

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, SEPTEMBER 15, 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

Pastor Benjamin Nicolas, First United Methodist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; 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 Jackson

V. PRESENTATIONS

A. Introduction of New Employee

Mayor Eaton introduced **Mr. Devon Harden**, who was appointed to the position of Police Officer effective September 11, 2003, after serving as Police Officer Trainee with Montclair while attending the **San Bernardino County Sheriff's Basic Police Training Academy**. He noted that Officer Harden received his Bachelor of Science degree in public administration from the **University of La Verne**.

Mayor Eaton also introduced Officer Harden's father, **Mr. Dan Harden**, who serves as Mayor Pro Tem for the **City of La Verne** and is a candidate for the **California State Assembly**.

Mayor Eaton congratulated Officer Harden on his appointment, welcomed him to the Montclair City family, and presented him with a City pin.

B. Presentation of \$20,000 Each From the Metropolitan Water District (MWD) and the Inland Empire Utilities Agency to the City of Montclair and Chino Basin Water Conservation District (CBWCD) as Co-Recipients of MWD's *City Makeover Program* Grant to be Used for CBWCD's Water-Conservation Program

Mayor Eaton stated he is pleased to accept on behalf of the City of Montclair, **Chino Basin Water Conservation District (CBWCD)**, and **Monte Vista Water District (MVWD)** a \$20,000 award from the **Metropolitan Water District's City Makeover Program California Heritage Landscape Grant** and matching \$20,000 check from the **Inland Empire Utilities Agency (IEUA)** to be applied toward completion of **CBWCD's California Native Oak Grove Project** and to enhance Wilderness Park.

Mayor Eaton stated that **Dr. Patrick King** is here from **Senator Nell Soto's Office** to make a presentation a little later.

Mayor Eaton introduced **Mr. Gene Koopman**, Board Member, **IEUA**, and the former Director of the **Metropolitan Water District (MWD)**.

Mr. Koopman spoke of the importance of water conservation in the western states.

Mr. David Hill, Manager, Water Resources, **IEUA**, advised that over the last several years, water efficiency has become an extremely important part of water management, particularly with regard to the increasingly unreliable imported water resource. He discussed statistics related to water-conservation strategies in **IEUA'S** seven-city Inland Empire service area, including the fact that just saving 10 percent through more efficient watering techniques of the approximately 60 percent of water used outdoors annually would amount to a savings of about 18,000 acre-feet—enough water for 36,000 dwellings.

Mr. Hill gave an overview of the **MWD City Makeover Program** established to encourage outdoor water conservation, noting that Montclair's makeover proposal, the California Native Oak Grove Project, though not the first place winner, was so well received by **MWD** that it was awarded a special \$20,000 grant. He added that **IEUA** decided to match the **MWD** grant with a \$20,000 grant of its own to ensure **CBWCD** would have sufficient funding to complete its California Native Oak Grove Project and Wilderness Park enhancements.

MVWD Director **Maynard Lenhart** stated that **MVWD** is proud to partner with **CBWCD** in its California Native Oak Grove Project developed jointly by the City, **IEUA**, and **MVWD** in response to the **MWD California Heritage Landscape Grant** program. He stated that **MVWD** was responsible for writing the grant proposal and would be assisting with educational resources, volunteers, labor and equipment, and promoting the grove to the community. He indicated that **MVWD** looks forward to working with the City and

CBWCD toward making the project plan a reality.

Mayor Eaton thanked **Mr. Lenhart** for his comments.

On behalf of **CBWCD**, **Mr. David Schroeder**, Conservation Specialist, thanked all contributing representatives of the City, **MVWD**, **MWD**, and **IEUA** for their combined cooperation in developing this project. He spoke in support of the project adding to the aesthetics of Wilderness Park when completed through native landscaping and efficient watering techniques.

Dr. King expressed **Senator Soto's** regrets for being unable at the last minute to attend the meeting. He relayed the **Senator's** gratitude to **MWD** and **IEUA** for funding the California Native Oak Grove Project, a project that she unreservedly supports. He presented a *Senate Certificate of Recognition* to the City, **MVWD**, and **CBWCD** in recognition of the creation of the California Native Oak Grove Project, which will inspire and educate the public on the beauty and usefulness of native and drought-tolerant plants, efficient irrigation techniques, and sustainable design.

