

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND  
REDEVELOPMENT AGENCY AND MONTCLAIR  
HOUSING CORPORATION BOARDS HELD  
ON MONDAY, APRIL 5, 2004, AT 7:01 P.M. IN  
THE CITY COUNCIL CHAMBERS, 5111 BENITO  
STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:01 p.m.

II. INVOCATION

Pastor Mark Schipul, Bethany Baptist Church, 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 Department/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. Simon Shieh**, who was recently appointed to the position of Code Enforcement Officer. He noted that Code Enforcement Officer Shieh worked as a Code Enforcement inspector for the **City of Fontana** and has done volunteer code enforcement for the cities of La Puente and Chino Hills.

Mayor Eaton presented Code Enforcement Officer Shieh with a City pin and welcomed him to the Montclair City family.

B. Presentations to Ms. Rosa Rangel, Owner, Montclair Florist, by the City, Soroptimist International of Montclair/Inland Valley, and Neighborhood Partnership Housing Services in Recognition of Her Recent "Woman of the Year" Award for Outstanding Contributions to Society

Mayor Eaton invited **Ms. Rosa Rangel**, Owner, **Montclair Florist**, to come forward. He stated that **Ms. Rangel** "is an integral part of this City, always there, always volunteering, always giving help in any way she can." He announced that **Ms. Rangel's** devotion to volunteerism did not escape the notice of **Senator Soto**, who named her one of seven Women of the Year for her outstanding contributions to society.

Mayor Pro Tem Dutrey stated that on March 12, 2004, he had the opportunity to attend a luncheon in San Bernardino on behalf of the City of Montclair at which **Senator Soto** recognized seven women in her District as Women of the Year, one of whom was **Ms. Rangel**. He noted that **Ms. Rangel** has two daughters, one a graduate of the **University of California, Los Angeles**, and the other is presently attending the **University of Southern California**, and that she herself comes from a family of 23 brothers and sisters. He advised that **Ms. Rangel** serves as the President of **Neighborhood Partnership Housing Services (NPHS)** and is also heavily involved in **Soroptimist International of Montclair/Inland Valley**. He presented **Ms. Rangel** with a proclamation recognizing her being named "Woman of the Year" by **Senator Soto** and offered his congratulations.

**Ms. Rangel** accepted her proclamation and thanked Mayor Pro Tem Dutrey.

**Ms. Margaret Grayson**, President, **Soroptimist International of Montclair/Inland Valley**, and Executive Director, **NPHS**, 9916 Central Avenue, presented **Ms. Rangel** with gifts on behalf of both organizations. She stated that as a professional business-person and because of her volunteer and civic activities, **Ms. Rangel** serves as a wonderful role model to youth. She congratulated **Ms. Rangel** on her being honored as Woman of the Year.

**Ms. Rangel** accepted the gifts and thanked **Ms. Grayson**. She stated that when she first opened **Montclair Florist** in Montclair 17 years ago, she joined the **Montclair Chamber of Commerce** for the sole purpose of promoting her business. She noted, though, that as time passed, her priorities changed; and she became more interested in giving back to the community and began volunteering her time to **Soroptimist International** and **NPHS**. She thanked members of **Soroptimist International** and **NPHS**, her son-in-law, and most of all, her daughters for standing by her and for being good, independent, responsible girls, allowing her to devote her time to her volunteer causes.

Mayor Eaton thanked **Ms. Rangel**.

C. **Narrative of Traveling Sesquicentennial Display and Presentation of Memento to City Council by San Bernardino County Fourth District Supervisor Patti Aguiar**

**Ms. Lynda VanHoof**, Lead Field Representative, **San Bernardino County Fourth District Supervisor Patti Aguiar's Office**, gave a presentation on **San Bernardino County's** Sesquicentennial Anniversary in 2003. She stated that a six-panel traveling exhibit presently on display in the West Lobby of City Hall commemorates the County's 150-year anniversary and includes photographs, letters, quotes, diary entries, and other assorted documents highlighting 150 years of County history from the perspective of those who lived here. She stated that **Supervisor Aguiar** believes that we have much to be proud of in San Bernardino County and that the display tells a unique story of our collective past. She advised that the display would remain at City Hall until Tuesday, April 7, 2004, at which time it would be relocated to the **Montclair Branch Library** until Monday, May 3, 2004. She thanked the City for housing the display to maximize exposure to Montclair residents.

