

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, JANUARY 7, 2002, 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.

II. INVOCATION

Pastor Rick Judd, New Light Church of God, 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 Paulitz; Council Members/Directors Raft, Dutrey, and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/ Public Works Staats; Director of Community Development/ Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Pursuant to Council direction, **Mrs. Myrna Tuscher**, 5389 Rudisill Street, Montclair, representing the Montclair Community Action Committee, presented the Council with a list of over 100 Montclair residents who serve or have served in the military (noting the list also includes one retiree and two **World War II** veterans) for display at the Civic Center. Community Action Committee Member Tuscher asked residents to call Assistant Director of Human Services Sue Yoakum at (909) 625-9451 with the names of any family members or neighbors who are actively serving in the military for inclusion in the display.

Mayor Eaton thanked CAC Vice Chairwoman Tuscher.

B. **Ms. Pat Rees**, President, **Montclair Chamber of Commerce**, 5220 Benito Street, Montclair, announced the annual **Montclair Firefighters' Recognition Breakfast** would be held Wednesday, January 30, 2002, at 7:30 a.m. at Fire Station No. 1. She encouraged the public to attend and stated reservations may be made by calling **Chamber** Executive Vice President **Betty Traister** at (909) 624-4569.

Ms. Rees and **Ms. Traister** presented the Council with a beautiful silk tapestry of the city of **Hangzhou, China**, that was given to the City during a recent visit by a Chinese delegation.

C. **Ms. Jennifer Dabney**, 333 West Alvarado Street, Pomona, introduced her daughter, **Ms. Stacie Dabney**, **Ms. Ashlee Johnson**, and **Ms. Christina Raft** (daughter of Council Member Raft), students of **Pomona Catholic High School**. She spoke of the students' compassionate efforts to collect a \$1 donation per student in response to **President Bush's** appeal for donations to **America's Fund for Afghan Children**. She thanked City Manager McDougal and staff for assisting the students to develop a program flier as well as aid in tracking

donations and remitting them to the **White House**, and she thanked City Manager McDougal for his generous donation. She also thanked **Mr. John Oberhauser, California Stationers**, Ontario, for his significant cost reduction to print the fliers.

The students presented City Manager McDougal with a \$90 donation toward **America's Fund for Afghan Children**.

City Manager McDougal thanked the students for their efforts on behalf of the children of **Afghanistan**.

The students read the flier in unison.

Mayor Eaton and the Council thanked the students.

- D. **Ms. Elva Rubalcava**, Public Affairs Region Manager, **Southern California Edison (SCE)**, 1351 East Francis Street, Ontario, introduced herself as the City's new liaison with **SCE**, replacing **Ms. Cheryl Karns-Avent**. She stated she looks forward to working with Montclair.

Mayor Eaton welcomed **Ms. Rubalcava** as the City's new **Edison** representative.

- E. **Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, gave the Council copies of a letter he received from City Manager McDougal regarding the **1995 Chrysler LHS** previously owned by the City and commented as follows.

1. He summarized his issues concerning the vehicle, noting City Manager McDougal's letter did not include the three bid enclosures as indicated. He stated he has raised this issue several times in the past and it has yet to be resolved to his satisfaction. He discussed correspondence he sent to the Council, noting he received a response from Mayor Eaton clarifying the matter.

In reviewing a copy of City Manager McDougal's letter to **Mr. Armstrong**, Mayor Pro Tem Paulitz agreed there are no bids attached. He questioned **Mr. Armstrong's** purpose in raising this issue tonight and a number of times in the past. He expressed his understanding that the matter had been clarified and adequately resolved.

Mayor Eaton concurred, stating he is satisfied that the City's disposition of the vehicle was a legal transaction.

2. He questioned the nature of Mayor Pro Tem Paulitz's remark last year concerning Code Enforcement not practicing selective enforcement.
3. He noted that he and a group of youth reviewed an audio-tape of a past regular joint Council/Agency/Montclair Housing Corporation meeting, in which City Manager McDougal states he met with **Mr. Armstrong** concerning his dog issue. Mr. Armstrong indicated he and the youth agreed that such meeting could not have taken place because **Mr. Armstrong** was meeting with them at that time.
4. He reiterated he has been threatened by a staff member.
5. He stated that pursuant to the **California Constitution** and the **Ralph M. Brown Act**, he would continue to speak publicly about his concerns.
6. He read the following quotations by the **Reverend Dr. Martin Luther King, Jr.:**

Freedom is not free. We have to continually fight to keep it free.

