

MINUTES OF THE REGULAR JOINT MEETING  
OF THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT  
AGENCY BOARD, AND MONTCLAIR  
HOUSING CORPORATION BOARD HELD ON  
MONDAY, DECEMBER 16, 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

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, 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. Introduction of New Employees

Mayor Eaton introduced **Ms. Gloria Perez**, who was appointed to

the position of Police Officer effective November 21, 2002. He noted that Officer Perez began her career with the City of Montclair on September 23, 2002, as a Police Officer Trainee while attending **Rio Hondo Police Academy**.

Mayor Eaton welcomed Officer Perez to the Montclair City family and presented her with a City pin.

Mayor Eaton introduced **Mr. Leonard Sein**, who was appointed to the position of Police Officer effective November 21, 2002. He noted that Officer Sein began his career with the City of Montclair on September 23, 2002, as a Police Officer Trainee while attending **Rio Hondo Police Academy**.

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

Mayor Eaton introduced **Mr. Jeffrey Allison**, who was appointed to the position of Police Officer effective December 12, 2002. He noted that Officer Allison began his career with the City of Montclair on September 2, 2002, as a Police Officer Trainee while attending the **San Bernardino County Sheriff's Academy**.

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

**B. Presentation of Auto Theft Recovery Award by Automobile Club of Southern California and the California Highway Patrol to Police Officer Graziano**

Mayor Eaton introduced **Ms. Linda King**, **Automobile Club of Southern California (ACSC)**.

**Ms. King** reviewed the **ACSC** criteria for consideration of an **ACSC** auto theft recovery award.

**Captain John Harbottle**, **California Highway Patrol**, reported that **Police Officer Andy Graziano** recovered a total of 14 vehicles, worth a total of \$163,000, in a 12-month period and took six suspects into custody. He and **Ms. King** presented Officer Graziano with an **ACSC** auto theft recovery award.

**C. Presentation of Holiday Home Decoration Contest Winners**

Mayor Eaton introduced Community Action Committee (CAC) Chairwoman Charlene Kusick.

CAC Chairwoman Kusick, assisted by Mayor Eaton and CAC Member Darleen Hartman, presented the following sixth annual Holiday Home Decoration Contest winners with certificates:

*Awards of Merit*

- Ms. Becky Smith**, 4570 Orchard Street
- Liz and Sal Ruiz**, 9815 Vernon Avenue
- Billy and Patricia Murray**, 9015 Helena Avenue
- Tim and Jill Ainslie**, 4844 Highland Street
- Mr. Alejandro Rieger**, 4641 Highland Street
- Mr. Carl Paulsen**, 4860 Rosewood Street
- Mr. David Moose**, 10037 Fremont Avenue

*Awards of Excellence*

<i>Category</i>	<i>Winner(s)</i>
Children's Wonderland:	<b>Walter and Diane Swanson</b> (and daughter <b>Robyn</b> ), 5196 Evert Street
Fantasy:	<b>Margaret and Gary Stovell</b> , 9726 Ramona Avenue
Religious:	<b>Mr. Javier Ramirez</b> , 4362 San Bernardino Street <b>Ms. Susan Panimdim</b> , 5358 Orchard Street
Unique:	<b>Jaime and Alma Perez</b> , 9080 Ramona Avenue

Chairwoman Kusick congratulated all nominees and winners and thanked them for sharing their creativity with the community. She encouraged everyone to visit these homes and view the beautiful decorations and holiday spirit exhibited by Montclair residents.

Mayor Eaton expressed his appreciation to all award recipients for attending tonight's meeting to be recognized and receive their awards. On behalf of the City Council, Mayor Eaton thanked all residents who have contributed to the holiday spirit through their creative outdoor Christmas decorations, stating it is such fun to drive around various neighborhoods to observe the beautiful

adornments. He encouraged everyone to be sure to visit all the homes honored this evening and wished everyone a Merry Christmas.

**D. Presentation of Check by Mr. Bill Shofner, General Sales Manager, Empire Suzuki, for Holiday Food and Toy Drive**

As a new business owner in the community and because of a heartfelt desire to give back to the community, **Mr. Bill Shofner**, General Sales Manager, **Empire Suzuki**, presented Mayor Eaton with a substantial contribution to the Human Services Division's **17th Annual Holiday Food/Toy Basket** program.

Mayor Eaton thanked **Mr. Shofner** for his generous donation. He complimented **Mr. Shofner** on the attractive appearance of his store.

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

**A. Ms. Janice Crumpton**, 5655 Cambridge Street, Montclair, read a statement detailing her complaint about an issue involving the barking of her next-door neighbor's dogs, a situation which she contends has kept her awake at night for the past seven years. She took issue with Montclair Municipal Code Section 5.08.090, "Noisy Animals," contesting that it should only take one resident to bring about a public nuisance case against a property owner as opposed to three. She requested the Code section be amended to allow only one resident to file a habitual nuisance complaint.

Council Member Paulitz asked for the opinion of the City Attorney on this matter.

City Attorney Robbins indicated she is not familiar with the referenced Montclair Municipal Code section and noted there are

other nuisance provisions of the Code. She advised she would research and report on the matter at a future meeting.

**B. Ms. Teresa Billingsley** commented on the following topics:

1. In the interest of preventing Christmas fires, she noted the following:
  - (a) She cautioned residents to pay special attention to directions for hanging Christmas lights. She warned against the use of dangerous "octopus" extension cords, noting it is the No. 1 cause of Christmas light-related fires. She noted that even "low-voltage" Christmas lights could overload and cause fires.
  - (b) She encouraged owners of older homes to have their electrical outlets inspected to ensure that wires are intact and the insulation has not worn out.
  - (c) She warned of painted-over electrical wires as paint can cause cracks in wiring insulation.
  - (d) She advised that sprinklers be turned off while using outdoor Christmas lights to prevent shorts.
  - (e) She advised that an electrician be consulted for further assistance.
2. She indicated that the holidays are the busiest time of the year for identity theft. She advised against tossing credit card receipts, bank statements, or any other document containing personal data in the trash, as it is the prime target for these thieves. She noted the following to protect against this rapidly growing trend:
  - (a) Shred all personal documents.
  - (b) Check your bank and credit card statements and notify the respective agency immediately of any errors.

- (c) Keep your account information private and do not give it to telemarketers or discuss it with friends in public.
- (d) Use caution in Web site transactions and only shop at secure sites (those with the **Better Business Bureau** logo).

Mayor Eaton thanked **Ms. Billingsley** for the timely advice.

Noting he was a victim of identity theft several years ago, Council Member Ruh expressed his appreciation to **Ms. Billingsley** for her important information. He suggested that those who are concerned about identity theft can write annually to **TRW** or **Equifax** to obtain a copy of their credit report. He further noted the benefit of placing passwords on credit cards or bankcards.

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

1. Referencing Council Member Paulitz's comment at a prior meeting that **Mr. Armstrong** had left the meeting prior to Council Member Paulitz's comments under Section XI, "Communications," he noted that such is often the case. He suggested the City Council respond to speakers' comments/inquiries as they are made.
2. He noted Council Member Paulitz did not take credit for the City's ZIP Code consolidation in his comments at the meeting of November 18, 2002. He took issue with Council Member Paulitz's statement regarding **Congressman Kim's** involvement in the conversion. He stated he happened to be meeting with **Congressman Kim** when he received a letter from the postmaster general thanking the Congressman for his efforts in Montclair's ZIP Code consolidation. He further noted that **Congressman Kim** had indicated he would be writing to the **Rafts** to thank them for their efforts to initiate the conversion. He asked Council Member Raft if she received such letter of recognition from **Congressman Kim**.

Council Member Raft recalled receiving something from **Congressman Kim's** office.

3. He quoted **Associate Justice Sandra Day O'Connor, United States Supreme Court**, on the importance of jurists and elected officials being polite when working for the taxpaying public.
4. He asked Mayor Pro Tem Dutrey, who served as campaign manager for the reelection of Mayor Eaton and Council Member Paulitz, how much of the taxpayers' money was contributed to their reelection as well as to the campaign of City Council candidate **Mr. Phillip Au**.

Mayor Pro Tem Dutrey advised **Mr. Armstrong** he is welcome to review all campaign financial documentation. He indicated it would be against state law for him to comment on the matter.

Referencing City Manager McDougal's \$11 million estimate of the amount of City reserves made at a prior meeting, **Mr. Armstrong** reiterated his concern regarding a supposed \$2 million discrepancy in the total amount of City reserves.

Mayor Eaton answered, "I can answer that on my part—not one red cent went to my campaign."

Mayor Pro Tem Dutrey clarified that the City projected an \$11 million surplus effective with the Fiscal Year 2002–03 City Budget.

5. Expressing his opinion on the high cost of trash service, he asked City Manager McDougal if he could review the bids submitted by other waste haulers.
6. Referencing a comment made at a prior meeting that **Mr. Roger Baer** was being unpleasant, he stated that such remarks would be allowed under the City's proposed draft *Rules of Decorum – City Council – City of Montclair*. He emphasized that "we are not exempt from slander" and that "what we say up here has some validity."

In response to **Mr. Armstrong's** request, City Manager McDougal

reported that the City has a contract with its current waste hauler, which was amended when the City implemented its automated trash program. He stated that as a result of the cost of automation, the Council approved a ten-year agreement, which, after six years, becomes a four-year contract. He indicated that no bids have been solicited from other waste haulers for at least ten years.

**D. Ms. Gina Howerton commented as follows:**

1. She referenced discussion that took place at the last meeting concerning the possibility of the San Antonio Gateway Project including multifamily housing units, noting that Council

Member Paulitz opposed the idea and Council Member Ruh continues to advocate the importance of providing quality low-income housing in Montclair.

2. Noting Mayor Pro Tem Dutrey's comment at the last meeting that he had walked throughout the City while campaigning during the last election, she noted she has never run across him in her neighborhood and attributed that to her belief that it is because she resides in a multifamily housing area in South Montclair.
3. In reviewing the record of the December 2, 2002 adjourned meeting that addressed the draft *Rules of Decorum - City Council - City of Montclair*, she spoke in favor of the "Public Comment" section of the agenda being conducted at the end of the meeting so the public can comment on statements made by the Council under "Communications."
4. She expressed her opinion that there is a need in Montclair for low-income affordable housing and expressed her appreciation for Council Member Ruh's emphasis on affordable housing in the City.

## VII. PUBLIC HEARINGS

### A. Receiving Public Testimony for the Purpose of Reviewing the *Redevelopment Plan and Implementation Plan Review Report* for City of Montclair Redevelopment Project Area Nos. I, II, III, IV, and V

Chairman Eaton declared it the time and place set for public hearing to receive public testimony for the purpose of reviewing the *Redevelopment Plan and Implementation Plan Review Report* for City of Montclair Redevelopment Project Area Nos. I, II, III, IV, and V and invited comments from the public.

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

Moved by Vice Chairman Dutrey and seconded by Director Paulitz that an opportunity was given for public testimony for the purpose of reviewing the *Redevelopment Plan and Implementation Plan Review Report* for City of Montclair Redevelopment Project Area Nos. I, II, III, IV, and V.

Motion carried as follows:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

**B. Adoption of Resolution No. 02-2426 Requesting the Local Agency Formation Commission Initiate Proceedings for Reorganization to Include City of Montclair Annexation No. 21 and Detachment from Monte Vista Fire Protection District**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 02-2426 requesting the Local Agency Formation Commission initiate proceedings for reorganization to include City of Montclair Annexation No. 21 and detachment from Monte Vista Fire Protection District 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 Paulitz and seconded by Mayor Pro Tem Dutrey that Resolution No. 02-2426, entitled "**A Resolution of the City Council of the City of Montclair Requesting the Local Agency Formation Commission Initiate Proceedings for Reorganization to Include City of Montclair Annexation No. 21 and Detachment from Monte Vista Fire Protection District,**" 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. 02-2426 was unanimously adopted by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

**C. First Reading – Adoption of Ordinance No. 02–829 Adding Chapter 11.73 to the Montclair Municipal Code Related to Wireless Communications Facilities**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 02–829 related to wireless communications facilities 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.

Mayor Pro Tem Dutrey commented as follows:

1. He noted that this issue came to the Council's attention about a year ago through concerns expressed by residents in the northern portion of the City. He stated there were no clear guidelines at that time regulating wireless communications facilities other than the requirement of a Conditional Use Permit. He commended Council Member Ruh for bringing to his and his colleagues' attention that regulations were needed.
2. He noted his appreciation of the clear definition of the term "collocation" in the proposed Ordinance and that facilities capable of accommodating collocation of multiple service providers at a single location would be encouraged and considered more favorably than facilities designed to accommodate only a single service provider.
3. He spoke in favor of Section 11.73.120, "Conditions of Approval," in the proposed Ordinance regulating wireless facilities in the City, including the requirement to meet federal guidelines, particularly with regard to conformance with standards for safe human exposure to electromagnetic fields and radiofrequency radiation.

4. He complimented the Planning Commission and staff for their work in developing proposed Ordinance No. 02-829.

Council Member Ruh asked if wireless service providers were notified about the proposed regulations.

City Manager McDougal answered, "Yes," noting that two company representatives attended the Planning Commission meeting on this matter.

Director of Community Development Clark stated that the proposed regulations were reviewed by all service carriers, who submitted constructive comments.

Council Member Ruh stated that this item was, for the most part, driven by concerned residents, including **Mr. Ben Yelin**, who attended meetings and worked with staff. He expressed his appreciation of the residents who attended a workshop to work with staff on this matter.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Ordinance No. 02-829, entitled "**An Ordinance of the City Council of the City of Montclair Adding Chapter 11.73 to the Montclair Municipal 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. 02-829 was unanimously adopted by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

## VIII. CONSENT CALENDAR

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

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

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Ruh, and carried to approve the following Consent Items as presented:

### A. Approval of Minutes

#### 1. Minutes of Adjourned Joint Council/Agency Meeting of November 26, 2002

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of November 26, 2002.

#### 2. Minutes of Adjourned Joint Council/Agency of December 2, 2002

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of December 2, 2002.

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

### B. Administrative Reports

#### 2. Amending the Capital Improvement Program to Include Crosswalk Improvements at the Montclair Transcenter

**Consider Authorization to Appropriate \$7800 From the Contingency Account for Crosswalk Improvements at the Montclair Transcenter**

**Consider Authorizing Staff to Advertise for Bid Proposals for Crosswalk Improvements at the Montclair Transcenter**

The City Council took the following actions related to crosswalk improvements at the Montclair Transcenter:

- (a) Approved amending the Capital Improvement Program to include the project.
- (b) Authorized appropriation of \$7800 from the Contingency Account.
- (c) Authorized staff to advertise for bid proposals.

**3. Approval and Authorization to File Fiscal Year 2001-02 *Annual Report* of the City of Montclair Redevelopment Agency**

The Redevelopment Agency Board approved and authorized filing the Fiscal Year 2001-02 *Annual Report* of the City of Montclair Redevelopment Agency.

**4. Acceptance of Grant Deed No. 1610 for Street, Highway, and Public Utility Purposes**

The City Council accepted Grant Deed No. 1610 for street, highway, and public utility purposes.

**5. Approval of Recommendations from the November 21, 2002 Real Estate Committee Meeting**

The City Council approved certain recommendations from the November 21, 2002 Real Estate Committee meeting as listed on the agenda report for this item.

**6. Authorization to Hire an "In-Lieu" Police Dispatcher to Backfill**

### **for an Anticipated Vacancy**

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

#### **7. Receiving and Filing of City Treasurer's Report**

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

#### **8. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the Warrant Register dated December 17, 2002, totaling \$924,630.66; and the Payroll Documentation dated November 17, 2002, amounting to \$607,864.91, with \$405,241.05 being the total cash disbursement.

#### **9. Receiving and Filing of Agency Treasurer's Report**

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending November 30, 2002.

#### **10. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 11/01/2002-11/30/2002 in the amounts of \$27,119.01 for Project I; \$401.01 for Project II; \$904,505.98 for Project III; \$33,393.91 for Project IV; and \$97,247.74 for Project V.

