

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, JULY 7, 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

Reverend Almond Brewer, Love Sanctuary Church of God in Christ, 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; Acting City Manager/Executive Director Clark; Acting Director of Administrative Services Hayes; Director of Redevelopment/Public Works Staats; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; Recording Secretary Smith

V. PRESENTATIONS

A. Presentation of *Certificates of Recognition* for Contributions Towards Home Improvement

Mayor Eaton stated that a home-improvement project was conducted Saturday, April 5, 2003, at 5540 Orchard Street involving several community-based organizations, private contractors, **Montclair High School** staff and students, and City officials and employees, all of whom donated their time to improve the property. He noted that a new wood fence and an automatic sprinkler system were installed; new landscaping was planted; the lawns were weeded, mowed, and edged; and the fence painted. He stated that the City recognizes and appreciates everyone involved in the project.

Mayor Eaton awarded *Certificates of Recognition* to the following three individuals who made significant contributions to the project:

- ✓ **Mr. Dale Snyder**, who arranged for the donation of and subsequently installed the new sprinkler system.
- ✓ **Mr. Roger Montes, Landscape Maintenance Unlimited**, who arranged for the donation of the fencing material, donated the fence framing, and installed the new fence with his staff.
- ✓ **Ms. Annie Macy**, who designed the new landscaping and collected all the plants (courtesy of **Kiwanis Club of Montclair**) and coordinated their placement in the garden.

Mayor Eaton thanked **Mr. Snyder, Mr. Montes, and Ms. Macy** for their contributions and community spirit in the improvement of the **Fenculets** home.

VI. PUBLIC COMMENT

A. **Mrs. Sue Ovitt**, Board Member, **Ontario–Montclair YMCA**, 215 West C Street, Ontario, noted the motto of the **YMCA** is "We build strong kids, strong families, and strong communities." She advised that the organization's fund-raising efforts serve child care, swimming lessons, youth camps, and other worthwhile programs for community youth. She invited the Council to the following **YMCA** events:

- ✓ One-year anniversary celebration of **Outback Steakhouse**, 4492 Ontario Mills Parkway, Ontario, to be held Tuesday, July 8, 2003, from 4:00 to 6:30 p.m.; a percentage of the proceeds from ticket sales to benefit the **YMCA**.
- ✓ "*Fiesta de Comida*" – Wednesday, October 8, 2003, **Guasti Villa**; 25 restaurants will offer samples of their cuisine to the public.

Mrs. Ovitt advised that she has tickets for the **Outback Steakhouse** fundraiser and thanked Mayor Eaton, Mayor Pro Tem Dutrey, Council Member Paulitz, and City Manager McDougal for purchasing tickets. She stated that the public is welcome to call the **Ontario–Montclair YMCA** at 986–5847 for further information or to buy tickets to the **Outback Steakhouse** fundraiser.

Council Member Ruh expressed his desire to purchase a ticket to the event.

Mayor Pro Tem Dutrey thanked **City of Ontario Mayor Gary Ovitt** for selling him his ticket to the fundraiser.

Mayor Eaton thanked **Mrs. Ovitt** for her comments.

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

1. He reiterated being approached by several persons regarding a recent **David Allen** column, noting that *Inland Valley Daily Bulletin* Editor **Steven O'Sullivan** apparently condones the column. He noted he has spoken to college professors who indicate that such commentary is poor journalism.
2. He noted his attendance at a meeting in Claremont with Council Member Raft and other Council Members. He expressed his opinion that other cities do not seem to have the same issues as Montclair.
3. He noted, "It's a shame what's happened to **Mr. and Mrs. Raft**; nobody stands behind them."
4. He remarked about the issue addressed by **Mr. Larkin** at the last meeting and what seemed to him to be the unconcern of the Council about the matter.
5. He spoke in support of **Mr. Baer's** commentary.
6. He quoted **President Franklin D. Roosevelt** from his first inaugural address, which was later reaffirmed by the **Reverend Dr. Martin Luther King**, as follows: "The only thing we have to fear is fear itself." He encouraged residents to attend and comment at these meetings.
7. He expressed his opinion that the *White v. City of Norwalk* case has no bearing on speakers at these meetings with regard to the recent rules of decorum adopted by the Council. He added that the **City of Norwalk** and all other cities he has surveyed allow each speaker a five-minute time limit for public comment.
8. He reiterated his opinion there is a problem with the City's administration, which sets a bad example for youth.

Mayor Eaton advised **Mr. Armstrong** a follows:

1. He has thoroughly investigated the incident involving the **Larkins** and is satisfied it has been effectively resolved.
2. The rules of decorum adopted by the Council have not restricted **Mr. Armstrong** in expressing his viewpoint.

C. Ms. Teresa Billingsley commented as follows:

1. She expressed her opinion that **David Allen's** recent commentary was "very irresponsible" and unprofessional.
2. She cautioned the public about the following:
 - (a) To carefully review petitions before signing them, citing a recent incident involving misrepresentation by petition solicitors as to the actual subject of the petition.

- (b) To be aware of the extremely sensitive explosive-detection equipment in use at airports, which detects minute amounts of fertilizer, fireworks, and firearm sulfur residue and nitroglycerin heart medication, among other substances.
3. She announced that the **National Do Not Call Registry** has now been established, advising that those interested in banning telemarketing calls can register to end this nuisance at the www.donotcall.com Web site.

Discussion took place about the lack of a telephone contact for the **National Do Not Call Registry**.

Council Member Paulitz advised that the official Web site address for the **National Do Not Call Registry** is www.donotcall.gov.

D. Mr. Roger Baer commented as follows:

1. He suggested that anyone interested in telephoning the **National Do Not Call Registry** call 1-800-555-1212 to obtain a toll-free number.
2. He remarked on his and his wife's friendship with former City Clerk Crawford and noted her encouragement for everyone to be responsible. He spoke of her forgiving nature, expressed his gratitude for the assistance she provided him, and wished her "a wonderful retirement."
3. He asked Mayor Eaton if he drives a City-provided vehicle.

Mayor Eaton answered, "No, I don't drive a City-provided vehicle."

Discussion centered on a provision of an agreement between the Redevelopment Agency and **Metro Nissan of Montclair** that supplies two vehicles to the Agency for a period of time.

Mr. Baer asked if Redevelopment funding is provided from state and federal agencies.

Acting City Manager/Executive Director Clark clarified that the City's Redevelopment program is funded through property tax-increment revenues received by the Agency for properties located within Project Area boundaries and through issuance of tax-allocation bonds in certain Project Areas.

Mayor Eaton made the following announcements:

- ✓ With the concurrence of Council, Mayor Eaton stated he would like to reappoint incumbent Planning Commissioner Tenice Johnson to the Montclair Planning Commission, with a four-year term to expire June 30, 2007.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Paulitz, and carried unanimously to reappoint incumbent Tenice Johnson to the Montclair Planning Commission, with a four-term to expire June 30, 2007.

Mayor Eaton congratulated Planning Commissioner Johnson on her reappointment.

- ✓ With the concurrence of Council, Mayor Eaton stated he would like to appoint **Mr. Gerald Johnson** to the Montclair Community Action Committee to fill an unexpired four-year term ending June 30, 2006.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously to appoint **Mr. Gerald Johnson** to the Montclair Community Action Committee to fill an unexpired four-year term ending June 30, 2006.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 03-2460 Approving Historic Landmark Status for Property at 4405 Holt Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 03-2460 approving historic landmark status for property at 4405 Holt Boulevard and invited comments from the public.

Ms. Rachael Scott, Executive Director, San Bernardino County Farm Bureau, 210 South Riverside Avenue, Rialto, stated that the San Bernardino County Farm Bureau supports the Council's approval to designate the Reeder Citrus Ranch as an historical landmark in Montclair to preserve its agricultural history for future generations. She offered the assistance of the Farm Bureau as a resource for agricultural materials once the City establishes a foundation to preserve, restore, and manage the Reeder Ranch property as a historic site.

Mayor Eaton thanked **Ms. Scott** for her remarks.

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

Mayor Eaton greeted **Mrs. Hazel Reeder** and her family.

Mayor Pro Tem Dutrey commented as follows:

1. He expressed his pride that the Reeder Citrus Ranch property is the first in Montclair to be designated as a historic landmark.
2. He indicated he had no idea it would take about 13 years since adoption of the Historical Landmark Ordinance for the first

City landmark to be designated. He spoke of the importance of preserving the history of a unique community like Montclair, noting that the ranch existed long before the City's incorporation.

3. He spoke in support of adoption of Resolution No. 03-2460.

Council Member Ruh commented as follows:

1. He expressed his support of Resolution No. 03-2460.
2. He suggested staff explore the possibility of working with the Ontario-Montclair School District and Chaffey College to video-tape interviews with the George Reeder family and other local citrus industry representatives of what life was like on a working citrus ranch during the region's earlier years in an effort to preserve that vital historic link in Montclair's past. He further suggested working with the San Bernardino County Farm Bureau to possibly establish a farm-implement museum at the Reeder Ranch property to display such artifacts. He concluded his comments by noting that "he who fails to understand the past fails to understand the future."

Mayor Eaton advised that staff is working with **Ms. Theresa Hanley**, Director, City of Ontario Museum of History and Art, regarding establishment of the proposed foundation should this item be approved.

Council Member Paulitz stated that former **Mayor Larry Rhinehart** gave him a framed photograph of the Reeder Citrus Ranch house that he would be pleased to donate to the foundation so it may be displayed in the restored dwelling.

Mayor Eaton stated he is so pleased about the proposed designation of the Reeder Citrus Ranch as an historic landmark and conversion of the dwelling into a museum, noting he has "had a dream about this property for a very long time—for many years." He thanked **Mrs. Reeder** for her generosity and vision for the property that corresponds with the City's. He noted that the Washington Navel orange trees on the property are over a hundred years old and continue to bear fruit.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Dutrey that Resolution No. 03-2460, entitled "**A Resolution of the City Council of the City of Montclair Approving Historic Land-mark Status for the Remaining Portion of the Reeder Citrus Ranch at 4405 Holt Boulevard,**" 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. 03-2460 was unanimously adopted by the following vote:

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

B. First Reading -- Adoption of Ordinance No. 03-835 Approving a Zone Change to the Montclair Municipal Code From "R-3" (Multiple-Family Residential) to "C-3" (General Commercial) for Approximately 3.28 Acres at 5150 Palo Verde Street

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 03-835 approving a zone change to the Montclair Municipal Code from "R-3" (Multiple-Family Residential) to "C-3" (General Commercial) for approximately 3.28 acres at 5150 Palo Verde Street 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 inquired if the entitlement process for use of the parcel proposed for zone change would include a Conditional Use Permit (CUP).

Acting City Manager Clark answered, "Yes, that's correct."

Discussion centered on the need to conduct a public hearing before the Planning Commission for any proposed use of the subject site.

Council Member Ruh noted he has spoken with a number of the property owners residing in the condominiums on Carrillo Avenue who have expressed their collective concerns about the loud public address system at Metro Honda, which has affected the quality of life for these residents. He advised that the City needs to be cautious about regulating future use of the site. Though he supports future expansion of the Metro Motorplex dealership, he stated the City needs to remain sensitive to the needs of the neighboring residents.

Mayor Pro Tem Dutrey noted the importance of neighborhood residents' "peace and quiet." He suggested that at such time as the property owner applies for a CUP to develop the site, a condition could be imposed requiring implementation of a personal paging communication system for employees of all Metro Motorplex dealerships.

Acting City Manager Clark concurred that such a condition could be imposed after review of any proposed site plans, noting that staff is certainly aware of the issue.

Council Member Ruh noted that this has been a long-standing issue for the past five years.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 03-835, entitled "**An Ordinance of the City Council of the City of Montclair Approving a Zone Change From "R-3" (Multiple-Family Residential) to "C-3" (General Commercial),**"

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. 03-835 was unanimously adopted by the following vote:

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

C. Second Reading - Adoption of Ordinance No. 03-836, an Ordinance of the City Council of the City of Montclair Adopting the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 03-836 related to the enactment and adoption of a Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project 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 Paulitz that Ordinance No. 03-836, entitled "**An Ordinance of the City Council of the City of Montclair Approving and Adopting the Redevelopment Plan for the Mission Boulevard Joint Redevelopment Project,**" 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 City Ordinance No. 03-836 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Mayor Eaton noted the disqualification of Council Member Raft on Item B-5 because of the close proximity of her residence to the subject site.

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

Council Member Ruh requested that Item D-3 be removed from the Consent Calendar for comment.

Concerning Item B-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 the Amherst Avenue Improvement Project," **Mr. Roger Baer** asked for clarification regarding the disparity of materials used to board up the dwellings involved in the Amherst Avenue Improvement Project as compared to the materials used in the board-up of the former **Raft** home.

Acting City Manager Clark clarified that the **Raft** home was secured pursuant to a court order that determined the residence to be unsafe, whereas the homes involved in the improvement project are just being temporarily secured pursuant to **Federal Housing Administration** standards during the construction phase of the project.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to approve the following Consent Items as presented, noting Council Member Raft's disqualification on Item B-5:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of June 16, 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 June 16, 2003.

B. Administrative Reports

1. Approval of Recommendations from the June 18, 2003 Real Estate Committee Meeting

The Redevelopment Agency Board approved the recommendations from the June 18, 2003 Real Estate Committee Meeting as listed on the agenda report for this item.

2. Approval of Part-Time San Bernardino County West End Narcotic Enforcement Team (SBWESTNET) Police Cadet Position to be Funded by SBWESTNET

The City Council approved a part-time San Bernardino County West End Narcotic Enforcement Team (SBWESTNET) Police Cadet position to be funded by SBWESTNET.

3. Approval of Parcel Merger No. 2001-2 Located at the Southeast Corner of Olive Street and Vernon Avenue

The City Council approved Parcel Merger No. 2001-2 related to a lot merger affecting Lots 2 and 3 of Parcel Map No. 5205 at the southeast corner of Olive Street and Vernon Avenue.

4. Acceptance of Grant Deed No. 1616 for the Purpose of Construction, Maintenance, and Use of Sidewalks and Appurtenances

The City Council accepted Grant Deed No. 1616 for right-of-way dedication along the west side of Ada Avenue south of State Street for the purpose of construction, maintenance, and use of sidewalks and appurtenances.

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 the Amherst Avenue Improvement Project

The City Council, with the exception of Council Member Raft, approved the following actions related to completion of the Amherst Avenue 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.

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 Montclair Metrolink Station Improvements

The City Council approved the following actions related to completion of the Montclair Metrolink station improvements:

- (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. Declaring the Civic Center 3M630 Microfiche Reader/ Printer, Model No. 664AA, Surplus and Determining the City of Upland's Interest in Its Purchase

The City Council declared the Civic Center 3M630 microfiche reader/printer, Model No. 664AA, surplus and determined the City of Upland's interest in its purchase.

8. Authorization to Advertise for Bid Proposals for the North Montclair Signal Interconnect Project

The City Council authorized the advertisement of bid proposals for the North Montclair Signal Interconnect Project.

9. "No Action" on Alcoholic Beverage Permit Application - Prosperidad Night Club

The City Council voted "No action" on an "On-Sale General for Bona Fide Eating Place" license application for Mr. Ermilo José Ortizcetina for Prosperidad Night Club, 10380 Central Avenue, Montclair, California.

10. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated July 7, 2003, totaling \$1,059,966.99; and the Payroll Documentation dated June 1, 2003, amounting to \$566,097.71, with \$410,409.78 being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 03-90* With Padilla & Associates, Inc., to Establish the Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2003-04

The City Council approved *Agreement No. 03-90* with Padilla & Associates, Inc., to establish the Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2003-04.

2. Approval of *Agreement No. 03-91* With San Bernardino County for Signal Upgrades at Roswell Avenue and Mission Boulevard

Authorize Amending the City's Capital Improvement Program for Fiscal Years 2003-07 and Appropriating \$58,460 From the Gas Tax Fund for Signal Upgrades at Roswell Avenue and Mission Boulevard

The City Council took the following actions related to signal upgrades at Roswell Avenue and Mission Boulevard:

- (a) Approved *Agreement No. 03-90* with San Bernardino County.
- (b) Authorized amending the Capital Improvement Program for Fiscal Years 2003-07 and appropriating \$58,460 from the Gas Tax Fund.

3. Award of Contract to Quality Construction Management in the Amount of \$164,500

Approval of *Agreement No. 03-92* with Quality Construction Management for the Essex Park Concession and Rest-room Building Project

Authorization of a \$20,000 Construction Contingency

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

- (a) Awarded a contract to Quality Construction Management in the amount of \$164,500.
- (b) Approved *Agreement No. 03-92* with Quality Construction Management.
- (c) Authorized a \$20,000 construction contingency.

4. Award of Contract to Quality Construction Co. in the Amount of \$43,554.49

Approval of *Agreement No. 03-93* with E. C. Construction Co. for Phase 2 of the San Antonio Gateway Project, Foundation Area No. 9

Authorization of a \$7,000 Construction Contingency

The City Council took the following actions with regard to Phase 2 of the San Antonio Gateway project, Foundation Area No. 9:

- (a) Awarded a contract to E. C. Construction Co. in the amount of \$43,554.49.
- (b) Approved *Agreement No. 03-93* with E. C. Construction

Co.

(c) Authorized a \$7,000 construction contingency.

5. Continuance of *Agreement No. 03-94, a Funding Agreement* by and Between the City of Montclair Redevelopment Agency and Neighborhood Partnership Housing Services

The Redevelopment Agency Board approved continuance of *Agreement No. 03-94, a Funding Agreement* by and between the City of Montclair Redevelopment Agency and Neighborhood Partnership Housing Services.

6. Approval of *Agreement No. 03-95* With the Office of the State Controller, Division of Audits, for Annual Street Report Preparation Services

The City Council approved *Agreement No. 03-95* with the Office of the State Controller, Division of Audits, for annual street report preparation services.

D. Resolutions

2. Adoption of Resolution No. 03-2462 Related to Setting Sewer Standby Assessment Fees on Vacant Properties

The City Council adopted Resolution No. 03-2462 related to setting sewer standby assessment fees on vacant properties.

4. Adoption of Resolution No. 03-2465 Authorizing Place-ment of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 03-2465 authorizing placement of liens on the properties listed on Exhibit A to Resolution No. 03-2465 for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. Adoption of Resolution No. 03-2461 Approving the Application of Legislative Specified Grant Funds for a Soccer Park Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000

Mayor Pro Tem Dutrey inquired if the project to develop the proposed soccer park would be subject to a competitive-bid process.

Acting City Manager Clark responded that because the proposed funding for the project is available through the Specified Grant Fund Program, the project would not be subject to a competitive-bid process.

Director of Redevelopment/Public Works Staats added that **Senator Soto** was able to secure this funding for the soccer park project and that because it is derived from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, the funding was able to remain in the state budget, whereas the funding promised through the state General Fund was withdrawn.

Council Member Ruh stated he is pleased to see this project coming to fruition. He noted being approached five years ago by Montclair residents **Terry** and **Joan Singleton**, who are both very involved in youth soccer programs, about the possibility of developing a soccer park in Montclair. He noted observing the crowded conditions while visiting some nice soccer fields in Ontario with the **Singletons** and the tenacity of the American Youth Soccer Organization to have this project developed. He asked that **Mr.** and **Mrs. Singleton** be invited to the soccer park's grand opening ceremony.

Mayor Pro Tem Dutrey noted that the proposed location of the new soccer park at the new Montera Elementary School on the southeast corner of Bandera Street/Monte Vista Avenue would save the City a lot of money.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Resolution No. 03-2461, entitled "**A Resolution of the City Council of the City of Montclair Approving the Application for Grant Funds for Soccer Park,**" be read by number and title only, further reading be waived, and it be declared adopted.*

Mr. Art Van Deventer, Monterey Manor Mobile Home Estates, 11250 Ramona Avenue, Space 902, Montclair, received clarification that the City is, indeed, planning to build the new soccer park at the newly opened Montera Elementary School.

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

Resolution No. 03-2461 was unanimously adopted as follows:

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

3. Adoption of Resolution No. 03-2463 Rescinding Resolution No. 03-2430 Designating Restricted Parking on Public Streets and Alleys

Council Member Ruh requested clarification that proposed Resolution No. 03-2430 pertains specifically to the 4600-4700 block of Bandera Street and the 5300-5400 block of Orchard Street.

Acting City Manager Clark clarified that in addition to those areas, the proposed Resolution continues the phasing in of street sweeping restricted parking designations in the remaining areas of the City, specifically in the area bounded by Mills Avenue to the west, Arrow Highway to the north, Monte Vista Avenue to the east, and the I-10 Freeway to the south.

