

MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR  
AGENCY AND MONTCLAIR HOUSING CORPORA-  
TION BOARDS HELD ON MONDAY, MAY 7, 2012,  
AT 6:59 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 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**

Council Member Ruh gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Dutrey 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; City Planner Diaz; City Engineer Hudson; City Attorney Robbins; Deputy City Clerk Smith; Office Specialist Phillips

**V. PRESENTATIONS**

**A. Presentation of Montclair Kiwanis Scholarships to Montclair High School Graduating Seniors**

Mayor Eaton introduced **Montclair Kiwanis** President **Pat Rees**.

**Ms. Rees** noted the **Montclair Kiwanis** was chartered 12 years ago and that the club very much enjoys its fundraising activities in the community including being the second largest donor to the Montclair Skate Park. She discussed the following club programs:

- **Kiwanis K-Kids**—young leaders helping others—at **Kingsley Elementary School**, with **Kiwanian Wanda Narcy** serving as

Advisor to the program, and at **Monte Vista Elementary School**, with **Kiwanian** Marjorie Francis, who is a Learning Coordinator at the school, serving as Advisor. **K-Kids** are involved in many assistance programs to learn community service.

**Ms. Nancy** was recently honored as "Teacher of the Year" by the **Ontario-Montclair School District**.

- **Montclair High School Key Club** - Chartered since 2003, the **Key Club** is the oldest and largest service program for high school students worldwide. **MHS Key Club** members are known throughout the community for "being willing to help get any job done" including snack sales at the City's summer Concerts in the Park; **See's** candy sales at **Stater Bros.**; and delivery of meals ever six to nine weeks to the **Loma Linda Ronald McDonald House**.
- Each payday, division **Kiwanis** clubs get together for a group activity. Last Saturday, members from nine clubs installed 82 car seats in low-income families' vehicles. **Montclair Kiwanis** provided food for the event.
- **Montclair Kiwanis** assists with registration at the *Family Fun Festival* each year.
- **Pomona Valley Workshop** participates in the **Kiwanis Aktion Club Inland Empire** with a membership of 90.

**Ms. Rees** noted the majority of Montclair Kiwanis's activities go unrecognized; they are done because "we love Montclair and hope to remain in community service for a long time. Without your support in allowing us to do the things we do, we would not be able to afford these scholarships to our **MHS Key Clubbers** tonight."

Noting the **MHS** graduating seniors receiving scholarships have grade point averages of over 3.5, **Ms. Monica Valdez** presented \$500 scholarships to **An Do**, who will be majoring in computer engineering either at **Mt. San Antonio College** or **California State Polytechnic University, Pomona**; **Victoria Guerrero**, who will be attending the **University of La Verne** this fall; **Tina Siritwato**, who will be majoring in graphic design at **California State University, Fullerton**; and **Myxuan Trinh**, who will be majoring in chemistry at the **University of California, Irvine**.

**Ms. Valdez** thanked the City Council on behalf of **Montclair Kiwanis** for the City's support, stating, "We look forward to volunteering with you and for you in the community."

Mayor Eaton congratulated all honorees and told them, "Good luck with your studies."

Council Member Ruh stated, "I attended the **University of La Verne**. Go Leos!"

## VI. PUBLIC COMMENT

- A. **Ms. Shawn Grinstead**, 752 West G Street, Ontario, noted she worked for the Montclair Police Department for 15 years, 8 of which as full-time Evidence Clerk, until being laid off on March 1, 2012. She discussed her complaint process challenging the terms of her employment layoff. She stated that she finds it disturbing that of the eight employees laid off, five worked at the Police Department; and four of those individuals are involved in Workers' compensation claims and were either recovering from or awaiting surgery. She expressed her opinion that she was laid off because of her Worker's compensation claim and that changing the position title of her replacement was only an excuse. She asked that the City Council rescind the decision of her layoff.

