

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, JUNE 17, 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 Neal Froese, First Baptist Church of Montclair, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Paulitz led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Paulitz; Council Members/Directors 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

Absent: Council Member/Director Raft (arrived at 7:14 p.m.)

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced **Mr. Brandon Kumanski**, who was appointed to the position of Police Officer effective June 13, 2002. He noted that Officer Kumanski began his career with the City of Montclair on February 4, 2002, as a Police Officer Trainee while putting himself through **San Bernardino Sheriff's Basic Law Enforcement Academy**.

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

Mayor Eaton introduced **Mrs. April Mitts**, who was appointed to the position of Administrative Analyst in the Administrative Services Department effective June 10, 2002. He noted that Administrative Analyst Mitts earned a Bachelor of Arts degree in Political Science from **California State Polytechnic University, Pomona**, and a Master's degree in Organizational Management from the **University of Phoenix** and is currently working on her doctorate in Public Administration at the University of **La Verne**. He added she was employed for the past two years at **Encore Software, Inc.**, as office manager.

Mayor Eaton welcomed Administrative Analyst Mitts to the Montclair City family and presented her with a City pin.

Mayor Eaton introduced **Mr. Art De laCruz**, who was appointed to the position of Police Officer effective April 29, 2002. He noted that Officer De laCruz began his career with the City of Montclair in March 2002 as a Reserve Police Officer and graduated from the **Basic Law Enforcement Academy, Fullerton College**, in 1999. He noted that Officer De laCruz's wife, **April**, is a member of the Police Department's

Volunteers in Policing Program.

Mayor Eaton welcomed Officer De laCruz to the Montclair City family and presented him with a City pin.

B. Presentation by Burrtec Waste Industries, Inc., of Annual Performance Bonus to Chaffey Joint Union High School District for Use at Montclair High School, Particularly the Environmental Group *Project Earth*, for Its Efforts Related to the School's Recycling and Waste-Diversion Programs

In the absence of **Mr. Michael Arreguin**, Vice President, **Burrtec Waste Industries, Inc.**, this evening, Mayor Eaton introduced and welcomed **Mr. Ron Mittino**, program advisor of **Montclair High School's (MHS's) *Project Earth*** waste-diversion program.

Mr. Mittino recognized **Burrtec Waste Industries, Inc.**, for its annual donations to the **MHS *Project Earth*** program. He reported that in the seven years since the program's inception, it has been successful in diverting approximately 540 tons of recyclable materials from the landfill and has saved the **Chaffey Joint Union High School District** upwards of \$20,000 in disposal fees. He stated the *Project Earth* program received a performance bonus of \$1588 this year, comprised of recycling revenue and matching funds from **Burrtec**.

Representatives of the *Project Earth* program exhibited a poster of the "Aqua Dome – A W.A.T.E.R. Exploratorium Project," which the *Project Earth* Club is presently building at the **Chino Basin Water Conservation District (CBWCD)** garden, and described the dome's water-conservation operation.

Mr. Mittino indicated the students hope to complete the Aqua Dome project in time for its display at the **Earth Day 2003** event at the garden. He added that the **CBWCD** Board has invited **Huell Howser** of **PBS's California's Gold** to attend the event.

Mayor Eaton commended the *Project Earth* Club members for development of the Aqua Dome project. He asked that **Mr. Mittino** notify him upon the project's completion.

Mr. Mittino credited the *Project Earth* Club members for their efforts in this and other worthwhile projects at **MHS**.

Council Member Dutrey told **Mr. Mittino** he looks forward to hearing about the new *Project Earth* Club projects each year. He told the students, "Good job."

C. Presentation of Plaques by Boy Scouts of America, Old Baldy Council, to the Council for It's Continued Support

Mayor Eaton introduced **Mr. Ronnie Daniel**, Scout Executive, **Boy Scouts of America, Old Baldy Council**.

Mr. Daniel thanked the Council for participating in the Corporate Sponsor Campaign this year and contributing \$2500 to the **Boy Scouts** and Learning for Life Program. He further thanked the Council for setting an example to area cities served by the **Boy Scouts of America, Old Baldy Council**, noting the Montclair City Council is the first to provide this type of support.

Mr. Daniel read the following poem that he believes best describes the Council's contributions over the years:

Bag of Tools

Isn't it strange that princes and kings
And clowns that caper in sawdust rings

And common people, like you and me,
Are builders for eternity?
Each is given a bag of tools,
A shapeless mass, a book of rules.
And each must make his life as flow
A stumbling block or a stepping stone.

Mr. Daniel told the Council that its support will create many stepping stones for many young men and women.

Mr. Daniel's son, **James**, presented Mayor Eaton and the City Council with a plaque in recognition of the Council's continued support of the **Boy Scouts of America, Old Baldy Council**.

On behalf of the Council, Mayor Eaton thanked **Mr. Daniel** for the plaque, noting the City fully supports the important **Scouting** activities.

D. Presentation of 2002 Home Beautification Awards

Mayor Eaton introduced Community Action Committee (CAC) Chairwoman **Mrs. Charlene Kusick**, who would be announcing the CAC's selection of *2002 Home Beautification Award* winners.

Mrs. Kusick stated that as part of the community's efforts to encourage pride and community spirit, the CAC sponsors the annual *Home Beautification Award* program. She indicated that Mayor Eaton, assisted by CAC Member Darlene Hartman, would be recognizing 15 homes that exemplify residents' true sense of pride and care in Montclair.

The following 12 nominees received *Certificates of Special Recognition*:

Dinh and Kim Thoa Cuong, 11064 San Pasqual Avenue
Eric and Norman Fang, 11050 Monte Vista Avenue
José and Alicia Garcia, 9970 Santa Anita Avenue
Ms. Maria A. Portillo, 9784 Surrey Avenue
Sal and Liz Ruiz, 9815 Vernon Avenue
Walter and Irene Patrick, 4571 Oakdale Street
Mr. Raymond Orona, 4307 Clair Street
Ms. Mary Schmall, 5582 Orchard Street
Eugene and Evelyn Tomaschek, 11052 Lindero Avenue
Gabriel and Bertha Davila, 9986 Pradera Avenue
Javier and Rosaura Ramirez, 4362 San Bernardino Court
Andrea Piñeda, 9321 Felipe Avenue

The following three finalists were recognized with certificates and signs for their properties:

"*2002 Picturesque*" award – **Doris Yehnert**, 10047 Carrillo Avenue

"*2002 Home of Distinction*" award – **Alvin and Olivia Marquez**, 10126 Fremont Avenue

"*Home of the Year 2002*" award – **Jovita and Hector Cachu**, 4886 Mane Street

On behalf of the *2002 Home Beautification Awards* program, Mayor Eaton thanked the CAC for its continuing efforts to organize the annual *Home Beautification Awards* program. He thanked all the residents who have contributed to the beautification of the community and invited everyone to view the photo display board of *2002 Home Beautification Award* nominees and winners on display in the West Lobby.

VI. PUBLIC COMMENT

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.

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

1. He reiterated the public's concern regarding the City's Sacramento lobbying trip. He voiced his opinion that it is the responsibility of Montclair's state representatives to lobby on behalf of the City to protect City revenues.
2. He reiterated his concern about the two individuals who had submitted *Speaker Information Cards* during the May 6, 2002 regular joint meeting but were not given the opportunity to address the Council. He spoke of the unresponsiveness of the Council regarding the issue.
3. He reiterated being threatened by a staff member.
4. He suggested that City Manager McDougal "continues to perjure himself."

Mayor Eaton advised **Mr. Armstrong** to refrain from making personal attacks against staff. He further suggested **Mr. Armstrong** contact the San Bernardino County District Attorney's Office with any complaints against the City of Montclair.

Discussion centered on **Mr. Armstrong's** complaints.

B. Mr. Roger Baer, Rancho Cucamonga, commented as follows:

1. He commented concerning the Council's decision last year to withdraw its appeal of the Conditional Use Permit under Case No. 2001-45 related to a **Verizon** cell tower, suggesting that Council Member Dutrey "apparently violated the **Brown Act**" with regard to that decision.
2. He observed the small number of audience members this evening as well as the absence of half the *2002 Home Beautification Award* recipients.
3. He remarked on the Montclair Police Department's supposed filing of false criminal charges on an unspecified matter.
4. He commented concerning **Mr. Armstrong's** issue related to being threatened by a staff member.

Mayor Eaton advised **Mr. Baer** to refrain from personal attacks.

Mr. Baer spoke of his right to free speech during a public forum.

5. He discussed the supposed three-member voting block on the Council, adding that Mayor Pro Tem Paulitz has admitted to the press he is running for reelection "to keep the voting block together." He advised Mayor Pro Tem Paulitz to not run for reelection for that reason alone. He expressed his opinion that one should run for office to represent the people.
6. Citing the circumstances surrounding the **Raft** home, he asserted that Code Enforcement is used by the City as a weapon of retribution.

Mayor Eaton advised that **Mr. Baer's** comments are taken out of context.

7. He commented that the Council should fairly represent the community.

8. He noted being threatened and having his vehicle vandalized while attending these meetings.
9. He promised to return to speak at future Council meetings.

Council Member Dutrey commented as follows:

1. He stated that democracy is a great thing, though it can sometimes be abused. He noted it is unfortunate that certain public speakers choose to spread lies with no factual backup evidence.
2. He took issue with **Mr. Baer's** accusation that Council Member Dutrey violated the **Ralph M. Brown Act** in the matter just mentioned.
3. He expressed his concern about certain public speakers disrupting the business of the people of the City of Montclair with their divisive commentary that only serves their own personal and/or political agendas.
4. He expressed his love, dedication, and concern for the City of Montclair.
5. He questioned the failure of **Mr. Baer** to file a police report on his supposedly being threatened by staff. He challenged **Mr. Baer** that if he truly believes there is corruption in the City of Montclair, then he should file a formal complaint with the proper authorities.

C. Ms. Teresa Billingsley, 9568 Carrillo Avenue, Montclair, commented as follows

1. She stated that Montclair residents have entrusted the Council with the power and authority to make decisions regarding their personal safety and financial well being. Noting that three seats on the Council will be up for election in November 2002, she asked that Council Members examine their report cards with regard to public safety as follows:
 - (a) The fact that no apology has been offered to **Mr. Armstrong** or an investigation begun as a result of his supposedly being threatened by a staff member.
 - (b) That she had to wait a year before finally meeting with **Inland Valley Humane Society** Executive Director **Bill Harford** regarding the pit bull issue because he was supposedly instructed by the Council not to meet with her. She disclosed that a case is now pending involving the dog in two other bite incidents since she came forward a year ago.
2. Concerning City finances, she noted the taxpayers were responsible for payment of **Mrs. Jayne Baer's** lawsuit settlement and would someday be accountable for paying the **Raft's** as well.
3. She suggested that residents who air their concerns to the Council would become targets for selective enforcement.
4. She asked the three members of Council whose terms will expire in November 2002 to identify themselves.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 02-2391 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by George and Fe Ramirez and Located at 4642 Flora Street, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2391 authorizing recovery of abate-ment

costs incurred by the City related to property owned by George and Fe Ramirez and located at 4642 Flora 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 received confirmation that the property was vacant at the onset of abatement procedures and that staff has received no response from the property owner. He inquired if the City has any guarantee of receiving reimbursement of the \$567.75 in abatement costs.

City Manager McDougal responded that should the City not be reimbursed, that amount would be collected at the time the property is sold through the lien process.

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

1. That Resolution No. 02-2391, 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 4642 Flora Street, 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 \$567.75 be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 02-2391.

Resolution No. 02-2391 was unanimously adopted and the Council determined that the reimbursement amount of \$567.75 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. Second 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 Ruh received confirmation that the Police Department was involved in the proposed amendments to the Ordinance.

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

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 02-821 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Mayor Eaton requested that Items C-2, C-6, and D-3 be removed from the Consent Calendar for comment.

Mayor Pro Tem Paulitz requested that Items B-1 and C-5 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Items B-2, B-3, B-4, and C-1 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of June 3, 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 June 3, 2002.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of June 3, 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 June 3, 2002.

B. Administrative Reports

5. Approval of Certain Recommendations From the May 15, 2002 Real Estate Committee Meeting

The City Council approved certain recommendations from the May 15, 2002 Real Estate Committee meeting as listed on the agenda report for this item.

6. Redesignation of Redevelopment Agency Chairman Paul M. Eaton to the Neighborhood Partnership of Montclair Board of Directors

The Redevelopment Agency Board redesignated Agency Chairman Paul M. Eaton to the Neighborhood Partnership of Montclair Board of Directors

7. Receiving and Filing of City Treasurer's Report

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

8. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated June 17, 2002, totaling \$630,272.84; the Payroll Documentation dated May 5, 2002, amounting to \$437,908.50, with \$296,257.18 being the total cash disbursement; and the Payroll Documentation dated May 19,

2002, amounting to \$454,470.00, with \$308,027.76 being the total cash disbursement.

9. 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 May 31, 2002.

10. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 5/01/2002–5/31/2002 in the amounts of \$3,493.49 for Project I; \$53.48 for Project II; \$62,551.48 for Project III; \$34,521.86 for Project IV; and \$142,817.26 for Project V.

11. 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 May 31, 2002.

12. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 5/01/2002–5/31/2002 in the amount of \$2,714.06.

C. Agreements

3. Approval of Agreement No. 02-84 With Liebert Cassidy Whitmore for Participation in the West Inland Empire Employment Relations Consortium

The City Council approved *Agreement No. 02-84* with Liebert Cassidy Whitmore for participation in the West Inland Empire Employment Relations Consortium.

4. Approval of Agreement No. 02-89, a Funding Agreement by and Between the City of Montclair Redevelopment Agency and Neighborhood Partnership of Montclair

The Redevelopment Agency Board approved *Agreement No. 02-89*, a *Funding Agreement* by and between the City of Montclair Redevelopment Agency and Neighborhood Partnership of Montclair.

7. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 02-94 Through 02-98, 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. 02-94 through 02-98, 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

1. Adoption of Resolution No. 02-2396 Establishing an Appropriations Limit for Fiscal Year 2002-03 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code

The City Council adopted Resolution No. 02-2396, entitled "**A Resolution of the City Council of the City of Montclair Establishing an Appropriations Limit for Fiscal Year 2002-03**"

Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code."

2. Adoption of Resolution No. 02-2397 Approving the City of Montclair Fiscal Year 2002-03 Annual Budget

The City Council adopted Resolution No. 02-2397, entitled "**A Resolution of the City Council of the City of Montclair Adopting the Fiscal Year 2002-03 Budget.**"

4. Redevelopment Agency Board of Directors' Adoption of Resolution No. 02-10, a Resolution of the City of Montclair Redevelopment Agency Authorizing Expenditure of Agency Funds for Graffiti Abatement

The Redevelopment Agency Board of Directors adopted Resolution No. 02-10, entitled "**A Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of Agency Funds for Graffiti Abatement.**"

City Council Approval of Agreement Nos. 02-85, 02-86, 02-87, and 02-88 Approving Promissory Notes 02-1, 02-2, 02-3, and 02-4, Respectively, Between the City of Montclair and the City of Montclair Redevelopment Agency

The City Council approved *Agreement Nos. 02-85, 02-86, 02-87, and 02-88*, respectively, between the City of Montclair and the City of Montclair Redevelopment Agency.

Redevelopment Agency Board of Directors' Approval of Agreement Nos. 02-85, 02-86, 02-87, and 02-88 Approving Promissory Notes 02-1, 02-2, 02-3, and 02-4, Respectively, Between the City of Montclair Redevelopment Agency and the City of Montclair

The Redevelopment Agency Board of Directors approved *Agreement Nos. 02-85, 02-86, 02-87, and 02-88*, respectively, between the City of Montclair Redevelopment Agency and the City of Montclair.

Redevelopment Agency Board of Directors' Adoption of Resolution No. 02-11 Adopting the Fiscal Year 2002-03 Budget for the City of Montclair Redevelopment Agency

The Redevelopment Agency Board of Directors' adopted Resolution No. 02-11, entitled "**A Resolution of the City of Montclair Redevelopment Agency Adopting the Fiscal Year 2002-03 Budget for the City of Montclair Redevelopment Agency.**"

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 02-01 Adopting the Fiscal Year 2002-03 Budget for the Montclair Housing Corporation

The Redevelopment Agency Board of Directors adopted Resolution No. 02-10, entitled "**A Resolution of the City of Montclair Redevelopment Agency Authorizing the Expenditure of Agency Funds for Graffiti Abatement.**"

5. Adoption of Resolution No. 02-12, a Resolution of the City of Montclair Redevelopment Agency Revising the Date 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 Redevelopment Agency Board adopted Resolution No. 02-12, entitled "**A Resolution of the City of Montclair Redevelopment Agency Revising the Date 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."

Adoption of Resolution No. 02-2402, a Resolution of the City Council of the City of Montclair Revising the Date for a Joint Public Hearing With the Board of Directors of 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

The City Council adopted Resolution No. 02-2402, entitled "**A Resolution of the City Council of the City of Montclair Revising the Date 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.**"

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Purchase of One Tymco Model 770 Street Sweeper From Western Power and Equipment

Authorize Appropriation of \$20,394 From the Contingency Account for Purchase of Street Sweeper

Mayor Pro Tem Paulitz stated he reviewed this item with City Manager McDougal with regard to the statute requiring that all street sweepers acquired by governmental agencies and special districts after July 1, 2002, be powered by alternative fuel. He clarified that the City received a reasonable bid on the Tymco 770 diesel-powered sweeper and expressed his hope that when it becomes necessary to do so in the future, the City would have the fueling infrastructure in place to be in a position to acquire an alternative-fuel street sweeper.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Dutrey, and carried unanimously that the City Council authorized the following:

- (a) Purchase of one Tymco Model 770 street sweeper from Western Power and Equipment.
- (b) Appropriation of \$20,394 from the Contingency Account for purchase of the above street sweeper.

2. Approval of an Overhead for the Monte Vista Avenue/ Union Pacific Railroad Grade Separation as the Preferred Alternative

Council Member Ruh inquired as to the grade separation preferences of the Union Pacific Railroad Company (UPRR).

City Engineer Hudson replied the proposed Alternative 1 overhead crossing would least impact UPRRC and has received the company's support.

Council Member Ruh stated he is pleased that this project is progressing on schedule and certainly looks forward to its completion.

Moved by Council Member Ruh and seconded by Council Member Dutrey that the City Council approve Alternative 1, the construction of an overhead over the existing railroad tracks to

support Monte Vista Avenue above the rails, which would remain at their existing grades, as presented in the LAN Engineering Project Report on the Monte Vista Avenue/Union Pacific Grade Separation as the preferred alternative for this project.*

Council Member Dutrey concurred with Council Member Ruh about this project proceeding on schedule. He stated his preference would be the Alternative 2 underpass as it is a more attractive option though quite cost-prohibitive. He commended staff on the well-written clarity of the agenda report on this complex subject.

*Motion carried unanimously as follows:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

3. Authorization to Receive and Expend Funds From the San Bernardino County Department of Economic and Community Development for Montclair Senior Citizen Transportation Program

Council Member Ruh inquired if the source of the funds to be received from the San Bernardino County Department of Economic Development for use in the **Montclair Golden Xpress** program would perhaps be renewable for further funding for the program.

Director of Community Development Clark responded that the \$7000 received through **San Bernardino County Board of Supervisors Chairman Fred Aguiar** was a one-time Community Development Block Grant Fund grant that will provide ample operating funds for the program.

Council Member Ruh thanked Chairman Aguiar for his efforts to secure additional funding for the **Montclair Golden Xpress** program. He asked that a thank-you note be sent to Chairman Aguiar.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously that the City Council authorize staff to receive and expend funds from the San Bernardino County Economic and Community Development Department for the Montclair Senior Citizen Transportation Program.

4. Acceptance of the Public Works Committee's Recommendation for a City Entry Monument Standard

Council Member Ruh inquired as to the number of monument signs proposed to be placed at key intersections throughout the City.

City Manager McDougal stated that once the Council decides on a particular sign style, costing information and a map depicting proposed locations of the signs would be returned to the Council at a later date. He added that most likely the signs would be phased in over time.

Council Member Ruh expressed his concern regarding the possible cost of the signs and the ongoing maintenance.

City Manager McDougal indicated that an extensive lands-cape maintenance, painting, and letter replacement plan would be provided when this item is returned to the Council. He added that the existing monument signs would, in time, be replaced with the new design selected by the Council.

Council Member Ruh suggested the existing signs remain to cut down on costs and questioned the reasoning behind the proposal to redesign the City's monument signs.

City Manager McDougal clarified that this proposal is in direct response to a goal established by the Council during this fiscal year for development of a landscape/monument theme plan for key intersections in the City.

Council Member Ruh asked if a decision must be made this evening on this item.

Mayor Eaton stated that it was the recommendation of the Public Works Committee to establish Monument 7 as the City's entry monument standard.

Council Member Dutrey further clarified that this goal of developing a new entry treatment was set by the Council to help improve the visibility and attractiveness of the City for the benefit of visitors traveling through our jurisdiction. He indicated that his preference would be Monument 5 rather than Monument 7.

Council Member Ruh asked which of the top three designs selected by the Public Works Committee would be the most cost-effective.

Mayor Eaton indicated it was the understanding of the Public Works Committee that the prices are comparable for each design.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Paulitz, and carried unanimously that the City Council accepted the Public Works Committee's recommendation of Monument 7 as shown on the attachment to the agenda report for this item as the Committee's first choice for a City entry monument standard.

C. Agreements

1. **Approval of Agreement No. 02-72-I-47, an Irrevocable Annexation Agreement With Montclair 16215 LLC for Tract No. 16215, West Side of Vernon Avenue South of Mission Boulevard**

Council Member Ruh received clarification that the potential of annexation of Tract No. 16215 would be determined at some future point.

Director of Community Development Clark further clarified that the agreement stipulates that the City will provide sewer connection to the proposed 41-single-family-home subdivision and that the property owner would agree to annexation of the tract to the City when feasible.

Council Member Ruh suggested that such annexation would be in direct conflict with the Southern California Association of Governments Regional Housing Needs Assessment in that it would not likely provide affordable housing.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Paulitz, and carried unanimously that the City Council approve Agreement No. 02-72-I-47, an Irrevocable Annexation Agreement with Montclair 16215 LLC for the future connection of a proposed 41-single-family-home subdivision in the currently undeveloped 12.27-acre property in unincorporated San Bernardino County territory to the City Sewer System once the development is completed.

2. **Approval of Agreement No. 02-76 Between the City of Montclair**

and Ontario-Montclair School District for Lease of the Vernon Middle School Field by Montclair Golden Girls Softball League

Mayor Eaton corrected the agenda report on this item with regard to the proposed ten-year lease expiring on June 30, 2012, rather than June 30, 2002. He also asked that that date be specified in *Agreement No. 02-76*.

Moved by Mayor Eaton and seconded by Mayor Pro Tem Paulitz to approved *Agreement No. 02-76* between the City of Montclair and Ontario-Montclair School District for lease of the Vernon Middle School field by Montclair Golden Girls Softball League.*

Council Member Ruh inquired if Vernon Middle School neighbors' issues have been resolved and if there is ongoing dialog between residents and Montclair Golden Girls Softball League (MGGSL).

Director of Community Development Clark advised that dialog between Vernon Avenue residents and MGGSL remains a provision of the City's agreement with MGGSL.

Council Member Ruh noted the necessity of keeping the lines of communication open to alleviate residents' concerns.

*Motion carried unanimously as follows:

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

5. Approval of Agreement No. 02-90, an Agreement for Underwriting Services by and Between the City of Montclair Redevelopment Agency and Wedbush Morgan Securities Regarding Issuance of Bonds for Acquisition of Hacienda Mobile Home Estates

Approval of Agreement No. 02-91, an Agreement for Bond Counsel Services by and Between the City of Montclair Redevelopment Agency and Best, Best & Krieger Regarding Issuance of Bonds for Acquisition of Hacienda Mobile Home Estates

Approval of Agreement No. 02-92, an Agreement for Disclosure Counsel Services by and Between the City of Montclair Redevelopment Agency and Stradling, Yocca, Carlson & Rauth Regarding Issuance of Bonds for Acquisition of Hacienda Mobile Home Estates

Vice Chairman Paulitz noted he received clarification from staff that once the proposed bonds are paid, the park cannot be sold for profit. He asked that a provision to that effect be stipulated in the proposed agreements.

Agency Planner Clark replied that the Redevelopment Agency's proposed agreement with the nonprofit, Augusta Homes, would stipulate that the Agency retains the right to review and first right of refusal on any successor nonprofits.

Moved by Vice Chairman Paulitz, seconded by Director Dutrey, and carried unanimously that the Redevelopment Agency Board approve the following Agreements:

- (a) *Agreement No. 02-90, an Agreement for Underwriting Services* by and between the City of Montclair Redevelopment Agency and Wedbush Morgan Securities regarding issuance of bonds for acquisition of Hacienda Mobile Home Estates.

- (b) *Agreement No. 02-91, an Agreement for Bond Counsel Services* by and between the City of Montclair Redevelopment Agency and Best, Best & Krieger regarding issuance of bonds for acquisition of Hacienda Mobile Home Estates.
- (c) *Agreement No. 02-92, an Agreement for Disclosure Services* by and between the City of Montclair Redevelopment Agency and Stradling, Yocca, Carlson & Rauth regarding issuance of bonds for acquisition of Hacienda Mobile Home Estates.

6. Approval of Agreement No. 02-93 With the County of San Bernardino for Enrollment in Its Household Hazardous Waste Collection Facilities Program

City Manager McDougal requested this item be removed from the Consent Calendar to be returned at a later date.

Moved by Council Member Dutrey, seconded by Mayor Eaton, and carried unanimously that *Agreement No. 02-93* with the County of San Bernardino for enrollment in its Household Hazardous Waste Collection Facilities Program be withdrawn from Council consideration.

D. Resolutions

3. Adoption of Resolution No. 02-2398 and 02-2399 Related to the General Municipal Election to be Held Thursday, November 5, 2002

Mayor Eaton corrected Item 1 of the Recommendation section of the agenda report on this item by adding "for the election of a Mayor and two Members of the City Council."

Moved by Mayor Eaton, seconded by Council Member Ruh, and carried unanimously that the following actions be taken:

- (a) That Resolution No. 02-2298, entitled "**A Resolution of the City Council of the City of Montclair, California, Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 5, 2002, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities,**" be read by number and title only, further reading be waived, and it be considered adopted.
- (b) That Resolution No. 02-2299, entitled "**A Resolution of the City Council of the City of Montclair, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to Be Held on Tuesday, November 5, 2002,**" be read by number and title only, further reading be waived, and it be considered adopted.

The City Council unanimously waived the reading of the Resolutions.

Resolution Nos. 02-2398 and 02-2399 were adopted by the following vote:

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

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Mayor Eaton reported that there has been no contact from representatives of the property owner, **AIMCO**, or the service provider, **New Century Care**, and there is no new activity to report.

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. City Manager/Executive Director McDougal stated that **Mr. Randall Stout** notified him late today that **Mr. Stout's** schedule does not permit him to attend the special meeting scheduled for July 2, 2002, at 5:30 p.m.

It was the consensus of the Council to reschedule the special meeting related to proposed Police facility sites.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at recent **San Bernardino Associated Governments (SANBAG)** and **Omnitrans** Board meetings.
 - (b) He noted that last week **Omnitrans** sent him to a rail conference in **Baltimore**. As technical tours were offered on Wednesday, he felt it would be beneficial to take the train to **Washington, D.C.**, to meet with **Congressman David Dreier**. He noted that he was met there by the City's federal advocacy consultant, **David Turch and Associates**. He stated it was inspiring to see City of Montclair items on **Congressman Dreier's** desk, adding that the Congressman has acknowledged that the Alameda Corridor-East project is his primary objective for this region.

Mayor Eaton stated he again thanked **Congressman Dreier** for attending the City's Memorial Day celebration, emphasizing that our program was the eighth Memorial Day observance that the Congressman had attended that day.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Paulitz commented as follows:
 - (a) He noted that while touring the *Pacific Electric Inland Empire/Citrus Trail* regional commuter bikeway last Tuesday with City Planner Steve Lustro, they picked up **City of Upland** public hearing notice signs on the project that were posted in Montclair in the area of the burnt-out bridge. He added he has reviewed a comprehensive **SANBAG** report on the entire trail system from the **City of La Verne** to the **City of San Bernardino**.
 - (b) In response to **Ms. Billingsley's** earlier question, he stated that the names of Council Members who are up for reelection are listed on page 82 of tonight's agenda.
 - (c) He suggested that much of certain public speakers' comments are based on the upcoming political season surrounding the City's General Municipal Election in November 2002.

- (d) In response to **Mr. Baer's** earlier question as to why he will run for reelection to the Council, Mayor Pro Tem Paulitz stated that he has lived in Montclair for 42 years, his roots are in Montclair, his heart and soul are in Montclair, he has considerable experience serving in public office for the City thanks to residents' continuing

to reelect him to the Council out of an appreciation for the work he has done, and he believes he has some-thing to offer Montclair.

He indicated that is reason to run for reelection has nothing to do with a political block. He indicated that a close examination of the minutes of Council/Agency/ Montclair Housing Corporation meetings would reveal that most items are approved by 5-0 vote and that a 3-2 vote would be the rare exception.

He advised that it would be unproductive to engage in any dialog with the public during these meetings.

2. Council Member/Director Dutrey commented as follows:

- (a) Noting the recent barrage of news articles related to the uncertain financial stability of **Adelphia Communications Corp.**, the nation's sixth largest cable television company that the City has maintained a cable television franchise with since 2000, he asked that the Council be provided with a report and analysis of this issue. He further suggested either a workshop be scheduled or a subcommittee be established to address the matter to ensure the City receives uninterrupted cable television service.

Mayor Eaton advised that a report to Council would suffice.

- (b) He noted he was proud to attend on behalf of the City a **LOCAL (Leave Our Community Assets Local)** meeting last Friday in Rancho Cucamonga. He stated that **LOCAL** is comprised of cities, counties, labor groups, the **League of California Cities**, the **California State Association of Counties**, and police and fire chiefs. He stated members met to discuss the current budget deliberations occurring in the Senate between the Republicans and Democrats, advising that **Governor Gray Davis's** spending plan would severely impact local government. He reported that Montclair stands to lose approximately \$150,000 in criminal justice administrative fees and between \$250,000 to \$400,000 in Redevelopment Agency property tax increment. Unless there is major growth in the economy or **Senate President Pro Tem John Burton's** proposed personal income tax increase for high-income earners (who provide 70 percent of state revenues) is approved, he advised that the main concern would be the state's need to borrow money to balance the next fiscal year state budget, an action that would result in further impacts to local government.

Council Member Dutrey encouraged audience members to contact their state legislators to lobby on behalf of local governments' funding.

- (c) He advised that **AB 680 (Steinberg) – the Sacramento Regional Smart Growth Act of 2002**, which would redistribute sales tax revenues in the greater Sacramento region, will be considered Wednesday by the Senate Local Government Committee. He encouraged audience members to contact **State Senator Soto** to encourage a "No" vote on **AB 680**. He noted that Mayor Eaton and he, along with staff, will travel to Sacramento to testify before the Senate Local Government Committee against this measure, the defeat of which is important if local governments are to ultimately stop statewide implementation of similar legislation.

Mayor Eaton added that the trip to Sacramento is to be a one-day visit.

- (d) He noted his attendance, along with Mayor Eaton and Mayor Pro Tem Paulitz, last Saturday at the **Montclair Little League** closing ceremonies. Some issues raised by the **League** include lights, bleachers, and net at Kingsley Park, he noted, adding that the League was reassured that these issues would be resolved by the next baseball season.
- (e) He noted his attendance at the **Neighborhood Partnership of Montclair (NPM) 12th Annual Paint-A-Thon** on Saturday, June 8, 2002. He reported that five homes just south of **Montclair High School** were painted by Montclair volunteers, including representatives of community financial institutions and insurance companies. He congratulated **NPM** Executive Director Margaret Grayson for organizing this successful event.

4. Council Member/Director Ruh commented as follows:

- (a) He concurred with Mayor Eaton that **Congressman Dreier** has emphasized that the **ACE** project is his No. 1 priority. He noted that **Congressman Dreier** can be credited as being one of the original authors of the *Intermodal Surface Transportation Efficiency Act (TEA-21) of 1991* to provide the initial startup moneys for this project. He stated the City appreciates the leadership **Congressman Dreier** has provided on the project.
- (b) He noted he was in Sacramento the weekend that the **NPM Paint-A-Thon** was held meeting with **Senator Soto** and **State Assembly Member McLeod** on **ACE** and **AB 680**. He stated that he spoke today with **Mr. Gary Davis** of **Assembly Member Steinberg's** office regarding **AB 680**, adding that one of **Assembly Member Steinberg's** concerns is the lack of affordable housing, an issue that must be addressed in the very near future.
- (c) He announced that while in Sacramento he was confirmed on June 25, 2002, by the **California State Senate** in his post with the **California Regional Water Quality Board, Santa Ana Region**, an executive appointment from the **Governor**, that requires confirmation by the Senate Rules Committee. He noted he is pleased to serve the counties of Riverside, San Bernardino, and Orange in this post. He indicated that a topic he would like to address with the **Monte Vista Water District** is drought-tolerant land-scaping for new housing developments.
- (d) He noted that on Saturday, he was privileged as an American citizen to represent America at the **British Trade Organization's** celebration of **Queen Elizabeth II's Golden Jubilee 2002** commemorating the significant national anniversary of 50 years of **Her Majesty's** reign in the **United Kingdom (UK)**. He noted learning at the event that currently the **UK** is the fourth largest economy in the world and that in 2004, the State of California will surpass the **UK** to become the fourth largest economy in the world. He stated one could only hope that California can pull out of debt to surpass **Japan** to become the third largest economy in the world.

Council Member Ruh noted that as a result of **ACE**, the **British Trade Organization** delegation is very aware of area warehousing opportunities in the Inland Empire.

- (e) He noted his participation in a phone briefing on the President's new Home-Ownership Opportunity Program to encourage home ownership, particularly in communities with large minority populations. In the briefing, he stated that **White House** staff emphasized that homeownership stabilizes

a neighborhood. Once he receives literature about the program, he indicated he would make it available to residents and to **NPM**.

Mayor Pro Tem Paulitz introduced and welcomed **Ms. Lisa Berghouse**, City Reporter, *Inland Valley Daily Bulletin*, to replace **Mr. David Drucker** as the city desk reporter assigned to Montclair.

E. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of May 15, 2002

The City Council received and filed the Real Estate Committee meeting minutes of May 15, 2002, for informational purposes.

2. Minutes of Personnel Committee Meeting of June 3, 2002

The City Council received and filed the Personnel Committee meeting minutes of June 3, 2002, for informational purposes.

XII. JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS AND MONTE VISTA WATER DISTRICT BOARD OF DIRECTORS

A. Monte Vista Water District Water Supply Master Plan Overview (District)

B. Agency Capital Project Updates:

1. State/Ramona Metering Station and Monte Vista Intertie (District)

2. Ramona Avenue and Monte Vista Avenue Grade Separation Projects (City)

C. Northbound Central Avenue Widening, South of Holt Boulevard – Island Improvements (City)

D. Future District Siting Needs for New Groundwater Production Wells and Storage Reservoirs (District)

E. Potential Cooperative District/City Programs

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Ruh, and carried unanimously to continue these items to an adjourned joint meeting with Monte Vista Water District on Wednesday, June 26, 2002, at 5:30 p.m. in the **Monte Vista Water District** Board Room, 10575 Central Avenue.

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

At 8:29 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