 2:00 p.m. at the **Western University Health Education Center**, 701 East Second Street, Pomona. She noted free blood pressure, dental, foot, glucose, physical therapy, and visions screenings

would be provided along with a small number of flu vaccinations for \$10 and free rabies vaccinations for pets. She added that information on asthma, breast cancer and colorectal cancer awareness, emergency preparedness, heartburn awareness, medication therapy review and Medicare Part D Outreach for Seniors would also be offered. She stated that the health fair is a good opportunity for those who are unable to afford basic health screenings.

## **VII. PUBLIC HEARINGS**

### **A. Plan Amendment for Fiscal Year 2010-11 Community Development Block Grant Projects**

Mayor Eaton declared it the time and place set for public hearing to consider a Plan Amendment for Fiscal Year 2010-11 Community Development Block Grant projects 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 inquired concerning the Mills Avenue Rehabilitation Project as follows:

1. Will only the east side of the street be renovated?

City Engineer Hudson advised that the City's western boundary is at the west curb line, so the entire street between Orchard Street and the Union Pacific Railroad tracks is included in the project.

2. When is the project anticipated to begin?

City Engineer Hudson answered, "We'd like to see construction start sometime next spring."

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously to approve the Plan Amendment for Fiscal Year 2010-11 Community Development Block Grant projects.

### **B. First Reading – Ordinance No. 10-916 Amending Chapters 11.02, 11.18, and 11.38 and Adding Chapter 11.19 to the Montclair Municipal Code Related to Accessory Structures in Single-Family Residential Zones**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-916 amending Chapters 11.02, 11.18, and 11.38 and adding Chapter 11.19 to the Montclair Municipal Code related to accessory structures in single-family residential zones and invited comments from the public.

**Mr. Tom Harich**, 11377 Buckskin Avenue, Montclair, thanked staff for assisting him on his project for new auxiliary buildings at his residence and the City Council and Planning Commission for considering amendments to the Montclair Municipal Code to accommodate new structures on his property.

There being no one else in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Raft asked why the "unsightly" accessory structures that "do not appear to have been designed to be compatible with the home or neighborhood" referenced in the agenda report were approved by the City in the first place during the timeline indicated of "over the past 15 to 20 years," which was not that long ago, relatively speaking.

City Manager Starr clarified that as indicated in the report, there were no design standards during that time period for compatibility within individual neighborhoods, there was somewhat of an ad hoc development throughout the community related to the approval process, and many of the structures were built without permits. He noted existing structures would be grandfathered in as legal nonconforming uses should proposed Ordinance No. 10-916 be adopted.

Council Member Ruh added that some of the structures were located in County areas that have since been annexed to the City.

Mayor Pro Tem Dutrey noted the Second Dwelling Unit Ordinance requires property owners to record deed restrictions regulating the second unit and suggested similar requirements be included in proposed Ordinance No. 10-916 because of the possibility of the structures later being converted to dwelling units.

Director of Community Development Lustro advised that staff could include language prohibiting use of accessory structures as dwelling units unless all development standards are met and approval received for conversion.

Mayor Pro Tem Dutrey asked if doing so would require another first reading of the proposed Ordinance.

City Attorney Robbins advised that it depends on if the modification significantly changes the Ordinance, suggesting that another first reading should be done out of an abundance of caution. She noted the proposed Ordinance contains language requiring that no accessory buildings or structures are to be used as dwellings unless permitted as such without the suggested deed restriction requirement.

Mayor Pro Tem Dutrey suggested that with the concurrence of Council they move forward with the first reading of Ordinance No. 10-916 and direct staff to present the deed restriction language at the next meeting.

City Attorney Robbins noted the suggested revision would need to be addressed in a future item.

Director of Community Development Lustro advised that Section 11.19.030(G) addresses the issue of requiring a permit for conversion of an accessory structure to a dwelling unit. He stated that an amendment to further regulate accessory structures could be done at some future time.

Council Member Ruh noted it is important to consider the reasons for property owners desiring to add accessory units to their properties and to carefully consider further restrictions.

Council Member Paulitz pointed out that the language of Section 11.19.030(G) seems to confuse the issue of accessory structures versus second dwelling units.

Director of Community Development Lustro clarified that the intent is to prohibit use of an accessory building as a second dwelling unit *unless* permitted for conversion pursuant to Montclair Municipal Code Section 11.23.

Council Member Paulitz engaged Director of Community Development Lustro in a discussion related to allowable maximum height of accessory structures of one story or 15 feet and recreational vehicle structures of up to 20 feet in height or to the minimum height necessary to accommodate the vehicle and to be compatible with the main residence.

Mayor Pro Tem Dutrey spoke in support of proposed Ordinance No. 10-916 as written, though adding deed restrictions would guarantee that accessory structures would remain as such should a property be sold because the restrictions would be included on a property's title report.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 10-916, entitled "**An Ordinance of the**

**City Council of the City of Montclair Amending Chapters 11.02, 11.18, and 11.38 and Adding Chapter 11.19 to the Montclair Municipal Code related to Accessory Structures in Single-Family Residential Zones,"** be read by number and title only, further reading be waived, and this be declared its first reading; further, that staff return an item related to covenant or deed restriction language at the next meeting.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 10-916 was unanimously adopted by the following vote:

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

**C. First Reading – Ordinance No. 10-917 Adding Chapter 6.26 to Title 6 of the Montclair Municipal Code Related to the Splash Pad at Alma Hofman Park**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-917 adding Chapter 6.26 to Title 6 of the Montclair Municipal Code related to the Splash Pad at Alma Hofman Park 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 if the City has signed off on the project.

City Manager Starr answered, "No," advising that the water feature continues to experience a mechanical problem with its pump variable frequency drive. Noting the Splash Pad season for operation has ended, he advised that the vendor will continue working to fix the problem.

Mayor Pro Tem Dutrey inquired as follows:

1. Is there an estimated completion date for the project?

City Manager Starr advised that staff is giving the vendor time enough to address the mechanical problems.

2. Will the official rules and regulations be in both English and Spanish?

City Manager Starr answered, "Yes."

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 10-917, entitled "**An Ordinance of the City Council of the City of Montclair Adding Chapter 6.26 to Title 6 of the Montclair Municipal Code Related to the Splash Pad at Alma Hofman Park,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 10-917 was unanimously adopted by the following vote:

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

## **VIII. CONSENT CALENDAR**

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented:

### **A. Approval of Minutes**

#### **1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 7, 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 September 7, 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 August 31, 2010.

#### **2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated September 20, 2010, totaling \$1,490,520.63 and the Payroll Documentation dated July 18, 2010, amounting to \$593,508.97, with \$430,948.10 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, 2010.

**4. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 8.01.10-8.31.10 in the amounts of \$3,977.12 for Project I; \$192.01 for Project II; \$3,370,454.53 for Project III; \$21,682.75 for Project IV; \$61,744.81 for Project V, and \$3,857,243.71 for the Mission Boulevard Joint Redevelopment Agency 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, 2010.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 8.01.10-8.31.10 in the amount of \$51,792.48.

**7. Authorization to Advertise for Bid Proposals for the Montera Elementary School Soccer Field Netting Project**

The City Council authorization staff to advertise for bid proposals for the Montera Elementary School Soccer Field Netting Project.

**8. "No Action" on Alcoholic Beverage Permit Application - Central Avenue Market**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Shailesh Shah, President, SAI ASA Inc., for Central Avenue Market, 10132 Central Avenue, Montclair, California.

**C. Agreements**

**1. Approval of *Agreement No. 10-108* With the California Department of Education to Provide Summer After-School Programs**

The City Council approved *Agreement No. 10-108* with the California Department of Education to provide summer after-school programs.

**2. Approval of Agreement No. 10-109 With the Hope Through Housing Foundation to Continue the After-School Program at the San Antonio Vista Apartments**

The City Council approved *Agreement No. 10-109* with the Hope through Housing Foundation to continue the After-School Program at the San Antonio Vista Apartments Community Center.

**D. Resolutions**

**1. Adoption of Resolution No. 10-2860 Accepting and Approving Functional Classification Changes for Select Streets From Collector Streets to Local Streets on the Federal Classification Maps**

The City Council adopted Resolution No. 10-2860 accepting and approving functional classification changes for the following streets from collector streets to local streets on the Federal Classification Maps:

Fremont Avenue-Phillips Boulevard to Mission Boulevard  
Fremont Avenue-Kingsley Street to Benito Street  
Helena Avenue-San Bernardino Street to Palo Verde Street  
Vernon Avenue-Holt Boulevard to San Bernardino Street

**IX. PULLED CONSENT CALENDAR ITEMS - None**

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. Deputy City Attorney/Agency Counsel**

**1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator**

*Agency: City of Montclair*

*Employee Organizations: Management  
Montclair Fire Fighters Association  
Montclair Police Officers Association  
San Bernardino Public Employees Association*

City Robbins requested a Closed Session pursuant to Government Code Section 54957.6 on the above item.