I will fight for people against discrimination. I'll stand against the first one that uses discrimination for their public gain.

7. He stated that he believes he is doing what is right on behalf of community youth. He expressed his opinion the City should set a better example for their benefit.

VII. PUBLIC HEARINGS

A. **Redevelopment Agency Board of Directors' Adoption of Resolution No. 02-01 Approving and Authorizing Execution of Agreement No. 02-04, a Housing Rehabilitation Agreement and Lease by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation Concerning the Single-Family Property Located at 5225 Palo Verde Street, and Making a \$25,000 Appropriation From the Housing Fund**

Montclair Housing Corporation Board of Directors' Approval of Agreement No. 02-07 Approving Promissory Note No. 02-1 by and Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency

Chairman Eaton declared it the time and place set for public hearing for the Redevelopment Agency Board of Directors to consider Resolution No. 02-01 approving execution of *Agreement No. 02-04, a Housing Rehabilitation Agreement and Lease* between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation concerning the single-family property at 5225 Palo Verde Street, and making a \$25,000 appropriation from the Housing Fund; and the Montclair Housing Corporation Board of Directors to consider approval of *Agreement No. 02-07 approving Promissory Note No. 02-1* between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency and invited comments from the public.

There being no one in the audience wishing to speak, Chairman Eaton closed the public hearing and returned the matter to the Redevelopment Agency and Montclair Housing Corporation Boards of Directors for their consideration.

Director Ruh inquired as follows:

1. How many properties are owned by the Redevelopment Agency and Montclair Housing Corporation?

Director of Redevelopment/Public Works Staats answered, "Twenty-five."

2. Would the property be sold once it has been renovated?

Director of Redevelopment/Public Works Staats replied it would be the decision of the Redevelopment Agency/ Montclair Housing Corporation Board of Directors to sell any of its properties. She indicated there is need for available single-family rentals in Montclair. She stated that the Redevelopment Agency is compiling statistics on a number of its renters who achieve home ownership, noting they are empowered by the Agency through affordable rents to save toward later purchase of a home.

3. Is there a cap on the number of properties the Agency/ Montclair Housing Corporation can own? Would it be possible to offer tenants a lease with option to purchase?

Noting there are approximately 8000 single-family homes in Montclair, Executive Director McDougal stated that pursuant to the *City of Montclair Redevelopment Agency Residential Purchase and Rehabilitation Program Policy* adopted by the Redevelopment Agency Board in October 1998 and targeting single-family homes

along Central Avenue, the cap on the number of homes the Agency could acquire and maintain control over is 50. He indicated the Real Estate Committee made an exception with the subject property on Palo Verde Street, which is located close to Central Avenue and would be substantially improved as proposed. He discussed the 10 to 15 properties the Agency has acquired and subsequently sold upon renovation, including a property that is the subject of an agenda report setting a public hearing to be considered by the Agency Board this evening. He stated that it is the desire of the Redevelopment Agency to acquire, refurbish, and maintain control over homes on Central Avenue. He stated that the goal of the *City of Montclair Redevelopment Agency Residential Purchase and Rehabilitation Program Policy* program is acquisition, refurbishment, and control over homes along Central Avenue, while homes acquired and renovated outside the target area are made available for home ownership opportunities.

Director Ruh suggested good renters be offered a lease option to encourage more home ownership because it creates a more stable environment.

Vice Chairman Paulitz noted he shared Council Member Ruh's thoughts when the Redevelopment Agency acquired a few properties many years ago for refurbishment and resale purposes. He noted the Agency faced a difficult home sale market and could not recoup its investment because there was insufficient time available to build equity. He noted the Redevelopment Agency's goal in establishing the *City of Montclair Redevelopment Agency Residential Purchase and Rehabilitation Program Policy*, which he supported, was for the purpose of beautifying and maintaining the appearance of Central Avenue, the main thoroughfare through the City, and to provide pleasant aesthetics for Montclair Plaza shoppers traveling that route. He indicated the Agency would consider an offer to purchase one of the homes by the renter so long as they would continue to maintain the property to Agency standards. He concurred with Director of Redevelopment/Public Works Staats that these are starter homes and the tenants would likely purchase homes elsewhere when they are ready. He spoke in support of the Agency's policy.

Moved by Vice Chairman Paulitz and seconded by Director Dutrey that the following actions be taken:

1. That Resolution No. 02-01, entitled "**A Resolution of the City of Montclair Redevelopment Agency Approving and Authorizing Execution of Agreement No. 02-04, a Housing Rehabilitation Agreement and Lease by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation and Making an Appropriation From the Housing Fund,**" be read by number and title only, further reading be waived, and it be declared adopted by the Redevelopment Agency Board of Directors.
2. That the Montclair Housing Corporation Board of Directors approve *Agreement No. 02-07* approving *Promissory Note No. 02-1* by and between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.*

Director Dutrey spoke of his concern about the condition of homes along Central Avenue when he was first elected to the Council in 1996. He indicated he was a proponent of establishing the *City of Montclair Redevelopment Agency Residential Purchase and Rehabilitation Program Policy* to beautify properties on Central Avenue, a classic example being the Agency-refurbished dwelling on the northeast corner of Central Avenue/Orchard Street. He also noted his concerns that the Redevelopment Agency become involved in the rental business, though he indicated he is now comfortable with the Redevelopment Agency/Montclair Housing Corporation retaining control over the maintenance of the properties. He explained that other investors would also be interested in acquiring homes along Central Avenue, though they would not be as

likely to continue the Redevelopment Agency's high maintenance standards. He indicated that the sale of these homes might be considered by the Agency Board in the future.

Director Dutrey stated the Redevelopment Agency and Montclair Housing Corporation have done an excellent job refurbishing homes south of Benito Street and that efforts should now be concentrated on homes north of Benito Street. He spoke in support of expanding the program to other major thoroughfares in the City, and whether those acquisitions would be resold or rented after refurbishment could be decided at some future time.

Director Raft spoke in support of the Agency offering homes acquired in other parts of the City for sale once they have been refurbished. She stated, though, that homes on Central Avenue are, by virtue of their location, typically rental properties. She added that if the properties are resold, the turnover rate could become high, resulting in a decline in property appearance and maintenance after a certain period of time.

Director Ruh suggested that Conditions, Covenants, and Restrictions could run concurrent with the properties to continue the high standards of property maintenance.

Director Dutrey suggested a program to help Agency tenants with their down payments and closing costs to purchase homes in Montclair be considered.

*The Redevelopment Agency Board unanimously waived the reading of the Resolution.

Resolution No. 02-01 was unanimously adopted and *Agreement No. 02-07* unanimously approved by the following vote:

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

B. First Reading - Adoption of Ordinance No. 02-815 and Resolution No. 02-2369 Related to Collection of Delinquent Civil Debts

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-815 and Resolution No. 02-2369 related to collection of delinquent civil debts.

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.

Council Member Ruh inquired if the City has a mechanism to determine if collection of a delinquent account should be made against the property owner or tenant.

City Manager McDougal clarified the proposed liens would be placed on properties that have accumulated delinquent refuse and sewer debts whether or not the tenant is responsible for payment. He stated that tenants who vacate their rentals and skip out on their delinquent accounts have been a problem and pointed out that payment of these delinquent fees is more the obligation of the property owner than Montclair rate payers.

Council Member Ruh commented about the equitableness of pursuing payment of delinquent accounts from tenants if they are liable for payment.

Mayor Pro Tem Paulitz concurred that Montclair taxpayers should not be responsible for the delinquent charges of those who do not pay. He

indicated that placing a lien on a property with such debt is a step in the right direction toward fiscal responsibility, noting the property owner could pursue payment from his tenant who neglected to pay.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Dutrey that the following actions be taken:

1. That Ordinance No. 02-815, entitled "**An Ordinance of the City Council of the City of Montclair Amend-ing Sections 1.02.010 and 1.12.030 and Adding Sections 1.12.040 Through 1.12.100 of the Montclair Municipal Code Related to Collection of Delinquent Civil Debts,**" be read by number and title only, further reading be waived, and this be declared its first reading.
2. That Resolution No. 02-2369, entitled "**A Resolution of the City Council of the City of Montclair Establishing Fees Related to the Collection of Civil Debt,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the readings of the Ordinance and Resolution.*

Council Member Dutrey concurred that the property owner is responsible for delinquent refuse and sewer charges on his/her property. He commended City Clerk Crawford for taking the initiative to develop Ordinance No. 02-815.

Council Member Raft inquired if first the tenants and then the property owners are notified about delinquent accounts.

City Clerk Crawford responded that tenants are notified once their account becomes past due. She stated that should proposed Ordinance No. 02-815 be adopted, property owners would be notified of the public hearing dates that the Council would be considering lien assessment actions on their properties.

Council Member Ruh thanked City Clerk Crawford for her explanation.

*First Reading of Ordinance No. 02-815 and Resolution No. 02-2369 were unanimously adopted by the following vote:

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

C. Adoption of Resolution No. 02-2370 Related to Provision of Public Documents

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2370 related to provision of public documents.

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 Council Member Dutrey and seconded by Council Member Ruh that Resolution No. 02-2370, entitled "**A Resolution of the City Council of the City of Montclair Superseding Resolution No. 96-2101 Establishing Fees Related to Public Documents,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 02-2370 was unanimously adopted by the following vote:

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

D. Adoption of Resolution No. 02-2372 Setting Forth License, Impound, and Boarding Fees for the Control of Animals in the City of Montclair

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2372 setting forth license, impound, and boarding fees for the control of animals in the City of Montclair.

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.

With regard to "special service fees," Council Member Ruh requested clarification on "animals requiring extra manpower."

Inland Valley Humane Society Executive Director **Bill Harford** responded that the service would apply to a collection requiring additional staff.

Council Member Ruh clarified for public benefit and for those residents who telephoned him that proposed Ordinance No. 02-2372 does not pertain to the licensing of cats.

Mr. Harford concurred.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Resolution No. 02-2372, entitled "**A Resolution of the City Council of the City of Montclair Setting Forth License, Impound, and Boarding Fees for the Control of Animals in the City of Montclair,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 02-2372 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Mayor Pro Tem Paulitz requested that Items B-5 and C-2 be removed from the Consent Calendar for comment.

Council Member Dutrey requested that Item C-4 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Items C-1, C-3, and D-1 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 17, 2001

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 December 17, 2001.

B. Administrative Reports

1. Setting a Public Hearing Regarding *Agreement No. 02-05, a Purchase and Sale Agreement and Lease by and Between the City of Montclair Redevelopment Agency and Ms. Elaina Quinzon Concerning the Single-Family Property Located at 5450 El Morado Street*

The City Council set a public hearing for Tuesday, January 22, 2002, to consider *Agreement No. 02-05, a Purchase and Sale Agreement* by and between the City of Montclair Redevelopment Agency and Ms. Elaina Quinzon regarding the single-family property located at 5450 El Morado Street.

2. Approval of *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2002*

The City Council approved the *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2002*.

3. Approval of *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2002*

The Redevelopment Agency Board of Directors approved the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2002*.

4. Approval of *Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2002*

The Montclair Housing Corporation Board of Directors approved the *Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2002*.

6. Approval of Warrant Register and Payroll Documents

The City Council approved the Warrant Register dated January 7, 2002, totaling \$791,492.53; and the Payroll Documentation dated

December 2, 2001, amounting to \$553,898.81, with \$366,695.55 being the total cash disbursement.

D. Resolutions

2. Adoption of Resolution No. 02-2376 Supporting "Inland Empire Airports First"

The City Council adopted Resolution No. 02-2376, entitled "**A Resolution of the City Council of the City of Montclair Supporting 'Inland Empire Airports First,' a Regional Coalition of Governments, Transportation and Planning Organizations, and Business Groups that Have Joined in Support of Airport Capacity Enhancement in the Inland Empire.**"

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

5. Amending the 2002-06 Capital Improvement Program by Adding Pavement Rehabilitation Work on Mission Boulevard, East End Avenue, Grand Avenue, Phillips Boulevard, and Ada Avenue

Authorize Appropriation of Funds Identified in the Fiscal Impact Portion of the Agenda Report on this Item for the Pavement Rehabilitation Work

Mayor Pro Tem Paulitz requested clarification on the scope of proposed improvements on Mission Boulevard.

City Engineer Hudson responded that no median island improvements would be included, otherwise the improvements would be consistent with the rehabilitation for Mission Boulevard. He indicated the median improvements could always be added after the repaving rehabilitation is completed. He stated that half the work is in San Bernardino County, and a cooperative agreement requiring the County to pay for those improvements would be presented to the Council in the near future.

