

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, DECEMBER 15, 2003, AT 6:59 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 6:59 p.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz 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. Update by State Legislative Advocate Mr. Charles Bader, CWB Consulting

Mr. Charles Bader, CWB Consulting, advised that Governor Schwarzenegger and the Legislature are attempting to address the state's serious fiscal problems. He reported on the following topics:

1. A \$15 billion bond package negotiated by the Governor and approved by the Legislature for placement on the March 2004 Primary Election ballot that replaces the deficit-reduction bonds proposed by former Governor Davis.
2. The Governor's repeal of the bill to triple vehicle license fees (VLF) to pre-1999 levels and the lack of reinstatement of the local government backfill, which annually costs the City

\$1.447 million. **Mr. Bader** asked that the Council lobby **Senators Soto and Brulte** and **Assembly Members Longville and McLeod** regarding the cutbacks to services and personnel that the City would be forced into if the backfill is not provided, making sure to be explicit of the exact cost to Montclair.

3. On a positive note, revenues are \$2 to \$3 billion a year higher than was anticipated when the current budget was adopted.
4. The state's credit rating has been lowered to junk bond status.
5. The unemployment insurance account is broke, and the Governor will be appealing to the federal government for a \$1.1 billion bailout of the program.

Mr. Bader cautioned that the state's fiscal instability would continue to seriously affect local government revenues. He commended the Council for its lobbying efforts in Sacramento over the last few years regarding sales tax. He advised he would most likely soon be recommending a lobbying trip to Sacramento during state budget deliberations to remind the Legislature of the Governor's promises to preserve local revenues despite the two-thirds cut to the VLF. He urged the City to participate in the **League of California Cities'** initiative on behalf of local government, though he advised that the initiative is not worded strongly enough.

Council Member Paulitz asked if the City would still be receiving a one-third share of the VLF.

Mr. Bader stated that as stated in the **California Constitution**, cities would receive a VLF apportionment, which of course will be lowered as the fee is lowered.

Council Member Paulitz received confirmation from **Mr. Bader** that the two-thirds cut to the VLF results in a \$1.447 million annual loss to the City.

Council Member Paulitz inquired as to the figure's percentage loss to the City's revenue budget.

Director of Administrative Services Starr responded that the full amount of VLF funding represents approximately 10 percent of the City's budget, or \$2 million. The reduced VLF revenue amount of \$1.5 million would result in an approximate 7.5 to 8 percent loss to the budget.

Mr. Bader advised the Council needs to be firm in its discussions with the Legislature and that the Governor needs to live up to his campaign promises to make cities whole after his repeal of the tripling of the vehicle license fee.

Mayor Pro Tem Dutrey stated that the Governor's action poses a serious threat to all California cities. He stated the City is fortunate to have strong reserves, though no VLF backfill over the long term would result in the City having to either raise the \$1.5 million loss from other revenue sources or cut the budget by that amount, similar to what the City was forced to do in the early 1990s. He stated the Council should seriously address the impact of this shortfall at the Midyear Budget Review in February 2004. He advised that the Council may need to consider potential hiring freezes or cutbacks to capital improvement projects financed through the General Fund. In addition, he noted the serious threat the new **Victoria Gardens** mall poses once it opens in 2004 to the City's sales tax revenue base. He suggested a Resolution requesting the Legislature take action to backfill the loss in VLF revenues to local government be presented for Council consideration at the next meeting. He spoke in favor of a lobbying trip to Sacramento.

Mr. Bader advised he would do his best to make such arrangements, adding he has taken the initiative to approach **Senator Brulte** about meeting with the Governor.

Mayor Pro Tem Dutrey noted the group of cities Montclair joined in its last lobbying efforts made quite an impression on the Legislature and suggested that a similar trip be scheduled.

Council Member Ruh commented as follows:

1. He stated he realizes the serious impact the loss in VLF revenues will have to the City's budget. He indicated he is in Sacramento quite frequently in a professional capacity and has had a chance to meet with legislators on a variety of issues.
2. He suggested all cities should analyze their spending plans and carefully consider revenue stream diversification over the next ten years. He reminded everyone of the resiliency of California in dealing with budget shortfalls.
3. He expressed his concern about the impending cuts to social services and discussed a proposal related to the food stamp program.
4. He credited Senator Soto for her vote against the former Governor's decision to triple the VLF.
5. He suggested lobbying efforts be extended beyond local representation and that the City's proposals to reduce its budget be relayed during those discussions.

Mr. Bader strongly advised that the Legislature should be held to its promise to backfill the VLF.

Council Member Ruh noted that many state legislators he has met

with do agree on many issues, ranging from the **Alameda Corridor-East** to water issues.

Mr. Bader agreed, noting the novelty of the bipartisan dialog that began in the Assembly and which did not exist for the last three years. He strongly advised the Council to watch for potential sales tax raids, noting there have been recent discussions to that effect. He noted Assembly Member Steinberg is still the Chair of the Appropriations Committee and that former Assembly Speaker Herzberg organized a commission on local government that initiated the concept of raiding local governments' sales tax revenues.

For the information of the public, Council Member Paulitz advised that the VLF was enacted in 1938 as a local tax to exclusively benefit cities. He emphasized that the state's decision in 1998 to reduce the fee seriously impacted cities, at which time the state promised to backfill the amount reduced from surplus revenues to counteract cities' losses. He noted the absurdity of cities having to cut services based on a poor decision by the Governor to reduce a fee that solely benefits local government and the further absurdity of the Legislature advising cities to cut back on services. He stated that cities balance their budgets by diverse revenue sources, including sales, property, utility, and certain other taxes and various fees for services. He noted the City is suddenly being faced with a \$1.5 million loss to its revenue stream that should never have occurred in the first place.

Mayor Eaton thanked **Mr. Bader** for his update and expressed the Council's willingness to participate in the impending lobbying process.

Mayor Eaton announced a vacancy on the **West Valley Mosquito and Vector Control District Board**. He advised that applicants must be Montclair residents and reside in that portion of the City that lies within the District, specifically, the area south of Mission Boulevard. He added that an appointment not to exceed two years would be made for the first term of office; and each consecutive reappointment, if any, may be for a term of two or four years. He advised that applications would be available Tuesday, December 16, 2003, at all City offices and would be accepted until 6:00 p.m. Monday, January 19, 2004.

B. Presentation of 2003 Holiday Home Decoration Contest Winners

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

CAC Chairperson Kusick, assisted by Mayor Eaton and CAC Vice Chairperson Hartman, presented the following seventh annual Holiday Home Decoration Contest 2003 winners with certificates:

Awards of Merit

Ms. Reba Riggle, 4425 Harvard Street

Mr. Bob Orantes, 9321 Del Mar Avenue
Mr. Carlos Abedo, 9471 Del Mar Avenue
Dan and Shelley Cochram, 4267 Fauna Street
Walter and Diane Swanson, 5196 Evert Street
Mr. David Moose, 10037 Fremont Avenue
Mr. Robert Escobedo, 5629 Bonnie Brae Street

Awards of Excellence

<i>Category</i>	<i>Winner(s)</i>
Religious: Unique – Spectacular Use of Lights:	Mr. Alejandro Rieger , 4641 Highland Street
Patriotic:	Bill and Patricia Murray , 9015 Helena Avenue
Comical:	Liz and Sal Ruiz , 9815 Vernon Avenue
Children’s Fantasy:	Mr. Randy Billingsley , 9996 Fremont Avenue
	Joann Shea and Steve Brooks , 5611 La Deney Street

Chairperson Kusick congratulated all nominees and winners and thanked them for sharing their creativity with the community. She encouraged everyone to visit these homes and view the beautiful decorations and holiday spirit exhibited by Montclair residents. She noted that copies of the list of all winners is available this evening and at City Hall.

Mayor Eaton thanked CAC Chairperson Kusick and Vice Chairperson Hartman. He expressed his appreciation to all award recipients for attending tonight’s meeting to be recognized and receive their awards. On behalf of the City Council, Mayor Eaton thanked all residents who have contributed to the holiday cheer through their unique outdoor Christmas decorations, stating it is such fun to drive around various neighborhoods to observe the festive adornments. He encouraged everyone to visit the homes honored this evening and wished all a "Merry Christmas."

VI. PUBLIC COMMENT

Mayor/Chairman Eaton reminded those audience members desiring to address the Council and Agency/Montclair Housing Corporation Boards to submit *Speaker Information Cards* and they would be afforded five minutes each to speak on subjects that do not appear on tonight’s agenda.