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

## VII. PUBLIC HEARINGS

- A. **Second Reading - Consider Adoption of Ordinance No. 12-929 Amending Section 11.72.275 of the Montclair Municipal Code Related to Promotional Banners and Graphics at 5200 Montclair Plaza Lane**

Mayor Eaton declared it the time and place for public hearing to consider adoption of Ordinance No. 12-929 amending Section 11.72.275 of the Montclair Municipal Code related to promotional banners and graphics at 5200 Montclair Plaza Lane 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 Ruh expressed his support of the item, noting the promotional banners will be beneficial in letting the public know about the renovations at the Montclair Plaza.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Ordinance No. 12-929, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Section 11.72.275 to the Montclair Municipal Code (Temporary Promotional Banners and/or Graphics at 5200 Montclair Plaza Lane)**," 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. 12-929 was unanimously adopted by the following ROLL CALL vote:

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

**B. Second Reading – Consider Adoption of Ordinance No. 12-930 Adding Sections 9.24.500 and 9.24.600 to Title 9 of the Montclair Municipal Code Related to the City Storm Drain System**

Mayor Eaton declared it the time and place for public hearing to consider adoption of Ordinance No. 12-930 adding Sections 9.24.500 and 9.24.600 to Title 9 of the Montclair Municipal Code related to the City Storm Drain System 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 Ordinance No. 12-930, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Sections 9.24.500 and 9.24.600 to Title 9 of the Montclair Municipal Code Related to the Storm Drain System,**" be read by number and title only, further reading be waived, and this be declared its first reading.\*

\*Council Member Paulitz inquired as follows:

1. How is construction affected by stormwater treatment?

City Engineer Hudson responded that the type of treatment devices the City has for stormwater are primarily onsite and are either vegetated swales or bioswales to underground storage devices where water is treated and then either percolates underground or is pumped out. He noted there are many different types of treatment devices on the market, one of which is a tree well filter that receives water from a catch basin that both waters the tree and filters the water before it percolates underground. He stated that it is these types of devices that staff will check during construction to make sure they are being constructed correctly; after construction, when the business locates onto the site, staff will perform periodic inspections to make sure the devices are being monitored and maintained in the manner in which that

particular treatment control Best Management Practice (BMP) is intended.

2. Do the BMPs apply to commercial and industrial buildings?

City Engineer Hudson advised that the BMPs would apply to all types of buildings.

3. Don't residential properties utilize rainspouts to carry away water from roof gutters?

City Engineer Hudson answered, "A lot of the homes that have been built in the last eight or ten years, such as the Fox Homes south of Mission Boulevard and the Richmond American homes, were not allowed to install downspout drainage systems that punch through the curb. They actually had to go through a bioswale, which is the front yard area. Instead of direct runoff from the roofs, the water drains into garden and grass areas and percolates onsite to some extent. For some of the smaller storms, that first flush is generally the one most filled with contaminants that need to be removed before the water is discharged into the street or into a storm drain system. The first flush is treated onsite; and after it reaches a certain depth and a supposed minimum level of treatment, it can be released to go through a parkway cut or drain and out to the street. The way drainage used to be handled, in which runoff drained through a downspout to an underground pipe and discharged through a hole in the curb, is no longer permissible, even in residential developments.

Council Member Paulitz stated, "I'm glad I asked the question. I did not know that. Thank you."

Mayor Eaton asked if homes with existing rain gutters that drain onto the lawn are permitted.

City Engineer Hudson stated, "It is not retroactive to existing homes."

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 12-930 was unanimously adopted by the following ROLL CALL vote:

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

\*Council Member Ruh noted in registering his "Aye" vote that he needs to disclose that he is a gubernatorial appointee to the California Regional Water Quality Control Board, Santa Ana Region, and that no conflict of interest exists.

## VIII. CONSENT CALENDAR

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

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

### A. Approval of Minutes

#### 1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Board Meeting of April 16, 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 April 16, 2012 regular joint meeting.

### B. Administrative Reports

#### 1. Setting a Public Hearing to Consider Ordinance No. 12-931 Replacing Chapter 11.74 of the Montclair Municipal Code Related to Yard Sales

The City Council set a public hearing for Monday, May 21, 2012, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 12-931 replacing Chapter 11.74 of the Montclair Municipal Code related to yard sales.

#### 3. Adoption of City of Montclair Speed Hump Policy Guidelines

The City Council adopted the City of Montclair Speed Hump Policy Guidelines.

#### 4. Approval of Updated listing of Designated Employees Required to File Statements of Economic Interests

The City Council approved the updated listing of designated employees required to file Statements of Economic Interests.

#### 5. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated May 7, 2012, totaling \$1,320,115.85, and the Payroll Documentation dated March 25, 2012, amounting to \$572,677.98, with \$406,790.92 being the total cash disbursement.

**C. Agreements - None**

**D. Resolutions**

- 1. City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 12-05 Adopting a Recognized Obligation Payment Schedule for July 1, 2012, through December 31, 2012, and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code**

The City Council, acting as successor to the City of Montclair Redevelopment Agency Board of Directors, adopted Resolution No. 12-05 adopting a Recognized Obligation Payment Schedule for July 1, 2012, through December 31, 2012, and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

- 2. Adoption of Resolution No. 12-2945 Amending the Fiscal Years 2011/2016 Measure I Five-Year Capital Improvement Program**

The City Council adopted Resolution No. 12-2945 amending the Fiscal Years 2011/2016 Measure I Five-Year Capital Improvement Program.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

- 2. Successor Agency Appropriation of Former Redevelopment Agency Project Funds and the Use of Unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to Defease the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Note Issue of 2008 Subject to Approval by the Appropriate Local and State Agencies**

Council Member Dutrey noted Assembly Bill 1585 (Pérez) - Redevelopment, as amended, which would allow local government to continue low-income housing construction and local economic development, is still working its way through the legislative process along with Senate Bill 986 - Redevelopment: Bond Proceeds (Dutton), as amended, which would require that unencumbered balances of funds derived from tax-exempt bonds sold on or before December 31, 2010, shall be used for

the purposes for which the bonds were sold or used to defease the bonds. He further noted California State Senate Leader Darryl Steinberg introduced the following post-redevelopment legislation:

- Senate Bill 1151 would seek to avoid the widely-feared "fire sale" of redevelopment assets by requiring all successor agencies to prepare long-term asset management plans by the end of the year.
- Senate Bill 1156 permits a city and county to create a "Community Development and Housing Joint Powers Authority" that would take over the role of the successor agency and calls for reduction of greenhouse gas emissions, infill development, and transit-oriented development as high priority policy goals to be furthered by these new agencies.

On the off chance that this legislation passes, Council Member Dutrey asked if it would be possible to hold off on this item for a few months. If that should be the case, he stated that it would be a shame to use the approximately \$5.8 million available from former Redevelopment Project Area Nos. III, IV, and V to defease the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 because those funds could potentially benefit the City of Montclair.

City Manager Starr noted staff is asking the City Council's permission to appropriate the former Redevelopment Agency Project funds along with unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 as an alternative because of the deadlines staff is working with. He noted another alternative as mentioned in the agenda report is to refund the tax allocation note issue, repay it at 12 percent interest, and list it on the Recognized Obligation Payment Schedule (ROPS), which would require approval of the Oversight Board and the California Department of Finance (DOF), same as the first alternative.

City Manager Starr advised that staff is responding to a "demand from **California State Controller John Chiang** for the City to return to the Successor Agency any funds that were transferred after the effective date of ABX1 26, which, unfortunately, has a retroactive effective date of January 1, 2011. Since there were some transactions that occurred after that point, in particular related to these funds, moving these funds back from the City to the Successor Agency is mandated by **Controller Chiang**. If the funds are not returned to the Successor Agency, the City faces a defiance of **Controller Chiang's** demand. In addition, we understand that by

returning the funds, the Oversight Board (OB) is under a requirement to appropriately disburse the funds. So even if there is pending legislation, that legislation, unless it is an urgency measure, would not be in effect until January 1, 2013. At this point, it doesn't look as though any legislation is expeditiously moving forward through the legislative process. We also have doubts that the Governor would sign legislation granting successor agencies and their parent cities any relief from his direction to abolish redevelopment agencies.

"We really believe that at this point, it is in the best interest of the City Council, acting as the Successor Agency Board of Directors, to give us this means of addressing the potential default of the Mission Boulevard Joint Redevelopment Project Tax Allocation Notes of 2008. We need the Council's approval in a timely manner so we can act before the default date. Without that approval, the only other alternative left is to refund the Tax Allocation Notes upon approval of the OB and DOF. Without that authority, the Successor Agency faces an issue of default on the tax allocation notes."

Council Member Dutrey asked if staff's recommendation is to use the former Redevelopment Agency Project funds along with unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to address repayment of the tax allocation note debt.

City Manager Starr answered, "Yes, that is the recommendation. The funds are cash, not bond revenue."

Council Member Dutrey expressed his concern that the funds are designated for projects in former Redevelopment Project Area Nos. III, IV, and V. He questioned relinquishing the approximately \$5.8 million available from the former Project Areas at this time, noting the potential for future legal action on behalf of municipalities. He also noted the County of San Bernardino has not offered to contribute to repayment of the debt on the Joint Mission Boulevard project. He stated he would like to protect the former Project Area tax increment paid by residents, particularly in the interest of the North Montclair Downtown Specific Plan (NMDSP).

Council Member Paulitz asked if the approximately \$2.2 million surplus indicated in the agenda report is leftover note proceeds.

City Manager Starr answered, "Yes, that is correct. The money was not spent because staff was concerned that property values in the Mission Boulevard corridor were not going to rise as much as anticipated given the magnitude of the Great

Recession. We felt it was wise to reserve a portion of those bond proceeds to potentially reduce the principal amount of the notes, making issuance of long-term bonds possible. Other funding sources were used to complete the Mission Boulevard Project."

Council Member Paulitz asked how the City would finance the \$7.9 million tax allocation bonds assuming no funds were left in the former Redevelopment Project Areas.

City Manager Starr answered, "The Montclair Financing Authority would have to seek long-term bonds and pay interest on them and get the Oversight Board's approval to place the bonds on the ROPS so we could receive property tax revenue to make the payment on the bonds."

Council Member Paulitz expressed his understanding of Council Member Dutrey's position on this item. He stated that if the residual redevelopment funds weren't so readily available, the City would have to use tax increment to repay the bonded indebtedness, which the state did not want in the first place. He suggested this item be continued to the May 21, 2012 regular joint meeting.

City Manager Starr stated, "I do not think we have the time as far as this particular alternative. If this alternative is not the direction the City Council wants to go, we will have to pull this item off the table and pursue other alternatives. There are only two other alternatives: One is to default; and the second is to seek the permission of the DOF and OB to attempt to refund, through the Montclair Financing Authority, the short-term tax allocation notes."

Council Member Paulitz expressed his concern regarding the ramifications related to the alternatives on this item.

Mayor Eaton asked if there would be a penalty if this item is not decided this evening.

City Manager Starr answered, "There is the issue of the default. That is a big concern of the City. We certainly understand, appreciate, and agree that we did not get into this position of our own volition. This was forced upon us by the actions of the State Legislature and the Governor to approve ABX1 26. We are simply trying to find a reasonable way out of the situation, and this is a solution that came to us last week when we discovered that there was a possibility that we could use these funds for this purpose provided we receive permission from the necessary authorities: the City Council, acting as the Successor Agency Board, is the first step, then the OB, and,

ultimately, the DOF. Again, as I indicated, there are the other two alternatives: One is to default, and the second is to attempt to secure authority from the DOF and OB to refund the short-term tax allocation notes."

Council Member Paulitz stated, "I think that is what we should try to do—to refund the notes the normal way and let [the state] worry about stealing this money from us later. We do not have to give it to [the state] right now if we do not want to."

Director of Redevelopment/Public Works Staats stated, "Should we do that, though, we will default because there is not enough time."

Council Member Paulitz stated, "Fine! I am OK with that."

Director of Redevelopment/Public Works Staats stated, "The bonds will default."

Council Member Dutrey stated, "The City of Montclair is not defaulting. The project area of the former Redevelopment Agency is defaulting."

Director of Redevelopment/Public Works Staats stated, "True."

Council Member Paulitz stated, "Let us default. It's been my point all along that [the state] did the wrong thing."

Council Member Ruh stated, "If this goes into default, bondholders are left holding the bag on this. Am I correct?"

Council Member Paulitz stated, "They'll get their money."

Director of Redevelopment/Public Works Staats stated, "These are notes. They were short-term notes. What was being paid off was the principal. It is my understanding that what will happen is that the notes will start accruing interest at a rate of 12 percent; so what will happen is that in the interim, the notes will start accruing a larger and larger percent of interest before they are paid off. Basically, we felt that the choice that we were given is that there would be this money that we would potentially have to redistribute to the taxing agencies, and it could be used for this purpose. Or we could look at the bonds; we could attempt to look at traditional refinancing. However, the legislation, as you know, was very lacking; and what we would be talking about in one instance is a traditional tax allocation bond issue. However, there is no such thing as tax increment anymore; so that would take a validation action of the court, which is going to take anywhere from three to

six months. In the meantime, interest is accruing that would need to be repaid. The other thought that Successor Agency Special Counsel had was that there is potential for the Montclair Financing Authority to attempt a bond issue, contact the noteholders, repay the noteholders with the money that was issued, and then the Montclair Financing Authority would hold the notes and we could be reimbursed through the ROPS. However, the problem there is the DOF, which has, thus far, deemed anything like that as an obligation of the city. That is the only concern that we have had about that approach is that the DOF would come back and say, 'The Montclair Financing Authority is the City, and too bad. This is the City's responsibility now.' Obviously, that cannot happen. It became a matter of choosing the best option for the City. Certainly, if it is your desire to continue this item, we could do so and let the OB know. This item is on the OB agenda for Wednesday."

Council Member Ruh stated, "I am not in favor of anything that leads to default. I have always believed that you pay your bills. I think everyone of us here—if we held a note and somebody said, 'through no fault of my own, they have eliminated my job. My company is no longer here; it was legislated out of existence. I cannot make my house payment.' If any of us held the note on that house, we would be rather upset. It would not matter that maybe in six months or a year they might be able to find another job or sell that house or do something else. You would say, 'I want my money.' I do not think it is fair to put noteholders in a position of not getting their money when they were scheduled to get it. I think it is irresponsible for anybody who sits on this dais to advocate default of any kind. We may be mad at the state, we may be mad at the legislators, but let us not take it out on the people who were noteholders when we have a fiduciary responsibility to them. I just do not believe that is fair."

Council Member Dutrey noted he understands the concept of responsible bill paying and the suffering that families have gone through in the loss of their homes because they were unable to modify their loans. He stated, "This is a different issue. This is about an absurdly impractical law the state passed; and if the legislators had some substance in terms of their policymaking, they would have passed better legislation. Or perhaps they would have some cleanup follow-up legislation. Perhaps the noteholders should have lobbied Sacramento to make sure the state passed legislation to ensure issues like these did not happen. I cannot control what happens in Sacramento. It is done. My concern is looking out for the residents of Montclair. I think if there is a possibility that in a short period \$5 million could be available, why does a decision have to be made right now? Why not wait a bit? I

think the noteholders have known about this issue for a year now. It is not something new. I would think that there is some sympathy on their part. They at least would consider the position of the City at this point. It would be nice to refinance the short-term notes, but that is impossible because of how ABX1 26 is written. My position right now is to hold off. If we default, we default. It is not the City of Montclair defaulting; it is the project area defaulting."

Mayor Pro Tem Raft asked if the Successor Agency would be able to retain the \$5.8 million from former Redevelopment Project Area Nos. III, IV, and V for future projects if the City Council decides not to pay off the notes.

City Manager Starr stated, "We would love to hold onto the money and use it for the projects for which the funds were intended, particularly the NMDSP, which is where the bulk of the funds would be derived related to the note payoff. Our main concern at this moment, and this is why Successor Agency staff came up with this idea—and we believed it to be a very creative idea—is it resolved two issues. It resolved the issue of making the payment on the short-term tax allocation notes in a timely manner so that we could avoid default. It also responded to **Controller Chiang's** directive that these moneys be returned to the Successor Agency so they could be disbursed to the other taxing agencies. We believe that, ultimately, if we do not take this action, under the direction of **Controller Chiang** we will have to return this money to the Successor Agency. In any event, the OB will have the opportunity to take an action related to disbursement of these funds to the other taxing agencies. By the same token, even if legislation does pass, it might be too late for us to hold onto the money. So we would lose out at that end as well. That is our concern that if we do not take positive action, this money is probably not going to be available to us no matter how we look at it. We certainly understand and appreciate the City Council's comments on this item, and we certainly wish we could hold onto these revenues. That was our intent so the funds could be used for projects that we had been pursuing all along. We believed that we were operating prior to the effective date of ABX1 26. There is a retroactivity issue. We did discuss the issue with legal counsel; it is our understanding that because this is not a criminal issue, because this is a civil-related decision by the Legislature, that retroactivity is not an issue. The Legislature can, in fact, go backwards on something of this nature. It is only those legislative bills that define something as criminal that cannot be applied backwards or have a retroactive application."

Moved by Mayor Eaton and seconded by Council Member Ruh that the City Council, as successor to the City of Montclair redevelopment Agency Board of Directors, appropriate former Redevelopment Agency project funds and use unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to defease the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Note Issue of 2008 subject to approval by the appropriate local and state agencies.

Motion carried as follows:

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

## X. RESPONSE

### A. Receiving and Filing of Response to Question Raised by Mr. Thomas Squyres at the Regular Joint Meeting of April 16, 2012

**Mr. Thomas Squyres, Squyres Trucking**, 5557 Palo Verde Street, Montclair, noted he recently received a parking ticket for parking his dump truck on his driveway. He noted when the last amendment was made to the Parking Ordinance in 2006, he was under the impression that he would occasionally be able to park his truck on his driveway. He asked the City Council to consider allowing him to park his truck on the north side of Palo Verde Street west of Central Avenue (south of **Costco**), which is minutes from his residence. He noted he had been able to park his truck at **Western Rock** on Arrow Highway for some time prior to the last amendment to the Parking Ordinance. He suggested he could be issued a temporary parking sticker for means of identifying his truck and noted he would not mind paying a parking fee for the privilege of occasionally parking overnight on Palo Verde Street. He advised that he is having to instead park either in Corona or Irwindale, which makes for some unnecessary commuting.

Council Member Paulitz asked if this matter was discussed by the Public Works Committee.

City Engineer Hudson answered, "Yes, we did in late 2005 and early 2006. Staff had developed an Ordinance that prohibited truck parking anywhere in the City as a result of some issues that we were having with an Upland resident who parked on the west side of Benson Avenue, south of Arrow Highway, because Upland prohibited truck traffic and parking in residential neighborhoods. We had another incident on the west side of Towne Avenue at either College Avenue or Pipeline Avenue in which someone in the county

was parking a truck on the opposite side of the street, which was in the City. Despite efforts to have the individual cease and desist, though he was technically not in violation of any municipal code, staff was directed to develop a code that prohibited truck parking anywhere in the City. The Ordinance was presented to the City Council in November 2005, and a few speakers at the public hearing indicated the proposed Ordinance prohibited them from parking trucks in front of their businesses, particularly on Brooks Street. Staff was directed to consider alternatives and looked at parking on Arrow Highway and Palo Verde and Brooks Street. A report was presented to the Public Works Committee in January or February 2006, and the Committee did not support truck parking on Palo Verde Street primarily because at the Costco public hearing in 2003, residents on Palo Verde Street and Carrillo Avenue did not want any truck access to Costco from either of those streets to prevent a truck staging area on the north side of Palo Verde Street south of **Costco**. Arrow Highway was dismissed because of the City's plans for the NMDSP even though the easterly portion of Arrow Highway would have been beyond the limits of the plan. The Committee did not want any parking along Arrow Highway. That left Brooks Street, and actually a few business owners on that street had petitioned for parking there. The proposed Ordinance was returned to the City Council in February 2006 and prohibited parking on any City street or private property except on that designated portion of Brooks Street between Monte Vista and Ramona Avenues, and a portion of Monte Vista Avenue was also designated as a truck route to provide access to Brooks Street from either Holt Boulevard or Mission Boulevard. The subject Parking Ordinance was adopted sometime in March 2006 and became effective 30 days thereafter.

Council Member Paulitz thanked City Engineer Hudson for providing the history on the subject. He suggested the Public Works Committee reconsider the matter because "a lot of things have changed since 2006 including the widening of Palo Verde Street. We need to take another look at the prohibition of trucks traveling north on Carrillo Avenue to Costco to have increased access to the store."

Moved by Council Member Paulitz and seconded by Council Member Dutrey to refer this item to the Public Works Committee and receive and file this report.\*

Council Member Dutrey inquired of **Mr. Squyres** as follows:

1. Where have you been parking your truck since 2006?

**Mr. Squyres** noted he has parked on Palo Verde Street at his residence approximately 10 to 15 times per year. He noted he works between July and October in Northern California.

2. Do you park on the street in front of your home?

**Mr. Squyres** replied that he parks on his driveway.

3. Does that include a trailer with your truck?

**Mr. Squyres** noted he drives a "big white dump truck," so there is no trailer. He stated that because of the size and color of his truck, he hesitates to park in the south part of town because of the possibility of graffiti vandalism.

Council Member Dutrey asked if the Parking Ordinance allows parking on driveways.

City Engineer Hudson answered, "It does not."

**Mr. Squyres** noted he has a letter from his neighbors indicating they have no objection to his occasionally parking his truck at his residence.

Council Member Dutrey noted he understands **Mr. Squyres'** dilemma.

Council Member Ruh noted he grew up on Palo Verde Street and that his parents could remember when the street was a dirt road. He suggested staff could work with the owners of the church located at the corner of Benson Avenue and Palo Verde Street on behalf of **Mr. Squyres** to allow him to park his truck in either of the church's two parking lots.

Mayor Pro Tem Raft concurred with Council Member Paulitz that the Public Works Committee revisit the item.

Mayor Eaton noted that would be the case.

**Mr. Squyres** stated he would attend the meeting to provide information. He noted he has a newer 2008 emission truck with a diesel-particulate filter, so it is very quiet. He stated that he would appreciate any help the City could give him.

City Engineer Hudson noted the Public Works Committee meeting for May has been canceled; the next meeting would be on the third Thursday in June. He stated that he would notify **Mr. Squyres** of the meeting.

Mayor Eaton asked **Mr. Squyres** where his truck is parked tonight.

**Mr. Squyres** advised that his truck is parked in Irwindale. He advised that he would be traveling to Northern California before Memorial Day and that he would make sure to be in town for the meeting.

Council Member Ruh asked if **Mr. Squyres** would be permitted to park at the church if he receives authorization.

City Engineer Hudson answered, "It would be a violation of the Parking Ordinance unless the City Council were to direct otherwise." He noted a new Ordinance would be developed to modify the current parking restrictions.

Mayor Eaton told **Mr. Squyres**, "We are going to try to work with you, sir."

**Mr. Squyres** thanked the City Council.

\*Motion carried unanimously as follows:

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

## **XI. COMMUNICATIONS**

### **A. City Attorney**

- 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**

*Sipple v. City of Alameda*

City Attorney Robbins requested a Closed Session pursuant to 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 asked if the City Council is available on Wednesday, June 27, 2012, at 6:00 p.m., to conduct the *Patton v. City of Montclair* appeal hearing.

It was the consensus of the City Council to conduct the *Patton v. City of Montclair* appeal hearing on Wednesday, June 27, 2012, at 6:00 p.m. in the City Council Chambers.

### C. Mayor/Chairman

1. Mayor/Chairman Eaton announced there are three vacancies on the Community Action Committee having four-year terms that will expire on June 30, 2016. He advised those interested in applying to serve on the CAC that the incumbents are eligible to reapply. He stated that applications for the vacancies are available at City Hall and would be accepted through Thursday, May 31, 2012, at 5:30 p.m.
2. Mayor/Chairman Eaton noted his attendance at recent **Omnitrans** and **San Bernardino Associated Governments** meetings.

### D. City Council/Successor Agency/MHC Board

1. Council Member/Director Ruh commented as follows:
  - (a) He noted his attendance at this evening's workshop on the Crime Suppression Unit (CSU) Update, advising that much of the CSU's work involves graffiti vandalism investigations. He stated that he is very impressed with the work the CSU is doing in investigating graffiti crime. He noted the unit operates with funding provided by a **Community Oriented Policing Services (COPS)** grant, which expires in February 2013, adding that the CSU has been very successful.
  - (b) He reminded everyone to attend the City's 2012 Memorial Day flag-lowering ceremony at 6:00 p.m. to pay tribute to deceased Montclair veterans from all branches of the service.
  - (c) He noted Mayor Pro Tem Raft and he were pleased to attend the "wonderful" Golden Follies Senior Citizens Talent Showcase on April 21, 2012, that featured the talents of seniors from Upland, Ontario, Chino, Rancho Cucamonga, and Montclair.
  - (d) He announced the Family Fun Festival will take place on Saturday, June 2, 2012, from 11:00 a.m. to 5:00 p.m. at Alma Hofman Park and encouraged everyone to attend, noting "it is a wonderful event that is a lot of fun and a way to bring our community and families together."

- (e) He thanked all City employees "for the work they have been doing. It has not been easy the last few weeks, but I do appreciate all of their efforts in what they are doing as well as their families giving them the time to do all this."

2. Council Member/Director Dutrey commented as follows:

- (a) He congratulated Council Member Ruh on being elected Chairman of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency.
- (b) He noted he was unable to attend the 31st Annual Volunteer Recognition Dinner on April 24, 2012, adding that he would do his best to attend next year.
- (c) He commended the Code Enforcement Unit for working with **Pastor Marc S. Anthony Jr.** and about 20 volunteers from **Abiding Love Family Church** to remove overgrown vegetation; repair damaged fencing; replace rotting fascia boards; remove trash and debris; and paint a garage door, wood trim, wrought-iron railing, and shed at senior resident **Marie Brown's** home located at 9868 Kimberly Avenue.
- (d) He stated that he was impressed with the variety of stock at the **Dollar General Store** at the **Town Center Plaza**. He noted the store is a welcome addition to the community and expressed his hope residents will shop there and make it a success.
- (e) In follow up to the December 2, 2011 Labor Negotiations Impasse Hearing with the Montclair Fire Fighters Association, he asked that staff provide the City Council with a report on the status of the paramedic squad vehicle including frequency of service on the vehicle.

3. Mayor Pro Tem/Vice Chairperson Raft commented as follows:

- (a) She noted the Golden Follies Senior Citizens Talent Showcase is "really worth seeing because it is a lot of fun and features some very talented seniors."
- (b) She noted she enjoyed the very well-attended Volunteer Recognition Dinner. She stated that the City's volunteers are "just great, great people."
- (c) She congratulated Police Chief Jones on the Police Department's partnering with **Serrano** and **Vernon Middle Schools** to instruct students on bullying awareness and ways to positively resist bullying and combat cyber-

bullying. She expressed her hope that other schools in the community would also provide antibullying programs to their students "because it is really very, very important. You hear about so many kids committing suicide because of being bullied at school." She commended Police Chief Jones "on this excellent program."

4. Council Member/Director Paulitz commented as follows:
  - (a) He likewise noted his attendance at the Volunteer Recognition Dinner, adding that the event was "very well done." He noted this year's theme was "musicals" and that Assistant Director of Human Services Richter always comes up with creative themes for these events.
  - (b) He noted he concurs with Council Member Dutrey that Section VIII, "Consent Calendar," Item B-2, "Consider Successor Agency Appropriation of Former Redevelopment Agency Project Funds and the Use of Unspent Mission Boulevard Joint Redevelopment Project Area Tax Allocation Notes of 2008 to Defeas the Mission Boulevard Joint Redevelopment Project Area Tax Allocation Note Issue of 2008 Subject to Approval by the Appropriate Local and State Agencies," should have been removed from the Consent Calendar for City Council consideration. He noted far too often agenda items are counted on to be in the best interests of the City and are not examined and discussed thoroughly enough.
  - (c) He noted the senior talent show featured the Montclair Walkers Chorale, which continues to be a highlight of the show.

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Code Enforcement Committee Meeting of April 16, 2012**

The City Council received and filed the Code Enforcement Committee meeting minutes of April 16, 2012, for informational purposes.

##### **2. Minutes of Personnel Committee Meeting of April 16, 2012**

The City Council received and filed the Personnel Committee meeting minutes of April 16, 2012, for informational purposes.

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

At 8:10 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 8:10 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).

**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:47 p.m., the City Council and Successor Agency Board 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 8:48 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk