

**MINUTES OF THE REGULAR JOINT MEETING OF  
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR  
AGENCY, AND MONTCLAIR HOUSING CORPORA-  
TION BOARDS HELD ON MONDAY, JULY 16, 2012,  
AT 7:00 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 7:00 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**

Mayor/Chairman Eaton 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 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

Absent: Council Member/Director Paulitz (excused)

**V. PRESENTATIONS**

**A. Introduction of New Appointee**

Fire Chief Ament introduced Fire Captain Roger Mora, who was appointed to his new position effective July 2, 2012.

Mayor Eaton congratulated Captain Mora on his new appointment and presented him with a City pin.

**B. Presentation of Certificates of Appreciation to Outgoing Community Action Committee Members**

Mayor Eaton recognized the following two Community Action Committee (CAC) Members for their dedicated service to the City of

Montclair:

In December 2004, Montclair resident **George Tellez** was appointed to the CAC. Unfortunately **Mr. Tellez** decided not to seek another term on the CAC because of personal commitments. During his years of service, he was especially fond of our Memorial Day program; for several years, he actively served on the subcommittee responsible for organizing the event. The City extends its gratitude to **Mr. Tellez** for his many years of service to the community.

In September 2005, the City Council appointed **Ms. Hollis Judkins** to the CAC. **Ms. Judkins** served as Vice Chairperson for two years and Chairperson for four years during her years of service. She was a dedicated and committed member who served on a number of program committees, helping to coordinate and implement our annual Christmas Tree Lighting, Volunteer of the Year, and Memorial Day events. In addition, she judged our annual Halloween Costume, Holiday Home Decoration, and Home Beautification contests. Mayor Eaton thanked **Ms. Judkins** for her leadership and devotion to the CAC.

### C. 2012 Home Beautification Awards

Mayor Eaton stated that as part of the City's ongoing efforts to encourage pride in home ownership and community spirit, the CAC has once again sponsored the annual *Home Beautification Awards* program. He introduced CAC Chairperson Pat Wooton to announce the finalists and winner.

Chairperson Wooton advised that the CAC has continued to sponsor this program over the past 17 years to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted the CAC selected three finalists who exemplify a true sense of pride in their homes. She thanked all residents who help to make Montclair a beautiful community in which to live.

A brief PowerPoint presentation showcased the finalists' residences.

The following three finalists were presented with framed City certificates, **Target** gift cards, and property identification signs:

*"2012 Most-Maintained Home"* - **Trin and Hoa Tran**, 10197 Canary Court

*"2012 Home of Distinction"* - **Dunn family**, 11048 Stagecoach Avenue

"2012 Home of the Year" - Navarro family,  
9534 Central Avenue

Mayor Eaton congratulated the winners of the *2012 Home Beautification* awards and thanked all residents who have contributed to the beautification of Montclair. He also thanked the CAC for once again organizing and facilitating the program.

## VI. PUBLIC COMMENT

- A. **Ms. Hanh Nguyen**, 4283 Clydesdale Way, Montclair, stated that she is a senior and complained that the City's trash and sewer charges are higher than other cities including Yorba Linda, Pomona, and Newport Beach. She asked Mayor Eaton if there is any assistance available to her.

Mayor Eaton asked **Ms. Nguyen** if she qualifies for the senior trash rate.

**Ms. Nguyen** stated that the senior rate is only \$3 less than the regular rate. She asked if it is possible to discontinue service during the times she visits and stays at her son's home.

City Manager Starr advised that refuse rates are mandated by City Ordinance and the City maintains a franchise agreement with the City's refuse operator. He noted the City's Ordinance mandates that every resident and business in Montclair participate in the refuse program. Noting surveys of area cities are regularly conducted during times of refuse rate adjustments, he stated that the City's rate is at the low end of the spectrum for cities in the West End of the Inland Empire. He invited **Ms. Nguyen** to meet with staff to discuss the refuse program.

**Ms. Nguyen** noted she was advised by staff to speak at a City Council meeting concerning her refuse service issues.

Mayor Eaton advised **Ms. Nguyen** that staff would be happy to meet with her at her convenience.

Council Member Dutrey suggested City Manager Starr provide **Ms. Nguyen** with a business card to schedule a meeting.

City Manager Starr left the dais to pick up some business cards for **Ms. Nguyen**.

- B. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's District Office**, 13160 7th Street, Chino, reminded the City Council of **Assembly Member Torres's** 2nd Annual District Office Open House on Saturday, July 28, 2012, from 10:00 a.m. to 1:00 p.m. She noted the event will feature a special ceremony to

honor 61st Assembly District women, veterans, businesses, and the Emerging Leader of the Year. She stated she is pleased to announce that the Montclair Veteran of the Year is **Ms. Anne Dutrey**, who, unfortunately, is unable to attend the event. She asked if the City could send a representative on **Ms. Dutrey's** behalf.

Mayor Eaton thanked **Ms. Nessler** for the invitation.

## VII. PUBLIC HEARINGS

### A. Adoption of Resolution No. 12-2962 Ordering the Vacation of the Alley East of Mills Avenue Between Bonnie Brae Street and San Jose Street

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Resolution No. 12-2962 ordering the vacation of alley east of Mills Avenue between Bonnie Brae Street and San Jose Street 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 Mayor Pro Tem Raft that Resolution No. 12-2962, entitled, "**A Resolution of the City Council of the City of Montclair Vacating the Alley East of Mills Avenue Between Bonnie Brae Street and San Jose Street,**" 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. 12-2962 was unanimously adopted by the following vote:

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

## 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 July 2, 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 July 2, 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 June 30, 2012.

**2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated July 16, 2012, totaling \$1,637,124.90, and the Payroll Documentation dated June 3, 2012, amounting to \$580,983.50, with \$414,965.08 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 June 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 6.01.12-6.30.12 in the amounts of \$8,888.11 for Project I; \$0.00 for Project II; \$111,271.10 for Project III; \$82,375.52 for Project IV; \$149,067.88 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 June 30, 2012.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 6.01.12-6.30.12 in the amount of \$215,832.96.

**7. Setting a Public Hearing to Consider Ordinance No. 12-932 Adding Subsection 5 to Section 8.36.090(A) of the Montclair Municipal Code Related to Parking of Commercial Vehicles Within the City**

The City Council set a public hearing for Monday, August 6, 2012, at 7:00 p.m. in the City Council Chambers to consider Ordinance No. 12-932 adding subsection 5 to Section 8.36.090(A) of the Montclair Municipal Code related to parking of commercial vehicles within the City.

**8. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to the Carlton Street Improvement Project**

**Release of Retention 30 Days After Recordation of *Notice of Completion***

The City Council authorized the following actions related to the Carlton Street Improvement Project:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release of the retention 30 days after recordation of the *Notice of Completion*.

**9. Declaring Unclaimed Bicycles in Police Custody as Surplus and Available for Donation to the California Institution for Women**

The City Council declared the unclaimed bicycles in Police custody listed on the attachment to this agenda report as surplus and available for donation to the California Institution for Women.

**C. Agreements**

**1. Approval of *Agreement No. 12-66* With San Bernardino County to Receive Approximately \$12,012 in Matching Funds From the FY2012 Emergency Management Performance Grant (EMPG) Program**

The City Council approved *Agreement No. 12-66* with San Bernardino County to Receive Approximately \$12,012 in

matching funds from the FY2012 Emergency Management Performance Grant (EMPG) Program.

**5. Approval of *Agreement No. 12-67* With the Inland Empire United Way to Provide Case Management and Medical Clinic Services**

The City Council approved *Agreement No. 12-67* with the Inland Empire United Way to provide Case Management and Medical Clinic programs.

**D. Resolutions - None**

**IX. PULLED CONSENT CALENDAR ITEMS - None**

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

**1. Report on Written Findings and Decision in the Matter of Appeal Hearing in Ghia Patton and City of Montclair**

City Attorney Robbins advised that the Montclair Police Department had appealed to the City Council from the advisory opinion of the hearing officer regarding the termination of former Police Officer Ghia Patton regarding her employment with the Montclair Police Department. She stated that the matter came before the City Council on June 27, 2012, and that the written decision has been formalized in this matter. She reported it was the unanimous decision of the City Council to grant the appeal, to reject the findings and the decision of the hearing officer, **David Gava**, and to uphold the termination of **Ghia Patton**.

**2. 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 requested a Closed Session pursuant to Government Code Section 54957.6 on the above matter.

## B. City Manager/Executive Director

1. City Manager/Executive Director Starr reported that the Pomona City Council is conducting a public hearing this evening regarding the proposed Grand Central Recycling and Transfer Station and is expected to make a decision unless there are a number of public speakers commenting on the matter, as was the case in the Planning Commission's consideration of the item, in which case the public hearing could be continued over a number of days. He advised that if a decision is not made this evening, it would likely be the latter part of August before a decision is rendered.

## C. Mayor/Chairman

1. Mayor Eaton commented that he attended recent **San Bernardino Associated Governments, Omnitrans, Metro Gold Line Foothill Extension Construction Authority, and Metrolink** Board meetings. He noted the disappointment of members of the **Metro Gold Line Foothill Extension Construction Authority** after learning that the **Metropolitan Transportation Authority (MTA)** will not include the second phase of the **Gold Line** extension project in its aggressive Measure R funding plan for other projects in Los Angeles. He expressed his hope that an impending change in "MTA chairmanship might be of benefit to all of us, and we hope so."

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

1. Council Member/Director Ruh commented as follows:
  - (a) He noted he cannot understand how shortsighted some persons could be in not wanting to fund the **Gold Line** extension project. He advised that many of those individuals "at the federal level are the very ones who worked with the **City of San Bernardino** to spend millions and millions of taxpayer dollars to build the **San Bernardino International Airport,**" which is less than 30 minutes from **LA/Ontario International Airport** and sits empty. He stated, "It makes no sense to me. That money should never have been spent on an airport. It should have been spent on things like the **Gold Line**. Common sense would tell anybody you cannot have two airports that close together. Both of them cannot be successful; only one can be. I really have to question why the leadership in many parts of San Bernardino County is so hesitant to get behind the **Gold Line**, but they were very willing to get behind this airport. The **Gold Line** is going to serve far

more people in this county than the airport ever would serve."

- (b) He announced that **Senator Gloria Negrete McLeod** is conducting a Gubernatorial Appointments Workshop on Wednesday, July 25, 2012, from 5:30 to 7:30 p.m. at our Senior Center. He noted **Governor Brown's Appointments Secretary Mona Pasquil** will give a presentation on the various commissions throughout the state. He thanked **Senator McLeod** for holding such a noteworthy forum in Montclair.
- (c) He noted **U.S. Representatives Gary Miller** and **Joe Baca** have been working in Washington, D.C., on some issues that would help to stabilize the housing market related to government-sponsored enterprises. He noted they are trying to find a solution for business owners to avoid paying mortgage premiums up front. He expressed his appreciation of the bipartisanship displayed by the two members of **Congress** as they work together on this issue.
- (d) He discussed the newly formed Homeownership Protection Program, a joint powers authority created in June 2012 by the **County of San Bernardino** and the cities of Ontario and Fontana that expressly gives the new agency power to buy mortgage loans by voluntary purchase or through eminent domain in an effort to solve the county's lingering foreclosure woes. He noted he opposes the concept because lenders have indicated they will avoid San Bernardino County if the government can leverage its powers to take over mortgage contracts and modify their terms, which is not a risk factor investors have in mind. He expressed his opinion that "it is not a good idea. It is not going to help anybody; it will just make matters worse."
- (e) He discussed the proposed parcel taxes being considered by the Pomona City Council for the November 2012 ballot to mitigate ongoing financial difficulties. He advised that such parcel taxes are levied against single-family property owners but are decided by the nonhomeowner voters, which is, technically, illegal and should only be decided by the homeowners of that jurisdiction. He stated, "It makes no sense to me. We need to watch out for that and be very, very careful. It is something I think we need to monitor."

- (f) He reiterated his dissatisfaction with the inaccurate readings of the **Southern California Edison** smart meter installed at his residence and suggested that anyone experiencing similar billing problems could choose to opt out of the **Edison SmartConnect®** program. He noted they would be charged a \$75 fee to do so in addition to a monthly \$10 fee to the **Public Utilities Commission** for use of an analog meter.
- (g) He cited an article in a national newspaper related to a class action lawsuit brought against **Nestle Purina** by dog owners in eight states who believe contaminated jerky treats from China sickened or killed their pets. In particular, he noted **Mrs. Mary Ellis** of Ontario claims the **Waggin' Train** treats she purchased in February 2012 sickened two of her dogs and killed a third. He noted his heart goes out to **Mrs. Ellis** because as dog owners know, their pets are part of their families. He noted all members of the City Council are dog lovers and asked anyone who might know **Mrs. Ellis** to please relay the Council's sympathy for her loss.

2. Council Member/Director Dutrey commented as follows:

- (a) He noted he would be unable to attend this evening's Closed Session because he needs to be on his way to pick up a family member at **Los Angeles International Airport**. He added that he will not attend the August 6, 2012 regular joint meeting, which falls during his family member's visit.

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

##### **1. Minutes of Code Enforcement Committee Meeting of June 18, 2012**

The City Council received and filed the Code Enforcement Committee meeting minutes of June 18, 2012, for informational purposes.

##### **2. Minutes of Personnel Committee Meeting of July 2, 2012**

The City Council received and filed the Personnel Committee meeting minutes of July 2, 2012, for informational purposes.

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

At 7:30 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 7:30 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 7:55 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

**XV. ADJOURNMENT OF CITY COUNCIL**

At 7:56 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk