

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

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I. CALL TO ORDER

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

II. INVOCATION

Pastor Terry Green, First Assembly of God Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Dutrey 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; Deputy City Clerk Jackson

Mayor Eaton announced that trash services would be delayed one day this week because of the Labor Day holiday on Monday.

V. PRESENTATIONS

A. Introduction of New Community Action Committee Members

Mayor Eaton introduced new Community Action Committee (CAC) Members **Ms. Linda Salazar** and **Ms. Patricia Wooten**, who were appointed to the CAC effective August 19, 2002, for four-year terms ending June 30, 2006, and presented each with a City pin.

## 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. Don Vodvarka**, 10202 Columbine Avenue, Montclair, spoke as a representative of the **Montclair Chamber of Commerce**. He commented on the success of the **Chamber's 13th Annual Golf Tournament** and announced the following September 2002 **Chamber** events:

1. September 14, 2002 - *100th Anniversary of Harley-Davidson*, 10:00 a.m.-4:00 p.m., **Pomona Valley Harley-Davidson/Buell**, 8710 Central Avenue.
2. September 26, 2002 - *Multi-Chamber Mixer and State Farm Open Fundraiser* (all proceeds to benefit **Loma Linda Children's Hospital**), **Empire Lakes Golf Course**, Rancho Cucamonga, 5:30-6:30 p.m.
3. September 27, 2002 - *Pomona Valley Workshop 36th Anniversary Celebration and Open House*, **Pomona Valley Workshop**, 4650 Brooks Street, 10:00 a.m.
4. September 28, 2002 - *Chamber Safety Fair/Business Expo*, 10:00 a.m.-4:00 p.m., Alma Hofman Park.

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

1. Noting he met with community youth on August 20, 2002, he discussed their observations of the Council and City Attorney during the regular joint meeting of August 19, 2002. He reiterated that the Council does not set a good example for community youth.
2. He noted the young people praised **Ms. Teresa Billingsley's** offer of apology at the last regular joint meeting to Director of Administrative Services Starr, though they could not understand her reason for doing so.
3. He reiterated being threatened by a staff member and noted it is "unacceptable." He commended City Manager McDougal for advising Director of Administrative Services Starr against further commenting at that time.

C. **Mr. Roger Baer** commented as follows:

1. Concerning an item on tonight's agenda related to salary adjustments, he inquired as to the qualifications for the Director of Administrative Services position and Director of Administrative Services Starr's qualifications to serve in that capacity.

**Mr. Baer** commented that generally inquiries of the public seldom receive responses from the Council. He reiterated his inquiry concerning Director of Administrative Services Starr's qualifications to serve in his present position with the City.

Mayor Eaton responded that City Manager McDougal had appointed Director of Administrative Services Starr to his current position.

2. He noted it was heartening that the Council decided at the last meeting to reexamine the Ordinance regulating fence height at **Mr. Mike O'Toole's** request.
3. He discussed the issue of the **Raft** home and his investigation into other cities' building permit-issuance policies and his own inspection of the property and determination that there is nothing substandard about the residence. He asked for comments from the Council regarding this matter.

Mayor Eaton responded that upon inspection of the residence, it was found to be in noncompliance with various regulating codes.

4. He reiterated his encouragement that residents become involved in the management of their City and vote in the upcoming General Municipal Election in support of the candidate(s) of their choice.

D. **Regina Howerton**, Montclair, commented as follows:

1. She expressed her opinion that residents be held accountable for any violations to applicable codes.
2. She reiterated her hope that residents will vote for the candidate(s) of their choice at the November 2002 General Municipal Election.
3. She commended Council Members Raft and Ruh for the great job they do.

In the interest of time, Council Member Ruh requested that Section VIII,

"Consent Calendar," Item B-4, "Approval of Conceptual Design of the Montclair Skate Park," be considered out of order following Section VII, "Public Hearings," Item A, "First Reading - Adoption of Ordinance No. 02-822 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing Prezone Designations of 'R-1' and 'C-3' to Approximately 9.35 Acres Within the City's Sphere of Influence."

It was the consensus of the Council to consider Section VIII, "Consent Calendar," Item B-4, "Approval of Conceptual Design of the Montclair Skate Park," out of order following Section VII, "Public Hearings," Item A, "First Reading - Adoption of Ordinance No. 02-822 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing Prezone Designations of 'R-1' and 'C-3' to Approximately 9.35 Acres Within the City's Sphere of Influence."

