

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, AUGUST 6, 2012,
AT 7:02 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 7:02 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

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

IV. ROLL CALL

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

Absent: Council Member/Director Dutrey (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Mr. Kevin Cornet**, 572 Daroca Avenue, San Gabriel, announced the *2nd Annual Healers Helping Heroes Health and Information Fair* will take place this Saturday, August 11, 2012, from 10:00 a.m. to 2:00 p.m. at the **West Coast Ultrasound Institution**, 3700 East Inland Empire Boulevard, Ontario. He provided fliers about the event for the public.

VII. PUBLIC HEARINGS

A. **First Reading – Adoption of Ordinance No. 12-932 Adding Sub-section 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 Ruh asked for clarification on use of the special parking permits.

City Manager Starr advised that permittees would be required to display special parking permits in the lower left corner of their vehicles' windshields and annually renew their permits.

City Engineer Hudson noted the proposed Ordinance is structured to prevent vehicle to vehicle transfer of permits.

Council Member Paulitz stated that the Public Works Committee reviewed this item several times and that the special permits would not be amenable to many residents. He noted Palo Verde Street has recently been repaved, is a comparatively wide street, and a commercial vehicle parked on the north side of the street west of Central Avenue would not obstruct traffic. He stated that the area would be very convenient for the resident interested in obtaining a special parking permit to park his work vehicle because he lives approximately one-quarter to one-half mile from the site.

Moved by Council Member Paulitz and seconded by Council Member Ruh 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 first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 12-932 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

City Attorney Robbins requested that Item C-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Ruh, 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 July 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 July 16, 2012 regular joint meeting.

B. Administrative Reports

1. Authorization to Transfer \$8,563 From the Contingency Account to Purchase a Portable Light Tower

The City Council authorized an \$8,563 transfer from the Contingency Account to Account No. 1001-4426-62050-400, "Other Equipment," in the Police Department Fiscal Year 2012-13 Budget to purchase a portable light tower needed to illuminate critical work areas, rescue sites, and staging areas having insufficient lighting.

2. Designation of Voting Delegate and Alternate Voting Delegates to the League of California Cities 2012 Annual Conference & Expo, September 5-7, 2012, San Diego, California

The City Council designated Mayor Eaton Montclair's voting delegate and Mayor Pro Tem Raft and Council Member Paulitz as alternate voting delegates to the 2012 League of California Cities Annual Business Meeting to be held Friday, September 7, 2012, at the San Diego Convention Center.

3. 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 for the Intersection Rehabilitation Project

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

The City Council took the following actions related to the Intersection Rehabilitation Project:

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

4. Receiving and Filing of Alcoholic Beverage Control Permit Application – The Best Taco, Inc.

The City Council received and filed Mr. Jose Alfred Sanchez's California Department of Alcoholic Beverage Control license application for a fiduciary transfer of the existing Type 41 – "On-Sale Beer and Wine" license into his company's name, The Best Taco, Inc., thereby allowing the continued sale and service of beer and wine at the establishment.

5. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 6, 2012, totaling \$1,153,044.66, and the Payroll Documentation dated June 17, 2012, amounting to \$711,975.18, with \$496,331.84 being the total cash disbursement.

C. Agreements

2. Approval of Agreement No. 12-71 With the Law Firm of Jones & Mayer for Legal Services

The City Council approved *Agreement No. 12-71* with the law firm of Jones & Mayer for public safety personnel labor and employment law services.

3. Approval of Agreement No. 12-72 With the California Department of Education to Provide Summer After-School Programs

The City Council approved *Agreement No. 12-72* with the California Department of Education to provide summer after-school programs.

4. **Approval of *Agreement No. 12-73* With Ontario-Montclair School District to Provide a Licensed Social Worker for the Case Management Program**

The City Council approved *Agreement No. 12-73* with the Ontario-Montclair School District to provide a licensed social worker for the Case Management Program.

5. **Approval of *Agreement No. 12-74* With Bilingual Family Counseling Services to Provide Case Management Programs**

The City Council approved *Agreement No. 12-74* with Bilingual Family Counseling Services to provide case management services.

6. **Approval of *Agreement No. 12-75* With WatchGuard Video LLC to Purchase an In-Car Video System for the Patrol Fleet**

The City Council approved *Agreement No. 12-75* with WatchGuard Video LLC to purchase an in-car video system for the Patrol fleet.

D. Resolutions

1. **Adoption of Resolution No. 12-2963 Determining the Status of Local Safety Employee Stanley Leroy Crist**

The City Council adopted Resolution No. 12-2963 determining the industrial disability retirement status of local safety employee Stanley Leroy Crist.

2. **Adoption of Resolution No. 12-2964 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts**

The City Council adopted Resolution No. 12-2964 authorizing placement of assessments on the 702 properties listed on Exhibit A to the Resolution for delinquent sewer and trash accounts.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. **Approval of *Agreement No. 12-70* With the County of San Bernardino to Provide Services and Supplies for an Evidentiary Breath Alcohol Analysis Instrument**

City Attorney Robbins stated that she is working with the County of San Bernardino to modify a provision of proposed *Agreement No. 12-70* and asked that the City Council consider

approval of the proposed Agreement subject to her final approval.

It was the consensus of the City Council to approve *Agreement No. 12-70* with the County of San Bernardino to provide services and supplies for an evidentiary breath alcohol analysis instrument, subject to final approval by City Attorney Robbins.

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*

- 2. Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation**

Montclair Police Officers Association v. City of Montclair

City Attorney Robbins requested a Closed Session regarding the above two matters.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor Eaton commented that he took some time off to enjoy a vacation with his family.