A. Ms. Regina Howerton commented as follows:

1. She told Council Member Paulitz that during his 2002 reelection campaign, he made a promise that future housing developments in Montclair would contain only single-family dwellings. She noted receiving campaign literature from Council Member Paulitz at that time that contained no such

information. She asked if his reelection campaign was, in fact, based on such premise.

2. She asked Mayor Pro Tem Dutrey for clarification about his supposed comments concerning the tattoo and body-piercing business in operation at the Valley Indoor Swap Meet.
3. Concerning the Montclair Skate Park item addressed by the Council at the last meeting, she suggested direction be taken from the completed Chino skate park project related to the City expediting and reducing costs on its project.
4. Noting she receiving information from City Planner Lustro that the maximum fence height allowed in the City is 42 inches, she reported the property owner of her former residence has installed a fence well over the limit. She asked why the property owner has not been cited for a Fence Ordinance violation.
5. She relayed a resident's concern regarding the lack of traffic control at the crosswalk on Kingsley Street before the Kingsley Street/Benson Avenue intersection at **Kingsley Elementary School** and his suggestion for increased patrol and for a **SMART** display radar trailer to be temporarily located at the intersection.

Ms. Howerton thanked the Council for allowing her to comment. She asked Council Member Paulitz if he would care to respond to her inquiry.

Council Member Paulitz answered, "I'm not going to comment at this time."

Ms. Howerton asked Mayor Pro Tem Dutrey for his response to her inquiry.

Mayor Pro Tem Dutrey advised he would be making no additional comments and that the subject is closed.

Mayor Eaton advised **Ms. Howerton** the Code Enforcement Committee is presently reviewing the Fence Ordinance related to allowable fence heights and other matters and would be giving the Council its recommendations in early 2004. He asked City Engineer Hudson to respond to the crosswalk inquiry.

City Engineer Hudson responded that a warrant study would be performed to determine the need to locate a crossing guard at the site. He advised there are three crosswalks along Kingsley Street between Vernon and Benson Avenues, noting the difficulty of having all three monitored by crossing guards. He further noted the difficulty of removing crosswalks once they have been installed.

Ms. Howerton thanked City Engineer Hudson for his assistance.

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

1. He noted that **Ms. Teresa Billingsley** would not be attending these meetings for a few months.
2. He noted the recent news broadcasts about a police brutality case back East and expressed his concern that information has not been more forthcoming regarding the **Jeffery Watts** matter.
3. He asked City Attorney Robbins if the vehicles assigned to City Manager McDougal and Mayor Eaton could be considered gratuities.

City Attorney Robbins responded that the vehicle assigned to City Manager McDougal is provided through a provision of a development agreement with **Metro Nissan** and that she believed the same to be true of Mayor Eaton's vehicle. As such, they are not considered gratuities, she added.

For **Mr. Armstrong's** information, Mayor Eaton advised that he drives a vehicle assigned to the Mayor's Office that was also provided through the agreement with **Metro Nissan**. He stated he is required to keep track of his mileage related to City matters and that he is taxed on any personal use.

Mr. Armstrong thanked Mayor Eaton.

VII. PUBLIC HEARINGS

A. Receiving Input on Allocation of State Supplemental Law Enforcement Services Funds

Mayor Eaton declared it the time and place set for public hearing to receive input on allocation of State Supplemental Law Enforcement Services Funds to Capital Outlay programs within the Police Department's Fiscal Year 2003-04 Budget and invited comments from the public.

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

Moved by Council Member Ruh and seconded by Mayor Pro Tem Dutrey that an opportunity for public comment was given during a public hearing related to the allocation of State Supplemental Law Enforcement Services funds (as listed in the agenda report on this item) to Capital Outlay programs within the Police Department Fiscal Year 2003-04 Budget.

