

MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
TUESDAY, JANUARY 21, 2003, 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

Father Robert Donat, Our Lady of Lourdes Catholic Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Dutrey led those assembled in the Pledge.

IV. ROLL CALL

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

Absent: Council Member/Director Ruh

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced **Mr. Troy Ament**, who was promoted to the position of Fire Engineer effective December 30, 2002. He noted that Engineer Ament began his career with the Montclair Fire Department as a Reserve Firefighter in 1993, was appointed Provisional Firefighter in 1998, and was subsequently appointed full time the following year. He added that Engineer Ament received training in 2001 to become a national-, state-, and county-certified paramedic and was one of the original five paramedics in Montclair's paramedic program. He further noted that Engineer Ament serves as Secretary of the Fire Department's Emergency Medical Services Committee and is a member of the Training Committee and Paramedic Quality Assurance program.

Mayor Eaton introduced **Mr. David Pohl**, who was promoted to the position of Fire Engineer effective December 2, 2002. He noted that Engineer Pohl began his career with the Montclair Fire Department as a Firefighter in April 1992 and was instrumental in launching the Fire Department's Swift Water Rescue program. He added that Engineer Pohl is a member of the Montclair Urban Search and Rescue Team, the Joint Apprenticeship Committee, the Training Committee, and the Diversity/Outreach Committee.

Mayor Eaton presented Fire Engineers Ament and Pohl with their Fire Engineer badges and City pins and congratulated them on their promotions.

B. Presentation on Neighborhood Partnership of Montclair

Ms. Margaret Grayson, Executive Director, **Neighborhood Partnership of Montclair (NPM)**, introduced NPM Board President **Bob Hairston**, Vice President **Rosa Rangel**, Secretary **Don Church**, and Chino Resident Representative **Sandra Ross** to give tonight's presentation.

Mr. Hairston discussed the origin of **NPM** and its commitment to

improving the community. He reported the following accomplishments in Montclair during **NPM's** 12 years of operation, crediting the success of **NPM** to the diligence of its dedicated staff:

- ✓ 86 residents received home improvement loans.
- ✓ Over a thousand homeowners received counseling regarding home-improvement loans or about making necessary home repairs or improvements.
- ✓ More than 215 residents were assisted with minor home repairs through the award-winning *Safe Homes for Seniors* program (funded through a **San Bernardino County** Department Aging and Adult Services grant).
- ✓ 55 homes owned by seniors received fresh coats of paint through the annual Paint-A-Thon program.
- ✓ 110 first-time homebuyers received assistance from the Affordable Home Ownership program.

- ✓ 75 prospective homeowners received closing cost assistance from the Montclair Redevelopment Agency's former Down Payment Assistance program.

Mr. Hairston spoke of the regional expansion of **NPM's** Home Ownership Program in June 1997 to include the cities of Pomona, Ontario, Chino, and Upland, resulting, in part, from the need of participating financial institutions and insurance agencies to offer their support to a wider geographic area. Consequently, he noted that a decision was reached at the last **NPM** retreat to change the name of the organization to "**Neighborhood Partnership Housing Services, Inc. (NPHS)**" to better reflect the services provided by the organization. He emphasized that **NPHS** remains primarily committed to assisting the residents of Montclair and reminded the Council that a majority of Montclair residents, including Mayor Eaton and Mayor Pro Tem Dutrey, remain on the governing board.

Mr. Hairston invited the Council to **NPHS's** *Flying to the Future* event to be held Thursday, January 23, 2003, at 12:00 p.m. at **Cable Airport**, 1749 West 13th Street, Upland.

Mr. Church noted he reluctantly joined the **NPHS** Board in 1990 upon the encouragement of Council Member Paulitz. He stated that his participation on the **NPHS** Board has been the most fulfilling of all the service organizations he has been associated with over the last 25 years. He noted his concern upon rejoining the **NPHS** Board in 1997 after moving back to the area following a three-year absence that the expanded organization had lost its focus of providing assistance to the Montclair community. He emphasized learning that instead, as a result of expansion, the range of services available to Montclair residents (or would-be residents) had increased.

Noting the Montclair Redevelopment Agency's annual contribution of \$105,000 represented up to 42 percent of **NPHS's** income from 1993 through June 2002, **Mr. Church** advised that for the current fiscal year, as a result of income from **Neighborhood Reinvestment Corporation**, fund-raising, and self-generating income, the Redevelopment Agency's contribution is just 21 percent. He reported additional **NPHS** accomplishments in Montclair as follows:

- ✓ 313 minor home-improvement projects
- ✓ 2 neighborhood cleanups
- ✓ 1 home landscaped
- ✓ 110 homebuyers received assistance from either the Closing Cost Assistance program or Family Fund for Home Ownership program.

Mr. Church calculated that the annual services provided by **NPHS** to new and current residents have, on average, saved the City \$70,000 based on a fee-for-service arrangement. In response to certain Council Members' suggestions that the annual \$105,000 Redevelopment Agency contribution be canceled as a result of the organization being renamed, he emphasized that the primary

focus of **NPHS** would continue to be the improvement of Montclair. Noting there is still a strong representation on the **NPHS** Board of Montclair residents and that loyalty to Montclair remains strong, he appealed to the Council to continue its support so these valuable services can continue.

As the Chino Resident Representative on the **NPHS** Board since April 2002, **Ms. Ross** stated that the City of Chino considers the organization to be very well run and organized. She noted she would be actively pushing for the City of Chino's financial support of the organization. She noted that plans are underway for a multicity homeownership initiative and spoke in support of the regional vision of improving Montclair by improving surrounding cities.

Ms. Rangel read a thank-you card from a grateful homeowner who was assisted by **NPHS**. She read a statement that emphasized that the organization's services to Montclair would not diminish as a result of its expansion to other communities but would always receive the highest priority. She discussed a \$25,000 grant provided by **Neighborhood Reinvestment Corporation** to conduct a six-month strategic planning process in developing a comprehensive multiyear plan to define the organization's vision, values, goals, and the measure of success and implementation strategies for each goal. She concluded her presentation by asking that the Montclair Redevelopment Agency continue to support the work of this worthwhile organization.

Mr. David Gonzalez, 5624 Cambridge Street, Montclair, noted he was assisted by **NPHS** to improve his home and that the services he received were of the highest caliber. He spoke in support of the organization and of the Redevelopment Agency's continued support of **NPHS** for the benefit of the Montclair community.

Ms. Tenice Johnson, 10135 Marion Avenue, Montclair, noted she served as a member of the **NPHS** Board in 1994 at the encouragement of the late **Mrs. Peggy Robbins**. Noting her own apprehension upon learning of the expansion of the organization and its subsequent name change, she encouraged the Council to continue

its support, adding the organization's expansion has only increased outreach assistance to neighboring communities while continuing to benefit Montclair.

Ms. Grayson stated that the staff of **NPHS** remains committed to serving and assisting the Montclair community. She thanked the Council for allowing tonight's presentation.

Mayor Pro Tem Dutrey commented as follows:

1. He noted he spoke about the importance of the regional expansion of **NPHS** at the retreat last summer. He further noted his initial concern about the name change, which he stated is now a nonissue. He stated his concern now is that all funding provided by the Montclair Redevelopment Agency remains in the City to benefit Montclair residents.
2. He requested a breakdown of the value of services provided by **NPHS** to Montclair and its residents.
3. He stated that **NPHS** was established in 1990 as a means of improving the City's single-family housing stock. He expressed the importance of the organization's continuation so long as there is a guarantee that Montclair is not forgotten and that the Redevelopment Agency's subsidy directly benefit the Montclair community.
4. He advised that the City will be facing serious budgetary challenges as a result of the \$34.6 billion state deficit, noting particularly the governor's proposal to eliminate \$500 million from redevelopment agencies' unencumbered housing and nonhousing funds as well as the proposal in Fiscal Year 2003-04 to eliminate an additional \$250 million in redevelopment agency revenues. He noted cuts would have to be made should that be the case. He encouraged residents to contact **Senator Soto** and **Assembly Member McLeod** in support of redevelopment agencies and the retention of vehicle license fee backfill payments to cities and counties.

Council Member Paulitz commented as follows:

1. He concurred with Mayor Pro Tem Dutrey that all Redevelopment programs would have to be carefully reviewed should the Redevelopment Agency be hit with severe state funding cuts.
2. He strongly encouraged **NPHS** to continue referencing "**Neighborhood Partnership of Montclair, Inc.,**" when using the new "**Neighborhood Partnership Housing Services, Inc.**" name.

Mayor Eaton thanked Ms. Grayson and **NPHS** Board members for their presentations. He noted the Council is not prepared to decide on a course of action this evening. He indicated he would do his best to see that the Redevelopment Agency's funding support of **NPHS** is continued.

Mayor Pro Tem Dutrey suggested the **NPHS** staff consider implementing fees for services during the next fiscal year.

C. Presentation by Mr. Min-Lee Cheng, District Manager, West Valley Mosquito and Vector Control District

Mr. Min-Lee Cheng, District Manager, **West Valley Mosquito and Vector Control District (WVMVCD)**, reviewed the history of **WVMVCD**. He gave a presentation on the vector control services provided by **WVMVCD** and discussed a number of emerging diseases as well as the **District's** program to effectively manage Africanized honeybees.

Mr. Cheng advised that the City currently receives vector-control services only in the southern portion of the City below Mission Boulevard. He advised that the **District** provides a response time of 24 hours to requests for assistance. He concluded his presentation by stating that **WVMVCD** would be increasing its public-education program in the coming year, with presentations similar to this one being made in cities under contract to the **District**, along with information being distributed in city newsletters and cable television notification. He advised that informational literature has been left at the entrance to the City

Council Chambers.

Mayor Eaton asked if the potency of Africanized honeybees diminishes over time.

Mr. Cheng advised that that is unlikely. Noting that **WVMVCD** is first in Africanized honeybee control, he stated that the public is first educated on protective measures against the bees; and **WVMVCD** also provides assistance in bee-proofing areas and will abate nonstructural bee/yellow jacket swarms and colonies upon request.

Noting that only South Montclair is served by **WVMVCD**, Council Member Raft inquired about providing assistance to the rest of the City.

Mr. Cheng agreed that the **District** is limited by its jurisdictional boundaries.

Mayor Pro Tem Dutrey advised that there is an item on tonight's agenda related to expansion of the **WVMVCD** sphere of influence to include North Montclair. He inquired about payment options for increased service in the City.

Mr. Cheng stated that payment could be made through a property tax fee assessment or by amending **WVMVCD's** contract with the City to include the balance of Montclair. He indicated that the **District** charges a rate of \$45/hour for its services.

Mayor Eaton thanked **Mr. Cheng** for his report.

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. In follow-up to **Pastor Dale Rose's** complaint at the last meeting

about the excessive trimming of two palm trees at the **First Assembly of God** church, **Mr. Loren Martens**, 4285 Benito Street, Montclair, reported two other palm trees at the southeast corner of San Bernardino Court and Mills Avenue were recently trimmed and have subsequently died. He asked if the Council was aware of this and suggested the Council consider adopting an ordinance requiring tree service companies to remove the entire palm tree in such power-line clearance cases. He noted that the **City of Riverside** requires palm trees to be relocated if the potential exists for them to be destroyed by excess pruning.

Mayor Eaton thanked **Mr. Martens** for his comments. He advised that staff would look into ownership of the palm trees.

Mayor Pro Tem Dutrey advised that the Public Works Committee is considering development of a tree ordinance.

B. Mr. Roger Baer commented as follows:

1. He welcomed Mayor Eaton back from his recovery from knee surgery and wished him well.
2. He announced the formation of the following new Web site: "www.citizensforabettermontclair.com" that should be available by the end of the week.
3. Noting that Mayor Pro Tem Dutrey and Council Member Paulitz have commented several times about speakers leaving these meetings early, he commented that other special-interest groups typically leave subsequent to making their presentations, though no comments have been made to that effect. He advised that he has stayed for the entire meeting more often than not.
4. With regard to the **NPHS** presentation, he expressed his opinion that it is a worthwhile organization. He expressed his hope that the organization would not lose its focus on core values.
5. Concerning Mayor Pro Tem Dutrey's comment about cuts

proposed at the state level in response to the state budget deficit, he cautioned that care will need to be taken to preserve the City's healthy reserve balance. He reminded the Council that the City's budget belongs to the residents and that it is the Council's responsibility to protect public funds and to spend them wisely.

6. He reminded the public that "if you don't participate, then you don't have anything to complain about."
7. He encouraged residents to log onto the newly launched Web site www.citizensforabettermontclair.com, adding that it will contain a forum for Council participation.

VII. PUBLIC HEARINGS

A. **Adoption of Resolution No. 03-2429 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Mr. Patrick Jardine Located at 10129 Galena Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 03-2429 authorizing recovery of abatement costs incurred by the City related to property owned by Mr. Patrick Jardine located at 10129 Galena Avenue, Montclair, California, 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 Dutrey that the following actions be taken:*

1. That Resolution No. 03-2429, 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 10129 Galena Avenue, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.

2. That the Council determine that the reimbursement amount of \$1,243.27 be paid to the City of Montclair within ten calendar days of the adoption of Resolution No. 03-2429.

Council Member Raft suggested photographs be included in the agenda reports for lien cases and that this item be continued to the next meeting so that photographs of the work performed can be included for review by the Council.

Council Member Paulitz questioned Council Member Raft's reason for continuance of this item, noting the agenda report contains sufficient detail of the work performed in this board-up.

Council Member Raft reiterated that Council's review of photographic documentation in lien cases is necessary when important decisions are made pertaining to lien assessments.

*Council Member Paulitz seconded the motion.

Mayor Pro Tem Dutrey questioned the need to include photographic documentation of the work performed in agenda reports of lien cases and spoke of the completeness of staff's report. He decried slum landlords who allow their properties to deteriorate and stated that surrounding property owners look to the City to remove these eyesores. He stated that these actions are self-explanatory and only serve to abate abandoned properties.

City Manager McDougal advised that photographic documentation exists for this and past lien cases and can be supplied, if necessary, on all future cases. He added that should there ever be a case of a dishonest reporting, then he should be fired; and before that would occur, he would personally fire the dishonest employee. He advised that the Council and public are welcome to review photographic documentation on this and all other Code Enforcement cases.

Noting she does not disagree with staff, Council Member Raft reiterated her request that photographs be included on all future agenda reports on lien cases.

As a member of the Code Enforcement Committee, Council Member Paulitz advised that he has reviewed photographs of Code Enforcement lien cases. He reiterated that the detail provided in the agenda reports for lien cases is sufficient and that photographs are unnecessary.

Mayor Pro Tem Dutrey complimented staff on its quick response in this particular case. He discussed the initial raid of the subject property on December 18, 2002, by the San Bernardino County West End Narcotics Enforcement Team that led to Code Enforcement's inspection of the premises at 7:30 a.m., which revealed hazardous conditions in violation of City, state, building, and fire codes, and the ultimate board-up of the property at 11:30 that morning as a public nuisance.

Council Member Raft asked, "How many of the rest of us knew all of that—what he just said?"

City Manager McDougal answered, "It's in the staff report."

Council Member Raft replied, "But it's not—I don't see it in here."

*The City Council waived the reading of Resolution No. 03-2429.

Resolution No. 03-2429 was adopted and the Council determined that the reimbursement amount of \$1,243.27 be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 03-2429 by the following vote:

AYES: Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: Ruh

B. Second 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 communica-

tions 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.

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

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 02-829 was adopted by the following ROLL CALL vote:

AYES: Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: Ruh

VIII. CONSENT CALENDAR

Mayor Eaton noted Council Member Raft's disqualification on Items B-7 and C-6 because of the close proximity of her residence to the subject properties.

Mayor Pro Tem/Vice Chairman Dutrey requested that Item A-2 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of December 16, 2002

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of December 16, 2002.

3. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of January 6, 2003

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 January 6, 2003.

4. Minutes of Adjourned Joint Council/Agency Meeting of January 7, 2003

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of January 7, 2003.

B. Administrative Reports

1. **Authorization to Send a Letter to the Local Agency Formation Commission Supporting the West Valley Mosquito and Vector Control Sphere of Influence Expansion and Annexation**

The City Council authorized that a letter be sent to the Local Agency Formation Commission supporting expansion and annexation of the West Valley Mosquito and Vector Control sphere of influence.

2. **Approval of *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2003***

The City Council approved the *City of Montclair Statement of Investment Policy for the Year Ending December 31, 2003*.

3. **Approval of *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2003***

The Redevelopment Agency Board of Directors approved the *City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2003*.

4. **Approval of *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2003***

The Montclair Housing Corporation Board of Directors approved the *City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2003*.