At this time, Mayor Eaton and the Council were presented with oversized symbolic \$20,000 checks from **MWD** and **IEUA**.

Mayor Eaton thanked **Mr. Koopman**, **Mr. Hill**, **Mr. Lenhart**, **Mr. Schroeder**, and **Dr. King** for their presentations.

Council Member Ruh commented as follows:

1. He stated that the funding provided by **MWD** and **IEUA** for the proposed project presents a wonderful opportunity for the community and expressed his appreciation to all the entities involved.
2. Noting he represents Montclair on the **Santa Ana Regional Quality Control Board**, he advised that water conservation is a major issue for all of us. He cited a recent *Los Angeles Times* article related to certain municipalities paying homeowners to remove their lawns, promoting the installation of "smart" sprinkler technology, and increasing water rates to penalize extravagant outdoor watering habits. As noted in the article, he received confirmation from **MVWD** Director **Sandra Rose** that outdoor landscaping consumes 50 to 70 percent of all California water. Quoting **Mr. Robert Ward**, Director, **Colorado Water Resources Research Institute**, on the importance of promoting widespread use of drought-tolerant landscaping, he spoke in support of the use of California native plants in lieu of the standard lawns that are so prevalent and popular in the state.
3. He spoke in strong support of mandating drought-tolerant landscaping for projects using public funds. He challenged all

affected agencies to seriously consider this concept, noting he would be arranging a summit of all the agencies to move forward on his challenge.

Mayor Pro Tem Dutrey commended the four agencies involved in this project for their contributions. He stated that the key to resolving the drought conditions in California is educating the public on ways to reduce water usage, including the use of effective sprinkler systems, rather than mandating native landscaping programs.

Council Member Ruh reiterated his strong support of mandating drought-tolerant landscaping as a means of "doing the right thing."

C. Presentation by Council Member/South Coast Air Quality Management District Board Member Leonard Paulitz, Representing the Cities of San Bernardino County, Related to SCAQMD's Air-Quality Status

Council Member Paulitz, who serves on the Board of Directors of the **South Coast Air Quality Management District (SCAQMD)**, noted he last addressed the Council on October 18, 1999, on topics ranging from air pollution origins, establishment of the **SCAQMD**, and the roles of the **California Resources Board** and the federal **Environmental Protection Agency (EPA)**. He gave a presentation on the current and future status of clean air in the South Coast air basin that included the following salient points:

1. Air quality has been the best in a decade because of good weather conditions and **SCAQMD's** efforts to reduce emissions each year on stationary sources, such as power plants, refineries, and aerospace plants. The last Stage 1 smog alert (until July 7, 2003) was in 1998. **SCAQMD** has little authority on mobile sources but has adopted fleet rules for school and transit buses, trash haulers, taxicabs, and street sweepers.
2. The South Coast air basin is labeled under the **Clean Air Act** as "severe nonattainment"—the only one in the nation—and has been given deadlines for compliance. Should the 2010 deadline to attain smog-reduction standards not be met, the following or other alternative actions could be taken:
 - (a) Extend deadlines and impose tighter standards in the **Clean Air Act**.
 - (b) Impose severe federal sanctions on highway construction funds for this region, which would severely harm Montclair.
 - (c) The **EPA** could take control and apply its restrictions, including imposing alternate driving days and lower speed limits on highways and reducing factory operating hours.

3. **SCAQMD** recently adopted the **2003 Air Quality Management Plan for the South Coast Air Basin** that shows attainment by 2010, which is to be met by some future means. The catch is that most smog is emitted by federally and state-controlled sources, such as airports, harbors, automobiles, trains, and diesel trucks.
4. Some things that cities can do to clean the air: (a) buy cleanest-emission vehicles and street sweepers when replacing fleets; and (b) urge representatives at the state and federal levels to require stronger emission requirements on diesel trucks, automobiles, trains, planes, airports, and harbors.

Council Member Paulitz commented as follows:

1. He stated that since his appointment to the **SCAQMD** Board, he has worked diligently to reconcile the need to clean the air while not hurting economic development, expressing his opinion that both objectives can be achieved. He advised that continued research and development would achieve these objectives, noting that **SCAQMD** is on the forefront of innovation for clean fuels, hydrogen infrastructure, and fuel cells.
2. He indicated he has been pleased to represent **SCAQMD** on the following boards:
 - (a) Chair of the **SCAQMD** Technology Committee
 - (b) **California Fuel Cell Partnership**
 - (c) **Stationary Fuel Cell Consortium**

Council Member Paulitz thanked Mayor Eaton and the Council for giving him the opportunity to bring the public up to date on the status of clean air in the South Coast air basin.

Mayor Pro Tem Dutrey commented that the **SCAQMD** has done a wonderful job of developing the technology to reduce emissions. He shared his dream that he might someday see that all vehicles in the state are powered by some form of alternative fuel to dramatically reduce air pollution and to foster the nation's independence from Middle Eastern oil in an effort to further increase national security.

VI. PUBLIC COMMENT

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

1. He read Section 54950, "Policy declaration," and Section 54950.5, "Title," of the **Ralph M. Brown Act**.

2. He quoted **U.S. Supreme Court Associate Justice Stephen Breyer** on First Amendment rights.
3. He noted receiving encouragement from a number of residents about his being a public spokesperson, adding that he is justified in his remarks.
4. He noted being disturbed upon learning of an incident involving the death of a gentleman on Sunday. While speaking to witness **Mr. Ronald Welch**, he noted observing Code Enforcement Officer Jay Zorb stopping his vehicle in the street in front of **Mr. Welch's** residence. **Mr. Armstrong** indicated he had advised **Mr. Welch** he need not fear for his safety.

Mayor Eaton advised **Mr. Armstrong** that the Council would not be commenting on an incident that remains under investigation. He further advised that **Mr. Armstrong** report any information he might have on the incident to the Montclair Police Department.

Mr. Armstrong expressed his understanding that the incident is being investigated by the **San Bernardino County Sheriff's Department** and the **FBI**, noting he has already met with that agency.

B. Mr. Roger Baer commented as follows:

1. He noted reading an article in the ***Inland Valley Daily Bulletin*** about the incident addressed by **Mr. Armstrong** and that pursuant to a witness's sworn statement, information relayed by Police Captain Kevin Piper in the article is substantially incorrect. He related an alternate scenario of what supposedly occurred during the incident and expressed his opinion about actions taken by the officers involved.
2. He told Council Member Paulitz that "you're never gonna solve the problem in this valley." He related that 200 years ago, this valley was known as the "valley of the smokes" by the Native Americans because emissions become trapped in this air basin. He commented on the overforestation in the San Bernardino mountains brought about by environmentalists' and conservationists' efforts to ban logging, resulting in an infestation of bark beetles in the parched trees and the present need to deforest. He attributed the cause of air pollution in Southern California to its being excessively overcrowded and to the use of gasoline-powered vehicles.

C. Ms. Theresa Billingsley told Mayor Eaton that the witness cited by **Mr. Armstrong** has spoken with the police. She indicated the witness had wanted to attend this meeting but feared for his safety. She expressed her opinion that the witness's interpretation of the incident is accurate and that he is justified in his fear. She commended the witness for being honest and forthcom-

ing with what he observed. She expressed her hope that that the investigation is carried out properly and that immediate action would be taken.

VII. PUBLIC HEARINGS – None

VIII. CONSENT CALENDAR

Council Member Ruh requested that Items B-3 and D-2 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of September 2, 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 September 2, 2003.

B. Administrative Reports

1. Setting a Public Hearing to Consider Approval of Tentative Tract Map No. 16345 for a 35-Lot Subdivision on the West Side of Fremont Avenue between Mission Boulevard and Howard Street

The City Council set a public hearing for Monday, October 6, 2003, at 7:00 p.m. in the City Council Chambers to consider approval of Tentative Tract Map No. 16345 for a 35-lot subdivision on the west side of Fremont Avenue between Mission Boulevard and Howard Street.

2. Setting a Public Hearing to Consider Approval of Tentative Tract Map No. 16484 for an 18-Lot Residential Subdivision at 4961-4985 Howard Street

The City Council set a public hearing for Monday, October 6, 2003, at 7:00 p.m. in the City Council Chambers to consider approval of Tentative Tract Map No. 16484 for an 18-lot residential subdivision at 4961-4985 Howard Street.

4. 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 Remodel of the Montclair Police Department Evidence Storage Areas

The City Council approved the following actions related to completion of the remodel of the Montclair Police Department evidence storage areas:

- (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.

5. Declaring City Vehicles as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair

The City Council declared the following vehicles and equipment as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair:

<i>Department</i>	<i>Year and Model</i>	<i>Vehicle</i>		<i>Estimated</i>
		<i>Identification No.</i>	<i>Mileage</i>	<i>Sales Price</i>
Public Works	1993 GMC 545 truck	1GTCS14ZOP8523276	91,163	\$1285
Public Works	1987 Ford 3/4 ton truck	1FTHF25L3HPA26966	64,911	\$1200
Public Works	1990 Oldsmobile sedan	1G3AJ54NO66353540	109,007	\$ 775
Public Works	1969 trailer	N0321	N/A	\$ 200
Admin. Svcs.	1989 Oldsmobile sedan	2G3AJ51N7K2333421	64,739	\$ 580
Admin. Svcs.	1985 Chevrolet Blazer	1G8CS18BF8215011	122,875	\$ 700

6. Declaring Two ISCO Wastewater Samplers as Surplus to be Used as Trade-Ins Toward Purchase of Two Sigma 900 Max Wastewater Samplers From Ponton Industries

The City Council declared two ISCO wastewater samplers as surplus to be used as trade-ins toward the purchase of two Sigma 900 Max wastewater samplers from Ponton Industries.

7. Approval of Selection of ComSerCo to Provide Conversion of the Six New Ford Crown Victoria Production Sedans to Police Vehicles

The City Council approved the selection of ComSerCo to provide the conversion of the six new Ford Crown Victoria production sedans to police vehicles.

8. Designation of Voting Delegate and Alternate Voting Delegate to the Annual Congress of Cities, December 9-13, 2003 - Nashville, Tennessee

The City Council designated Mayor Paul M. Eaton as voting delegate and Council Member Bill Ruh as alternate voting delegate to the National League of Cities Annual Business

Meeting to be held Saturday, December 13, 2003, at the Annual Congress of Cities in Nashville, Tennessee.

9. Receiving and Filing of City Treasurer's Report

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

10. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated September 15, 2003, totaling \$975,284.82, and the Payroll Documentation dated August 10, 2003, amounting to \$505,177.40, with \$347,890.26 being the total cash disbursement.

11. 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 August 31, 2003.

12. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 8/01/2003-8/31/2003 in the amounts of \$344.14 for Project I; \$0.00 for Project II; \$295,625.19 for Project III; \$1,617.75 for Project IV; and \$9,468.17 for Project V.

13. 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 August 31, 2003.

14. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 8/01/2003-8/31/2003 in the amount of \$100,165.74.

C. Agreements

1. Approval of *Agreement No. 03-119* With Hromadka & Associates for Development of a Storm Drain Master Plan for the City of Montclair

Approval of \$8000 Contingency for *Agreement No. 03-119*

Approval of Agreement No. 03-120 With San Bernardino County Flood Control District for Jointly Funding a Storm Drain Master Plan for the City of Montclair

The City Council approved the following:

- (a) *Agreement No. 03-119* with Hromadka & Associates for development of a Storm Drain Master Plan for the City of Montclair.
 - (b) \$8000 Contingency for *Agreement No. 03-119*.
 - (c) *Agreement No. 03-120* with San Bernardino County Flood Control District for jointly funding a Storm Drain Master Plan for the City of Montclair.
2. **Approval of *Agreement No. 03-121* With the California Insurance Pool Authority (CIPA) to Enter Into a Joint Powers Agreement**

Approval of *Agreement No. 03-122* With CIPA for Participation in the CIPA Workers' Compensation Pool Program

The City Council approved the following:

- (a) *Agreement No. 03-121* with the California Insurance Pool Authority (CIPA) to enter into a Joint Powers Agreement.
 - (b) *Agreement No. 03-122* with CIPA for participation in the CIPA Workers' Compensation Pool Program.
3. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 03-123* Through *03-130, 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. 03-123* through *03-130, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the eight Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item.

D. Resolutions

1. **Adoption of Resolution No. 03-2469 Approving *Program Supplement Agreement No. 0946* With the State of California for Receipt of Federal Funds Under the Pedestrian Safety Program Grant**

Approval of *Agreement No. 03-131* Approving *Program Supplement Agreement No. 0946* With the State of California for Receipt of Federal Funds Under the Pedestrian Safety Program Grant

Authorizing City Engineer Hudson to Execute *Agreement No. 0946* on Behalf of the City of Montclair

The City Council took the following actions:

- (a) Adopted Resolution No. 03-2469 approving *Program Supplement Agreement No. 0946* with the State of California for receipt of federal funds under a Pedestrian Safety Program grant to be used to promote pedestrian safety and awareness.
- (b) Approved *Program Supplement Agreement No. 0946* with the State of California for receipt of federal funds under a Pedestrian Safety Program grant to be used to promote pedestrian safety and awareness.
- (c) Authorized City Engineer Hudson to execute *Agreement No. 0946* on behalf of the City of Montclair.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

3. Approval of Revised Parcel Map No. 16319 Related to Property Located at the Southwest Corner of Central Avenue and Mission Boulevard

Council Member Ruh asked what action has been taken to resolve this matter.

City Engineer Hudson reported he was advised by a representative of the Board of Registration that a forgery victim can file a complaint with the Board, which may lead to further prosecution against the forger.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously to approve revised Parcel Map No. 16319 related to property located at the southwest corner of Central Avenue and Mission Boulevard to replace invalidated Parcel Map No. 15907 creating three lots of 30,000, 37,014, and 65,500 square feet at the subject site.

D. Resolutions

2. Adoption of Resolution No. 03-2470 Adopting a Measure I Five-Year Capital Improvement Program, Five-Year Expenditure Strategy, and Twenty-Year Transportation Plan for the City of Montclair

Council Member Ruh inquired if the proposed Measure I Five-Year Capital Improvement Program contains any funding for the two grade separation projects in Montclair.

City Engineer Hudson answered, "No."

Council Member Ruh asked about the possibility of including funding for Alameda Corridor–East grade separation projects in the next reauthorization of the San Bernardino County Transportation Authority’s Measure I half-cent transportation sales tax.

City Engineer Hudson responded that grade crossings and grade crossing safety improvements are included in the drafting of projects to be funded with the reauthorization of Measure I.

Council Member Ruh spoke of the importance of keeping the public apprised of all potential public–funding sources for Alameda Corridor–East grade separation projects.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Dutrey to adopt Resolution No. 03–2470 adopting a Measure I Five–Year Capital Improvement Program, Five–Year Expenditure Strategy, and Twenty–Year Transportation Plan for the City of Montclair.*

Mayor Pro Tem Dutrey reported on a presentation given at the last San Bernardino Associated Governments meeting he attended on Mayor Eaton's behalf on the proposed ballot measure reauthorization of Measure I. He reported that the results of a survey of San Bernardino County voters showed their support of Measure I, which is proposed to be placed on the ballot for the November 2004 general election.

*Motion carried unanimously as follows:

Ayes: Ruh, Raft, Paulitz, Dutrey, Eaton
Noes: None
Abstain: None
Absent: None

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Mayor/Chairman Eaton 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. City Manager/Executive Director

1. Oral Report – Recommendation to Rescind Agency Board Appointments to Neighborhood Partnership Housing Services Board

Executive Director McDougal advised that the Redevelopment Agency's *Funding Agreement* with **Neighborhood Partner-ship Housing Services (NPHS)** lapsed in June 2003 and was continued to June 30, 2004. He reported that in staff's negotiations with **NPHS** for a successor agreement, it was determined pursuant to the opinions of the City Attorney and Agency Special Counsel that Agency Board appointments to the **NPHS** Board would require that body to be subjected to the provisions of the **Ralph M. Brown Act**. He stated that the **NPHS** Board has decided it would rather not to be subjected to such provisions and that, pursuant to the opinions of both the City Attorney and Agency Special Counsel, a way to circumvent the requirement would be for the Agency Board to rescind its appointments to the **NPHS** Board. He added that the present Agency Board representatives to the **NPHS** Board could still serve as resident appointments, just not in the capacity of formally representing the Montclair Redevelopment Agency. For these reasons, he stated it is staff's recommendation the Agency Board rescind its appointments to **NPHS**.

Discussion centered on the difference between Agency Board and resident appointments to the **NPHS** Board and the fact that **NPHS** is not a public entity and, for that reason, would not be subject to the provisions of the **Brown Act**.

Vice Chairman Dutrey spoke in support of staff's recommendation for the benefit of both organizations, adding it was his intent to resign from the **NPHS** Board effective October 31, 2003, regardless. He stated it is important to note that discontinuing Agency Board appointments to the **NPHS** Board would allow the organization more freedom to grow and develop into an entity that can serve a much greater area and to realize its new goals and objectives.

Director Paulitz advised that **NPHS** would need to change its bylaws to either remove governmental representation so far as the Montclair Redevelopment Agency is concerned or revise that provision to resident representation in order to conform with action taken tonight should staff's recommendation be approved.

Noting he is confused about **NPHS** not needing to comply with the **Brown Act** even though it is receiving public funding from the Redevelopment Agency, Council Member Ruh advised he may abstain from voting on this item.

Chairman Eaton emphasized that the action recommended by staff is in accordance with the opinions of the City Attorney, Agency Special Counsel, and counsel for **NPHS** as well as being

the desire of the **NPHS** Board so far as the requirements of the **Brown Act** are concerned.

Moved by Director Paulitz and seconded by Vice Chairman Dutrey to rescind the Agency Board appointments to the **Neighborhood Partnership Housing Services** Board.

Motion carried as follows:

Ayes: Raft, Paulitz, Dutrey, Eaton

Noes: None

Abstain: Ruh

Absent: None

Director Ruh expressed his opinion that **Neighborhood Partnership Housing Services** does an excellent job and spoke in support of its desire to expand beyond this area because of the great housing need throughout the region. He noted that according to the latest information, less than 34 percent of families can afford the median price of a home in western San Bernardino County and in the eastern San Gabriel Valley.

C. Mayor/Chairman

1. Mayor/Chairman Eaton thanked Mayor Pro Tem Dutrey and any other Council Members who may have filled in for him during the four weeks he was recovering from surgery. He stated he is looking forward to a full recovery before long.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He explained that the reason for his arriving at 8:00 p.m. to attend the last meeting is because he had made an **SCAQMD** air-quality status report to the **Fontana** City Council earlier that evening.
 - (b) He noted his and Mayor Pro Tem Dutrey's attendance earlier this evening at a Code Enforcement Committee meeting that focused on revisions to the Fence Ordinance.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He welcomed Mayor Eaton back from his recovery from surgery.
 - (b) With regard to the Code Enforcement Committee meeting held earlier this evening, he reported that the Committee desires to further review the Fence Ordinance and make possible recommendations to the Planning Commission. He advised that the Committee would be recommending the second reading of Ordinance No. 03-834 be

withdrawn from further Council consideration at its meeting of October 6, 2003 meeting.

(c) He stated it was encouraging to note the few commercial vacancies along Central Avenue and Holt Boulevard during a drive through the City yesterday, with less than six units vacant along Holt Boulevard between Central and Mills Avenues.

3. Council Member/Director Ruh noted representing the City at the recent **League of California Cities** conference in Sacramento, adding he met with several legislators, including **Assembly Member McLeod** and **Senator Soto**, with whom he discussed pertinent issues and their legislative agendas for next year. He expressed his appreciation of both **Assembly Member McLeod** and **Senator Soto** for taking time out of their busy schedules to meet with him.

Council Member Ruh advised that the emphasis at the conference was on the following four major areas: water, energy, shelter, and transportation. He reported on the controversy at the **League** over new legislation to protect California wilderness introduced by **U.S. Senator Boxer**, adding that **League** representatives would be meeting with **Senator Boxer** to discuss the positions of cities that are most impacted by the proposed legislation.

Mayor Pro Tem Dutrey stated it is important to note that the **League's** proposed Constitutional amendment ballot measure to protect local revenues from being diverted by the state received a unanimous endorsement at the conference.

Council Member Ruh noted speaking with several legislators about the almost \$2 billion in surplus redevelopment agency Low- to Moderate-Income Housing Fund moneys that is not being used for its intended purpose.

Mayor Eaton noted the **9th U.S. Circuit Court of Appeals** has postponed the October 7, 2003 gubernatorial recall election.

Council Member Ruh stated it is his understanding the appeals court's decision might be appealed to the **US Supreme Court**.

E. Committee Meeting Minutes

1. **Minutes of Personnel Committee Meeting of September 2, 2003**

The City Council received and filed the Personnel Committee meeting minutes of September 2, 2003, for informational purposes.

XII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY AND

MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 8:08 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
Recording Secretary