

MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL, REDEVELOPMENT
AGENCY BOARD, AND MONTCLAIR
HOUSING CORPORATION BOARD HELD ON
MONDAY, JULY 15, 2002, 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 John Woods, Praise Christian Center, 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 Paulitz; Council Members/Directors Dutrey and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Acting Director of Community Development/Agency Planner Lustro; City/ Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

Absent: Council Member/Director Raft (arrived at 7:08 p.m.)

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced **Mr. Eduardo Minero**, who was appointed to the position of Lead Custodian in May 2002.

Mayor Eaton presented Lead Custodian Minero with a City pin and welcomed him to the Montclair City family.

Mayor Eaton introduced **Mr. Mathew Borges**, who was appointed to the position of Maintenance Worker effective today. He noted that Maintenance Worker Borges has been working as a part-time Graffiti Abatement worker since March 2002.

Council Member/Director Raft arrived at 7:08 p.m.

Mayor Eaton presented Maintenance Worker Borges with a City pin and welcomed him to the Montclair City family.

B. Introduction of Promotees

Mayor Eaton introduced **Mr. Mike McGehee**, who was reclassified to the position of Building Maintenance Supervisor effective July 1, 2002. He noted that Building Maintenance Supervisor McGehee began his career with the City as a Maintenance Worker in June 1988 and was promoted to the position of Leadworker in the Building Maintenance Division in 1994. Upon the retirement of the previous Building Maintenance Supervisor in 1998, Mike assumed the duties and responsibilities of supervising Building Maintenance

staff and overseeing the maintenance of City facilities.

Mayor Eaton presented Building Maintenance Supervisor McGehee with a City pin and congratulated him on his promotion.

Mayor Eaton introduced **Mr. Xavier Mendes**, who was reclassified to the position of Assistant Public Works Superintendent effective July 1, 2002. He noted that Assistant Public Works Superintendent Mendes began his tenure with the City as a Maintenance Worker on October 26, 1992, and has volunteered many times to serve as the Montclair Bio-Bunny mascot at recycling events.

Mayor Eaton presented Assistant Public Works Superintendent Mendes with a City pin and congratulated him on his promotion.

Mayor Eaton introduced **Mr. Steve Stanton**, who was reclassified to the position of National Pollution Discharge Elimination System (NPDES) Coordinator on July 1, 2002. He noted that NPDES Coordinator Stanton started his career with the City as a part-time Racquetball Coordinator in 1987 and was appointed to Maintenance Worker in 1990. During his tenure, he served as a Reserve Code Enforcement Officer for a year and has been a Reserve Police Officer for the past four years.

Mayor Eaton presented NPDES Coordinator Stanton with a City pin and congratulated him on his promotion.

Mayor Eaton introduced **Mr. Dave Bostic**, who was reclassified to the position of Graffiti Abatement Worker effective today. He noted that Graffiti Abatement Worker Bostic has been employed with the City as a Maintenance Worker since 1988, adding that he recently worked on the Memorial Wall improvements.

Mayor Eaton presented Graffiti Abatement Worker Bostic with a City pin and congratulated him on his promotion.

Mayor Eaton introduced **Mr. Dennis McGehee**, who was reclassified to the position of Environmental Control Specialist effective July 1, 2002. He noted that Environmental Control Specialist McGehee began his employment with the City as a Maintenance Worker in January 1996 and that he was involved in the Memorial Wall improvements and the renovation of the Library courtyard.

Mayor Eaton presented Environmental Control Specialist McGehee with a City pin and congratulated him on his promotion.

VI. PUBLIC COMMENT

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

A. **Ms. Pat Rees**, Chairperson of the Board, **Montclair Chamber of Commerce**, 5220 Benito Street, Montclair, announced the following upcoming **Chamber** activities:

1. July 20, 2002 - "**Consumer Affair**" **Business Expo**; 9:00 a.m.-5:00 p.m.; **Montclair Plaza**; \$250 **Chamber** member, \$350 nonmember; for further information, call the **Chamber**, (909) 624-9469.
2. August 21, 2002 - **Chamber Annual Montclair Police Department Employees' Recognition Breakfast**, 7:30 a.m., Montclair Community Center auditorium. Cost to attend the breakfast and sponsor a Police Officer or department employee: \$30.

3. August 28, 2002 – **Chamber 13th Annual Golf Tournament**; check-in, 6:30 a.m., putting and chipping contests, 7:00 a.m., shotgun start, 8:00 a.m.; **Sierra Lakes Golf Club**, 16600 Clubhouse Drive, Fontana; call the **Chamber**, (909) 624-9469, for reservations.

B. Ms. Lisha Smith, Liaison, Riverside/San Bernardino Counties, Public Affairs Division, **South Coast Air Quality Management District (SCAQMD)**, 21865 East Copley Drive, Diamond Bar, gave a brief presentation on the following new **SCAQMD** programs that have been implemented to improve **SCAQMD'S** interactions with local government:

1. **Permit Checklist System**, implemented by the **SCAQMD** Business Assistance Office, to assist municipalities in quickly determining whether new businesses will need air-quality permits. The program offers no-cost permit assistance for small businesses requiring air-quality permits and on-site consultation to assist business owners identify sources of and ways to prevent air pollution. In addition, the program offers funding sources for air pollution-control equipment; and staff is available to answer questions on fees and/or compliance issues.
2. **AB 2766 Motor Vehicle Registration Fee Subvention Fund Program** - Technical resources and assistance are available on projects that would be funded through this program. Staff would be happy to assist in identifying the best and most cost-effective projects that would produce quantifiable mobile source emission reductions and achieve the greatest air-quality benefits for local constituents. In addition, **SCAQMD** desires to keep local government informed of what other cities are doing with their funds and how Montclair can partner with them to implement effective programs and expand the overall air-quality benefits.
3. **SCAQMD** is developing training programs for building and safety staff to help in asbestos-removal issues and in learning how to identify operations and equipment in the field that may require air-quality permits. **SCAQMD** has a model General Plan Air-Quality Element that is available to local governments for incorporation into General Plan documents.
4. **SCAQMD** is continuing its efforts to secure and make available information about furthering programs for joint alternative-fuel vehicles and for fueling infrastructure for fleet rule compliance.

Ms. Smith stated that **Ms. Norma J. Glover**, Chair, **SCAQMD** Orange County Cities Representative, has made a commitment to improve **SCAQMD'S** services to local government. As part of that commitment, she indicated that she and other **SCAQMD** staff will work closely with local government to ensure the following: (a) the City is part of the clean-air policy-making process; (b) **SCAQMD** is responsible to the City's constituents when they have air-quality-related issues or complaints; and (c) that **CAQMD** continues to offer local government information, technical assistance, training, and support so that cities can make the most informed decisions related to achieving improved air quality and a better quality of life for the region's residents.

Ms. Smith left packets of literature on **SCAQMD** for the Council and advised the Council and staff to contact her for any assistance.

Mayor Eaton thanked **Ms. Smith** for her informative presentation.

C. Mr. Ronald Armstrong, 5601 Deodar Street, Montclair,

commented as follows:

1. He quoted **U.S. Supreme Court Associate Justice Sandra Day O'Connor** and the **Reverend Dr. Martin Luther King, Jr.**, on topics ranging from public demeanor and the public's obligation to speak out if something appears to be wrong in our government, respectively.
 2. He invited the public to drive by the boarded-up **Raft** home at 10440 Amherst Avenue to exemplify **Mr. Roger Baer's** previous comments.
 3. He noted he has been speaking to community youth and expressed his opinion that the Council is setting a bad example for these young people.
 4. He stated he is pleased to see a larger turnout at tonight's meeting as compared to the last meeting.
 5. He asserted he has the right to question staff.
- D. Mr. Art Van Deventer, Monterey Manor Mobile Home Estates, 11250 Ramona Avenue, Space 902, Montclair, commented as follows:**
1. He thanked City Manager McDougal and Director of Redevelopment/Public Works Staats for their prompt response to his request for information related to resale possibilities of **Monterey Manor Mobile Home Estates** upon retirement of the financing bonds.
 2. He noted that City Engineer Hudson was helpful in installing left-turn signage at the entrance to **Monterey Manor Mobile Home Estates** at his request, adding he hopes such signage would be key in preventing accidents.
 3. He expressed his appreciation of the City of Montclair, the Council, and staff and stated that "they do an excellent job" and that there is no comparison with other area cities and the **County of San Bernardino**. He stated he does not care for those who disparage the City Council and the operation of the City because he does not feel it is warranted. He noted the continual statements being made that are not based on fact are unfair to the Council, adding that there are many residents who feel the same as he does.

VII. PUBLIC HEARINGS

A. Withdrawal of Proposed Ordinance No. 02-820 Establishing a Prezone Designation of "R-1" to Approximately 22 Acres Within the City's Sphere of Influence

Mayor Eaton declared it the time and place set for public hearing to consider withdrawal of further consideration of Ordinance No. 02-820 establishing a prezone designation of "R-1" (single-family residential) to approximately 22 acres within the City's Sphere of Influence and invited comments from the audience.

Mr. Don Hostetter, 11366 Norton Avenue, Pomona, stated that proposed Ordinance No. 02-820 marks the fifth time a select few neighborhood residents have proposed annexation of the subject area to Montclair. He noted he had circulated a petition to survey residents and that the majority opposed annexation. He stated he and the residents opposed to annexation are requesting the Council discontinue further consideration of this item and that there be a reasonable delay before annexation is again proposed for the area.

Should the Council vote to withdraw this item, **Ms. Mary Ann White**, 4433 Monte Verde Avenue, Pomona, asked how soon procedures to annex the subject area could again be proposed.

Acting Director of Community Development/Agency Planner Lustro responded that it is staff's recommendation that the Council withdraw this item from further consideration, adding that staff is not planning to resubmit the subject area for rezoning at any time in the future.

Mayor Pro Tem Paulitz asked if there was any overlap in survey results from property owners and registered voters.

Acting Director of Community Development/Agency Planner Lustro answered, "Yes."

Discussion centered on the location of available sewer lines in relation to the subject area.

Mayor Pro Tem Paulitz noted the City maintains irrevocable annexation agreements with a number of County residents who requested connection of their properties to the City Sewer System, adding that those individuals have agreed to support annexation of their tracts should it be proposed at some future time. He discussed the possibility of certain County residents desiring sewer connections in the future in the event of septic system failure.

Ms. White emphasized that this and past rezoning hearings have presented a hardship to elderly County residents.

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.

Mayor Eaton noted the subject area had been proposed for annexation a number of times during the years he served on the Montclair Planning Commission from 1974 and 1988. He stated he would not support future annexation proposals of the site.

Council Member Dutrey concurred. He stated it has always been the City's position to pursue annexation of a certain area if the residents of that area request such action. He indicated the dissenters have clearly expressed their opposition to the proposed preannexation action, adding that should this proposal resurface at some time in the future, staff will need to thoroughly study the matter, including initially determining resident interest and initiating more resident involvement at the beginning of the process.

Council Member Ruh concurred. Noting has received telephone calls from both sides of this issue, he stated it has always been his position that those who desire annexation be welcomed into the City and those who do not can still work with the City as neighbors to solve mutual problems.

Moved by Council Member Ruh and seconded by Council Member Dutrey to withdraw from further consideration proposed Ordinance No. 02-820 establishing a prezone designation of "R-1" (single-family residential) to approximately 22 acres within the City's Sphere of Influence.*

Mayor Pro Tem Paulitz commented as follows:

1. He stated that when he was first elected to the City Council

aggressive annexation actions were seriously being discussed. He noted that at that time, a policy was established to welcome anyone desiring to annex to the City.

2. He indicated that the preannexation process was begun in this case because of the interest of a few residents in the subject area. He emphasized that the City's policy is to not annex any owner's property if the owner does not desire annexation to the City.
3. He advised the overlap in responses from property owners and registered voters as well as the large number of nonresponders could possibly have skewed the survey results.
4. He concurred that at this time, this item should be withdrawn from further consideration. He added that if in the future residents in the subject area desire connection to the City Sewer System because of failed septic systems and a sewer line is available, then individual requests would need to be made to the City for participation in the irrevocable annexation process, which requires that should such area ever become viable for annexation, such action would not be opposed by the property owner.
5. He spoke in support of the motion.

Council Member Raft expressed her hope that annexation proponents understand that the majority of residents are against the proposal and, as a result, the Council likewise does not support it. She stated that residents would still have the option of connecting their properties to the City Sewer System if it becomes necessary. She expressed her hope that there will be no further proposals of the subject area for annexation.

*Motion carried unanimously as follows:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Paulitz requested that Items B-4 and C-6 be removed from the Consent Calendar for comment.

Council Member Dutrey requested that Item C-5 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Items B-1, B-2, and B-7 be removed from the Consent Calendar for comment.

Moved by Council Member/Director 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 July 1, 2002

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 July 1, 2002.

B. Administrative Reports

3. Declared Unclaimed Bicycles in Police Custody as Surplus and Available for Donation

The City Council declared unclaimed bicycles in Police custody as surplus and available for donation.

5. Authorization to Advertise for Bid Proposals for Select System Project No. 179 - Central Avenue Widening (East Side) South of Holt Boulevard

The City Council authorized to advertise for bid proposals for Select System Project No. 179 - Central Avenue Widening (East Side) South of Holt Boulevard.

6. Authorization to Advertise for Bid Proposals for Columbine Avenue Sidewalk Improvement Project

The City Council authorized to advertise for bid proposals for the Columbine Avenue Sidewalk Improvement Project.

8. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending June 30, 2002.

9. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated July 15, 2002, totaling \$2,095,052.41; and the Payroll Documentation dated June 30, 2002, amounting to \$459,650.21, with \$325,789.76 being the total cash disbursement.

10. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending June 30, 2002.

11. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 6/01/2002-6/30/2002 in the amounts of \$25.90 for Project I; \$26.87 for Project II; \$131,668.71 for Project III; \$9,908.33 for Project IV; and \$35,478.87 for Project V.

12. Receiving and Filing of Montclair Housing Corporation Treasurer's Report

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending June 30, 2002.

13. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 6/01/2002-6/30/2002 in the amount of \$9,388.87.

C. Agreements

1. Approval of Agreement No. 02-102 With Albert Grover & Associates for Traffic Signal Upgrades at Various Locations Throughout the City

The City Council approved *Agreement No. 02-102* with Albert

Grover & Associates for traffic signal upgrades at various locations throughout the City.

2. **Approval of *Agreement No. 02-103* Between the City of Montclair, the City of Montclair Redevelopment Agency, and the San Bernardino Associated Governments Amending *Agreement No. 91-65* to Include Construction of the Second Platform at the Montclair Transcenter.**

The City Council approved *Agreement No. 02-103* between the City of Montclair, the City of Montclair Redevelopment Agency, and the San Bernardino Associated Governments amending *Agreement No. 91-65* to include construction of the second platform at the Montclair Transcenter.

3. **Award of Contract in the Amount of \$74,094.10 to Inland Asphalt & Coatings as the Lowest Responsible Bidder on the MacArthur Park Improvement Project**

Approval of *Agreement No. 02-104* With Inland Asphalt & Coatings for the MacArthur Park Improvement Project

Authorization of \$10,000 Construction Contingency

Authorization of a Loan in the Amount of \$16,194.10 From the General Fund

The City Council took the following actions:

- (a) Awarded a contract in the amount of \$74,094.10 to Inland Asphalt & Coatings as the lowest responsible bidder on the MacArthur Park Improvement Project.
 - (b) Approved *Agreement No. 02-104* with Inland Asphalt & Coatings for the MacArthur Park Improvement Project.
 - (c) Authorized a \$10,000 construction contingency.
 - (d) Authorized a loan of \$16,194.10 from the General Fund.
4. **Award of Contract in the Amount of \$238,192.48 to Mobassaly Engineering, Inc., as the Lowest Responsible Bidder on Select System Project No. 174 - Monte Vista Avenue Rehabilitation Project**

Approval of *Agreement No. 02-105* With Mobassaly Engineering, Inc., for Select System Project No. 174 - Monte Vista Avenue Rehabilitation Project

Authorization of a \$24,000 Construction Contingency

Amending the Fiscal Years 2003-07 Capital Improvement Program Budget

Authorization of an \$80,000 Appropriation From the Gas Tax Fund

The City Council took the following actions:

- (a) Awarded a contract in the amount of \$238,192.48 to Mobassaly Engineering, Inc., as the lowest responsible bidder on Select System Project No. 174 - Monte Vista Avenue Rehabilitation Project.
- (b) Approved *Agreement No. 02-105* with Mobassaly Engineering, Inc., for Select System Project No. 174 -

Monte Vista Rehabilitation Project.

- (c) Authorized a \$24,000 construction contingency.
- (d) Amended the Fiscal Years 2003-07 Capital Improvement Program Budget.
- (e) Authorized an \$80,000 appropriation from the Gas Tax Fund.

D. Resolutions

1. Adoption of Resolution No. 02-2405 Related to Setting Sewer Standby Assessment Fees on Vacant Properties

The City Council unanimously adopted Resolution No. 02-2405, entitled "**A Resolution of the City Council of the City of Montclair Setting Sewer Standby Assessments on Vacant Properties Having Access to the Sewer Collection.**"

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

1. Approval of a Certain Recommendation From the June 20, 2002 Public Works Committee Meeting

Council Member Ruh inquired as to the height of the chain-link fence proposed along Monte Vista Avenue at the I-10 Freeway overpass.

City Engineer Hudson responded that the Public Works Committee did not address fence height and that it is his intent that the fence be 48 inches in height.

Council Member Ruh concurred that the height would offer optimum safety for the location.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously to approve a certain recommendation from the June 20, 2002 Public Works Committee meeting, specifically, the installation of a 48"-inch high chain-link fence without a top rail to serve as a barrier for safety purposes along Monte Vista Avenue at the I-10 Freeway overpass.

2. Redevelopment Agency Board of Directors' Annual Review of the City of Montclair Redevelopment Agency Exterior Housing Improvement Program and Approval of Staff's Recommendations Regarding the Program

In follow-up to his comments at the last meeting, Director Ruh noted the potential in this program for drought-tolerant landscaping as water resources become scarce with the heavy growth of the western states that will affect Southern California's water distribution from the Colorado River. He stated the Exterior Housing Improvement Program (E-HIP) offers an excellent opportunity to begin introducing this concept.

Council Member Dutrey advised that the subject of drought-tolerant landscaping has been addressed by both the Code Enforcement and Real Estate Committees. He stated that when the Code Enforcement Committee was addressing the Property Appearance Ordinance last year, discussions centered on E-HIP's use of drought-tolerant landscaping. He

added that during this evening's Code Enforcement Committee meeting, staff gave a presentation on the option of drought-tolerant landscaping and is, in fact, developing criteria for its inclusion in the program.

Council Member Ruh asked if Chino Basin Water Conservation District has been involved in this development process.

Council Member Dutrey answered, "Yes" and noted that staff has attended training classes provided by the District.

Council Member Ruh indicated that more and more E-HIP participants would find such landscaping to their benefit as the drought situation is not going to go away anytime soon. He advised that state water agencies are beginning to address the issue with developers, though there seems to be a fear of the concept, which is actually quite positive.

Council Member Dutrey stated the education process is very important though he is not of the opinion that drought-tolerant landscaping should be mandated for our residents.

Council Member Ruh expressed his opinion that drought-tolerant landscaping should be mandated on new development as has been done in other cities.

Council Member Dutrey expressed his disagreement.

Moved by Director Ruh, seconded by Vice Chairman Paulitz, and carried unanimously that the Redevelopment Agency Board received and filed the report on the City of Montclair Redevelopment Agency Exterior Housing Improvement Program (E-HIP) and approved staff's recommendations to include videotaping properties during the rehabilitation process and future annual review of as well as other issues related to E-HIP by the Real Estate Committee.

4. Authorization to Advertise for Bid Proposals for Remodel of the Police Department Evidence-Storage Areas

Mayor Pro Tem Paulitz inquired concerning the disposition of the proposed improvements to the Police Department evidence-storage areas should the building be converted to another use.

City Manager McDougal indicated that he has asked staff to the greatest extent possible to design the improvements for the potential reuse of the building. He clarified that the laws have changed just recently that require the Police Department to make some changes to the building for the protection of employees and storage of evidence. He explained that certain types of evidence must now be stored or maintained permanently and that would require purchase of new equipment and that employees must be separated from the storage area. He stated that the City has been asked during the last several audits that the work be done and the Police Department has submitted proposals for it, but he has delayed presenting it to the Council because of the proposals for new Police, senior, and youth facilities.

Mayor Pro Tem Paulitz received confirmation that a new police facility would already be outfitted with an appropriate evidence-storage section.

City Manager McDougal noted he and Lieutenant Keith Jones toured the new **Murietta Police Department** last week, which has a detached evidence building that is more cost-effective

and effectively isolates evidence.

Moved by Mayor Pro Tem Paulitz, seconded by Council Member Ruh, and carried unanimously to authorize staff to advertise for bid proposals for remodel of the Police Department evidence-storage areas.

7. Approval of Parcel Merger No. 2002-3 Located at 4748 Arrow Highway (Omnitrans)

Council Member Ruh asked why Omnitrans is requesting the proposed parcel merger.

City Engineer Hudson responded that Omnitrans is requesting to combine the two parcels it occupies because one of the parcels has insufficient parking to support the proposed modifications to the facility.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously to approve Parcel Merger No. 2002-3 pursuant to a condition of the Precise Plan of Design for modifications to the Omnitrans facility at 4748 Arrow Highway requiring a parcel merger be recorded.

C. Agreements

5. Award of Contract in the Amount of \$1,711,975.48 to Los Angeles Air Conditioning, Inc.

Approval of Agreement No. 02-106 With Los Angeles Air Conditioning, Inc., for the Heating, Ventilation, and Air Conditioning (HVAC) Replacement Project and Fire Station No. 1 Roof-Replacement Project

Authorization of a \$170,000 Construction Contingency

Amending the Fiscal Years 2003-07 Capital Improvement Program Budget

Authorization of a \$500,000 Appropriation From the City Facilities Improvement Fund

Authorization of a \$430,000 Appropriation From the City Reserve Fund

Council Member Dutrey expressed concern as to the significant difference between the Engineer's estimate for the proposed HVAC project and the actual bid amount. He asked staff for an explanation.

City Engineer Hudson responded that he, too, was concerned about the difference, both because of the increased cost that the City would have to pay and the accuracy of the report submitted by the City's consultant, **TMAD Engineers, Inc.** He advised that he had requested the consultant attend tonight's meeting to address these concerns and introduced **Mr. Himansu Shah**, Project Manager, **TMAD Engineers, Inc.**, to make a brief presentation on the matter.

Mr. Shah gave the Council a summary listing the comparisons between the **TMAD** estimate and the actual bid. He gave the following reasons for the difference: (a) the estimate was made in September 2001, and costs have risen approximately 5 percent since that time; (b) the estimate was based on a contractor being able to do the work on unoccupied buildings as opposed to occupied buildings, which turns out to be the case; (c) the portion of the project related to installation of

the controls system was quoted by a supplier at "\$150,000" and was marked up by the bidding contractor to over "\$200,000"; (d) costs are increasing continually; and (e) the City had requested **Carrier** equipment, which is more expensive than other comparable equipment.

Council Member Dutrey inquired if costs could be negotiated lower.

Mr. Shah responded that the City could negotiate with the low bidder to reduce the cost on certain items. He indicated that the City might consider deleting the controls system from the proposed contract for services and contracting directly from **Carrier**.

City Engineer Hudson clarified that the City could not negotiate anything with the contractor prior to awarding the contract and signing an agreement. After such contract is executed, staff could investigate methods of reducing costs, including the elimination of the controls system and issue construction change orders as may be appropriate.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Paulitz, and carried unanimously that the City Council take the following actions, subject to staff investigating possible cost savings proposals with the contractor as suggested by City Engineer Hudson:

- (a) Award a contract in the amount of \$1,711,975.48 to Los Angeles Air Conditioning, Inc., as the lowest responsible bidder on the Heating, Ventilation, and Air Conditioning (HVAC) Replacement Project and Fire Station No. 1 Roof-Replacement Project.
 - (b) Approve *Agreement No. 02-106* with Los Angeles Air Conditioning, Inc., for the Heating, Ventilation, and Air Conditioning (HVAC) Replacement Project and Fire Station No. 1 Roof-Replacement Project.
 - (c) Authorize a \$170,000 construction contingency.
 - (d) Amend the Fiscal Years 2003-07 Capital Improvement Program Budget.
 - (e) Authorize a \$500,000 appropriation from the City Facilities Improvement Fund.
 - (f) Authorize a \$430,000 appropriation from the City Reserve Fund.
6. **Approval of *Agreement No. 02-107* With Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program**

Mayor Pro Tem Paulitz commented as follows:

- (a) He pointed out that the City is subsidizing \$.38 and the U.S. Department of Agriculture is subsidizing \$.53 toward the per meal cost of \$2.66. He asked that a

graphic be provided at the next meeting illustrating these subsidies for the information of the public.

- (b) Concerning Section 2, "Delivery," of Attachment 1, "Food Service Specifications," to proposed *Agreement No. 02-107*, he noted that today's meal arrived at 12:10 p.m., over an hour past the agreed-upon delivery time of 11:00 a.m., because the driver got lost. He suggested that a more realistic delivery time be established and a penalty for late deliveries be included in the contract. In addition, he suggested the delivery person be given a cellular telephone so that staff may be contacted in the event deliveries are late.
- (c) Concerning Subsection b, "Minimum grades for all goods shall be as follows:" of Section 6, "Meal Pattern Specifications," of Attachment 1, "Food Service Specifications," to proposed *Agreement No. 02-107*, he pointed out that lamb is never served and pork is rarely served in these meals. He suggested the caterer be questioned to determine if it is actually following these guidelines.
- (d) Concerning Subsection a(3) of Section 6, "Meal Pattern Specifications," of Attachment 1, "Food Service Specifications," to proposed *Agreement No. 02-107*, he pointed out that buttermilk has never been served.

Moved by Mayor Pro Tem Paulitz and seconded by Council Member Dutrey to approve *Agreement No. 02-107* with Catering Systems, Inc., to provide meals for the City's Senior Citizen Nutrition Program.*

Council Member Ruh asked if Catering Systems, Inc., is the only caterer providing this type of service. He suggested the service be subjected to the competitive bid process to perhaps find a caterer that would provide the items mentioned and meet delivery time deadlines.

Assistant Human Services Director Sue Yoakum clarified that there is an approved list of about nine caterers, the majority of which are located in the greater Los Angeles area, that are qualified to provide nutrition meals funded under the Older Americans Act, which maintains stringent guide-lines. She indicated that all the companies were asked to submit a bid and only Catering Systems, Inc., responded. She further clarified that the food choices listed under Section 6, "Meal Pattern Specifications," of Attachment 1 to proposed *Agreement No. 02-107* are minimum standards that will not necessarily be served for cost reasons.

*Motion carried unanimously as follows:

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

X. RESPONSE

A. Update Regarding Heritage Park Senior Apartments

Mayor Eaton reported that there has been no contact from representatives of the property owners, **AIMCO**, or the service provider, **New Century Care**, and there is no new activity to report. He advised that no permits have been issued for any modifications to the building nor has approval been given for any other changes to the property.

It was the consensus of the Council to receive and file the update regarding the Heritage Park senior apartments.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Property: 10225 Central Avenue

Negotiating Parties: City of Montclair Redevelopment Agency and Mr. and Mrs. Arthur Sambrano

Negotiators: Director of Redevelopment/Public Works Staats and Redevelopment and Housing Manager Caldwell

Under Negotiation: Recommendations Regarding Purchase Price

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

2. Closed Session Pursuant to Section 54957 of the Government Code

Public Employee Performance Evaluation

City Manager/Executive Director

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairman Paulitz, and carried unanimously to continue this item to an adjourned joint meeting on Wednesday, July 17, 2002, at 10:00 a.m. at Montclair City Hall, 5111 Benito Street, Montclair, California; at 12:30 p.m. at the **Black Angus Restaurant**, 9415 Monte Vista Avenue, Montclair, California; Thursday, July 18, 2002, at 7:00 a.m. at **Coco's Restaurant**, 1683 South Riverside Avenue, Rialto, California; and Monday, August 5, 2002, at 5:45 p.m. at Montclair City Hall, 5111 Benito Street, Montclair, California.

B. City Manager/Executive Director

1. In response to a statement made at the June 16, 2002 regular joint meeting, City Manager/Executive Director McDougal displayed an overhead of a tabulation of the votes on all actions taken by the current Council from December 21, 1998, to present. He reported there were a total of 1187 "5-0" votes, 20 "4-1-0-0" votes, 9 "3-2-0-0" votes, 21 "4-0-1-0" votes, 133 "4-0-0-1" votes, and 34 "3-0-0-2" votes. He indicated that the results of the survey illustrate that over 90 percent of the votes by the Council were unanimous and that the comments made were exaggerated.

Council Member Ruh concurred, noting that well over 90 percent of the time, the Council is in unanimity. He stated that the Council works together as a majority.

Council Member Dutrey concurred that there is no predetermined majority here and that "all five of us are working together."

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He announced that the **Metrolink** beach train will operate its summer weekend service the last weekend in July through October 6, 2002, and will run from Rialto to Oceanside.
 - (b) He noted his attendance at recent **San Bernardino Associated Governments, Omnitrans, and Neighborhood Partnership of Montclair** Board meetings.

D. City Council/Agency Board

1. Council Member/Director Dutrey commented as follows:
 - (a) He thanked City Manager McDougal for his informative July 11, 2002 memorandum on wireless communication and the Planning Commission appeal process.
 - (b) He advised that the Senate Local Government Committee would be voting on **AB 680 (Steinberg)** on August 7, 2002. He noted the importance of the defeat of this measure to stop statewide implementation of similar legislation. He stated he would be attending the hearing with other Council Members and public safety employees at the request of **Senator Soto**.
2. Council Member/Director Ruh commented as follows:
 - (a) He noted the attendance of **Ms. Suzanne Taylor**, Executive Director, **Augusta Homes**, at tonight's meeting and that her son's artwork was recently displayed at the **Richard Nixon Library & Birthplace**, Yorba Linda, at a youth artwork endeavor sponsored by **Congressman Gary Miller**.
 - (b) He noted Mayor Eaton's and his attendance several weeks ago at an event at **Pomona Valley Harley-Davidson**, at which the Police Department was presented with three brand-new **Harley-Davidson** police motorcycles almost free of charge. Noting their ongoing support of local public safety, he suggested **Dave** and **Barbara Pennell**, owners of **Pomona Valley Harley-Davidson**, be formally recognized for their contribution to the City at a future Council meeting.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of June 20, 2002

The City Council received and filed the Public Works Committee meeting minutes of June 20, 2002, for informational purposes.

2. Minutes of Personnel Committee Meeting of July 1, 2002

The City Council received and filed the Personnel Committee meeting minutes of July 1, 2002, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Workshop on Development of a New Police Facility

Moved by Council Member/Director Dutrey, seconded by Mayor/Chairman Eaton, and carried unanimously to continue this item to an adjourned joint meeting on Tuesday, July 30, 2002, at 5:30 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF CITY COUNCIL AND MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS

At 8:33 p.m., Mayor Eaton adjourned the City Council to Wednesday, July 17, 2002, at 10:00 a.m. at Montclair City Hall.

At 8:33 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 8:33 p.m., the Redevelopment Agency Board went into Closed Session regarding real property negotiations pursuant to Section 54956.8 of the Government Code.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:56 p.m., the Redevelopment Agency Board returned from Closed Session. Chairman Eaton announced the Redevelopment Agency Board met in Closed Session regarding real property negotiations, information was received and direction given, and no further announcements would be made at this time.

XV. ADJOURNMENT OF REDEVELOPMENT AGENCY BOARD OF DIRECTORS

At 8:57 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Wednesday, July 17, 2002, at 10:00 a.m. at Montclair City Hall.

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

Yvonne L. Smith
Transcribing Secretary