

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND
MONTCLAIR HOUSING CORPORATION BOARDS, AND
MONTCLAIR HOUSING AUTHORITY COMMISSIONERS
HELD ON MONDAY, APRIL 1, 2013, 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 electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Father Cletus Imo, Our Lady of Lourdes Catholic Church, 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 Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; Director of Public Works Hudson; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS - None

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Items B-2 and C-1 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Item C-5 be removed from the Consent Calendar for comment.

City Attorney Robbins requested that Item C-2 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director 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 Commission Meeting of March 4, 2013

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the March 4, 2013 regular meeting.

2. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of March 18, 2013

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the March 18, 2013 regular meeting.

B. Administrative Reports

1. Authorization of a \$9,761.86 Appropriation From the Contingency Account to Purchase Shelter Operations Cots From ProPac

Authorization to Receive \$9,761.86 in Matching Funds From the FY2012 Emergency Management Performance Grant Program to Reimburse the Contingency Account

The City Council authorized the following actions:

- (a) Appropriation of \$9,761.86 from the Contingency Account to purchase shelter operations cots from ProPac.
- (b) Receipt of \$9,761.86 in matching funds from the FY2012 Emergency Management Performance Grant Program to reimburse the Contingency Account.

3. Acceptance of a Grant From the Community Clinic Association of San Bernardino County to Purchase Computers and Software

The City Council accepted a grant for \$8,333.20 from the Community Clinic Association of San Bernardino County to purchase three computers and a software program.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated April 1, 2013, totaling \$1,203,607.10 and the Payroll Documentation dated February 10, 2013, amounting to \$593,755.53, with \$414,952.42 being the total cash disbursement.

C. Agreements

3. Approval of Agreement No. 13-24 With All City Management Services, Inc., for School Crossing Guard Services

The City Council approved *Agreement No. 13-24* with All City Management Services, Inc., for school crossing guard services.

4. Termination of Agreement No. 12-13 With Teaman, Ramirez & Smith, Inc., and Approval of Agreement No. 13-26 With Van Lant & Fankhanel, LLP

The City Council terminated *Agreement No. 12-13* with Teaman, Ramirez & Smith, Inc., and approved *Agreement No. 13-26* with Van Lant & Fankhanel, LLP.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

2. Authorization to Transfer Budgeted Funds From the City Council-Special Contract Services Account to the Chamber of Commerce to Offset Costs for the State of the City Function

Council Member Paulitz asked if the State of the City event will be held in the next fiscal year; and if so, would not the Chamber of Commerce receive the approximately \$10,000 revenue from the event at that time.

City Manager Starr advised that the State of the City would likely be held this fall in either September or October 2013. He reminded the Council that the event is a fundraiser for the Chamber.

Council Member Paulitz suggested the Chamber would "luck out" this fiscal year should this item be approved.

City Manager Starr noted the proposed transfer of \$9,873.34 to the Chamber "supplants the loss of funds to the Chamber because we are not holding the State of the City this fiscal year. We typically budget \$20,000 to \$30,000 annually for the event. Of that amount, approximately \$10,000 would go to the Chamber. In that sense, the City actually ends up saving on the expenditure of the event."

Noting he supported the former Redevelopment Agency's lease of the Chamber office space and annual financial contribution toward the organization's operation, Council Member Paulitz inquired as to the disposition of the Chamber with the dissolution of the Redevelopment Agency effective February 2012.

City Manager Starr advised that the City Council would be considering further financial assistance to the Chamber during the Preliminary Budget Review in June. He noted staff will be proposing in next year's budget a roughly \$15,000 donation from the General Fund to the Chamber for payment of the office space lease."

Council Member Paulitz thanked City Manager Starr for the information.

Moved by Council Member Paulitz, seconded Mayor Pro Tem Ruh, and carried unanimously that the City Council authorize transfer of \$9,873.34 from the City Council-Special Contract Services Account to the Chamber of Commerce to offset costs for the State of the City function.

C. Agreements

1. **Approval of Agreement No. 13-22-I-87, an Irrevocable Annexation Agreement With Babuba Corporation for 11288 Pipeline Avenue (Assessor's Parcel No. 1012-401-43)**

Council Member Paulitz asked for clarification on the liability to connect the subject property to the City Sewer System.

Director of Public Works Hudson replied that proposed *Agreement No. 13-22-1-87* provides for extension of the sewer line and lateral all at the property owner's expense; there is no cost to the City for this extension.

Council Member Paulitz asked if the owner would pay for extending the sewer main from Grand Avenue to the subject property.

Director of Public Works Hudson answered, "Yes, that is correct."

Moved by Council Member Paulitz, seconded by Council Member Raft, and carried unanimously that the City Council approve *Agreement No. 13-22-1-87*, an Irrevocable Annexation Agreement with Babuba Corporation for emergency connection of the property at 11288 Pipeline Avenue (Assessor's Parcel No. 1012-401-43) to the City's sewer main in Pipeline Avenue with the proviso that annexation of the property would take place when feasible in the future.

2. Amending the Fiscal Years 2009-2013 Capital Improvement Program by Adding the Ramona Avenue Rehabilitation Project

Authorization of a \$590,000 Appropriation From the Gas Tax Fund for the Ramona Avenue Rehabilitation Project

Authorization of a \$10,000 Appropriation From the Sewer Fund for Repairs to the Howard Street Sewer at Ramona Avenue

Deeming Missing Information on the Bid Submittal as Reported in this Item as Minor and Waiving Minor Bid Irregularities

Award of Contract for the Ramona Avenue Rehabilitation Project to KAD Paving Company in the Amount of \$531,645

Approval of *Agreement No. 13-23* With KAD Paving Company for the Ramona Avenue Rehabilitation Project

Authorization of a \$55,000 Construction Contingency

City Attorney Robbins noted Director of Public Works Hudson has provided the City Council and staff with a memorandum, the body of which is entered into the record as follows:

"The attached report includes an additional staff recommendation for Item VIII.C.2 based on input from the City Attorney. The low bidder failed to include one item in the bid submittal addressing experience with a particular type of work required for the project. The required information was subsequently submitted as explained in the report. The failure to include the information with the bid did not give the bidder any monetary advantage over other bidders. The low bidder has the required experience through one of its employees and is, therefore, considered responsive to the City's Notice Inviting Bids. City Attorney Robbins recommends the City Council take formal action in determining the failure to submit the information with the bid was a minor irregularity and that the Council waive the minor irregularity."

Council Member Dutrey stated that the Ramona Avenue Rehabilitation Project will be quite beneficial in the southern portion of the City.

Moved by Council Member Dutrey, seconded by Mayor Pro Tem Ruh, and carried unanimously that the City Council take the following actions related to the Ramona Avenue Rehabilitation Project, noting the failure of the low bidder to submit one item of information related to addressing experience with a particular type of work required for the project was a minor irregularity, which the City Council waives:

- (a) Amend the Fiscal Years 2009–2013 Capital Improvement Program by adding the project.
- (b) Authorize a \$590,000 appropriation from the Gas Tax Fund for the project.
- (c) Authorize a \$10,000 appropriation from the Sewer Fund for repairs to the Howard Street sewer at Ramona Avenue.
- (d) Award a contract for the project to KAD Paving Company in the amount of \$531,645.
- (e) Approve *Agreement No. 13-23* with KAD Paving Company.
- (f) Authorize a \$55,000 construction contingency.

5. Approval of Agreement No. 13-27 With Chaffey Joint Union High School District for Law Enforcement Services During Fiscal Year 2013-14

Mayor Pro Tem Ruh spoke in support of the important service the Safe School Zone Officer has provided to Montclair High School for a number of years. He asked if the Safe School Zone Officer conducts traffic control enforcement during peak afternoon hours.

Executive Director of Public Safety Jones advised that Safe School Zone Officer Dave Taylor will typically stand either in front of the high school or at the south campus area to watch for fights at the end of the school day. He indicated that Officer Taylor's duties do not include traffic enforcement, though if needed he could provide that service.

Mayor Pro Tem Ruh thanked Executive Director of Public Safety Jones for his response.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Paulitz, and carried unanimously that the City Council approve *Agreement No. 13-27* with Chaffey Joint Union High School District for Safe School Zone Officer law enforcement services during Fiscal Year 2013-14.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

- 1. Closed Session Pursuant to Section 54956.9(d)(4) of the Government Code Regarding Potential Litigation**
- 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 on the above two matters.

B. City Manager/Executive Director

1. City Manager Starr commented as follows:

- (a) He asked City Council Members to keep their calendars clear for a potential workshop on either Monday, April 22, or Tuesday, April 23, 2013, for a presentation by **Mr. Carmen D. Spinoso**, President/Chief Executive Officer, **Spinoso Real Estate Group** regarding proposed development plans for the **Montclair Plaza**. He stated "It is likely **Mr. Spinoso** will be in town on those dates, and staff is hoping he will be available to present his proposal so the Council could be made aware of the intentions of the new owner of the **Montclair Plaza** as we go forward."

Council Member Raft reminded City Manager Starr that the Volunteer Appreciation Dinner is scheduled for April 23, 2013.

City Manager Starr concurred and stated that the workshop is tentatively scheduled for April 22, 2013, at 5:45 p.m.

Mayor Eaton noted he would be unavailable on either date because he will be in North Carolina.

Council Member Dutrey suggested the Planning Commission be invited to the workshop if one is held.

Council Member Raft concurred, stating, "That is a good idea".

City Manager Starr stated, "Certainly."

- (b) He asked that the City Council consider adjourning tonight's meeting in memory of longtime resident **Mr. Dale Snyder**—a significant contributor to the Montclair community. He stated, "In fact, Council Members may recall that when the caboose was located at Alma Hofman Park, **Mr. Snyder** was integral to the process of establishing not only the donation of the caboose to the City but also arranging for the **Santa Fe Railroad** to actually physically move the caboose to the Alma Hofman Park site without cost to the City."

C. Mayor/Chairman – No Comments

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

1. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) He commended Officer Rod Godoy on his outstanding work to apprehend a suspect wanted for threatening the lives of family and friends.
 - (b) He commended the **Montclair Chamber of Commerce** on the success of its well done and enjoyable *Spring Fling* fundraiser held at the **Bowlium** on March 20, 2013.
 - (c) He noted the City's Easter Eggstravaganza and Pancake Breakfast held on Saturday, March 30, 2013, was quite a success. He thanked Human Services Division staff for organizing the event, which was "really hopping" with a diverse turnout of individuals truly enjoying a great time.
 - (d) He noted "**Mr. Snyder** was a very strong part of this community. His wife, **Lane**, conducted a printing business in the City for many years. They resided in Montclair, I believe, since 1968. They saw this City grow, and they were a part of that growth. We will miss him very much."
2. Council Member/Director Dutrey commented as follows:
 - (a) He noted Mayor Eaton, City Manager Starr, Office Specialist Mikey Fuentes, and he attended the 29th Annual City-County Conference two weeks ago at Lake Arrowhead. He discussed their attendance at the following programs:
 - (1) "SANBAG 101" regarding the organization's responsibility for cooperative regional transportation planning and for furthering an efficient multimodal transportation system countywide funded largely by Measure I, the one-half cent transportation sales tax approved by voters in 1989.
 - (2) An update on **LA/Ontario International Airport** given by Ontario Council Member **Alan D. Wapner**, who indicated airport management hopes to reach a goal of four million passengers this year and that the **City of Ontario** looks forward to wresting control of the airport from **Los Angeles World Airports**.
 - (3) "Turning the Corner in Real Estate; Lessons Learned, Future Trends," given by **Richard K. Green, Ph.D.**,

Director, **USC Lusk Center for Real Estate**, who reported that housing prices are continuing to rebound; new housing starts are anticipated in San Bernardino County; and, unfortunately, inventory is down because investors have been buying distressed homes on a large scale at deeply discounted prices, fixing them up, and renting rather than reselling the properties.

- (4) An update on the State Legislature's study of various ways to reform regulations that hinder business, including the California Environmental Quality Act, with the goal of boosting tax revenues and improving the grim jobs outlook.
- (5) An update on proposed legislation to replace redevelopment with other forms of financing, particularly as regards infrastructure improvements.

He noted in discussions with representatives from cities in the high desert and the west and east end of the county that we are all struggling with fiscal challenges to the point that it would be prudent to consider alternatives, such as consolidating services, service contracting, and inter-/intra-agency sharing of services.

- (b) He commended Director of Community Development Lustro and Community Development staff on the demolition of the former **Long John Silver's** building.
 - (c) He recognized Assistant Director of Human Services Richter and Human Services Division staff for doing such a "wonderful job" on the Easter Eggstravaganza last Saturday.
 - (d) He recognized **Montclair Chamber of Commerce** President/Chief Executive Officer **Darleen Curley** in attendance at tonight's meeting for "all the good things the **Chamber** does. I realize that I do not get a chance to attend many **Chamber** events, but thank you for everything you do."
2. Council Member/Director Raft also commended Officer Godoy along with Officer Ventura for their vigilance in investigating and apprehending the suspect wanted for threatening the lives of family and friends and stated, "Keep up the good work!"

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of March 18, 2013

The City Council received and filed the Personnel Committee meeting minutes of March 18, 2013, for informational purposes.

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

At 7:21 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners in memory of longtime resident **Mr. Dale Snyder** who was a significant contributor to the Montclair community.

At 7:21 p.m., the City Council went into Closed Session regarding potential litigation pursuant to Government Code Section 54956.9(d)(4) and labor negotiations pursuant to Government Code Section 54957.6.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:08 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding potential litigation and labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:10 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk