

MINUTES OF THE REGULAR JOINT MEET-ING OF  
THE MONTCLAIR CITY COUNCIL AND  
REDEVELOPMENT AGENCY AND MONTCLAIR  
HOUSING CORPORATION BOARDS HELD ON  
MONDAY, AUGUST 18, 2003, AT 7:00 P.M. IN  
THE CITY COUNCIL CHAMBERS, 5111 BENITO  
STREET, MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

Mayor Pro Tem/Vice Chairman Dutrey called the meeting to order at 7:00 p.m.

**II. INVOCATION**

Pastor Dale Rose, First Assembly of God Church, gave the Invocation.

Mayor Pro Tem Dutrey recognized Pastor Rose, First Assembly of God Church, who also serves as a Montclair Police Department Chaplain, and thanked him for his Invocation this evening.

**III. PLEDGE OF ALLEGIANCE**

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

**IV. ROLL CALL**

Present: Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; Acting City Manager/Executive Director Clark; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; Deputy City Clerk Smith

Absent: Mayor/Chairman Eaton (excused); City Manager/Executive Director McDougal (excused)

Mayor Pro Tem Dutrey reported that Mayor Eaton is home recovering quite well from an eight-hour foot surgery last Friday after being released from the hospital Saturday afternoon. He stated that Mayor Eaton would be pleased to chat with residents if they would like to call him.

**V. PRESENTATIONS – None**

**VI. PUBLIC COMMENT – None**

**VII. PUBLIC HEARINGS – None**

## VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item D-1 be removed from the Consent Calendar for public comment. He further requested the withdrawal of Item C-3, entitled "Consider Approval of *Agreement No. 03-107* Between the Cities of Ontario, Upland, and Montclair for the Construction of the Benson Avenue Sewer-Diversion Project," from the Consent Calendar to be returned once editing revisions have been completed.

Council Member Ruh requested that Items C-1 and C-2 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

### A. Approval of Minutes

#### 1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of August 4, 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 August 4, 2003.

### B. Administrative Reports

#### 1. Approval of Parcel Map No. 16081 Located at the Montclair Entertainment Plaza

The City Council approved Parcel Map No. 16081 subdividing an existing 1327-acre parcel at the Montclair Entertainment Plaza into two lots of 28,168 and 29,630 square feet.

#### 2. "No Action" on Alcoholic Beverage Permit Application - Chaparal Market

The City Council voted "No action" on an "Off-Sale Beer and Wine" license application for Saleh Mohammad Afzal and Sher Ahmad Akbari for Chaparal Market, 9686 Central Avenue, Montclair, California.

#### 3. "No Action" on Alcoholic Beverage Permit Application - Crescent City Creole Restaurant

The City Council voted "No action" on an "On-Sale Beer and Wine Bona Fide Public Eating Place" license application for WHWALLR Inc., for Crescent City Creole Restaurant, 9395 Monte Vista Avenue, Montclair, California.

**4. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending July 31, 2003.

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

The City Council approved the Warrant Register dated August 18, 2003, totaling \$1,220,835.55, and the Payroll Documentation dated July 13, 2003, amounting to \$487,144.09, with \$334,070.91 being the total cash disbursement.

**6. 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 July 31, 2003.

**7. Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 7/01/2003-7/31/2003 in the amounts of \$3,793.65 for Project I; \$215,736.39 for Project II; \$82,205.41 for Project III; \$24,777.14 for Project IV; and \$96,173.27 for Project V.

**8. 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 July 31, 2003.

**9. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 7/01/2003-7/31/2003 in the amount of \$121,848.40.

**C. Agreements**

**4. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 03-108 Through 03-111, 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. 03-108 through 03-111, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the four Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

## IX. PULLED CONSENT CALENDAR ITEMS

### C. Agreements

#### 1. Approval of *Agreement No. 03-105* With Nutrition Ink to Provide Nutrition-Education Services for the Senior Citizens Nutrition Program

Council Member Ruh spoke in support of the proposed agreement to provide nutrition-education services in conjunction with the Senior Citizen Nutrition Program. He noted learning from state budget negotiators that the state is exploring ways to ensure such state-subsidized programs only benefit needy senior participants. He noted he would continue to monitor this issue.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried to approve *Agreement No. 03-105* with Nutrition Ink to provide nutrition-education services for the Senior Citizen Nutrition Program.

**Mr. Art Van Deventer, Monterey Manor Mobile Home Estates,** 11250 Ramona Avenue, Space 902, Montclair, advised that many times participants in such programs do not necessarily need the subsidy but are unable for other reasons to prepare meals for themselves.

Council Member Ruh expressed his concern that funding for the program might be reduced; therefore, he supports more prosperous participants paying a fair-market price for their meals.

Council Member Paulitz clarified there is no means testing to qualify for participation in the program because it is partially funded with federal moneys. He indicated it would be difficult to conduct means testing on a federally-funded program.

Council Member Ruh indicated that state legislators are exploring a means-testing option to avoid any reduction in program funding.

Mayor Pro Tem Dutrey thanked Assistant Director of Human Services Sue Yoakum and staff for facilitating this excellent program for senior residents, noting he has very much enjoyed the lunches he has sampled over the years.

#### 2. Approval of *Agreement No. 03-106* Amending *Agreement No. 01-103* With Ontario-Montclair School District to Provide After-School Programs

Council Member Ruh asked if participants and those involved

in the program are aware that it may end after three years, depending on state finances.

Assistant Director of Human Services Yoakum answered, "Yes."

Moved by Council Member Ruh, seconded by Council Member Raft, and carried to approve *Agreement No. 03-106* amending *Agreement No. 01-103* with the Ontario-Montclair School District to provide after-school programs.

#### D. Resolutions

1. **Adoption of Resolution No. 03-2468 Approving and Adopting the Final Disadvantaged Business Enterprise (DBE) Program and Established Overall Annual DBE Goal of 8 Percent for Federal Fiscal Year 2004**

**Mr. Art Van Deventer, Monterey Manor Mobile Home Estates, 11250 Ramona Avenue, Space 902, Montclair, asked for clarification of the term "disadvantaged business enterprise."**

City Engineer Hudson responded that the term refers to a conglomeration of a number of separate enterprise programs that have been developed over the years, including the Disadvantaged Women's Business Enterprise, the Small Business Enterprise, and Disabled Vets. He advised that a condition of U.S. Department of Transportation-assisted contracts requires the participation of disadvantaged business enterprises in a certain percentage of the contracts to allow smaller and/or socially and economically disadvantaged businesses an opportunity to compete against larger corporations.

Council Member Ruh expressed his understanding that the Disadvantaged Business Enterprise Program was established to afford more opportunities to smaller local businesses. He asked about the criteria used to establish the 8 percent goal.

City Engineer Hudson advised that a determination is made from past projects of the percentage of disadvantaged business enterprise bidders. He indicated that because the City has easily exceeded its past minimum goal, the goal can be lowered, ideally reaching 0 percent while still having disadvantaged business enterprise participation either as the prime contractor or one of the subcontractors on a federally funded project.

Council Member Ruh spoke in support of the program. He noted he has been researching what he understands to be a cap limiting classification as a disadvantaged business enterprise based on corporate gross taxable returns.

City Engineer Hudson noted there are minimum criteria that

must be met to be certified as a disadvantaged business enterprise.

Moved by Council Member Ruh and seconded by Council Member Raft that Resolution No. 03-2468, entitled "**A Resolution of the City Council of the City of Montclair Approving and Adopting the Final Disadvantaged Business Enterprise (DBE) Program and the Established Overall Annual DBE Goal of 8 Percent for Federal Fiscal Year 2004,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 03-2468 was adopted by the following vote:

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

## X. RESPONSE

### A. Update Regarding Heritage Park Senior Apartments

Mayor Pro Tem/Vice Chairman Dutrey reported there has been no contact from anyone representing the property owners, **AIMCO**, nor the service provider, **New Century Care**, and, to staff's knowledge, there is no new activity to report.

## XI. COMMUNICATIONS

### A. City Attorney/Agency Counsel - No Comments

### B. Acting City Manager/Executive Director - No Comments

### C. Mayor/Chairman - Absent

### D. City Council/Agency Board

1. Council Member/Director Paulitz noted being well received by the **City of San Bernardino** City Council in his report on **South Coast Air Quality Management District** activities this afternoon. He added he was also well received in a similar report made to the **City of Colton** City Council last week.

2. Council Member/Director Ruh commented as follows:

(a) He noted being advised by **Mr. Mario Angel**, Housing and Community Development Representative, **California Department of Housing and Community Development**, that the City would need to replace the 3.28 acres of R-3-zoned property at 5150 Palo Verde Street that was recently rezoned to C-3 with R-3-zoned acreage

elsewhere in the City to comply with the state-mandated General Plan Housing Element.

- (b) He noted the passing of well-known humanitarian **Mr. Jack R. Tillery** of Diamond Bar on Thursday, August 14, 2003. He noted that **Mr. Tillery** was very active in the **Jerry D. Mead New World International Wine Competition** as well as at **Casa Colina, YMCA**, and other charitable groups in the region and that he would be missed.

3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

- (a) He attributed his absence at the regular joint meeting of August 4, 2003, to being on vacation in Massachusetts.
- (b) He expressed his sorrow over the tragic accident that occurred Tuesday, August 12, 2003, at the intersection of Ramona Avenue and Mission Boulevard that claimed the lives of the parents of six-year-old **Sergio Valenzuela Jr.** He indicated that contributions can be made to the **Sergio Valenzuela Jr. Trust Fund** through **Vineyard National Bank**, 5455 Riverside Drive, Chino, 91710.

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

##### **1. Minutes of Public Works Committee Meeting of July 17, 2003**

The City Council received and filed the Public Works Committee meeting minutes of July 17, 2003, for informational purposes.

##### **2. Minutes of Personnel Committee Meeting of August 4, 2003**

The City Council received and filed the Personnel Committee meeting minutes of August 4, 2003, for informational purposes.

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

At 7:22 p.m., Mayor Pro Tem/Vice Chairman Dutrey 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,

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Yvonne L. Smith

Deputy City Clerk