

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, MARCH 7, 2005, 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 Doris Hampton, Brighter Day Ministries, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

V. PRESENTATIONS

A. **Proclamation Declaring the Celebration of Our Lady of Lourdes Catholic Church's 50th Anniversary**

Council Member Paulitz presented **Sister Angela Callanan** and **Mrs. Edna Lagumbay**, Religious Education Department, **Our Lady of Lourdes Catholic Church**, with a proclamation commemorating the church's 50th Anniversary yearlong celebration between February 11, 2005, and February 11, 2006.

Sister Callanan accepted the proclamation in memory of founding pastor **Father Joseph C. Mackey** and on behalf of present pastor **Father Robert J. Donat** and sincerely thanked Mayor Eaton and the City Council. She stated that during these 50 years of growth and change she can truly say that all is alive and well at **Our Lady of Lourdes**, adding that the great challenge for us all is intraculturalism and diversity. She noted the unifying factor for the community is a dedication to the Catholic Christian message. She advised that the church, under the guidance of **Father Donat** and **Bishop Gerald R. Barnes** of the Diocese of San Bernardino, is continuing with its vision, guiding principles, and goals. Noting the church has been in existence for over 2000 years, **Sister Callahan** advised that the church joyfully continues its partnership of service with the City of Montclair as it journeys into its next 50 years. She reiterated her sincere gratitude and appreciation for this recognition and asked for God's blessings on the residents and City of Montclair and on whomever will be in the City and at **Our Lady of Lourdes** 50 years from now.

Mayor Eaton thanked **Sister Callanan** for her kind comments.

Mayor Pro Tem Dutrey congratulated **Our Lady of Lourdes** on its 50th Anniversary, noting the City of Montclair will be celebrating its 50th anniversary next year.

B. Presentation on the County's Inspection Grading System for Retail Food Establishments by Mr. Dan Avera, San Bernardino County Public Health Department

Mr. Dan Avera, Director of Environmental Health, **San Bernardino County Public Health Department**, reviewed the inspection grading system for retail food establishments located in the unincorporated areas of the County, which became effective in October 2004 after its adoption by the County Board of Supervisors in June 2004. He advised that cities have been requested to consider adopting the County ordinance by reference, which would make participation in the inspection grading program mandatory for all retail food establishments in the City, and encouraged that the Council take such action.

Mayor Eaton recalled seeing letter grades posted in food establishments while growing up in San Diego county and concurred on the importance of exhibiting the grades to the public.

Council Member Ruh also recalled seeing letter grades exhibited in food establishments in the region, adding that restaurants in Los Angeles County awarded an "A" rating consider it a badge of honor because the proprietors worked hard to meet the criteria for such a rating. He asked if the County has a restaurant ratings website.

Mr. Avera responded that such information is available on the County's website at www.sbcounty.gov/dehs/restgrades/searchhelp.htm.

Council Member Ruh thanked **Mr. Avera**.

Mayor Eaton thanked **Mr. Avera** for his presentation.

C. Presentation of Chino/Montclair S.H.I.E.L.D. Task Force Drug Store Program Awards by Special Agent Kenneth Bambrick, Bureau of Narcotic Enforcement

Bureau of Narcotic Enforcement Special Agent **Kenneth Bambrick** presented the following **Chino/Montclair S.H.I.E.L.D. Task Force Drug Store Program** awards to three outstanding Montclair students as follows:

3rd place winner **Lina Vo, Howard Elementary School**, received a plaque and a \$50 savings bond courtesy of **Montclair Kiwanis**.

2nd place winner **Cheyenne Trausch, Kingsley Elementary School**, received a plaque and a \$100 savings bond courtesy of the **University of La Verne** Department of Education.

1st place winner **Darius Montgomery, Montera Elementary School**, received a plaque and a \$500 savings bond courtesy of the Montclair Police Officers Association (MPOA).

Special Agent **Bambrick** recognized **Regina Schaefer, M.S.**, School Counseling Program, **University of La Verne**; Police Captain Keith Jones, **Montclair Kiwanis**; and Police Officer Ken Pollich, MPOA, representing the three organizations collaborating on this beneficial scholastic program.

Mayor Eaton congratulated **Lina, Cheyenne, and Darius** on their awards.

Mayor Pro Tem Dutrey congratulated the winners, their parents, and all participants in the worthwhile **S.H.I.E.L.D. Task Force Drug Store Program**.

VI. PUBLIC COMMENT

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

- A. **Mr. Keith Jones** spoke as a representative of **Kiwanis Club of Montclair** and invited the Council and staff to the club's **Laughlin Turnaround Bus Trip** fundraiser on Saturday, March 19, 2005. He noted the bus would depart from the City Hall parking lot at 6:00 a.m., transport participants to the **Golden Nugget** casino, and depart Laughlin at 10:00 p.m. Saturday night for the return trip. Tickets to the fundraiser are \$25, with all proceeds to benefit Montclair charities, and can be purchased through **Mr. Jones** by calling (909) 721-5871 or by calling **Action Awards and Trophies** at (909) 982-3172.

Kiwanis member **Mr. Don Vodvarka** eagerly purchased tickets for his wife and him at this time.

- B. **Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, generally reiterated his past comments on various issues and discussed an alleged response by the **State Bar of California** to his complaint of inaction on the part of City Attorney Robbins concerning a member of the public being ruled out of order at a prior meeting.
- C. **Mr. Roger Baer** reiterated his past comments related to certain issues. He displayed a document purportedly containing information about a golf website City Manager McDougal allegedly asked a former City employee to develop. He expressed his certainty that City Manager McDougal would respond to **Mr. Baer's** comments after he takes his seat because City Manager McDougal does not respond directly to him.

Mayor Eaton read a statement advising that **Mr. Baer** does not reside in Montclair, the **Baers** are resentful of the fact that **Mrs. Baer's** employment with the City was terminated, **Mr. Baer** typically attends every regular joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting to comment and ask questions, and the City Council has been advised to not respond to **Mr. Baer's** comments or inquiries.

- D. Noting his concern about the City's water quality, **Mr. Loren Martens**, 4285 Benito Street, Montclair, asked if the underground fuel tanks at the following abandoned gas station sites have been removed: the former gas station at the northwest corner of Mills Avenue and Holt Boulevard, the southeast corner of Kingsley Street and Mills Avenue, northeast corner of Kingsley Street and Mills Avenue, northeast corner of Mission Boulevard and Ramona Avenue, the former gas station site at the southeast corner of Mission Boulevard and Monte Vista Avenue, southeast corner of Central Avenue and Mission Boulevard, and the former gas station site at the northeast corner of Central Avenue and Mission Boulevard. He suggested the ground be tested for contamination at the former gas station sites at the northwest corner of Central Avenue and Kingsley Street and the northeast corner of Central Avenue and San Bernardino Street even though the underground fuel tanks have been removed at those sites.

Mayor Eaton advised **Mr. Martens** that staff would look into the matter.

Council Member Ruh told **Mr. Martens** he could refer **Mr. Martens** to an agency that could supply information on the matter.

- E. In follow-up to Mayor Eaton's statement regarding **Mr. Baer, Miss Regina Howerton** noted that pursuant to Ordinance No. 03-830, the public is afforded an opportunity to address the legislative body on any item of interest to the public that is within the subject matter jurisdiction of the legislative body. She asked Mayor Pro Tem Dutrey to henceforth refer to her as "**Miss Howerton**" and not by her given name.

VII. PUBLIC HEARINGS

- A. **First Reading - Adoption of Ordinance No. 05-858, an Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I**

First Reading - Adoption of Ordinance No. 05-859, an Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III

First Reading - Adoption of Ordinance No. 05-860, an Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV

First Reading - Adoption of Ordinance No. 05-861, an Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance Nos. 05-858, 05-859, 05-860, and 05-861 related to extending the time limits with respect to the Redevelopment Plans for respective Redevelopment Project Area Nos. I, III, IV, and V 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 Council Member Ruh and seconded by Council Member Paulitz that the following actions be taken:

1. That Ordinance No. 05-858, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. I,**" be read by title and number only, further reading be waived, and this be declared its first reading.
2. That Ordinance No. 05-859, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. III,**" be read by title and number only, further reading be waived, and this be declared its first reading.
3. That Ordinance No. 05-860, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. IV,**" be

read by title and number only, further reading be waived, and this be declared its first reading.

4. That Ordinance No. 05-861, entitled "**An Ordinance of the City Council of the City of Montclair Extending the Time Limits With Respect to the Redevelopment Plan for City of Montclair Redevelopment Project Area No. V,**" be read by title and number only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the readings of the Ordinances.*

Mayor Pro Tem Dutrey commented regarding local government's financial assistance to the state for the past few years to balance its budget, adding that Proposition 1A will safeguard local government revenues from further state takeaways.

*First Readings of Ordinance Nos. 05-858, 05-859, 05-860, and 05-861 were unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

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

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/MHC Meeting of February 22, 2005

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 February 22, 2005.

B. Administrative Reports

1. Setting a Public Hearing to Consider Ordinance No. 05-857 Adding Chapter 6.10 to Title 6 of the Montclair Municipal Code to Adopt by Reference San Bernardino County Ordinance No. 3930 Adding Chapter 14 to Division 3 of Title 3 and Adding Subsection 16.0213B(b)(17) to Chapter 2 of Division 6 of Title 1, All of the San Bernardino County Code, Relating to Inspection Grading of Food Establishments

The City Council set a public hearing for Monday, March 21, 2005, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 05-857 adding Chapter 6.10 to Title 6 of the Montclair Municipal Code to adopt by reference San Bernardino County Ordinance No. 3930 adding Chapter 14 to Division 3 of Title 3 and adding Subsection 16.0213B(b)(17) to Chapter 2 of Division 6 of Title 1, all of the San Bernardino County Code, relating to inspection grading of good establishments.

3. Approval of Public Works Committee Recommendation to Implement a City of Montclair In-House Sewer Master Plan and Modeling Program

The City Council approved the Public Works Committee's recommendation to implement a City of Montclair In-House Montclair Sewer Master Plan and Modeling Program.

4. Declaring City Vehicles as Surplus and Authorizing Their Sale by Ken Porter Auction Systems on Behalf of the City of Montclair

The City Council declared the following vehicles as surplus and authorized their sale by Ken Porter Auction Systems on behalf of the City of Montclair:

<i>Department</i>	<i>Year and Model</i>	<i>Vehicle Identification No.</i>	<i>Mileage</i>	<i>Estimated Sales Price</i>
Police	1993 Kawasaki motorcycle	JKAZCP22PB510267	43,759	\$ 300
Public Works	1989 Ford 1/2 ton truck	1FTEF15N6KLB10387	62,297	\$2,025
Public Works	1990 Ford 3/4 ton truck	1FTHF25H7LPA27445	82,356	\$1,500
Community Development	1988 Ford Ranger	1FTCR10T9JUB98221	82,851	\$1,300

5. "No Action" on Alcoholic Beverage Permit Application - Mi Pueblo Market

The City Council voted "No action" on the "Off-Sale Beer and Wine" license application of Mr. Ivan Elias Rodriguez for Mi Pueblo Market, 5002 Holt Boulevard, Montclair, California.

6. "No Action" on Alcoholic Beverage Permit Application - Aloha Pizza Company

The City Council voted "No action" on the "On-Sale Beer and Wine" license application of Mr. John Davidson, Chief Operating Officer, R & J Investment Opportunities, Inc., for Aloha Pizza Company, 4913 Moreno Street, Montclair, California.

7. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated March 7, 2005, totaling \$305,417.39 and the Payroll Documentation dated January 23, 2005, amounting to \$515,009.58, with \$356,142.04 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 05-26-I-65, an Irrevocable Annexation Agreement With Mr. Ernesto Zavala S. and Ms. Maria L. Pirita for 10985 Roswell Avenue

The City Council approved *Agreement No. 05-26-I-65*, an *Irrevocable Annexation Agreement* with Mr. Ernesto Zavala S. and Ms. Maria L. Pirita for emergency connection of their residence at 10985 Roswell Avenue to the City Sewer System.

2. Approval of Agreement No. 05-27 With Arcadia Publishing for Publication of a History of Montclair Pictorial Book

The City Council approved *Agreement No. 05-27* with Arcadia Publishing for publication of a History of Montclair pictorial book containing both historical and present-day photographs

of Montclair to commemorate the City's 50th anniversary in 2006.

3. Award of Contract to Kalban, Inc., in the Amount of \$130,332.40

Approval of Agreement No. 05-28 With Kalban, Inc., for the Curb, Gutter, and Sidewalk Inlay Project

Authorization of a \$14,000 Construction Contingency

The City Council took the following actions related to the Curb, Gutter, and Sidewalk Inlay Project:

- (a) Awarded a contract to Econolite Traffic Engineering and Maintenance, Inc., in the amount of \$130,332.40.
- (b) Approved *Agreement No. 05-28* with Kalban, Inc.
- (c) Authorized a \$14,000 construction contingency.

D. Resolutions

1. Adoption of Resolution No. 05-2573 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 05-2573 authorizing placement of liens for delinquent sewer and trash charges on the 104 properties listed on Exhibit A to Resolution No. 05-2573.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

2. Amending the Fiscal Year 2003-04 Capital Improvement Program Adding the Montclair Lighted Crosswalk Pedestrian Safety Project

Authorizing a \$50,000 Appropriation From the General Fund to Finance the Project

Authorizing Staff to Advertise for Bid Proposals

Noting his support of this item, Council Member Ruh asked if the \$23,000 state grant is through the Safe Routes to Schools Program.

City Engineer Hudson responded that it is a 2005 Traffic Safety Grant through the California Office of Traffic Safety.

Council Member Ruh suggested the balance of funds needed for the project be obtained from the Safe Routes to Schools Program, if available.

City Engineer Hudson indicated it would not be feasible because the project must be funded within the next four months, and application for Safe Routes to Schools Program moneys would not occur until later this year. He noted the Public Works Committee has considered the possibility of the Ontario-Montclair School District providing some funding for the project.

Council Member Ruh noted the importance of this project and reiterated his strong support.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried unanimously that the City Council take the following actions related to the Montclair Lighted Cross-walk Pedestrian Safety Project:

- (a) Approve amending the Fiscal Year 2003-04 Capital Improvement Program adding the project.
- (b) Authorize a \$50,000 appropriation from the General Fund to finance the project.
- (c) Authorize staff to advertise for bid proposals.

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

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

B. **City Manager/Executive Director**

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

- (a) In response to Mr. Baer's earlier statement regarding City Manager McDougal's failure to respond directly to Mr. Baer, he reiterated that procedurally, it is under Section XI, "Communications," Item B, "City Manager/Executive Director," of the agenda that he is afforded an opportunity to comment on unagendized items. He noted Mr. Baer has usually left the meeting by the time City Manager McDougal has the opportunity to respond to Mr. Baer's statements. He asked to be provided with a copy of the golf website document exhibited by Mr. Baer, noting he has already clarified the issue.

- (b) In follow-up to Mr. Martens' concern earlier this evening regarding existing underground fuel tanks at abandoned gas stations in the City, he advised that staff would return a report to the Council on the subject at a future meeting.

C. **Mayor/Chairman**

- 1. Mayor/Chairman Eaton noted his recent attendance at regular monthly **SANBAG** and **Omnitrans** meetings. He reported that the **Omnitrans** Board approved a labor agreement with **Amalgamated Transit Union** representing the agency's 430 coach operators and a scope of work and draft RFP for a performance audit and development of an ongoing independent internal audit program, both of which will no doubt prove that the organization is exceptionally run.

D. **City Council/Agency Board**

- 1. Council Member/Director Ruh commented as follows:
 - (a) He noted he was unable to attend the last meeting because his flight from New York was delayed because of the bad storm back east. He apologized for missing the meeting.
 - (b) He noted his attendance with Mayor and **Mrs. Eaton** and City Manager McDougal at a recent **Online to College** symposium to recognize participating students. He expressed his support of the **Montclair Community**

Collaborative's partnership with **Chaffey College** in this beneficial academic program.

- (c) He noted the passing on February 10, 2005, of **Mr. Billy M. Hill**, retired San Bernardino County Coroner and former director of the **Metropolitan Water District** who was also involved with the **Chino Basin Municipal Water District (Inland Empire Utilities Agency)**. He noted **Mr. Hill**, who was well known in the region as "Mr. Water," had encouraged him many years ago to become involved in the water industry, which he has done. He stated that **Mr. Hill** will be greatly missed by him and many others.
- (d) He noted the recent passing of **Mr. David Ariss**, a local developer and former Planning Commissioner for the **City of Chino Hills** responsible for much of the commercial and industrial development in the Inland Empire region who was quite a visionary in his development designs.
- (e) He congratulated Montclair resident **Mr. Rusty Hoeck**, who will turn 80 on March 19 and who is featured in an article in this morning's ***Inland Valley Daily Bulletin (IVDB)*** on his **World War II** experiences and his caring nature. He added that **Mr. Hoeck** is an original parish-ioner of **Our Lady of Lourdes Catholic Church**. He noted how wonderful it is that **IVDB** is profiling what journalist **Tom Brokaw** terms "the greatest generation" in a yearlong series chronicling stories from **World War II**, articles that he is saving to give to his nieces and nephews.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of January 20 2005

The City Council received and filed the Public Works Committee meeting minutes of January 20, 2005, for informational purposes.

3. Minutes of Personnel Committee Meeting of February 22, 2005

The City Council received and filed the Personnel Committee meeting minutes of February 22, 2005, for informational purposes.

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

At 7:50 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Recording Secretary