#### **11. Receiving and Filing of Montclair Housing Corporation Treasurer's Report**

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending November 30, 2002.

#### **12. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated

11/01/2002-11/30/2002 in the amount of \$3,511.22.

**C. Agreements**

2. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 02-164 Through 02-168, Rehabilitation Grant Agreements* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants**

The Redevelopment Agency Board approved *Agreement Nos. 02-164 through 02-168, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the five Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

**D. Resolutions**

1. **Adoption of Resolution No. 02-2427 Authorizing City Engineer Hudson to Execute *Program Supplement Agreement No 002-M* to Administer *Agency-State Agreement No. 08-5326***

The City Council adopted Resolution No. 02-2427 authorizing City Engineer Hudson to execute *Program Supplement Agreement No. 002-M* to administer *Agency-State Agreement No. 08-5326*.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

1. **Approval of Revised List of Park Projects for Funding and Inclusion of List in Fiscal Year 2002-03 Capital Improvement Program**

**Authorize Appropriation of State Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 Per Capita Grant Program Funds, Roberti-Z'Berg-Harris**

**Urban Open Space and Recreation Program Block Grant Funds, Proceeds From the Sale of Parking Lot Assessment District No. 1 Property, and Park Development Funds**

Mayor Pro Tem Dutrey noted he has been approached by **Montclair Little League (MLL)** several times in the past two years regarding the improvements proposed for Kingsley Park, including replacement of ball field lights, backstop, and netting and repair/repainting of the tower as listed on Exhibit B, "Improvements Requested by Sports Leagues and Approved by the City Council." He asked when these improvements might be completed.

Director of Redevelopment/Public Works Staats stated that in anticipation of the Council's approval of this item, application has already been made for the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 Per Capita Grant Program fund and Roberti-Z'berg-Harris Urban Open Space And Recreation Program Block Grant funds. She indicated that approval has been received for use of Per Capita Grant Program funds. She advised that the ball field light replacement project would be subjected to the competitive bid process and discussions would need to be held with **MLL** on the appropriate type of field lighting.

Mayor Pro Tem Dutrey stated he would really like to have these improvements completed by the 2004 season.

Council Member Ruh commented as follows:

- (a) He stated he is very glad to see that plans for development of the skateboard park are continuing for the benefit of the community skateboard enthusiasts.
- (b) He asked that neighbors of Vernon Park be consulted with regard to the proposed improvements at Vernon Park. He stated that Human Services Facility Supervisor Shirley Wofford has been instrumental in coordinating matters between Golden Girls Softball League and the City and that her efforts are very much appreciated.

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

- (a) Approve the revised list of park projects as contained in the agenda report on this item for funding and inclusion of list in the Fiscal Year 2002–03 Capital Improvement Program.
- (b) Authorize appropriation of State Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 Per Capita Grant Program funds, Roberti–Z’berg–Harris Urban Open Space And Recreation Program Block Grant funds, proceeds from the sale of Parking Lot Assessment District No. 1 property, and Park Development funds to fund improvements listed on the revised list of parks projects.

**C. Agreements**

**1. Approval of *Agreement No. 02–163* Amending *Agreement No. 01–103* With Ontario–Montclair School District to Provide After–School Programs**

Council Member Ruh stated he is pleased to see that the Montclair Community Collaborative is working with the Ontario–Montclair School District to continue these worthwhile programs at City schools, which provide a good opportunity for young people.

Mayor Eaton agreed that these are great programs.

Moved by Council Member Ruh, seconded Council Member Paulitz, and carried unanimously to approve *Agreement No. 02–163* amending *Agreement No. 01–103* with Ontario–Montclair School District to provide after–school programs.

**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.

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 – None

### B. City Manager/Executive Director

1. City Manager/Executive Director McDougal gave the Council a summary of events over the last several months related to **Ms. Janice Crumpton's** barking dog issue, noting the issue is more complicated than it appears. He stated he met with **Ms. Crumpton** last week and provided her with pertinent copies of the Code, which does stipulate the requirement of three written complaints from neighbors before Code Enforcement can pursue abatement of a habitual nuisance complaint. He asked for direction from Council concerning **Ms. Crumpton's** request that the Code section be amended to allow only one resident to file a habitual nuisance complaint.