On behalf of **Supervisor Aguiar** and the County, **Ms. VanHoof** presented Mayor Eaton with a framed copy of a photograph of the **B. B. Bliss** grocery store, formerly located at the southwest corner of Central Avenue and State Street, one of the more modern featured items in the display (circa 1950). She also presented Mayor Eaton with a rare medallion commemorating the County's 150 years of public service since its separation from Los Angeles County by legislation on April 26, 1853.

On behalf of **Supervisor Aguiar** and herself, **Ms. VanHoof** wished everyone a Happy Easter.

Mayor Eaton accepted the photograph and medallion and thanked **Ms. VanHoof**, asking her to please relay the Council's thanks to **Supervisor Aguiar**.

Council Member Ruh suggested the County might want to work with high schools, Chaffey College, and **Mr. Joe Blackstock**, Assistant City Editor, **Inland Valley Daily Bulletin**, who writes the "Our Past" historical column, to obtain oral histories from long-time County residents.

**Ms. VanHoof** indicated that a similar program is already being conducted in Ontario.

Mayor Eaton announced that the City is conducting its *Spring Cleanup* this week and that all unwanted household items, except construction debris, tires, and hazardous waste, will be collected on residents' regular collection days free of charge.

## VI. PUBLIC COMMENT

- A. **Mr. Tom Stoudt**, Emergency Medical Services Coordinator, **City of Montclair**, and President, **Montclair Fire Fighters Association**,

commented as follows:

1. He invited the Council, City Manager McDougal, and the public to the City, MFFA, and Montclair-Ontario Junior Women's Club-sponsored Easter Egg Hunt on Saturday, April 10, 2003, at 9:00 a.m. at Alma Hofman Park. He noted that a drawing would be held for both a girl's and a boy's bicycle at the event.
2. He invited the Council to attend the Second Annual Emergency Medical Services Picnic on Saturday, April 10, 2004, immediately following the Easter Egg Hunt. He stated the picnic is being held to thank all participants for continuing to support the City's paramedic program. He noted the picnic's sponsors are MFFA, AMR Ambulance Co., Mercy Air, and Doctor's Hospital Medical Center of Montclair, and that free blood pressure, cholesterol, and blood sugar screenings would be offered. He noted fliers about the event are available.

Mayor Eaton told Emergency Medical Services Coordinator Stoudt that MFFA's pancake breakfast fundraiser on March 20, 2004, at the **Firefighters, Hot Rods and Harleys** event at **Pomona Valley Harley-Davidson** seemed to be quite a success.

Emergency Medical Services Coordinator Stoudt indicated that the fundraiser was, indeed, successful and that **Montclair Kiwanis** assisted with food preparation.

Mayor Eaton thanked Emergency Medical Services Coordinator Stoudt for the invitation.

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

1. Concerning City Manager McDougal's response to his recent inquiry about the proposed San Antonio Gateway project that the Montclair Redevelopment Agency has acquired no more than 15 percent of the entire scope of the project area, he expressed his concern on behalf of project area residents not desiring to sell their properties that the Redevelopment Agency might exercise its power of eminent domain to acquire more property at the site. He asked if such is the Redevelopment Agency's intent.
2. He noted he is still awaiting information about whether the Red Light Camera Enforcement Program has been effective in curtailing accidents, expressing his understanding that it has not though originally it was the City's reason for implementation of the program.

Mayor Eaton related the following statistics regarding the Red Light

Camera Enforcement Program as reported at a recent Public Works Committee meeting:

1. Out of 1576 moving violations recorded in January 2004, 436 individuals were issued citations at a rate of 27.7 percent; for 2003, a total of 13,021 moving violations were recorded, with a citation rate of 28.7 percent.
2. Additional cameras have been installed at the two monitored intersections at Central Avenue/Moreno Street and Central Avenue/Holt Boulevard to increase enforceability.

Mayor Eaton stated he is pleased with the results of the Red Light Camera Enforcement Program and expressed his opinion it is making a positive impact, noting that those with whom he has spoken about the program have advised him of their caution when traveling through both intersections. He told **Mr. Armstrong**, "I think it is working."

**Mr. Armstrong** asked if the program has been successful in curtailing accidents.

Mayor Eaton responded, "I think it has."

City Manager McDougal advised that at the request of the Council when the Red Light Camera Enforcement Program was implemented in August 2003, a complete report on the effectiveness of the program would be available one year from the program's inception, in August of this year. He stated that at the pleasure of the Council, City Engineer Hudson is prepared to present an eight-month status report on the program and has a corresponding handout for the Council.

City Engineer Hudson gave the Council a handout of his presentation and reviewed an eight-month Red Light Camera Enforcement Program accident analysis for the two intersections at Central Avenue/Moreno Street and Central Avenue/Holt Boulevard as follows:

1. At the intersection of Moreno Street/Central Avenue, all types of accidents decreased after inception of the program, three types of accidents—head on, sideswipe, and broadside—did not occur; and rear-end accidents decreased by nearly one third.
2. At the intersection of Holt Boulevard/Central Avenue, head-on, sideswipe, and broadside accidents were significantly reduced and only rear-end accidents increased, though only three accidents occurred when lead drivers slowed and stopped as the traffic signal phased from green to yellow. Removal of the nonlight-changing accidents from the analysis results in a reduction in rear-end accidents.

**Mr. Armstrong** thanked Mayor Eaton and staff for the comprehen-

sive report demonstrating the effectiveness and success of the Red Light Camera Enforcement Program.

Mayor Eaton advised that the Housing Improvement Task Force *Action Plan 2004* contains a complete exposé on the San Antonio Gateway project and that **Mr. Armstrong** is welcome to a copy of the report.

Concerning City General Plan/specific plans v. privately owned property, Council Member Paulitz advised that the City maintains a General Plan for the entire City, though the Redevelopment Agency does not own 95 percent of the area. Specific plans covering certain specified areas of the City not owned by the Redevelopment Agency are put into place solely to serve as a guideline as to the types of developments proposed for that particular area. He further advised that the City does not force such plans on any owners of property within the subject areas by acquiring parcels or condemning properties.

**Mr. Armstrong** stated, "That doesn't answer my question, but I'll accept it. Thank you."

Mayor Eaton asked for a response from City Manager McDougal.

City Manager McDougal deferred to Director of Community Development Department Clark to respond to **Mr. Armstrong's** inquiry.

Director of Community Development Department Clark reported that the San Antonio Gateway development plan has been in existence as a project proposal of the Housing Improvement Task Force as early as 1990 or before and has been amended over time. He advised that the plan serves to facilitate private property owners in improving their neighborhoods. He noted the Redevelopment Agency has acquired parcels within the scope of the project area that have been improved and has recently acquired several parcels of land for two housing projects to be developed. With regard to condemnation of properties, he indicated the Redevelopment Agency has no authority to condemn any property that is used for residential purposes. He stated it is the City's objective to facilitate private property owners' improvement and further development of their properties and that, to his knowledge, there are no plans for condemnation of any properties in the project area.

**Mr. Armstrong** thanked Director of Community Development Department Clark for his report.

## VI. PUBLIC HEARINGS

- A. **Approval of *Agreement No. 04-36, a Disposition and Development Agreement* by and Between the City of Montclair Redevelopment Agency and Pomona Valley Habitat for Humanity Regarding the**

**Property Located at 10327 Fremont Avenue**

**Consider Authorizing a \$40,000 Appropriation From the Housing Fund to Finance the Terms of *Agreement No. 04-36***

Chairman Eaton declared it the time and place set for public hearing to consider *Agreement No. 04-36*, a *Disposition and Development Agreement* by and between the City of Montclair Redevelopment Agency and Pomona Valley Habitat for Humanity regarding the property at 10327 Fremont Avenue and a \$40,000 appropriation from the Housing Fund to finance the terms of proposed *Agreement No. 04-36* and invited comments from the public.

Executive Director McDougal advised the Redevelopment Agency Board of the following amendment to Section 311, "Financing of the Improvements," Item 311.1, "Agency Loan," of *Agreement No. 04-36* and contained on a handout he gave to the Agency Board:

**311. Financing of the Improvements**

311.1 **Agency Loan.** The Agency hereby agrees to loan to Developer the amount of Forty Thousand Dollars (\$40,000) (the "Agency Loan") to be used for the payment of Escrow, Title and Conveyance costs hereunder, the payment of City fees charged with respect to the construction of the Improvements, the reimbursement or payment of the actual and reasonable cost of architectural and engineering services performed with respect to the Improvements, and actual and reasonable hard and soft costs of the construction of off-site public improvements and certain on-site improvements in accordance with this Agreement, all substantially in accordance with the Schedule of Disbursement of Agency Loan, which is attached hereto as Attachment No. 11 and incorporated herein.

