

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, AUGUST 20, 2012,
AT 7:00 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 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

Pastor Vickie Brobeck, Grace Fellowship Foursquare 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; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Second Reading - Adoption of 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

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of 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 and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Dutrey noted the additional truck parking area on Palo Verde Street is a good solution to the issue presented by the resident applicant.

Moved by Council Member Dutrey and seconded by Council Member Paulitz that Ordinance No. 12-932, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Section 8.36.090 of the Montclair Municipal Code Related to Commercial Vehicle Parking,**" be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 12-932 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

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

City Manager Starr requested that Item C-2, "Consider Approval of Agreement No. 12-80 With California State Polytechnic University, Pomona, to Implement a Field Placement Program at the Montclair Medical Clinic," be removed from the Consent Calendar to allow staff to revise the proposed Agreement and that Item D-2 be removed for comment.

Mayor Eaton invited **Mr. Loren Martens** to come forward to address Item C-1, "Agreement No. 12-76 amending Agreement No. 12-27 With Aegis ITS, Inc., for Traffic Signal Maintenance Services."

With regard to the per intersection cost of the proposed contract, **Mr. Loren Martens**, 4285 Benito Street, Montclair, inquired as to the number of intersections in Montclair.

City Engineer Hudson answered, "We have 44 signalized intersections that we are responsible for, which does not include the **California Department of Transportation** interchanges."

Mr. Martens thanked City Engineer Hudson.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/ Vice Chairperson Raft, 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 Meeting of August 6, 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 August 6, 2012 regular joint meeting.

B. Administrative Reports

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 20, 2012, totaling \$884,142.73, and the Payroll Documentation dated July 1, 2012, amounting to \$604,572.97, with \$429,853.40 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 July 31, 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 7.01.12-7.31.12 in the amounts of \$6,884.78 for Project I; \$0.00 for Project II; \$1,942,484.08 for Project III; \$105,637.63 for Project IV; \$178,112.88 for Project V; and \$63,350.46 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 July 31, 2012.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 7.01.12-7.31.12 in the amount of \$71,648.99.

C. Agreements

1. Approval of *Agreement No. 12-76 Amending Agreement No. 12-27 With Aegis ITS, Inc., for Traffic Signal Maintenance Services*

The City Council approved *Agreement No. 12-76* amending *Agreement No. 12-27* with Aegis ITS, Inc., for traffic signal maintenance services.

3. Approval of *Agreement No. 12-81 With Kaiser Foundation Hospitals, Fontana Medical Center, to Continue to Fund the Montclair Medical Clinic's Gateway to Coverage Program*

The City Council approved *Agreement No. 12-81* with Kaiser Foundation Hospitals, Fontana Medical Center, to continue to fund the Montclair Medical Clinic's Gateway to Coverage Program.

4. Approval of *Agreement No. 12-82 With the California Department of Public Health to Provide a Nutrition Education Program*

The City Council approved *Agreement No. 12-82* with the California Department of Public Health to provide a nutrition education program.

D. Resolutions

1. Adoption of Resolution No. 12-2965 Adopting the Measure I Five-Year Capital Improvement Program

The City Council adopted Resolution No. 12-2965 adopting the Measure I Five-Year Capital Improvement Program.

IX. PULLED CONSENT CALENDAR ITEMS

B Administrative Reports

1. Receiving and Filing of City Treasurer's Report

Council Member Paulitz asked for clarification regarding the negative General Fund ending balance shown on Schedule 2, "Statement of Cash and Investments by Fund as of July 31, 2012," and asked if the General Fund reserves, which do not reflect the shortfall, would actually be \$1,201,626.25 less.

Finance Director Parker advised that all City funds are pooled together into one bank account and a set of investments, so it is possible at times for any given fund to reflect a negative

balance without too much of a change to the bank account balance. He noted there would be no periodic monthly shifts between the reserves and operating funds, but the General Fund itself is composed of the general Operating Fund, the Contingency Fund, and the General Fund reserves. He stated that staff could revise the Treasurer's Report as such at the City Council's direction.

Council Member Paulitz expressed his concern that the General Fund shows a (-\$1,201,626.25) balance.

Finance Director Parker advised that the balance fluctuates continually as property and sales tax revenues are received, noting at times there is a higher Warrant Register total compared to the amount of receipts. He added that it is typical at this time of year and for the next few months to have negative General Fund balances until our property and sales tax allocations are received.

Council Member Paulitz thanked Finance Director Parker for the report.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously that the City Council received and filed the City Treasurer's Report for the month ending July 31, 2012.

D. Resolutions

- 2. City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 12-07 Adopting a Recognized Obligation Payment Schedule for January 1, 2013, Through June 30, 2013, and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code**

City Manager Starr directed the City Council's attention to the revised Recognized Obligation Payment Schedule (ROPS III) that has been provided, noting the document has been revised to show a shift of debt service on bonds from "Reserve Balance" to "RPTTF," the Redevelopment Property Tax Trust Fund, which was recommended by Successor Agency Special Counsel and explained on the following page.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council, acting as successor to the City of Montclair Redevelopment Agency Board of Directors, adopt Resolution No. 12-07 adopting a Recognized Obligation Payment Schedule for January 1,

2013, through June 30, 2013, and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

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 requested a Closed Session regarding the above matter.

B. **City Manager/Executive Director**

1. City Manager Starr noted he has a correction to Section XII, "Council Workshop," Item A, "Metro Gold Line Construction Authority Update," on tonight's agenda. He advised that the **Metro Gold Line Foothill Extension Construction Authority** will not be available to make the presentation on September 4, 2012, and that instead, the November 5, 2012, workshop items related to updates on **AB 1484** and the Successor Redevelopment Agency and a review of the City Auditor's Report will be presented that evening.

C. **Mayor/Chairman**

1. Mayor/Chairman Eaton noted he enjoyed working with **Planning Commissioner Maynard B. "Mac" Lenhert**, who passed away this morning, and that **Mac** was a great help and will be sorely missed.

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

1. Council Member/Director Ruh commented as follows:
 - (a) He expressed the City Council's sympathy to the family of **Planning Commissioner Maynard B. "Mac" Lenhert**, who passed away this morning. He stated that **Mr. Lenhert** was a long-time resident of Montclair, a 24-year member

of the Planning Commission, and an elected Trustee of the **West Valley Mosquito and Vector Control District Board**. He noted the Council expresses its condolences on the passing of a great friend who served this City for so many years and asked that tonight's meeting be adjourned in **Planning Commissioner Lenhart's** memory.

- (b) He stated that some friends of his found in some memorabilia a wine list from **The Old Montclair Peanut Company** dating back to September 1977, which shows how prices have changed since then because a glass of rosé cost 95 cents. He advised that he would keep the wine list until such time as the Montclair Foundation for History and Art is reinstated.

Mayor Eaton noted **Mrs. Eaton's** glass of wine during their lunch at **Nordstrom Café** yesterday cost \$9.95.

Council Member Ruh asked anyone having memorabilia from Montclair's past to please donate the items to the Montclair Foundation for History and Art when it is reestablished.

2. Council Member/Director Dutrey commented as follows:

- (a) He noted he met **Mac Lenhart** in July 1990 at the Planning Commission meeting at which Council Member Dutrey was appointed to serve as a member. He noted he "enjoyed working with **Mac**—he was a gentleman who definitely had high integrity, a gentleman who definitely believed in volunteerism, and a gentleman who definitely cared about his community. He will be sorely missed. I can say that when he was a Code Enforcement Officer, he would drive around the City every Saturday and Sunday and do his best to help keep it clean. As a result of his work, he was named Montclair Volunteer of the Year in 2003. He was the special person that every community wants to have. He served as the President of the Montclair Senior Citizens Club and was also very involved in the county senior program. He served on the **Monte Vista Water District Board** and as a Trustee on the **West Valley Mosquito and Vector Control District Board**. He was a very special person; I am certainly going to miss **Mac**. He was a good buddy who taught me about a lot of good things."
- (b) Noting he recognizes one candidate for the Montclair City Council in the gallery this evening, he advised all candidates running for City Council in the November 6,

2012 General Municipal Election, including Mayor Pro Tem Raft who is running for reelection, that "it is an important process in terms of serving our community; and I wish everyone their best campaign."

- (c) He noted there has been much more activity involving a record number of students at the City's Youth Center since the start of the school year. He commended staff for its efforts to ensure its success.
- 3. Mayor Pro Tem/Vice Chairperson Raft noted she respected **Mr. Lenhert** despite not always agreeing with him on certain issues. "He was always a gentleman and he did dedicate a lot of his time to Montclair, so he will be missed," she stated.
- 4. Council Member/Director Paulitz stated that he was good friends with **Mac** and that they dined together for many years at the senior lunch program. He noted he served as **Mac's** campaign manager and treasurer during his candidacy for the **Monte Vista Water District** Board. Council Member Paulitz sadly stated, "I hate to see him go, but we all have our time."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of August 6, 2012

The City Council received and filed the Personnel Committee meeting minutes of August 6, 2012, for informational purposes.

XII. COUNCIL WORKSHOP

A. AB 1484 and Montclair Successor Redevelopment Agency Update

B. City Auditor's Report

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously to continue these items to an adjourned meeting on Tuesday, September 4, 2012, at 5:45 p.m. in the City Council Chambers.

Mr. Loren Martens, 4285 Benito Street, Montclair, noted **Mac Lenhert** began his service to the City of Montclair in the early 1960s as one of his Reserve Police Officers, stating, "He has been working for the City of Montclair for a very long time."

Mayor Eaton thanked **Mr. Martens** for his comments.

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

At 7:21 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors in memory of **Planning Commissioner Maynard B. "Mac" Lenhart.**

At 7:21 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 7:48 p.m., the City Council returned from Closed Session. Mayor Eaton announced 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 7:49 p.m., Mayor Eaton adjourned the City Council in memory of **Planning Commissioner Maynard B. "Mac" Lenhart.**

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

Yvonne L. Smith
Deputy City Clerk