

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY, MONTCLAIR HOUSING CORPORATION,
AND MONTCLAIR FINANCING AUTHORITY BOARDS
HELD ON MONDAY, FEBRUARY 2, 2004, 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 Doris Hampton, Brighter Days Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey 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 **Ms. Roxaynn Robinson**, who was appointed to the position of Accounting Supervisor effective January 5, 2004. He noted Accounting Supervisor Robinson has over 16 years of accounting experience, including 8 years supervisory experience and 6 years of utility collections with the **City of San Diego**.

Mayor Eaton welcomed Accounting Supervisor Robinson to the Montclair City family and presented her with a City pin.

Mrs. Anne Dutrey, 11187 Carriage Avenue, Montclair, spoke as a Board member of the **Ontario-Montclair YMCA** regarding the **YMCA's** mission of putting Christian principles into practice through youth programs that build healthy

spirits, minds, and bodies. She advised that the **YMCA** conducts a nationwide program fundraiser every year around this time in support of athletic, child care, and drug-rehabilitation programs for youth. She stated that this year's program goal is \$75,000 for its "Shoot for the Stars"-themed fundraiser and that donations can be made to the **Ontario-Montclair YMCA**, 215 West C Street, Ontario (909) 986-5847.

Mayor Eaton thanked **Mrs. Dutrey** for her presentation.

B. Demonstration of New Touch Screen Voting System by Mr. Steve Trout, Assistant Registrar, San Bernardino County Registrar of Voters Office

Mr. Steve Trout, Assistant Registrar, **San Bernardino County Registrar of Voters Office**, demonstrated the new electronic touch screen voting system implemented by the **County of San Bernardino** that will be used countywide in the March 2, 2004 Presidential Primary Election. He advised that a demonstration voting machine has been left with City Clerk Jackson for use in community demonstrations.

Discussion centered on the single-circuit triplicate-vote-auditing capability onto a cartridge, floppy disk, and hard-copy printout of the electronic system and the advantage of its greatly accelerating voting results, with the exception of system cartridges being retrieved from remote areas; assistance provided by precinct workers in the operation of the new voting system; the security of the new system; **Federal Department of Justice** and **Federal Voting Rights Act** requirements to provide ballots in both English and Spanish languages, pursuant to the census, and more languages should the need arise; and absentee voting.

Mayor Eaton thanked **Mr. Trout** for his helpful public-service presentation.

VI. PUBLIC COMMENT

A. Mrs. Suma Shanker, Heritage Park, 5205 San Bernardino Street, Montclair, commented as follows:

1. She complained about a large tractor-trailer vehicle that remains parked at the **Heritage Park** apartments parking lot, which blocks drivers' visibility when leaving the complex. She advised there have been two accidents involving vehicles that have been attributed to the lack of visibility. She submitted to the Council snapshots depicting the large rig parked at the complex.
2. She noted a vehicle parked illegally at the entrance to the parking lot presents a hazard and has recently been ticketed, though it remains in the lot.

3. She complained about youth loitering at a bench in the complex whose presence and insolent manner are upsetting to **Heritage Park** residents.

Noting he had spoken earlier to **Mrs. Shanker** and **Ms. Gloria Milovic**, Council Member Ruh asked that Police Chief Thompson meet with them to address these and other important issues.

Chief Thompson indicated he would be happy to do so.

Mrs. Shanker noted she would be leaving for Costa Rica to visit her son on February 9, 2004, advising that other concerned **Heritage Park** residents would be happy to meet with Chief Thompson.

Council Member Ruh thanked **Mrs. Shanker** for attending the meeting to air her concerns.

Mayor Eaton also thanked **Mrs. Shanker**.

- B. **Mr. Maynard Lenhert**, 9858 Ramona Avenue, Montclair, thanked the City Council and staff for all they have done for him—the many prayers, cards, flowers, and visits—since his heart surgery on December 20, 2003. He stated he is proud to be a part of the City of Montclair, adding he knows of no other city where members of the City Council and staff would make themselves available to take him to doctor's appointments. He noted his surgeon advised him

the reason he is still alive is because he is a walker, adding he is pleased to be a member of the **Montclair Walkers**.

Mayor Eaton told **Mr. Lenhert** he is happy to see him and thanked him for attending tonight's meeting.

Mayor Eaton announced that **Frank and Margarite Menefee**, who reside at **Briarwood Manor Apartments**, celebrated their 75th wedding anniversary on January 23, 2004. He noted Council Member Ruh and he visited the delightful couple and congratulated them on their second diamond wedding anniversary.

Council Member Ruh added that everyone is wishing the **Menefees** happiness in their next 75 years together.

VII. PUBLIC HEARINGS

A. First Reading – Adoption of Ordinance No. 04–844 Amending Section 8.32.10 of Title 8 of the Montclair Municipal Code Related to Maximum Speed Limits

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 04–844 amending Section 8.32.10 of Title 8 of the Montclair Municipal Code related to maximum speed limits 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 Ordinance No. 04–844, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 8.32.10 of Title 8 of the Montclair Municipal Code Related to Maximum Speed Limits,**" 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. 04–844 was unanimously adopted by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of January 20, 2004

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 January 20, 2004.

B. Administrative Reports

- 1. Setting a Public Hearing Regarding *Agreement No. 04-14*, a *Housing Rehabilitation Agreement and Lease* by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation Concerning the Properties Located at 10330, 10380, 10390, and 10410 Amherst Avenue, 9855 Central Avenue, and 9448 Carrillo Avenue**

The City Council set a public hearing for Tuesday, February 17, 2004, at 7:00 p.m. in the City Council Chambers to consider *Agreement No. 04-14*, a *Housing Rehabilitation Agreement and Lease* by and between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation concerning the properties located at 10330, 10380, 10390, and 10410 Amherst Avenue, 9855 Central Avenue, and 9448 Carrillo Avenue.

- 2. Setting a Public Hearing to Consider Ordinance No. 04-845 Repealing and Replacing Sections 9.24.260 Through 9.24.450 of Chapter 9.24 of the Montclair Municipal Code Related to the City Storm Drain System**

The City Council set a public hearing for Tuesday, February 17, 2004, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 04-845 repealing and replacing Sections 9.24.260 through 9.24.450 of Chapter 9.24 of the Montclair Municipal Code related to the City Storm Drain System.

- 3. "No Action" on Alcoholic Beverage Permit Application - Thai Sea Breeze**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Nick Buddhangkuranont for Thai Sea Breeze, 9748 Central Avenue, Montclair, California.

- 4. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the Warrant Register dated February 2, 2004, totaling \$581,125.40, and the Payroll Documentation dated December 28, 2003, amounting to \$515,908.26, with \$357,757.36 being the total cash disbursement.

C. Agreements

- 1. Award of Contract to Precise Testing Services, Inc., in the Amount of \$19,000 for the Sunrise Park Block Wall Reconstruction Project**

Approval of *Agreement No. 04-11* With Precise Testing Services, Inc.

Authorization of a \$5000 Construction Contingency

The City Council took the following actions regarding the Sunrise Park Block Wall Reconstruction Project:

- (a). Awarded a contract to Precise Testing Services, Inc., in the amount of \$19,000.
 - (b) Approved *Agreement No. 04-11* with Precise Testing Services, Inc.
 - (c) Authorized a \$5000 construction contingency.
2. **Approval of *Agreement No. 04-12, an Assignment and Assumption Agreement* by and Between the City of Montclair Redevelopment Agency and Mr. Douglas Nye Regarding the Properties Located at 10345-10379 Mills Avenue**

Authorization of a \$352,000 Appropriation From the Housing Fund for Acquisition and Closing Costs for the Subject Properties

The City Council took the following actions:

- (a) Approved *Agreement No. 04-12, an Assignment and Assumption Agreement* by and between the City of Montclair Redevelopment Agency and Mr. Douglas Nye regarding the properties located at 10345-10379 Mills Avenue.
 - (b) Authorized a \$352,000 appropriation from the Housing Fund for acquisition and closing costs for the subject properties.
3. **Approval of *Agreement No. 04-13-I-54, an Irrevocable Annexation Agreement* With Ms. Grace A. Corcoran for 4725 Howard Street**

The City Council approved *Agreement No. 04-13-I-54* with Ms. Grace Corcoran for an emergency connection of her residence at 4725 Howard Street to the City Sewer System.

D. Resolutions

1. **Adoption of Resolution No. 04-01, a Resolution of the City of Montclair Redevelopment Agency Approving the Forms of and Authorizing the Execution of *Agreement No. 04-07, an Indenture of Trust Agreement, Agreement No. 04-08, a Continuing Disclosure Agreement, Agreement No. 04-09, an Escrow Agreement, Agreement No. 04-10, a Bond Purchase Contract, an Official Statement* Related to the Issuance of the City of Montclair Redevelopment Agency's Tax Allocation Refunding Bonds, and Approving Certain Actions in Connection Therewith (Redevelopment Project Area No. IV)**

Adoption of Resolution No. 04-01, a Resolution of the Montclair Financing Authority Approving the Forms of and Authorizing the Execution of *Agreement No. 04-07*, an *Indenture of Trust Agreement*, *Agreement No. 04-08*, a *Continuing Disclosure Agreement*, *Agreement No. 04-09*, an *Escrow Agreement*, *Agreement No. 04-10*, a *Bond Purchase Contract*, an *Official Statement*, and Authorizing the Execution of the *Bond Purchase Contract* Related to the Issuance of the City of Montclair Redevelopment Agency's Tax Allocation Refunding Bonds, and Approving Certain Actions in Connection Therewith (Redevelopment Project Area No. IV)

Adoption of Resolution No. 04-2490, a Resolution of the City Council of the City of Montclair Approving the Sale of City of Montclair Redevelopment Agency Tax Allocation Refunding Bonds (Redevelopment Project Area No. IV)

The City of Montclair Redevelopment Agency Board adopted Resolution No. 04-01 approving the forms of and authorizing execution of *Agreement No. 04-07*, an *Indenture of Trust Agreement*, *Agreement No. 04-08*, a *Continuing Disclosure Agreement*, *Agreement No. 04-09*, an *Escrow Agreement*, *Agreement No. 04-10*, a *Bond Purchase Contract*, an *Official Statement* related to the issuance of the City of Montclair Redevelopment Agency Tax Allocation Refunding Bonds, and approving certain actions in connection therewith (Redevelopment Project Area No. IV).

The Montclair Financing Authority Board adopted Resolution No. 04-01 approving the forms of and authorizing execution of *Agreement No. 04-07*, an *Indenture of Trust Agreement*, *Agreement No. 04-08*, a *Continuing Disclosure Agreement*, *Agreement No. 04-09*, an *Escrow Agreement*, *Agreement No. 04-10*, a *Bond Purchase Contract*, an *Official Statement*, and authorizing the execution of the *Bond Purchase Contract* related to the issuance of the City of Montclair Redevelopment Agency Tax Allocation Refunding Bonds, and approving certain actions in connection therewith (Redevelopment Project Area No. IV).

The City Council adopted Resolution No. 04-2490, a Resolution of the City Council of the City of Montclair approving the sale of City of Montclair Redevelopment Agency Tax Allocation Refunding Bonds (Redevelopment Project Area No. IV).

2. Adoption of Resolution No. 04-2491 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 04-2491 authorizing placement of liens on the properties listed on Exhibit A to

the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE

A. Crossing Guard Need at Kingsley Street/Del Mar Avenue

Council Member Ruh asked that staff continue to monitor the need for a crossing guard at this location on an ongoing basis.

City Engineer Hudson replied that staff will routinely monitor the location and typically performs annual traffic counts on most City streets, though traffic counts on Kingsley Street are performed every two years. He added the pedestrian counts will continue to be high; and if vehicle counts increase significantly, recommendation would be made to the Council for a crossing guard at the intersection of Kingsley Street/Del Mar Avenue at that time.

Council Member Ruh asked if Safe Routes to Schools Program funds could be used to pay for a crossing guard for the safety of schoolchildren crossing at the intersection.

City Engineer Hudson advised that Safe Routes to Schools Program funding is typically used for sidewalks so schoolchildren will have a safe place to walk to and from school. He noted that education program grant funding is available to schools from the state to educate schoolchildren on safe travel to and from schools that encourages them to cross at crosswalks monitored by crossing guards. He noted the schoolchildren attending Kingsley Elementary School might be encouraged to cross at the Kingsley Street/Benson Avenue intersection where a crossing guard is stationed.

Council Member Ruh thanked City Engineer Hudson for the clarification.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Property: 9795 Central Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and George W. Primeau and Marion Kole

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

Under Negotiation: Recommendations Regarding Purchase Price

Agency Counsel Robbins requested a Closed Session on the above matter pursuant to Government Code Section 54956.8.

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal noted he would be out of town Wednesday and Thursday, February 4 and 5, 2004, attending a **League of California Cities** City Managers Department "Riding the Waves of Change" annual meeting in Huntington Beach as a representative of cities in California with populations under 100,000.

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his attendance since Saturday at a General Managers and Board Members Conference with the General Manager of **Omnitrans** in Santa Monica, noting he would be returning to the conference after tonight's meeting for its conclusion tomorrow. He noted the conference has been an excellent learning experience about an organization "that's doing things the right way."

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted he was pleased to attend, along with Mayor Eaton and Mayor Pro Tem Dutrey, the very well-done and well-received joint City/**Montclair Chamber of Commerce** State of the City Address on Thursday, January 22, 2004.
 - (b) He noted his attendance last week at a two-day **South Coast Air Quality Management District** retreat in Huntington Beach. He reported that **SCAQMD** is under federal mandate to meet certain emission standards and has done so for carbon monoxide (CO) and sulfur dioxide (SO₂), it has until 2006 to meet ten-micron particulate matter (PM-10) fugitive dust standards, it has until 2010 to meet Oxides of Nitrogen (NO_x) smog standards, and it has until 2014 to meet standards for PM-2.5, which is very fine fugitive dust that is one quarter the size of PM-10. He advised that **SCAQMD** must successfully meet these standards in order to be eligible for transportation funding.
 - (c) He noted speaking to newly elected **Highland Mayor Ross B. Jones**, adding that three members of the Council were recalled as a result of the January 13, 2004 election. He stated they discussed the fact that Highland inherited San Bernardino County zoning standards related to small

dwellings and multifamily housing when it was first incorporated, and the first thing one of the City's incorporators did was to become appointed to the Planning Commission so he could be instrumental in adopting a new General Plan. He relayed that no more apartments were built in Highland as a result of fairly strong R-3 standards being imposed in the new General Plan. He advised that Montclair's multifamily zoning standards have been upgraded to prohibit carports and other issues related to multifamily developments.

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

- (a) He noted the passing on January 29, 2004, of **Mrs. Martha Ellen Hurst**, a lifelong Montclair resident and wife of **Phil Hurst**, who passed away two years ago. He noted the significance of the couple's business office serving as the first Montclair City Hall and Council Chambers during the early years of the City's incorporation.

Mayor Pro Tem Dutrey further noted the passing on January 10, 2004, of **Mrs. Irene T. Vodvarka**, mother of Planning Commissioner Don Vodvarka. He asked that tonight's meeting be adjourned in both **Mrs. Hurst's** and **Mrs. Vodvarka's** memories.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously to adjourn this evening's meeting in memory of **Mrs. Martha Ellen Hurst** and **Mrs. Irene T. Vodvarka**.

- (b) He noted he was quite impressed to listen to the State of the City Address on January 22 and commended City Manager McDougal and staff for their excellent facilitation of the event. He stated it was one of the best State of the City Addresses he has attended anywhere and that next year's promises to be even better. He suggested the video of the event be shown at a future meeting.
- (c) He noted his attendance last Wednesday at the fourth in a series of North Montclair Downtown Plan workshops attended by property owners, residents, business owners, developers, and real estate brokers. He noted the enthusiasm and open-mindedness of attendees in the future shaping of land-use proposals to transform North Montclair into a 24/7 downtown atmosphere. He advised that much work lies ahead in formalizing any proposals and suggested the Council conduct its own workshop regarding this exciting development.

3. Council Member/Director Ruh commented as follows:

- (a) He noted he was sad to learn of the passing on January 29 of longtime Montclair resident **Mrs. Martha Ellen Hurst**, who was significantly involved in every aspect of this community, particularly on the incorporation of Montclair.
- (b) He expressed his regret at being unable to attend the State of the City Address on January 22 because he was out of town.
- (c) He noted he was also out of town and unable to attend the fourth North Montclair Downtown Plan workshop. He spoke in support of architect/artist/urbanist/planner **Mr. Stefanos Polyzoides's** projection for 50 units to the acre in development proposals for the site.
- (d) He cited a recent newspaper article revealing the billions of dollars in cuts to health and human services and education programs in **Governor Schwarzenegger's** Fiscal Year 2004-05 state budget proposal in his attempt to balance the state deficit. Council Member Ruh gave the example of a mother's plight in attempting to free herself of welfare support through the **Cal Works (California Work Opportunity and Responsibility to Kids)** program, which previously paid recipients \$704 per month and is now reduced to \$669 per month, a total of \$420 less per year. He related another example regarding the unfortunate cuts to the **Healthy Families** insurance program that encourages working poor families to provide health care to their children.

Council Member Ruh strongly suggested that the well-paid state legislators should relinquish the \$140 tax-free per diem pay they receive for showing up each workday along with their state-provided vehicles. He thanked those legislators who last year reduced their salaries by 5 percent.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of January 20, 2004

The City Council received and filed the Personnel Committee meeting minutes of January 20, 2004, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Midyear Budget Review

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to continue this item to an adjourned joint meeting on Tuesday, February 17, 2004, at 5:45 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION AND MONTCLAIR FINANCING AUTHORITY BOARDS OF DIRECTORS

At 7:52 p.m., Mayor Eaton adjourned the City Council to an adjourned joint meeting on Tuesday, February 17, 2004, at 5:45 p.m. in the City Council Chambers.

At 7:52 p.m., Chairman Eaton adjourned the Montclair Housing Corporation and Montclair Financing Authority Boards of Directors.

At 7:52 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Govern-ment Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:05 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 BOARD OF DIRECTORS

At 8:06 p.m., Vice Chairman Dutrey adjourned the Redevelopment Agency Board of Directors to an adjourned joint meeting on Tuesday, February 17, 2004, at 5:45 p.m. in the City Council Chambers in memory of **Mrs. Martha Ellen Hurst**, a lifelong Montclair resident and wife of **Mr. Phil Hurst**—the couple's business office served as the first City Hall and Chamber for the Montclair City Council—and **Mrs. Irene T. Vodvarka**, mother of Planning Commissioner Don Vodvarka.

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

Yvonne L. Smith
Transcribing Secretary