5. **Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of Select System Project No. 179 – Central Avenue Widening Project**

The City Council approved the following actions related to completion of Select System Project No. 179 – Central Avenue Widening 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.

6. 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 the Columbine Avenue Sidewalk Improvement Project

The City Council approved the following actions related to completion of the Columbine Avenue Sidewalk Improvement 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.

7. Approval of Community Development Block Grant Funding Transfer of \$75,000 From the San Antonio Gateway Project to the Amherst Avenue Street Improvement Project

The City Council, with the exception of Council Member Raft, approved the Community Development Block Grant Funding Transfer of \$75,000 from the San Antonio Gateway Project to the Amherst Avenue Street Improvement Project

8. Authorization to Purchase One Honda CR-V LEV Vehicle From Metro Honda of Montclair

The City Council authorized the purchase of one 2003 Honda CR-V LEV vehicle from Metro Honda of Montclair.

9. Amending the Capital Improvement Program to Include Essex Park Concession and Restroom Building Project

Consider Authorization to Appropriate \$54,000 From the Community Development Block Grant Fund for the Essex Park Concession and Restroom Building Project

Consider Authorizing Staff to Advertise for Bid Proposals for the Essex Park Concession and Restroom Building Project

The City Council took the following actions related to the Essex Park Concession and Restroom Building Project:

- (a) Approved amending the Capital Improvement Program to include the project.
- (b) Authorized appropriation of \$54,000 from the Community Development Block Grant Fund to fund the project.
- (c) Authorized staff to advertise for bid proposals.

10. Acceptance of Public Improvements for Parcel Map No. 15417

Authorization to Release \$72,275 Payment Bond for WF Construction, Inc.

Authorization to Reduce \$72,275 Performance Bond to 10 Percent of Principal Amount and Its One-Year Retention

Authorization to Release Remaining 10 Percent of Performance Bond After One-Year Period

The City Council took the following actions:

- (a) Accept public improvements constructed for Parcel Map No. 15417.
- (b) Authorized release of \$72,275 payment bond for WF Construction, Inc.
- (c) Authorized reduction of \$72,275 performance bond to 10 percent of principal amount and its retention for one year.
- (d) Authorized release of remaining 10 percent of performance bond after one-year period.

11. Approval of Parcel Map No. 15907 Related to the Property at the Southwest Corner of Central Avenue and Mission Boulevard

The City Council approved Parcel Map No. 15907 related to the creation of three respective lots of 30,000, 37,014, and 65,500 square feet on property at the southwest corner of Central Avenue and Mission Boulevard.

12. Receiving and Filing of City Treasurer's Report

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

13. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated January 21, 2003, totaling \$1,291,664.88; and the Payroll Documentation dated December 29, 2002, amounting to \$476,514.22, with \$341,267.74 being the total cash disbursement.

14. 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 December 31, 2002.

15. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12/01/2002-12/31/2002 in the amounts of \$2,740.83 for Project I; \$0.00 for Project II; \$67,010.17 for Project III; \$1,492.30 for Project IV; and \$23,912.84 for Project V.

16. 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 December 31, 2002.

17. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 11/01/2002-11/30/2002 in the amount of \$4,653.56.

C. Agreements

1. Approval of *Agreement Nos. 03-01, 03-02, 03-03, and 03-04* With Montclair Little League, Montclair Golden Girls Softball League, and Quad Cities Little League, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 03-01, 03-02; 03-03, and 03-04* with Montclair Little League, Montclair

Golden Girls Softball League, and Quad Cities Little League, respectively, for use of ball field facilities.

2. Approval of *Agreement No. 03-05* Amending *Agreement No. 02-150* With California Department of Education to Provide Additional Funding for the William F. Goodling Even Start Family Literacy Program

The City Council approved *Agreement No. 03-05* amending *Agreement No. 02-150* with California Department of Education to provide additional funding for the William F. Goodling Even Start Family Literacy Program.

3. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 03-06 Through 03-10, 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. 03-06 through 02-10, 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.

4. Approval of *Agreement No. 03-11* With Victor Valley College Authorizing the Fire Department to Provide Clinical Training to Emergency Medical Students

The City Council approved *Agreement Nos. 03-11* with Victor Valley College authorizing the Fire Department to provide clinical training to emergency medical students.

5. Approval of *Agreement No. 03-12* Retaining the Law Firm of Liebert Cassidy Whitmore to Provide Legal and Consulting Services for Employee Relations Issues

The City Council approved *Agreement Nos. 03-12* retaining the law firm of Liebert Cassidy Whitmore to provide legal and consulting services for employee relation issues.

6. Award of Contract to Rodriguez Contracting, Inc., in the Amount of \$256,938

Approval of *Agreement No. 02-13* With Rodriguez Contracting, Inc., for the Amherst Avenue Improvement Project

Authorization of a \$40,000 Construction Contingency

The City Council, with the exception of Council Member Raft, took the following actions related to the Amherst Avenue Improvement Project:

- (a) Awarded a contract to Rodriguez Contracting, Inc., in the amount of \$256,938.
- (b) Approved *Agreement No. 03-13* with Rodriguez Contracting, Inc.
- (c) Authorized a \$40,000 construction contingency.

D. Resolutions – None

IX. PULLED CONSENT CALENDAR ITEMS

A. Approval of Minutes

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 16, 2002

Mayor Pro Tem Dutrey requested that Section VI, "Public Comment," Item C-4, paragraph 2, be corrected as follows: "He indicated it would be against state law to use public funds for campaigns."

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried to approve the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of December 16, 2002, as amended.

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.

Mayor Pro Tem Dutrey noted receiving a telephone call last Thursday from a **Heritage Park** resident concerned about a rumor

that the property owners are coming in with plans for modification of the site.

Director of Community Development/Agency Planner Clark noted receiving a similar call from a **Heritage Park** resident.

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 suggested the Midyear Budget Review be conducted on Tuesday, February 18, 2003, at 5:30 p.m.

It was the consensus of the Council to conduct the Midyear Budget Review on Tuesday, February 18, 2003, at 5:30 p.m., in the City Council Chambers.

C. Mayor/Chairman

1. Mayor/Chairman Eaton thanked everyone for all the cards and kind words he received related to his recent knee surgery. He noted recently receiving an excellent follow-up report from his surgeon.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted receiving telephone calls from several individuals who indicated they got voicemail when they called City Hall. He requested that the recording on the City's main telephone line include an option to speak to the receptionist.

- (b) He advised that **Mrs. Keith Dunn**, 9835 Del Mar Avenue, has asked to meet with Code Enforcement to discuss some issues.
- (c) He noted the following concerning **Mr. Martens'** request for an Ordinance regulating tree service companies:
 - (1) He asked that staff ascertain whether the tree service responsible in the incident cited by **Mr. Martens** has a City business license on file.
 - (2) He asked that a provision be included in the Ordinance requiring tree service companies to submit a list of trees proposed to be trimmed so permission may be obtained. He indicated that a property owner can sign a statement that he/she assumes liability if a tree on his/her property causes a power outage in a windstorm. He expressed his opinion that the state law requiring that trees not be located within ten feet of power lines should be changed to "within five feet." He stated that a mechanism needs to be in place so that the incident cited by **Mr. Martens** does not happen again.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He noted a strategic planning session related to a ten-year financial plan took place on January 7, 2003. He stated that attending Council Members Paulitz, Ruh, and he discussed goal and project priorities and advised that a survey will be given to the Council to prioritize goals proposed at the workshop, with the top five to be considered on March 31, 2003, at 7:00 pm. in the Conference Room South for inclusion in the budgets for the next ten years.
 - (b) He stated the governor's budget cut proposals presented two weeks ago to resolve the serious \$34.6 billion state budget deficit would greatly impact local government. He strongly urged residents to contact their state legislators in support of retention of the vehicle license fee backfill, the loss of which would greatly impact many cities' budgets, and redevelopment housing assistance and economic development revenues.
 - (c) He thanked everyone for the cards, flowers, and good wishes he received on the birth of his daughter, Janine Marie, who weighed in at 8 pounds 7 ounces on January 8, 2003.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 16, 2002

The City Council received and filed the Personnel Committee meeting minutes of December 16, 2002, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update on Housing Improvement Task Force Action Plan

Moved by Council Member Paulitz, seconded by Mayor Pro Tem Dutrey, and carried continue this item to an adjourned meeting on Monday, February 3, 2003, at 5:45 p.m. in the City Council Chambers.

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

At 8:30 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