## **VII. PUBLIC HEARINGS**

### **A. Continuance of the Public Hearing Regarding Review and Approval of Bond Financing Authority Documentation With Respect to Nonprofit Acquisition of Hacienda Mobile Home Estates**

Mayor/Chairman Eaton declared it the time and place set for public hearing to consider continuance of the public hearing regarding review and approval of bond financing authority documentation with respect to nonprofit acquisition of Hacienda Mobile Home Estates and invited comments from the public.

City Manager/Executive Director McDougal asked that this item be continued to the September 16, 2002 regular joint meeting, at the request of the proposed bond underwriter, Wedbush Morgan Securities, to provide the proposed bonding rating agencies additional time to examine the structure of the proposed issue.

There being no one in the audience wishing to speak, Mayor/Chairman Eaton closed the public hearing and returned the matter to the City Council/Redevelopment Agency Board for their consideration.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, and carried unanimously to continue this item to the regular joint meeting of September 16 2002.

## **VIII. CONSENT CALENDAR**

### **B. Administrative Reports**

#### **4. Approval of Conceptual Design of Montclair Skate Park**

Council Member Dutrey commented on the interesting dialog that took place at the Skate Park Committee meeting held

earlier this evening, noted the high interest expressed by skateboard enthusiasts, and spoke of his enthusiasm for the proposed uniquely designed skate park project, which should attract users throughout the region once its completed. He spoke in support of moving forward on this item. He confirmed with City Manager McDougal that for the most part, funding has been obtained for development of the skate park.

City Manager McDougal noted the projected cost slightly exceeds the budget authorization at the current time, adding that the City is hoping to receive a donation of cement from a local contractor for this project, in which case there would be sufficient authorized funding to build the park.

Council Member Dutrey inquired if the proposed construction cost of the project includes the relocation of the Montclair Caboose.

City Manager McDougal clarified that the projected cost to relocate the Caboose to Freedom Plaza of approximately \$30,000 to \$40,000 is not included in the budgeted amount.

Council Member Dutrey spoke in full support of this item.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Paulitz to approve the conceptual design of the Montclair Skate Park.\*

Noting that security is a concern of many residents and himself, Council Member Dutrey expressed his hope that an effective security system can be included in the project. He noted that the successful skate parks in the area are those that are property secured.

Council Member Ruh stated he is very pleased to see this item come forward as he has been a proponent of building a public skating facility in the community for the past several years. He added he is pleased at the large turnout of community skating enthusiasts in attendance at tonight's meeting. He commended Community Action Committee Members Charlene Kusick and Darleen Hartman and proponent **Ms. Mary Francis**, noting they deserve a lot of credit for their time and efforts in development of this project. He further thanked **Warehouse Shoe Sales** for the company's generous donations and continued support of this effort. He stated the new park would truly enhance the opportunity for community youth to have a fun place to meet with their friends. He noted that a number of concerned business owners have expressed their collective hope that skateboard activity would

diminish in front of their businesses with the opening of the new skate park. He concluded his comments by commending the youthful skate park proponents for their efforts thus far and encouraged their continued advocacy of this project.

Mayor Eaton stated that all advocates of this project have worked very hard to make it happen and are to be commended for their efforts. He thanked everyone for attending tonight's meeting.

\*Motion carried unanimously as follows:

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

At 7:26 p.m., Council Member Dutrey left the dais.

## VII. PUBLIC HEARINGS

### B. Second Reading - Adoption of Ordinance No. 02-822 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing Prezone Designations of "R-1" and "C-3" to Approximately 9.35 Acres Within the City's Sphere of Influence

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-822 pursuant to Chapter 11.84 of the Montclair Municipal Code establishing a prezone designation of "R-1" and "C-3" to approximately 9.35 acres within the City's Sphere of Influence and invited comments from the public.

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.

At 7:29 p.m., Council Member Dutrey returned to the dais.

Council Member Ruh confirmed with Director of Community Development Clark that 33 single-family homes are proposed to be developed on 7.91 acres.

Discussion centered on the number of homes to be built per acre in the proposed development.

Council Member Ruh asked if the proposed development would be in compliance with the Southern California Association of Governments' (SCAG's) Regional Housing Needs Assessment (RNHA) requirement.

Director of Community Development Clark answered that it would depend on the selling prices of the homes, adding that staff has not yet seen the detailed plans of the homes to be built. He reported the City has deficiencies in the very low- and very high-income categories with regard to the SCAG RHNA.

Council Member Ruh reported learning from the California Department of Housing and Community Development that the City's low- to moderate-income housing category is also deficient. He discussed the income and debt requirements for low- to moderate-income households and their respective target home purchase price. He stressed the need for the City to meet its RHNA goal.