Mayor Pro Tem Paulitz received confirmation from City Engineer Hudson that median, curb, gutter, and sidewalk improvements would be done at a later date.

Council Member Dutrey asked if the County has plans to improve the deteriorated streets in that area next year.

City Engineer Hudson answered, "Yes," that work has been proposed on State Street.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Raft, and carried unanimously to approve the following actions:

- (a) Amend the 2002-06 Capital Improvement Program by adding pavement rehabilitation work on Mission Boulevard, East End Avenue, Grand Avenue, Phillips Boulevard, and Ada Avenue.
- (b) Authorize appropriation of funds identified in the Fiscal Impact portion of the agenda report for the pavement rehabilitation work.

C. Agreements

1. Approval of Agreement No. 02-01 With LAN Engineering Corporation for Development of Project Report and Environmental Documentation Associated With the Monte Vista

Avenue/Union Pacific Railroad Grade Separation Project

Council Member Ruh asked what other firms besides LAN Engineering Corporation bid on this project.

City Engineer Hudson replied that staff sent Statements of Qualifications to over 40 firms and received ten replies, six of which were determined to be qualified for the project, and four more so than the other two. He indicated interviews were conducted with LAN Engineering Corporation, L. D. King, Inc., Washington Group, and Tetra Tech; and that LAN Engineering Corporation was selected as the best qualified for the project.

Noting the tight timeframe for Alameda Corridor-East funding, Council Member Ruh inquired as to a possible completion date for the project.

City Engineer Hudson responded the environmental documentation is scheduled for approval this summer followed by approximately a year and a half of preparation of the plan specification, cost estimate, and right-of-way appraisals and acquisitions. He indicated construction of the Monte Vista Avenue grade separation should commence in 2003-04.

City Engineer Hudson clarified the project report will consider all alternate alignments of the crossing to determine the preferred alternate with the environmental documentation to support it.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously to approve *Agreement No. 02-01* with LAN Engineering Corporation for development of project report and environmental documentation associated with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

2. Approval of Agreement No. 02-03, an Irrevocable Annexation Agreement With Carol A. Di Matteo for 11078 Roswell Avenue

Mayor Pro Tem Paulitz inquired as to the method of collecting sewer charges on properties with Irrevocable Annexation Agreements.

City Clerk Crawford responded that the standard irrevocable annexation agreement (IAA) was amended several months ago to stipulate that sewer billing would commence the day following the Council's approval of the agreement. An exception would be a mobile home park that recently entered into an IAA with the City, the units of which will be connected and billed separately as they are prepared for connection to the system.

Mayor Pro Tem Paulitz received confirmation from City Clerk Crawford that all properties with IAAs are on the City's sewer billing system.

City Manager McDougal noted that prior to City Clerk Crawford acquiring the refuse and sewer billing program, there had been some omissions in sewer billing for properties with IAAs. He indicated that City Clerk Crawford and Planning staff conducted a complete audit of all IAAs to ensure sewer charges are being collected.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Dutrey, and carried unanimously that the City Council approve *Agreement No. 02-03, an Irrevocable Annexation Agreement* with Ms. Carol A. Di Matteo for an emergency sewer connection of her residence at 11078 Roswell Avenue located in the City's Sphere of Influence.

3. Approval of Agreement No. 02-06 with Monte Vista Water District and the City of Chino Hills for Relocation of a 30-Inch

Waterline

Council Member Ruh inquired if the City would share in the cost of the waterline relocation by paying half of Monte Vista Water District's share of the total.

City Engineer Hudson replied that the intent of the proposed agreement is that the City of Chino Hills would pay half the cost of the maximum amount of \$50,000 and MVWD would pay the other half, for a total payment of up to \$25,000 for each agency. He indicated it is most cost effective to relocate the waterline during the storm drain construction currently in progress and the City is involved in coordinating the relocation of the waterline.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Paulitz, and carried unanimously that the City Council approve *Agreement No. 02-06* with Monte Vista Water District and the City of Chino Hills for relocation of a 30-inch waterline jointly owned by both at the intersection of Ramona Avenue/Mission Boulevard to allow for unobstructed construction of the Mission Boulevard storm drain.

4. Consider Approval of *Agreement No. 02-08* with Government Finance Officers Association Research and Consulting Center to Develop a Long-Term Financial Plan

Council Member Dutrey inquired if the proposal relates to the City Manager's goal to develop a ten-year financial forecast.

City Manager McDougal answered, "Yes."

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Paulitz, and carried unanimously that the City Council approve *Agreement No. 02-08* with Government Finance Officers Association Research and Consulting Center to develop a long-term financial plan.

D. Resolutions

1. Adoption of Resolution No. 02-2375 Supporting ACA 4/Proposition 42 Traffic Congestion Improvement Act

Council Member Ruh inquired if the San Bernardino Associated Governments requested member jurisdictions to adopt resolutions in support of the ACA 4/Proposition 42 Traffic Improvement Act.

City Manager McDougal answered, "Right."

Council Member Ruh clarified that if approved by the voters on March 5, 2002, Proposition 42 would constitutionally protect and dedicate to transportation purposes an estimated \$1.5 billion annually in sales tax on gasoline revenues that heretofore was placed in the state General Fund.

Moved by Council Member Ruh and seconded by Council Member Dutrey that Resolution No. 02-2375, entitled "**A Resolution of the City Council of the City of Montclair Supporting ACA 4/Proposition 42 Traffic Congestion Improvement Act,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 02-2375 was unanimously adopted by the following vote:

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

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Director of Community Development Clark reported that staff notified **New Century Care**, the proposed optional care provider, of concerns expressed by residents at the last regular joint meeting of the loss of clubhouse availability. He indicated that a meeting has been arranged this week with property owner **AIMCO** and **New Century Care** representatives. He emphasized that permits would be withheld until issues and concerns have been resolved.

Council Member Ruh asked if a meeting has been held with Heritage Park residents regarding this matter.

Director of Community Development/Agency Planner Clark indicated that City Manager McDougal and he have been in contact with the residents onsite and there is ongoing dialog with them of all that transpires in this matter.

Council Member Ruh noted that several upset residents have notified him of activities that are continuing at the property.

Director of Community Development Clark indicated the residents contact him whenever something happens.

Council Member Dutrey inquired if the forthcoming meeting with **AIMCO** will include **Heritage Park** residents.

City Manager McDougal answered, "Not that I'm aware of. There's a meeting scheduled later this week with **AIMCO**, Mr. Clark, and myself."

Council Member Dutrey stated he would highly recommend the meeting include the residents as well.

Council Member Ruh concurred.

City Manager McDougal clarified that much miscommunication from different sources has been occurring at the complex. He indicated he would prefer to first meet with the owner and then arrange a meeting with the residents to address their concerns.

It was the consensus of the Council to receive and file the status report and update regarding the Heritage Park senior apartments.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Montclair Park Owners' Association v. City of Montclair

City Attorney Robbins requested a Closed Session pursuant to Government Code Section 54956.9(a) on the above matter.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal commented as follows:

- (a) He requested the Council consider scheduling the Midyear Budget Review.

It was the consensus of the Council to conduct the Midyear Budget Review on Tuesday, February 19, 2002, at 5:45 p.m. in the City Council Chambers.

- (b) He requested that the proposed joint meeting with **Monte Vista Water District** be scheduled in April 2002.

It was the consensus of the Council to conduct the joint meeting with **Monte Vista Water District** in April 2002.

C. Mayor/Chairman

1. Mayor/Chairman Eaton announced that **Warehouse Shoe Sales** has donated an additional \$1005, for a total thus far of \$1760, toward the City's future skateboard park. He sincerely thanked the company for its contributions on behalf of community youth.

D. City Council/Agency Board

1. Council Member/Director Raft noted she was sorry that circumstances did not allow her to attend **President Bush's** town hall meeting on Saturday, January 5, 2002, at the **Ontario Convention Center**.
2. Council Member/Director Dutrey wished everyone a Happy New Year. He stated that the City accomplished much in 2001 and that many projects and goals have been set for 2002 to continue to make Montclair a great place in which to live, work, and play.
3. Council Member/Director Ruh commented as follows:
- (a) He noted he was very honored to attend **President Bush's** bipartisan town hall meeting on Saturday, along with Mayor Pro Tem Paulitz and representatives of the Montclair Police and Fire Departments. He stated he appreciated the **President's** report on the efforts and progress the U.S. is making in winning the war on terrorism in **Afghanistan**.

- (b) Noting he has received complaints from residents on the traffic congestion occurring on the I-10 Freeway at Monte Vista Avenue, he suggested a report be made at a future meeting by the **California Department of Transportation** as to a projected completion date for its freeway-widening project.
- (c) Noting the confluence of traffic in and around the **Montclair Plaza** during the holidays, he suggested coordinating the traffic issue with the **Plaza** earlier in the year as a preventive measure.
- (d) He advised that several members of the Community Action Committee (CAC) have expressed an interest in becoming involved in the development of the *Pacific Electric Inland Empire/Citrus Trail*, a regional commuter bikeway.
- (e) He related an incident involving CAC Member Darleen Hartman, who was told by the manager of **Don José Restaurant** during dinner recently that the restaurant was cited for having too many disabled-accessible parking spaces. He noted that after the restaurant complied, it received complaints about the inadequacy of parking for the disabled. He asked if anything could be done to rectify the matter.
- (f) Noting the term "curbside-appeal inspection" in the agenda for the next Code Enforcement Committee meeting regarding a scheduled City tour, he requested clarification on the term.

Mayor Pro Tem Paulitz clarified the term refers to an inspection, including a photograph of the property, being made from public right-of-way rather than onsite.

Council Member Ruh spoke in support of the Code Enforcement program. In the interest of public relations, he suggested personal contact be attempted with residents prior to their being formally notified to correct violations. He suggested that perhaps the condition of the property might be attributed to lack of finances.

Mayor Pro Tem Paulitz clarified that all follow-up to the first notification is by personal contact, with Code Enforcement staff offering residents appropriate program assistance.

Council Member Ruh reiterated it might be beneficial to make the first approach a more personal "neighborly" one. He noted learning just last weekend about the City's Ordinance related to shielding refuse containers from public view. He suggested the City adopt a "neighbor-to-neighbor" program similar to that implemented in a nearby city in which tools and equipment, such as lawnmowers, etc., are placed in a central location and made available to residents.

Council Member Dutrey commented as follows:

- (1) He noted the Code Enforcement tour was his idea, its purpose being to educate City officials, staff, and interested residents about the Code Enforcement program and to survey various sites in the City, including Mission Boulevard and the **Montclair Plaza**.
- (2) He clarified the first contact by Code Enforcement is always a personal one. He indicated the Code Enforcement Officer's job is to courteously offer helpful solutions to resolve issues related to a residence in decline.

4. Mayor Pro Tem/Vice Chairman Paulitz commented as follows:

- (a) He noted he will advise the Foothill Freeway Corridor Design

Authority at its meeting to be held Tuesday, January 8, 2002, of certain CAC members' interest in development of the *Pacific Electric Inland Empire/Citrus Trail* commuter bikeway.

- (b) Noting he was unaware of the regulation regarding shielding the refuse and recycling containers from public view, he stated he will raise the issue at the Code Enforcement Committee meeting this month. He stated that from personal experience, doing so would be difficult for most residents.
- (c) He concurred with Council Member Dutrey that the City tour would include information regarding the Code Enforcement program and surveys of Mission Boulevard and the **Montclair Plaza**.
- (d) He stated a presentation was made at a recent Public Works Committee meeting detailing the traffic issue at the **Montclair Plaza**. He noted that part of the problem stemmed from a departure of key **Plaza** management staff and remaining staff's uncertainty of how to control the large amount of traffic circulating onsite during the last season. He assured the public that mitigating measures would be in place before the next winter holiday season.

City Manager McDougal concurred, adding that the new signal at the **Costco** store not being coordinated with the balance of signals on Central Avenue caused further circulation issues along that arterial. He reported that staff conducted several meetings with **Plaza** personnel and traffic consultants to address both short-term and long-term solutions. He stated the short-term solution was implemented the weekend before Christmas and remained in place until January 2, 2002; the long-term solutions will be addressed over the next several months.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of December 17, 2001

The City Council received and filed the Code Enforcement Committee meeting minutes of December 17, 2001, for informational purposes.

2. Minutes of Personnel Committee Meeting of December 17, 2001

The City Council received and filed the Personnel Committee meeting minutes of December 17, 2001, for informational purposes.

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

At 8:37 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 8:37 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Section 54956.9(a) of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:57 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation involving mobile home park property, direction was given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:58 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Transcribing Secretary