

MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, OCTOBER 7, 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 Mark Shipul, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Paulitz; Council Members/Directors Raft, Dutrey, and Ruh; City Manager/Executive Director McDougal; Acting Director of Administrative Services Hayes; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

V. PRESENTATIONS

A. Presentation of Plaque to Montclair Community Hero 2002 Reza Nafissi

Mayor Eaton introduced **Mr. Reza Nafissi**, Owner, **Rocky's Pizzeria**. He presented **Mr. Nafissi** with a plaque honoring him as Montclair Community Hero 2002. Noting the many contributions of **Mr. Nafissi** and his restaurant to a great number of programs and activities in the community, he stated the City is grateful for **Mr. Nafissi's** ongoing support and commitment.

Mr. Nafissi accepted the plaque and thanked Mayor Eaton.

B. Proclamation Declaring October as "Domestic Violence Awareness Month" in the City of Montclair

Mayor Eaton presented a proclamation to **Ms. Cathy Hudspeth**, Domestic Violence Prevention Coordinator, **House of Ruth**, declaring October as "Domestic Violence Awareness Month" in the City of Montclair.

Ms. Hudspeth accepted the proclamation and thanked Mayor Eaton. She, in turn, presented Mayor Eaton, Council Members, and City Manager McDougal with purple ribbon pins and asked that they be worn in honor of Domestic Violence Awareness Month "in recognition of the victims and for the hard work that we are doing together in the City to prevent this tragic event." She thanked the Council, the Montclair Police Department, Code Enforcement Division, and, in particular, the residents for all the work being

done in the prevention of domestic violence. She

further commended the Council, staff, and residents for their proactive support of violence prevention.

Ms. Hudspeth invited the Council and residents to **House of Ruth's** annual celebration on Thursday, October 17, 2002, commemorating 25 years of service to the community and to the volunteer Montclair Domestic Violence Community Action Team's second annual *Domestic Violence Awareness Picnic* on Saturday, October 19, 2002, from 10:00 a.m. to 3:00 p.m. at Alma Hofman Park.

Mayor Eaton thanked **Ms. Hudspeth** for her comments.

C. Presentation by Ontario–Montclair School District Coordinator of Facilities Planning Pete Peterson and LPA, Inc. Project Manager Brian Prock on Bandera School Project

Mayor Eaton introduced **Mr. Pete Peterson**, Coordinator of Facilities Planning, **Ontario–Montclair School District**.

Mr. Peterson stated he is pleased to introduce **Mr. Brian Prock**, Project Manager, **LPA, Inc.**, to review a proposal by the **Ontario–Montclair School District (OMSD)** to develop a new elementary school in the City of Montclair to be located at the northwest corner of Monte Vista Avenue and Holt Boulevard. He advised that **OMSD** has retained the architectural firm of **LPA, Inc.**, for design of the new school. He stated that an interim campus would be developed by July 2003 with a permanent campus soon to follow.

Mr. Prock presented site plans for both the interim and permanent facilities and reviewed their design aspects and structural and exterior amenities. He stated that the new school would house 739 K–8 students. He advised that the interim campus has been approved by the **Division of the State Architect** and is presently undergoing site plan review by the City.

Council Member Ruh stated he is thankful that a soccer field is included in the site plan for the new school, noting the growth in popularity of the sport. He spoke in support of the aesthetics of the new facility, which remind him of the designs of the great architect **Frank Lloyd Wright**, adding it will blend in well with the surrounding area.

Discussion centered on transportation and circulation issues, including the possibility of new crosswalks and signalization at the intersection of Monte Vista Avenue and Bandera Street.

Mayor Pro Tem Paulitz received confirmation that an apartment house on the western boundary of the site would be removed to facilitate development of the school.

Council Member Dutrey inquired as follows:

1. Would funding for the school be dependent upon the outcome of the **Proposition 47 – Kindergarten–University Public Education Facilities Bond Act of 2002** state school construction ballot measure?

Mr. Prock indicated that the project has already been funded and has not been earmarked for funding through **Proposition 47**.

2. Is "Bandera School" the official name of the new elementary school?

Mr. Prock advised that the school's name is still under consideration and that **OMSD** Board policy, which he clarified, would be followed.

OMSD Superintendent **Sharon McGehee** further clarified the policy on official naming of schools.

Council Member Dutrey indicated he would like the new school to be named after a resident who has significantly contributed to the community, both as a civic leader and in education aspects. He emphasized the importance of the **OMSD** Board receiving public comment concerning the naming of the school.

Council Member Dutrey noted his concern over the past six years since the closure of **Margarita Elementary School** that a replacement school be built in the community as well as there be a suitable development at the former school site. He noted the fortunate coincidence of both projects occurring simultaneously with the development of a brand-new school in Montclair and the location of a quality housing development at the former **Margarita School** site. Noting he met with Superintendent **McGehee** a few months ago, he thanked her for arranging tonight's presentation.

Council Member Ruh stated it is interesting to note that **Margarita Elementary School** was named in conjunction with the former name of Palo Verde Street, which was known originally as "Margarita Street" until it was renamed in the spring of 1960.

Speaking on behalf of the residents of the apartment house that is proposed to be removed from the school site, Council Member Ruh inquired concerning relocation assistance for the residents.

Mr. Peterson replied that state law requires that relocation assistance be provided to all families currently residing in the apartment building and to the affected businesses, adding that **Pacific Relocation Consultants** has been retained to provide direction in that capacity. He noted the residents and businesses would be relocated to equal or better facilities.

Mayor Eaton commented that when the State Superintendent of Schools closed **Margarita Elementary School**, **OMSD** vowed to replace it with a new school. He commended **OMSD** for keeping its promise. He spoke in support of **Proposition 47** and encouraged the public to support it at the November 5, 2002 election. He thanked **Mr. Peterson** and **Mr. Prock** for their presentations.

At 7:21 p.m., Mayor Eaton announced that this is *Fall Cleanup Week* and advised residents they may place all bulky disposable items at curbside on their regular refuse-collection days for complimentary collection by **Burrtec Waste Industries, Inc.** He reminded residents that tires and hazardous waste would not be accepted and that information on their disposal may be obtained by calling Deputy City Clerk Jackson at 625-9414.

Mayor Eaton told **Mr. Michael Arreguin**, Vice President, **Burrtec Waste Industries, Inc.**, that he observed **Burrtec** crews working hard today and doing a very good job in the removal of the extra items.

Council Member Ruh concurred, noting the extra trucks on Caroline Street where he resides.

VI. CLOSED SESSION

A. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

Property: 4361 West Mission Boulevard - Hacienda Mobile Home Estates

Negotiating Parties: City of Montclair Redevelopment Agency and Hacienda 204 Ltd.

Negotiators: Mr. George Turk, The Westridge Group; Director of Community Development Clark; Director of Redevelopment/Public Works Staats

Under Negotiation: Recommendations Regarding Purchase Price and Terms

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Government Code Section 54956.8.

At 7:25 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

VII. CLOSED SESSION ANNOUNCEMENTS

At 7:46 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced that the Redevelopment Agency Board met in Closed Session regarding real property negotiations, direction was given to staff, and no further announcements would be made at this time.

VIII. 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 five minutes each to speak on subjects that do not appear on tonight's agenda.

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

1. October 16, 2002 - *Candidates' Forum*, 7:00-9:00 p.m., City Council Chambers.
2. October 19, 2002 - *Oktoberfest*, 4:00-9:00 p.m., Montclair Community Center, featuring a performance by the **All American Bavarian Band**; \$2 admission, children free.

B. Ms. Charlene Kusick, 9871 Fremont Avenue, Montclair, Montclair Community Action Committee Chairwoman, announced the following CAC activities:

1. October 26, 2002 - *Lights On After-School Program Celebration*, 8:00 a.m.-12:00 p.m., Montclair Community Center.
2. October 26, 2002 - **Pomona Valley Harley-Davidson/Buell Third Annual Anniversary/Halloween Carnival Party** fundraiser to benefit the **Montclair Community Collaborative**, 8710 Central Avenue, 9:00 a.m.-4:00 p.m.; tickets will also be on sale for the Montclair Skate Park drawing.

Council Member Ruh asked about the CAC's discussion at its last meeting regarding a future fundraiser.

Chairwoman Kusick responded that the CAC is considering holding a Casino Night fundraiser in spring 2003 to benefit the Montclair Skate Park.

3. October 29, 2002 – Montclair Skate Park drawing (to be held during the public forum on the proposed new youth and expanded senior centers) for a new skateboard, T-shirt, and protective gear courtesy of **Freelance Board Shop**, Montclair, with all proceeds to benefit the new skating facility, tickets are now on sale at Human Services Division.
- C. **Mr. Art Van Deventer, Monterey Manor Mobile Home Estates**, 11250 Ramona Avenue, Space 902, Montclair, reported on the positive outcome of the September 10, 2002 federal court decision upholding the **City of Cotati's** mobile home rent-control ordinance. He indicated that such decision serves to reinforce the City's Mobile Home Rent Control Ordinance and is an important one for all mobile home park residents in the state.
- D. **Ms. Regina Howerton** commented as follows:
1. She discussed the report on the City's costs incurred in the *City of Montclair v. Raft, et al* matter that was given at the last meeting and asked if City Special Counsel could give a similar report on the **Baer** case.
 2. She noted an individual was allowed to comment at the last meeting without having to submit a *Speaker Information Card*. She asked if the reason behind allowing the speaker to comment had anything to do with the comments being against the **Rafts**.
 3. She announced that a Mayoral Candidates' Forum would be held Thursday, October 24, 2002, at 6:30 p.m. in the Montclair Community Center and invited all registered voters to attend. She indicated further information on the forum may be obtained at the Montclair Web site.
- E. **Mr. Ed Belke, Hacienda Mobile Home Estates**, 4361-92 Mission Boulevard, Montclair, identified himself as a resident of Montclair for over 40 years and commented as follows:
1. As a business owner and resident of Montclair, he noted how well the City has developed in recent years and commended the current Council for its work in that regard.
 2. He stated that residents of Montclair are grateful to the Council for adopting the Mobile Home Rent Control Ordinance and expressed his hope that it can be continued.
 3. He noted that **Hacienda Mobile Home Estates** fought with the **U.S. Postal Service** for years to be placed in the Montclair postal district and that the current Council was responsible for successfully bringing about this ZIP Code consolidation.
 4. He thanked the Council for appropriating the necessary funding to improve Mission Boulevard.
 5. He expressed his hope that the Council would support the proposed acquisition of **Hacienda Mobile Home Estates** by the nonprofit **August Homes**.

F. **Mr. Thomas J. Fitzgerald** commented as follows:

1. He noted he has been commenting at these regular joint meetings for two years.
2. He inquired when the new City Council would be sworn into office.

Mayor Eaton replied that the swearing-in ceremony of a new Council typically takes place during the first meeting in December.

3. He advised he would repeat his initial comments before the next Council, adding that body would be given one opportunity to resolve his issue with the Montclair Police Department.
4. He questioned how the Montclair Police Department could effectively enforce the "unclear" child safety seat law. He recounted his issue involving his child related to the lack of enforcement of this law in Montclair. He noted his intent to refile a complaint against the Montclair Police Department concerning this issue.
5. He inquired as to the City's policy regarding Montclair Web site postings.

City Manager McDougal stated there is a disclaimer on the Web site that any inappropriate postings would be deleted immediately.

Mr. Fitzgerald stated that his question does not relate to "inappropriate" comments but only to concerns expressed by residents.

Mayor Eaton advised **Mr. Fitzgerald** that an answer to his question would be forthcoming.

6. He requested a meeting with the Police Chief and any interested Council Members who would care to attend "to get to the bottom" of his issues.
7. He expressed his dissatisfaction with certain members of the Montclair Police Department.

G. **Mr. Rob Branson**, 768 West Vesta Street, Ontario, invited the Council to an **OPARC** benefit on Saturday, October 19, 2002, at 8:00 p.m. at **Upland High School**. He noted that the event would be emceed by **Jerome Patrick Hoban**, the famous **Ed Sullivan** impersonator who was featured in the film **Pulp Fiction** and that entertainment would be provided by **The Beatles** tribute group **The Fab Four**. He gave the Council informational fliers about the benefit.

Mayor Eaton thanked Mr. Branson for the information.

Council Member Ruh spoke in support of **OPARC**, noting his mother worked for the organization for many years and served as president of the **OPARC** auxiliary when it was still in existence.

IX. PUBLIC HEARINGS

A. **Adoption of Resolution No. 02-2415, a Resolution of the City Council of the City of Montclair Approving the Issuance and Sale of City of Montclair Redevelopment Agency Mobile Home Park Revenue Bonds to Finance Acquisition of Hacienda Mobile Home**

Estates

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2415 related to the nonprofit acquisition of Hacienda Mobile Home Estates 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.

Council Member Dutrey noted the Council discussed this item in Closed Session this evening. He stated he is very comfortable with the proposed conversion of Hacienda Mobile Home Estates to nonprofit ownership and spoke in support of this item.

For the benefit of the residents of Hacienda Mobile Home Estates, Council Member Ruh requested clarification concerning any rent increases that **Augusta Homes** might be proposing to facilitate acquisition of the park.

Ms. Suzanne Taylor, Executive Director of **Augusta Homes**, which owns **Villa Montclair Mobile Home Park** and **Monterey Manor Mobile Home Estates**, stated that **Augusta Homes** promises to abide by the City's Mobile Park Home Rent-Control Ordinance. She stated that rents would not be increased beyond the scope of the Ordinance.

Council Member Ruh stated his concern was for mobile home park residents.

Council Member Dutrey indicated that one of the reasons why the City is proposing this conversion and why conversion has taken place at **Villa Montclair** and **Monterey Manor** is for rent-stabilization purposes. He noted that the City has been proactive since 1986 in its efforts to control park space rents and lease amounts. He commended Mayor Pro Tem Paulitz for encouraging nonprofit status for the City's mobile home parks.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Resolution No. 02-2415, entitled "**A Resolution of the City Council of the City of Montclair Approving the Issuance and the Sale of the City of Montclair Redevelopment Agency Mobile Home Park Revenue Bonds to Finance the Acquisition of Hacienda Mobile Home Estates**" 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.

Resolution No. 02-2415 was unanimously adopted by the following vote:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

- B. Second Reading – 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**

Mayor Eaton declared it the time and place set for public hearing to consider 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 (former Margarita School site) and invited comments from the public.

Moved by Council Member Ruh and seconded by Council Member Raft that Ordinance No. 02-826, entitled "**An Ordinance of the City Council of the City of Montclair Approving a Zone Change From 'R-1' (Single-Family Residential) to 'R-1(SL)' (Single-Family Residential Small-Lot Detached Housing Overlay),**" be read by number and title only, further reading be waived, and this be declared its second reading.*

Council Member Ruh commended the neighbors of the former Margarita School site for coming together and rallying around an issue that they so strongly believed in. He commented that when residents do get together, they do have their voices heard at City Hall. He particularly commended audience members **Ms. Lori Haage** and **Mrs. Mary Francis** and their neighbors, as well as those at home, including the **Morgans**. He stated they made sure they did not let up until their voices were heard, emphasizing "I think that's what government is all about."

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

Second Reading of Ordinance No. 02-826 was unanimously adopted by the following vote:

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

C. Second Reading - Adoption of Ordinance No. 02-827 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing Prezone Designations of "R-1" and "C-3" to Approximately 4.18 Acres Within the City's Sphere of Influence

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02-827 pursuant to Chapter 11.84 of the Montclair Municipal Code establishing prezone designations of "R-1" and "C-3" to approximately 4.18 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.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Ruh that Ordinance No. 02-827, 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.

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

Second Reading of Ordinance No. 02-827 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. 02–824 Related to Adoption of the 2001 Fire Code

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02–824 related to adoption of the 2001 Fire Code 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 Council Member Ruh and seconded by Council Member Dutrey that Ordinance No. 02–824, entitled "**An Ordinance of the City Council of the City of Montclair Repealing and Replacing Articles I and II and Amending Sections 10.28.170, 10.28.220, 10.28.230, 10.28.240, and 10.28.450 of the Montclair Municipal Code Adopting the California Fire Code,**" 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. 02–824 was adopted by the following vote:

AYES: Ruh, Dutrey, Raft, Paulitz, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

X. CONSENT CALENDAR

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

Mayor Pro Tem Paulitz requested that Items B–7, B–9, and D–3 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 Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 16, 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 September 16, 2002.

B. Administrative Reports

1. Setting a Public Hearing to Consider Resolution No. 02–2420 Related to Amendment of Fee Structure for Collection and Disposal of Commercial Refuse

The City Council set a public hearing for Monday, October 21, 2002, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 02–2420 related to adjustment of rates for collection and disposal of commercial refuse.

2. Setting a Public Hearing to Consider Ordinance No. 02-828 Amending Chapters 11.04 and 11.78 of the Montclair Municipal Code Related to Appeals

The City Council set a public hearing for Monday, October 21, 2002, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 02-828 amending Chapters 11.04 and 11.78 of the Montclair Municipal Code related to appeals.