Director of Community Development Clark explained that the proposed San Antonio Gateway Project, a mixed-use single-family, small-lot, residential infill subdivision and commercial venture to be located between Holt Boulevard and Kingsley Street and Amherst and Mills Avenues to be presented to the Council in the Housing Improvement Task Force *Action Plan 2003* would likely meet RHNA targets.

Council Member Ruh reiterated his concern against the City being sued for failure to meet its RHNA requirement, noting that too often quality housing is equated with higher cost and density per acre. He expressed his opinion that quality does not necessarily equate to a higher sales price. Citing a newspaper article dated Wednesday, April 29, 1998, related to the ten metropolitan areas most in need of housing assistance, he reported that the San Bernardino metroplex ranked No. 5 and the Los Angeles basin ranked No. 4.

Moved by Council Member Ruh and seconded by Council Member Dutrey that Ordinance No. 02-822, entitled "**An Ordinance of the City Council of the City of Montclair Approving Prezone Designations of R-1 (Single-Family Residential) and C-3 (General Commercial) Within the City's Sphere of Influence,**" be read by number and title only, further reading be waived, and this be declared its second reading.\*

Mayor Pro Tem Paulitz requested clarification between this item and Section VIII, "Consent Calendar," Item B-2, "Consider Setting a Public Hearing to Consider Ordinance No. 02-827 Establishing Prezone Designations of 'R-1' and 'C-3' to Approximately 4.18 Acres Within the City's Sphere of Influence."

Director of Community Development Clark clarified that Consent Calendar Item B-2 represents the parcel of land "missing" from the area being considered for rezoning this evening. He further

clarified that the action in Consent Calendar Item B-2 was requested by the Local Agency Formation Commission (LAFCO) to be included with the parcel being considered this evening for joint presentation to LAFCO for annexation.

Council Member Dutrey expressed his opinion that the SCAG RHNA has the effect of making the Inland Empire a "dumping ground" for low-income housing and that Montclair already has sufficient affordable housing when compared to surrounding cities. He indicated a quality home in Montclair can be purchased for less than \$200,000, noting the same home would cost much more in the cities of Upland, Rancho Cucamonga, and Claremont. He stated that Montclair deserves good quality housing and offers a balance of affordable and upscale housing, emphasizing it is important to provide both.

Council Member Ruh noted he is aware that the SCAG regional housing need requirement is currently involved in litigation as well as of the attempt this year by the Legislature to pass legislation reinstating the regional housing needs assessment mandate. He reported the average median-priced home in Montclair, based on sales over the past two weeks, is \$196,000 and requires an income of \$65,000 net with debts not to exceed \$400/month to qualify. He discussed the importance of and commitment to housing the low- to moderate-income workforce in Montclair and a study he is conducting comparing housing prices of 30 to 40 years ago, noting he would report those results as they become available.

Mayor Pro Tem Paulitz quoted the following sentence from a recent newspaper article: "The state wants to force housing that the people who live there do not want."

Council Member Raft expressed her position that the City has no choice but to meet the state requirement for low- to moderate-income housing to prevent the possibility of a lawsuit.

Council Members Dutrey and Ruh expanded on their respective positions of avoiding low-income housing overconcentration and the need for affordable housing.

City Manager McDougal recalled that Director of Redevelopment/Public Works Staats' reported at a workshop several years ago on the state's requirements regarding the Redevelopment Agency Low- to Moderate-Income Housing Set-Aside Fund, consisting of 20 percent of all Redevelopment Agency tax increment revenues. He noted that Director of Redevelopment/Public Works Staats had

advised that the California Health and Safety Code requires revenue deposited into the Housing Set-Aside Fund be spent on programs for low- to moderate-income residents of the community within a five-year period of receipt, otherwise the balance of Redevelopment Agency tax-increment revenue is subject to requisition by the state. Further, Director of Redevelopment/Public Works Staats had reported at that workshop on the San Antonio Gateway Project, which subsequently received conceptual endorsement by the Redevelopment Agency Board and would succeed in accomplishing the following: (1) restore a blighted area of the City; and (2) provide a mix of quality housing in the \$200,000 to \$300,000 price range. He expressed his hope that the Council would give staff the opportunity to implement the project, which would be presented to the Council in the Housing Improvement Task Force *Action Plan 2003* in February 2003. In addition, City subsidies from the Housing Set-Aside Fund would be proposed to be given to the developer to bring down the cost of land but not the cost of construction; subsequently, it would bring down the cost to the homebuyer while not compromising quality of construction or amenities of the homes. He added that staff certainly appreciates and understands the Agency's moral obligation to provide affordable housing in the context of Redevelopment Agency law, which has been the rule since the inception of the Redevelopment Agency in 1979 and would continue to be done.

Council Member Ruh inquired if a workshop could be held in January 2003 regarding this matter.

City Manager McDougal advised that June or August 2003, when Redevelopment Agency funding has been finalized and the parcels of property have been assembled for the proposed project, would be an appropriate timeframe to conduct a public workshop.

Council Member Ruh noted that when certain members of Council and staff met in Sacramento earlier in the year with the Senate Local Government Committee, they were asked by Senator **Torlackson's** representative if the City is doing any new construction. He cautioned that the Legislature is watching Montclair, adding it is "criminal" for the City to not provide a totality of housing.

Council Member Dutrey reported that it should be taken into consideration that Montclair has the lowest cost of housing in the area.

\*The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 02-822 was adopted by the following ROLL CALL vote:

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

**C. First Reading - Adoption of Ordinance No. 02-823 Prohibiting Camping in the City of Montclair**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-823 prohibiting camping in the City of Montclair and invited comments from the public.

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.

Noting she has received several telephone calls from residents concerning this item, Council Member Raft spoke in support of proposed Ordinance No. 02-823, adding it is long overdue.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 02-823, entitled "**An Ordinance of the City Council of the City of Montclair Approving Prezone Designations of R-1 (Single-Family Residential) and C-3 (General Commercial) Within the City's Sphere of Influence,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 02-823 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. 02-825 Repealing Ordinance No. 99-789 and Adopting by Reference the 1997 Editions of the Uniform Building Codes, the 2000 Editions of the Uniform Plumbing and Mechanical Codes, and the 1999 Edition of the National Electrical Code, the**

**1997 Edition of the Uniform Administrative Code, the 1997 Edition of the Uniform Housing Code, the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Including Applicable Amendments by the California Building Standards Commission as Set Forth in Title 24 of the 2001 California Code of Regulations, Together With Certain Amendments, Additions, Deletions, and Exceptions, Including Fees and Penalties**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-825 Repealing Ordinance No. 99-789 and adopting by reference the 1997 Editions of the Uniform Building Codes, the 2000 Editions of the Uniform Plumbing and Mechanical Codes, and the 1999 Edition of the National Electrical Code, the 1997 Edition of the Uniform Administrative Code, the 1997 Edition of the Uniform Housing Code, the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, including applicable amendments by the California Building Standards Commission as set forth in Title 24 of the 2001 California Code of Regulations, together with certain amendments, additions, deletions, and exceptions, including fees and penalties, and invited comments from the public.

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. 02-825, entitled "**An Ordinance of the City Council of the City of Montclair Repealing Ordinance No. 99-789 and Adopting by Reference the 1997 Editions of the Uniform Building Codes, the 2000 Editions of the Uniform Plumbing and Mechanical Codes, and the 1999 Edition of the National Electrical Code, the 1997 Edition of the Uniform Administrative Code, the 1997 Edition of the Uniform Housing Code, the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Including Applicable Amendments by the California Building Standards Commission as Set Forth in Title 24 of the 2001 California Code of Regulations, Together With Certain Amendments, Additions, Deletions, and Excep-tions, Including Fees and Penalties,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 02-825 was unanimously adopted by the following vote:

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

**E. Resolution No. 02-2409 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by James R. and Rosa Mallek and Located at 4730 Bandera Street, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2409 authorizing recovery of abatement costs incurred by the City related to property owned by James R. and Rosa Mallek and located at 4730 Bandera Street, Montclair, California, and invited comments from the public.

Council Member Ruh spoke in support of this item. He inquired concerning the potential for the City to be reimbursed for its work related to this item.

City Manager McDougal responded that the City would eventually be repaid when the property transfers ownership at some future time.

Moved by Council Member Dutrey and seconded by Council Member Ruh that the following actions be taken:

1. That Resolution No. 02-2409, 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 4730 Bandera 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 \$881.82 be paid to the City of Montclair within ten calendar days of the adoption of Resolution No. 02-2409.

Resolution No. 02-2409 was unanimously adopted and the Council determined that the reimbursement amount of \$881.82 be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 02-2409 by the following vote:

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

**F. Receiving Public Comment on Allocation of State Supplemental Law Enforcement Services Funds**

Mayor Eaton declared it the time and place set for public hearing to receive public comment on allocation of State Supplemental Law Enforcement Services funds to Capital Outlay programs within the Police Department Fiscal Year 2002-03 Budget and invited comments from the public.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Ruh that an opportunity for public comment was given related to the allocation of State Supplemental Law Enforcement Services funds to Capital Outlay programs within the Police Department Fiscal Year 2002-03 Budget.

Motion carried as follows:

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

**VIII. CONSENT CALENDAR**

Mayor Pro Tem Paulitz requested that Items B-3 and D-3 be removed from the Consent Calendar for comment.

Noting that since Item D-3 has already been removed, Council Member Raft requested that Item D-2 be removed from the Consent Calendar for comment.

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

Council Member Ruh noted that the item he had intended to remove from the Consent Calendar has already been removed.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, 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 August 19, 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 August 19, 2002.

**B. Administrative Reports**

**1. Setting a Public Hearing to Consider Ordinance No. 02-824 Related to Adoption of the 2001 California Fire Code**

The City Council set a public hearing for Monday, September 16, 2002, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 02-824 related to adoption of the 2001 California Fire Code.

**2. Setting a Public Hearing to Consider Ordinance No. 02-827 Establishing Prezone Designations of "R-1" and "C-3" to Approximately 4.18 Acres Within the City's Sphere of Influence**

The City Council set a public hearing for Monday, September 16, 2002, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 02-827 establishing a prezone designation of "R-1" and "C-3" to approximately 4.18 acres within the City's Sphere of Influence.

**5. Acceptance of the United States Department of Justice "Cops in Schools" Grant Award**

**Authorization of \$57,235 From the Contingency Account to Employ an Additional Police Officer**

The City Council took the following actions:

- (a) Accepted a United States Department of Justice "Cops in Schools" grant award to be used in the hiring, training, and staffing of new Police Officers specifically assigned to the policing of elementary and secondary schools.
- (b) Authorized \$57,235 from the Contingency Account to employ an additional Police Officer over a three-year period.

**6. Acceptance of Grant Deed No. 1611 for the Purpose of Construction, Maintenance, and Use of Sidewalks and Appurtenances**

The City Council accepted Grant Deed No. 1611 from Jack in the Box, Inc., for right-of-way dedication of property located along the south side of Holt Boulevard for construction, maintenance, and use of sidewalks and appurtenances related to handicap sidewalk ingress/egress.

**7. Approval of Recommendation From the August 22, 2002 Real Estate Committee Meeting**

The City Council approved the recommendation from the August 22, 2002 Real Estate Committee meeting as listed in the agenda report on this item.

**8. "No Action" on Alcoholic Beverage Permit Application - Central Avenue Market**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Ashkar Ghazi Abdulkarim for Central Avenue Market, 10132 Central Avenue, Montclair, California.

**9. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the Warrant Register dated September 3, 2002, totaling \$620,437.80; and the Payroll Documentation dated August 11, 2002, amounting to \$374,577.14, with \$552,936.98 being the total cash disbursement.

**C. Agreements**

**2. Award of Contract to Inland Asphalt & Coatings in the Amount of \$37,092.45**

**Approval of *Agreement No. 02-130* With Inland Asphalt & Coatings for the Columbine Avenue Sidewalk Improvement Project**

**Authorization of a \$5000 Construction Contingency**

The City Council took the following actions:

- (a) Awarded a contract to Inland Asphalt & Coatings in the amount of \$37,092.45.
- (b) Approved *Agreement No. 02-130* with Inland Asphalt & Coatings for the Columbine Avenue Sidewalk Improvement Project.
- (c) Authorized a \$5000 construction contingency.

**3. Approval of *Agreement No. 02-131* With Ontario-Montclair School District for Use of Facilities at Serrano Middle School for an After-School Program**

The City Council approved *Agreement No. 02-131* with the Ontario-Montclair School District for use of facilities at Serrano Middle School for an after-school program.

**4. Approval of *Agreement No. 02-132* Amending *Agreement No. 98-73* With All Cities Management Services, Inc., for Provision of School Crossing Guard Services**

The City Council approved *Agreement No. 02-132* Amending *Agreement No. 98-73* with All Cities Management Services, Inc., for provision of school crossing guard services.

**D. Resolutions**

**1. Adoption of Resolution No. 02-2407 Fixing the Salaries for Certain Part-Time Employees Not Represented by Formally Recognized Employee Organizations**

The City Council adopted Resolution No. 02-2407, entitled "A Resolution of the City Council of the City of Montclair Fixing the Salaries for Certain Part-Time Employees Who Are Not Represented by Formally Recognized Employee Organizations."

**4. Adoption of Resolution No. 02-2413 Authorizing the Mayor to Sign a Three-Year *Cooperation Agreement* with the County of San Bernardino for Community Development Block Grant Funds for Fiscal Years 2003-05**

The City Council adopted Resolution No. 02-2413, entitled "A Resolution of the City Council of the City of Montclair Authorizing the Mayor to Sign a Three-Year Cooperation Agreement With the County of San Bernardino for Community Development Block Grant Funds for Federal Fiscal Years 2003-2005."

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**3. Setting a Public Hearing to Consider the Following:**

**Adoption of Resolution No. 02-2414 Approving a General**

**Plan Amendment to the Official Land-Use Map for a 10.16 Acre Site at the Southwest Corner of Monte Vista Avenue and Palo Verde Street, Modifying the Land-Use Designation From "Public/Quasi-Public" to "Planned Development"**

**Adoption of Ordinance No. 02-826 Approving a Zone Change to the Montclair Municipal Code From "R-1" (Single-Family Residential) to "R-1(SL)" (Single-Family Residential Small-Lot Detached Housing Overlay) for 10.16 Acres at the Southwest Corner of Monte Vista Avenue and Palo Verde Street**

**Approval of Tentative Tract Map No. 16381 for a 61-Lot Residential Subdivision at the Southwest Corner of Monte Vista Avenue and Palo Verde Street (Former Margarita School Site)**

Mayor Pro Tem Paulitz noted that Tentative Tract Map No. 16381 was not included in the agenda.

City Manager McDougal advised that the Council would be provided with the tract map when the item is considered at the public hearing proposed for September 16, 2002.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Ruh, and carried unanimously that the Council take the following actions:

- (a) Adopt Resolution No. 02-2414 approving a General Plan Amendment to the official land-use map for a 10.16 acre site at the southwest corner of Monte Vista Avenue and Palo Verde Street, modifying the land-use designation from "Public/Quasi-Public" "Planned Development."
- (b) Adopt Ordinance No. 02-826 approving a zone change to the Montclair Municipal Code from "R-1" (Single-Family Residential) to "R-1(SL)" (Single-Family Residential Small-Lot Detached Housing Overlay) for 10.16 acres at the southwest corner of Monte Vista Avenue and Palo Verde Street.
- (c) Approve Tentative Tract Map No. 16381 for a 61-lot residential subdivision at the southwest corner of Monte Vista Avenue and Palo Verde Street (former Margarita School site).

## **C. Agreements**

1. Authorizing Executive Director to Execute *License Agreement No. 02-129* With Kiewit Pacific Co., a Delaware

### **Corporation, for Short-Term Lease of Redevelopment Agency-Owned Property**

Director Dutrey asked if the \$35,000 to be paid to the Redevelopment Agency for lease of the Agency-owned property located on the west side of Monte Vista Avenue at the westerly extension of Richton Street for an additional mainline track to the Metrolink Corridor between the cities of Pomona and Montclair could be used for park improvements.

Executive Director McDougal answered, "No."

Moved by Director Dutrey, seconded by Vice Chairman Paulitz, and carried unanimously that the Redevelopment Agency Board authorize the Executive Director to executive *License Agreement No. 02-129* with Kiewit Pacific Co., a Delaware Corporation, for short-term lease of Redevelopment Agency-owned property.

#### **D. Resolutions**

##### **2. Adoption of Resolution No. 02-2411 Fixing the Salaries for Certain City Employees Represented by the San Bernardino Public Employees Association**

Council Member Raft stated she was shocked at the total amount proposed for the subject salary adjustments and requested this item be continued to allow further review of the proposal.

Council Member Ruh stated he would support continuance of both this item and Item D-3.

City Manager McDougal indicated he would be happy to provide whatever additional information might be required. Noting the meet-and-confer process involved in determining the proposed salary adjustments, he advised that any revisions to proposed Resolution No. 02-2411 would need to be further negotiated in the good-faith bargaining process with the representatives of San Bernardino Public Employees Association.

Council Member Raft indicated she only needs additional time to review the proposal.

Moved by Council Member Raft and seconded by Council Member Ruh to continue this item to the September 16, 2002 regular joint meeting.

Motion carried as follows:

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

**3. Adoption of Resolution No. 02-2412 Fixing the Salaries for Certain Management Employees Represented by the City Manager**

Mayor Pro Tem Paulitz requested this item be continued to a Closed Session at the October 21, 2002 regular joint meeting; that the Council be provided with a copy of the salary survey to include number of years of experience, names of agencies, number of people supervised, the date of the last salary adjustment, and the parameters established by the Council on June 19, 2000; and that pursuant to the bargaining agreement, the salary adjustments be effective July 1, 2002.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Ruh, and carried unanimously to continue this item to a Closed Session on October 21, 2002.

City Manager McDougal gave the Council revised copies of Resolution No. 02-2412, noting the only change is a decrease of his salary as a result of his performance evaluation being completed this evening.

**Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, expressed his opposition to the salary adjustments proposed in Resolution No. 02-2412. He stated that presentation of this item on an evening when the meeting is not being cablecast is "appalling" and "backstabbing." He suggested this matter be placed before the voters.

**Ms. Teresa Billingsley** requested this item be continued.

Having studied the budgets for the City of Montclair for the last several years, **Mr. Roger Baer** noted a "rapid rise in salaries for certain positions within the City." Adding he has researched the salaries of similar positions in other municipalities, he noted his surprise in learning that City Manager McDougal appears to be the highest-paid city manager in the Inland Empire and is much higher paid than any city manager in area cities. He expressed his opinion the proposed salary adjustments seem excessive.

Mayor Eaton advised **Mr. Baer** that this item has been continued and that he may wish to reserve his comments until such time as the item is being considered.

**Mr. Baer** indicated he is aware that the item has been continued. He further commented that this item should be considered during Open Session for the benefit of the public.

## X. RESPONSE

### A. Update Regarding Heritage Park Senior Apartments

Mayor Eaton reported there has been no contact from representatives of the property owners, **AIMCO**, or the service provider, **New Century Care**, and there is no new activity to report. He advised that no permits have been issued for any modifications to the building nor has approval been given for any other changes to the property.

Council Member Ruh noted he has received telephone calls and a letter about maintenance and changes in the rules at **Heritage Park**. He suggested a meeting with staff and the **Heritage Park** manager be held to address these issues.

Director of Community Development/Agency Planner Clark agreed that a meeting could be scheduled.

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

#### 1. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations

*Property: 9644 Central Avenue*

*Negotiating Parties: City of Montclair Redevelopment Agency and Eleuterio Lira-Barrios and Pennie Lira*

*Negotiators: Director of Redevelopment/Public Works Staats and Redevelopment and Assistant Director of Redevelopment Caldwell*

*Under Negotiation: Recommendations Regarding Purchase Price*

**2. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations**

*Property: 9835 Central Avenue*

*Negotiating Parties: City of Montclair Redevelopment Agency and Mr. Ronald Coon*

*Negotiators: Director of Redevelopment/Public Works Staats and Redevelopment and Assistant Director of Redevelopment Caldwell*

*Under Negotiation: Recommendations Regarding Purchase Price*

**3. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations**

*Property: 9963 Central Avenue*

*Negotiating Parties: City of Montclair Redevelopment Agency and Houston and Eloise Berry*

*Negotiators: Director of Redevelopment/Public Works Staats and Redevelopment and Assistant Director of Redevelopment Caldwell*

*Under Negotiation: Recommendations Regarding Purchase Price*

Agency Counsel Robbins requested a Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code on the above three matters.

**B. City Manager/Executive Director**

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

(a) In response to a speaker's inquiry earlier this evening as to the qualifications for the Director of Administrative Services position, he stated he would be happy to forward the class specification for the position to the speaker.

(b) In response to the same speaker's earlier comment that he is the highest-paid city manager in the Inland Empire, he refuted such claim.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted he was privileged to represent the City Council at the **Montclair Chamber of Commerce Annual Montclair Police Department Employees' Recognition Breakfast** held August 21, 2002, at which he was pleased to present plaques to 2001 Officer of the Year Robert Avels and **D.A.R.E.** Officer Michael Cunha, recipient of the 2001 Annual Achievement Award.
- (b) He noted he was pleased to attend a **Young Marines** fundraiser in Pomona at the invitation of his youthful neighbor on August 22, 2002, adding the **Young Marines** is a worthwhile organization for youth.
- (c) He noted his attendance at the August 26, 2002 **San Bernardino Associated Governments** Construction Authority Board meeting and reported that construction is progressing on **Alameda Corridor-East** grade separations throughout Los Angeles County.
- (d) He noted his participation last Thursday, along with Mayor Pro Tem Paulitz and Council Members Ruh and Dutrey, at the **Claremont Depot Metrolink** station groundbreaking ceremony for enhancement of the San Bernardino-Los Angeles **Metrolink** line by means of a project to double-track 5.3 miles of the route between Pomona and Montclair to enable more trains to be added to the line. He stated the project should encourage more commuters to use the trains, potentially decreasing freeway traffic by 1800 vehicle trips per day. He noted the ceremony featured remarks by **Congressman David Dreier**—deemed instrumental in securing the \$1.3 million in federal dollars already received—who stated that completion of projects such as this one will increase the quality of life in the San Gabriel Valley and Inland Empire.

D. City Council/Agency Board

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

- (a) He also noted he was pleased to attend, along with Council Members Ruh and Dutrey, the **Chamber's Annual Montclair Police Department Employees' Recognition**

*Breakfast on August 21, 2002.*

- (b) He also noted his attendance on August 30, 2002, at the groundbreaking ceremony at the **Claremont Depot Metrolink** station for the additional commuter-rail track between Pomona and Montclair. He announced that a dedication ceremony is scheduled for Thursday, September 19, 2002, at 9:30 a.m. at the Montclair Transcenter site for construction of the second rail platform.
- (c) He asked when the City's *Fall Cleanup* would be conducted.

Deputy City Clerk Jackson advised that this year's *Fall Cleanup* would be held the week of October 7-11, 2002.

- (d) In response to **Mr. Baer's** comment that continued Resolution No. 02-2412 should be considered by the Council in Open Session, he clarified that the reason his motion was for the Council to consider the item in Closed Session was because the item involves a negotiation process, which is allowed to be addressed in Closed Session, though the results of the negotiations would be announced in Open Session.
2. With regard to the "Oral Report on *City of Montclair v. Raft, et al*" item that was continued at the last meeting to the September 16, 2002 regular joint meeting, Council Member/Director Raft requested on behalf of her husband, **Mr. Ray Raft**, that he be given equal time to comment instead of being limited to the standard five-minute comment period.
  3. In follow-up to his offer at the last meeting to contact **Monte Vista Water District (MVWD)** for alternate dates to conduct a tour of its facilities, Council Member/Director Dutrey advised that he would be meeting with **MVWD** General Manager **Mark N. Kinsey** on September 13, 2002, followed by a tour, with a backup tour to be scheduled sometime in October 2002 for the rest of the Council. Noting he would probably not attend the backup tour, he indicated he would report some alternate dates to conduct such tour at the September 16, 2002 regular joint meeting.
  4. Council Member/Director Ruh commented as follows:
    - (a) He noted he was pleased to represent **Senator Nell Soto**

at the Chamber's *Annual Montclair Police Department Employees' Recognition Breakfast* on August 21, 2002, adding he appreciates the Senator's support of our Police Department. He asked that **Chamber** representative **Mr. Vodvarka** please relay his praise of the **Chamber's** sponsorship of the breakfast to Executive Vice President **Betty Traister** and her staff.

- (b) He noted he was pleased to attend the groundbreaking ceremony at the **Claremont Depot Metrolink** station for the additional commuter-rail track between Pomona and Montclair on August 30, 2002. He added that it was good to have **Congressman Dreier** at the ceremony. He stated he is pleased that **Congressman Dreier** will return to represent the City as a result of the Congressional reapportionment plan following the November 2002 election and expressed his confidence that **Congressman Dreier** will once again do a good job for Montclair.
- (c) Noting that Wednesday, September 11, 2002, marks the one-year anniversary/observation of the tragedy of the terror attacks on America, he suggested that we commemorate the day by taking a moment with one's belief system to think of those who lost their lives in the tragedy. He also suggested we take strength from the British who endured five years of bombing in London during **World War II** and who immediately began rebuilding their city as a show of strength to the world. He spoke of the importance of America emerging stronger from this tragedy.

At this time, Mayor Eaton invited **Mr. Loren Martens** to come forward to comment.

**Mr. Loren Martens**, 4285 Benito Street, Montclair, asked that tonight's meeting and the regular joint meeting of September 16, 2002, be adjourned in honor and memory of all the heroes of September 11, 2001, who have truly united and inspired the American people.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Code Enforcement Committee Meeting of August 19, 2002**

The City Council received and filed the Code Enforcement Committee meeting minutes of August 19, 2002, for informational purposes.

**2. Minutes of Personnel Committee Meeting of August 19, 2002**

The City Council received and filed the Personnel Committee meeting minutes of August 19, 2002, for informational purposes.

**3. Minutes of Real Estate Committee Meeting of August 22, 2002**

The City Council received and filed the Real Estate Committee meeting minutes of August 22, 2002, for informational purposes.

**XII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS**

At 8:25 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors in honor and memory of the fallen and surviving heroes of September 11, 2001.

At 8:25 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:40 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Agency Board met in Closed Session to receive information regarding real property negotiations, direction was given to staff, and no further announcements would be made at this time.

**XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

At 8:41 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors in honor and memory of the fallen and surviving heroes of September 11, 2001.

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

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Yvonne L. Smith  
Transcribing Secretary