

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, JANUARY 5, 2004, 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

Pastor Vicki Brobek, Grace Fellowship, 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; 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 - None

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 compensation is \$100 per board meeting and that applications would be accepted until 6:00 p.m. Monday, January 19, 2004.

VI. PUBLIC COMMENT

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

1. He again asked City Attorney Robbins if the vehicles assigned to City Manager McDougal and Mayor Eaton could be considered gratuities.
2. He suggested Council Member Paulitz is nonresponsive to questions asked of him, though he did respond to a question asked of City Attorney Robbins at the last meeting.
3. He questioned Mayor Eaton's personal use of the vehicle assigned to him under the terms of the agreement with **Metro Nissan**.
4. He suggested Mayor Pro Tem Dutrey is either nonresponsive or evasive regarding questions asked of him. He reiterated that Mayor Pro Tem Dutrey has been nonresponse to questions regarding hearsay concerning Mayor Pro Tem Dutrey's

nonresidency status upon election to the Montclair City Council.

5. He asked City Manager McDougal the following on behalf of a number of concerned individuals:
 - (a) Were Christmas bonuses awarded last year?
 - (b) Has the Red Light Camera Enforcement Program been effective in curtailing accidents? What is the total amount of revenue generated by the program to date?

In response to **Mr. Armstrong's** inquiry, Mayor Eaton reiterated that he keeps track of his mileage related to City business and that he pays for his personal-use fuel as well as taxes on such use. He clarified that he is privileged to be driving a vehicle assigned to the Mayor's Office through an agreement with **Metro Nissan** by virtue of having been elected to that office.

Mr. Armstrong suggested that the vehicles are gratuities because they are owned by **Metro Nissan**.

City Manager McDougal commented as follows:

1. He reiterated that the vehicles in question are provided for use by the City Manager and Mayor through an agreement between the Montclair Redevelopment Agency and **Metro Nissan** for that company's use of land owned by the Redevelopment Agency. He reported that in addition to providing the vehicles, **Metro Nissan** pays a monthly fee to lease the property for the display of vehicles for sale.
2. Concerning the two questions asked of him, he stated he finds it ironic that the many concerned individuals on behalf of whom **Mr. Armstrong** speaks never seem to call him directly about these issues. He responded as follows:
 - (a) He reported it is his understanding that the traffic fines generated by the Red Light Camera Enforcement Program are meeting the monthly payment obligations to the company contracted to provide the service. He further reported that the Council directed upon commencement of the program that any surplus revenues are to be applied to traffic safety programs or expansion of the enforcement program.
 - (b) He reported that in his 28-year tenure with the City, there has been only one bonus—a \$10,000 bonus awarded to him in December 1996. He stated that the bonus, less the cost of a desk, was divided equally amongst management staff for their exemplary service to the community.

In response to **Mr. Armstrong's** inquiry, Mayor Pro Tem Dutrey asserted that he has been a Montclair resident for 28 years. He asked that **Mr. Armstrong** provide evidence to the contrary if he believes otherwise.

Because of the reasons stated by City Manager McDougal, City Attorney Robbins advised that the vehicles provided through the lease agreement with **Metro Nissan** are not gratuities.

Council Member Paulitz advised **Mr. Armstrong** that he would respond to **Ms. Gina Howerton's** inquiry about his housing campaign promise at the next meeting.

Mayor Pro Tem Dutrey suggested that without factual evidence to back him up, **Mr. Armstrong's** accusations are baseless and a waste of the taxpayers' time.

B. Ms. Teresa Billingsley commented as follows:

1. She told Mayor Pro Tem Dutrey that **Mr. Armstrong**, as a Montclair resident and as an individual, has a right to ask questions he considers important, adding that he deserves to have his questions answered.

Council Member Paulitz asked **Ms. Billingsley** to research air travel film transport, in either carry-on or check-in luggage, to ensure that the film will not be damaged by airline X-ray security systems.

Ms. Billingsley answered, "I will look into that for you." She advised she would either mail the information to Council Member Paulitz or drop it off at his office and asked that he relay such information to the public.

2. She noted being disturbed by City Manager McDougal's comment concerning **Mr. Armstrong's** representing certain members of the public. She advised City Manager McDougal that **Mr. Armstrong** does speak on behalf of a number of individuals at these meetings. She noted she has also been approached by those asking her to do the same, to whom she advises that they themselves should speak at these meetings. She expressed her opinion that individuals are afraid of doing so and spoke in support of **Mr. Armstrong's** representation of these individuals.
- C.** In response to Council Member Paulitz's inquiry, **Mr. Loren Martens**, 4285 Benito Street, Montclair, responded that the more sensitive the film, the more susceptible to radiation during X-ray scanning. He suggested carrying cameras and film on one's person when traveling by air and requesting their inspection by airline security staff so they would not be subjected to any radiation during the X-ray scanning process.

VII. PUBLIC HEARINGS

- A. First Reading - Adoption of Ordinance No. 04-842, Pursuant to Chapter 11.84 of the Montclair Municipal Code, Establishing a Prezone Designation of R-1 to Approximately 17.45 Acres and a Prezone Designation of R-2 to Approximately Five Acres Within the City's Sphere of Influence**

Mayor Eaton declared it the time and place set for 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 five acres within the City's Sphere of Influence 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 Paulitz and seconded by Mayor Pro Tem Dutrey that Ordinance No. 04-842, entitled "**An Ordinance of the City Council of the City of Montclair Approving Prezone Designations of R-1 (Single-Family Residential) and R-2 (Two-Family Residential) Within the City's Sphere of Influence,**" 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. 04-842 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member/Director Paulitz requested that Item A-1 be removed from the Consent Calendar for correction.

Mayor Pro Tem Dutrey requested that Item B-5 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Item D-1 be removed from the Consent Calendar for comment.

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

B. Administrative Reports

1. Approval of the City of Montclair Statement of Investment Policy for the Year Ending December 31, 2004

The City Council approved the City of Montclair *Statement of Investment Policy* for the year ending December 31, 2004.

2. Approval of the City of Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2004

The Redevelopment Agency Board approved the City of Montclair Redevelopment Agency *Statement of Investment Policy* for the year ending December 31, 2004.

3. Approval of the City of Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2004

The Montclair Housing Corporation approved the City of Montclair Housing Corporation *Statement of Investment Policy* for the year ending December 31, 2004.

4. Authorization to Appropriate \$17,500 From the Office of Traffic Safety Grant Fund for Purchase of Computer Hardware and Software

The City Council authorized a \$17,500 appropriation from the Office of Traffic Safety Grant Fund for purchase of computer hardware and software to assist in staff's analysis of San Bernardino Associated Governments' GIS Automated Collision Analysis and Tracking System data.

6. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated January 5, 2004, totaling \$1,128,499.78, and the Payroll Documentation dated November 30, 2003, amounting to

\$493,044.45, with \$360,414.19 being the total cash disbursement.

C. Agreements

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

The City Council approved *Agreement Nos. 04-01, 04-02; 04-03, and 04-04* with Montclair Little League, Montclair Golden Girls Softball League, and Quad Cities Little League, respectively, for use of ball field facilities.

IX. PULLED CONSENT CALENDAR ITEMS

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 15, 2003

City Manager McDougal gave the Council corrected copies of the December 15, 2003 regular joint meeting minutes, noting the following change to Section IX, "Pulled Consent Calendar Items," Item B-2, paragraph 6, "Authorizing an \$8300 Appropriation From the Contingency Account to Fund Two Additional Crossing Guards for Ramona and Lehigh Elementary Schools":

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.*

Moved by Council Member Paulitz, seconded by Mayor Pro Tem Dutrey, and carried unanimously to approve the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of December 15, 2003, as amended.

B. Administrative Reports

5. Approval of Revisions to the City of Montclair Tree Policy

Mayor Pro Tem Dutrey inquired if the amended policy addresses the complaint regarding an incident involving excessive trimming of palm trees at the First Assembly of God Church late last year.

Mayor Eaton noted he asked **Pastor Dale Rose** recently if his issue was ever resolved and was told it was, though not fully.

Mayor Pro Tem Dutrey inquired if the amended policy addresses issues dealt with recently.

Council Member Paulitz advised it only addresses tree maintenance in the City public right-of-way. He advised that property owners could notify Edison in writing that they will

be responsible for maintenance of trees on their properties, adding that their insurance companies should also be notified.

Moved by Mayor Pro Tem Dutrey to approve revisions to the City of Montclair Tree Policy.*

Referencing the addition of the "Oak Tree Preservation Guidelines" provision, Council Member Ruh asked if there is a list of all oak trees in the City.

Director of Redevelopment/Public Works Staats responded that staff has more of an indication of the oak trees in the City on public right-of-way than on private property.

*Motion seconded by Council Member Paulitz and carried unanimously.

D. Resolutions

1. Adoption of Resolution No. 04-2487 Authorizing Submittal of Proposal for Senior Citizen Nutrition Program Funding From San Bernardino County Department of Aging and Adult Services

Council Member Ruh inquired as to the total number of seniors served by the lunch program.

Assistant Human Services Director Yoakum responded that the City is funded for 15,250 persons and is currently serving 10 percent over that number. She noted that negotiations are underway to change the manner of funding, potentially to a per meal cost, which will assist the City in expanding the program.

Council Member Ruh noted that seniors are more susceptible to the influenza virus when they don't receive proper nutrition. He encouraged Montclair seniors to participate in the program.

Assistant Human Services Director Yoakum advised that those interested need only pay a donation and need not be a resident to participate.

Council Member Paulitz clarified the payment procedure for participation in the lunch program, also noting that donations are accepted in lieu of payments.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously to adopt Resolution No. 04-2487 authorizing submittal of a proposal for Senior Citizen Nutrition Program funding from the San Bernardino County Department of Aging and Adult Services.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiators City Manager Lee McDougal and Director of Administrative Services Edward Starr

Agency: *City of Montclair*

Employee Organizations: *City Manager
Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session on labor negotiations pursuant to Section 54957.6 of the Government Code.

B. City Manager/Executive Director - None

C. Mayor/Chairman - None

D. City Council/Agency Board

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

- (a) He thanked **Governor Schwarzenegger** for honoring his promise to continue to backfill vehicle license fee (VLF) revenues through the end of the fiscal year to local governments through an administrative "emergency expenditure" late last month since his recent repeal of the tripling of the VLF. He noted he had asked for a Resolution requesting the Legislature take action to backfill the loss in VLF revenues to local government, which is no longer necessary. He stated that the Governor would reveal his Fiscal Year 2004-05 state budget proposal this Friday.
- (b) He noted another key issue is a Local Government Protection Act initiative that will be placed on the November 2004 ballot to protect local government resources from further state takeaways.
- (c) He noted his recent participation in a Police ride-along on Holt Boulevard that was successful in the apprehension and arrest of two out-of-town prostitutes.
- (d) He noted an unfortunate stabbing incident at **Don José Restaurant** early New Year's day, expressing his hope that the incident can be quickly resolved.

2. Council Member/Director Ruh commented as follows:

- (a) He wished everyone a healthy and happy 2004 and that all can experience contentment, peace, and prosperity.
- (b) He noted his recent dinner with **Senator Soto** and her commitment in working toward the dedication of truck lanes on Southern California freeways in an effort to alleviate traffic congestion. He noted the parkways on Long Island that are solely for standard vehicle use.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 15, 2003

The City Council received and filed the Personnel Committee meeting minutes of December 15 2003, for informational purposes.

XII. ADJOURNMENT OF REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 7:38 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:38 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Section 54957.6 of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:05 p.m., the City Council returned from Closed Session. Mayor Pro Tem Dutrey announced the City Council went in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:06 p.m., Mayor Pro Tem Dutrey adjourned the City Council.

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

Yvonne L. Smith
Transcribing Secretary