

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, FEBRUARY 1, 2010, 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.

II. INVOCATION

Mayor/Chairman Eaton 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 Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh, City Manager/Executive Director McDougal, Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats, Director of Community Development/Agency Planner Lustro, City/Agency Engineer Hudson, City Attorney/Agency Counsel Robbins, City Clerk/Agency Secretary Jackson

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

- A. **Trish Martinez**, Street/Avenue, Montclair, thanked the City for the newly opened Montclair Youth Center, noting she was pleased to attend the open house and tour of the facility on Saturday. She stated that she looks forward to the opening of the new Senior Center.

Mayor Eaton thanked **Ms. Martinez** for her support and comments.

- B. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's District Office**, 822 North Euclid Avenue, Suite A, Ontario, commented as follows.

- 1 She stated that **Assembly Member Torres** is assembling a Youth Advisory Committee comprised of high school students from Montclair, Ontario, Pomona, and Chino to provide input to the Assembly Member over the next two years on youth-related issues as well as to learn about the legislative process and public service. At the end of two years, Committee members would be given a free trip to Sacramento to observe the Legislature in session and meet Assembly Members, she added, noting applications will be available at the City and could also be downloaded from **Assembly Member Torres's** website at <http://democrats.assembly.ca.gov/members/a61/>
- 2 In celebration of Women's History Month in March 2010, she advised that **Assembly Member Torres** is seeking nominations for outstanding women who live, volunteer, or work in the 61st Assembly District to be recognized as *Women of*

Achievement for the 61st Assembly District; in addition, nominations are being sought for outstanding female students 18 years of age or younger residing in the 61st Assembly District to be honored as *Emerging Young Women Leaders of the 61st Assembly District*. Nomination forms will be available at the City or may be downloaded at <http://democrats.assembly.ca.gov/members/a61/>

3. She announced the eighth Capital in Your Corner public forum would be held on Saturday, February 27, 2010, from 1:00 to 3:00 p.m. in the Montclair Community Center, Room B.
4. She advised that February 19, 2010, is the deadline to introduce new bills for the 2010 legislative session. She advised that **Assembly Member Torres** is continuing to work on two public safety bills carried over from the 2009 session and has introduced four new measures addressing public safety and at-risk youth. She added that additional legislation is planned related to housing, community safety, veterans' affairs, jobs, and the economy.
5. She noted her attendance at the Youth Center open house and that **Assembly Member Torres** congratulates the City on that "wonderful project."

Mayor Eaton thanked **Ms. Nessler** for her comments.

VII. PUBLIC HEARINGS

A. Projects and Prioritization of Funding for the Fiscal Year 2010-11 Community Development Block Grant Program

Mayor Eaton declared it the time and place set for public hearing to consider projects and prioritization of funding for the Fiscal Year 2010-11 Community Development Block Grant (CDBG) Program 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.

Noting CDBG funds have been heavily used in our Foundation Areas in the past, Mayor Pro Tem Dutrey asked if they were allocated for use in the current fiscal year.

Director of Community Development Lustro advised that no CDBG funds were added to either Foundation Area 11 or 12 last year because there were standing balances in both accounts. He noted that at present, all the funds in Foundation Area 12 have been expended, Foundation Area 11 still has a balance that staff will consider using on additional improvements during the upcoming year. He noted being advised by the County that the funds could be expended on other projects and that reapplication may be made for CDBG funds for use in Foundation Area 11.

Concerning two CDBG-funded items on tonight's agenda related to Vernon Avenue sidewalk improvements and sidewalk and pedestrian ramp improvements in the area bounded by Central and Fremont Avenues and Kingsley and Bandera Streets, Mayor Pro Tem Dutrey asked if the projects were prior year approvals.

Director of Community Development Lustro replied that funding for both projects was allocated in Fiscal Year 2009-10.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that the City Council approve the following projects and

prioritization of funding for the Fiscal Year 2010-11 Community Development Block Grant Program

Resurfacing of Mills Avenue between Orchard Street and the Union Pacific Railroad right-of-way	\$335,102
Code Enforcement	20,000
Graffiti Abatement	55,000*
Montclair Golden Express	<u>31,742*</u>
TOTAL	<u>\$441,844</u>

*Total public services projects \$86,742

Motion carried unanimously as follows

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

B. Making an Environmental Finding that the Proposed Splash Pad Project in Alma Hofman Park is Categorically Exempt From the California Environmental Quality Act

Mayor Eaton declared it the time and place set for public hearing to consider making an environmental finding that the proposed Splash Pad Project in Alma Hofman Park is categorically exempt from the California Environmental Quality Act 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 Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that the City Council made an environmental finding that the proposed Splash Pad Project in Alma Hofman Park is categorically exempt from the California Environmental Quality Act.

Motion carried unanimously as follows

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

C. First Reading - Adoption of Ordinance No. 10-912 Adding Chapter 1.16 to the Montclair Municipal Code Regarding Claims Against the City

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No 10-912 adding Chapter 1 16 to the Montclair Municipal Code regarding claims against 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 requested clarification on class action lawsuit procedures pursuant to proposed Ordinance No. 10-912

City Attorney Robbins advised that in a class action lawsuit related to a claim against the City, each member of the class must have

read, reviewed, and verified that the claim is accurate to the best of their knowledge and ability

Moved by Council Member Ruh and seconded by Council Member Raft that Ordinance No. 10-912, entitled "**An Ordinance of the City Council of the City of Montclair Adding Chapter 1.16 to the Montclair Municipal Code Regarding Claims and Demands Against the City,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No 10-912 was unanimously adopted by the following vote.

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chairman Dutrey, and unanimously carried to approve the following Consent Items as presented

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of January 19, 2010

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of January 19, 2010.

B. Administrative Reports

1. Amending the Fiscal Years 2009-2013 Capital Improvement Program Adding the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project

Authorization to Advertise for Bid Proposals for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project

Authorization for the City Manager to Award and Sign a Contract for the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project to the Lowest Responsible, Responsive Bidder

The City Council took the following actions regarding the Vernon Avenue Sidewalk Improvements-A Community Development Block Grant Project:

- (a) Amended the Fiscal Years 2009-2013 Capital Improvement Program to add the project.
- (b) Authorized staff to advertise for bid proposals for the project.
- (c) Authorized the City Manager to award and sign a contract for the project.

2. Amending the Fiscal Years 2009–2013 Capital Improvement Program Adding the Pedestrian Ramp and Sidewalk Improvements–A Community Development Block Grant Project

Authorization to Advertise for Bid Proposals for the Pedestrian Ramp and Sidewalk Improvements–A Community Development Block Grant Project

Authorization for the City Manager to Award and Sign a Contract for the Pedestrian Ramp and Sidewalk Improvements–A Community Development Block Grant Project to the Lowest Responsible, Responsive Bidder

The City Council took the following actions regarding the Pedestrian Ramp and Sidewalk Improvements–A Community Development Block Grant Project:

- (a) Amended the Fiscal Years 2009–2013 Capital Improvement Program to add the project.
- (b) Authorized staff to advertise for bid proposals for the project.
- (c) Authorized the City Manager to award and sign a contract for the project.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 1, 2010, totaling \$2,156,197.94 and the Payroll Documentation dated December 20, 2009, amounting to \$640,404.53, with \$440,559.94 being the total cash disbursement.

C. Agreements

1. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 10-01 Through 10-04, Rehabilitation Grant Agreements by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants

The Redevelopment Agency Board approved *Agreement Nos. 10-01 through 10-04, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the four Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item

D. Resolutions

1. Adoption of Resolution No. 10-2826 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The Redevelopment Agency Board adopted Resolution No. 10-2826 authorizing placement of liens for delinquent sewer and trash charges on the 215 accounts listed on Exhibit A to Resolution No. 10-2826

2. Adoption of Resolution No. 10-2827 Supporting the State Route 57/State Route 60 Mixed Flow Interchange Improvements as Identified in the Los Angeles County Metro 2008 Long Range Transportation Plan and the Southern California Association of Governments 2008 Regional Transportation Plan

The City Council adopted Resolution No 10-2827 supporting the State Route 57/State Route 60 mixed flow interchange improvements as identified in the Los Angeles County Metro 2008 Long Range Transportation Plan and the Southern California Association of Governments 2008 Regional Transportation Plan.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE

A. City Council Discussion Regarding Residential Rental Units Within the North Montclair Downtown Specific Plan

Council Member Paulitz commented as follows.

1. He thanked staff for the well-researched comprehensive agenda report.
2. He noted the architect has done excellent work in designing the plans for the Merlone Geier Partners (MGP) 385-unit apartment project proposed for the former Sam's Club and Montclair Town Square center site at the northeast corner of Monte Vista Avenue and Moreno Street and that the high-density standards are in accordance with the North Montclair Downtown Specific Plan.
3. He advised that his reason for further discussion of the proposal is to ensure that the Council agrees with the first project in North Montclair being rental units rather than owner-occupied housing.
4. He stated that he had not envisioned the first project to be rentals, which could set a precedent for future housing developments. Noting his concern for future developments does not relate to its potential effect on his family, none of whom reside in Montclair, he emphasized that "since I've begun serving on this Council, we've spent an inordinate amount of time, money, and effort to undo" the negative effects and stigma associated with deteriorating rental units approved by former Councils of the 1950s and 1960s. He noted part of the problem was the lack of cohesiveness by multiple owners over the years in upkeep of the apartments that the City's Housing Improvement Task Force has worked so hard to resolve.
5. He emphasized that the nature of the proposed subdivision of apartment houses would certainly lend itself to multiple ownership once MGP opts out as owner/investor in 13 years as indicated in its business plan, resulting in problems similar to the past.
6. He expressed his hope that such a development could be successful, though he strongly doubts it given the nature of our capitalistic system, which would require "cutting corners to help the bottom line if the vacancy rate is too high." He further expressed his opinion that MGP has misread the market for such a product.
7. He reiterated his long-standing opposition to apartment development in Montclair that is well known to the Council because of the City's history

Mayor Eaton noted the Real Estate Committee, comprised of Mayor Pro Tem Dutrey and himself, met with MGP; "and I came away very impressed and very pleased with what I saw " He noted he was unable to attend a tour months ago of similar projects and that

another tour is being scheduled. He told Council Member Paulitz, "I certainly hope you attend the next tour so we can take a hard look at what is being proposed for Montclair."

Mayor Pro Tem Dutrey commented as follows

- 1 He noted he appreciates Council Member Paulitz's comments as well as the Council's concerns regarding rentals, particularly in the southern portion of the City.
2. He stated that his vision for North Montclair is of a vibrant neighborhood of residents who will do some good in Montclair.
3. He advised that he, too, opposed the idea of a typical rental development at the former Sam's Club site, emphasizing that the first housing project in North Montclair would set the tone for what other developments should be. Noting his preference for an ownership housing project, he advised that he reviewed the plans with Mayor Eaton during the recent Real Estate Committee meeting and thanked Director of Community Development Lustro for arranging that meeting with MGP representatives. As noted by Council Member Paulitz, he indicated that the plans for the proposed project "are very impressive."
- 4 He stated that he looks forward to a brief Council workshop on the proposal prior to the upcoming tour of similar MGP projects in southern Orange County so he could "learn more about it" before making a decision.
5. He noted his understanding that the NMDSP included options for both ownership and rental housing, expressing his belief that housing products at the site must benefit the City over the long term
- 6 He asked that staff develop a provision to the NMDSP specifying percentage limits of allowable rentals versus ownership housing to be presented for consideration by the Real Estate Committee.
- 7 He suggested language be incorporated into agreements with rental housing developers allowing the City to have a stronger Police presence in those neighborhoods, either in enforcement action or through the court system.

Council Member Ruh commented as follows

- 1 He noted he was unable to attend MGP's tour of similar projects because he was working. He asked that the Council be notified in plenty of time before the upcoming tour
- 2 He stated that he researched MGP, which is very well known for quality projects, noting his approach is to take every project by its individual merits.
3. He noted the City should be careful in locking in a percentage ratio of rentals, such as the unique corporate apartments popular in the San Fernando Valley or in the case of hotels, to ownership housing.
- 4 He noted a good example of quality apartments is the development at Victoria Gardens. Another example is the newer multifamily development on Holt Boulevard in Ontario that was intended for ownership but, because of the economy, was converted to apartments. He pointed out a development in Ontario that was rental units thirty years ago

but has been converted to ownership condominiums as a result of a changing market and changing economics.

5. He noted he looks forward to touring MGP's other projects.

Council Member Raft reiterated it has always been her position since being elected to the Council that she would not approve new apartment developments because of the City's past issues with apartments. She noted she was unable to attend MGP's prior tour and looks forward to the next one prior to considering its proposal

Mayor Eaton asked if there are tentative dates for the tour

Director of Community Development Lustro answered, "The development team has submitted four possible dates beginning at the end of the month." He advised that the Council would be notified of possible tour dates sometime this week.

Council Member Ruh noted the National League of Cities 2010 Congressional City Conference takes place March 13 through 17

Director of Community Development Lustro noted the four potential tour dates precede the conference.

Mayor Eaton noted he would be away February 23 through 26.

It was the consensus of the City Council to receive and file the report.

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Daniel Mangaroni v City of Montclair

City Attorney Robbins requested a Closed Session pursuant to Government Code Section 54956 9(a) regarding the above matter

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1 Mayor/Chairman Eaton noted his participation in the Youth Center dedication ceremony last Thursday and the open house on Saturday He received verification that approximately five hundred persons attended the open house and thanked staff for facilitating both events.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows.

(a) He noted he enjoyed participating in the Youth Center dedication ceremony and that he looks forward to completion of the Senior Center.

(b) He noted years ago there was a fire station at the **Monte Vista Water District** site at which the City provided a gathering place for community youth, advising that it was not very long before it was abandoned for lack of interest.

- 2 Council Member/Director Raft commented as follows
- (a) She noted her attendance on January 21, 2010, at the grand opening and ribbon cutting ceremony for the **Pomona Valley Habitat for Humanity ReStore**, 4609 Holt Boulevard, and wished good luck and much success to the facility.
 - (b) She noted her pride in attending the dedication and open house of the beautiful new Youth Center She expressed her hope that community youth will enjoy visiting the center
 - (c) She noted being informed by a friend of the likelihood of fraudulent census workers canvassing neighborhoods and cautioned residents to check credentials before giving out personal information to anyone posing as a census worker.
- 3 Mayor Pro Tem/Vice Chairman Dutrey commented as follows.
- (a) He noted he was pleased to run into **Ontario-Montclair School District** Family Services Coordinator and **Montclair Community Collaborative (MCC)** Co-Facilitator **Bonnie Mooney, Ph.D**, at the Youth Center dedication. He noted **Dr. Mooney** was instrumental in establishing in the early 1990s the **MCC** and developing an Action Plan with staff that included implementation of the After-School Program now positively influencing students at all elementary and middle schools in the community, *Online to College* to encourage youth to aspire to a higher education, the *Por La Vida* Program to assist families with healthy nutrition, and a new Youth Center He noted **Dr. Mooney** advised him that just about every line item in the Action Plan has been accomplished to meet the needs of Montclair residents.
 - (b) He recognized Public Works, Fire, and Police Department employees' for their work to ensure safe streets during the recent downpour He noted Public Works staff filled one thousand sandbags for the benefit of our residents.
- 4 Council Member/Director Ruh commented as follows
- (a) He noted work prevented him from attending the Youth Center dedication ceremony. He noted he was very impressed with the open house and tour on Saturday and enjoyed listening to parents tell him that the City is embracing community youth, something that is very important because "they are the future—not just to this City or community or state but to the future of our nation " He noted the City offers "positive recreational opportunities galore" for youth with the Montclair Skate Park and the new Youth Center
 - (b) He noted he looks forward to the Senior Center opening because he sees an opportunity for intergenerational activities, such as reading and mentoring programs, with youth who do not have parents or grandparents.
 - (c) He noted attending **MCC** meetings in the 1990s at which the Action Plan items that had seemed quite daunting at the time have now have been accomplished. He stated he looks forward to more achievements by **MCC**.

- (d) He thanked the Police and Fire Departments and Human Services Division staff for their efforts to facilitate the Youth Center open house "because it really made for a wonderful day." He noted receiving feedback from youth who are excited to have a place of their own.
- (e) He noted he has sample **2010 Decennial Census** forms for the Council. He stated that the questionnaire contains ten simple questions, emphasizing that the information contained in the form is not made available for 70 years for the benefit of those concerned about privacy. He noted the information provided to the **U.S. Census Bureau** is essential to plan for regional housing, schools, water capacity, sewer usage, reapportionment, and federal funding to the City. He encouraged everyone to participate in the census because it is easy and necessary to do so. He noted he would bring copies of a 1960 *Reader's Digest* article related to the importance of participating in the census.

Council Member Ruh advised that the City's Complete Count Committee and a Be Counted Center would have available surplus census questionnaires for residents to complete.

- (f) He noted his attendance on January 25 at **U.S. Representative Napolitano's** oversight field hearing at the **Metropolitan Water District** in Los Angeles, at which the House Subcommittee on Water and Power heard testimony on the complexity of California's water system and how to stabilize that system for future drought cycles. He emphasized that the "water crisis in California is very real, we have tremendous infrastructure needs for more retention basins and water conveyances, and until they can be built, we are going to rely more on conservation to improve efficiency of water use to meet California's current and future water supply needs." He advised that the bipartisan House Subcommittee on Water and Power is considering all the expert testimony at the hearing to work on behalf of California to support a more efficient water system that provides cheap, reliable water even in times of drought.
- (g) He noted his attendance that same week at a **San Gabriel Valley Legislative Caucus** transportation hearing in Irwindale related to the need for a comprehensive transportation system throughout the region to meet commuters' changing needs. He expressed his appreciation of all the legislators who took time to attend the hearing to present such vital information.
- (h) He thanked staff for the great job on the new Youth Center and for the work on the future Senior Center. He stated, "We're looking forward to even better things."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of November 19, 2009

The City Council received and filed the Personnel Committee meeting minutes of November 19, 2009, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of January 19, 2010

The City Council received and filed the Code Enforcement Committee meeting minutes of January 19, 2010, for informational purposes.

3. Minutes of Personnel Committee Meeting of January 19, 2010

The City Council received and filed the Personnel Committee meeting minutes of January 19, 2010, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Midyear Budget Review

Moved by Council Member/Director Ruh, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Tuesday, February 16, 2010, at 5 45 p.m. in the City Council Chambers.

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

At 7 45 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Tuesday, February 16, 2010, at 5 45 p.m. in the City Council Chambers.

At 7 45 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7 45 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(a).

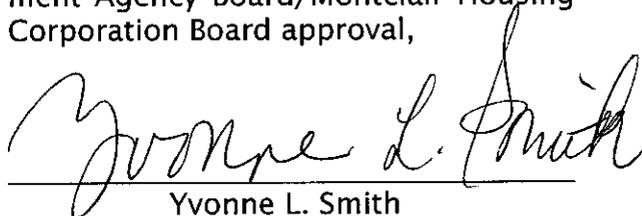
XIV. CLOSED SESSION ANNOUNCEMENTS

At 8 10 p.m., the City Council returned from Closed Session Mayor Eaton announced the City Council met in Closed Session regarding pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8 11 p.m., Mayor Eaton adjourned the City Council to Tuesday, February 16, 2010, at 5 45 p.m. in the City Council Chambers.

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



Yvonne L. Smith

Yvonne L. Smith
Transcribing Secretary