

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY AND MONTCLAIR HOUSING CORPORA-
TION BOARDS HELD ON MONDAY, MAY 21, 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 Larry Brazier, Morningstar Christian Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Deputy City Clerk Smith noted for the record that Council Member/Director Paulitz is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors 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

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Presentation of Annual Donation by the Montclair Chamber of Commerce to the Chaffey College *Online to College* Program

Mayor Eaton introduced **Montclair Chamber of Commerce** President/Chief Executive Officer **Darleen Curley**.

Ms. Curley thanked the City Council for the opportunity to make this presentation this evening. She stated that the **Chamber of**

Commerce's 2012 "Montclair Supports Chaffey College *Online to College*" banner program received enough support from the business community to send a number of Montclair High School graduates to Chaffey College.

Ms. Curley introduced Chamber Board Member **Pat Rees**.

On behalf of the **Chamber** Board of Directors, **Ms. Rees** presented **Chaffey College Foundation** Board President **Sue Ovitt** with an oversized \$2,225 check for the *Online to College* Program.

Ms. Ovitt accepted the check and thanked **Ms. Rees**. She stated that it is an honor for her to accept the donation on behalf of **Chaffey College, Chaffey College** Superintendent/President **Henry D. Shannon**, PhD, the **Chaffey College Governing Board**, and the **Foundation**. Noting the donation will go a long way in creating a healthy community, she stated that she is reminded of a Greek proverb on the wall of her pastor's home that reads:

A society grows great when old men plant trees whose shade they know they shall never sit in.

Ms. Ovitt stated, "Through the efforts of the Montclair Chamber and City of Montclair, you are creating a healthy community in which our young people can live and survive. Thank you very much."

Mayor Eaton advised that everyone thoroughly enjoyed the 2012 *Online to College* graduation ceremony held last Tuesday in these Chambers. He noted it is "so nice to see those moneys put to work. Thank you so much."

Ms. Ovitt noted some students excel to the point that they receive scholarships to fund their schooling; other students are the first in their families to attend college. She added that for those students, assistance from the *Online to College* Program "means a tremendous amount."

B. Presentation of a Donation by the Montclair-Ontario Junior Women's Club to the Montclair Fire Department for Safety Gear

Mayor Eaton introduced **Montclair-Ontario Junior Women's Club** President **Trisha Martinez**.

Ms. Martinez stated that tonight's donation was made possible from the proceeds of several fundraisers. She presented Fire Chief Ament with an oversized \$829 check on behalf of the **Montclair-Ontario Junior Women's Club**.

Chief Ament accepted the check and thanked **Ms. Martinez** and the **Montclair-Ontario Junior Women's Club** for recognizing the Fire Department's need. He noted the funds would go far to supply crews with much-needed extrication gloves used to remove patients from vehicles.

Mayor Eaton thanked the **Montclair-Ontario Junior Women's Club** for supporting our Fire Department.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. First Reading - Adoption of Ordinance No. 12-931 Replacing Chapter 11.74 of the Montclair Municipal Code Related to Yards Sales

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Ordinance No. 12-931 replacing Chapter 11.74 of the Montclair Municipal Code related to yard sales 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 asked if Section 11.74.020, "Permit required," of proposed Ordinance No. 12-931 indicating a valid photo identifying the applicant is a resident of the subject property would apply for estate sales, particularly if the applicant resides in another state or out of the country.

Director of Community Development Lustru advised that Section 11.74.040, "Moving and estate sales," provides that "applicants shall provide sufficient proof that the deceased person(s) lived at the subject property and shall also provide a copy of a death certificate indicating that the person(s) has/have passed within the previous six months."

Council Member Dutrey advised that the Code Enforcement Committee reviewed the proposed Ordinance at several meetings and had suggested the regulations be flexible for purposes of moving and estate sales. He noted this item was developed to prohibit so-called "robo" or commercial sales in which residents are approached by individuals who offer to pay to have sales conducted at the residents' homes.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Raft that Ordinance No. 12-931, entitled, "**An Ordinance of the**

City Council of the City of Montclair Replacing Chapter 11.74 of the Montclair Municipal Code Related to Yard Sales," be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 12-931 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

City Attorney Robbins requested that Item C-4 be removed from the Consent Calendar for comment.

Moved by Mayor Pro Tem/Vice Chairperson Raft, 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/Successor Agency Board/MHC Board/MHA Board Meeting of May 7, 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 May 7, 2012 regular joint meeting.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending March 31, 2012.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 21, 2012, totaling \$1,058,998.06, and the Payroll Documentation dated April 11, 2012, amounting to \$572,105.62, with \$406,229.02 being the total cash disbursement.

3. Receiving and Filing of Successor Agency Treasurer's Report

The City Council acting as successor to the Redevelopment Agency Board received and filed the Agency Treasurer's Report for the month ending April 30, 2012.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 4.01.12-4.30.12 in the amounts of \$0.00 for Project I; \$0.00 for Project II; 4,599.53 for Project III; \$0.00 for Project IV; \$915.71 for Project V; and \$0.00 for the Mission Boulevard Joint Redevelopment Project.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending April 30, 2012.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 4.01.12-4.30.12 in the amount of \$28,218.41.

7. Setting a Public Hearing to Consider Adoption of Resolution No. 12-2950 Establishing an Inspection Fee Schedule for Inspection of Best Management Practices in Accordance With Ordinance No. 12-930

The City Council set a public hearing for Monday, June 4, 2012, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 12-2950 establishing an inspection fee schedule for inspection of Best Management Practices in accordance with Ordinance No. 12-930.

8. Setting a Public Hearing to Consider Adoption of Resolution No. 12-2951 Amending the Master User Fee Schedule Related to Human Services Division Mini-School Program Enrollment Fees

The City Council set a public hearing for Monday, June 4, 2012, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 12-2951 amending the Master User Fee Schedule related to Human Services Division Mini-School Program enrollment fees.

9. **Setting a Public Hearing to Consider Adoption of Resolution No. 12-2952 Approving, Authorizing, and Directing Execution of *Agreement No. 12-40*, an *Associate Membership Agreement* With the Independent Cities Financing Authority to Refinance Previously Issued Mobile Home Park Revenue Bonds for Villa Montclair Mobile Home Park and Monterey Manor and Hacienda Mobile Home Estates**

The City Council set a public hearing for Monday, June 4, 2012, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 12-2952 approving, authorizing, and directing execution of *Agreement No. 12-40*, an *Associate Membership Agreement* with the Independent Cities Financing Authority to refinance previously issued mobile home park revenue bonds for Villa Montclair Mobile Home Park and Monterey Manor and Hacienda Mobile Home Estates.

10. **Setting a Public Hearing to Receive Public Comment on Reallocation and Expenditure of Fiscal Year 2010-11 Supplemental Law Enforcement Services Funds**

The City Council set a public hearing for Monday, June 4, 2012, at 7:00 p.m. in the City Council Chambers to receive public comment on reallocation and expenditure of Fiscal Year 2010-11 Supplemental Law Enforcement Services funds.

C. Agreements

1. **Approval of *Agreement No. 12-27* With Aegis-ITS, Inc., for Traffic Signal Maintenance Services**

The City Council approved *Agreement No. 12-27* with Aegis-ITS, Inc., for Traffic Signal Maintenance Services.

2. **Approval of *Agreement No. 12-30* With Monte Vista Water District for Replacement of a Water Main in Carlton Street and Authorization for City Manager Edward C. Starr to Sign the Agreement**

The City Council approved *Agreement No. 12-30* with Monte Vista Water District for replacement of a water main in Carlton Street and authorization for City Manager Edward C. Starr to sign the Agreement.

3. **Approval of *Agreement No. 12-32* With the County of San Bernardino for Use of the San Bernardino County Sheriff's Department Weapons Firing Range and Live Fire House**

The City Council approved *Agreement No. 12-32* with the County of San Bernardino for use of the San Bernardino County Sheriff's Department Weapons Firing Range and Live Fire House.

5. Authorization of a \$15,300 Appropriation From the Park Development Fund for Improvements to the Montclair Senior Center Fencing Modification Project

Award of Contract to Dan Lyman Const, Inc., in the Amount of \$12,724.56

Approval of *Agreement No. 12-34* With Dan Lyman Construction, Inc., for Construction of the Senior Center Fencing Modification Project

Authorization of a \$2,500 Construction Contingency

The City Council took the following actions related to the Senior Center Fencing Modification Project:

- (a) Authorized a \$15,300 appropriation from the Park Development Fund for improvements to the project.
- (b) Awarded a contract to Dan Lyman Construction, Inc.
- (c) Approved *Agreement No. 12-34* with Dan Lyman Construction, Inc.
- (d) Authorized a \$2,500 construction contingency.

6. Authorization of a \$6,500 Appropriation From the Contingency Fund for Preparation of a Fuel Tank Spill Prevention Control and Countermeasure Plan for the Montclair Police Department

Approval of *Agreement No. 12-35* With Gasoline Retail Facilities Consulting, Inc., for Preparation of a Fuel Tank Spill Prevention Control and Countermeasure Plan for an Amount Not to Exceed \$4,000

Authorization of the City Manager to Amend the Agreement Scope of Services as May Be Necessary for a Total Increase Not to Exceed \$2,500

The City Council took the following actions related to preparation of a fuel tank Spill Prevention Control and Countermeasure Plan:

- (a) Authorized a \$6,500 appropriation from the Contingency Fund for preparation of the plan.
- (b) Approved *Agreement No. 12-35* with Gasoline Retail Facilities Consulting, Inc.
- (c) Authorized the City Manager to amend the Agreement Scope of Services as may be necessary for a total increase not to exceed \$2,500.

7. Approval of *Agreement No. 12-36* With the San Bernardino County Department of Aging and Adult Services to Provide a Senior Citizen Nutrition Program

The City Council approved *Agreement No. 12-36* with the San Bernardino County Department of Aging and Adult Services to provide a Senior Citizen Nutrition Program.

8. Approval of *Agreement No. 12-37* With Ontario-Montclair School District to Administer an Immunization Program for Students and Their Families

The City Council approved *Agreement No. 12-37* with the Ontario-Montclair School District to administer an immunization program for students and their families.

9. Approval of *Agreement No. 12-38* Amending *Agreement No. 12-21* With the County of San Bernardino for Access to the Sheriff's Automated Systems

The City Council approved *Agreement No. 12-38* amending *Agreement No. 12-21* with the County of San Bernardino for access to the Sheriff's Automated Systems.

10. Approval of *Agreement No. 12-39* With California Baptist University to Implement a Clinical Field Experience Program at the Montclair Medical Clinic

The City Council approved *Agreement No. 12-39* with California Baptist University to implement a university-level placement program for nursing students at the Montclair Medical Clinic.

D. Resolutions

1. Adoption of Resolution No. 12-2946 Granting City Engineer Michael C. Hudson the Authority to Request a Supplemental Allocation for the Ramona Avenue Overhead Project

The City Council adopted Resolution No. 12-2946 granting City Engineer Michael C. Hudson the authority to request a supplemental allocation for the Ramona Avenue Overhead Project.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

4. Approval of *Agreement No. 12-33* Between the City of Montclair and Cintas Corporation for Supply and Maintenance of Public Works Department Employee Uniforms

City Attorney Robbins noted there are two proposed Agreements on this item in the agenda. She asked that the second Agreement presented by Cintas Corporation be removed from Council consideration and that the Council consider approving the first Agreement, labeled "*Agreement No. 12-33*," subject to minor revisions and her final approval.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried that the City Council approve *Agreement No. 12-33* between the City of Montclair and Cintas Corporation, subject to minor revisions and final approval by the City Attorney, for supply and maintenance of Public Works Department employee uniforms.

X. RESPONSE

XI. COMMUNICATIONS

A. City Attorney - No comments

B. City Manager/Executive Director

1. City Manager/Executive Director Starr reminded the City Council of the following upcoming meetings:

(a) Preliminary Budget Review - Tuesday, June 12, 2012, at 6:00 p.m. in the City Council Chambers

(b) Termination Appeal Hearing of Guille Ghia Patton - 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 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 Eaton noted the 2012 *Online to College* graduation was so well attended it will likely be held at another City facility next year.

D. City Council/Successor Agency/MHC Board

1. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
 - (a) She agreed with Mayor Eaton that the graduation ceremonies for our "really great" *Online to College* Program are receiving larger and larger turnouts each year.
 - (b) She noted her attendance at the fun-filled **Mark Christopher Auto Center** "It's Cool to Stay in School" event last Wednesday, which is held each year to reward students of two area high schools for perfect attendance. She noted this year, students from **Montclair High School** and **Rancho Cucamonga High School** were eligible to win terrific prizes and that the grand prize winner of a 2012 **Chevrolet Cruze** was a **MHS** student.
2. Council Member/Director Ruh commented as follows:
 - (a) He commended the City's support of the *Online to College* Program and the **Montclair Chamber** for its fundraising efforts on behalf of the program. He stated that a college education is becoming mandatory and that our young people will need those advanced skills to compete in an increasingly global marketplace. He noted he is a proponent of the program because he is the first in his family to graduate from high school, the first to be accepted to college, and the first to graduate from college, adding that college attendance is a requirement in his family. He stated that he is so appreciative of the *Online to College* Program and the tremendous difference it is making in young people's lives.
 - (b) He thanked the **Montclair-Ontario Junior Women's Club** for its donation to the Fire Department for the special extrication gloves, noting the club's efforts make a difference every day in our community.
 - (c) He encouraged everyone to attend the City's 2012 Memorial Day flag-lowering ceremony at 6:00 p.m. in our Memorial Garden to pay tribute to deceased Montclair veterans from all branches of the military as well as those in active duty who continue to serve this country.

3. Council Member/Director Dutrey commented as follows:
 - (a) He likewise noted his attendance at the **Mark Christopher Auto Center** "It's Cool to Stay in School" event.
 - (b) He noted his attendance last Saturday at the **2012 Esperanza Scholarship Foundation Ontario Mayor's Gala** at **Gardiner Spring Auditorium**. He stated that 12 **MHS** graduates were awarded scholarships along with 38 well-deserving college students. He noted the event included the **Chaffey High School** award-winning Theatre Department's presentation of segments from *The Phantom of the Opera*.
 - (c) He noted he was, unfortunately, unable to attend the 2012 *Online to College* graduation ceremony and expressed his hope for continuation of the program.
 - (d) He noted he has been working with the **California Department of Finance** in his profession with regard to projects on the **City of Rialto's** Recognized Obligation Payment Schedule being rejected as enforceable obligations. He indicated that the process has been quite frustrating, to say the least.
 - (e) He advised that funding for local government "is not looking too good right now." He noted there is a redevelopment trailer bill cleanup measure that has just been introduced with the Governor's May Budget Revision that makes the state even stronger in funds appropriation. He advised that the funds will not go schools but will be funneled to the state and used to balance the budget on the backs of cities. He noted he finds it ironic that the Governor is proposing to effectively cut state worker pay by 5 percent while he himself has made a 10 percent concession and Montclair employees have made at least 8 percent concessions. He stated, "Cities are struggling along with school districts and special agencies. We are getting beat up by the big bully in Sacramento. Nothing against **Assembly Member Torres's** Field Representative **Jennifer Nessler** in our audience this evening. I actually like **Assembly Member Torres**; she is doing a good job for us in Sacramento. I know she has a lot of challenges."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of May 7, 2012

The City Council received and filed the Personnel Committee meeting minutes of May 7, 2012, for informational purposes.

At this time, Mayor Eaton invited **Mr. Don Vodvarka** to come forward to comment.

Mr. Don Vodvarka, 10202 Columbine Avenue, Montclair, noted Montclair has not received much coverage in the ***Inland Valley Daily Bulletin*** recently. He noted the City Reporter has been absent from the last three meetings.

Mayor Eaton advised **Mr. Vodvarka** to call the newspaper to request more coverage of Montclair activities.

Mr. Vodvarka indicated he would do so because of the "many great things happening in this city, and no one reads about them in the newspaper. That is very disappointing."

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

At 7:27 p.m., Mayor/Chairman Eaton adjourned the City Council and Successor Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Deputy City Clerk