MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, NOVEMBER 1, 2004, AT 6:59 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 6:59 p.m.

II. INVOCATION

Pastor Vicki Brobeck, Grace Fellowship Foursquare Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge in honor of all American troops overseas.

IV. ROLL CALL

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

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced **Mr. Mike Roberts,** who was appointed to the position of Maintenance Worker effective October 11, 2004. He noted Maintenance Worker Roberts is a lifelong area resident and recently served as a missionary for two years in **El Salvador.**

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

VI. PUBLIC COMMENT

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

1. He expressed his opinion about the public's perception of a statement read by **Mrs. Jayne Baer** at the last meeting.
2. He expressed his confusion related to the City's intent in certain comments made about the **Baer** lawsuit.
3. He indicated that the lack of information from the City related to the reason behind the October 1, 2004 resignation of a Montclair Police Officer causes the public and him to speculate as to the possible withholding of public information.

B. **Mr. Raymond Quiñones,** 6676 Austin Court, Rancho Cucamonga, identified himself as the owner of 9588 Camulos Avenue. He questioned the inclusion of a proposed $161.74 lien against his property for delinquent sewer and trash charges incurred by his former tenant at the subject property. He noted being unaware of the adoption of a City Ordinance in 2002 authorizing the placement of liens on properties on which delinquent civil debts have accrued.

Mayor Eaton suggested **Mr. Quiñones** meet with City Manager McDougal regarding his billing issue.

City Manager McDougal stated he and Accounting Supervisor Robinson would be happy to meet with **Mr. Quiñones** to address his issue regarding his tenant's trash and sewer delinquency.

Council Member Ruh asked **Mr. Quiñones** when he received notification regarding the proposed lien.

Mr. Quiñones replied that he received the proposed lien notification a few weeks ago, at which time he questioned his liability for payment of fees incurred by his former tenant. He maintained that the City fees incurred by his former tenant are not his responsibility.

Council Member Ruh suggested that intervention on such billing matters take place prior to Council consideration of trash and sewer liens. He advised **Mr. Quiñones** that the Council is willing to work with him to resolve his billing issue.

Council Member Paulitz asked **Mr. Quiñones** the name of his former tenant.

Mr. Quiñones answered, **"Ms. Silei Gago."**

Council Member Paulitz received clarification from **Mr. Quiñones** regarding the circumstances surrounding the delinquency.

Noting this matter relates to Section VIII, "Consent Calendar," Item D-2, "Consider Adoption of Resolution No. 04-2555 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges," on tonight's agenda, City Manager McDougal suggested the Council consider removing 9588 Camulos Avenue from "Exhibit A" *(Report of Delinquent Civil Debts – November 2004)* to Resolution No. 04-2555.

It was the consensus of the Council to remove the proposed $161.74 lien at 9588 Camulos Avenue from "Exhibit A" *(Report of Delinquent Civil Debts – November 2004)* to Resolution No. 04-2555 in Section VIII, "Consent Calendar," Item D-2, "Consider Adoption of Resolution No. 04-2555 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges," of tonight's agenda.

Council Member Ruh noted the difficulty faced by property owners who are given such short notice to settle trash and sewer delinquencies.

Mr. Quiñones thanked the Council for its consideration.

Mayor Eaton thanked **Mr. Quiñones** for coming forward.

C. **Ms. Teresa Billingsley** commented as follows:

1. She told Council Member Raft that she is pleased to see that Council Member Raft is running for reelection to the Montclair City Council. She added that she is likewise pleased to see **Mr. Benjamin Lopez** once again running for election to the City Council. She expressed her opinion that both candidates

have a clear understanding of politics and of "what the public really wants."

2. She offered the following websites to benefit Christians who are interested in the political process:

   - ✓ www.family.org
   - ✓ www.hallindseyoracle.com
   - ✓ www.aclj.org
   - ✓ www.georgebush.com
   - ✓ www.centerformoralclarity.net
   - ✓ www.votinginfo.org
   - ✓ www.christiancoalition.com

Mayor Eaton thanked **Ms. Billingsley** for her comments.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 16465 for a Two-Lot Residential Subdivision at 5477 Palo Verde Street

Mayor Eaton declared it the time and place set for public hearing to consider Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street and invited comments from the public.

Mr. Allen Redfield identified himself as the owner of the property directly behind the subject site and objected to the proposed residential subdivision for privacy reasons.

Director of Community Development Clark advised that the subject site is a deeper lot with a longer than typical rear yard setback.

Discussion centered on the Planning Commission's approval of site plans and a Precise Plan of Design for the subdivision.

Mayor Eaton asked that **Mr. Redfield** leave contact information with Director of Community Development Clark so he can contact **Mr. Redfield** about the proposed project.

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 suggested the item be continued until after **Mr. Redfield's** issues have been resolved.

Mayor Pro Tem Dutrey stated he feels comfortable moving forward with staff's recommendation, noting the homes would be situated 15 feet from the rear property line.

Council Member Paulitz asked if all setback requirements have been met.

Director of Community Development Clark answered, "Yes, there are no variances in the project."

Council Member Paulitz indicated that a 15-foot setback is standard and concurred with Mayor Pro Tem Dutrey's comment to move forward with this item.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey to approve Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street.*

Mayor Eaton concurred that the subject parcel has an extra deep rear-yard setback.

Council Member Ruh advised he would oppose this item because he sees no reason why it cannot be continued to allow **Mr. Redfield's** concerns to be resolved.

*Motion carried as follows:

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

B. Approval of Tentative Tract Map No. 16740 for a Two-Lot Residential Subdivision at 11190 Fremont Avenue

Mayor Eaton declared it the time and place set for public hearing to consider Tentative Parcel Map No. 16740 for a two-lot residential subdivision at 11190 Fremont Avenue and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously to approve Tentative Parcel Map No. 16740 for a two-lot residential subdivision at 11190 Fremont Avenue.

C. Approval of Tentative Parcel Map No. 16787 for a Single-Lot Airspace-Only Industrial Condominium at 4600 Arrow Highway

Mayor Eaton declared it the time and place set for public hearing to consider Tentative Tract Map No. 16787 for a single-lot airspace-only industrial condominium at 4600 Arrow Highway and invited comments from the public.

Mr. Jeff Davidson, 577 Wayland Court, Claremont, identified himself as a resident of the Oak Arbor condominium complex located due west of the proposed project. He expressed his neighbors' and his collective concern that the zoning of the industrial park has been changed from "light manufacturing and warehousing" to "manufacturing" and complained that sometimes building construction occurs early Sunday morning. After review of the agenda report on this item, he further expressed his concern that the row of Italian Cypress trees that would have served to block the view of the industrial building from Oak Arbor vistas would not be planted as promised. He asked that the City give some consideration to the Oak Arbor residents related to establishing a "manufacturing" zone at the proposed industrial condominium complex.

Mayor Pro Tem Dutrey inquired as follows:

1. Is construction completed on the building?

   Director of Community Development Clark responded that construction is not yet completed on the building.

2. Has the zoning at the site been changed with this proposal?

   Director of Community Development Clark advised that it has not.

3. What are the terms of the Conditional Use Permit?

   Director of Community Development Clark advised that the project was approved on a "for lease" basis but that during the construction phase the developer decided to change it to a "for sale" condominium project.

4. Why did the developer decide to sell the units as condominiums?

   Director of Community Development Clark suggested the developer's decision was market driven.

Council Member Paulitz inquired as follows:

1. Are landscaping requirements for the site still in place?

   Director of Community Development Clark answered, "Yes," advising that the units would not receive Certificates of Occupancy until the Covenants, Conditions and Restrictions (CC&Rs), including landscaping, are met.

2. Has the zoning been changed from what the residents understood it to be originally?

   Director of Community Development Clark responded that the underlying zoning is "MIP – Manufacturing Industrial Park," advising that it has not changed.

Mr. Davidson expressed his concern that the landscaping requirements pursuant to the CC&Rs might not be completed until the condominiums are sold.

Director of Community Development Clark clarified that the CC&Rs are between the City and the developer and would need to be met prior to final tentative tract map approval and occupancy of the units.

Mayor Eaton asked for clarification of the term "airspace only."

Director of Community Development Clark explained that buyers would not receive title to the ground under the units but only to the unit space they occupy and a percentage of the common grounds.

Noting the importance of being "good neighbors," Council Member Ruh expressed his appreciation of **Mr. Davidson's** coming forward with his and his neighbors' concerns about this item. He suggested the City guarantee the residents of Oak Arbor that no heavy industrial uses would be allowed at the site.

City Manager McDougal advised that only uses permitted under the "MIP" zoning would be allowed to operate at the site.

Council Member Ruh asked if heavy industrial uses would be permitted under the current zoning.

Mayor Eaton answered, "Absolutely not."

Council Member Ruh noted that **Mr. Davidson's** landscaping concern relates to whether it would be in place prior to the sale of the individual condominium units.

City Manager McDougal reiterated statements made by Director of Community Development Clark that all provisions of the CC&Rs must be met prior to occupancy of the units.

Council Member Ruh asked **Mr. Davidson** if he is satisfied with staff's responses regarding his concerns.

Mr. Davidson answered, "Absolutely."

Council Member Ruh suggested **Mr. Davidson** notify the City if the project's landscaping requirements are not met. He thanked **Mr. Davidson** for coming forward and advised he would be in touch regarding the issue.

Mayor Pro Tem Dutrey received additional confirmation from Director of Community Development Clark that the landscaping requirement would be met prior to occupancy of the units.

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.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously to approve Tentative Parcel Map No. 16787 for a single-lot airspace-only industrial condominium at 4600 Arrow Highway.

VIII. CONSENT CALENDAR

Mayor Eaton requested that Item D-1 be removed from the Consent Calendar for comment.

Council Member Paulitz requested that Items C-2 and D-3 be removed from the Consent Calendar for comment.

At 7:37 p.m., Council Member/Director Ruh left the dais.

At 7:38 p.m., Council Member/Director Ruh returned to the dais.

Council Member Ruh requested that Item B-2 be removed from the Consent Calendar for comment.

Concerning Item C-2, "Consider Approval of *Agreement No. 04-156* With the Ontario-Montclair School District to Provide Literacy Services Through the William F. Goodling Even Start Family Literacy Grant," Mayor Eaton made the following correction to the third paragraph of the agenda report: "The Montclair Community Collaborative (MCC) was organized in 1996 to collectively..."

Deleted: 66

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 Adjourned Joint Council/Agency Meeting of October 18, 2004

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards approved the minutes of the Adjourned Joint City Council/Redevelopment Agency Board meeting of October 18, 2004.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of October 18, 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 October 18, 2004.

B. Administrative Reports

1. **Setting a Public Hearing to Consider Resolution No. 04-2554 Requesting the Local Agency Formation Commission Initiate Proceedings for Reorganization to Include City of Montclair Annexation No. 25 and Detachment From the Monte Vista Fire Protection District**

   The City Council set a public hearing for Monday, November 15, 2004, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 04-2554 requesting the Local Agency Formation Commission initiate proceedings for reorganization to include City of Montclair Annexation No. 25 and detachment from the Monte Vista Fire Protection District.

3. **"No Action" on Alcoholic Beverage Permit Application – Chili's Grill and Bar**

   The City Council voted “No action” on the "On-Sale General" license application of Brinker Restaurant Corporation for Chili's Grill and Bar, 9393 Monte Vista Avenue, Montclair, California.

4. **"No Action" on Alcoholic Beverage Permit Application – Cheers Liquor**

   The City Council voted "No action" on the "Off-Sale General" license application of Ghreir Yaser Yacoub for Cheers Liquor, 5461 Holt Boulevard, Montclair, California.

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

   The City Council approved the Warrant Register dated November 1, 2004, totaling $1,321,913.45, and the Payroll Documentation dated October 3, 2004, amounting to $504,027.30, with $343,106.28 being the total cash disbursement.

C. Agreements

1. **Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 04-152* Through *04-155, Rehabilitation Grant Agreements* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program (E-HIP) Participants**

   The Redevelopment Agency Board approve *Agreement Nos. 04-152* through *04-155, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the four E-HIP participants listed on Exhibit A to the agenda report on this item.

3. **Approval of *Agreement No. 04-157* With First 5, the Children and Families Commission for San Bernardino County, in Support of Case Management and Mental Health Services Children Ages 0 to 5**

   The City Council approved *Agreement No. 04-157* with First 5, the Children and Families Commission for San Bernardino County, in support of case management and mental health services for children ages 0 to 5.

D. Resolutions

2. Adoption of Resolution No. 04-2555 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 04-2555 authorizing placement of liens on the properties listed on Exhibit A to Resolution No. 04-2555 for delinquent sewer and trash charges, noting the removal of the $161.74 lien at 9588 Camulos Avenue, Montclair.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

2. Approval of the Filing of a *Notice of Completion,* Reduction of the *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to Completion of the Montclair Sidewalk Construction Project

Authorizing Staff to Apply for Reimbursement From the State Under the Pedestrian Safety Program and Safe Routes to Schools Program

Council Member Ruh stated it is important for residents to realize that the City has been working for several years on constructing sidewalks where needed throughout the City. He noted he worked very closely with **Senator Soto** on her AB 1475 – Highways: Safe Routes to Schools legislation and thanked her for her work to get this legislation signed into law.

Mayor Pro Tem Dutrey noted he has walked on the newly installed sidewalks throughout the City and has heard from the residents in these neighborhoods that they are quite pleased with their new sidewalks.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Dutrey, and carried unanimously that the City Council take the following actions:

(a) Set a public hearing for Monday, November 15, 2004, at 7:00 p.m. in the City Council Chambers to consider approval of the filing of a *Notice of Completion,* reduction of the *Faithful Performance Bond* to 10 percent, and six-month retention of *Payment Bond* related to completion of the Montclair Sidewalk Construction Project.

(b) Authorize staff to apply for reimbursement from the state under the Pedestrian Safety Program and Safe Routes to Schools Program to fund the project.

C. Agreements

2. Approval of *Agreement No. 04-156* With the Ontario-Montclair School District to Provide Literacy Services Through the William F. Goodling Even Start Family Literacy Program

Council Member Paulitz inquired as follows:

(a) Are literacy services are provided to adults or children through this program?

Assistant Director of Human Services Yoakum responded that there is an adult component to the program though emphasis is on preschool education, noting the necessity for parents to be schooled along with their children to develop well-rounded literacy skills.

(b) What is being taught to the parents?

Assistant Director of Human Services Yoakum responded that it depends on what is needed and that services ranging from English classes to high school equivalency and higher education, including trade school, are provided.

Council Member Paulitz concurred that it is important that whole-family learning is emphasized in this worthwhile program. He thanked Assistant Director of Human Services Yoakum.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously that the City Council approve *Agreement No. 04-156* with the Ontario-Montclair School District to provide family literacy services through a William F. Goodling Even Start Family Literacy grant.

D. Resolutions

1. Adoption of Resolution No. 04-2553 Authorizing Placement of an Assessment on the Property Located at 4380 Holt Boulevard for Delinquent Sewer Charges

Mr. Curtis Jones, 1348 West Fourth Street, Ontario, identified himself as the subject tenant and requested a 60-day payment extension to allow him time to pay the delinquency.

Director of Administrative Services Starr clarified that the proposed action would serve to place a tax assessment on 4380 Holt Boulevard, which the property owner would be liable for on next year's property tax bill. He noted the matter could be continued at the pleasure of the Council to allow **Mr. Jones** time to pay his delinquency.

Moved by Mayor Eaton and seconded by Council Member Ruh to continue this item to allow the $12,482.31 delinquency to be paid by the tenant, **Mr. Jones.***

City Manager McDougal cautioned that a portion of the commercial strip located at 4380 Holt Boulevard is in escrow; and if the property is sold without inclusion of the assessment—and if **Mr. Jones** does not clear the delinquency and a decision is made for the tax assessment to be placed at a later date—then the new property owner would have a justifiable issue with the City over the sudden appearance of the tax assessment on his tax bill. He advised that **Mr. Jones** last brought his sewer account for the business up to date in April 2002 and has since ignored paying the bimonthly sewer bill.

Mayor Eaton asked **Mr. Jones** if he could guarantee the delinquency would be paid within 60 days.

Mr. Jones answered, "Yes, sir."

Council Member Raft received confirmation from **Mr. Jones** that he would secure a loan to pay the delinquency within 60 days. She commended him for coming forward to make a good faith effort to resolve the delinquency.

Mayor Pro Tem Dutrey expressed his concern that the tenant's last payment on his account was made in April 2002. He asked **Mr. Jones** why subsequent bills were not paid, resulting in the substantial delinquency.

Mr. Jones admitted he was negligent.

Mayor Pro Tem Dutrey advised that he could not support an extension, adding it is the property owner's responsibility to make sure tenants pay their utility bills in a timely manner.

Council Member Ruh spoke in support of granting **Mr. Jones** an extension to pay the subject delinquency with the proviso that if it is not paid within 50 days, the proposed assessment be placed on the property.

Director of Administrative Services Starr pointed out the accumulation of a number of liens on the property for past delinquencies that because of an oversight the County failed to place on the property owner's tax bills. He clarified that the proposed assessment would simply expedite the City's collection of the total amount of accrued liens.

City Manager McDougal suggested the Council consider going forward with the proposed action, advising that if **Mr. Jones** does make restitution with the property owner within 60 days, the assessment action would be withdrawn.

Noting that if the property is in escrow and payment is made to the property owner, the City may not be repaid the delinquency, Director of Administrative Services Starr suggested that **Mr. Jones** should pay the City directly.

Council Member Paulitz concurred that the Council should proceed with the recommended action.

*Mayor Eaton withdrew his motion.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that Resolution No. 04-2553, entitled **"A Resolution of the City Council of the City of Montclair Authorizing Placement of an Assessment on the Property Located at 4380 Holt Boulevard for Delinquent Sewer Charges,"** be read by number and title only, further reading be waived, and it be declared adopted.*

Director of Administrative Services Starr advised **Mr. Jones** that he would have 45 days to pay the delinquency, at which time the City would cancel the assessment action with the County.

Discussion centered on the City's filing a Notice of Administrative Pendency on the property to alert a prospective buyer of the pending tax assessment. It was decided that such action should be taken for the benefit of a prospective buyer for the property.

*The City Council unanimously waived the reading of the Resolution.

Resolution No. 04-2553 was unanimously adopted by the following vote:

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

ABSTAIN: None
ABSENT: None

Mayor Eaton thanked **Mr. Jones** for his good faith promise to make restitution to the City for his sewer bill delinquency and advised him to contact the Administrative Services Department with any questions.

3. **Adoption of Resolution No. 04-2556 Designating Montclair Fire Stations as "Safe Havens" for the Surrender of Newborns**

Council Member Paulitz praised the Montclair Fire Department for electing to have both fire stations designated newborn safe-surrender sites. He expressed his opinion there is no reason for abortion because infants can be put up for adoption if necessary. He praised **Senator Brulte** for introducing SB 139 - "Abandoned Newborns: Safe-Surrender" to amend existing law to allow the surrender of newborns to designated safe-surrender sites and to ensure that certain information pertaining to individuals surrendering their babies be kept confidential. He spoke in strong support of the item.

Moved by Council Member Paulitz and seconded by Council Member Ruh that Resolution No. 04-2556, entitled **"A Resolution of the City Council of the City of Montclair Designating the Montclair Fire Stations as 'Safe Havens' for the Surrender of Newborns,"** be read by number and title only, further reading be waived, and it be declared adopted.*

Council Member Ruh spoke in support of the item. He recognized **Senator Brulte** for introducing the initial legislation under SB 1368 - "Child Abandonment: Newborns" that was signed into law in September 2000 and for amending it under SB 139. He likewise praised Fire Department staff for being willing to participate in this important program.

Council Member Raft expressed her support of the item that offers alternatives to those unable to care for their newborns, noting there are many families desiring to adopt children.

*The City Council unanimously waived the reading of the Resolution.

Resolution No. 04-2556 was unanimously adopted by the following vote:

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

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 attendance along with Police Chief Thompson at the very effective Drug Store antidrug intervention program organized by a coalition of state and local law enforcement and school officials at the Chino fairgrounds on October 19 through 21, 2004. He reported on the success of the innovative program that was presented in the form of a morality play designed to illustrate the devastating effects of substance abuse to a group of approximately eight hundred fifty fifth-grade students from the **Ontario-Montclair School District** and **Chino Valley School District.** He praised Montclair Police Officer Andy Graziano for his work to develop this outstanding and very worthwhile program.

(b) He read a letter written by the sister of a former resident at the **Town Center Townhomes** commending Fire Department paramedics for their "courteous caring compassion and expertise" in assisting her sister after she'd fallen a number of times, sometimes twice in one day. He noted the recent passing of this resident.

(c) He reminded residents that tomorrow is Election Day and the polls will be open from 7:00 a.m. to 8:00 p.m. He advised that telephone inquiries of polling place locations and other voter information will be accepted at City Hall until 8:00 p.m. tomorrow by calling 626-8571. Election results may be obtained as they become available at the **San Bernardino County Registrar of Voters** website at www.sbcrov.com, he added.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

(a) He noted he enjoyed attending the Police Department Open House on October 23, 2004, noting the tours certainly called attention to the need for a new Police facility. He commended Police Department staff for the well-organized event.

(b) Noting his attendance at the Candidates' Forum on October 21, 2004, he expressed his desire to correct candidate **Benjamin Lopez's** misstatements as follows:

(1) With regard to the claim that there is a surplus of revenues generated by the Red Light Camera Enforcement Program, he reported that to date, the program has cost the City $408,000 and has generated revenues of $67,800. He emphasized that the program was implemented for safety reasons, advising that it has significantly curtailed the incidences of motorists running red lights at the Moreno Street/Central Avenue and Holt Boulevard/ Central Avenue intersections, resulting in a correspondingly significant reduction in accidents at those intersections.

(2) Concerning redevelopment funding, he clarified that once a redevelopment project area is established, property tax assessments are frozen and continue to be received at that rate by participating taxing agencies. Any increased property tax assessments resulting from development occurring in the new redevelopment project area are diverted to the redevelopment agency and typically used for public improvements, he added.

(3) In response to the claim that the Utility Users Tax was to have sunsetted after the revenues it generated were no longer needed to maintain City services, he clarified that it was never intended as a temporary tax and that there is no sunset clause in the adopting Ordinance. He noted he had voted against implementation of the tax and that he had worked with City Manager McDougal some years later to devise a formula by which it could be reduced.

Mayor Eaton noted the utility tax has been reduced.

Council Member Paulitz concurred that it has been reduced three times.

(4) Concerning the supposed "surplus" from the **Measure F** retail transactions and use tax, he clarified that the revenues generated from the tax would be reserved in the General Fund and applied to a specific use as decided by the Council.

(5) With regard to the claim that new housing developments overburden neighborhood schools, he stated that a fee is attached to each new home built in the City to pay for the privilege of attending public schools.

(c) He noted the considerable improvement to the City's housing stock over the past four or five years that to some extent can be attributed to the vigorous efforts of the Code Enforcement Division. He added that the improvement could also be attributed to the Exterior Housing Improvement Program (E-HIP) and the synergistic effect of homeowners desiring their residences to look as nice as their neighbors'. He spoke in support of the excellent work that Code Enforcement continues to do in the community to preserve the City's housing stock.

(d) Noting he routinely reviews all **Fair Political Practices Commission (FPPC)** Form 460s filed by candidates of each election, he reiterated his inquiry into an **FPPC** Form 460 filed by **Mr. Benjamin Lopez** that did not list the cost of a slate mailer in which he participated. He noted his intent to file a formal complaint if the form is not corrected within ten days.

(e) He encouraged residents to vote in tomorrow's election and to support **Measure F.**

2. Council Member/Director Raft commented as follows:

(a) She also noted her attendance at the Police Department Open House, adding that the many demonstrations were well attended and the tour was enjoyable. She agreed that the tours served to call attention to the need for a new Police facility.

(b) She noted observing during her reelection campaign precinct walks that the community is much improved since her last reelection campaign four years ago.

(c) She encouraged residents to vote their consciences in tomorrow's **Presidential General Election.**

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

(a) He likewise noted his attendance at the Police Department Open House on October 23, 2004, and commended Police Department staff for the well-organized event.

(b) He noted his attendance at the **Montclair Chamber of Commerce**-sponsored *Annual Montclair Firefighters' Recognition* breakfast on October 19, 2004, at which the "Firefighter of the Year" and "Employee of the Year" were honored.

(c) He noted that he too canvassed the City while campaigning for reelection and concurred with Council Member Raft that the City's residential neighborhoods have been very much improved over the last four years. He agreed with Council Member Paulitz that the improvements could be attributed to the consistent work of the Code Enforcement Division, E-HIP, and to residents who take pride in ownership of their homes.

(d) He noted he is anticipating the outcome of tomorrow's **Presidential General Election** and encouraged the public to vote to "make a difference." He added that the right to vote is "a great part of what this country is about."

4. Council Member/Director Ruh commented as follows:

(a) He likewise noted he enjoyed attending the *Annual Montclair Firefighters' Recognition* breakfast on October 19. He suggested new residents attend forthcoming Fire Department open houses to gain an understanding of the services it provides.

(b) He noted his observations on the following candidate campaign promises:

(1) Reduction of the Utility Users Tax – The Council annually analyzes sales tax revenues and expenditure of reserves to determine if the tax can be reduced.

(2) Provide a balanced and conservative budget each fiscal year – The Council is already doing this.

(3) Regarding promises to develop new senior and youth centers – Plans are being developed to accomplish this.

(4) Improve outdated park playground equipment – The Council has already accomplished this.

(5) Build grade crossings at railroad tracks at Ramona and Monte Vista Avenues to relieve traffic congestion – Council Member Ruh advised that he has been involved in these projects since 1995, notably as a consultant to **Alameda Corridor-East** with the State Senate to assist in having **AB 2928 (Torlaksen and Flores) – "Transportation: Intermodal Corridors of Economic Significance"** signed into law. He added that Mayor Eaton serves as a member of the **Alameda Corridor-East Construction Authority** Board.

He emphasized to the voters that these are not new ideas and much of this is already being done. He quoted from ancient Greek playwright **Euripides'** tragedy *Hippolytus* as follows:

Act in your own and truest interests.

(c) He suggested all voters keep the following in mind as they cast their ballots tomorrow:

> You need to look at the federal, state, local candidates to ensure who will ensure your future.
> You need to decide if you will be better off a year from now than you are tonight.
> Will you be better off a year from now if you find your job outsourced to a country overseas?
> Will you be better off a year from now if you want to put up a fence on your property but will be told what type of fence you may or may not have, what type of material you may or may not use? It's your property. It's your money. It's your family's budget.
> Will you be better off a year from now if you're told the type of landscaping, how much property it can consume, and what it needs to look like?
> Will you be better off a year from now if you can't afford to buy a home in the very community that you grew up in?
> Will you be better off a year from now if your children can't afford to buy a home in the very community they grew up?
> Will you be better off a year from now if your local, state, and federal taxes make it impossible to make ends meet?
> Will you be better off a year from now if you're forced to choose between a gallon of paint for your house and a gallon of milk for your table?
> Will you be better off a year from now if your children want to attend the local community college—remember, those colleges used to be free—but now find that the state fees have priced higher education out of reach.
> Will you be better off a year from now if you need medication but find that you can't afford to buy that medication?
> Will you be better off a year from now if the vehicle license fees on your car make it impossible for you to even own that car?
> Will you be better off a year from now if politicians keep spending because they can't live within their budget just as you're expected to do?
> Will you be better off tomorrow if you don't vote tomorrow?

Council Member Ruh advised that the future depends on the decisions we make; voting a year from now may be too late. He encouraged everyone to vote in tomorrow's election.

(d) He noted the recent passing of long-time resident, former Montclair Planning Commissioner, and **Building Industry Association, Inland Empire Division** President **Mr. Michael Aller,** who had a career as a very successful developer. He extended the **Aller** family the City Council's sincere condolences.

(e) He noted the passing on October 23, 2004, of Assistant Director of Human Services Sue Yoakum's mother, **Mrs. May Tikfesi.** He gave Assistant Director of Human Services Yoakum his heartfelt sympathies for her loss.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 18, 2004

The City Council received and filed the Personnel Committee meeting minutes of October 18, 2004, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Montclair Skate Park Slide Presentation

B. Update on New Police Facility

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried to continue this item to an adjourned joint meeting on Monday, November 15, 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 8:16 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Monday, November 15, 2004, at 5:45 p.m. in the City Council Chambers.

At 8:16 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