

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, APRIL 4, 2005, AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:01 p.m.

II. INVOCATION

**Pastor Mark Schipul, Bethany Baptist Church**, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz 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; Acting City Manager/Executive Director Clark; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; Acting Deputy City Clerk Smith

Absent: City Manager/Executive Director McDougal (excused)

V. PRESENTATIONS

A. Introduction of New Employees

Mayor Eaton introduced **Ms. Jill Rothenberger**, who was appointed to the position of Police Dispatcher effective March 7, 2005. He noted Dispatcher Rothenberger previously worked for the Chino Unified School District for nine years.

Mayor Eaton welcomed Dispatcher Rothenberger to the Montclair City family and presented her with a City pin.

Mayor Eaton introduced City employee **Mr. Jeffry Rogers**, who was appointed to the position of Police Officer effective March 21, 2005, after serving as a Reserve Officer since December 2004.

Mayor Eaton congratulated Officer Rogers on his new appointment.

Mayor Eaton introduced City employee **Mr. Steve Cano**, who was appointed to the position of Public Works Department Environmental Control Specialist effective today. He noted Environmental Control Specialist Cano previously worked for **Graves Automotive Supply** for 13 years and began his career with the City in April 2002 as a Maintenance Worker in the Public Works Department Parks and Sewer Divisions. He noted Environmental Control Specialist Cano recently completed related studies and obtained his California Water Environment Association Collection System Maintenance Grade 1 license as well as his State of California Qualified Applicators Certificate for pesticides.

Mayor Eaton congratulated Environmental Control Specialist Cano on his new appointment.

**VI. PUBLIC COMMENT**

- A. **Mr. Ronald Armstrong**, 5601 Deodar Street, Montclair, reiterated comments he made at previous meetings.
- B. **Mr. Maynard Lenhart**, 9858 Ramona Avenue, Montclair, responded as a Board Member of the **Monte Vista Water District (MVWD)** to **Mr. Donald Cauley's** letter to the editor in the April 1, 2005 edition of the *Inland Valley Daily Bulletin*, regarding MVWD water rates. He advised that MVWD's rates are not 44 percent higher than Ontario's as written by **Mr. Cauley** and, in fact, are 18 percent lower. He noted MVWD's rates are among the lowest in the region for private, noncommercial/nonindustrial use. Noting MVWD takes its water supply responsibilities very seriously, he encouraged customers to contact MVWD directly with any questions or concerns.
- C. **Mr. Roger Baer**, Rancho Cucamonga, reiterated comments he made at previous meetings.

**VII. PUBLIC HEARINGS**

- A. **Second Reading - Adoption of 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**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of 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, related to inspection grading of food establishments 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 and seconded by Council Member Ruh that Ordinance No. 05-857, entitled "**An Ordinance of the City Council of the City of Montclair 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,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 05-857 was unanimously adopted by the following ROLL CALL vote:

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

**B. First Reading – Adoption of Ordinance No. 05-862 Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees Retirement System (CalPERS)**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 05-862 authorizing an amendment to the contract with the Board of Administration of CalPERS and invited comments from the public.

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

Council Member Paulitz inquired as follows:

1. Is the approximately \$3 million annual change in the Unfunded Accrued Liability for the 3% @ 50 full-formula retirement benefit for safety employees over and above what has already been paid out?

Director of Administrative Services Starr stated that the projected increase to implement 3% @ 50 is approximately \$520,000; however, this estimate is based on actuarial projections prepared by CalPERS for 2007. Performance of the portfolio and the experience of the risk pool will ultimately determine future employer rates.

2. Will this amount be included in the Fiscal Year 2005-06 City Budget?

Director of Administrative Services Starr answered, "Yes." He pointed out that five years ago, the City Council did plan for increases in the safety retirement program and that \$800,000 has accumulated in the account, allowing for sufficient funds to pay for the increase for the next fiscal year. He added that additional funds will be added to the amount during the next fiscal year, allowing for sufficient revenues to pay for expected increases in Fiscal Year 2006-07.

Council Member Paulitz thanked Director of Administrative Services Starr for the information.

Though he expressed his support of the item, Mayor Pro Tem Dutrey emphasized that had he realized during labor negotiations the costliness of the 3% @ 50 retirement benefit over time, he would not have supported it because of his concern about costs. He expressed his opinion the bifurcated tier system will help to offset future costs of the program. He further expressed his opinion on the inequality of public sector retirement programs as compared to that of the private sector.

Director of Administrative Services Starr pointed out that the 3% @ 50 formula would go into effect for current employees beginning June 27, 2005, and that only new hires after that date would fall under the bifurcated 3% at 55.

Mayor Pro Tem Dutrey concurred his complete understanding of the restrictions of the benefit. He expressed his opinion that the current 3% @ 55 retirement benefit is a very good one. He noted local government employees have benefited from the 2% @ 50 retirement benefit imposed by former **Governor Davis** to benefit California corrections officers and Highway Patrol officers. He noted the 3% @ 50 formula represents a generous increase.

Acting City Manager Clark clarified that at one time, the CalPERS retirement system had such a surplus of funds (the result of a

strong economy contributing to increases in the stock market), and the agency pressured local government to quickly adopt the 3% @ 50 retirement benefit before excessive fees would be attached to it. He noted the City was fortunate enough to include a tier system in the plan as well as to require safety employees to contribute to their retirements. He indicated the City is in a much better position because of these provisions as compared to other cities. He noted it is unfortunate that costs are much higher than predicted when the program was implemented.

Director of Administrative Services Starr added the following:

1. He advised that at the time the City was negotiating the 3% @ 55 and 3% @ 50 retirement benefits, CalPERS had advised all cities that if they adopted the 3% @ 50 formula, the agency would provide some incentives, including enhancing their superfund status to defer any impacts for the 3% @ 50 fund; unfortunately, the proposed legislation did not pass the Legislature.
2. He pointed out that on average, and from a historical perspective, employer contributions to either CalPERS or Social Security are about the same, the difference being that CalPERS has realized greater interest earnings on its investment portfolio than the federal government has from its Social Security trust fund.

Council Member Paulitz asked if total contribution amounts are the same for both the CalPERS and Social Security retirement programs.

Director of Administrative Services Starr answered, "Not currently," particularly with regard to the 3% @ 50 formula. He reiterated that over the course of decades, contributions to both retirement systems average to be about the same, noting that throughout the 1990s, the only contributions to CalPERS for public safety employees were the employees' 9 percent contributions, while employer/employee contributions to Social Security were between 12 and 14 percent.

Director of Administrative Services Starr advised that alternative procedures must be implemented for Social Security to be more effective. He noted that over the past decade, CalPERS had been put forward as the prototype for the federal government as well as for other state public retirement funds to follow; though, unfortunately, the federal government failed to implement a similar program.

Moved by Council Member Paulitz and seconded by Council Member Ruh that Ordinance No. 05-862, entitled "**An Ordinance of the City Council of the City of Montclair Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees Retirement System,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 05-862 was unanimously adopted by the following vote:

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

## VIII. CONSENT CALENDAR

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

### A. Approval of Minutes

#### 1. Minutes of Regular Joint Council/Agency/MHC Meeting of March 21, 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 March 21, 2005.

### B. Administrative Reports

#### 1. Authorization to Obtain a Real Estate Appraisal of Redevelopment Agency-Owned Property Located at 4218 Holt Boulevard

**Authorization for a \$500 Appropriation From the Redevelopment Agency Special Housing Fund for Appraisal Services**

The Redevelopment Agency Board authorized the following actions:

- (a) A real estate appraisal to be performed at Redevelopment Agency-owned property located at 4218 Holt Boulevard.
- (b) A \$500 appropriation from the Redevelopment Agency Special Housing Fund for appraisal services.

#### 2. Receiving and Filing of Status Report on Emergency Contracting Procedures for Certain Road Repairs Near the Intersection of Brooks Street and Monte Vista Avenue and Determining the Need to Continue the Action

The City Council took the following actions:

- (a) Received and filed a status report on emergency contracting procedures for certain road repairs near the intersection of Brooks Street and Monte Vista Avenue.
- (b) Determined there is a need to continue the action.

#### 3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the Warrant Register dated April 4, 2005, totaling \$630,584.13 and the Payroll Documentation dated February 20, 2005, amounting to \$508,330.89, with \$349,799.35 being the total cash disbursement.

### C. Agreements - None

### D. Resolutions - None

## IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel – No comments

B. Acting City Manager/Executive Director

1. Acting City Manager/Executive Director Clark noted he would be forwarding to the Council a comprehensive housing activities report prepared by Planning staff to accompany an application for the tax-credit financing for the **Southern California Housing Development Corporation** multifamily project at San Antonio Gateway.

C. Mayor/Chairman

1. Mayor/Chairman Eaton noted his participation in the Code Enforcement Division's **C.A.U.T.I.O.N.** cleanup on Saturday, March 26, 2005, along with Mayor Pro Tem/Vice Chairman Dutrey and his daughter, **Janine**, and **San Bernardino County Fourth District Supervisor Ovitt**. He noted the cleanup's tremendous turnout of participants who succeeded in improving the 9500 through 9600 blocks of Palo Verde Street west of Central Avenue and the 5100 through 5200 blocks of San Bernardino Street at Harvard Avenue.

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
  - (a) He noted he and his daughter, **Janine**, enjoyed participating in the Easter Egg Hunt on Saturday, March 26, 2005, sponsored by the City, Montclair Fire Fighters Association, and **Montclair-Ontario Junior Women's Club**.
  - (b) He noted his attendance at the Casino Night event on Saturday, April 2, 2005, in the Montclair Community Center sponsored by the Community Action Committee and the **Montclair-Ontario Junior Women's Club**, **Pomona Valley Workshop**, and **Montclair Kiwanis**. He noted there was a good turnout for the event.
  - (c) He noted that because the **City of Rialto** observed **Cesar Chavez Day of Service and Learning** on Thursday, March 31, 2005, he had an opportunity to spend the day with Montclair City staff receiving updates on a number of current City projects.
2. Council Member/Director Ruh commented as follows:
  - (a) He noted he assisted in the Easter Egg Hunt last Saturday and, unfortunately, was unable to also participate in the **C.A.U.T.I.O.N.** cleanup that same day.
  - (b) He announced a **New Home Buyer Expo** sponsored by **Senator Soto**, **Assembly Member McLeod**, the **City of Ontario**, and **Wells Fargo Home Mortgage of Ontario** to be held Saturday, April 23, 2005, from 10:00 a.m. to 12:00 p.m. at the **California National Guard Armory**, 950 North Cucamonga Avenue, Ontario; for more information contact **Assembly Member McLeod** at (909) 621-2783.
  - (c) He read a prosaic tribute commemorating the life and pontificate (the third longest in history) of **Pope John Paul II**, who passed away on Saturday, April 2, 2005,

praising his work as the itinerant evangelist as he conducted his never-ending crusade and as the mystic, the humanitarian, the moral philosopher, and the suffering servant.

**E. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of March 21, 2005**

The City Council received and filed the Personnel Committee meeting minutes of March 21, 2005, for informational purposes.

Mayor Eaton announced that the City's *Spring Cleanup* takes place this week, advising that **Burrtec Waste Industries** will collect free of charge all unwanted household items (except construction debris, tires, and hazardous waste) on residents' regular collection days. He noted residents may call Accounting Supervisor Roxaynn Robinson at 625-9414 for information on disposal of unacceptable items.

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

At 7:40 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors in memory of retired City employee **Mr. Clair Leo (Lee) Young**, who passed away on Monday, March 28, 2005.

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

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Yvonne L. Smith  
Acting Deputy City Clerk