

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, JUNE 3, 2002, AT 7:00 P.M. IN THE CITY
COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 7:00 p.m.

II. INVOCATION

Pastor Juan Campos, the Door Christian Fellowship, 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; 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

A. Introduction of New Employee

Mayor Eaton introduced **Mr. Joseph Connell**, who was appointed to the position of Police Officer effective May 23, 2002. He noted that Officer Connell began his career with the City of Montclair on February 19, 2002, as a Police Officer Trainee while putting him-self through **Rio Hondo Police Academy**.

Mayor Eaton welcomed Officer Connell to the Montclair City family and presented him with his badge and a City pin.

B. Proclamation Declaring May 1 Through September 2, 2002, "Safe Kids Summer 2002" in the City of Montclair

Mayor Eaton presented a proclamation to **Mr. Ken Miller**, Executive Director, **Child Advocates**, declaring May 1 through September 2, 2002, "Safe Kids Summer 2002" in the City of Montclair.

Mr. Miller accepted the proclamation on behalf of **Child Advocates** and thanked Mayor Eaton and the Council. He advised that awareness is the first step in risk intervention and prevention. He presented the Council with literature that he asked be shared with the **Montclair Branch Library** and school districts. Quoting **John Whitehead**, who said "Children are the living messages we send to a time we won't see," he indicated it is important as a community to protect those children who bear hope for the future.

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

VI. PUBLIC COMMENT

A. Mr. Bobby Hyde, Manager, Ben Bridge Jewelers, 2086 Montclair Plaza

Lane, Montclair, a Board Member of the **Montclair Chamber of Commerce**, announced the following **Chamber** activities:

1. June 6, 2002 – Visit from nine Chinese business delegates who will learn how America promotes small businesses; the visit will also promote international relations.
2. June 12, 2002 – *Women's Health-Awareness Seminar*; 11:30 a.m.; **Chamber** Conference Room; hosted by **Renée Futter, Arbonne International**.
3. June 18, 2002 – Ribbon-cutting/mixer, 3:00 to 5:00 p.m., **Red Lobster Restaurant**, 9345 Monte Vista Avenue.
4. June 25, 2002 - *Good Morning, Montclair, Breakfast*, 7:30 a.m., **Los Portales Mexican Grill & Seafood**, 10244 Central Avenue, cost: \$10.
5. August 28, 2002 – **Chamber 13th Annual Golf Tournament**; check-in, 6:30 a.m., putting and chipping contests, 7:00 a.m., shotgun start, 8:00 a.m.; **Sierra Lakes Golf Club**, 16600 Clubhouse Drive, Fontana; call the **Chamber**, (909) 624-9469, for reservations.

Mayor/Chairman Eaton reminded those audience members desiring to address the Council and Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card* and they would be afforded a total of five minutes to speak on subjects that do not appear on tonight's agenda.

- B. Mr. Thomas J. Fitzgerald** described a fictitious Police-related seminar. He placed copies of a document for the Council on the dais.
- C. Mr. Raul Delgado**, 7559 Fennel Road, Rancho Cucamonga, expressed his concern that unincorporated areas in the City's Sphere of Influence, particularly along Kadota Avenue south of Mission Boulevard, have no sidewalks or curbs, posing a threat to child safety. He asked how this issue could be resolved.

City Manager McDougal advised **Mr. Delgado** that because the area he described lies within the City's unincorporated Sphere of Influence only and is a part of San Bernardino County, the City has no jurisdiction over offsite public-improvement projects. He advised **Mr. Delgado** to contact **Mr. Kenneth A. Miller**, Director, Department of Public Works, **County of San Bernardino**, at (909) 387-7906.

- D. Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, commented as follows.
 1. For the record, he noted he had requested representation at tonight's meeting from the offices of **State Senator Nell Soto**, **State Assembly Member Gloria Negrete McLeod**, and **San Bernardino County Fourth District Supervisor Fred Aguiar** to no avail, adding that some issues would best be observed first hand.
 2. He asserted that, in his opinion, two individuals in attendance at the last regular joint meeting who had submitted *Speaker Information Cards* were not given the opportunity to address the Council. He claimed that pursuant to the **Ralph M. Brown Act**, they were denied their Constitutional rights.
 3. He noted that residents have expressed their concerns to him, e.g., the City's inclusion of Montclair Fire Fighters' Association President Tom Stoudt in a recent "personal tour" of Sacramento. He questioned the benefit to taxpayers of including a labor union representative in the trip.

Council Member Dutrey clarified that **Mr. Armstrong** is referring to a Sacramento lobbying trip that Mayor Eaton, Mayor Pro Tem Paulitz, Council Member Ruh, City Manager McDougal, representatives of the Montclair Police Officers' Association and

Montclair Fire Fighters' Association, and he recently attended. He explained the purpose of the visit was the preservation of City revenues through a unified lobbying effort.

Mr. Armstrong noted that the public perception regarding the visit is quite different.

Mayor Eaton further clarified that state officials have advised local officials that lobbying efforts at the state level are very ineffective unless city officials are accompanied by their safety labor union representatives.

4. He cited an article written by City Reporter **Tipton Blish, *Inland Valley Voice***, regarding the issues involved in the settled **Raft** lawsuit.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 02-2384 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Miguel A. and Veronica Casas and Located at 9558 Marion Avenue, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2384 authorizing recovery of abatement costs incurred by the City related to property owned by Miguel A. and Veronica Casas and located at 9558 Marion Avenue, Montclair, California, and invited comments from the audience.

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 as follows:

1. Was staff aware, at the onset of abatement proceedings, that the subject property was not owner occupied?

City Manager McDougal responded that the property was vacant when it came to the attention of Code Enforcement Division.

2. Has staff attempted to contact the property owners?

City Manager McDougal replied that the owners were unresponsive to staff's attempts to contact them and that their whereabouts are unknown.

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

1. That Resolution No. 02-2384, entitled "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 9558 Marion**

Avenue, Montclair, California," 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.

2. That the Council determine that the reimbursement amount of \$1,187.52 be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 02-2384.

Resolution No. 02-2384 was unanimously adopted and the Council determined that the reimbursement amount of \$1,187.52 be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 02-2384 by the following vote:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

B. Adoption of Resolution No. 02-2387 Adjusting Human Services Division Fees

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2387 adjusting Human Services Division fees and invited comments from the audience.

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

Mayor Pro Tem Paulitz received clarification on the proposed \$.50/mile Montclair Senior Golden Xpress fee for service outside the service area.

Council Member Ruh received clarification on the pass-through insurance premiums for Hazard Class IV activities.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Paulitz that Resolution No. 02-2387, entitled "**A Resolution of the City Council of the City of Montclair Designating Service and Rental Charges for Use of City Facilities and Fees for Programs Sponsored Through the Human Services Division,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 02-2387 was adopted by the following vote:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

C. Second 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 Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-819 authorizing amendment 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 Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Dutrey 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 second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 02-819 was adopted by the following ROLL CALL vote:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

D. First Reading – Adoption of Ordinance No. 02-821 Amending Title 4, Chapter 56, of the Montclair Municipal Code Related to Regulation of Massage Parlor Establishments

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-821 amending Chapter 4.56 of the Montclair Municipal Code related to regulation of massage parlor establishments and invited comments from the audience.

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 Dutrey inquired as to the approval process for a massage facility application.

Director of Community Development Clark responded that the process would depend on the type of establishment. In the case of a massage facility that would operate in conjunction with the medical profession, he advised that the Police Department would simply review the application and issue the permit. In the case of an individually operated massage facility, however, he stated that a Conditional Use Permit would be required in addition to Police Department review.

Council Member Ruh noted he feels more comfortable with the proposed increase in minimum required training from 200 to 500 hours to ensure the legitimacy of massage technicians, adding the increase in training would offer the trainee additional experience necessary for such profession.

Mayor Eaton related that he referred an applicant for such a business to Planning and the Police Department to be processed, noting he felt comfortable after interviewing the applicant that his facility would be legitimate. He spoke in support of the revisions proposed on this item.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 02-821, entitled "**An Ordinance of the City Council of the City of Montclair Amending Sections 4.56.040(A)(11) and 4.56.050(H) of the Montclair Municipal Code Related to Regulation of Massage Parlor Establishments,**" 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. 02-821 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Paulitz requested that Item B-1 be removed from the Consent Calendar for comment.

Concerning Item B-2, Council Member Dutrey inquired regarding Section VII, "Capital Projects Update," of the May 16, 2002 Public Works Committee Meeting minutes. Regarding Phase 4 of the Mission Boulevard Improvement Project, he inquired as to the likely length of delay that would result from the environmental study requirement under the **National Environmental Policy Act (NEPA)**.

City Engineer Hudson reported that staff has held recent meetings with the **California Department of Transportation** about such delay, the outcomes of which shall be discussed at the June 12, 2002 Public Works Committee meeting.

Council Member Dutrey indicated he would like this project to begin this year; further, if there would be a substantial delay as a result of the NEPA environmental study requirement, he suggested the half million dollars that would have been provided by the Federal Demonstration Money grant to fund this project be appropriated, instead, from the City's General Fund rather than delay the project until next year. He also strongly supported staff's recommendation to modify Phase 4 in the *City of Montclair Capital Improvement Program for Fiscal Years 2002-03 Through 2005-06* so the reach of the Mission Boulevard improvements would extend between the east end of Phase 3 and Monte Vista Avenue.

Council Member Ruh received confirmation that the Monte Vista Avenue Grade-Separation Project would not be affected by the **NEPA** environmental study delay.

Concerning Items C-5 and C-9, Council Member Ruh inquired as follows:

- ✓ Regarding Item C-5 ("Approval of *Agreement No. 02-74* With Economics & Politics, Inc., to Conduct a Study of the Geographic Distribution of Retail Customers Shopping at the Montclair Plaza"), he asked that the impact of the conversion of a portion of the agricultural preserve in Chino into a retail shopping center be included in the proposed study as residents in that geographical area also shop at the **Montclair Plaza**.

City Manager McDougal agreed, stating that Chino Hills would also be included. He received authorization to negotiate a minor cost adjustment to include those areas in proposed *Agreement No. 02-74*. He stated that should the cost increase be substantial, this item would be returned for further Council consideration.

- ✓ Regarding Item C-9 ("Approval of *Agreement No. 02-80* Amending *Agreement No. 01-91* With San Bernardino County Department of Aging and Adult Services to Provide a Senior Citizens Nutrition Center"), he received clarification that the consumable supplies must only be purchased by June 30, 2002, and not necessarily used by that date.

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 Adjourned Joint Council/Agency Meeting of May 6, 2002

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board meeting of May 6, 2002.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of May 6, 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 May 6, 2002.

B. Administrative Reports

2. Approval of Certain Recommendations From the May 16, 2002 Public Works Committee Meeting

The City Council approved certain recommendations from the May 16, 2002 Public Works Committee meeting as listed on the agenda report for this item.

3. Authorization to Advertise for Bid Proposals for the MacArthur Park Improvement Project

The City Council authorized the City Engineer to advertise for bid proposals for the MacArthur Park Improvement Project.

4. Authorization to Advertise for Bid Proposals for Select System Project No. 174 – Monte Vista Avenue Rehabilitation Project

The City Council authorized the City Engineer to advertise for bid proposals for Select System Project No. 174 – Monte Vista Avenue Rehabilitation Project.

5. 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. 175 - Phase 2 Mission Boulevard Improvements

The City Council approved the following actions related to completion of Select System Project No. 175 – Phase 2 Mission Boulevard Improvements:

- (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.

6. Authorization to Appropriate Funds From 2000 Local Law Enforcement Block Grant Program

The City Council authorized allocation of \$5,245 in accrued interest on the 2000 Local Law Enforcement Block Grant Program Funds, which must be expended by the closing date of the grant, for purchase of additional personal computers for use by the Police Department.

7. Authorization to Reallocate State Supplemental Law Enforcement Services Funds

The City Council authorized reallocation of the \$29,650 remaining balance of the Supplemental Law Enforcement Service funds to Capital Outlay programs for purchase of an evidence freezer, fuming cabinet, and evidence alternate lighting source.

8. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending April 30, 2002.

9. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated June 3, 2002, totaling \$494,869.93; the Payroll Documentation dated April 7, 2002, amounting to \$443,115.81, with \$302,404.75 being the total cash disbursement; and the Payroll Documentation dated April 21, 2002, amounting to \$449,637.09, with \$307,404.67 being the total cash disbursement.

10. 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 April 30, 2002.

11. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 4/01/2002–4/30/2002 in the amounts of \$540,476 for Project I; \$1,041,000 for Project II; \$213,775.20 for Project III; \$31,004.95 for Project IV; and \$87,109.60 for Project V.

12. 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 April 30, 2002.

13. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 4/01/2002–4/30/2002 in the amount of \$22,896.79.

C. Agreements

1. Approval of Agreement No. 02-61 With Albert Grover & Associates for Traffic Engineering Services Associated With the North Montclair Signal Interconnect and Synchronization Project

The City Council approved *Agreement No. 02-61* with Albert Grover & Associates for traffic engineering services associated with the North Montclair Signal Interconnect and Synchronization Project.

2. Approval of Agreement No. 02-70 With West Coast Arborists for

Tree-Maintenance Services

The City Council approved *Agreement No. 02-70* with West Coast Arborists for tree-maintenance services.

3. **Approval of *Agreement No. 02-71* by and Between the City of Montclair, the City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc., for Median Island, Park, and Parkway Landscape and Maintenance**

The City Council approved *Agreement No. 02-71* by and between the City of Montclair, City of Montclair Redevelopment Agency, and Mariposa Horticultural Enterprises, Inc. for median island, park, and parkway landscape and maintenance.

4. **Approval of *Agreement No. 02-73*, an *Irrevocable Annexation Agreement* With Mr. Kenneth A. Curry for 11203 Roswell Avenue**

The City Council approved *Agreement No. 02-73*, an *Irrevocable Annexation Agreement* with Mr. Kenneth A. Curry for connection of his residence at 11203 Roswell Avenue to the City Sewer System.

5. **Approval of *Agreement No. 02-74* With Economics & Politics, Inc., to Conduct a Study of the Geographic Distribution of Retail Customers Shopping at the Montclair Plaza**

Authorize Allocation of \$20,000 From the Contingency Account to Conduct a Study on the Geographic Distribution of Retail Customers Shopping at the Montclair Plaza

The City Council took the following actions:

- (a) Approved *Agreement No. 02-74* with Economics & Politics, Inc., to conduct a study of the geographic distribution of retail customers shopping at the Montclair Plaza, as amended.
 - (b) Authorized allocation of \$20,000 from the Contingency Account to conduct
6. **Approval of *Agreement No. 02-75* Amending *Agreement No. 00-134* With L. D. King, Inc., for Design of Intersection Improvements at Mission Boulevard and Ramona Avenue and Concept Study for the Mission Boulevard Corridor**

The City Council approved *Agreement No. 02-75* superseding *Agreement No. 00-134* with L. D. King, Inc., for design of intersection improvements at Mission Boulevard and Ramona Avenue and a concept study for the Mission Boulevard corridor.

7. **Approval of *Agreement No. 02-77* With County of San Bernardino for Participation in the Community Development Block Grant Program for Fiscal Years 2003-04, 2004-05, and 2005-06**

The City Council approved *Agreement No. 02-77* with the County of San Bernardino for participation in the Community Development Block Grant Program for Fiscal Years 2003-04, 2004-05, and 2005-06.

8. **Authorization to Submit Application for Eligibility of Federal Surplus Personal Property Program**

Approval of *Agreement No. 02-79* With Procurement Division of the State of California Department of General Services

The City Council took the following actions:

- (a) Authorized submittal of application for eligibility in State of California Federal Surplus Personal Property Program
 - (b) Approved *Agreement No. 02-79* with the Procurement Division of the State of California Department of General Services.
9. **Approval of *Agreement No. 02-80* Amending *Agreement No. 01-90* With the County of San Bernardino Department of Aging and Adult Services to Provide a Senior Citizens Nutrition Program**

The City Council approved *Agreement No. 02-80* amending *Agreement No. 01-90* with the County of San Bernardino Department of Aging and Adult Services.

10. Approval of Agreement No. 02-81 Superseding Agreement No. 02-48 With Purkiss Rose-RSI for Design of a Skate Park in Montclair

The City Council approved *Agreement No. 02-81*, super-seding *Agreement No. 02-48* with Purkiss Rose-RSI for design of a skate park in Montclair, which includes an amendment to Section 9, Indemnification.

11. Approval of Agreement No. 02-82 With Ontario-Montclair School District for Funding of D.A.R.E. (Drug Abuse Resistance Education) Program

The City Council approved *Agreement No. 02-82* with the Ontario-Montclair School District for funding of D.A.R.E. Program.

12. Approval of Agreement No. 02-83 With Chaffey Joint Union High School District for Law Enforcement Services

The City Council approved *Agreement No. 02-83* with the Chaffey Joint Union High School District for law enforcement services.

D. Resolutions

1. Adoption of Resolution No. 02-2392, a Resolution of the City Council of the City of Montclair' Adopting Program Supplement No. M001 Revision 1 to Administer Agency-State Agreement for Federal-Aid Projects No. 08-5326 for Addition of Second Platform to Montclair Transcenter

Approval of Agreement No. 02-78 Approving Program Supplement No. M001 Revision 1 to Administer Agency-State Agreement for Federal-Aid Projects No. 08-5326 for Addition of a Second Platform to the Montclair Transcenter

The City Council took the following actions:

(a) Unanimously adopted Resolution No. 02-2392, entitled "**A Resolution of the City Council of the City of Montclair Adopting Program Supplement No. M001 Revision 1 to Administer Agency-State Agreement No. 08-5326 for the Addition of a Second Platform to the Montclair Transcenter.**"

(b) Approved *Agreement No. 02-78* approving *Program Supplement No. M001 Revision 1* to administer the Agency-State Agreement for Federal-Aid Projects No. 08-5326 for addition of a second platform to the Montclair Transcenter.

2. Adoption of Resolution No. 02-2393 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 02-2392, entitled "**A Resolution of the City Council of the City of Montclair Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts.**"

3. Adoption of Resolution No. 02-2394, a Resolution of the City Council of the City of Montclair Authorizing Adoption of the Change in Population in San Bernardino County

During 2001 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2002-03

The City Council adopted Resolution No. 02-2394, entitled "A Resolution of the City Council of Montclair Authorizing Adoption of the Change in Population in San Bernardino County During 2001 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2002-03."

4. **Adoption of Resolution No. 02-2395 Authorizing Adoption of the Percentage Change in Montclair Nonresidential New Construction During Fiscal Year 2000-01 as the Final Fiscal Year 2000-01 Change in Cost-of-Living Factor Used in Calculating the Gann Spending Limit for Fiscal Year 2002-03 and the Percentage Change in California Per Capita Personal Income During Calendar Year 2001 as the Provisional Fiscal Year 2001-02 Change in the Cost-of-Living Factor Used in Calculating the Gann Spending Limit for Fiscal Year 2002-03**

The City Council adopted Resolution No. 02-2395, entitled "A Resolution of the City Council of the City of Montclair Authorizing Adoption of the Percentage Change in Montclair Nonresidential New Construction During Fiscal Year 2000-01 as the Final Fiscal Year 2000-01 Change in Cost-of-Living Factor Used in Calculating the Gann Spending Limit for Fiscal Year 2002-03 and the Percentage Change in California Per Capita Personal Income During Calendar Year 2001 as the Provisional Fiscal Year 2001-02 Change in the Cost-of-Living Factor Used in Calculating the Gann Spending Limit for Fiscal Year 2002-03."

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. **Review of City Council Fiscal Year 2002-03 Preliminary Budget, Redevelopment Agency Fiscal Year 2002-03 Preliminary Budget, and Montclair Housing Corporation Fiscal Year 2002-03 Preliminary Budget**

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

- ✧ He received clarification on the designated purposes for special funds in the City's operating budget.
- ✧ He once again suggested the temporary stop signs and barricades at signalized intersections be covered or enclosed for weatherization purposes and so they would be less obtrusive.

Mayor Eaton advised **Mr. Martens** it had been the consensus of the Public Works Committee last year when **Mr. Martens** first broached the subject that the devices remain primarily for safety and also storage purposes. He added the Committee decided that covers would result in graffiti vandalism and loss.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously to approve the City of Montclair Fiscal Year 2002-03 Preliminary Budget in concept, noting the Fiscal Year 2002-03 reorganization recommendation to remove the Administrative Supervisor position for further study.

Moved by Vice Chairman Paulitz, seconded by Director Dutrey, and carried unanimously to approve the City of Montclair Redevelopment Agency Fiscal Year 2002-03 Preliminary Budget and Montclair Housing Corporation Fiscal Year 2002-03 Preliminary Budget in concept.

On behalf of the Council and Agency and Montclair Housing Corporation (MHC) Boards of Directors, Mayor/Chairman Eaton thanked City Manager/Executive Director McDougal, department heads, and all employees who were instrumental in developing the City, Agency, and MHC Preliminary Budgets for Fiscal Year 2002-03.

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Director of Community Development Clark reported that staff's efforts to arrange a meeting for May 15, 2002, with up to two members of Council, staff, and **AIMCO** representatives to discuss issues regarding the proposed addition of resident services was unsuccessful and that staff is continuing its efforts to schedule the meeting.

Discussion centered around effective communication being made with **Heritage Park** residents and the fact that no permits have been issued for any modifications to the building nor has approval been given for any other changes to the property.

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 – No comments

C. Mayor/Chairman

(a) He noted enjoying his participation in the City's "beautiful, warm, and wonderful" Memorial Day celebration and **Veteran's Memorial Rededication Ceremony** and thanked all staff members involved in the program's organization and facilitation. He noted it was well attended and included a special message from soon-to-be-Montclair **Congressman David Dreier**. In addition, he noted the attendance of **Assembly Member Gloria McLeod** and that Council Member Ruh represented **California Senator Nell Soto** at the event. He invited residents to visit the Veteran's Memorial, which honors Montclair soldiers who lost their lives in the Vietnam War, at its new location on the west side of City Hall.

(b) He commented on the importance of the City's participation in the recent **International Council of Shopping Centers (ICSC)** Conference held in Las Vegas, noting the interest displayed by certain corporations in locating a store in Montclair. He noted the popularity of Montclair's booth, which was singularly recognized by the conference manager.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Paulitz concurred with Mayor Eaton's comments regarding the **ICSC** Conference and spoke in support of the City's participation again next year.

2. Council Member/Director Raft stated she is very pleased with the success of the City's Memorial Day celebration.

3. Council Member/Director Dutrey commented as follows:

(a) He recognized the CAC and staff for their work to organize the Memorial Day ceremonies, which he enjoyed attending.

(b) He commended audience members for their patience in

remaining at tonight's meeting during review of the City/Agency/MHC Preliminary Budgets for the next fiscal year.

4. Council Member/Director Ruh commented as follows:
 - (a) He noted he enjoyed participating in the Memorial Day celebration. He related that Montclair resident **Mr. Sam Rinaldi**, a recipient of the *Order of The Purple Heart for Military Merit* for wounds sustained in battle, was honored during the ceremony as he was presented with a U.S. flag that had been flown over the federal Capital building by **Congressman Gary Miller's** office on behalf of **Mr. Rinaldi**.
 - (b) He discussed the sixth annual Firefighters' Quest for Burn Survivors Rally 2001, a nonprofit fund-raiser managed by firefighters and civilians who volunteer their services and are dedicated toward assisting firefighters who are burned in the line of duty, that was held this afternoon. He noted his inability to attend the rally because of a business conflict.
 - (c) He noted he was unable to attend the **ICSC** Conference in Las Vegas because he was attending to professional business in Washington D.C. at that time. He added he was able to attend the regional one-day Palm Springs **ICSC** Conference last month, which he found to be very productive for the City.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of May 6, 2002

The City Council received and filed the Personnel Committee meeting minutes of May 6, 2002, for informational purposes.

2. Minutes of Public Works Committee Meeting of May 16, 2002

The City Council received and filed the Public Works Committee meeting minutes of May 16, 2002, for informational purposes.

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

At 8:52 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith, Transcribing Secretary