

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY AND MONTCLAIR HOUSING CORPORA-
TION BOARDS HELD ON MONDAY, JUNE 4, 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 Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairperson Raft 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

A. Presentation of Certificate and Flag to Kevin Neuer in Recognition of His Patriotism and Love for His Community

Mayor Eaton presented Kevin Neuer with a flag that had flown over our nation's capitol and certificate in recognition of his patriotism and love for his community.

Kevin accepted the flag and certificate and thanked Mayor Eaton.

Photographs of **Kevin** were taken with a group of Firefighters.

VI. PUBLIC COMMENT

- A. **Ms. Jetske Wauran**, part-time Student Intern, cordially invited the City Council and public to attend a free Indonesian **Esa Kawanua USA** event featuring cultural dance, music, fashion show, and food at the **Montclair High School** auditorium on Saturday, June 30, 2012, at 7:30 p.m. She stated that the event honors the **Minahasan** community and will be a night of celebration.
- B. **Mr. Kenneth Mock, Monterey Manor Mobile Home Estates**, 11250 Ramona Avenue, Space 216, Montclair, spoke as a member of the **Inland Empire Sponsoring Committee (IESC)** reiterating his opposition to location of a proposed solid waste transfer station in Pomona. He provided an update and noted three Montclair residents support his position. He stated that he would like to meet with the City Council to discuss this issue.
- C. **Ms. Kathryn Kirui**, 9725 Fremont Avenue, Montclair, read a statement on behalf of **IESC** likewise opposing location of a proposed solid waste transfer station in Pomona for reasons of traffic congestion, truck route, and environmental issues. She requested that the City Council write to the Pomona City Council addressing such impacts and the Council's opposition to the proposed facility "for reasons of its negative impact on the health and well being of Montclair residents and others." She also asked that the Council meet with **IESC** representatives regarding this issue.

VII. PUBLIC HEARINGS

- A. **Receiving Public Comment and Authorizing the Reallocation and Expenditure of Fiscal Year 2010-11 Supplemental Law Enforcement Services Funds**

Mayor Eaton declared it the time and place set for a public hearing to consider receiving public comment and authorizing the reallocation and expenditure of Fiscal Year 2010-11 Supplemental Law Enforcement Services grant funds 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 Ruh and seconded by Council Member Dutrey that a public hearing was duly conducted to receive public comment and authorization was given for reallocation of \$12,327 in unexpended Fiscal Year 2010-11 Supplemental Law Enforcement Services grant funds to be used toward the purchase of new mobile video recorders for the Police Department's patrol fleet.

Motion unanimously adopted by the following vote:

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

B. Adoption of Resolution No. 12-2950 Establishing an Inspection Fee Schedule for Inspection of Best Management Practices in Accordance With Ordinance No. 12-930

Mayor Eaton declared it the time and place set for 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 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.

City Manager Starr noted a revision to proposed Resolution No. 12-2950 emphasizes that the fees collected are related to the stormwater discharge component of development costs for Best Management Practices and not the total cost of the project.

Council Member Dutrey inquired as follows:

1. What is the amount of anticipated inspection fees that would be generated from this item?

City Manager Starr answered, "It is undetermined at this point. We do expect there should be an impact on the General Fund; but we have not charged this fee in the past and we do not know the extent of development that will occur over the next year. It is simply a revenue enhancement that we cannot reject at this point."

2. Will staffing levels remain the same?

City Manager Starr answered, "Yes, we will not be adding additional personnel."

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Raft that Resolution No. 12-2950, entitled, "**A Resolution of the City Council of the City of Montclair Establishing an Inspection Fee Schedule for Inspection of Best Management Practices in Accordance With Ordinance No. 12-930,**" be read by number and title only, further reading be waived, and it be declared adopted as amended.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 12-2950 was unanimously adopted by the following vote:

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

C. Adoption of Resolution No. 12-2951 Amending the Master User Fee Schedule Related to Human Services Division Mini-School Program Enrollment Fees

Mayor Eaton declared it the time and place set for 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 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 Ruh and seconded by Council Member Paulitz that Resolution No. 12-2951, entitled, "**A Resolution of the City Council of the City of Montclair Amending the Master User Fee Schedule Related to Human Services Division Mini-School Program Enrollment Fees,**" 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. 12-2951 was unanimously adopted by the following vote:

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

Council Member Dutrey expressed his opinion that \$120 for 12 weeks of instruction "is a pretty good rate for this type of activity."

D. Second Reading - Consider 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 for 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 individuals would be allowed to sell items left over from estate sales at yard sales during the proposed time periods.

Director of Community Development Lustro

Director of Community Development Lustro answered, "That is correct. Each residential address would be allowed to have either one estate sale or one moving sale in addition to the four yard sales permitted during a calendar year."

Moved by Council Member Ruh and seconded by Council Member Dutrey 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 second reading.

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 12-931 was adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, 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 Regular Joint Council/Successor Agency Board/MHC Board/MHA Board Meeting of May 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 May 21, 2012 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 4, 2012, totaling \$8,947,869.78, and the Payroll Documentation dated April 22, 2012, amounting to \$593,406.59, with \$420,892.52 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 12-41 With Chaffey Joint Union High School District for Law Enforcement Services during Fiscal Year 2012-13

The City Council approved *Agreement No. 12-41* with Chaffey Joint Union High School District for law enforcement services during Fiscal Year 2012-13.

2. Approval of Agreement No. 12-42 With All City Management Services, Inc., for School Crossing Guard Services

The City Council approved *Agreement No. 12-42* with All City Management Services for school crossing guard services.

3. Approval of Agreement No. 12-45 With the County of San Bernardino Fire Protection District Office of Emergency Services to Receive Approximately \$16,481 From the FY2011 State Homeland Security Grant Program

The City Council approved *Agreement No. 12-45* with the County of San Bernardino Fire Protection District Office of Emergency Services to receive approximately \$16,481 from the FY2011 State Homeland Security Grant Program.

D. Resolutions

1. Adoption of Resolution No. 12-2953 Approving Participation in the Ontario International Airport - Inter-Agency Collaborative (ONT-IAC) for the Implementation of the Ontario International Airport Land Use Compatibility Plan (ALUCP)

Approval of Cooperative Agreement No. 12-43 Related to Participation in the ONT-IAC

The City Council took the following actions:

- (a) Adopted Resolution No. 12-2953 approving participation in the Ontario International Airport – Inter-Agency Collaborative (ONT-IAC) for implementation of the Ontario International Airport Land Use Compatibility Plan (ALUCP).
 - (b) Approved *Cooperative Agreement No. 12-43* related to participation in the ONT-IAC.
2. **Adoption of Resolution No. 12-2954 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 12-2954 authorizing placement of liens on the 221 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – 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*

City Attorney Robbins withdrew this matter from consideration this evening.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr reminded the City Council of the following meetings this month:
 - (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 commented as follows:
 - (a) He noted his attendance at the City's 2012 Memorial Day flag-lowering ceremony honoring deceased Montclair veterans and servicemen and women who continue to serve this country.
 - (b) He noted his attendance on Saturday at the Family Fun Festival, which received a good turnout.

D. City Council/Successor Agency/MHC Board

- 1. Council Member/Director Ruh commented as follows:
 - (a) He noted he enjoyed the "very well attended" Family Fun Festival and recognized Police Department, Fire Department, Public Works Department, and Human Services Division staff for their "time and effort to make sure it was a successful event."
 - (b) He also noted his attendance at the Memorial Day flag-lowering ceremony along with the City Council, **Assembly Member Torres, Senator McLeod, and San Bernardino County Fourth District Supervisor Ovitt**. He noted the event has grown substantially over the years and is a good way to recognize those residents who have served this country, some who have made the ultimate sacrifice for our freedom.
 - (c) He encouraged residents to vote in the Presidential Primary Election on Tuesday, June 5, 2012. Noting the Secretary of State is predicting a low voter turnout, he noted it is important that we all vote on the candidates of our choice and on the two propositions on the ballot.
 - (d) He stated that because of billing issues associated with the new digital smart meter installed by **Southern California Edison (SCE)**, is opting out of the program and will have an analog meter reinstalled at his residence. He advised those experiencing billing problems to contact **SCE** to have analog meters replaced for a \$75 fee.

2. Council Member/Director Dutrey commented as follows:
 - (a) He noted both the Family Fun Festival and Memorial Day events were very well done and commended staff for all their hard work.
 - (b) He noted his attendance at the **Montclair Chamber of Commerce** Montclair Police Officers' and Employees' Appreciation & Recognition Luncheon on May 23, 2012. He noted Officer Rob Pipersky was given the 2011 Annual Achievement Award and Officer Jim Michel was honored as the 2011 Officer of the Year.
 - (c) He encouraged everyone to vote in tomorrow's Presidential Primary Election. He noted the importance of this election because **U.S. Representative David Dreier** is retiring from office and **Senator McLeod** and **U.S. Representative Joe Baca** are both vying to fill his seat in the new 35th District.
 - (d) He asked staff to contact the **City of Pomona** to clarify if an item related to the proposed solid waste transfer station will be considered by the Pomona City Council on June 18, 2012, and to ensure the **City of Pomona** received staff's letter sent earlier this year requesting we be advised should there be any change to the identified location for the proposed transfer station and to continue working with staff related to any traffic congestion, truck route, and environmental impact issues. He noted the seriousness of this issue that would affect the residents of Pomona.
3. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
 - (a) She noted she enjoyed attending the Family Fun Festival and Memorial Day events. She encouraged the public to attend the Family Fun Festival next year.
 - (b) She noted she was, unfortunately, unable to attend the Police Officers' and Employees' Appreciation & Recognition Luncheon and congratulated both Officers on their awards. She noted Officer Pipersky has worked for the Police Department for 35 years and is a "really great guy who loves his job."
2. Council Member/Director Paulitz commented as follows:
 - (a) He noted he was, unfortunately, unable to attend the Memorial Day event and that he would attend next year.

He stated that he has contributed four plaques to the Memorial Garden Veterans Way.

- (b) He noted the Family Fun Festival was very well attended. He asked if the Splash Pad was ever operational that day.

Mayor Eaton advised that it worked on and off all day.

- (c) He noted last week's *Wall Street Journal* featured two articles about the fiscal state of California. He noted one article reported that the **City of Hercules** in Northern California, with a population of around 20,000, owes more than \$300 million in bond debt, leaving that city on the hook for about \$20 million in annual debt payments. Another article reported that the **City of San Jose** is close to insolvency unless a ballot measure to overhaul pensions, which would save about \$25 million in the first year it is implemented, is approved in November. He noted an article in today's *Wall Street Journal* reports on **Governor Brown's** "casino-type of budgeting" that relies on taxing millionaires—defined as anyone earning more than \$250,000 a year. He noted the absurdity of the measure because "a true millionaire could avoid California taxes altogether" by living out of state "one day less than a half a year." He encouraged the Council to read the articles.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of April 19, 2012

The City Council received and filed the Public Works Committee meeting minutes of April 19, 2012, for informational purposes.

2. Minutes of Safety Committee Meeting of May 17, 2012

The City Council received and filed the Safety Committee meeting minutes of May 17, 2012, for informational purposes.

3. Minutes of Code Enforcement Committee Meeting of May 21, 2012

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

4. Minutes of Personnel Committee Meeting of May 21, 2012

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

XII. COUNCIL/SUCCESSOR AGENCY/MHC WORKSHOP

E. Preliminary Budget Review

It was the consensus of the City Council to continue this item to an adjourned joint meeting on Tuesday, June 12, 2012, at 6:00 p.m. in the City Council Chambers.

XIII. ADJOURNMENT OF CITY COUNCIL AND SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7:39 p.m., Mayor/Chairman Eaton adjourned the City Council and Successor Agency and Montclair Housing Corporation Boards of Directors to Tuesday, June 12, 2012, at 6:00 p.m. in the City Council Chambers.

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

Yvonne L. Smith
Deputy City Clerk