Council Member Ruh asked for the opinion of City Attorney Robbins on taking action on something not agendized.

City Attorney Robbins answered, "It is appropriate to give direction to staff."

Mayor Pro Tem Dutrey noted that City Attorney Robbins has advised that she would be reviewing the matter.

City Attorney Robbins stated she would appreciate the opportunity to further review the case.

Council Member Ruh suggested workshops be held, noting it would be difficult to only require one complaint for a habitual public nuisance matter.

Council Member Paulitz noted he would appreciate learning of the rationale behind the requirement for three or more complaints from neighbors before action can be taken on such public nuisance cases. He added that information on action taken by the **Inland Valley Humane Society, Inc.**, on this matter would also be appreciated.

City Manager McDougal stated that Director of Administrative Services Starr visited the residence of the barking dog at least eight times in the last year and has seen no more than two dogs. He added that Code Enforcement spent six hours in **Ms. Crumpton's** backyard and only counted two dogs.

Mayor Eaton stated, "I don't doubt **Ms. Crumpton** has a problem."

**C. Mayor/Chairman**

1. Mayor Eaton commented as follows:

(a) He stated that the state's budget shortfall would be having a tremendous impact on the City, particularly in transportation and housing issues. He indicated he would wait to see if any decisions are made affecting local government funding at the next state budget meeting scheduled for January 12, 2003. He stated he would be in favor of visiting Sacramento to lobby on behalf of City funding.

**(b) Announcement of Mayoral Committee/Liaison Assignments**

Mayor Eaton asked if Council Members are satisfied with their assignments.

Mayor Pro Tem Dutrey stated he would be willing to relinquish his seat on the Public Safety Committee.

Council Member Ruh asked how often the committee meets.

Mayor Pro Tem Dutrey answered, "Three to four times a year at the most."

Council Member Ruh expressed his willingness to serve on the Public Safety Committee in lieu of Mayor Pro Tem Dutrey.

Mayor Eaton announced that the appointments would remain unchanged with the exception of Council Member Ruh replacing Mayor Pro Tem Dutrey on the Public Safety Committee.

#### **D. City Council/Agency Board**

##### **1. Council Member/Director Paulitz commented as follows:**

- (a) Noting he normally does not respond to public comments, he stated he agrees with an earlier remark that there is a need for low-income multifamily housing, though Montclair has more than its share and that, in the past, has experienced extensive problems because of it. He stated he does not desire those same problems to be repeated, including the open carports that were built instead of garages that result in vehicles being parked in the street that obstruct the street sweeper. He advised that the City's Housing Improvement Task Force developed multifamily foundation areas and spent considerable amounts of money to rectify problems in those areas.

Council Member/Director Paulitz indicated that he did oppose further development of multifamily housing in Montclair in his reelection campaign, though he noted

that no other Council candidates campaigned in favor of it.

- (b) In response to **Mr. Armstrong's** comments concerning ZIP Code consolidation of the southern portion of Montclair, he advised that he has maintained a file on the subject since 1978, which contains only one letter from **Congressman Kim** inquiring how the City was coming along on the project. He noted that staff corresponded with **Congressman Kim's** office in September 1996 requesting any documentation he might have on file to complete the City's file on the matter and did not receive a reply. He stated that he included this item as one of his accomplishments in his reelection campaign materials because he did do an extensive amount of work to have the southern portion of the City converted to the Montclair postal district.

Mayor Pro Tem Paulitz asked **Mr. Armstrong** to provide him with whatever documentation he may have on the subject so he may complete his file.

- (c) He wished everyone a Merry Christmas.
2. Council Member/Director Raft wished everyone a Merry Christmas and a safe New Year.
  3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
    - (a) He noted that Council Member Paulitz, Council Member Ruh, and he were pleased to welcome Santa at the Community Action Committee's **2002 Christmas Tree-Lighting Ceremony and Visit With Santa** event on December 5, 2002. He noted it was enjoyable to watch all the children enjoying Santa's visit.
    - (b) He noted his attendance last Friday at a **Southern California Association of Governments** housing summit in Los Angeles that addressed the housing crisis and solutions to resolve affordable housing issues.

- (c) He wished Mayor Eaton a speedy recovery on his impending surgery. Expressing his understanding that Mayor Eaton may not be attending the next Council meeting, he stated he looks forward to chairing that meeting.
  - (d) He wished everyone a Merry Christmas. He noted the new year would be a special time for him because he and his wife are expecting their first child in January.
4. At the request of several residents, Council Member/Director Ruh read the following Christmas prayer that he wrote several years ago that sums up his feelings this holiday season:

*This is for lives forgotten on Christmas Eve. As we wrap presents and sing carols and gaze at the glitter of boxes brave with bows under the glow of a well-trimmed tree, let's pause to see all those down on their luck in a different light.*

*Give the gift of recognition to the unappreciated.*

*Cherish forgotten heroes who are mistaken for losers.*

*Let dreams come true for everyone who need a break.*

*Tonight, let there be laughter in all this country's poor neighborhoods and forsaken places. Let nobody go to bed hungry or cold on this holiday.*

*Let no policeman be shot, no child abused, no woman battered, and no infant born addicted to drugs.*

*Write a song for all of the anonymous hardworking people with grueling jobs who obey the law, pay their taxes, educate their children, never get into trouble, and struggle to make ends meet.*

*Let no single mother feel the torment of not being able to afford toys for her children.*

*Give a second chance to somebody in trouble. Hire the guy who once went to jail and is eager to work, for Christ would have done that.*

*Tell those who serve the public trust that their charge is to empower the weakest and least in our nation, and that our poor families are not a liability but an asset. Remind them that theirs is to be duty, honor, and country before self-gain. Encourage the good ones to stay in public life and keep telling the truth.*

*Take some time to explain history to a college student, so that he or she can appreciate artists with style who performed before they were born. Rent them films with Marilyn Monroe when she was funny. Let them see grace in motion—Fred Astaire and Ginger Rogers. Give them some CDs by Dinah Washington or Benny Goodman and the young Frank Sinatra. Show them tapes of Jackie Robinson and Joe Di Maggio.*

*Light a candle to honor all of the victims of hate crimes; and then work to end intolerance based on race, religion, lifestyle, or ethnicity.*

*If you run into that old friend, tell him about the times you came out on top and won, not the times you lost, and thank him for being a friend when you really, really needed one.*

*Let some child who survived the foster care system grow up and write a great novel about the coldest and dumbest of bureaucracies.*

*Give every young journalist copies of Edward R. Murrow so that he or she can study how integrity, moral intelligence, and irony can become poetry against a deadline.*

*Put a rose on the tombstone of all those who died too young; remember the life that should have been.*

*Cure all compulsive addictions, whether it's drugs, alcohol, nicotine, or gambling.*

*Let some scientist in a lab somewhere find the cure for all terminal illness.*

*Let a high school dropout discover the local library, fall in love with books, and become a teacher.*

*Make this a miracle Christmas for somebody in a homeless shelter and for new immigrants here from India, Afghanistan, or some other distant homeland.*

*And finally, dear Lord, on this holiday, let the timid find confidence, the lost find a direction, and the lonely find love.*

Council Member/Director Ruh wished peace to all and that they might enjoy the holidays with their families.

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

##### **1. Minutes of Code Enforcement Committee Meeting of November 18, 2002**

The City Council received and filed the Code Enforcement Committee meeting minutes of November 18, 2002, for informational purposes.

**2. Minutes of Real Estate Committee Meeting of November 21, 2002**

The City Council received and filed the Real Estate Committee meeting minutes of November 21, 2002, for informational purposes.

**3. Minutes of Public Works Committee Meeting of November 21, 2002**

The City Council received and filed the Public Works Committee meeting minutes of November 21, 2002, for informational purposes.

**4. Minutes of Personnel Committee Meeting of December 2, 2002**

The City Council received and filed the Public Works Committee meeting minutes of December 2, 2002, for informational purposes.

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

At 8:06 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