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

ABSTAIN: None

ABSENT: None

B. Second Reading – Adoption of Ordinance No. 03–841 Approving a Zone Change to the Montclair Municipal Code From "C–2" (Restricted Commercial) to "C–2" and "R–1(SL)" (Single–Family Residential Small–Lot Detached Housing Overlay) for 8.55 Acres at the Southeast Corner of Mission Boulevard and Ramona Avenue

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 03–841 approving a zone change to the Montclair Municipal Code from "C–2" (Restricted Commercial to "C–2" and "R–1(SL)" (Single–Family Residential Small–Lot Detached Housing Overlay) for 8.55 acres at the southeast corner of Mission Boulevard and Ramona Avenue 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. 03–841, entitled **"An Ordinance of the City Council of the City of Montclair Approving a Zone Change to the Montclair Municipal Code From 'C–2' (Restricted Commercial to 'C–2' and 'R–1(SL)' (Single–Family Residential Small–Lot Detached Housing Overlay) for 8.55 Acres at the Southeast Corner of Mission Boulevard and Ramona Avenue,"** 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 Ordinance No. 03–841 was adopted by the following vote:

AYES: Raft, Paulitz, Dutrey, Eaton

NOES: Ruh

ABSTAIN: None

ABSENT: None

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Item B–1 be removed from the Consent Calendar for comment.

Mayor Pro Tem Dutrey requested that Item B–2 be removed from the Consent Calendar for comment.

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:

A. Approval of Minutes

1. Minutes of Adjourned Joint Council/Agency Meeting of December 1, 2003

The City Council and Redevelopment Agency Board approved the minutes of the Adjourned Joint City Council/Redevelopment Agency meeting of December 1, 2003.

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

B. Administrative Reports

3. Approval of Parcel Merger No. 2003-1 for Property at 9074 Benson Avenue

The City Council approved Parcel Merger No. 2003-1 related to the merger of two parcels at 9074 Benson Avenue to eliminate a property line and allow the undeveloped parcel to be connected to the City Sewer System.

4. Approval of Lot Line Adjustment No. LLA 2003-2 for Properties Located at the Southwest Corner of Monte Vista Avenue and Arrow Highway

The City Council approved Lot Line Adjustment No. LLA 2003-2 for properties located at the southwest corner of Monte Vista Avenue and Arrow Highway to move the lot line 20 feet easterly to provide a 20-foot setback for the existing building to bring it into compliance.

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 Phase 3 of the Mission Boulevard Improvement Project

The City Council approved the following actions related to completion of Phase 3 of the Mission Boulevard 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. Authorize Amendment of the Capital Improvement Program to Include the Sunrise Park Block Wall Reconstruction Project

Authorize Staff to Advertise for Bid Proposals for the Sunrise Park Block Wall Reconstruction Project

The City Council authorized the following actions related to the Sunrise Park Block Wall Reconstruction Project:

- (a) Amendment of the Capital Improvement Program to include the project.
- (b) Staff to advertise for bid proposals for the project.

7. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending November 30, 2003.

8. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated December 15, 2003, totaling \$761,351.31, and the Payroll Documentations dated November 2, 2003, amounting to \$553,020.55, with \$381,809.24 being the total cash disbursement, and November 16, 2003, amounting to \$509,543.10, with \$353,822.04 being the total cash disbursement.

9. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending November 30, 2003.

10. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 11/01/2003-11/30/2003 in the amounts of \$7,803.28 for Project I; \$1,318.14 for Project II; \$254,229.93 for Project III; \$65,680.65 for Project IV; and \$165,879.64 for Project V.

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

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending November 30, 2003.

12. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 11/01/2003-11/30/2003 in the amount of \$10,491.75.

C. Agreements

1. Approval of *Agreement No. 03-165* With Sater-Yadgari, LLC, for Utility Undergrounding Postponement and Reimbursement

The City Council approved *Agreement No. 03-165* with Sater-Yadgari, LLC, for utility undergrounding postponement and reimbursement.

2. Approval of *Agreement No. 03-167*, an *Exclusive Right to Negotiate Agreement* by and between the City of Montclair Redevelopment Agency and Southern California Housing Development Corporation

Authorization of a \$328,000 Appropriation from the Housing Fund for Predevelopment Loan Expenses Related to *Agreement No. 03-167*

The Redevelopment Agency Board took the following actions:

(a) Approved *Agreement No. 03-167*, an *Exclusive Right to Negotiate Agreement* by and between the City of Montclair Redevelopment Agency and Southern California American Development Corporation.

(b) Authorized a \$328,000 appropriation from the Housing Fund for predevelopment loan expenses related to *Agreement No. 03-167*.

3. Approval of Tract Map No. 16381 Generally Located on the West Side of Monte Vista Avenue South of the Interstate 10 Freeway

Approval of *Agreement No. 03-168*, a *Subdivision Agreement* With Richmond American Homes of California, Inc., for Tract Map No. 16381

Authorization of City Engineer Hudson's Reduction and Release of Payment and Performance Bonds Upon Satisfactory Completion of Improvements Within Tract Map No. 16381 Public Rights-of-Way

The City Council took the following actions:

(a) Approved Tract Map No. 16381 generally located on the west side of Monte Vista Avenue south of the Interstate 10 Freeway

(b) Approved *Agreement No. 03-168*, a *Subdivision Agreement* with Richmond American Homes of California., Inc., for Tract Map No. 16381.

(c) Authorized City Engineer Hudson to reduce and release payment and performance bonds upon satisfactory completion of public improvements within Tract Map

No. 16381 public rights-of-way.

4. Award of Contract to Econolite Traffic Engineering and Maintenance, Inc., in the Amount of \$26,608

Approval of *Agreement No. 03-169* With Econolite Traffic Engineering and Maintenance, Inc., for Phase 1 of the Street Name Sign Replacement Project

Authorization of a \$5000 Construction Contingency

The City Council took the following actions with regard to Phase 1 of the Street Name Sign Replacement Project:

- (a) Awarded a contract to Econolite Traffic engineering and Maintenance, Inc., in the amount of \$26,608.
- (b) Approved *Agreement No. 03-169* with Econolite Traffic Engineering and Maintenance, Inc.
- (c) Authorized a \$5000 construction contingency.

5. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 03-170 Through 03-177, 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. 03-170 through 03-177, 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. 03-2484 Authorizing Application for South Coast Air Quality Management District MSRC Local Government Match Program

The City Council adopted Resolution No. 03-2484 authorizing application for funds through the South Coast Air Quality Management District MSRC Local Government Match Program and authorized purchase of the four compressed natural gas vehicles listed in the agenda report on this item based on receipt of funding.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Setting a Public Hearing to Consider Ordinance No. 04-842 Establishing a Prezone Designation of R-1 to Approximately 17.45 Acres and a Prezone Designation of R-2 to Approximately 5 Acres Within the City's Sphere of Influence

Council Member Paulitz asked why an "R-2" designation is being proposed for this site when it is surrounded by single-family developments.

Director of Community Development Clark responded that the site contains a duplex development built in 1960, and it is staff's desire to zone the site consistent with land use.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously to set a public hearing for Monday, January 5, 2003, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 04-842 establishing a prezone designation of R-1 to approximately 17.45 acres and a prezone designating of R-2 to approximately 5 acres within the City's Sphere of Influence.

2. Authorizing an \$8300 Appropriation From the Contingency Account to Fund Two Additional Crossing Guards for Ramona and Lehigh Elementary Schools

Noting the crosswalk at the intersection of Pipeline Avenue/Howard Street by Ramona Elementary School is generally used by San Bernardino County residents, Mayor Pro Tem Dutrey expressed his opinion that the County should be paying for the crossing guard beginning with the next fiscal year. He spoke in support of the item.

Council Member Ruh asked if the residents of that area have contacted staff regarding an issue that took place several years ago.

City Engineer Hudson indicated he has spoken to two residents and with school representatives. He advised that the school furnished a crossing guard at that location prior to this year, though a new principal has discontinued the service and has requested the City provide crossing guard service. Based upon a warrant analysis conducted during morning and afternoon periods, a crossing guard is, indeed, warranted at the school and would be supported by the parents of schoolchildren. He agreed with Mayor Pro Tem Dutrey's suggestion that the County should have the responsibility of furnishing a crossing guard at that location at the start of the next fiscal year.

Council Member Ruh expressed his opinion that a crossing guard is definitely needed at the location and expressed his willingness to work with County staff to ensure a crossing guard remains at the school.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh to authorize an \$8300 appropriation from the Contingency Account to fund two additional Crossing Guards for Ramona and Lehigh Elementary Schools; further, that

funding for the service at the Pipeline Avenue/Howard Street intersection cease at the end of the fiscal year.*

Discussion centered on payment for crossing guard services being made by the jurisdiction contributing the most pedestrian traffic at the subject crosswalks.

Council Member Ruh reiterated his concern that a crossing guard remain at Ramona Elementary School.

City Engineer Hudson advised the Public Works Committee recommended staff explore the County's willingness to furnish a crossing guard at the location.

Council Member Ruh asked if a volunteer could provide the service.

City Engineer Hudson responded that it would be a liability issue.

Council Member Paulitz asked Mayor Pro Tem Dutrey if his motion was to negotiate with the County regarding provision of the service.

Mayor Pro Tem Dutrey reiterated the County needs to be made aware that furnishing a crossing guard at this location becomes its responsibility at the conclusion of the fiscal year.

Further discussion took place regarding the funding issue.

*Motion amended by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz to accept the agenda report and direct the Public Works Committee to further address the issue and inform the County of San Bernardino that it becomes responsible for provision of a crossing guard effective July 1, 2004.**

Council Member Ruh asked the outcome of the matter should the County refuse to provide the service.

Mayor Eaton advised that the matter would be further addressed at that time, should that be the case.

Further clarification was made regarding the amended motion.

**Amended motion unanimously carried as follows:

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

X. RESPONSE

A. Funding Sources and Construction Costs for the Montclair Skate Park Project at Alma Hofman Park

Mayor Pro Tem Dutrey thanked staff for the comprehensive report. He stated he will be interested in the amounts of subsequent bids for the project, reiterating his concern about the potential cost of the project. He asked City Engineer Hudson to report on his ideas about funding the project.

City Engineer Hudson noted the recommendation made at the last meeting to separate the individual elements of the project, such as the caboose relocation and associated landscaping, fencing, and lighting, so interested companies would not have to meet the qualifications of a skateboard facility contractor. He advised that staff toured recently built area skate parks and found that costs ranged from approximately \$25 a square foot to a little over \$30 a square foot for parks ranging in size from 7000 square feet to 12,000 square feet, the size of the proposed project. He indicated that staff anticipates receiving competitive bids for the separate projects and that the work or the size of the park will not be reduced in scope.

Council Member Ruh asked if staff studied the successful Chino skate park project.

City Engineer Hudson responded that the Chino project was one that staff did not study, adding that the projects studied were in Pomona, Chino Hills, Whittier, Bell Gardens, and Murrietta. He indicated that staff would look into the Chino project.

Council Member Ruh stated that the park has had very little crime and would be worthwhile to study.

Mayor Pro Tem Dutrey asked City Attorney Robbins for clarification on the liability insurance coverage for contractors.

City Attorney Robbins reported that approximately three or four years ago, the City revised the standard contract liability insurance coverage from \$1 to \$3 million per incident and aggregate. She indicated that recently the liability insurance coverage has been questioned. She added that a requirement is included in contracts that the contractor indemnify the City no matter what the amount. She advised that it is difficult to gauge potential harm to the City in different circumstances, though the Council can certainly decide to lower the liability limits and thereby lower the cost of liability insurance.

Council Member Ruh asked if liability insurance figures are available for area parks.

City Engineer Hudson responded that surrounding cities generally require \$1 million per person to as low as \$500,000 per person

and an aggregate coverage of \$1 million. He noted the City of Claremont was the highest, requiring \$2 million aggregate on large projects.

It was the consensus of the City Council/Agency Board to receive and file the report on funding sources and construction costs for the Montclair Skate Park Project at Alma Hofman Park.

B. Inventory of Single-Family Residential Projects Approved Between 1998 and 2002 and for 2003

Council Member Paulitz thanked staff for the report. He noted not much development occurred in the City between 1998 and 2002, most likely because of the state of the economy during that period. He asked Director of Community Development Clark how much open land is available for development in the City.

Director of Community Development Clark responded that most available land is located in the south part of town. He advised that staff determined in the last General Plan update there was room enough to develop 385 units. Since that time, he stated that densities have been increased; and that figure will be easily achieved. He advised there is actually very little vacant developable residential property left in the City.

Council Member Paulitz thanked Director of Community Development Clark for his report.

It was the consensus of the City Council/Agency Board to receive and file the report on an inventory of single-family residential projects approved between 1998 and 2002 and for 2003.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Property: 10369-74 Mills Avenue, Assessor's Parcel Nos. 1009-521-17, -18, and -49

Negotiating Parties: Catherine T. Baum and Robert L. Baum as Co-Trustees of the Bob Cat Trust of November 24, 1997; Patricia Ann Tierney, Trustee of the Tierney Trust Dated November 11, 1983, Subtrust B

Negotiators: Director of Community Development Clark; 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: A portion of 10419 Mills Avenue, Assessor's Parcel No. 1009-521-19

Negotiating Parties: James Coffman and Stephanie Davis, Trustees of the James Coffman and Stephanie Davis Trust

Negotiators: Director of Community Development Clark; 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 on the above two matters pursuant to Government Code Section 54956.8.

3. City Attorney/Agency Counsel Robbins wished everyone a Merry Christmas.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal noted he was elected Chairman of the **Chaffey College** Board of Trustees last week.

C. Mayor/Chairman

1. Mayor/Chairman Eaton wished everyone a Merry Christmas and a Happy New Year.

D. City Council/Agency Board

1. Council Member/Director Paulitz wished everyone a Merry Christmas and a Happy New Year.
2. Council Member/Director Raft wished everyone a Merry Christmas and a Happy New Year, expressing her hope that it be a safe one.
3. Mayor Pro Tem/Vice Chairman Dutrey wished everyone a Merry Christmas and a Happy New Year, adding he looks forward to seeing everyone here in 2004.
4. Council Member/Director Ruh commented as follows:
 - (a) He asked that tonight's meeting be adjourned in memory of **Mr. Louis Hartman** who recently passed away. He noted that Mr. Hartman was a good, active member of the

community and that his wife, **Darleen**, has served as a distinguished member of the Community Action Committee for many years.

- (b) He noted his attendance at the **2003 Christmas Tree-Lighting Ceremony and Visit With Santa** on December 4, 2003, as well as the attendance of Mayor Pro Tem Dutrey and his family and **Mr. Tony Lopez**, newly elected to the **Monte Vista Water District Board**.
- (c) He noted his attendance at the Montclair City Employees Association's **2003 Holiday Party** on December 5, 2003, and thanked all members for their efforts on behalf of the City.
- (d) He noted he was unable to attend the Montclair Police Officers Association's annual Christmas Party because of illness.
- (e) He noted learning from several housing advocacy groups at a recent Bay Area conference the statistic that on any given night, 50 percent of those living in homeless shelters are working on a daily basis.
- (f) He read the following Christmas prayer that he wrote several years ago at the request of several residents:

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

Tonight, give the gift of recognition to the unappreciated.

Cherish forgotten heroes who are mistaken for losers.

Let dreams come true for everyone who needs a break.

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

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

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

Let no parent feel the torment of not being able to afford toys for their children.

Give a second chance to somebody in trouble and hire the guy who once went to jail and is eager to work. I believe Christ would have done that.

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

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

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

If you run into an old friend, tell him about the times you won and came out on top, not the times you lost. Thank him for being a friend when it really counted.

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

Give every young journalist copies of Edward R. Murrow so that he or she can study how

integrity, moral intelligence, and irony can become poetry against a deadline.

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

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

Let a scientist in a lab somewhere find the cure for leukemia, AIDS, breast cancer, Alzheimer's, and all other terminal illness.

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

Let us remember the Holy Family and their flight into Egypt.

Make this the miracle Christmas for somebody in a homeless shelter and for the immigrant just here from the Middle East, Africa, Mexico, or another distant homeland.

Most of all on this holiday, let the timid find confidence, the lost find a direction, and the lonely find love.

To all of our families, may you have peace, may you have joy, may you have the one blessing that is so important above all others: love.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 1, 2003

The City Council received and filed the Personnel Committee meeting minutes of December 1, 2003, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update on North Montclair Landscape Beautification Plan

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Mayor/Chairman Eaton, and carried to continue this item to an adjourned joint meeting on Monday, January 5, 2004, at 5:45 p.m. in the City Council Chambers.

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

At 8:25 p.m., Mayor Eaton adjourned the City Council to an adjourned joint meeting on Monday, January 5, 2004, at 5:45 p.m. in the City Council Chambers.

At 8:25 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 8:25 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:43 p.m., the Redevelopment Agency Board returned from Closed Session. Vice Chairman Dutrey announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF REDEVELOPMENT AGENCY

At 8:44 p.m., Vice Chairman Dutrey adjourned Redevelopment Agency Boards of Directors to an adjourned joint meeting on Monday, January 5, 2004, at 5:45 p.m. in the City Council Chambers in memory of **Mr. Louis Hartman**, beloved husband of Community Action Committee Member Darleen Hartman.

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

Yvonne L. Smith
Transcribing Secretary