Noting the proposal to implement permit parking for residents of single-family homes in the 4600/4700 block of Bandera Street, Council Member Ruh spoke on behalf of multifamily residents and asked if they might also receive permits.

Acting City Manager Clark explained that the subject of limited on-street parking in front of single-family homes was addressed by the Public Works Committee, including the fact that the outflow of parking from residents of the multifamily

housing hinders the street sweeping on that street. He advised that residents of the single-family homes had requested permit parking for the street areas fronting their properties.

Council Member Ruh expressed his concern that the residents of the multifamily apartment houses would not have the same permit-parking rights as those residents of single-family dwellings.

Council Member Paulitz stated it is his understanding that the Public Works Committee addressed the fact that the newly opened Montera Elementary School would contribute to the shortage of street parking.

Director of Redevelopment/Public Works Staats concurred, adding that a resident had complained that he was unable to find parking in front of his residence after work.

Council Member Paulitz advised that item is being proposed as a result of the new school, similar to the parking shortage that was alleviated once permit parking was implemented in the neighborhood directly north of Montclair High School.

Council Member Ruh reiterated his concern that the multi-family housing residents would not have the same parking rights as the single-family housing residents.

Council Member Paulitz noted that that the problem lies in the fact that generally, apartment house residents choose to park on the street instead of in their carports.

Council Member Ruh stated that in all fairness, the same parking rights should apply to all residents of the area, whether they reside in single-family or multifamily dwellings. He questioned the legality of such a proposal and asked for the opinion of the City Attorney.

City Attorney Robbins advised that the Council can choose to take action on agendaized recommendations from Council subcommittees.

Mayor Pro Tem Dutrey expressed his surprise that this item has not come before the Council sooner, noting the lack of available on-street parking in front of single-family homes in the area must be tiresome for those residents. He noted the annoyance and inconvenience of the same cars being parked repeatedly in front of one's residence, adding that owners or residents of single-family dwellings should have the opportunity to park in front of their homes.

Moved by Mayor Pro Tem Dutrey and seconded by Council

Member Paulitz that Resolution No. 03-2463, entitled "**A Resolution of the City Council of the City of Montclair Related to Restricted Parking on Public Streets and Alleys,**" be read by number and title only, further reading be waived, and it be declared adopted.*

Acting City Manager Clark noted that permit parking is a common occurrence throughout the City when large families are involved. He added that the subject area lacks an abundance of parking for the overcrowded apartment houses and that this situation has existed for a number of years.

Mayor Pro Tem Dutrey added that the City has invested a lot of funding to improve this area, which is one of the Foundation areas in the City. He noted the improvements made to the alleyways behind the apartment houses to encourage residents to park in their garages and in the alleys.

Council Member Ruh stated he agrees with the need for permit parking in the area, though he reiterated his concern that apartment dwellers have rights equal to single-family home residents, adding he would pursue such a cause.

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

Resolution No. 03-2463 was unanimously adopted as follows:

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

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

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

Property: 9044 Lindero Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Arturo and Antonio Partida

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

Under Negotiation: Recommendations Regarding Purchase Price

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

Property: 5082 Moreno Street

Negotiating Parties: City of Montclair Redevelopment Agency and Lelis De Armella

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

Under Negotiation: Recommendations Regarding Purchase Price

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

B. Acting City Manager/Executive Director

1. Acting City Manager/Executive Director Clark advised that for safety reasons, staff ordered the appointment of a Crossing Guard at the newly opened **Montera Elementary School** as well as crosswalks to be installed at the intersection of Bandera Street and Monte Vista Avenue effective Tuesday, July 8, 2003.

As a member of the Public Safety Committee, Mayor Eaton expressed his support of staff's taking the initiative to install a Crossing Guard and crosswalks at this intersection for the safety of the schoolchildren.

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted he has been busy attending board meetings of **Omnitrans**, the **San Bernardino Associated Governments**, and the **Southern California Regional Rail Authority**.

D. City Council/Agency Board

1. Council Member/Director Raft commented as follows:
 - (a) She clarified her former home on Amherst Avenue was a rental.
 - (b) She noted being contacted by a resident who expressed her concern about the dangers of certain shock-delivering devices being sold by visiting ice-cream vendors in the region, notably because her child had recently purchased one. She asked if there is anything the City can do to prevent these devices from being sold in the community.