## B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:
  - (a) He reported that salary information has been posted on the City's website.
  - (b) He noted he would be attending the **International Council of Shopping Centers** conference in San Diego this Wednesday through Friday, September 22 through 24, 2010, along with Director of Redevelopment/Public Works Staats, Director of Community Development Lustro, Economic Development Coordinator Garcia, and certain other staff members to network with shopping center owners, developers, managers, marketing specialists, investors, lenders, retailers, and other shopping center industry professionals.
  - (c) He announced that the new Senior Center dedication is scheduled for Wednesday, October 20, 2010, at 9:30 a.m. and that the grand opening would be held on Saturday, October 23, 2010, at 9:00 a.m.
  - (d) He noted residents most likely received circulars on their doors advertising address number painting on the curbs in front of their homes and cautioned that the vendor is not licensed in Montclair. He advised those not desiring the service to post a notice on their doors indicating they are not interested.

## C. Mayor/Chairman

1. Mayor/Chairman Eaton noted he was pleased to attend *Montclair Day at the 2010 L.A. County Fair* on September 8, 2010. He stated that a very nice ceremony was held to honor Montclair's two Community Heroes: Junior Hero **Ms. Tasha Vipapan** and Adult Hero **Mr. Lou Ventura**. He thanked them both for their tireless efforts to make a difference in Montclair, going above and beyond without expectation of reward or recognition.

## D. City Council/Agency Board

1. Council Member/Director Paulitz noted his attendance last week at the **League of California Cities (LCC) 2010 Annual Conference & Expo** at the **San Diego Convention Center**. Concerning a session he attended on cities being prepared for the new plug-in hybrid electric vehicles (PHEVs) expected to hit California roads in 2011, he cautioned that cities should not be so hasty to install infrastructure for public

charging stations because PHEV owners will be able to charge their vehicles from home.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He also noted his attendance at the **LCC** Conference, advising that the conference theme was "Rebuilding California From the Ground Up" and provided tools for public agencies to help strengthen cities. He noted he attended a session that addressed ways for cities to survive the current economic upheaval and prepare for future catastrophes.
  - (b) He announced that **LCC** is requesting contributions to the **Yes on 22/Californians to Protect Local Taxpayers and Vital Services, a Coalition of Taxpayers, Public Safety, Local Government, Transportation, Business and Labor** campaign, noting he himself is donating \$100 to this important cause.
  - (c) He noted his attendance at an **LCC** Conference session that addressed multiple perspectives on the timely and often controversial topic of public pensions and redesigning public pension contributions costs—having employees participate in the costs associated with their retirement plans. He advised that a number of public officials expressed their concerns about this topic.
3. Council Member/Director Ruh commented as follows:
  - (a) He cited a recent news article indicated that it is the opinion of certain individuals that pensions for new local government employees should be replaced with a 401(k) system. Council Member Ruh expressed his opinion that many public employees have truly earned their pensions and that the system needs to be examined prudently and structurally, as we have done in the City of Montclair, and one should be cautious when defining the benefit.
  - (b) He advised that the best way to boost city revenues is to shop in your city to ensure your taxes stay in your city.
  - (c) He noted his attendance at the **Soroptimist International of Montclair/Inland Valley** annual *Fall FUN-Raiser*, emceed by "guest celebrity" **Inland Valley Daily Bulletin** columnist **David Allen** and featuring **Charles Phoenix's Retro Slide Show of Southern California**, dinner, and silent auction. He noted the slideshow included many wonderful photographs of 1930s through

1970s Pomona Valley and that "change is so evolutionary, we sometimes forget what was here." He asked that anyone having photographs of the **Valley Drive-In** lit up at night to please forward them to **Mr. Phoenix** for inclusion in his slideshow.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of September 7, 2010**

The City Council received and filed the Personnel Committee meeting minutes of September 7, 2010, for informational purposes.

#### **XII. ADJOURNMENT OF AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

At 7:47 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:47 p.m., the City Council went into Closed Session regarding a conference with designated labor negotiator pursuant to Section 54957.6 of the Government Code.

#### **XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:15 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

#### **XIV. ADJOURNMENT OF CITY COUNCIL**

At 8:16 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Transcribing Secretary