

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, OCTOBER 4, 2004, AT 7:01 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 7:01 p.m.

II. INVOCATION

Pastor Neal Froese, Rock of Life Community 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; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Personnel Officer Hayes; 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

Absent: Mayor Pro Tem/Vice Chairman Dutrey (excused)

V. PRESENTATIONS

A. **Presentation of Plaque to Mr. Bruno E. Masluk, City of Montclair Community Hero 2004**

Mayor Eaton presented Human Services Division volunteer **Mr. Bruno E. Masluk** with a plaque in recognition of his being honored as "Montclair's Community Hero 2004" at this year's **L. A. County Fair**. He thanked **Mr. Masluk** for his ten years of volunteer service to the Montclair community in assisting the Human Services Division to coordinate the Senior Bingo Program, serve as Santa's elf during the City's annual toy drive, and assist with the Senior Citizen Program.

Mr. Masluk accepted his plaque and thanked Mayor Eaton and the Council. He noted his surprise at being selected as "Montclair's Community Hero 2004" and that he is truly honored.

Mayor Eaton reminded the public that the last day to register to vote in the November 2, 2004 Presidential General Election is October 18, 2004.

VI. PUBLIC COMMENT

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

1. He reiterated his opinion that the City is withholding information related to the reason a former Montclair Police Officer resigned that, pursuant to the **Ralph M. Brown Act**, is

public information, despite Deputy City Attorney Holdaway's opinion at the last meeting.

Noting this topic has been repeatedly addressed at past meetings and pursuant to Deputy City Attorney Holdaway's opinion at the last meeting, Mayor Eaton told **Mr. Armstrong** that the subject would receive no further Council discussion or response.

Mr. Armstrong asserted he would continue to address the matter.

2. In response to Council Member Paulitz's past comment that attendance at the **City of Rancho Cucamonga's** Council meetings is similar to that of Montclair's regular joint meetings, he noted his observation that there are between forty to one hundred attendees at Rancho Cucamonga Council meetings.
3. He reiterated that during the incident involving his being threatened by a staff member, City Manager McDougal had advised Director of Administrative Services Starr against further commentary. Noting City Manager McDougal had supposedly denied the incident had occurred when questioned by certain individuals, he asked City Manager McDougal to confirm or deny that it happened.
4. In response to Council Member Paulitz's inquiry at the last meeting of **Mr. Armstrong's** source for the confidential information related to the resignation of a former Montclair Police Officer, **Mr. Armstrong** disclosed he received correspondence suggesting the Officer was allowed to resign under questionable circumstances. He noted learning that neither Council Member Raft nor Council Member Ruh has information on the matter and suggested the rest of the Council does.
5. He expressed his opinion that **Mr. Baer** deserves the respect of the Council when commenting at these meetings.

In response to **Mr. Armstrong's** suggestion that he and other Council Members are aware of the circumstances surrounding the former Montclair Officer's resignation, Mayor Eaton asserted that is not the case. He reiterated that the subject is a confidential personnel matter and would not be further addressed by the Council.

Council Member Paulitz clarified that the Council receives the results of Personnel Committee actions at the conclusion of regular joint meetings and that such actions are confidential matters that are not to be publicized. He disclosed that a Police Officer resigned from the Montclair Police Department effective October 1, 2004, though he advised that publicizing details of such confidential matters would be a violation of the law.

Mr. Armstrong reiterated that pursuant to the **Ralph M. Brown Act**, "the people have the right to know what's going on."

Council Member Paulitz told **Mr. Armstrong**, "The **Ralph M. Brown Act** does not give you the right to personnel information."

Mr. Armstrong disagreed.

- B. **Mr. Michael D. Bryan**, 9400 Columbine Avenue, Montclair, identified himself as the Scoutmaster for **Troop 311, Boy Scouts of America, Old Baldy Council**, and commented as follows:

1. He thanked the City for supporting the recent bicycle safety fair at which two young men became members of his troop. He asked that anyone interested in joining the **Boy Scouts** should contact the **Boy Scouts of America, Old Baldy Council**, adding that he may be contacted by those interested in participating in the organization's fundraisers.
2. He asked that the City look into developing a lawnmower exchange program.

Council Member Paulitz advised that at specified times during the year, the **South Coast Air Quality Management District** sponsors an **Electric Lawnmower Exchange Program** in which new rechargeable electric mowers are exchanged for working gasoline-powered lawnmowers and \$100 on a first-come, first-served basis. He told **Mr. Bryan** that staff would contact him with information on the next **Electric Lawnmower Exchange Program**.

Mr. Bryan thanked Council Member Paulitz.

Mayor Eaton thanked **Mr. Bryan** for his comments.

C. Mr. Roger Baer commented as follows:

1. In follow-up to City Manager McDougal's comment at the last meeting related to the City's insurance company paying the settlement costs in the **Baer** lawsuit, he reiterated his opinion that the residents pay the insurance premiums and also any increases to the premiums as a result of the settlement. He reiterated background information related to the case and its settlement.
2. He concurred with comments made by **Mr. Armstrong** related to meeting attendance and expressed his dissatisfaction with the attendance at these meetings.
3. He expressed his opinion that the Council and City Manager McDougal should have been informed of the Police Officer resignation matter addressed by **Mr. Armstrong** "to further protect the citizens."
4. He noted he would yield the balance of his comment time to **Mr. Armstrong**.

D. Mr. Ronald Armstrong, 5601 Deodar Street, Montclair, thanked **Mr. Baer** and commented as follows:

1. He reiterated his request of City Manager McDougal to confirm or deny that City Manager McDougal had advised Director of Administrative Services Starr against further commenting regarding **Mr. Armstrong's** being threatened by a staff member.
2. He noted his perception of the treatment of public speakers at these meetings.
3. He expressed his opinion on the propriety of Rancho Cucamonga Council meetings and his belief that information is withheld from the public at regular joint meetings in Montclair.
4. With regard to the upcoming election, he suggested residents should pay heed to who speaks for the people.

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 04-854 Pursuant to Chapter 11.84 of the Montclair Municipal Code Establishing the Following Prezone Designations Within the City's Sphere of Influence:

"R-1(SL)" to Approximately 4.70 Acres

"R-1" to Approximately 3.09 Acres

Mayor Eaton declared it the time and place set for public hearing to consider Ordinance No. 04-854 pursuant to Chapter 11.84 of the Montclair Municipal Code establishing prezone designations of "R-1(SL)" to approximately 4.70 acres and "R-1" to approximately 3.09 acres within the City's Sphere of Influence and invited comments from the public.

Mr. Mike Palmer, 5276 Phillips Boulevard, Chino, spoke on his own behalf and that of **Messrs. Ray Cuevas** and **Raymond J. Cuevas**, 5206 Phillips Boulevard, Chino, and commented as follows:

1. He thanked City Manager McDougal and Director of Community Development Clark for omitting the properties immediately north of Phillips Boulevard between Central and Fremont Avenues from further rezoning designation and future annexation actions. He noted the Council's consideration of public testimony at these public hearings and the mitigation efforts of staff prove that democracy works.
2. He submitted to the Council written protests from himself and the following County residents whose properties have been omitted from further rezoning designation and future annexation actions: **Ms. Susan Roush** representing her mother, **Mrs. Lenora Farrar**, 5234 Phillips Boulevard, Chino; **Mrs. Linda Palmer**, 5276 Phillips Boulevard, Chino; **Mr. Vernon Johnson**, 5242 Phillips Boulevard, Chino; **Mr. Jerry M. Kovacevich**, 5246 Phillips Boulevard, Chino; **Mr. Ray Cuevas**, 5206 Phillips Boulevard, Chino; **Mr. Raymond J. Cuevas**, 5206 Phillips Boulevard, Chino; and **Mrs. Leticia Gonzalez**, 5216 Phillips Boulevard, Chino.
3. He expressed his concern that County residents should be given the opportunity to testify in such matters and further expressed his concern on behalf of an owner whose property on Fremont Avenue is included in the proposed rezoning action.
4. He expressed his concern that the owners of the three properties on Fremont Avenue proposed to be rezoned "R-1" concur with the proposal.
5. He thanked the Council for uniting neighborhood residents through the initial rezoning proposal.
6. Noting the importance of being "good neighbors," he discussed correspondence he recently received from the **City of Chino** concerning a senior housing project proposal that he believes has been in the development stages for a year and a half, adding that this is the first notification he has received of the proposed project. He expressed his opinion that County residents have a right to know about nearby development proposals in neighboring cities that might affect their properties.

7. Noting he has served as a fire safety officer in his professional life for the past forty years, he expressed his concern that a housing subdivision being developed nearby contains inadequate onsite parking. He further complained about children playing basketball on the new subdivision's streets and reiterated his concern of the absence of playground areas at the subdivision.

Mr. Jaime Gonzalez, 5216 Phillips Boulevard, Chino, spoke on his own behalf and that of **Mrs. Leticia Gonzalez**. He noted he and his family have enjoyed living in solitude in the County for the past nine years, adding that his property is zoned for equestrian use. He spoke in opposition of his property being annexed to Montclair, expressing his belief that annexation would result in land devaluation and animal and parking restrictions related to City zoning laws. He advised that such laws would restrict his ability to park his commercial vehicle at or on his property.

Mr. Thomas R. Nedeau, 11271 Fremont Avenue, Montclair, spoke on his own behalf and that of **Mrs. Shellie Nedeau**. He thanked the Council for omitting the properties immediately north of Phillips Boulevard between Central and Fremont Avenues from further rezoning designation and future annexation actions.

Mr. Albert Brutsche, 5200 Phillips Boulevard, Chino, spoke on his own behalf and that of **Ms. Aleene Brutsche**. He thanked the Council for omitting the properties immediately north of Phillips Boulevard between Central and Fremont Avenues from further rezoning designation and future annexation actions.

Mrs. Linda Palmer, 5276 Phillips Boulevard, Chino, noted she faxed her concerns about the initial rezoning proposal to the Council on September 28, 2004. She thanked the Council for omitting the properties immediately north of Phillips Boulevard between Central and Fremont Avenues from further rezoning designation and future annexation actions.

Mr. Ronald Armstrong, 5601 Deodar Street, Montclair, asked what right the City had to inventory County residents' animals, suggesting that such action would be an invasion of privacy.

Mayor Eaton received clarification from City Manager McDougal that no such inventory of County residents' animals has been conducted.

Mr. Armstrong asked Director of Community Development Clark if that were true.

Mayor Eaton told **Mr. Armstrong** to address his inquiries to Mayor Eaton as opposed to staff. He asked City Manager McDougal for further clarification on the issue.

City Manager McDougal noted that at the last meeting there was discussion related to inventory and documentation for recording purposes of existing animal privileges and recognition of existing nonstandard development conditions in the initial area proposed for rezoning. He advised that he had suggested to the Council at the conclusion of that discussion that the inventory be conducted following the Council's decision at this hearing and that to his knowledge, no inventory has been taken of those residents' animals.

Mr. Baer concurred with comments made by **Mr. Armstrong**.

There being no one else 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 asked attending County residents if they are satisfied with the areas that have been excluded from further rezoning and future annexation actions.

Mr. Mike Palmer, 5276 Phillips Boulevard, Chino, reiterated his concern that the owners of the three properties on Fremont Avenue proposed to be rezoned "R-1" have been notified and concur with the proposal.

Moved by Council Member Raft and seconded by Council Member Paulitz that Ordinance No. 04-854, entitled "**An Ordinance of the City Council of the City of Montclair Approving Prezone Designations of R-1(SL) (Single-Family Residential, Small-Lot Detached Housing Overlay) and R-1 (Single-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 waived the reading of the Ordinance.

First Reading of Ordinance No. 04-854 was adopted by the following vote:

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

B. First Reading - Adoption of Ordinance No. 04-855 Adding Chapter 11.85 to the Montclair Municipal Code Related to Density Bonus Regulations

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 04-855 adding Chapter 11.85 to the Montclair Municipal Code relate to density bonus regulations 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 Paulitz inquired as follows:

1. Would proposed Ordinance No. 04-855 apply to R-1-zoned properties in addition to multifamily properties?

Director of Community Development Clark responded that it could apply to R-1-zoned properties.

2. Would proposed Ordinance No. 04-855 apply to R-1(SL)-zoned properties?

Director of Community Development Clark advised that the last three R-1(SL)-zoned projects were rezoned at the request of the applicants developing those housing subdivisions and that rezoning the properties to "R-1(SL)" complied with current requirements of the California Government Code to provide for residential density bonuses to projects creating specific criteria for affordable housing units. He added that an applicant would be entitled to a density bonus for a residential development proposed in an R-1(SL) zone, though the City has no inventory of vacant small-lot-zoned properties.

3. Does the term "density bonus" refer to an increase in units per acre?

Director of Community Development Clark clarified that the provisions of proposed Ordinance No. 04-855 are intended to permit assisted housing projects for families and seniors when a density bonus and possibly other incentives are necessary to make projects economically feasible. He further clarified that should the Council adopt the proposed Ordinance in compliance with current requirements of the Government Code, the City would be required to grant either a 25 percent density bonus or a density bonus with other incentives, such as less common area or reduced unit sizes, to a developer of a housing project who agrees to construct a certain percentage of the total units as restricted and affordable to either low-income or very low-income households or as restricted to qualifying senior residents.

Council Member Paulitz received further clarification on the alternative of the City granting density bonus incentives to other locations in the spirit of free enterprise, though generally it would apply to a specific development as stipulated in a Density Bonus Housing Agreement containing long-term deed restrictions on the project to ensure long-term affordability.

Council Member Ruh inquired as follows:

1. Would owners of low- to moderate-income housing subject to these regulations under such regulations be restricted in selling their properties?

Director of Community Development Clark responded that the owners would be restricted by the terms of their Density Bonus Housing Agreements that contain long-term deed restrictions ensuring long-term affordability.

2. How would such an owner sell his property?

Director of Community Development Clark clarified that the owner would offer the City a first right of refusal on the property and then would offer the property for sale to buyers qualifying at an income-restricted level based on current applicable income levels.

Council Member Ruh observed that the subject homes would not appreciate in value when they are sold.

3. Would the property owners be able to qualify for home-equity loans?

Director of Community Development Clark responded that they would just need to qualify under the terms of the income limits.

Director of Redevelopment/Public Works Staats advised that participants in the Redevelopment Agency's deed-restricted homebuyer assistance program are able to qualify for home-equity loans for home-improvement purposes. She advised that the loan amounts are deducted from the Agency's equity share at the time the homes are sold.

Discussion centered on the appreciation of home values exceeding the amounts for which the homes could be resold to persons qualifying for low- to moderate-income housing.

Council Member Ruh expressed his concern about deed-restricted units and the inclusionary housing requirement.

Director of Redevelopment/Public Works Staats clarified that proposed Ordinance No. 04-855 is not an inclusionary housing ordinance.

Director of Community Development Clark emphasized that the purpose of the proposed Ordinance is to provide housing to those who would not otherwise be able to afford to purchase homes.

Council Member Ruh maintained that he is an advocate of providing affordable housing. He spoke in support of higher density housing without deed restricting the units.

Director of Redevelopment/Public Works Staats clarified that the proposed Ordinance would only offer density bonus incentives to a developer desiring to take advantage of such incentives and does not require developers to include affordable housing units in their housing projects.

Council Member Ruh reiterated that he is not in favor of deed restricting affordable housing units because the owners would not realize an appreciable return on their investment when their properties are sold. He suggested affordable housing units should be spread throughout the City. He indicated he would require additional time to further study the matter.

Council Member Paulitz commented as follows:

1. He expressed his opinion that most real estate investors desire larger homes.
2. He advised Council Member Ruh that the higher density units he advocates would build very little equity.
3. He clarified that Ordinance No. 04-855 offers a density bonus option to developers interested in taking advantage of possible economic feasibility incentives by including affordable housing units in their multifamily or senior housing projects. He emphasized the proposed Ordinance promotes the very thing that Council Member Ruh has repeatedly advocated.
4. He reiterated his hope that Council Member Ruh bases his next reelection campaign on the higher density housing he so strongly supports.
5. Noting his exasperation with Council Member Ruh's continuous advocacy of higher density housing, he advised that he personally does not favor it but will vote for the item because a nonprofit organization needs the density bonus incentives for project feasibility.

Moved by Council Member Paulitz and seconded by Council Member Raft that Ordinance No. 04-855, entitled "**An Ordinance of the City Council of the City of Montclair Amending Title 11 of the Montclair Municipal Code Related to Residential Density Bonus,**" be read by number and title only, further reading be waived, and this be declared its first reading.*

Council Member Ruh reiterated there is a need for low- to moderate-income housing for seniors and families. He asserted that higher density equals affordability in housing and that deed restrictions would result in no appreciable return on owners' real estate investments. He noted he needs to further study the matter and cannot support the item this evening.

*The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 04-855 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

City Attorney Robbins requested that Item B-3 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

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

B. Administrative Reports

1. Setting a Public Hearing to Consider Proposed Use of Federal Local Law Enforcement Block Grant Program Funds

The City Council set a public hearing for Monday, October 18, 2004, at 7:00 p.m. in the City Council Chambers to consider the proposed allocation of Federal Local Law Enforcement Block Grant Program funds.

2. Setting a Public Hearing to Receive Public Comment on Allocation of State Supplemental Law Enforcement Services Funds

The City Council set a public hearing for Monday, October 18, 2004, at 7:00 p.m. in the City Council Chambers to receive public comment on the allocation of State Supplemental Law Enforcement Services funds.

4. Approval of Filing of *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Six-Month Retention of *Payment Bond* Related to Completion of the Montclair Caboose Relocation Project

The City Council approved the following actions related to completion of the Montclair Caboose Relocation Project:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.

5. Declaring Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared the unclaimed property in Police custody listed on an attachment to the agenda report on this item as surplus and available for auction.

6. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated October 4, 2004, totaling \$4,432,259.43, and the Payroll Documentations dated September 5, 2004, amounting to \$519,064.13, with \$348,596.26 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 04-99 With Cost Recovery Systems, Inc., for State Mandate Reimbursement Claiming Services

The City Council approved *Agreement No. 04-99* with Cost Recovery Systems, Inc., for state mandate reimbursement claiming services.

2. Approval of Agreement No. 04-140 With the Ontario-Montclair School District to Provide Police Consulting Services

The City Council approved *Agreement No. 04-140* with the Ontario-Montclair School District to provide police consulting services.

3. Approval of Agreement No. 04-142 With One Stop Wireless Internet for High-Speed Internet Connectivity for City Facilities

The City Council approved *Agreement No. 04-142* with One Stop Wireless Internet for high-speed Internet connectivity for City facilities.

4. Approval of Agreement No. 04-143 With Interactive Computer Designs, Inc., for Purchase of Code Enforcement Violation-Tracking Software Program

The City Council approved *Agreement No. 04-143* with Interactive Computer Designs, Inc., for purchase of a Code Enforcement violation-tracking software program.

5. Approval of Agreement No. 04-144 With the California Department of Education to Provide a William F. Goodling Even Start Family Literacy Program in Montclair

The City Council approved *Agreement No. 04-144* with the California Department of Education to provide a William F. Goodling Even Start Family Literacy program in Montclair.

D. Resolutions

1. Adoption of Resolution No. 04-2547 Opposing Proposition 67: the "Emergency and Medical Services Funding and Telephone Surcharge" Initiative Constitutional Amendment and Statute

The City Council adopted Resolution No. 04-2547 opposing Proposition 67: the "Emergency and Medical Services Funding

and Telephone Surcharge" initiative Constitutional amendment and statute.

2 Adoption of Resolution No. 04-2548 Supporting Proposition 64: the "Limit on Private Enforcement of Unfair Business Competition Laws" Initiative Statute

The City Council adopted Resolution No. 04-2548 supporting Proposition 64: the "Limit on Private Enforcement of Unfair Business Competition Laws" initiative statute.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

3. Approval of an Allocation from the Contingency Account for Repair, Reconditioning, and Resurfacing of Hardwood Floors in the Community Center Gym and Racquetball Courts

City Attorney Robbins suggested the following:

- (a) A separate bid be obtained for restoration of the auditorium stage parquet floor in the Community Center.
- (b) The Council consider the selection of Pro Line Gymnasium Floors as the lowest responsible bidder in the project to restore the Community Center gym and racquetball court hardwood floors.
- (c) The Council consider approving an allocation of just \$6,750 from the Contingency Account representing the balance of funding needed to complete the project.

City Manager McDougal suggested the entire requested \$11,000 Contingency Account appropriation be allocated so funds may be reserved for future restoration of the auditorium stage parquet floor.

City Attorney Robbins concurred.

Moved by Mayor Eaton, seconded by Council Member Raft, and carried that the City Council approve the following:

- (a) The selection of Pro Line Gymnasium Floors as the lowest responsible bidder in the repair, reconditioning, and resurfacing of the hardwood floors in the Community Center gym and racquetball courts.
- (b) The allocation of not more than \$11,000 from the Contingency Account to pay project costs and to set aside a funding reserve for the future restoration of the auditorium stage parquet floor.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director

1. City Manager/Executive Director McDougal reluctantly commented as follows:

- (a) He reiterated that procedurally, it is under Section XI, "Communications," Item B, "City Manager/Executive

Director," that he has an opportunity to comment on unagendized items.

- (b) In response to **Mr. Armstrong's** inquiry, he agreed that he did advise Director of Administrative Services Starr against further commentary related to **Mr. Armstrong's** being threatened by a staff member.
- (c) In response to **Mr. Baer's** earlier comment related to the City's insurance company paying the settlement costs in the **Baer** lawsuit, he advised that adjustments to insurance premium costs would become evident when the policy is renewed. He reiterated for clarification purposes that the subject lawsuit was settled by the City's insurance company and was not paid by the taxpayers.
- (d) In response to **Mr. Armstrong's** earlier comment related to the reason a former Montclair Police Officer resigned, he asserted he has no knowledge of the issue. He suggested that staff's review of **Mr. Armstrong's** supporting evidence would be useful in determining whether or not the circumstances surrounding the Officer's resignation should be disclosed.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at the well-attended **Montclair Community Collaborative (MCC)** 8th anniversary celebration, emphasizing that the organization has received more than \$10 million in grants for outreach programs (including *Por la Vida*) benefiting community children and families over its eight-years of operation.
- (b) He noted his attendance last month at the Annual **League of California Cities** "United We Win" Conference at which discussion centered on the importance of cities working together to protect vehicle license fee and local sales and property tax revenues.
- (c) **Announcement of Community Action Committee Appointment**

Mayor Eaton stated the Montclair Community Action Committee (CAC) Interview Panel interviewed four candidates to fill the unexpired term of CAC Member Gerald Johnson who has moved. He announced the CAC Interview Panel has made its selection; and with the consensus of the Council, he would like to appoint **Mr. Ed Cook** to the CAC.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried to appoint **Mr. Ed Cook** to the CAC.

- (d) He read a letter he received from the Principal of Montclair High School, which is entered into the record as follows:

Dear Mr. Eaton:

I want to take this opportunity to thank you and the City Council for donating the GEM cars to Montclair High School. Please

express my appreciation to the City Manager and the City Council.

One of the vehicles is being used daily by our security team. We will be having the other two cars serviced and new batteries purchased so that other security personnel will be able to supervise this large campus using the GEM cars. Our security staff is able to cover a lot more territory on our 50+ acres using the GEM cars and is much more visible on campus.

We really appreciate the positive relationships between the City of Montclair and Montclair High School that have developed over the years. We appreciate all that you do for the community and MHS in particular.

Thank you again for your thoughtfulness in donating these GEM cars to us. We promise to use them wisely to keep our young Montclair High School citizens safe.

Sincerely,

*/s/ Judy L. Post
Principal /s/*

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted Council Member Raft and he would be interviewing candidates for the **West Valley Mosquito and Vector Control District Board** on Thursday.
 - (b) He advised that the "**Measure F**" signs posted throughout the City promote the one quarter of 1 percent retail transactions and use tax proposal on the November 2, 2004 Presidential General Election ballot. He expressed his hope that the measure is approved by the voters.
 - (c) He noted the following concerning meeting attendance:
 - (1) While **Mr. Armstrong** is correct in his earlier comment that some cities' Council meetings attended by Council Member Paulitz have a larger attendance than that at Montclair's meetings, some of the cities mentioned are four to six times larger than Montclair, such as the **City of Ontario**, ergo the greater attendance.
 - (2) The evening Council Member Paulitz attended the **City of Rancho Cucamonga** Council meeting, there were fewer in attendance than at Montclair's regular joint meetings, and such meeting was attended by proponents of a recall action in that City that subsequently failed. The proponents are currently opposing the appointed incumbents' running for reelection, which could account for the larger attendance at recent meetings.

- (3) Attendance at **City of Upland** Council meetings is sometimes greater than at Montclair's regular joint meetings.
- (4) Attendance is typically higher at Montclair's regular joint meetings than at Council meetings in the cities of Chino Hills, Yucaipa, Loma Linda, Highland, and Grand Terrace.

2. Council Member/Director Ruh commented as follows:

- (a) He noted he enjoyed attending the **Herb Haft** event on Saturday, a three-day fundraiser that benefited a tremendous number of regional charities. He commended **Mr. Haft** and the organizers of the humanitarian event.
- (b) He cautioned that the Governor has signed legislation requiring vehicle headlight use during inclement weather.
- (c) He advised that at each meeting, he would report certain legislative actions affecting residents and the community for the benefit of the public.

E. Committee Meeting Minutes

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

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

XII. COUNCIL/AGENCY WORKSHOP

A. Demonstration of City's New Improved Web Site

Moved by Council Member/Director Ruh, seconded by Mayor/Chairman Eaton, and carried to continue this item to an adjourned joint meeting on Monday, October 18, 2004, at 5:45 p.m. in the City Council Chambers.

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

At 8:17 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Monday, October 18, 2004, at 5:45 p.m. in the City Council Chambers.

At 8:17 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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

Yvonne L. Smith
Recording Secretary