

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, MAY 6, 2002, AT 7:00 P.M. IN THE CITY
COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem Paulitz called the meeting to order at 7:00 p.m.

II. INVOCATION

Reverend Fred Morgan, True Way Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Ruh led those assembled in the Pledge.

IV. ROLL CALL

Present: 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 Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

A. Introduction of New Employee

Mayor Pro Tem Paulitz introduced **Mr. Jeffrey Montante**, who was recently appointed to the position of Firefighter/Paramedic. He noted that Firefighter/Paramedic Montante gained more than 11 years of field experience working as an emergency medical technician and paramedic in Los Angeles and San Bernardino counties and concluded his employment with **American Medical Response**, Rancho Cucamonga, to work for Montclair.

Mayor Pro Tem Paulitz welcomed Firefighter/Paramedic Montante to the Montclair City family and presented him with his badge and a City pin.

B. Proclamation Declaring May 12-18, 2002 as "National Hospital Week" in the City of Montclair

Mayor Pro Tem Paulitz presented a proclamation to **Mrs. Patty Aguiar**, Director of Marketing, **Doctor's Hospital Medical Center of Montclair**, declaring May 12-18, 2002, as "National Hospital Week" in the City of Montclair.

Mrs. Aguiar accepted the proclamation on behalf of **Doctor's Hospital** and thanked Mayor Pro Tem Paulitz and the Council, noting the proclamation would be proudly displayed in the hospital cafeteria.

Mrs. Aguiar discussed the hospital's recent acquisition of **Doctor's Medical Plaza** on Monte Vista Avenue to provide mammography, ultrasound, bone density, and physical therapy services and the addition

of doctors, acquisition of new computer tomography imaging equipment, and future expansion of emergency room services at **Doctor's Hospital**.

Mayor Pro Tem Paulitz thanked **Mrs. Aguiar** for her comments and for the excellent medical services **Doctor's Hospital Medical Center of Montclair** provides to the community.

At this time, Mayor Pro Tem Paulitz made the following announcements:

- ✓ **Veteran's Memorial Rededication Ceremony** – Monday, May 27, 2002, at 6:00 p.m. in the patio area adjacent to City Hall to honor Montclair residents who gave their lives for our freedom in military service during and since the Vietnam War.
- ✓ Applications are currently being accepted in the City Clerk's Office through Thursday, May 9, 2002, for two vacancies on the Planning Commission and four vacancies on the Community Action Committee. Please contact Deputy City Clerk Jackson for additional information.

VI. PUBLIC COMMENT

A. **Mr. Roger Baer**, Rancho Cucamonga, commented as follows:

1. He thanked everyone who has written positive comments to him and his wife, **Jayne**.
2. He thanked the City on behalf of **Mrs. Baer** for the check in settlement of her lawsuit against the City.
3. He spoke in hopes of City Manager McDougal answering questions on a variety of topics over the next few months.
4. Citing a recent newspaper article that reported the City's budget surplus at \$11 million and recalling the Montclair Utility Users Tax was reduced last year, he questioned why the City did not elect at that time to eliminate the tax.
5. He questioned the City's intent to annex property.
6. He promised to return at future Council meetings, adding he would be the City's conscience.

B. **Mr. Raul Delgado**, 7559 Fennel Road, Rancho Cucamonga, spoke in support of Council Member Ruh's positive attitude and actions on the Council. He recognized Council Member Ruh as a solution finder, adding he would support Council Member Ruh should he someday decide to run for Mayor.

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

1. He noted he has persisted in requesting certain documenta-tion and his intent to continue to do so until such documents are provided to him. He indicated that some documents he has received from the City were "fabricated."
2. He stated he has been working with community youth who have expressed their support of Council Member Raft.
3. Noting the City had contracted refuse and sewer billing services with **Monte Vista Water District** for 20 years, he questioned the increase in refuse rates since the City began providing the billing in-house.
4. He stated the City should show youth more respect.
5. He stated he would be returning to future Council meetings to voice his opinion.

- D. **Ms. Joyce Tanner**, Human Services Senior Recreation Supervisor, stated she loves her job and, in particular, enjoys working with the After-School Program. She noted the program, a cooperative effort between the City and the **Ontario-Montclair School District**, now has almost 800 participants at five different elementary schools and one middle school. She introduced **Lehigh Elementary School** Site Supervisor **Marjorie Francis**.

Ms. Francis introduced the following four **Lehigh Elementary School** students who are active in the After-School Program: **Misty Jones**, **Sergio Muñoz**, **John Donathan**, and **Vanessa Robles**. They invited the Council to a stage play featuring program participants entitled "Kids...What dreams are made of" to be held Saturday, June 1, 2002, at 1:00 p.m. in the **Montclair High School** auditorium. The play will demonstrate the art link between the schools and the **Da Center for the Arts Gallery**, Pomona.

Ms. Iona Harris, **Da Center for the Arts Gallery**, **Pomona**, stated that all artwork, sets, and costumes for the student production have been created by After-School Program participants.

Mayor Pro Tem Paulitz thanked Senior Recreation Supervisor Tanner and the group for the invitation.

- E. **Ms. Julie Shepherd**, 4387 Monte Verde Avenue, Pomona, spoke in support of the potential annexation of her property to Montclair, noting she has been a proponent of such an action for many years.
- F. **Ms. Josie Lund**, 4387 Monte Verde Avenue, Pomona, spoke on behalf of her neighbors and herself in favor of their properties being annexed to Montclair.
- G. **Mrs. Nancy Gulizia**, 4375 Monte Verde Avenue, Pomona, spoke in favor of the potential annexation of her property to Montclair and of the importance of tonight's rezoning hearing in realizing that goal. Noting she spoke to **San Bernardino County Fourth District Supervisor Fred Aguiar** regarding this matter, she discussed the importance of addressing the issue at a neighborhood meeting.

Mayor Pro Tem Paulitz advised **Mrs. Gulizia** that a neighborhood meeting would be conducted at the appropriate time and thanked her for her comments.

VII. PUBLIC HEARINGS

- A. **Second Reading – Adoption of Ordinance No. 01-818 Amending Section 9.20.460 of the Montclair Municipal Code Related to Equivalent Dwelling Unit Value**

Mayor Pro Tem Paulitz declared it the time and place set for public hearing to consider Ordinance No. 02-818 amending Section 9.20.460 of the Montclair Municipal Code related to equivalent dwelling unit value and invited comments from the audience.

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

Council Member Ruh inquired as follows:

1. Would the proposed \$3740 equivalent dwelling unit fee be the minimum cost for an existing dwelling to be connected to the City Sewer System.

City/Agency Engineer Hudson clarified that dwellings built prior to 1979 have already been factored into the capacity required for sewage treatment, so only new construction or dwellings constructed after 1979 would be required to pay the proposed

\$3740 connection fee to Inland Empire Utilities Agency.

2. How was the fee increase determined?

City/Agency Engineer Hudson responded that the proposed \$80 rate increase to the Regional Sewage Supplemental Capital Outlay Fee was the decision of the IEUA Board and would become effective July 1, 2002, regardless of the Council's action on this item.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 02-818, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 02-818 was adopted by the following ROLL CALL vote:

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

B. First Reading – Adoption of Ordinance No. 02-819 Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System (CalPERS)

Mayor Pro Tem Paulitz declared it the time and place set for public hearing to consider Ordinance No. 02-819 authorizing amend-ment to the contract with the Board of Administration of the California Public Employees' Retirement System (CalPERS) and invited comments from the audience.

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

Council Member Dutrey received confirmation from City Manager McDougal that the proposed 3 percent at 60 Full-formula benefit amendment to the contract with the California Public Employees' Retirement System has been approved by the bargaining units for the San Bernardino Public Employees Association and nonsafety management employees.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 02-819, entitled "**An Ordinance of the City Council of the City of Montclair Authorizing Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System,**" be

read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 02-819 was adopted by the following vote:

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

C. First Reading – Adoption of Ordinance No. 02-820 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing a Prezone Designation of "R-1" to Approximately 22 Acres Within the City's Sphere of Influence

Mayor Pro Tem Paulitz declared it the time and place set for public hearing to consider Ordinance No. 02-820 pursuant to Chapter 11.84 of the Montclair Municipal Code establishing a prezone designation of "R-1" to approximately 22 acres within the City's Sphere of Influence. He clarified that this public hearing relates only to the proposed rezoning designation and not to annexation of the subject area to Montclair.

Council Member Dutrey inquired as follows:

1. What is the process to annex the subject area should the City decide to do so?

Director of Community Development Clark responded that should the proposed rezoning action be taken by the Council and at the Council's direction, the City would formally apply to the County of San Bernardino Local Agency Formation Commission (LAFCO) for annexation of the site and pay the necessary fees.

2. Who initiated the proposed action?

Director of Community Development Clark replied that staff had been approached by area residents who had expressed an interest in their neighborhood being annexed to Montclair. He stated the residents were advised that a determination would need to be made if there is sufficient interest in a majority of area residents to support such an action. He noted the residents presented staff with a petition containing a significant number of signatures supporting the proposed annexation. Based on the City's receipt of a 40 percent return on a survey of area residents, with a 58 percent majority expressing support of the proposed annexation, the Council directed staff to pursue preannexation proceedings, including tonight's public hearing for the proposed rezoning designation of the site.

Council Member Dutrey received confirmation from Director of Community Development Clark that if a majority of the subject area registered voters oppose an annexation proceeding, it would be terminated; and if opposition is received from between 25 to 50 percent of registered voters, then the annexation proceeding would be subject to a voter election.

Council Member Ruh inquired as follows:

1. Would the City of Montclair pay for such election?

Director of Community Development Clark answered, "Yes, I believe so, if it is called by the City."

2. How much would such election cost?

City Clerk Crawford replied that an election by mail would likely be administered and the cost would be relatively inexpensive.

(Two volunteers from the audience provided translation services.)

Mayor Pro Tem Paulitz asked that speakers just indicate if they are for or against the proposed rezoning designation.

Ms. Dorine Stone, 4351 Monte Verde Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Humberto Camarillo, 11351 Norton Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Ms. Mary Ann White spoke in opposition to the proposed rezoning designation, noting her estimation that 63 percent of area residents are opposed to this action.

Mr. Rafael Bañuelos, 11336 Norton Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Jack Stone, 4351 Monte Verde Avenue, Pomona, commented as follows:

1. He noted he had previously asked staff to provide bilingual notification regarding the proposed action. He presented his copy of the notice of tonight's public hearing that was received by affected property owners, objecting that only one sentence at the bottom of the notice, which gives residents a telephone number to call for further information, is written in Spanish.

Discussion took place regarding an English-language-only notice regarding tonight's public hearing being provided to affected property owners. It was determined that future public hearing notices would be in bilingual format for the benefit of Spanish-speaking property owners.

2. He asserted that "only a small portion of the residents within our community received this particular letter," adding that he took it upon himself to notify those whom, in his opinion, should have been included in such notification.

Director of Community Development Clark advised that the public hearing notice was mailed to all affected property owners, including absentee owners and owners residing within 300 feet of the subject area.

Mayor Pro Tem Paulitz stated that staff followed the correct public hearing notification procedure but noted a Spanish translation would likely improve the quality of the notice in this instance.

Director of Community Development Clark noted that only approximately five notices were returned "undeliverable."

3. He voiced his opposition to the proposed rezoning designation and questioned the contradictory statements on the public hearing notice related to a possible future annexation of the site to Montclair. He engaged Mayor Pro Tem Paulitz in a brief discussion regarding his and other residents' concerns about this possibility.

City Manager McDougal stated that the questions and concerns raised this evening about this rezoning public hearing item are understandable and appreciated. Referencing Director of Community Development Clark's response to an earlier question raised by Council Member Dutrey, he stated that the public hearing notice contained the phrase "in anticipation of annexation to the City" because the outcome of tonight's public hearing could not be

predetermined, simply because it had not yet occurred. He reiterated that the proposed action resulted from an interest to be annexed to Montclair expressed by a number of residents in the subject County area. He detailed the process required by LAFCO to do so and the steps taken by staff to this point.

Mr. Stone stated he and his neighbors understand the process but expressed some unfamiliarity with statutory details of the process. He stated he desired his and his neighbors' objections to the potential of the site being annexed to Montclair to be understood by staff.

City Manager McDougal expressed the Council's and his understanding of **Mr. Stone's** statement.

Mr. Stone questioned the ability and need of County residents to vote on a matter that he perceives to be solely within the jurisdiction of the City of Montclair.

City Manager McDougal reiterated that the purpose of the proposed rezoning designation, as required by LAFCO, is in the event all or part of the subject area should come under future consideration of the Council for annexation. He clarified that the rezoning designation would signify to LAFCO, property owners, and City staff the correct zoning for the site should this occur and that affected property owners are aware and approve of this potential action.

Mayor Pro Tem Paulitz advised **Mr. Stone** that his time to comment had expired.

Mr. Stone thanked the Council for allowing time for his testimony.

At 8:21 p.m., Mayor Pro Tem Paulitz recessed the City Council.

At 8:26 p.m., Mayor Pro Tem Paulitz reconvened the City Council.

In an effort to expedite matters, Mayor Pro Tem Paulitz asked speakers to please stand when their names are called and indicate a "Yes" or "No" response to the proposed rezoning designation.

Council Member Raft suggested the public hearing process for this item be repeated, ensuring that a Spanish translation is included in the public hearing notice.

Mayor Pro Tem Paulitz suggested the public hearing continue, noting ample opportunity exists to end the process should that be decided.

Ms. Daisy Hamlin, 4354 Monte Verde Avenue, Pomona, stated she is against the proposed rezoning designation.

Ms. Guadalupe Saucedo, 11333 San Felipe Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. José Tejeda, 11354 San Felipe Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Edward Baeza, 11335 Kimberly Avenue, Pomona, advocated terminating the proposed rezoning designation as well as further consideration of future annexation of the subject area. He spoke in support of City of Montclair amenities, including sewer services and streetlights, but not at the expense of having to comply with City codes.

Mr. Luis Sylvia Ledesma, 4445 Monte Verde Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Loren Martens, 4285 Benito Street, Montclair, commented as follows:

1. He cited a discrepancy in the proposed R-1 zone minimum lot size

of 7500 square feet listed in the agenda report on this item and the 7200 square foot minimum lot size reported by Director of Community Development Clark this evening.

Mayor Pro Tem Paulitz stated Director of Community Development Clark clarified the difference in lot sizes.

2. He cited a two-foot interior side-yard setback discrepancy between the current County zoning (10 feet) and the proposed R-1 rezoning designation (12 feet) that does not appear to be addressed.

Mr. Alfredo Briseño, 11386 Kimberly Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Jose Pérez, 11320 Ramona Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Ms. Silvia Ledesma, 4445 Monte Verde Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Juan Almazan, 11336 San Pasqual Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Robert Turner, 4412 Monte Verde Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Ms. Anita Partida, 11396 Kimberly Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Ms. Evelyn Briseño, 11386 Kimberly Avenue, Pomona, spoke in opposition to the proposed rezoning designation.

Mr. Alberto Ocegueda, 11324 San Pasqual Avenue, Pomona, spoke in opposition to the proposed rezoning designation, adding he would appreciate a Spanish translation of future public hearing notices on this item.

Mr. Don Hotstetter, 11336 Norton Avenue, Pomona, spoke strongly in opposition to the proposed rezoning designation and all future consideration of annexation of the subject area. He asked all audience members carrying signs to display them for the benefit of the Council.

Mr. Lee Dacus, 4378 East Phillips Boulevard, Pomona, spoke in opposition to the proposed rezoning designation.

Ms. Patricia Adelman, 4378 Monte Verde Avenue, Pomona, spoke in favor of the proposed rezoning designation. Noting she had personally campaigned in her neighborhood in support of this proposal, she indicated that many residents who are likewise in support of the rezoning designation are working and unable to attend the public hearing. She concurred that a Spanish translation would have been helpful for a number of the residents. She further concurred with the earlier suggestion that a neighborhood meeting be held to clarify this matter for the residents' benefit, adding it would be helpful to provide a translator at that meeting.

Mr. Gabriel Provencio, 4351 East Grand Avenue, Pomona, spoke in opposition to the proposed rezoning designation. Though he expressed his respect for **Ms. Adelman's** comments, he indicated that opponents to the proposal have a passion for remaining within the jurisdiction of San Bernardino County. He noted that not including a Spanish translation in the public hearing notice was unfair to Spanish-speaking residents.

Mayor Pro Tem Paulitz thanked **Mr. Provencio** for his comments.

There being no one else in the audience wishing to speak, Mayor Pro Tem Paulitz closed the public hearing and returned the matter to the City

Council for its consideration.

Discussion centered on the appropriateness of closing the public hearing at this time, with one dissenter arguing that Mayor Pro Tem Paulitz's request that comments be limited to a "Yes" or "No" response to the proposed rezoning designation is a violation of state law.

Not wishing to debate the issue, Mayor Pro Tem Paulitz reiterated that the public hearing is closed and returned the matter to the City Council for its consideration.

Council Member Ruh noted receiving a telephone call from an individual who turned out to be unimpacted by this item. He noted the suggestions of **Mrs. Gulizia** and **Ms. Adelmann** to hold a neighborhood meeting are valid in an effort to further clarify the item and end the misconceptions, adding that **Supervisor Aguiar's** office retains certified translators on staff.

Mayor Pro Tem Paulitz concurred with Council Member Ruh's suggestion. He suggested the Council proceed with the first reading of Ordinance No. 02-820 and noted other options that could be taken. He reminded the Council that this is a preliminary step and that LAFCO would have the final decision on this matter.

Council Member Raft noted the majority of speakers have clearly opposed the proposed rezoning designation. She spoke in favor of conducting the neighborhood meeting.

Council Member Dutrey concurred and further suggested staff resurvey the subject area after the neighborhood meeting is held and prior to conducting the second reading on this item. He expressed his understanding of the advantages of residing in the County with its more relaxed standards and *laissez-faire* attitude. Having said that, Council Member Dutrey stated the City is committed to improving that area, with immediate emphasis to be placed along Mission Boulevard, and is in the planning stages of adopting a joint redevelopment plan in cooperation with the County of San Bernardino and affected property owners to accomplish that goal. He indicated that doing so would increase property values and result in a new synergy and dynamic in that area. In addition, he stated that the process has begun to construct two new rail crossings at Ramona and Monte Vista Avenues and the Union Pacific Railroad tracks, which will vastly alleviate traffic congestion at those sites. He emphasized that the Mission Boulevard revitalization project is being executed in partnership with the County and property owners.

City Manager McDougal noted the merit of including a Spanish translation on future notifications of this item. He suggested the subject site be resurveyed as the original survey was conducted over a year ago, ensuring the new survey will include a Spanish translation. Cautioning that the survey would only be mailed to property owners and registered voters of the site (which would explain why some residents did not receive a notice of tonight's public hearing), he advised those who rent their homes to register to vote at City Hall.

Council Member Ruh concurred with City Manager McDougal's suggestion. He further suggested the neighborhood meeting be held prior to the resurvey being conducted for clarification purposes.

A majority of audience members concurred.

Council Member Ruh stated he would be happy to confer with **Supervisor Aguiar** regarding organization of the meeting.

Discussion centered on the disposition of the first reading of Ordinance No. 02-820.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried that no further action be taken on this item, staff be directed to organize a neighborhood meeting with **Supervisor Aguiar**, and the

subject area be resurveyed.

Council Member Ruh noted **Supervisor Aguiar** has been very supportive of this area of the County in the past and would be amenable to continuing his support.

Council Member Dutrey added he has also spoken to **Supervisor Aguiar** who has expressed his concern that residents are happy with any decisions that are made.

At 8:51 p.m., Mayor Pro Tem Paulitz recessed the City Council.

At 8:54 p.m., Mayor Pro Tem Paulitz reconvened the City Council.

VIII. CONSENT CALENDAR

Council Member Dutrey requested that Item C-1 be removed from the Consent Calendar for comment.

Council Member Ruh noted he would also like to comment on Item C-1.

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 April 1, 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 April 1, 2002.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 02-2387 Adjusting Human Services Division Fees

The City Council set a public hearing for Monday, June 3, 2002, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 02-2387 adjusting Human Services Division fees.

2. Setting a Public Hearing to Consider Ordinance No. 02-821 Amending Chapter 4.56 of the Montclair Municipal Code Related to Regulation of Massage Parlor Establishments

The City Council set a public hearing for Monday, June 3, 2002, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 02-821 amending Chapter 4.56 of the Montclair Municipal Code related to regulation of massage parlor establishments.

3. City Council and Redevelopment Agency Board of Directors' Approval of the *City of Montclair Capital Improvement Program for Fiscal Years 2003-2007*

The City Council and Redevelopment Agency Board approved the *City of Montclair Capital Improvement Program for Fiscal Years 2003-2007*.

4. Authorization to Purchase Two 2003 Model Staff Vehicles for the Fire Department

The City Council authorized purchase of two 2003 model staff vehicles for the Fire Department.

5. Authorize Transfer of Funds From the Contingency Account for Repair of Heating, Ventilation, and Air Conditioning Equipment

on the Crew Side of Fire Station No. 1

The City Council authorized transfer of funds from the Contingency Account for repair of heating, ventilation, and air conditioning equipment on the crew side of Fire Station No. 1.

6. Declaring Certain City Property and Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared certain City property and unclaimed property in police custody and listed in an attachment to this agenda report item as surplus and available for auction.

7. Authorization to Advertise for Bids for Addition of Second Platform to Montclair Metrolink Station

The City Council authorized staff to advertise for bids for addition of a second platform at the Montclair Metrolink station.

8. Acceptance of Grant Deed No. 1605 for Street, Highway, and Public Utility Purposes

The City Council accepted Grant Deed No. 1605 from Mr. Richard K. Stensgaard for right-of-way dedication of a portion of his property at 10807 Ramona Avenue for street, highway, and public utility purposes.

9. Acceptance of Grant Deed No. 1606 for Street, Highway, and Public Utility Purposes

The City Council accepted Grant Deed No. 1606 from Messrs. William Leicester Cooke and William Leicester Cook, Jr., for right-of-way dedication of a portion of their property on the east side of Ramona Avenue from Mission Boulevard approximately 700 feet south for street, highway, and public utility purposes.

10. Approval of Parcel Merger No. 2002-2 Located at 10589 Mills Avenue

The City Council approved Parcel Merger No. 2002-2 pursuant to a condition of the Conditional Use Permit for 10589 Mills Avenue requiring that two adjoining parcels be merged.

11. Approval of Certain Recommendations From the March 28, 2002 Public Works Committee Meeting

The City Council approved certain recommendations from the March 28, 2002 Public Works Committee meeting as listed on the agenda report for this item.

12. Approval of Certain Recommendations From the April 18, 2002 Public Works Committee Meeting

The City Council approved certain recommendations from the April 18, 2002 Public Works Committee meeting as listed on the agenda report for this item.

13. "No Action" on Alcoholic Beverage Permit Application – Crescent City Restaurant

The City Council voted "No action" on the "On-Sale Beer and Wine for Bona Fide Public Eating Place" license application of Mr. Michael J. Waller, Sr., for Crescent City Restaurant, 9395 Monte Vista Avenue, Montclair, California.

14. "No Action" on Alcoholic Beverage Permit Application – Chamans Bar

The City Council voted "No action" on the "On-Sale Beer and Wine

for Public Premises" license application of Messrs. Bilney and José Gabriel Flores for Chamans Bar, 5461 Holt Boulevard, Montclair, California.

15. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated May 6, 2002, totaling \$984,948.02; and the Payroll Documentation dated March 24, 2001, amounting to \$447,298.62, with \$304,194.16 being the total cash disbursement.

C. Agreements

2. Approval of Agreement No. 02-56 Appropriating Funds From the Vehicle Replacement Fund for Purchase of Three 2002 Harley Davidson Motorcycles From Pomona Valley Motorcycles, Inc., for Use By Police Department Motorcycle Patrol

The City Council approved *Agreement No. 02-56* appropriating funds from the Vehicle Replacement Fund for purchase of three 2002 Harley Davidson motorcycles from Pomona Valley Motorcycles, Inc., for use by Police Department motorcycle patrol.

3. Approval of Agreement No. 02-62 With Albert Grover & Associates to Develop New Timing Plans for 22 Intersections in the City

The City Council approved *Agreement No. 02-62* with Albert Grover & Associates to develop new timing plans for 22 intersections in the City.

4. Approval of Agreement No. 02-64, a Communications Site Lease Agreement by and Between the City of Montclair Redevelopment Agency and Cingular Wireless, LLC for Collocation of a Cellular Antenna at Freedom Plaza Park

The City Council approved *Agreement No. 02-64*, a *Communications Site Lease Agreement* by and between the City of Montclair Redevelopment Agency and Cingular Wireless, LLC, for collocation of a cellular antenna at Freedom Plaza Park.

5. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 02-65 Through 02-67, 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. 02-65 through 02-67, 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.

6. Approval of Agreement No. 02-68 Superseding Agreement No. 02-28 With Union Pacific Railroad Company for a New Public Highway Crossing for Monte Vista Avenue at the Union Pacific Railroad Tracks

The City Council approved *Agreement No. 02-68* superseding *Agreement No. 02-28* with Union Pacific Railroad Company for a new public highway crossing for Monte Vista Avenue at the Union Pacific Railroad tracks.

D. Resolutions

1. Adoption of Resolution No. 02-2386 Determining the Status of Local Safety Employee William Ernest Kendrick

The City Council adopted Resolution No. 02-2386, entitled "**A Resolution of the City Council of the City of Montclair Determining the Disability for Retirement Purposes of a Local Safety Member (Section 21156, California Government Code),**" determining the status of local safety employee William Ernest Kendrick.

2. **City Council Adoption of Resolution No. 02-2388, a Resolution of the City Council of the City of Montclair consenting to and Calling for a Joint Public Hearing With the City of Montclair Redevelopment Agency With Respect to the Proposed Redevelopment Plan and Related Program Environmental Impact Report for the Mission Boulevard Joint Redevelopment Project**

Redevelopment Agency Board of Directors' Adoption of Resolution No 02-07, a Resolution of the City of Montclair' Redevelopment Agency Consenting to and Calling for a Joint Public Hearing With the City Council of the City of Montclair With Respect to the Proposed Redevelopment Plan and Related Program Environmental Impact Report for the Mission Boulevard Joint Redevelopment Project

The City Council adopted Resolution No. 02-2388, entitled "**A Resolution of the City Council of the City of Montclair Consenting to and Calling for a Joint Public Hearing With the City of Montclair Redevelopment Agency With Respect to the Proposed Redevelopment Plan and Related Program Environmental Impact Report for the Mission Boulevard Joint Redevelopment Project,**" which sets a public hearing for Monday, June 17, 2002, at 7:00 p.m. in the City Council Chambers for the purpose described therein.

The Redevelopment Agency adopted Resolution No. 02-07, entitled "**A Resolution of the City of Montclair Redevelopment Agency Consenting to and Calling for a Joint Public Hearing With the City Council of the City of Montclair With Respect to the Proposed Redevelopment Plan and Related Program Environmental Impact Report for the Mission Boulevard Joint Redevelopment Project,**" which likewise sets the same public hearing for Monday, June 17, 2002, at 7:00 p.m. in the City Council Chambers for the purpose described therein.

3. **City Council Adoption of Resolution No. 02-2389, a Resolution of the City Council of the City of Montclair Determining that a Project Area Committee Shall Not be Formed in Connection With the Mission Boulevard Joint Redevelopment Project**

Redevelopment Agency Board of Directors' Adoption of Resolution No. 02-08, a Resolution of the City of Montclair Redevelopment Agency Determining that a Project Area Committee Shall Not be Formed in Connection With the Mission Boulevard Joint Redevelopment Project

The City Council adopted Resolution No. 02-2389, entitled "**A Resolution of the City Council of Montclair Determining that a Project Area Committee Shall Not be Formed in Connection With the Mission Boulevard Joint Redevelopment Project.**"

The Redevelopment Agency Board of Directors adopted Resolution No. 02-08, entitled "**A Resolution of the City of Montclair Redevelopment Agency Determining that a Project Area Committee Shall Not be Formed in Connection With the Mission Boulevard Joint Redevelopment Project.**"

4. **City Council Adoption of Resolution No. 02-2390, a Resolution of the City Council of the City of Montclair Making Certain**

Findings Regarding Use of Low- and Moderate-Income Housing Set-Aside Funds in Connection With the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project

Redevelopment Agency Board of Directors' Adoption of Resolution No. 02-09, a Resolution of the City of Montclair Redevelopment Agency Making Certain Findings Regarding Use of Low- and Moderate-Income Housing Set-Aside Funds in Connection With the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project

The City Council adopted Resolution No. 02-2389, entitled "A Resolution of the City Council of Montclair Making Certain Findings Regarding the Use of Low- and Moderate-Income Housing Set-Aside Funds in Connection With the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project."

The Redevelopment Agency Board of Directors adopted Resolution No. 02-08, entitled "A Resolution of the City of Montclair Redevelopment Agency Making Certain Findings Regarding the Use of Low- and Moderate-Income Housing Set-Aside Funds in Connection With the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project."

IX. PULLED CONSENT CALENDAR ITEMS

A. Agreements

5. Consider Approval of Agreement No. 02-26 With American Medical Response to Conduct a Pilot Program to Evaluate Delivery of Emergency Medical Services

Noting he understands staff's proposed pilot program to evaluate emergency medical services, Council Member Dutrey requested further clarification on staff's proposal.

Fire Chief Turner clarified that the proposed 120-day pilot program with American Medical Response (AMR) would determine the efficiency of the Fire Department's paramedic-program. He expressed his confidence that the evaluation would confirm the quicker responses provided by the paramedic program as compared to current response times provided by AMR. Should that be the case, he stated the Council would be presented with an amended agreement with AMR extending the response times for the company, resulting in a cost savings to the City.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried to approve *Agreement No. 02-26* with American Medical Response to evaluate delivery of emergency medical services.

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

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

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel – No comments

B. City Manager/Executive Director

1. In response to a comment made this evening, City Manager/ Executive Director McDougal clarified that the City had previously contracted with **Monte Vista Water District** for refuse and sewer

billing services prior to establishing an in-house billing system at the beginning of 2000. He indicated that staff would be presenting a report shortly on the \$30,000 savings to the City as a result of implementation of this program.

Council Member Ruh inquired concerning an increase in refuse rates, noting the rate increase mentioned might relate to the automated collection system that was implemented concurrently with the in-house refuse/sewer billing program.

City Clerk Crawford replied there has been no increase in the refuse rate for the past two years.

C. Mayor/Chairman – Absent

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Paulitz commented as follows:
 - (a) He stated the minutes of two recent Public Works Committee meetings and a Personnel Committee meeting have been included in tonight's agenda.
 - (b) He noted his attendance at the Human Services Division Annual Volunteer Recognition Dinner last Tuesday and recognized Council Member Ruh's contribution that evening.
 - (c) He noted Mayor Eaton and he will attend the May 13, 2002, tour of Montclair's federally assisted project areas, including Mission Boulevard and the Monte Vista Avenue and Ramona Avenue grade separation projects, with Field Representative **Mark Harmsen** of **Congress-man David Dreier's** office.
2. Council Member/Director Dutrey commented as follows:
 - (a) In follow up to his comments at the April 2 Council meeting regarding an increase in graffiti, he noted the issue was addressed at last week's Public Safety Committee meeting. He advised that the Committee has decided to review improved ways of graffiti enforcement and removal efforts, one of which would be to hire another full-time graffiti abatement worker, bringing the number of such employees to 2.5 should this recommendation be approved in the Fiscal Year 2002-03 Budget.
 - (b) He noted he enjoyed attending the well-organized Annual Volunteer Recognition Dinner last Tuesday presented by Human Services Division staff.
 - (c) He recognized **Pomona Valley Harley-Davison** for donating three motorcycles at \$1 apiece to the Police Department's motorcycle patrol. He suggested **Pomona Valley Harley-Davison** be formally recognized at a future Council meeting for its generous donation.
3. Council Member/Director Ruh commented as follows:
 - (a) He noted his participation on April 27, 2002, in the **South Coast Air Quality Management District** Housing Summit that addressed housing issues throughout the region, including impediments to housing and types of new housing designs. He added he was asked to serve as a panelist, along with **Professor Stefanos Polyzoides**, the very well-known artist/urbanist/planner who has done work in Pasadena and all over the world, and **Ms. Julie Bornstein**, Director, **California Department of Housing and Community Development**, to discuss the housing crisis in Southern California. He noted he was pleased to have served on a panel with those distinguished individuals.
 - (b) He noted meeting last Wednesday evening with **Attorney General Bill Lockyer** regarding **Alameda Corridor-East (ACE)** and identity theft (of which he himself was a victim), a major issue being addressed by **Attorney General Lockyer**.
 - (c) He noted meeting with **Assembly Member Robert Pacheco**, who will soon represent Chino/Chino Hills, who understands he will need to be aggressive in secur-ing funding for **ACE** for a portion of his new district and for Montclair.

- (d) He noted meeting with **Congressman Joe Baca**, who represents Ontario, regarding federal funding for **ACE**.
- (e) He noted that last Saturday **Congressman Gary Miller** asked him to be his guest at his artistic endeavor, consisting of regional student artwork that is on temporary display for another week and a half at the **Richard Nixon Library & Birthplace**, Yorba Linda. He commended **Congressman Miller** for encouraging our young people to pursue the arts.
- (f) He noted he has telephoned **Congressman Dreier** his regrets that he will be unable to attend the May 13 tour as he will be in Washington, D.C. He indicated he will meet with **Congressman Dreier** and six other members of Congress a few days later regarding **ACE**. He added he will also meet with **U.S. Senators Dianne Feinstein** and **Barbara Boxer** to discuss the continued need for funding of **ACE** as this is a crucial issue for Montclair.
- (g) He noted his attendance at Human Services Division's "wonderful" Annual Volunteer Recognition Dinner last week and commended Human Services Division on the success of its program.
- (h) He related a disheartening story he heard about a resident of **Heritage Park** who is having to relocate to a senior housing complex in a neighboring city where she can afford the \$400 rent payment. He stated this situation exemplifies the need in Montclair for more affordable housing for seniors who are contributing members of this community.
- (i) He noted he will be meeting with **Ms. Kathy Kinley, Chaffey Joint Union High School District** Board of Trustees, to address the issue of school test scores.
- (j) He noted he would also attend a meeting with the **Ontario-Montclair School District** on the same issue to see what can be done to remedy the issue.
- (k) He noted the passing of **Mrs. Lou Ann Svenson**, one of the original incorporating members of the City of Montclair and the City's and state's first female Planning Commissioner. He asked that tonight's meeting be adjourned in the memory of **Mrs. Lou Ann Svenson**, President of the **Chaffey Community Art Association**, a true patron on the arts who was instrumental in fostering youth in the arts, a long-time contributing member of this community, and the City's first female Planning Commissioner.
- (l) He noted attending with Mayor Eaton and Mayor Pro Tem Paulitz the very well-attended **National Day of Prayer** sponsored by **Montclair Kiwanis** and expressed his hope that it becomes a tradition that will continue in future years.
- (m) He stated that in the interest of time, he would defer the remainder of his items to another meeting.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of March 28, 2002

The City Council received and filed the Public Works Committee meeting minutes of March 28, 2002, for informational purposes.

2. Minutes of Personnel Committee Meeting of April 18, 2002

The City Council received and filed the Personnel Committee

meeting minutes of April 18, 2002, for informational purposes.

3. Minutes of Public Works Committee Meeting of April 18, 2002

The City Council received and filed the Public Works Committee meeting minutes of April 18, 2002, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Presentation of Preliminary Assessments on Development of Senior, Youth, and Police Facilities

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, and carried to continue this item to an adjourned joint meeting on Monday, June 3, 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 9:07 p.m., Mayor Pro Tem/Vice Chairman Paulitz adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors to Monday, June 3, 2002, at 5:45 p.m. in the City Council Chambers in honor of long-time contributing community member **Mrs. Lou Ann Svenson**.

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

Yvonne L. Smith
Transcribing Secretary