There being no one in the audience wishing to speak, Chairman Eaton closed the public hearing and returned the matter to the Redevelopment Agency Board for its consideration.

Vice Chairman Dutrey noted when this property became available through the Monte Vista Water District as a surplus property, he immediately inspected it and spoke to staff about the possibility of acquiring the site for affordable housing purposes. He commended City staff and Pomona Valley Habitat for Humanity representatives for their hard work in developing the project. He

noted the City has received donations of \$7500 from MFFA and \$5000 from the Montclair Police Officers Association, as well as commitments from the Montclair Kiwanis and Knights of Columbus service organizations to participate in the project. He stated that the project is the first Habitat for Humanity home in the City and that he looks forward to the project's completion.

Director Ruh spoke in support of the project. He expressed his pride in the California Association of Realtors' funding of several Habitat for Humanity projects through its Housing Affordability Fund and of his pride of being involved with the organization on that level. He noted the proposed project truly exemplifies the need for affordable housing and the importance of home ownership as a means of building wealth. He noted his opposition to the elitist positions of those who believe low- to moderate-income families should rent their homes because of their supposed inability of maintaining their properties. He expressed his desire that every future housing project in Montclair be an affordable project.

Moved by Director Ruh and seconded by Chairman Eaton that the Redevelopment Agency Board approve *Agreement No. 04-36* (as amended), a *Disposition and Development Agreement* by and between the City of Montclair Redevelopment Agency and the Pomona Valley Habitat for Humanity for construction of an affordable single-family residence at 10327 Fremont Avenue.\*

Director Paulitz asked who would be the beneficiary of the \$75,000 Redevelopment Agency loan forgiveness once the 45-year deed-restricted affordability period has expired.

Executive Director McDougal explained that the Declarations of Covenants and Restrictions on Resale would run with the land for 45 years, limiting sale or resale of the home to lower or very low-income households; so if the first homeowner pays off his mortgage in 30 years, 15 years would still remain on the affordability deed restriction. He clarified that so long as the home is occupied by households of lower or very low-income for 45 years, the \$75,000 Redevelopment Agency loan would be forgiven to Pomona Valley Habitat for Humanity.

\*Director Ruh amended his motion to include the Redevelopment Agency Board authorizing a \$40,000 appropriation from the Housing Fund to finance the terms of *Agreement No. 04-36*.

Motion seconded by Chairman Eaton and carried unanimously as follows:

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

Director Ruh stated that in the many years he has been involved with the Pomona Valley Habitat for Humanity, there have been no defaults on loans; and most families stay in their homes for their entire lives. He thanked Pomona Valley Habitat for Humanity Executive Director **Cyndi Torres** for her dedication to the organization.

**B. Adoption of Resolution No. 04-2498 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Mr. José G. and Mariana Ortiz and Located at 9312 Rose Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 04-2498 authorizing recovery of abate-ment costs incurred by the City related to property owned by Mr. José G. and Mariana Ortiz located at 9312 Rose Avenue, Montclair, California, and invited comments from the public.

City Manager McDougal corrected the reimbursement amount contained in proposed Resolution No. 04-2498 as follows:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council determines that the subject *Cost of Abatement Report* is accepted as presented and that the owners of the property, José G. and Mariana Ortiz, are hereby ordered to reimburse the City of Montclair in the total amount of \$725.06 for the cost of nuisance abatement. Said sum shall be a personal obligation of the property owners.

Deleted: \$875.12

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.

Council Member Ruh received confirmation that the Ortiz's did not occupy the residence.

Moved by Council Member Paulitz and seconded by Council Member Raft that the following actions be taken:

1. That Resolution No. 04-2498, entitled "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 9312 Rose Avenue, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the Council determine that the \$725.06 reimbursement amount be paid to the City of Montclair within ten calendar days of the adoption of Resolution No. 04-2498.

The City Council unanimously waived the reading of Resolution

No. 04-2498.

Resolution No. 04-2498 was unanimously adopted and the Council determined that the \$725.06 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 04-2498 by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

Mayor Pro Tem Dutrey corrected the attestations on both proposed Resolution Nos. 04-2498 and 04-2499 as follows:

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 04-2498 (04-2499) was duly adopted by the City Council of said city and was approved by the Mayor, at a regular meeting of said City Council, held on the 5th day of April, 2004, and that it was adopted by the following vote, to-wit:

Deleted: Pro Tem

**C. Adoption of Resolution No. 04-2499 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Ms. Martha C. Ronquillo and Located at 9995 Mills Avenue, Montclair, California**

Mayor Eaton declared it the time and place set for public hearing to consider Resolution No. 04-2499 authorizing recovery of abatement costs incurred by the City related to property owned by Ms. Martha C. Ronquillo located at 9995 Mills Avenue, Montclair, California, 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.

Council Member Ruh inquired if the family formerly residing in the garage at this property was related to Ms. Ronquillo.

Fire Chief Turner responded that it is not known whether the occupants of the garage were related to the property owner.

Council Member Ruh remarked on how sad it is that families are forced to find shelter in such appalling substandard conditions.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that the following actions be taken:

1. That amended Resolution No. 04-2499, entitled "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement**

**Report for Property Located at 9995 Mills Avenue, Montclair, California,"** be read by number and title only, further reading be waived, and it be declared adopted.

2. That the Council determine that the \$451.99 reimbursement amount be paid to the City of Montclair within ten calendar days of the adoption of Resolution No. 04-2498.

The City Council unanimously waived the reading of Resolution No. 04-2499.

Resolution No. 04-2499 was unanimously adopted and the Council determined that the \$451.99 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 04-2499 by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

**D. First Reading – Adoption of Ordinance No. 04-846 Adding Section 8.24.030 of the Montclair Municipal Code Pertaining to the Use of Curb Ramps**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 04-846 adding Section 8.24.030 to the Montclair Municipal Code pertaining to curb ramps 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.

Council Member Ruh inquired if the proposed Ordinance would affect persons utilizing motorized wheelchairs or other personal motorized devices.

City Engineer Hudson responded that motorized wheelchairs or other devices used by persons with disabilities would be excluded.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that Ordinance No. 04-846, entitled "**An Ordinance of the City Council of the City of Montclair Adding Section 8.24.030 to the Montclair Municipal Code Pertaining to the Use of Curb Ramps,**" 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. 04-846 was unanimously adopted by the following vote:

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

**E. First Reading – Adoption of Ordinance No. 04-847 Amending Section 9.20.460 of the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value**

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 04-847 amending Section 9.20.460 to the Montclair Municipal Code related to the equivalent dwelling unit value 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.

Mayor Eaton reminded everyone that the Regional Sewage Supplemental Capital Outlay Fee pertains only to new construction in the City.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 04-847, entitled "**An Ordinance of the City Council of the City of Montclair Amending Section 9.20.460 of the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee,**" 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. 04-847 was unanimously adopted by the following vote:

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

**VIII. CONSENT CALENDAR**

Mayor Eaton requested that Item C-4 be removed from the Consent Calendar for comment.

Mayor Pro Tem/Vice Chairman Dutrey requested that Item B-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:

**A. Approval of Minutes**

**1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of March 15, 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 March 15, 2004.

**B. Administrative Reports**

**2. Conceptual Approval for Development of a Parking Facility at Freedom Plaza Park**

The City Council conceptually approved development of a parking facility at Freedom Plaza Park.

**3. Approval of Parcel Map No. 15723 Consolidating Parcels of Property Located at the Northwest Corner of Central Avenue and Palo Verde Street (Costco) and Authorization for Its Recordation by the San Bernardino County Recorder's Office**

The City Council approved Parcel Map No. 15723 consolidating parcels of property and easement dedications located at the northwest corner of Central Avenue and Palo Verde Street (Costco) and authorized its recordation by the San Bernardino County Recorder's Office.

**4. "No Action" on Alcoholic Beverage Permit Application - Catalinas Supermarket**

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. José Guerrero for Catalinas Supermarket, 5002 Holt Boulevard, Montclair, California.

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

The City Council approved the Warrant Register dated April 5, 2004, totaling \$917,284.53, and the Payroll Documentation dated February 22, 2004, amounting to \$499,302.29, with \$344,848.66 being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 04-39-I-56, an Irrevocable Annexation Agreement With Javier Guzman and Guillermina Guzman for 11194 Monte Vista Avenue***

The City Council approved *Agreement No. 04-39-I-56, an Irrevocable Annexation Agreement* with Javier Guzman and Guillermina Guzman for an emergency connection of their residence at 11194 Monte Vista Avenue to the City Sewer System.

**2. Approval of *Agreement No. 04-40, an Addendum to***

***Agreement No. 01-102, Between the City of Montclair and the City of Ontario for Provision of Fire Service Dispatching and Communications Services***

The City Council approved *Agreement No. 04-40*, an addendum to *Agreement No. 01-102* between the City of Montclair and the City of Ontario for provision of fire service dispatching and communications services.

**3. Award of Contract to Pro Tech Engineering Corporation for the Traffic Signal Interconnect Project**

**Approval of *Agreement No. 04-41* With Pro Tech Engineering Corporation for the Traffic Signal Interconnect Project**

**Authorization of a \$40,000 Construction Contingency**

**Authorization of a \$200,000 Loan From the General Fund to Fund Construction of the Traffic Signal Interconnect Project**

The City Council took the following actions related to the Traffic Signal Interconnect Project:

- (a) Awarded a contract to Pro Tech Engineering Corporation.
- (b) Approved *Agreement No. 04-41* with Pro Tech Engineering Corporation.
- (c) Authorized a \$40,000 construction contingency.
- (d) Authorized a \$200,000 loan from the General Fund to fund the project.

**D. Resolutions – None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**1. Authorization for City of Montclair Sponsorship of SB 1404 Establishing a Pilot Program for the Establishment of Multifamily Improvement Districts to Levy Assessments on Residential Rental Properties Within the District to Finance Improvements and Promote Activities Beneficial to Those Properties Subject to Approval of the Director of the California Department of Housing and Community Development**

Mayor Pro Tem Dutrey stated that approval of Senate Bill 1404 would allow establishment of a pilot program for the establishment of multifamily assessment districts to levy assessments on residential rental properties within the district to finance improvements and promote activities beneficial to those properties. He advised that approval of the measure would be beneficial to the City with regard to its Housing Improvement Task Force Foundation Areas. He

discussed the work of the Housing Improvement Task Force since 1990 to improve the apartment areas in the southern portion of the City along Kingsley Street and in the northwestern portion of the City along Mills and Pradera Avenues. He noted the success of the Helena Gardens and Cobblestone Village projects because the City received 100 percent participation from the apartment owners to create associations of property owners, thereby becoming eligible to receive Community Development Block Grant (CDBG) funds for off-site improvements as well as the associations taking the initiative to make other improvements to these neighborhoods. Noting the challenge in other neighborhoods, e.g., along Amherst Avenue between Kingsley Street and Holt Boulevard (part of the San Antonio Gateway project), he advised that approval of SB 1404 would allow establishment of a Foundation Area at the site with only a 50 percent majority as opposed to 100 percent. He spoke in support of the item, noting the efforts of **Mr. Dick Fleener**, Vice President, Community Development, L. D. King, Inc., to sponsor the measure. He expressed his willingness to lobby at a future hearing in Sacramento in support of the measure and encouraged other cities facing multifamily issues to support SB 1404.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that the City Council authorize the City's sponsorship of SB 1404 establishing a pilot program for the establishment of multifamily improvement districts to levy assessments on residential rental properties within such established districts to finance improvements and promote activities beneficial to those properties subject to approval by the Director of the California Department of Housing and Community Development.\*

Council Member Ruh expressed his conceptual support of the item with reservations related to petitions to establish multifamily improvement districts only requiring the signatures of proposed assessment district property owners who will pay more than 50 percent of the total assessed valuation. He expressed his opinion that the approval assessment be increased to at least two thirds for the benefit of the affected property owners, noting that most taxes and assessments require a two-thirds majority. He noted his efforts about a year and a half ago to establish similar residential improvement districts that would use the property tax generated within each district for improvements in that particular neighborhood.

Council Member Paulitz asked about the City's policy regarding the 50 percent majority to establish sewer assessment districts.

City Manager McDougal responded that he is unsure of the City's policy, though a 50 percent majority was required in Rancho Cucamonga, where he used to reside.

Council Member Paulitz advised Council Member Ruh that a 50 percent majority has historically been used to establish assessment districts. He expressed his support of the item.

City Manager McDougal added clarification that a single property owner owning 40 percent of the assessed valuation of a proposed assessment district would be excluded from signing the petition to form an assessment district.

Council Member Ruh reiterated his support of the item with the proviso that the approval assessment be increased to at least two thirds for the benefit of the affected property owners.

\*Motion carried unanimously as follows:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton

NOES: None

ABSTAIN: None

ABSENT: None

## C. Agreements

### 4. Declaring Unit No. 60-96 as Surplus

**Approval of *Agreement No. 04-42* With Fire Trucks Plus, Inc., for Consignment and Sale of Fire Department Apparatus**

**Authorization to Purchase a 2004 Chevrolet Suburban Emergency Command Vehicle**

Mayor Eaton inquired as follows:

- (a) Would an emergency command vehicle, in this case, the Chevrolet Suburban proposed to be acquired, necessarily be needed to transport the dual-band radio required in such off-highway emergency operations incidents?
- (b) Would the Fire Division Chief assigned as a Strike Team Leader to respond to such incidents necessarily need the vehicle's off-highway capabilities?
- (c) Why is information concerning the three competitive bids the City received for the Chevrolet Suburban not included in the agenda report?

Fire Chief Turner responded as follows:

- (a) More radios are needed in emergency operations vehicles than currently used, though that is not the reason for the proposed acquisition of a Chevrolet Suburban. The

radio enhancements are needed to communicate with multiple strike teams, particularly those responding from Los Angeles County, which operates on a different frequency bandwidth than San Bernardino County.

- (b) None of the Fire Department's Division Chiefs are currently certified to be assigned as incident commander in wild land fires. They are certified to be assigned as division leaders to take command of multiple strike teams.
- (c) Three bids were received for the proposed acquisition of a Chevrolet Suburban vehicle and were processed through the Finance Division before the agenda report was prepared.

Mayor Eaton expressed his opinion that information on the three bids should have been included in the agenda report.

Mayor Eaton discussed the proposed transfer of a 2003 Crown Victoria from the Fire Department to the Police Department in consideration of an \$18,060 transfer from Police Department Equipment Replacement Fund Reserve Account No. 750-400-4423-6202 to the Fire Department for acquisition of the proposed Chevrolet Suburban. He received further clarification from Chief Turner about the creative financing plan proposed to purchase the vehicle as no funds have been designated in the Equipment Replacement Fund for this purpose, including \$15,000 to be received from the proposed sale by Fire Trucks Plus, Inc., of Unit No. 60-96, a 1996 reserve rescue squad.

Further discussion centered on the three competitive bids received for the proposed acquisition transaction.

City Manager McDougal suggested the item be continued so information on the three bids can be included in the agenda report.

Mayor Eaton and Mayor Pro Tem Dutrey concurred.

City Manager McDougal suggested the Council consider surplusizing Unit No. 60-96 in anticipation of resubmittal of this item.

Mayor Eaton, Mayor Pro Tem Dutrey, and Council Member Ruh concurred.

Moved by Mayor Eaton, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the Council declare Unit No. 60-96, a 1996 reserve rescue squad, as surplus and approve *Agreement No. 04-42* with Fire Trucks Plus, Inc., for the consignment and sale of Fire Department apparatus;

further, that the item related to authorizing the purchase of a 2004 Chevrolet Suburban emergency command vehicle be returned at a later date with the inclusion of information related to the competitive bid process.

X. **RESPONSE** – None

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel** – No comments

B. **City Manager/Executive Director** – No comments

C. **Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted he was pleased to attend the *Por la Vida* graduation ceremony on Tuesday, March 23, 2004.
- (b) He noted his attendance on March 24, 2004 at a **Soroptimist International of Montclair/Inland Valley** Prism awards luncheon.
- (c) He noted his attendance on Thursday, March 25, 2004, at the memorial services for 66-year Montclair resident **Mrs. Hazel Reeder**, who leaves behind a rich legacy in the donation of her home, the **Reeder Citrus Ranch**, to the City of Montclair for designation as a museum for the enjoyment of all.
- (d) He noted his attendance, at the *Casino Night* fundraiser on Saturday, March 27, 2004, which raised a lot of money for the City's skate park project.
- (e) He noted his attendance on Saturday, April 3, 2004, at a tour of transit-oriented developments at two **Gold Line** stations in Pasadena. He stated that time will tell whether the City will be successful in having the **Gold Line** extended through Montclair. He noted that **San Bernardino Associated Governments (SANBAG)** has been included in the **Gold Line Joint Powers Authority** and that he is pleased to have been appointed as **SANBAG's** representative to the organization.

D. **City Council/Agency Board**

1. Council Member Paulitz commented as follows:

- (a) He also noted his attendance at the very informative April 3 Pasadena **Gold Line** station tours.
- (b) He wished everyone a Happy Easter.

2. Council Member/Director Raft wished everyone a happy and safe Easter.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He wished everyone a Happy Easter.
  - (b) He also noted his attendance at the April 3 Pasadena **Gold Line** station tours. He stated it would certainly be exciting to have the **Gold Line** extended through Montclair at some future point.
  - (c) He also noted his attendance at the March 27 *Casino Night* fundraiser jointly sponsored by the **Montclair Chamber of Commerce**, Community Action Committee, and **Montclair Kiwanis Club**, which raised more funds this year than last.
  - (d) He noted **Mrs. Dutrey** and he visited the residential subdivision being constructed at the former **Margarita School** site, adding that prices for the larger single-family homes range between \$420,000 and \$460,000. He stated it is nice to see the much-needed new upscale housing being built in the community.
  - (e) He asked that anyone interested in signing a petition to place an initiative on the November 2004 ballot to prevent the state from further local government revenue take-aways to please see him after the meeting.
4. Council Member/Director Ruh commented as follows:
  - (a) He also noted his attendance at the April 3 Pasadena **Gold Line** station tours. He thanked **Mr. Habib Balian, Gold Line Construction Authority**, for the informative tour. He noted the tour group also met with Fremont Corridor Focus Area consultant **Mr. Stefanos Polyzoides**. He stated it was interesting to note that some areas contained 120 units to the acre and others 40 units to the acre, with some rentals but many, owner-occupied. He noted a key feature of the units is they are not surrounded by gates or walls, security bars on the windows, or klieg lights in an effort to integrate communities, an important concept. He encouraged the public to tour these attractive high-density residential developments, adding he would be willing to conduct such a tour. He concluded his comments by stating that the future rests with homes for everyday people.
  - (b) He noted his attendance at a farewell event for **Ontario Police Department** Captain **Katie Roberts**, the department's first female officer and one of the first female officers in the State of California.

- (c) He noted he was unable to attend **Senator Soto's** Women of the Year luncheon because he was in Washington, D.C.
- (d) He noted his attendance on April 1, 2004, at the annual **NPHS Dining With Dollars** murder–mystery dinner fundraiser, which was quite successful. He noted **Foothill Bank** was honored for its commitment to the affordability of housing and thanked **Mr. George Langley, Foothill Bank,** for all his work toward that end.
- (e) He announced that Thursday, April 8, 2004, is the **Chaffey College** Alumni of the Year banquet fundraiser and encouraged the public's attendance to raise funds for the school.
- (f) He noted he was unable to attend MFFA's pancake breakfast fundraiser on March 20 because his home had been robbed of valuables, some of them sentimental in nature, that day. He thanked Police staff, particularly Officer Brandon Kumanski, for the quick response and subsequent investigation into the robbery. He stated that the Police Department is focusing on the likely suspects; and he warned the robbers that "you're being watched."
- (g) He also noted his attendance at the well–executed March 24 **Soroptimist** Prism awards luncheon and thanked **Ms. Diane Wells, Ms. Donna James, Mrs. Laurie Milhiser,** and everyone else involved in the facilitation of the event. He thanked the organization for all its good work in the community.
- (h) He noted his attendance at the **City of Ontario's** State of the City address on Wednesday, March 31, 2004. He noted **Ontario's** many accomplishments and wished **Mayor Ovitt** and the **City of Ontario** well on its future projects.
- (i) He wished a Happy Passover to the members of the Jewish community.
- (j) He wished all those of the Roman Catholic and Christian–based faiths a happy sacred Easter that celebrates hope, giving, and new life.
- (k) He asked that everyone keep **Ms. Hannah Rowley,** daughter of **Mr. Jerry Rowley** and niece of **Mr. Barry Rowley** of **Monte Vista Water District,** in their prayers as she continues her treatments for acute lymphoblastic leukemia.

## E. Committee Meeting Minutes

**1. Minutes of Public Works Committee Meeting of February 19, 2004**

The City Council received and filed the Public Works Committee meeting minutes of February 19, 2004, for informational purposes.

**2. Minutes of Personnel Committee Meeting of March 15, 2004**

The City Council received and filed the Personnel Committee meeting minutes of March 15, 2004, for informational purposes.

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

At 8:22 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of 66-year Montclair resident and benefactor **Mrs. Hazel Reeder.**

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

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Yvonne L. Smith  
Transcribing Secretary