Police Chief Thompson advised that the City has no control over the sale of such items because they are not illegal. He suggested parents strictly monitor their children's purchases from ice-cream vendors.

Council Member Raft inquired if such vendors are required to be licensed by the City.

Police Chief Thompson responded that they are and reiterated that the City has no control over items sold by these vendors unless the items are illegal.

Mayor Eaton and Council Member Raft thanked Police Chief Thompson for his clarification.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He clarified that he would be unable to attend the regular joint meetings of July 21 and August 4, 2003, because he will be on vacation.
 - (b) He noted his attendance, along with Mayor Eaton and Council Member Paulitz, at **Supervisor Aguiar's** recent quarterly meeting with the cities of Ontario, Chino, Chino Hills. He related two of the issues addressed at the meeting, one involving public improvements to be implemented in the City's new Mission Boulevard Joint Redevelopment Project Area; the other, the newly painted **Déjà Vu** building. He noted speaking to **Supervisor Aguiar** about the possibility of organizing a joint graffiti-abatement project involving Montclair, the County, and other area cities to aggressively target graffiti abatement.
 - (c) He announced that a representative of **Congressman Dreier's** office would be available on Tuesday, July 22, 2003, from 9:00 a.m. to 12:00 p.m. at City Hall to answer residents' questions and address their concerns regarding federal issues.

- (d) He noted he was pleased with the Council's receipt of correspondence from Montclair resident **Mr. Richard Wilde** thanking staff for assisting him to obtain a home-improvement grant through the City's Exterior Housing Improvement Program.
- (e) He spoke in opposition to a state proposal to shift a portion of cities' sales tax revenues to finance a proposed \$11.7 million bond issue to be repaid within ten years because Republican legislators do not wish to increase taxes and Democratic legislators do not wish a further reduction in services. In view of the fact that Montclair derives 50 percent of its operating budget from sales tax revenues, he emphasized that this is not a feasible option for the City. He noted correspondence was sent to our state representatives in opposition to the proposal. He advised that the City does support the shift in property tax to the **Educational Revenue Augmentation Fund**, a reduction in redevelopment revenues, and a shift of other City revenues on a temporary basis to assist the state to balance its budget. He appealed to residents to contact our state legislators to oppose this shift in cities' sales tax revenue proposal.

3. Council Member/Director Ruh commented as follows:

- (a) Concerning the state's proposal to shift one-half cent of cities' sales tax revenues to the state, with cities to receive the same amount back in property tax revenues and schools to receive a portion of the state's general fund, he expressed his understanding that the proposal was not approved.

Mayor Pro Tem Dutrey stated, "That's good."

Council Member Ruh indicated that at least the state is making an effort to keep cities whole, though such financing strategies become problematic down the line. Noting the governor's decision to triple vehicle license fees, he stated that the **League of California Cities'** supposed support of this decision (if it is, indeed, true) is most disconcerting. He expressed his hope that cities are not actively pursuing such an "onerous" proposal because it would disproportionately hurt residents.

- (b) He noted attending former City Clerk Marg Crawford's retirement luncheon, adding his impression that she is very much looking forward to her retirement years.
- (c) He noted his attendance at the installation of officers for **Soroptimist International of Montclair/Inland Valley**, the great job that outgoing President **Sue Ovitt** did, and that he is looking forward to another very good year.

- (d) He cited today's editorial in the *San Gabriel Valley Tribune* about the possibility of the **Metro Gold Line East** light rail system extension being extended further from Claremont to Montclair and spoke in support of the prospect of bringing another effective regional mass transportation system to the community. He stated he is pleased that the proposal is building support throughout the region, emphasizing that mass transportation is vital.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of June 16, 2003

The City Council received and filed the Personnel Committee meeting minutes of June 16, 2003, for informational purposes.

2. Minutes of Real Estate Committee Meeting of June 18, 2003

The City Council received and filed the Real Estate Committee meeting minutes of June 18, 2003, for informational purposes.

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

At 8:15 p.m., Mayor/Chairman Eaton adjourned the City Council and Montclair Housing Corporation Board of Directors and announced that the regular joint meeting of July 21, 2003, would not be held for lack of a quorum.

At 8:15 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:33 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, direction was given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:34 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary