

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, OCTOBER 3, 2011,
AT 7:02 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairperson Raft called the meeting to order at 7:02 p.m. and asked that everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Deputy City Clerk/Agency Secretary Smith noted for the record that Mayor/Chairman Eaton is not in attendance at the meeting.

Present: Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Paulitz, Dutrey, and Ruh; City Manager/Executive Director Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/ Agency Counsel Robbins; Deputy City Clerk/Agency Secretary Smith

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

- A. **Mr. William Seals, Reach Out West End,** 1126 West Foothill Boulevard, Suite 150, Upland, invited the City Council and public to the **6th Annual West End Community Health & Wellness Fair** on Sunday, October 9, 2011, from 9:00 a.m. to 3:00 p.m. at **Our Lady of Guadalupe Church,** 710 South Sultana Avenue, Ontario. He noted the fair will offer free pertussis and influenza vaccinations and dental exams; free health screenings for asthma, blood pressure, body mass index, cholesterol, diabetes, hearing, and vision; free haircuts and fingerprinting for children; veterans' services; enrollment in **Healthy Families & Health Kids Insurance;** health and wellness information from over seventy-five providers; assistance with housing, education, and employment; and nutrition education. He noted food would be provided at the event and left event information with staff.

VII. PUBLIC HEARINGS

- A. **Adoption of Resolution No. 11-2927 Amending the Master User Fee Schedule Related to Human Services Division Facility Rentals**

Mayor Pro Tem Raft declared it the time and place set for a public hearing to consider adoption of Resolution No. 11-2927 amending

the Master User Fee Schedule related to Human Services Division facility rentals and invited comments from the public.

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

City Manager Starr distributed to the Council an exhibit containing revised Community Center fees and establishing fees for use of the Senior and Youth Centers ("Exhibit B") that was inadvertently omitted from the item and reviewed the proposed fees.

Moved by Council Member Dutrey and seconded by Council Member Paulitz that Resolution No. 11-2927, entitled, "**A Resolution of the City Council of the City of Montclair Amending the Master User Fee Schedule Related to Human Services Division Facility Rentals**" be read by number and title only, further reading be waived, and it be declared adopted.*

Council Member Paulitz spoke in favor of this item in addition to annual fee increases, advising that "in years past, when the City had more money than at present, for years we would not increase any fees. I was always of the opinion that fee increases should be considered annually because if they are not increased for four or five years, what usually happens is the delayed increases seem much greater than had fees been increased on an annual basis." He stated that annual increases more accurately reflect the City's expenses to provide services offset by the fee income. He concluded his comments by asserting, "We do not make any money on this, believe me."

Council Member Paulitz moved the question.

Mayor Pro Tem Raft stated that she is pleased with the proposed decrease in the fee structure for the Community Center and Senior and Youth Centers, advising that doing so would encourage the public's use of our facilities "because that is what they are there for."

*The City Council waived the reading of the Resolution.

Resolution No. 11-2922 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

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

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Agency Board/MHC Board Meeting of September 19, 2011

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved the minutes of the September 19, 2011 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 3, 2011, totaling \$724,570.10; and the Payroll Documentation dated August 14, 2011, amounting to \$592,453.62, with \$428,225.05 being the total cash disbursement.

C. Agreements

1. **Authorization of City Manager to Sign Agreement Amendments Modifying Previous Agreements With the County of San Bernardino for "One-Time" County Support for Special Projects at Sunset and Alma Hofman Parks**

The City Council authorized the City Manager to sign Agreement amendments modifying previous Agreements with the County of San Bernardino for "one-time" County support for special projects at Sunset and Alma Hofman Parks.

2. **Approval of Agreement No. 11-120 With the California Army National Guard for Use of Montclair Police Department Firearms Shooting Range**

The City Council approved *Agreement No. 11-120* with the California Army National Guard for use of Montclair Police Department firearms shooting range.

3. **Approval of Agreement No. 11-123, a Fiscal Operations Services Agreement With Donald L. Parker, CPA**

The City Council approved *Agreement No. 11-123*, a *Fiscal Operations Services Agreement* with Donald L. Parker, CPA.

4. **Approval of Agreement No. 11-124 With Bilingual Family Counseling Services to Provide Case Management Services**

The City Council approved *Agreement No. 11-124* with Bilingual Family Counseling Services to provide case management services.

5. **Approval of Agreement No. 11-125 With L.D. King, Inc., for \$16,800 for Engineering and Design Services for the Carlton Street Improvement Project**

Authorization of City Manager to Amend Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$5,000

The City Council took the following actions:

- (a) Approved *Agreement No. 11-125* with L.D. King, Inc., for \$16,800 for Engineering and design services for the Carlton Street Improvement Project.
- (b) Authorized the City Manager to amend the *Agreement* Scope of Services as may be necessary for a total increase not to exceed \$5,000.

6. **Approval of Agreement No. 11-126 Amending Agreement Nos. 11-45 and 11-52 With Wheeler & Wheeler Architects, Inc., for Design Services for the Community Center Restroom Conversion and ADA Upgrade Project**

The City Council approved *Agreement No. 11-126* Amending *Agreement Nos. 11-45* and *11-52* with Wheeler & Wheeler Architects, Inc., for design services for the Community Center Restroom Conversion and ADA Upgrade Project.

D. Resolutions

1. **City Council's Adoption of Resolution No. 11-2929 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Accounts**

The City Council adopted Resolution No. 11-2929 authorizing placement of liens on the 219 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE

A. **City Council Inquiry Regarding Pomona Valley Transfer Station**

City Manager Starr noted this item is presented to the City Council in response to Council Member Dutrey's request at the last two meetings for a report on the proposed Pomona Valley Transfer Station and commented as follows:

1. He stated that the purpose of the transfer station, for which **Valley Vista Industries** has requested a Conditional Use Permit from the **City of Pomona** to build on East Ninth Street, Pomona, is to reduce the volume of truck traffic on freeways and roadways to and from area landfills. He noted a large group of potentially affected residents and businesses are opposed to the proposed facility for perceived adverse impacts, notably traffic-circulation problems, though a consultant's report indicates most of the traffic will be routed to designated truck routes throughout the **City of Pomona** and that very little traffic will travel through the City of Montclair or other adjoining cities. He advised that most trucks will use the I-10 Freeway, California State Route 70, Mission and Indian Hill Boulevards, and Ninth and Reservoir Streets as their primary routes to and from the transfer station.
2. He noted the consultant indicates that by 2020, all diesel air pollution and carcinogenic issues should be resolved by the full migration to use of compressed natural gas (CNG)/alternative fuel by commercial vehicles accessing the facility, aside from privately owned vehicles. He stated that by the facility's opening in 2012 or 2013, **Valley Vista Industries'** trash haulers will be powered by CNG or another environmentally safe fuel.
3. He advised that **Burrtec Waste Industries, Inc.**, will be migrating to CNG this year as a condition of its franchise with the City. He added that **Burrtec** does not at this time plan to use the proposed transfer station.
4. He noted the proposed transfer facility would appear to be a positive gain for the **City of Pomona**, producing as few as 50 and as many as 150 jobs when fully operational and managing 150,000 tons of garbage per year. He advised that the facility would generate approximately 610 additional vehicular travels through Pomona on a daily basis, noting each transfer truck is equivalent to three standard vehicles and waste haulers are equivalent to two standard vehicles, equating to 2,010 standard vehicular travels per day.

Council Member Paulitz inquired as follows;

1. Has **Burrtec** contracted with the **City of Pomona** or the operator of the proposed transfer station?

City Manager Starr answered, "No, there is no agreement between **Burrtec** and the **City of Pomona** or the operator of the transfer station.

2. Wouldn't **Burrtec** use Mission Boulevard to reach the facility should it decide to contract with the transfer station rather than the I-60 or I-10 Freeways?

City Manager Starr answered, "According to the report, that would not be the main route—it would primarily be Indian Hill from the I-10 Freeway and from Indian Hill to either East End Avenue, Reservoir Avenue, or straight down to 9th Street." He noted the main entry point into the facility for transfer trucks is on Mission Boulevard, though the trucks would only be on the roadway for a short time after transferring from one of the north-south roads—Indian Hill Avenue, Reservoir Avenue, or East End Avenue.

Council Member Paulitz commented as follows:

1. Noting an incinerator proposed to be located at the **Milliken Landfill** many years ago was, thankfully, not built because of resident opposition, Council Member Paulitz advised that his line of questioning relates the **City of Harrisburg's** (capital of Pennsylvania) default on a bond issue used to build a large incinerator because there was not enough garbage to make it viable. Though it would be Pomona's worry, he noted if the proposed transfer station does not have enough client cities, it might not be practical venture.
2. He stated that he would like the City Council to be informed if either the City or **Burrtec** decides to utilize the proposed transfer station because "there would be somewhat more traffic" affecting Montclair.

Council Member Paulitz inquired as to which landfill **Burrtec** uses.

City Manager Starr answered, "I do not know the answer to that, but I will find out for you." He advised that as far as the proposed transfer station's volume of service, it is considered a relatively small facility and should not have the traffic issues experienced by other larger facilities. He added that there will be no incinerator causing air pollution at the proposed facility.

Council Member Paulitz thanked City Manager Starr.

Council Member Dutrey thanked staff for the report. Noting the possibility of trucks using Central Avenue, Ramona Avenue, or Monte Vista Avenue instead of the designated truck routes, he requested that the **City of Pomona** and **Valley Vista Industries** be notified in writing as follows:

1. That staff be informed should an alternate site be considered for the proposed transfer station
2. That there was some concern raised by two Montclair residents regarding odors emanating from the facility.

City Manager Starr stated, "We will follow up on that."

Council Member Dutrey gave Deputy City Clerk Smith a petition signed by Montclair residents opposed to the proposed transfer station, which he received today from **Mr. Kenneth Mock**, 11250 Ramona Avenue, for attachment to the record of tonight's meeting. He stated that though the facility is a **City of Pomona** land use decision, it's location at the proposed site will affect Montclair residents.

Council Member Ruh advised that the proposed facility is simply a transfer station. He expressed his hope "that everyone is aware that in 2013, the **Puente Hills Landfill** will close. There is no

choice in the matter; it will close. We have a population that has grown dynamically since the time that landfill was opened, and at the same time, we have decreased the number of landfills and options for waste haulers. All of us generate trash in some way or another; I don't think anyone in the room could say they do not generate some type of trash. That trash has to go somewhere. Because we have constrained the ability of these facilities to exist, you are going to see trash fees go sky high in the next few years because the only way they will be able to transport it is by railway out to the middle of the desert somewhere. Eventually, not in our lifetimes, that area may become populated; and it will be a problem there. As far as the issue of trash is concerned, I think we need to be aware of what is happening and to look to the future and realize that we may not like certain uses; but we are generating trash, so that trash has to go somewhere. Just remember: 2013 is the date for that closure, and there will be a lot of things going on between now and then with the trash industry."

Mayor Pro Tem Raft thanked Council Member Ruh for the pertinent information.

Moved by Council Member Dutrey, seconded by Council Member Paulitz, and carried to receive and file the report and send notification in writing to the **City of Pomona** and **Valley Vista Industries** to inform staff should an alternate site for the proposed transfer station be considered and that two Montclair residents are concerned about odors emanating from the facility.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. **Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator Edward C. Starr**

Agency: City of Montclair

*Employee Organizations: Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins withdrew her request for a Closed Session on the above matter.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:
 - (a) He requested that the City Council and Redevelopment Agency Board of Directors adjourn tonight's meeting to 5:45 p.m. on Monday, October 17, 2011, in the City Council Chambers for a Master User Fee Study.
 - (b) He introduced new City Reporter **Liset Márquez** in the gallery this evening. He stated that our former reporter, **Ms. Canan Tasci**, has been assigned to cover the cities of Chino and Chino Hills.

C. Mayor/Chairman - Absent

D. City Council/Agency Board

1. Mayor Pro Tem/Vice Chairperson Raft welcomed **Ms. Márquez** to her new beat and told her, "We look forward to working with you."

2. Council Member/Director Paulitz commented as follows:
 - (a) He noted his attendance on September 26, 2011, at the **Montclair Community Collaborative's** 15th anniversary celebration, which was nicely done.
 - (b) He thanked staff for the comprehensive report on the proposed transfer station, noting his questions were for the benefit of residents interested in learning about the project.
3. Council Member Dutrey commented as follows:
 - (a) He stated that he would, unfortunately, be unable to attend the October 17, 2011 workshop because of a prior engagement, though he will attend the regular meeting afterward.
 - (b) He recognized City managers for agreeing to a 6 percent concession, stating, "I appreciate that you have stepped up to the plate and are showing your leadership abilities for the rest of City staff. Thank you very much."
 - (c) He noted Mayor Eaton, Council Member Ruh, and he attended the **Neighborhood Partnership Housing Services (NPHS) 20th Anniversary Dinner & Awards Celebration** on September 29, 2011, at the **Victoria Gardens Cultural Center**, Rancho Cucamonga. He noted the organization has grown since its inception in 1991 as **Neighborhood Partnership of Montclair (NPM)** and appears to be doing well. He noted Director of Redevelopment/Public Works Staats and the late **Ms. Peggy Robbins, NPM** Board President, were recognized as the founders of **NPM** and that the awards given out that evening were in **Ms. Robbins'** honor, which was very nice.
 - (d) He recognized Reserve Police Officer Joe Kuskie, Reserve Sergeant Scott Stephenson, and Reserve Corporal Ron Foss for attending the *Western Region Special Olympics Bowling Tournament* at the **Montclair Bowlium** on September 24, 2011. He expressed his appreciation to the officers for volunteering at this and other events in the community.
4. Council Member Ruh commented as follows:
 - (a) He noted the **NPHS** anniversary celebration was a very good event that reflected the change over 20 years in the mission of the organization, advising that originally it focused primarily on senior needs in the community, such as installing locks and making small repairs on their homes for safety purposes and, in some cases, painting homes. He stated **NPHS's** mission has evolved to assist homeowners in a different way, employing home retention specialists who work very diligently to help owners to stay in their homes. He recognized the organization's efforts "to change with the times and make sure its mission stays focused on helping homeowners."
 - (b) He congratulated "management and all of our employees" for their concessions during the continuing economic downturn. He noted visiting the **City of San Jose** a week and a half ago for work and spoke of its very deep financial straits, advising that it was the center of the high-tech boom of the late 1990s. He stated that he is unsure if the **City of San Jose's** employees "were as willing to make the concessions that our employees have

been willing to make, but it shows that we're a family here in this City; and the good times we all share together, and the bad times we share alike. I think that says a lot about the caliber of individual in this City."

- (c) He invited everyone to attend the City's Halloween "Spooktacular" to be held at 5 30 p.m. on October 31, 2011, in the Community Center, adding that the event is always great fun for the youngsters and parents. He expressed his appreciation of Human Services Division staff for all the hard work involved in organizing the event each year as well as Police and Fire safety staff for their participation

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of September 19, 2011

The City Council received and filed the Personnel Committee meeting minutes of September 19, 2011, for informational purposes.

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

At 7 33 p.m., Vice Chairperson Raft adjourned the Redevelopment Agency Board of Directors to 5 45 p.m. on Monday, October 17, 2011, in the City Council Chambers.

At 7 33 p.m., Vice Chairperson Raft adjourned the Montclair Housing Corporation Board of Directors to 5 45 p.m. on Monday, October 17, 2011, in the City Council Chambers.

At 7 33 p.m., the City Council went into Closed Session regarding conference with designated labor negotiator pursuant to Section 54957 6 of the Government Code.

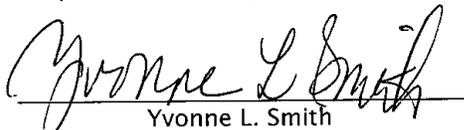
XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:03 p.m., the City Council returned from Closed Session. Mayor Pro Tem Raft announced that the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:04 p.m., Mayor Pro Tem Raft adjourned the City Council

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


Yvonne L. Smith
Deputy City Clerk