D. City Council/Successor Agency Board/MHC Board

1. Council Member/Director Ruh cited a recent *San Gabriel Valley Tribune* editorial based on a report by the **Los Angeles County Economic Development Corporation**, which indicates that despite the Great Recession that has significantly affected California, it would still rank No. 9 among global economies if it were a country. He related that our state would rank between Italy and Russia, the world's top oil producer and would be just behind China, Germany, and Brazil in growth rate. On a more positive note, he noted Los Angeles County

has an economic output of \$557.5 billion and would rank 21st among countries with economies larger than ours if it were a separate country and would place between Saudi Arabia and its petroleum resources and Sweden with its tremendous output from **Volvo** and **Ikea**. He noted the report predicts California will continue to come out of the recession "slowly but steadily" and an analysis of the 2010 Census numbers indicate that for the first time in California's history, native-born Californians constitute a majority of the state's population at 53.8 percent. He noted the statistic is a first since the pioneering 19th century, when virtually no one but Native Americans had been born here. According to an article in the Summer 2012 issue of ***Boom – A Journal of California*** written by **University of Southern California** Public Policy Professor **Dowell Myers**, he stated that native-born Californians constitute the state's only majority because all racial minorities disappeared in 1999 with the state's increased diversification.

Council Member Ruh noted these figures are very positive for the future and signify the need to "commit to the quality of the education of our young people from K-PhD and to growing the strength of our private-sector jobs in the still-booming Hollywood and Silicon Valley sectors and everywhere in between." He stated, "It goes back to what I said a few months ago about the strength of California and how we will rebound. We are beginning to do so; in San Bernardino County we are a little bit behind, but we are still doing well. We are fortunate in Montclair that we sit right on the border of Los Angeles County so a lot of that county's economic activity transfers over here. In looking at an economic projection of our region, Montclair's economy is more tied to Los Angeles County in the San Gabriel Valley than it is to the Inland Empire" simply by the way residents travel to work, school, recreation, and so forth. He added, "We know this is not easy. A lot of people are really hurting. But the good news is we are starting to get out of this, and I think that if we can continue to push education, continue to push the types of jobs that we are going to need into the future, we should do well."

2. Mayor Pro Tem/Vice Chairperson Raft noted she was pleased to attend the **Carlo's Italian Bakery Pizza**, 9878 Central Avenue, ribbon-cutting last Wednesday. She encouraged everyone to try it, noting the pizza rolls are excellent.
3. Council Member/Director Paulitz commented as follows:
 - (a) He noted he likewise attended the **Carlo's Italian Bakery Pizza** grand opening, very much enjoyed the good food, and recommended the public's patronage.

- (b) He noted he was absent from the last meeting because he was vacationing at **Glacier National Park** with his family, a "nice place to see."
- (c) He noted he was very dismayed to read about the **City of San Bernardino** filing for Chapter 9 bankruptcy protection after disclosing a \$46 million budget shortfall. He noted the city in the 1970s boasted a new City Hall, Convention Center, and two thriving malls and was heralded as one of the best cities in Southern California. Through a series of unfortunate events including the closure of **Kaiser Steel** in 1983, the **Santa Fe Railroad** transferring most of its workers to Topeka, Kansas, in 1992, and closure of **Norton Air Force Base** in 1994, he advised that tens of thousands of jobs disappeared, causing a mass exodus of middle-class families, and the crime rate skyrocketed. Despite Council Member Ruh's report this evening of an improvement in California's economy, he advised that the politics of the state are "getting worse." He asked if a modification of the City's pension system would require a vote of the residents because the lack of pension reform "is what is killing the public sector in California."

City Manager Starr advised that such modification would either have to be decided by the voters or be negotiated with the various labor groups representing City employees and that the modification must fall within the numerous constrictions imposed by the **California Public Employees' Retirement System (CalPERS)**. He noted such reform could not be retroactive and would not affect current employees, only future hires.

Council Member Paulitz inquired as follows:

- (1) How were the cities of San Jose and San Diego able to cut pension costs?

City Manager Starr advised that the two charter cities are not members of **CalPERS** and are able to structure their pension plans as they see fit—they are not controlled or restricted by the retroactive issues **CalPERS** imposes on its contract cities. He stated that short of the City successfully negotiating pension changes for new hires, a measure could be brought before the voters to decide.

- (2) What is the existing pension plan for new hires?

City Manager Starr advised that since June 27, 2005, the City has transitioned new public safety hires

either to the 2 percent at 50 or 3 percent at 55 retirement formula and that since July 2010, new general employees have been placed in the 2 percent at 60 formula.

- (3) What about other pension formula options?

City Manager Starr answered, "Yes, general employees could also be placed in the 2 percent at 55 or 2.5 percent at 55 retirement formulas. The 2 percent at 60 is the least available formula for general employees through the CalPERS system."

- (4) What are all the public safety pension options?

City Manager Starr advised that public safety employees have the option of 3 percent at 50, 3 percent at 55, 2 percent at 50, and 2 percent at 55.

Council Member Paulitz thanked City Manager Starr for the information.

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of June 21, 2012

The City Council received and filed the Public Works Committee meeting minutes of June 21, 2012, for informational purposes.

2. Minutes of Safety Committee Meeting of June 21, 2012

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

3. Minutes of Code Enforcement Committee Meeting of July 16, 2012

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

4. Minutes of Personnel Committee Meeting of July 16, 2012

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

5. Minutes of Safety Committee Meeting of July 19, 2012

The City Council received and filed the Safety Committee meeting minutes of July 19, 2012, for informational purposes.

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

At 7:22 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 7:22 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).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:13 p.m., the City Council 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.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:14 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk