

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, MARCH 18, 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 Dale Rose, First Assembly of God Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Raft 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; Acting City Manager/Executive Director Clark; Director of Redevelopment/Public Works Staats; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

Absent: City Manager/Executive Director McDougal (excused)

V. PRESENTATIONS

A. Introduction of New Employee

Mayor Eaton introduced **Mr. Jason Knowles**, who was appointed to the position of Sports Coordinator with the Human Services Division effective February 2, 2002. He noted **Mr. Knowles** previously worked in the recreation field during his tenures with the **Ontario-Montclair School District** and the **City of San Dimas**.

Mayor Eaton welcomed **Mr. Knowles** to the Montclair City family and presented him with a City pin.

B. Introduction of New Promotees

Mayor Eaton introduced **Mr. William Casey**, who was promoted to the position of Police Lieutenant after serving as a Police Officer since 1982.

Mayor Eaton introduced **Mr. Bryon Kelly**, who was promoted to the position of Police Sergeant after serving as a Police Officer since 1990.

Mayor Eaton congratulated Lieutenant Casey and Sergeant Kelly on their promotions.

C. Presentation Honoring Recent Montclair Enlistees in the U.S. Armed Forces

Mayor Eaton introduced Community Action Committee Chairwoman Charlene Kusick and Members Mary Fondario and Darleen Hartman, who exhibited to the audience a display of Montclair residents who enlisted in the U.S. Armed Forces following the September 11, 2001 tragedy. He stated the CAC developed the display at the request of Council Member Ruh to honor these men and women who are serving

our country during these uncertain times. He noted the display will hang in the foyer outside the City Council Chambers and will be updated periodically.

VI. PUBLIC COMMENT

A. **Ms. Pat Rees**, President, **Montclair Chamber of Commerce**, 5220 Benito Street, Montclair, announced the following upcoming **Chamber** activities:

1. March 26, 2002 – **Annual Chamber Installation and Recognition Banquet**, 5:30 p.m., **The Crescent City Creole Restaurant**, 9395 Monte Vista Avenue, cost: \$35; \$275 for a table of eight.
2. April 24, 2002 – **Secretaries' Day Luncheon**, 11:30 a.m., **The Crescent City Creole Restaurant**, 9395 Monte Vista Avenue
3. May 2, 2002 – **Women's Seminar**, 9:00 a.m. to 3:00 p.m., **Pomona Valley Mining Co.**, 1777 Gillette Road, Pomona.
4. May 29, 2002 - **Small Businessperson of the Year Luncheon**.
5. August 28, 2002 - **Montclair Chamber of Commerce Eleventh Annual Golf Tournament – Sierra Lakes, Fontana**.

B. **Mr. Trajan P. Green**, Chairman and founder of **Shoppin' 4 Seniors**, 1540 Barton Road, Redlands, noted he delivered information to the Council earlier today. In follow-up to his request for Fiscal Year 2002-03 Community Development Block Grant (CDBG) funding at the public hearing on March 4, 2002, **Mr. Green** indicated that the following day he clarified with Director of Community Development Clark the mix-up between the City and the **San Bernardino County Department of Economic and Community Development** concerning potential funding for his organization. He requested the Council further consider an appropriation of CDBG funding for the **Shoppin' 4 Seniors** program.

Mayor Eaton advised **Mr. Green** that an item related to his request must first be agendaized to be considered by the Council.

Acting City Manager/Executive Director Clark stated that such an item would be presented to the Council at the April 1, 2002 meeting.

C. **Ms. Gail Johnson**, 5097 Orchard Street, Montclair, identified herself as a Learning Leader at **Lehigh Elementary School**. She requested increased Police patrol at Sunset Park to eliminate the negative element loitering in the park after school, which is a bad influence on the at-risk youth involved in the After-School Program at **Lehigh Elementary**.

Mayor Eaton assured **Ms. Johnson** that the City would increase patrol activities at Sunset Park.

D. **Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, commented as follows.

1. He received confirmation that the cameras for the City's new Red Light Camera Enforcement Program have not yet been installed.
2. On behalf of himself and other interested parties, he asked to review correspondence from the former owners of the **Costco** property regarding the site-acquisition transaction.

Mayor Eaton told **Mr. Armstrong** his request would be forwarded to staff.

3. He indicated that Council Member Ruh's comments at the last meeting were appreciated by many residents.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Council Member Ruh requested that Items B-5, C-2, and C-7 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of March 4, 2002

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of March 4, 2002.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of March 4, 2002

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 March 4, 2002.

B. Administrative Reports

1. Authorization to Transfer Funds to Purchase One Sony Digital Camera

The City Council authorized the transfer of \$945 from the Community Development Operations Services and Supplies Fund to the Community Development Capital Outlay Fund for purchase of one Sony digital camera.

2. Authorization to Transfer Funds for Repair of the Air Conditioning Unit Serving the Community Development Department

The City Council authorized the transfer of \$500 from the Community Development Planning Administration Account to the Public Works Building Maintenance Account to repair the air conditioning unit serving the Community Development Department.

3. Authorization to Purchase One Chevrolet Trailblazer for the Police Chief

The City Council authorized the purchase of one Chevrolet Trailblazer sports utility vehicle for the Police Chief.

4. Authorization to Purchase One Dodge Dakota Pickup Truck for the Police Department

The City Council authorized the purchase of one Dodge Dakota pickup truck for the technical Services Division of the Police Department.

6. Approval of Lot Line Adjustment No. LLA 01-1 Located at the Town Center Plaza

The City Council approved Lot Line Adjustment No. LLA 01-1 located at the Town Center Plaza as requested by the property owner, Montclair Town Center LLC.

7. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of

Installation of the Chain-Link Fence and Light Screen at Vernon Park

The City Council approved the following actions related to completion of the installation of chain-link fence and light screen at Vernon Park:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder
- (b) Reduction of the *Faithful Performance Bond* to 10 percent
- (c) Retention of the *Payment Bond* for six months.

8. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of Select System Project No. 173 – Street Rehabilitation on Benito Street

The City Council approved the following actions related to completion of Select System Project No. 173 – Street Rehabilitation on Benito Street.

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder
- (b) Reduction of the *Faithful Performance Bond* to 10 percent
- (c) Retention of the *Payment Bond* for six months.

9. Approval of Premium Pay Plan Award

The City Council approved Premium Pay Plan Application No. EO 01-1 for a Level 1 Award of \$452.50 for Fire Captain Jeff Byers for developing apparatus specifications for the design and purchase of two new fire units, for reprogram-ming all mobile and hand-held Fire Department radios, and for modifying the Fire Department's program templates to include the frequencies necessary for the Paramedic Program.

10. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending January 31, 2002.

11. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated March 18, 2002, totaling \$771,337.20; and the Payroll Documentation dated February 10, 2001, amounting to \$439,826.61, with \$298,583.96 being the total cash disbursement.

12. 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 February 28, 2002.

13. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 2/01/2002–2/28/2002 in the amounts of \$15,041,462 for Project I; \$0.00 for Project II; \$204,442.32 for Project III; \$105,875.74 for Project IV; and \$280,104.97 for Project V.

14. 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 February 28, 2002.

15. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 2/01/2002–2/28/2002 in the amount of \$18,912.03.

C. Agreements

1. Approval of Agreement No. 02-40, an Irrevocable Annexation Agreement With Michael Y. Shen for 5590 Mission Boulevard

The City Council approved *Agreement No. 02-40, an Irrevocable Annexation Agreement* with Mr. Michael Y. Shen to allow for an emergency sewer connection of his apartment building at 5590 Mission Boulevard in the City's Sphere of Influence.

3. Approval of Agreement No. 02-43 With Carl Warren & Co. for Liability Claims Administration Services

The City Council approved *Agreement No. 02-43* with Carl Warren & Co. for renewal of liability claims administration services from March 16, 2002, through March 15, 2003.

4. Approval of Agreement No. 02-43, an Irrevocable Annexation Agreement With Mui A. Voong for 10996 Roswell Avenue

The City Council approved *Agreement No. 02-43, an Irrevocable Annexation Agreement* with Mui A. Voong to allow for an emergency sewer connection of his apartment building at 10996 Roswell Avenue.

5. Approval of Agreement No. 02-44 With GPS Financial Services for Software Consulting and Support Services

Authorize Appropriation of \$2150 From the Contingency Account for Software Consulting and Support Services

The City Council took the following actions:

- (a) Approved *Agreement No. 02-44* with GPS Financial Services to upgrade City cashiering functions with Cougar Mountain point-of-sale system software and to provide training and technical support on the new system.
- (b) Authorized a \$2150 appropriation from the Contingency Account for the above purchase and services.

6. Approval of Agreement No. 02-45 With L. D. King, Inc., for \$27,007 in Engineering and Design Services for Select System Project No. 174 – Monte Vista Avenue Rehabilitation Project

The City Council approved *Agreement No. 02-45* with L. D. King, Inc., for \$27,000 in engineering and design services for Select System Project No. 174 – Monte Vista Avenue Rehabilitation Project.

8. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 02-47 Through 02-51, 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. 02-*

47 through 02-51, *Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the five Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

D. Resolutions – None

IX. PULLED CONSENT CALENDAR ITEMS

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously to approve the following Pulled Consent Calendar Items:

B. Administrative Reports

5. Approval of Certain Public Works Committee Recommendations From the February 21, 2002 Public Works Committee Meeting

Concerning Item 1, Council Member Ruh suggested a meeting be held with the Ontario-Montclair School District to resolve the street sweeping issue for all schools rather than on a case-by-case basis.

Staff clarified that besides Vernon Middle School, only Lehigh Elementary School would be affected at a later date.

Concerning Item 2, Council Member Ruh received confirmation from staff that the refurbishment and relocation of the Memorial Wall would be completed on schedule. He announced that the newly refurbished Monument Wall would be unveiled by the Community Action Committee this Memorial Day in a tribute to our Vietnam veterans who have given their lives for our country. He stated he is pleased that the project is on schedule.

Council Member Dutrey thanked the CAC for its work on the Memorial Wall. Noting he initiated this project three or four years ago after noticing the deteriorated condition of the plaques, he stated he desired to ensure that the Memorial Wall was preserved and more visibly displayed to honor our Montclair Vietnam veterans.

Concerning Item 3, Council Member Ruh received confirmation from staff that no federal clearance is required for the installation of truck route signs.

Concerning Item 5, Council Member Ruh inquired if the U.S. flags would be flown year-round.

Mayor Pro Tem Paulitz stated the Public Works Committee discussed this issue and suggested the flags only be flown on holidays to include the week prior.

The City Council approved recommendations from the February 21, 2002 Public Works Committee meeting as listed on the agenda report on this item.

C. Agreements

2. Approval of Agreement No. 02-41 With Ontario-Montclair School District for Cleanup of Public Gutter Fronting Vernon Middle School, 9775 Vernon Avenue

(Council Member Ruh's question on this item was answered under Section IX, "Pulled Consent Calendar Items," Item B-5.)

The City Council approved *Agreement No. 02-41* with Ontario-Montclair School District for ongoing cleanup of public gutter and street fronting Vernon Middle School, 9775 Vernon Avenue.

7. Approval of Agreement No. 02-46 With Purkiss Rose-RSI to Design a Skate Park in Montclair

Authorization of \$4000 Contingency for Modifications to the Scope of Services and Fees as May Be Necessary

Council Member Ruh asked if other bids were received on this project.

Acting City Manager/Executive Director Clark reported that staff received two responses to a Request for Proposals and interviewed both respondents. He stated that staff determined Purkiss Rose-RSI to be the best-qualified architectural firm in the area of skate park design.

Council Member Ruh questioned that the proposal includes the relocation of the Montclair Caboose.

Acting City Manager/Executive Director Clark stated that staff would be recommending relocation of the Montclair Caboose in any case regardless of the potential use of Alma Hofman Park.

The City Council took the following actions:

- (a) Approved *Agreement No. 02-45* with Purkiss Rose-RSI to design a skate park in Montclair and relocation of the Caboose to Freedom Plaza.
- (b) Authorized a \$4000 contingency to modifications to the Scope of Services and fees as may be necessary.

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Acting City Manager/Executive Director Clark reported that Agency Special Counsel **Jon Goetz** has completed his review of the Conditions, Covenants, and Restrictions at **Heritage Park** relative to the proposed plan for optional services and that the attorney for the owners is presently considering **Mr. Goetz's** opinion. He noted the owners are not prepared to commit to a meeting time. Although we have suggested the date of Wednesday, March 27, 2002, he indicated we have not received confirmation from **AIMCO** and the owners. He stressed that no permits have been issued nor has approval been given for any changes to the property.

Discussion centered around the owners not being able to make their desired changes at **Heritage Park** without requesting an amendment to the existing Conditional Use Permit.

Mayor Pro Tem Paulitz clarified that the granting of an amendment to a Conditional Use Permit is a privilege, not a right, which may not necessarily be granted. He stated that **Heritage Park** is unsuitable for conversion to an assisted-living complex and that he is opposed to such conversion.

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

Mayor Eaton thanked the **Heritage Park** residents for their attendance this evening. He stated the City Council has given a clear message as to its position on this matter.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel – No Comments

B. Acting City Manager/Executive Director

1. Acting City Manager/Executive Director Clark noted the Council/Agency workshop on the **Brown Act** is being moved to April

15, 2002, at 5:45 p.m. in the City Council Chambers.

City Attorney/Agency Counsel Robbins indicated she would be prepared for the workshop presentation on April 1, 2002.

It was the consensus of the Council to conduct the Council/ Agency workshop on the **Brown Act** on Monday, April 1, 2002, at 5:45 p.m. in the City Council Chambers.

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance at the **Congressional City Conference 2002** on March 8-12, 2002, in Washington, D.C. He noted that the following six priorities were set for our nation: (1) protecting the homeland; (2) sustaining federal support for critical municipal programs, (e.g., **Alameda Corridor-East** for Montclair); (3) protecting local revenue and tax authority; (4) ensuring racial justice and equity; (5) investing in children; and (6) balancing international trade agreements with local authority. He noted attending presentations given by **U.S. Senator Tom Daschle (D-South Dakota)**, **Office of Homeland Security Director Tom Ridge**, **Secretary of Housing and Urban Development Mel Martinez**, and **U.S. Senator Dianne Feinstein**, adding that **Senator Feinstein** had encouraged cities to be persistent in their lobbying efforts.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Paulitz commented as follows:
 - (a) He noted Mayor Eaton's and his conflicts in attending both a Public Works Committee meeting and, in the Mayor's case, a **League of California Cities (LLC)** Public Works Committee meeting, and for him, an **LLC** Environmental Quality Committee meeting, that resulted in the Thursday, March 21, 2002 Public Works Committee meeting being rescheduled to Thursday, March 28, 2002. He stated it turns out he will be out of town on that date.

Council Member Dutrey volunteered to fill in for Mayor Pro Tem Paulitz at the Public Works Committee meeting on March 28, 2002, if the meeting could be held after 5:00-5:30 p.m.

It was decided that the meeting would be held at 5:30 p.m. on March 28, 2002.

- (b) He noted it was decided at the last Code Enforcement Committee meeting that the experimental "Notice to Correct" would contain language that the Notice is a warning, not a citation.
2. Council Member/Director Dutrey commented as follows:
 - (a) He inquired about a March 25, 2002 deadline for Council comments listed in a confidential memorandum the Council received on the **Eyefull Adult Entertainment/Déjà Vu** business.

City Attorney Robbins advised she would confer with the business's attorney regarding the deadline.
 - (b) He noted his attendance at the **Quad Cities Little League** opening ceremonies on Saturday, March 9, 2002, at Essex Park. He indicated the league is looking forward to a new snack bar at the park.
 - (c) He also noted his attendance on Saturday, March 9, at the "great" opening ceremonies of the **Montclair Little League**

that was also attended by Fire Engineer Steve Jackson and Police Officer Ken Pollich. He noted that Officer Pollich threw out the first ball in memory of the victims of September 11, 2001.

- (d) He noted he enjoyed attending **Neighborhood Partnership of Montclair's** very well-attended *Dining for Dollars* fund-raiser at **Pomona Valley Mining Co.** on March 7, 2002.

4. Council Member/Director Ruh commented as follows:

- (a) He also noted his attendance at the **Congressional City Conference 2002**. He stated he attended a **White House** briefing on national security, which emphasized the importance of everyone remaining vigilant at home and in the neighborhood to anything out of the ordinary.
- (b) He noted his work with **Ms. Robin Lowe** of the **City of Hemet** in the **National League of Cities (NLC)** National Transportation Committee to have **Alameda Corridor-East** grade separations included in the **NLC** policy.
- (c) He noted Mayor Eaton's and his attendance on Wednesday, March 17, 2002, at **Congressman David Dreier's** three-county briefing. He added that **Congressman Dreier** emphasized that the **Alameda Corridor-East** project is his No. 1 priority.
- (d) He thanked the Code Enforcement Committee for considering a more cooperative approach to the property owner notification process.
- (e) Citing an article in the **San Gabriel Valley Tribune**, he stated the **City of Claremont** is embarking on a master plan for senior services. He indicated he would follow-up with Assistant Director of Human Services Sue Yoakum on a similar plan she is pursuing for the Montclair community. Adding that several cities are developing youth master plans, he suggested the City begin a youth plan once the senior master plan is completed.
- (f) Citing an article in the **New England Journal of Medicine** that reports the vast majority of seniors across the country are not receiving discounts on pharmaceuticals, he noted that California mandates such discounts for seniors *if requested*. He encouraged seniors to always request their pharmaceutical discounts, adding he would leave the article with Assistant Director of Human Services Yoakum.
- (g) He shared demographic statistics on Montclair, including the fact that less than one third of families earn combined incomes of \$50,000 per year or more and two thirds of residents are homeowners.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of January 22, 2002

The City Council received and filed the Personnel Committee meeting minutes of January 22, 2002, for informational purposes.

2. Minutes of Public Works Committee Meeting of February 21, 2002

The City Council received and filed the Public Works Committee meeting minutes of February 21, 2002, for informational purposes.

3. Minutes of Personnel Committee Meeting of March 4, 2002

The City Council received and filed the Personnel Committee meeting minutes of March 4, 2002, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation Related to the Brown Act

Moved by Mayor Pro Tem/Vice Chairman Paulitz, seconded by Council Member/Director Dutrey, and carried unanimously to continue this item to an adjourned joint meeting on Monday, April 1, 2002, at 5:45 p.m. in the City Council Chambers.

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

At 7:53 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors to an adjourned joint meeting on Monday, April 1, 2002, at 5:45 p.m. in the City Council Chambers.

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

Yvonne L. Smith, Transcribing Secretary