

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL, CITY COUNCIL ACTING AS THE SUCCESSOR TO THE REDEVELOPMENT AGENCY BOARD, AND THE MONTCLAIR HOUSING CORPORATION BOARD HELD ON MONDAY, MARCH 5, 2012, 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. 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 Ann Schranz, Monte Vista Unitarian Universalist Congregation, 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 Chairperson Raft; Council Members/Directors Paulitz, Dutrey, and Ruh; City Manager/Executive Director Starr; Director of Redevelopment/Public Works Staats; Director of Community Development Lustro; City Engineer Hudson; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Mr. Bill K. Popham, 9510 Carrillo Avenue, Montclair, advised that his father is 87 years old; his mother passed away March 12, 2011; and he himself is disabled. He appealed to the City Council to allow his family access to the residence for cleaning and repairs following their removal on March 14, 2011, for Health and Safety Code violations that were immediate hazards, including plumbing; electrical; rodent infestation; and excessive amounts of both interior and exterior trash, junk, and debris. He stated, "My father

is 87 years old; and if he is going to die, I want him to die in his own home." He expressed his concern related to the safety of his family's possessions that remain at the property and stated that he would have made the necessary plumbing and electrical repairs had he been notified.

Mayor Eaton told **Mr. Popham** he understands **Mr. Popham's** issue and that staff would follow up on his request. He thanked **Mr. Popham** for his comments.

B. Ms. Beth Zendejas, Labor Relations Representative, **San Bernardino Public Employees Association (SBPEA)**, 433 North Sierra Way, San Bernardino, appealed to the City Council to seek alternatives to personnel reductions to balance the City's budget including the following:

1. Reducing or temporarily eliminating vehicle allowances provided to City officials and executive and mid-management that "would save the (approximate) salary of a \$50,000 full-time wage earner."
2. Applying the approximately \$700,000 of substantial revenue from the Successor Redevelopment Agency's approximately 100 rental units to manage housing programs in house.
3. Entering into a work share program allowing the payment of a prorated percentage of unemployment insurance benefits to workers whose hours and wages have been reduced. The **State of California Employment Development Department** offers more information on this program.

Ms. Zendejas noted there are currently a number of labor contracts in place that provide savings to the City including **SBPEA** unit members' agreeing to a 6 percent salary concession to address the budget shortfall. Advising that **SBPEA** understands the City is working diligently to address the budget shortfall, she reiterated her appeal to the City Council to explore alternatives to employee layoffs as a means of balancing the City budget, noting employee reductions directly impact the residents by reducing services while increasing the unemployment rate. She advised that **SBPEA** will be submitting a public records request to the City for information related to rental housing program revenue, the Youth Center, and the vehicle allowance policy to study revenue savings options.

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

VII. PUBLIC HEARINGS

A. Projects and Prioritization of Funding for the Fiscal Year 2012-13 Community Development Block Grant Program

Mayor Eaton declared it the time and place set for a public hearing to consider projects and priorities of funding for the Fiscal Year 2012-13 Community Development Block Grant (CDBG) Program 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 Dutrey inquired as follows:

1. Is there a carryover of unexpended funds from the Community Center Restroom Conversion and ADA Upgrade project?

City Manager Starr answered, "Yes, the funds are building up in the fund for purposes of completing that project."

2. Are there unexpended prior year CDBG funds for other projects?

City Manager Starr answered, "There is money related to graffiti abatement."

Director of Community Development Lustro stated, "Yes, there is still a small amount of funds left in the current year's budget for graffiti abatement and Code Enforcement that will carry us through the remainder of the fiscal year. Graffiti abatement, as you know, and the Montclair Golden Express we renew every year; so a lot of times there is a little bit left over and the County allows us to carry funds over from year to year."

3. Is the Foundation Area funding completely expended?

Director of Community Development Lustro answered, "Yes."

Citing Log No. 38012, "Montclair-Additional Funding for Graffiti Eradication in Target Area," in the *San Bernardino County Department of Community Development and Housing 2012-2013 CDBG Proposals by Benefit Area*, Council Member Ruh received confirmation that the requested \$32,000 would be added to the continuing graffiti abatement program. He stated that "it is a shame that graffiti is, unfortunately, not going away anytime soon."

Citing Log No. 38013, "Continuation of ADA Improvements to the Restrooms and Entry Doors at the Community Center, Montclair," Council Member Ruh asked if the project relates only to handicap accessibility.

Director of Community Development Lustro answered, "That is correct," though he clarified that staff's application was actually written for restroom accessibility improvements at the Civic Center and that the requested funding would be applied to Recreation Center restrooms.

Council Member Ruh concurred that the accessibility improvements "are absolutely needed."

Moved by Council Member Dutrey and seconded by Council Member Ruh that the City Council approve the following projects and priorities for the Fiscal Year 2012-13 Community Development Block Grant Program:

Accessibility improvements to the Recreation Center including reconstruction of the restrooms, showers, and saunas and improved accessibility to the racquetball courts	\$167,954
Code Enforcement in CDBG target areas	75,000
Graffiti abatement	32,150*
Montclair Golden Express	<u>10,724*</u>
TOTAL	<u>\$285,828</u>

*Total public services projects: \$42,874

Motion carried unanimously as follows:

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

B. Consider Adoption of Resolution No. 12-2940 Adjusting the Equivalent Dwelling Unit Monthly Fee for Sewer Service

Mayor Eaton declared it the time and place for public hearing to consider adoption of Resolution No. 12-2940 adjusting the equivalent dwelling unit monthly fee for sewer service 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 Dutrey and seconded by Mayor Pro Tem Raft that Resolution No. 12-2940, entitled, "**A Resolution of the**

City Council of the City of Montclair Setting the Equivalent Dwelling Unit Rate for Sewer Service," be read by number and title only, further reading be waived, and it be declared adopted.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 12-2940 was unanimously adopted by the following vote:

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

C. First Reading - Consider Adoption of Ordinance No. 12-928 Amending Section 9.20.460 of and Adding Section 9.20.465 to the Montclair Municipal Code Related to the Equivalent Dwelling Unit Value

Mayor Eaton declared it the time and place for public hearing to consider adoption of Ordinance No. 12-928 adjusting the equivalent dwelling unit monthly fee for sewer service 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 Dutrey and seconded by Council Member Paulitz that Resolution No. 12-928, entitled, **"An Ordinance of the City Council of the City of Montclair Amending Section 9.20.460 of and Adding Section 9.20.465 to the Montclair Municipal Code Related to the Regional Sewage Supplemental Capital Outlay Fee,"** 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. 12-928 was unanimously adopted by the following vote:

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

Mayor Eaton clarified that the subject fee pertains only to new sewer connections.

Council Member Ruh added that the City would be liable for the difference between the higher fees being assessed by the Inland Empire Utilities Agency and the amounts collected by the City on all new connections to the City Sewer System, "and that would be tremendously expensive. The fee would not affect anyone whose residence is already connected to the sewer."

VIII. CONSENT CALENDAR

Council Member Ruh requested that Item C-1 be removed from the Consent Calendar for comment.

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

A. Approval of Minutes

1. Minutes of the Adjourned Joint Council/Successor Agency Board/MHC Board Meeting of February 15, 2012

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and MHC Board of Directors approved the minutes of the February 15, 2012 adjourned joint meeting.

2. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Board Meeting of February 21, 2012

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and Montclair Housing Corporation Board of Directors approved the minutes of the February 21, 2012 regular joint meeting.

B. Administrative Reports

1. Authorization of a \$2,764 Transfer From the Contingency Account for the Emergency Replacement of Emergency Response Equipment

The City Council authorized a \$2,764 transfer from the Contingency Account to Maintenance-Other Equipment Account No. 001-400-4533-52050 for the emergency replacement of emergency response equipment.

2. Authorization to Advertise for Bid Proposals for the Community Center Improvement Project

The City Council authorized staff to advertise for bid proposals for the Community Center Improvement Project.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated March 5, 2012, totaling \$707,701.30, and the Payroll Documentation dated January 29, 2012, amounting to \$572,412.88, with \$435,288.06 being the total cash disbursement.

C. Agreements

2. Approval of *Agreement No. 12-13* With Teaman, Ramirez and Smith, Inc., for Auditing and Report Preparation Services

The City Council approved *Agreement No. 12-13* with Teaman, Ramirez and Smith, Inc., for auditing and report preparation services.

D. Resolutions

1. Adoption of Resolution No. 12-2941 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 12-2941 authorizing placement of liens on the 259 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of *Agreement No. 12-12* Amending *Agreement No. 11-53* With the San Bernardino County Department of Aging and Adult Services to Increase Funding for the Senior Citizen Nutrition Program

Council Member Ruh inquired as to the number of seniors the program serves.

Assistant Director of Human Services Richter answered, "Between 80 and 85 daily."

Council Member Ruh stated that he is pleased with the additional funding award and for the County's funding each year to continue this valuable service.

Moved by Council Member Ruh, seconded by Council Member Paulitz, and carried unanimously that the City Council approve *Agreement No. 12-12* amending *Agreement No. 11-53* with

the San Bernardino County Department of Aging and Adult Services to increase funding for the Senior Citizen Nutrition Program.

X. RESPONSE – None

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*

2. **Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation Involving a Federal and State Lawsuit**

Camou v. City of Montclair

City Attorney Robbins requested a Closed Session pursuant to respective Government Code Sections 54957.6 and 54956.9(a) on the above two matters.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr noted veteran employee **Nobu Ikeda**, who has worked as a part-time Accounting Specialist since retiring from the City in 1990, has left her employment with the City as a result of **Assembly Bill 1028**, which went into effect January 1, 2012, and mandates that **California Public Employees' Retirement System** annuitants may only work for a public agency for up to a 12-month period of time. He stated that **Ms. Ikeda** made a \$5,000 donation to the City upon her departure; and he suggested the donation be applied to construction costs for an employee patio area at the south entrance to City Hall.

Mayor Eaton asked that City Manager Starr forward a written "thank-you" to **Ms. Ikeda** for her generous donation to the City.

City Manager Starr replied that he would do so.

C. **Mayor/Chairman** - No comments

D. **City Council/Agency Board**

1. Council Member/Director Ruh commented as follows:

(a) He cited an article in the March 4, 2012 edition of the ***Inland Valley Daily Bulletin*** regarding **U.S. Representative David Dreier's** decision to retire after nearly 32 years of service. He stated, "No matter what you may think of his policies, California, as a whole, is losing seniority. Along with **Congressman Dreier**, there are six other California members leaving **Congress** upon expiration of their terms of office—a total of over 150 years of seniority. The **House of Representatives** is based on a seniority system—that is the way it is structured, that is the way it is set up. You do not begin as a freshman Congressman and chair a committee. Across the aisle, the loss of these members with 150 years among them represents a huge hit to California, and we already have diminished clout in Washington D.C. as a result of a variety of factors. We are still a net donor state; in fact, we are the largest net donor state. For every dollar California sends to Washington D.C., we receive back 78 cents—New York receives 82 cents, Massachusetts receives 84 cents. For some of the other states—Alaska receives \$1.85, Mississippi, \$1.58, Texas, \$1.19—this really hurts us. I realize we cannot dictate who should and should not stay [in office]; but long term, I think we in California need to work more closely with our Congressional delegation to utilize the seniority that will remain to make sure it is used in a positive way for the benefit of all of our communities.

(b) He noted the following results of a recent survey of 700 persons across the nation on the states they would most like to and least like to live: Hawaii was rated the most desirable state; California rated near the bottom; and Montana, South Dakota, Mississippi rated near the top. He stated, "I don't know if those residents have ever been to California. I am a native. I kid and say I am German by heritage, American by birth, but Californian by grace of God. This is still an innovative state. This is still a place where people want to be. We are still a creative capitol. We are still a place where whether it is the entertainment or technology industry, people want to be here. If you just look within a half an hour or so commute from Montclair City Hall, you are going to find there are three community colleges that rank in the top 5 percent nationwide. We have 14 four-year institutions

that rate in the top 5 percent nationwide. We have three hospitals that outrank the Mayo Clinic. This is a wonderful area to be in. I don't know who took that poll, but they certainly did not ask me because I think this is a great place to be. Do we have our problems? Absolutely. Is California perfect? No. Do we need much change in the way things are done? Yes, but I just do not know where else in the country you could go and find these types of world-class Institutions. The ability we have to move people with what is becoming a great mass transit system—Metrolink and the future Gold Line—is a testament to our future and that we will get out of this recession. I hope those individuals who put California at the bottom will visit California and spend some of their tax dollars."

2. Council Member/Director Dutrey commented as follows:
 - (a) He commended the Montclair Police Officers who responded to the **Rolex** watch robbery at **Ben Bridge Jewelers** at the **Montclair Plaza** on the evening of February 24, 2012, noting they were assisted by the **Chino** and **Upland Police Departments** and the **California Highway Patrol**. He expressed his hope the robbers will be apprehended.
 - (b) In follow up to City Manager Starr's memorandum to the Council related to the Successor Redevelopment Agency Oversight Board, he suggested City Manager Starr strongly recommend to **San Bernardino County Fourth District Supervisor Ovitt** during their forthcoming meeting that a resident, local business owner, or City employee represent Montclair on the Successor Redevelopment Agency Oversight Board. He noted the Board of Supervisors would be appointing a member of the public to serve on the seven-member panel.
 - (c) He noted the **Montclair High School Cavaliers** Booster Club is accepting advertisements for its fall schedule. He noted Planning Commissioner Sahagun, whose son plays on the **MHS Cavaliers** team, asked him to ask the Council and City Manager Starr if they are interested in placing an advertisement in the schedule. He stated that he would check with them following tonight's meeting.
 - (d) He asked City Manager Starr if written notification was sent to the **City of Pomona** and **Valley Vista Industries** to inform staff should an alternate site for the proposed Pomona Valley Transfer Station be considered and that two Montclair residents are concerned about odors

emanating from the facility; such action was directed by the City Council on October 3, 2011, upon its receiving and filing of the response to City Council inquiry report on the transfer station.

City Manager Starr advised the subject transfer station was denied by the **Pomona Planning Commission** and appealed to the **Pomona City Council**, such appeal hearing will take place this evening. He added that he advised the **Pomona Planning Commission** at its meeting subsequent to October 3, 2011, of the concerns mentioned by Council Member Dutrey.

Council Member Dutrey stated that he requested written notification be made to the **City of Pomona** about those concerns and that the City Council approved such action on October 3, 2011. He asked that written notification be made at staff's earliest convenience should the appeal not be approved or continued by the Pomona City Council this evening.

Mayor Eaton noted the City's policy is to agree on directions to staff and asked if all City Council Members agree with Council Member Dutrey's request.

Council Member Paulitz and Mayor Pro Tem Raft both concurred.

Council Member Ruh questioned whether such action would be appropriate because then the **City of Pomona** could tell us what we should and should not do.

Council Member Dutrey reiterated that the City Council's approval on October 3, 2011, of the response to City Council inquiry report on the transfer station included written notification be sent to the **City of Pomona** and **Valley Vista Industries** to inform staff should an alternate site for the proposed Pomona Valley Transfer Station be considered and that two Montclair residents are concerned about odors emanating from the facility.

3. Council Member/Director Paulitz commented as follows:
 - (a) He gave an update on the proposed Montclair Community Garden, noting last Thursday staff received a layout from the **Inland Empire Utilities Agency** that he has reviewed of the "Plant 28" garden site at the corner of Palo Verde Street and Ramona Avenue that is under consideration.
 - (b) He noted last Thursday Assistant Director of Human Services Richter and he reviewed the **Lehigh Elementary School** garden layout and future plans with school representatives.

- (c) Noting the departure of Resource Analyst DeForge who was spearheading the community garden project and researching grants, he stated he would discuss with City Manager Starr the possibility of holding a community forum to recruit volunteers to assist with the project.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of February 21, 2012

The City Council received and filed the Code Enforcement Committee meeting minutes of February 21, 2012, for informational purposes.

2. Minutes of Personnel Committee Meeting of February 21, 2012

The City Council received and filed the Personnel Committee meeting minutes of February 21, 2012, for informational purposes.

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

At 7:33 p.m., Chairman Eaton adjourned the Successor Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:33 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6 and pending litigation pursuant to Government Code Section 54956.9(a).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:32 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding labor negotiations and pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:33 p.m., Mayor Eaton adjourned the City Council.

Submitted for City Council/City Council acting as successor to the Redevelopment Agency Board/Montclair Housing Corporation Board approval,

Yvonne L. Smith, Deputy City Clerk