3. Setting a Public Hearing to Consider Proposed Use of Federal Local Law Enforcement Block Grant Program Funds

The City Council set a public hearing for Monday, October 21, 2002, at 7:00 p.m. in the City Council Chambers to consider the proposed use of Federal Local Law Enforcement Block Grant Program funds.

4. Authorizing the Hiring of an "In-Lieu" Police Officer to Backfill for an Anticipated Vacancy

The City Council authorized the hiring of an "in-lieu" Police Officer to backfill for an anticipated vacancy.

5. Authorizing an Allocation of California Law Enforcement Equipment Program High Technology Grant Funds

The City Council authorized an allocation of \$40,494 in California Law Enforcement Equipment Program High Technology Grant funds for the purchase of certain high technology equipment for the Montclair Police Department.

6. Authorization to Advertise for Bid Proposals for the Amherst Avenue Rehabilitation Project

The Redevelopment Agency Board authorized the advertisement of bid proposals for the Amherst Avenue Rehabilitation project.

8. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of Select System Project No. 174 - Monte Vista Avenue Rehabilitation Project

The City Council authorized the following actions related to completion of Select System Project No. 174 - Monte Vista Avenue Rehabilitation Project:

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

10. "No Action" on Alcoholic Beverage Permit Application - Les Allymes Inc.

The City Council voted "No action" on the "Beer and Wine Wholesaler" license application of Les Allymes for Les Allymes, Inc., 8880 Benson Avenue, Montclair, California.

11. "No Action" on Alcoholic Beverage Permit Application - Montclair AM PM

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Sater Yadgari Group for Montclair AM PM, 5281 Mission Boulevard, Montclair, California.

12. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated October 7, 2002, totaling \$1,329,295.78; and the Payroll Documentation dated September 8, 2002, amounting to \$471,548.57, with \$320,916.69 being the total cash disbursement.

C. Agreements

2. Award of Contract to P.A. Engineering in the Amount of \$16,873.20

Approval of *Agreement No. 02-136* With P.A. Engineering for Select System Project No. 179 - Central Avenue Widening Project

Authorization of a \$2000 Construction Contingency

The City Council took the following actions:

- (a) Awarded a contract to Inland Asphalt & Coatings in the amount of \$16,873.20.
- (b) Approved *Agreement No. 02-136* with P.A. Engineering for Select System Project No. 179 - Central Avenue Widening Project
- (c) Authorized a \$2000 construction contingency.

3. Approval of *Agreement No. 02-141*, a *Subdivision Agreement* With Montclair 16215 LLC Regarding Tract Map No. 16215

The City Council approved *Agreement No. 02-141*, a *Subdivision Agreement* with Montclair 16215 LLC regarding Tract Map No. 16215.

4. Approval of *Agreement No. 02-149* Amending *Agreement No. 01-103* With Ontario-Montclair School District to Provide an After-School Programs

The City Council approved *Agreement No. 02-149* Amending *Agreement No. 01-103* with the Ontario-Montclair School District to provide after-school programs.

5. Approval of *Agreement No. 02-150* With the California Department of Education to Provide a William F. Goodling Even Start Family Literacy Program in Montclair

The City Council approved *Agreement No. 02-150* with California Department of Education to provide a William F. Goodling Even Start Family Literacy Program in Montclair.

D. Resolutions

1. Adoption of Resolution No. 02-2416 Authorizing Recovery of Weed-Abatement Costs Incurred by the City of Montclair

The City Council adopted Resolution No. 02-2416 authorizing recovery of weed-abatement costs incurred by the City of Montclair.

2. Adoption of Resolution No. 02-2418 Adopting a Measure I Five-Year Capital Improvement Program and a Twenty-Year Transportation Plan for the City of Montclair

The City Council adopted Resolution No. 02-2418 adopting a Measure I Five-Year Capital Improvement Program and a Twenty-Year Transportation Plan for the City of Montclair.

4. Adoption of Resolution No. 02-2421 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 02-2421 authorizing the placement of liens for delinquent sewer and trash accounts on the properties listed on Attachment A to this agenda report.

XI. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

7. Amending the Fiscal Years 2003-07 Capital Improvement Program by Adding Construction of Snack Bar and Restroom Building at Essex Park

Appropriation of \$154,000 From Community Development Block Grant Funds for Construction of Snack Bar and Restroom Building at Essex Park

Appropriation of \$15,000 From Contingency Account for Architectural Design Services for Snack Bar and Restroom Building at Essex Park

Mayor Pro Tem Paulitz asked if the \$44,000 referred to in the agenda report are the set-aside funds by the County of San Bernardino that must be used as quickly as possible, with the balance coming from transfers and project balance consolidation of Community Development Block Grant funds.

Council Member Dutrey answered, "Yes."

City Manager McDougal concurred, with the exception of the \$15,000 proposed to be appropriated from the Contingency Account to make up the balance of needed funding.

Council Member Dutrey asked when construction is anticipated to begin on the project.

Director of Community Development Clark responded that construction would begin in approximately five months.

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

- (a) Amend the Fiscal Years 2003–07 Capital Improvement Program by adding construction of a snack bar and restroom building at Essex Park.
- (b) Appropriate \$154,000 from Community Development Block Grant funds for construction of the snack bar and restroom building at Essex Park.
- (c) Appropriate \$15,000 from the Contingency Account for architectural design services for the snack bar and restroom building at Essex Park, which will speed up the project and not detract from the construction funding.

9. Approval of Certain Recommendations From the September 19, 2002 Public Works Committee Meeting

Mayor Pro Tem Paulitz clarified that the Public Works Committee is recommending development of an ordinance prohibiting the use of handicapped ramps as drive approaches, noting that in a few cases, property owners on corner lots where handicapped ramps exist have constructed driveways utilizing the handicapped ramps as drive approaches.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Dutrey, and carried unanimously to approve certain recommendations from the September 19, 2002 Public Works Committee meeting as listed on the agenda report for this item.

C. Agreements

1. Approval of *Agreement No. 02-135* Amending *Agreement No. 02-01* With Lim and Nascimento Engineering Corporation Modifying the Scope of Services and Fee for Design and Right-of-Way Acquisition Services Associated With the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project

Authorization of a \$100,000 Design Contingency

Council Member Ruh clarified for the benefit of the public that the proposed grade separation at Monte Vista Avenue and the Union Pacific Railroad crossing would alleviate the potential for 45-minute traffic queues at the intersection (one freight train 8000 feet long every six minutes) as a result of the Alameda Corridor express freight rail line project. He stated that the project is to be funded through the AB 2928 - Traffic Congestion Relief Act of 2000 \$95 million allotment. He asked for clarification regarding the proposed design contingency amendment.

Director of Redevelopment/Public Works Staats stated that the proposed amendment would allow LAN Engineering to proceed with Phases 2 and 3 for design and right-of-way acquisition services. She indicated that with the successful completion by LAN Engineering of Phase 1 of the project, there is no need to consider use of another consultant for Phases 2 and 3. She added that the fourth and final construction management phase would be considered at a later date.

Council Member Ruh asked when this project would be completed.

Director of Redevelopment/Public Works Staats stated it would depend upon the completion of the Ramona Avenue Grade Separation project, which is still awaiting federal approval. She estimated the completion of the Monte Vista Avenue overhead to be in two years.

Mayor Pro Tem Paulitz commented that the Monte Vista Avenue Grade Separation project timetable seems to be exceeding that of the Ramona Avenue Grade Separation project. Since the City is committed to not closing both crossing sites at the same time, he inquired if it is possible that the Monte Vista Avenue project would be ready for construction before the Ramona Avenue project.

Director of Redevelopment/Public Works Staats expressed her opinion that the Ramona Avenue Grade Separation project would be constructed before the Monte Vista Avenue project.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously that the Council take the following actions:

- (a) Approve *Agreement No. 02-135* amending *Agreement No. 02-01* with Lim and Nascimento Engineering Corporation modifying the scope of services and fee for design and right-of-way acquisition services associated with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.
- (b) Authorize a \$100,000 design contingency.

D. Resolutions

3. Adoption of Resolution No. 02-2419 Related to the Collection and Disposal of Residential Refuse

Mayor Pro Tem Paulitz stated he is very pleased that staff has been able to maintain the same rate to residents for several years in a row, in spite of the periodic fee increases to Burrtec Waste Industries, Inc., pursuant to the City's contract with the company. He emphasized that Montclair has one of the lowest refuse-collection rates in the area.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Dutrey that Resolution No. 02-2419, entitled "**A Resolution of the City Council of the City of Montclair Related to an Amendment of the Fee Structure for the Collection and Disposal of Residential Refuse,**" 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.

Resolution No. 02-2419 was unanimously adopted by the following vote:

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

XII. RESPONSE

B. Update Regarding Heritage Park Senior Apartments

Mayor Eaton reported there has been no contact from representa-

tives 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. He asked Council Member Ruh for the outcome of his discussions with residents and the **Heritage Park** manager.

Council Member Ruh stated he did talk to the manager and as of last week, there is no other activity planned. He noted that residents are still very concerned about the potential for increased rents at the complex.

Mayor Pro Tem Paulitz noted he spoke with a resident who attends the senior lunch program who indicated that all the equipment for the proposed modifications has already been purchased and is in storage in Rancho Cucamonga. He expressed his concern that the service provider is trying to wait the City out. He indicated he is on record as opposing any changes at the site.

Mayor Eaton stated that the Council will certainly stay on top of this issue and will continue to let the residents and public know the status.

Discussion took place regarding the out-of-service van at the complex.

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

XIII. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Property: 10327 Fremont Avenue

Negotiating Parties: City of Montclair and Monte Vista Water District (MVWD)

Negotiators: City Manager McDougal and MVWD General Manager Mark N. Kinsey

Under Negotiation: Discussion of Interest in Purchasing Property From MVWD

City Attorney Robbins requested a Closed Session on the above pursuant to Government Code Section 54956.8.

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

Property: 4909 Kingsley Street

Negotiating Parties: City of Montclair Redevelopment Agency and Department of Housing and Urban Development

Negotiators: Director of Redevelopment/Public Works Staats and Redevelopment and Housing Manager Caldwell

Under Negotiation: Recommendations Regarding Purchase Price

Agency Counsel Robbins requested a Closed Session on the above pursuant to Government Code Section 54956.8.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal commented as follows:
 - (a) He announced a groundbreaking ceremony to be held Thursday, October 10, 2002, at 9:00 a.m. for the joint **San Bernardino County Sheriff's Department, California Highway Patrol (CHP)**, and Montclair Police Department satellite substation to be developed at the northwest corner of Mission Boulevard and Silicon Avenue.
 - (b) He announced a public forum to be held Tuesday, October 29, 2002, at 7:00 p.m. in the City Council Chambers regarding the proposed new youth and expanded senior centers.
 - (c) He announced a groundbreaking ceremony to be held Tuesday, October 22, 2002, at 5:30 p.m. at the south-east corner of Mission Boulevard and Ramona Avenue for the Mission Boulevard improvements

C. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Paulitz commented as follows:
 - (a) He noted he will be unable to attend the public forum on the new youth and expanded senior centers on October 29 because he will be in Sacramento attending a **California Fuel Cell Partnership** meeting.
 - (b) He noted that while installing his campaign signs today he observed the busy **Burrtec** crews working hard on *Fall Cleanup Week*. He noted telling **Mr. Arreguin** recently that the biannual cleanups sponsored by **Burrtec Waste Industries, Inc.**, have become a Montclair institution on which the residents have come to rely twice a year.
 - (c) He commented on **Mr. Ed Belke's** remarks this evening as follows:
 - (1) ZIP Code Consolidation of the southern portion of the City - An important topic to him, he stated that though area San Bernardino County residents were uncooperative in this venture, what finally made it possible was the support of the residents in the southern portion of the City who cooperated and participated in working with the City to have that area converted to the Montclair postal district.
 - (2) Mobile Home Park Rent-Control Ordinance - Noting the Ordinance was originally adopted by a 3-2-0-0 vote, he stated the City has been involved in at least three or four litigation matters with mobile home park owners, and is, in fact, currently involved in litigation. Noting the City has always been able to prevail in these lawsuits, he stated it would be in the best interest of park owners to agree to their parks' acquisition by nonprofit organizations. He advised that the City's Mobile Home Rent Control Ordinance remains in effect to control rents. In response to Council Member Ruh's

earlier question, he emphasized that once **Hacienda Mobile Home Estates** is acquired by **Augusta Homes**, residents who are under long-term leases would, from that point on, be under rent control.

2. Council Member/Director Raft commented as follows:

- (a) She inquired on behalf of a few residents who contacted her if there is any limit to what residents may dispose of during *Fall Cleanup Week*.

Mayor Eaton advised Council Member Raft that with the exception of tires and hazardous waste, including batteries, oil, and paint, an unlimited number of items would be accepted.

- (b) Noting the concern of a few residents, she asked about the laws regulating skateboards and motorized scooters on public right-of-way.

Police Chief Thompson advised that if skateboarders are blocking traffic in the street they could be cited under the "pedestrians in the roadway" law. He stated that motorized scooter and bicycle riders are required to wear helmets and obey all traffic laws similar to operators of other vehicles.

3. Council Member/Director Dutrey commented as follows:

- (a) He asked if the evening meeting scheduled for October 15, 2002, would still be held.

City Manager McDougal replied that the meeting has been canceled.

- (b) He noted his and Council Member Ruh's attendance on September 24, 2002, at a Latino Housing conference in San Bernardino and that data from the conference, including challenges faced by the Latino community, particularly immigrants, was given to City Manager McDougal for distribution to the Council and staff.

- (c) He noted he enjoyed attending *Montclair Day at the L.A. County Fair* on September 24, 2002, particularly the Community Hero event honoring **Mr. Reza Nafissi** and a parade featuring the talented **Montclair High School Marching Band** and **Montclair Little League** players. He indicated it was really nice to see the large turnout of Montclair families participating in the event.

- (d) He noted his attendance at the **International Council of Shopping Centers** Conference on September 26, 2002, in Palm Springs. He noted how worthwhile the conference is to attend, with contacts made with a number of developers and retailers that may be helpful in the future.

- (e) He noted being the guest speaker at a **Columbian Squires, Circle 4623, Montclair** youth group meeting on September 27, 2002, at which he presented information about the City Council, including how to run for office and the important role the City Council plays in governing a municipality.

- (f) He noted his attendance at **Supervisor Fred Aguiar's**

quarterly meeting on September 30, 2002, which addressed the following among other issues:

- (1) The joint venture law enforcement satellite substation on Mission Boulevard.
 - (2) The settlement in the *Tollis (Déjà Vu) v. County of San Bernardino* case, including an agreement that has been executed stipulating that the business will cease operations in seven or eight years and that certain improvements are to be made to the site.
- (g) He noted attending quite a few sessions at a **League of California Cities** conference last week in Long Beach.
- (h) He noted he was unable to attend the **Montclair Community Collaborative (MCC)** 6th Anniversary celebration on September 30, 2002 and the **Montclair Chamber of Commerce Safety Fair/Business Expo** on September 28, 2002.
4. Council Member/Director Ruh commented as follows:
- (a) He noted his attendance as Governmental Affairs Director, **Citrus Valley Association of Realtors**, at a recent **Pepperdine University** Public Policy Forum addressing the difficulties facing many Latino families, noting the biggest impediment is the high cost of housing, which necessitates more affordable high-density housing.
 - (b) He advised he would not be able to attend the groundbreaking ceremony for the joint venture law enforcement satellite substation on October 10 because he will be attending a conference in Long Beach of governmental affairs directors related to real estate, private property, and housing matters in California. He spoke in support of the project.
 - (c) He announced the Montclair Fire Department Open House (8:00 a.m. to 1:00 p.m.) & Pancake Breakfast (8:00–11:00 a.m.) to be held Saturday, October 12, 2002, that will include fire apparatus and equipment displays, paramedic information and displays, fire-safety information, puppet shows, and station tours. He invited the public to participate to learn about the City's paramedic program.
 - (d) He noted learning from a member of the Monte Vista Water District Board of a new hybrid lawn covering--dwarf mondo grass that requires very little, if any, water and mowing only once a year. He suggested that a representative of **Chino Basin Water Conservation District** be invited to give a presentation on the subject.

Mayor Eaton concurred.

D. Board Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at **MCC's** 6th Anniversary celebration on September 30, 2002. He noted the tremendous success of **MCC** in addressing the needs of

youth and families in Montclair since its inception in 1996 and the plans for more work to be done in the future.

- (b) He recognized his neighbor **Mrs. Williams** for organizing a neighborhood-wide yard sale in conjunction with *Fall Cleanup Week*.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of September 19, 2002

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

At 8:45 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code

XIV. CLOSED SESSION ANNOUNCEMENTS

At 9:04 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, the parties gave direction to staff, and no further announcements would be made at this time.

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

At 9:05 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