

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, MAY 3, 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 Neal Froese, Rock of Life Community Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Clark; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of Promotee

Mayor Eaton introduced Police Captain Keith Jones, who was promoted to his new position effective April 19, 2004. Hired as a Police Officer by the Montclair Police Department in 1981, Mayor Eaton noted Captain Jones's work on specialized assignments, including patrol, vice, narcotics, the Detective Bureau, and as a Field Training Officer, during his long career with the City.

Mayor Eaton congratulated Captain Jones and wished him continued success in his law enforcement career with the Montclair Police Department.

Captain Jones thanked the City Council, City Manager McDougal, and Police Chief Thompson for granting him this opportunity to

further serve the residents of Montclair.

B. Presentation of Plaque to Mrs. Ricardo Ayala, Owner, Los Portales Mexican Grill & Seafood

Mayor Eaton presented a plaque to **Mrs. Ricardo Ayala**, Owner, **Los Portales Mexican Grill & Seafood**, and her daughter in appreciation of the family's donation of food for over 100 attendees at the **Mt. Baldy United Way** fundraising luncheon hosted by the City on March 25, 2004. He noted the City was successful in raising over eight hundred dollars for charity and thanked the **Ayals** for their generous support.

Mrs. Ayala accepted the plaque and thanked Mayor Eaton.

VI. PUBLIC COMMENT

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

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

1. He further discussed citation revenue generated by the Red Light Camera Enforcement Program, noting that citations are sometimes dismissed in court. He noted the federal cases in Florida, Chicago, and New York that each challenged a type of red light camera enforcement system, adding that the courts in those cases ordered the systems be removed. He questioned the legality of the City's program.
2. He noted that residents have asked him about the City's San Antonio Gateway development plan.

Concerning the Red Light Camera Enforcement Program, Mayor Eaton concurred with **Mr. Armstrong** that sometimes citations are dismissed in court. He added that oftentimes, citations are not issued because of staff's inability to identify the violators.

VII. PUBLIC HEARINGS – None

VIII. CONSENT CALENDAR

Council Member Ruh requested that Item C-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 April 19, 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 April 19, 2004.

- B. Administrative Reports**

- 1. Setting a Public Hearing to Consider Ordinance No. 04-848 Establishing a Prezone Designation of R-1(20) to Approximately 11.60 Acres and a Prezone Designation of R-1(11) to Approximately 1.95 Acres Within the City's Sphere of Influence**

The City Council set a public hearing for Monday, May 17, 2004, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 04-848 establishing a prezone designation of R-1(20) to approximately 11.60 acres and a prezone designation of R-1(11) to approximately 1.95 acres within the City's Sphere of Influence.

- 2. Approval of Tentative Parcel Map No. 16571 Creating a Four-Lot Industrial Subdivision for an Industrial Complex Located at 5365-5369-5373-5377 Brooks Street**

The City Council approved Tentative Parcel Map No. 16571 creating a four-lot industrial subdivision for an industrial condominium development recently completed by applicant Brooks Business Park LLC, located at 5365-5369-5373-5377 Brooks Street, subject to the conditions listed in the agenda report on this item.

- 3. Authorization to Appropriate a \$5000 Donation From Kaiser Permanente Medical Center to the *Por la Vida* Program**

The City Council authorized appropriation of a \$5000 donation from Kaiser Permanente Medical Center to the *Por la Vida* Program that will be used to fund training, materials, and stipends for community lay health educators to teach a structured 16-week health-promotion program on nutrition, physical activity, and community resources to program participants.

- 4. "No Action" on Alcoholic Beverage Permit Application - Café Mannam**

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Kim Doo Sik for Café Mannam, 9513 Central Avenue, Units B and C, Montclair, California.

5. Approval of City Warrant Register and Payroll Documenta-tion

The City Council approved the Warrant Register dated May 3, 2004, totaling \$812,414.99, and the Payroll Documentation dated March 21, 2004, amounting to \$501,920.02, with \$343,454.03 being the total cash disbursement.

C. Agreements

2. Approval of *Agreement No. 04-55* With the County of San Bernardino for Pavement Rehabilitation of Mission Boulevard

The City Council approved *Agreement No. 04-55* with the County of San Bernardino for pavement rehabilitation of Mission Boulevard.

3. Authorizing Amendment of the Capital Improvement Program to Include the City of Montclair Sidewalk Construction Project

Authorizing a \$400,000 Appropriation From the Gas Tax Fund

Award of Contract to Gentry Brothers, Inc., for the City of Montclair Sidewalk Construction Project

Approval of *Agreement No. 04-56* With Gentry Brothers, Inc., in the Amount of \$366,816.50

Authorizing a \$33,000 Construction Contingency

The City Council took the following actions related to the City of Montclair Sidewalk Construction Project:

- (a) Authorized amendment of the Capital Improvement Program to include the project.
- (b) Authorized a \$400,000 appropriation from the Gas Tax Fund to cover the cost of the project.
- (c) Awarded a contract to Gentry Brothers, Inc., in the amount of \$366,816.50.
- (d) Approved *Agreement No. 04-56* with Gentry Brothers, Inc.
- (e) Authorized a \$33,000 construction contingency.

4. Approval of *Agreement No. 04-57* With Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium

The City Council approved *Agreement No. 04-57* with Liebert Cassidy Whitmore for participation in the East Inland Empire

Employment Relations Consortium.

D. Resolutions

- 1. Adoption of Resolution No. 04-2503 Determining the Amount of Property Tax Revenue to be Exchanged Between the County of San Bernardino and the City of Montclair Resulting From the Jurisdictional Change Described in Local Agency Formation Commission 2960 (Annexation No. 23)**

The City Council adopted Resolution No. 04-2503 determining the amount of property tax revenue to be exchanged between the County of San Bernardino and the City of Montclair resulting from the jurisdictional change described in Local Agency Formation Commission 2960 (Annexation No. 23)

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

- 1. Approval of *Agreement No. 04-47* Amending *Agreement No. 03-73* With the San Bernardino County Department of Aging and Adult Services to Increase Funding for the Senior Citizens Nutrition Program**

Council Member Ruh asked if the proposed increase in funding would be allocated to food costs or to dietary consultant services as stipulated in the agenda report.

Assistant Director of Human Services Yoakum responded that pursuant to the City's agreement with the San Bernardino County Department of Aging and Adult Services, a dietary consultant is retained to provide education and training to volunteers and staff four times a year. She stated that recently the consultant's fees increased by \$1017, and the San Bernardino County Department of Aging and Adult Services proposes to increase funding to the City in that amount to cover the increase in fees for this service.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the City Council approve *Agreement No. 04-47* amending *Agreement No. 03-73* with the San Bernardino County Department of Aging and Adult Services to increase funding in the amount of \$1017 for the Senior Citizen Nutrition Program.

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 his absence at the last regular joint meeting was because he was out of town attending a light-rail transportation conference on behalf of the **San Bernardino Associated Governments**.
- (b) He noted that Mayor Pro Tem Dutrey and he met with **San Bernardino County Fourth District Supervisor Aguiar** for dinner last week to discuss the working relationship between the County and City.
- (c) He noted his attendance today at the memorial services for **Hannah Rowley**, who passed away on Tuesday, April 27, 2004, at the age of eight following a five-year battle with leukemia. He noted that **Hannah** was the daughter of **Jerry** and **Susi Rowley**, owners of **Logan's Candies**, Ontario, granddaughter of former Montclair Mayor **Ernie Rowley**, and niece of Montclair resident and **Monte Vista Water District Field Services Supervisor Barry Rowley**. He stated that he would be adjourning tonight's meeting in **Hannah's** memory.

D. City Council/Agency Board

1. Member/Director Paulitz commented as follows:

- (a) He noted his attendance at the well-attended Human Services Division Annual Volunteer Recognition Dinner on Tuesday, April 27, 2004, and praised staff for its facilitation of the event.
- (b) He noted the recent passings of long-time Montclair residents **Mr. Art Murray**, who resided on the corner of Amherst Avenue and Benito Street for approximately 40 years, and **Ms. Ruth Martin**, who resided on Mills Avenue for approximately 40 years.

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

- (a) He noted his attendance along with Council Members Paulitz and Ruh at the **Chamber of Commerce Installation Banquet** on April 20, 2004, and that he is certain newly appointed **Chamber** President **Annamarie Megrđichian** will do a great job. He congratulated outgoing President **Judy Boroch** on her service to the **Chamber**.
- (b) He noted his enjoyment in attending the Human Services Division Annual Volunteer Recognition Dinner last Tuesday.

(c) In follow-up to his comments at the last meeting related to the *Local Taxpayers and Public Safety Protection Act* for constitutional protection of local revenues that will appear on the November 2004 ballot, he advised that **Governor Schwarzenegger** is proposing an alternative that would provide similar or better protection of local revenues in exchange for a two-year contribution by local governments to solving the state's budget crisis. He expressed his support of the local revenue constitutional-protection measure.

3. Council Member/Director Ruh commented as follows:

(a) He noted a presentation given by City planning services consultant **Mr. Stefanos Polyzoides, Moule & Polyzoides**, at this evening's adjourned meeting that reviewed public comment received from residents, business owners/operators, Council Members, and other interested parties on the proposed North Montclair Downtown Plan project. He stated that conceptual ideas for proposed transit-oriented development along the Fremont Avenue corridor can be compared to **Paseo Colorado**, Pasadena, **Birch and Ash**, Brea, and various developments in San Diego that incorporate a mix of high-density (20 to 60 units/acre) housing developments, some owner-occupied, some rental, situated over regional and/or localized street-fronting retail shops. He expressed his enthusiasm at Montclair becoming a rail-line destination for pedestrian shoppers/residents as the project becomes a reality.

(b) He noted his attendance Friday evening, April 30, 2004, along with **Montclair Chamber of Commerce** Executive Director **Kelly Johnson** and Administrative Analyst Melinda Flores, at the **Inland Valley Economic Development Corporation** Brace Awards dinner, at which Montclair business **Pan de Vita** was awarded the "Business of the Year Award" for best service company. He noted the small family-owned business relocated to Montclair from La Puente and exports Christian literature and books primarily to the Latin and South American marketplace. He noted he is pleased that a community business received this award.

(c) He noted his attendance at a recent Southern California water conference in Riverside and cited a *Los Angeles Times* article that same day indicating the federal government would be reducing California's share of Colorado river water as growth in the Southwest states of Arizona, Nevada, and New Mexico picks up. He noted the conference emphasized the need for drought-tolerant/low-water-use landscaping. He applauded those who have already implemented such landscaping uses at

their homes. He expressed his opinion that widespread use of drought-tolerant landscaping would make the region less dependent on other sources of water.

- (d) He cited a Sunday, May 2, 2004, *Los Angeles Times* article highlighting **Medi-Cal** fraud on the part of certain wealthy seniors who are considered to be "indigent" under state law, noting the **Governor** would soon be introducing his **Medi-Cal** reform proposal in an effort to curtail such fraudulent practices. He spoke on behalf of those who truly need **Medi-Cal** but are unable to qualify for it, noting that 43 million Americans have no health insurance whatsoever. He noted he would be meeting with **Assembly Member McLeod** to address the issue.
- (e) He extended his sympathy to **Senator Soto**, whose sister **Ms. Vickie Quesada** passed away Wednesday, April 28, 2004. He noted that **Ms. Quesada**, who was very active in the Pomona community, was one of the first female bus drivers for the **Chaffey Joint Union High School District** and was also one of the first females to qualify for a bus driver's license in California.
- (f) He extended his sympathy to the **Rowley** family in the passing last week of **Hannah Rowley**.
- (g) He expressed the following on behalf of those who are now or in the future might become dependent on prescription medications:

A car company can move its factories to Mexico and claim it's a free market. A toy company can outsource all its manufacturing to a Chinese subcontractor and claim it's a free market. A major bank can incorporate in Bermuda to avoid taxes and claim it's a free market. We can buy printers made in Mexico, we can buy shirts made in Bangladesh, we can buy Chilean grapes and Brazilian coffee, we can buy Argentine beef and Australian kiwi, we can even buy Costa Rican bananas, but heaven forbid the elderly try to buy their prescription drugs from a Canadian pharmacy. They call that un-American.

Council Member Ruh advised that we should be asking our representatives about the powerful lobby of pharmaceutical companies.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of April 19, 2004

The City Council received and filed the Personnel Committee meeting minutes of April 19, 2004, for informational purposes.

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

At 7:19 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of **Hannah Rowley**, who passed away Tuesday, April 27, 2004, following a five-year battle with leukemia.

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

Yvonne L. Smith
Transcribing Secretary