MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, DECEMBER 21, 2009, AT 7:01 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 7:01 p.m. and asked that cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge.

IV. ROLL CALL

City Clerk Jackson noted for the record that Council Member/Director Paulitz is not in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors 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 Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Presentation of 2009 Holiday Home Decoration Contest Winners

Mayor Eaton announced that the Montclair Community Action Committee has once again sponsored its Holiday Home Decoration Contest as part of the City's ongoing efforts to encourage community pride and spirit. He noted CAC Chairperson Hollis Judkins would be announcing the contest winners.

CAC Chairperson Judkins gave a presentation on the nominees for the 2009 Holiday Home Decoration Contest. She announced the following 12th Annual Holiday Home Decoration Contest 2009 winners as Mayor Eaton presented each with a framed *Award of Excellence* certificate and Montclair restaurant gift card and Field Representative **Vickie McLeod, Assembly Member Norma Torres's Office,** presented each with a *Certificate of Recognition:*

Category	*Winner(s)*
Lights, Lights, and More Lights:	**Mendivil** family, 4896 El Morado Street
Children's Fantasy:	**Eligio** and **Yolanda Torres,** 10231 Coalinga Avenue

Winter Wonderland: **Brad** and **Robin Holtzman,** 9332 Rose Avenue
Whimsical Dreams: **Dan** and **Marilyn Rocelis** and family, 9453 Exeter Avenue

CAC Chairperson Judkins congratulated all of the winners and thanked them for sharing their creativity with the community. She encouraged everyone to take a look at these beautifully decorated homes to share in the joy and spirit of Christmas, noting copies of the list of winners are available in the Council Chambers and at City Hall and the winners will be displayed on the City's website at www.ci.montclair.ca.us. She thanked everyone for attending and wished a "Merry Christmas" to all.

On behalf of the City Council, Mayor Eaton thanked CAC Chairperson Judkins and members of the CAC for organizing and facilitating this event each year. He congratulated all the winners and encouraged everyone to take a look at the winning entries.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Redevelopment Agency Board of Directors' Adoption of Resolution No. 09-04, a Resolution of the City of Montclair Redevelopment Agency Adopting the Implementation Plan for Redevelopment Project Areas No. I, II, III, IV, and V

Chairman Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 09-04, a Resolution of the City of Montclair Redevelopment Agency adopting the Implementation Plan for Redevelopment Project Area Nos. I, II, III, IV, and V and invited comments from the public.

There being no one in the audience wishing to speak, Chairman Eaton closed the public hearing and returned the matter to the Redevelopment Agency Board for its consideration.

Moved by Director Ruh and seconded by Director Raft that Resolution No. 09-04 entitled **"A Resolution of the City of Montclair Redevelopment Agency Adopting the Implementation Plan for Redevelopment Project Area Nos. I, II, III, IV, and V,"** be read by number and title only, further reading be waived, and it be declared adopted.

The Redevelopment Agency Board waived the reading of the Resolution.

Resolution No. 09-04 was adopted by the following vote:

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

B. First Reading - Adoption of Ordinance No. 09-911 Deleting Chapter 10.44, Amending Chapter 7.02, and Adding Chapter 7.24 to the Montclair Municipal Code Related to Public Nuisances

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-911 deleting Chapter 10.44, amending Chapter 7.02, and adding Chapter 7.24 to the Montclair Municipal Code related to public nuisances 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.

Mayor Pro Tem Dutrey advised that Council Member Paulitz and he, as members of the Code Enforcement Committee, directed staff to revise the existing Property Maintenance Ordinance in an effort to utilize all current legal means available to the City to promote the sound maintenance of properties in the community and enhance the appearance, habitability, occupancy, use, and safety of these structures. He stated that proposed Ordinance No. 09-911 represents their combined efforts to do so as well as to simplify the property maintenance and health and safety code enforcement process and to reinterpret the Montclair Municipal Code language to make it more easily understood. He asked if Council approval would continue to be required to place abatement cost tax liens.

City Prosecutor James Eckart, **Dapeer, Rosenblit & Litvak, LLP,** advised that the property owner would first be billed for abatement costs; should the owner fail to pay, a public hearing involving a potential lien would take place.

Council Member Ruh asked why the Council is not involved in the initial process, suggesting the Council should be involved in cases involving property owners facing financial hardships.

City Prosecutor Eckart replied that in cases of financial hardship, owners have the option of making payment arrangements with staff, thereby simplifying the process.

City Manager McDougal clarified that in the past, challenges have been made during public hearings to potential tax liens for sewer and/or trash delinquencies and not for unpaid public nuisance or hazardous condition abatement costs. He noted staff has been flexible in arranging abatement cost payment schedules with property owners.

Council Member Ruh asked if reverse mortgages are possible if there are liens on a property.

City Prosecutor Eckart advised that staff uses discretion in deciding the specific abatement/enforcement strategy for different code violations, depending on their severity, and that the same is true for the types of assessments placed on properties.

Council Member Ruh noted his principal concern is for open avenues of communication between owners and staff on these types of issues. He noted he is sensitive to owners' pressing schedules during these difficult economic times.

Based on what he has observed during Code Enforcement Committee meetings, City Prosecutor Eckart stated that he has every faith that staff does whatever it can to work with owners.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that Ordinance No. 09-911, entitled **"An Ordinance of the City Council of the City of Montclair Repealing Chapter 10.44 and Adding Chapter 7.24 to the Montclair Municipal Code Regarding Public Nuisances,"** 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. 09-911 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item C-2 be removed from the Consent Calendar for comment.

City Manager McDougal asked that Item C-1, "Approval of *Agreement No. 09-129,* a *Communications Site Lease Agreement* With T-Mobile West Corporation Regarding Alma Hofman Park," be amended to authorize the City Engineer's approval of Exhibit A, "Description of Land," to the Agreement.

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented, noting the amendment to Item C-1:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of November 16, 2009

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 November 16, 2009.

2. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of December 7, 2009

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 December 7, 2009.

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 November 30, 2009.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated December 21, 2009, totaling $303,668.61; the Payroll Documentation dated October 11, 2009, amounting to $596,395.67, with $441,007.22 being the total cash disbursement; and the Payroll Documentation dated October 25, 2009, amounting to $615,994.24, with $454,476.33 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending November 30, 2009.

4. **Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 11.01.09-11.30.09 in the amounts of $3,603.04 for Project I; $203.15 for Project II; $69,855.79 for Project III; $224,643.05 for Project IV; and $550,439.69 for Project V.

5. **Receiving and Filing of Montclair Housing Corporation Treasurer's Report**

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending November 30, 2009.

6. **Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 11.01.09-11.30.09 in the amount of $43,976.10.

7. **Approval of Reorganization Plan for the Public Works Department**

The City Council approved the reorganization plan for the Public Works Department.

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 for Completion of the Mission Boulevard Improvement Phases 5 and 6 Project**

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

The City Council approved the following related to completion of the Mission Boulevard Improvement Phases 5 and 6 Project:

(a) 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 retention 30 days after recordation of the *Notice of Completion.*

9. **"No Action" on Alcoholic Beverage Permit Application - 7-Eleven Store 2171**

The City Council voted "No action:" on the "Off-Sale Beer and Wine" license application of 7-Eleven, Inc., and H. Hare, Inc., for 7-Eleven Store 2171.

C. **Agreements**

1. **Approval of *Agreement No. 09-129,* a *Communications Site Lease Agreement* With T-Mobile West Corporation Regarding Alma Hofman Park**

The City Council approved *Agreement No. 09-129,* a *Communications Site Lease Agreement* with T-Mobile West Corporation regarding Alma Hofman Park, as amended.

D. **Resolutions** - None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. Approval of *Agreement No. 09-130,* a *Reimbursement Agreement* With Montclair I MGP, LLC, Regarding Property Located on the Northeast Corner of Moreno Street and Monte Vista Avenue

Mayor Pro Tem Dutrey inquired as follows:

(a) Would *Reimbursement Agreement No. 09-130* pertain only to the 385-unit multifamily residential project that is being proposed?

Director of Redevelopment/Public Works Staats concurred that the work proposed pursuant to *Agreement No. 09-130* relates specifically to the subject project.

(b) Would the Council's approval of the proposed Agreement also approve the proposed project?

Director of Redevelopment/Public Works Staats answered, "No," as specified in Subsection 6 under the terms of proposed *Agreement No. 09-130,* which indicates that any land use and other applications proposed by Montclair I MGP, LLC, for the site are subject to approval by the Planning Commission and/or City Council and potentially the Redevelopment Agency.

Mayor Pro Tem Dutrey stated that he has some reservations concerning an apartment development at the former Sam's Club site located in the North Montclair Downtown Specific Plan (NMDSP) area. Noting the original intent of the NMDSP that has been in place for the last three years was to focus on owner-occupied housing, he cautioned that authorizing the first project to be multifamily rental units could set a precedent for similar projects. He added that he has already been approached by a developer who built apartments in Upland about an apartment proposal for that area. He stated it is his desire that the first project in the NMDSP area be owner-occupied housing and suggested the topic be addressed either in a workshop or by the Real Estate and Public Works Committees.

Mayor Eaton concurred that the Council should carefully consider the housing developments proposed for North Montclair, noting the City's many past issues with rental properties.

Mayor Pro Tem Dutrey noted the quality of the proposed project from the beautiful renderings he has seen.

Council Member Ruh attributed the housing implosion in San Bernardino County and throughout Southern California to communities across this state and the nation pushing housing at price points far beyond the ability of the working class in those communities to be able to afford. He emphasized the conversions of ownership housing to rentals in the region because of the lack of qualifying income to purchase the units. He noted it makes perfect sense to consider apartment developments at the NMDSP, with its proximity to the Montclair Plaza and our entertainment area, considering the housing needs of low-wage earners working at those retail venues. He stated that rentals become an important compo-

nent of a comprehensive community, enabling lower wage earners who work there to be able to afford to live there. He stated that the City should consider that the median workforce income in this community is $28,000 a year when planning new housing units.

Council Member Raft noted 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 stated that she would only consider approval of an apartment project if the owner agrees to adhere to a strict tenant-screening process.

Mayor Pro Tem Dutrey noted the residents in the NMDSP area were promised during a number of community forums that there would be more focus placed on ownership housing and less on rental units at the site.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Raft, and carried to approve *Agreement No. 09-130,* a *Reimbursement Agreement* with Montclair I MGP, LLC, regarding property located on the northeast corner of Moreno Street and Monte Vista Avenue.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. City Attorney/Agency Counsel Robbins wished everyone a "Merry Christmas."

B. City Manager/Executive Director - No comments

1. City Manager/Executive Director McDougal commented as follows:

   (a) He noted that fortunately, Fire Division Chiefs now work 24-hour shifts; so there would be staff available after hours to work with owners appealing unpaid public nuisance or hazardous condition abatement costs.

   (b) He noted it is unfortunate that the Council was unable to join staff on a recent bus tour of a number of **Montclair I MGP, LLC** projects similar to the one being proposed in North Montclair. He stated that staff was very impressed with the quality of product seen on the tour, advising that he would not hesitate to recommend such a product because it would be an asset to the City.

   (c) He wished everyone a "Happy Holiday."

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

   (a) He noted he had a wonderful time speaking to approximately sixty second graders last week, assuring them that he was not related to **Santa Claus** in answer to a question.

   (b) He noted he gave a presentation as President of the **San Bernardino Associated Governments** Board last Wednesday at the opening ceremony for the Haven Avenue underpass.

(c) He noted the excellent turnout for the **Metrolink Holiday Toy Express Train** Saturday evening at which a large number of toys were donated to the **Spark of Love Toy Drive.**

(d) He wished everyone a "Merry Christmas and Happy New Year."

D. City Council/Agency Board

1. Council Member/Director Raft commented as follows:

(a) She noted she enjoyed watching the arrival of the **Metrolink Holiday Toy Express Train.** Expressing her hope that attendance continues to grow each year, she asked how residents are notified of the event.

Mayor Eaton stated that the ***Inland Valley Daily Bulletin*** advertises the event.

(b) She wished everyone a "Merry Christmas and safe and Happy New Year."

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

(a) He noted his attendance with Council Member Ruh and City Engineer Hudson last Friday at the Foothill Extension 2009 State of the Project, a ten-year celebration of the **Gold Line Foothill Extension Authority.** He noted Phase 2A of the project will link Pasadena to the Azusa/Glendora border and Phase 2B will extend from Glendora to Montclair, with the hope that the line will eventually extend to **LA/Ontario International Airport.** He noted the **Metropolitan Transportation Authority (MTA)** would soon be signing a *Fund Transfer Agreement* to meet the June 2010 Phase 2A groundbreaking deadline. He noted it is hoped that construction would begin on Phase 2B by 2017.

(b) He noted **Mr. Arturo Padilla,** a Montclair resident, member of **Our Lady of Lourdes Catholic Church,** and Sergeant with the **Army Reserves,** will be deploying to Afghanistan with his battalion on January 3, 2010, for one year. He wished **Sergeant Padilla** a safe deployment, noting his prayers are with **Sergeant Padilla** and his family.

Mayor Eaton noted **Sergeant Padilla** would be going to Afghanistan in January for his fourth deployment. He expressed his opinion that it's time for America to remove our troops from the Middle East.

(c) He commended Director of Redevelopment/Public Works Staats for the tremendous amount of work she did in writing the **Implementation Plan for Redevelopment Project Area Nos. I, II, III, IV, and V** approved by the Redevelopment Agency Board of Directors this evening. He noted the document was very thorough and very well done and that the Agency realized quite a savings by having the document prepared by staff rather than hiring a consultant to do so.

(d) He wished all a "Merry Christmas," expressing his hope that everyone shopped in Montclair for the holidays.

3. Council Member/Director Ruh commented as follows:

(a) He noted the keynote speakers at Friday's Foothill Extension 2009 State of the Project meeting were **U.S. Representatives Adam Schiff, Judy Chu,** and **David Dreier,** adding that all in attendance understand the absolute need for the light-rail line's extension to the Inland Empire. He noted the entire arc from 6th and Atlantic to Montclair is being referred to as the "brain train" because of the number of Institutions of higher learning along the line once it is completed. He noted the Metro Gold Line Phase 2A extension to the **Azusa Pacific University** stop is slated for completion in late 2012 pending the **MTA's** release of funding in January. He added that there is every indication the Phase 2B extension from Azusa to Montclair would receive federal funding because the project is perceived by Washington as being positive for the area's economy. He noted there are 45,000 commuters per day on the Metro Gold Line Eastside Extension completed 90 days ago.

(b) He noted he had dinner Saturday evening with **State Controller John Chiang** and **U.S. Representative Chu,** who ensured him that federal funding would be available for the Phase 2B extension. He noted the light-rail line would allow commuters to become less dependent on their automobiles and enable seniors who no longer drive to attend events in Los Angeles.

(c) He thanked the CAC and Human Services Division staff for all their work to organize and facilitate the 2009 Holiday Home Decoration Contest, noting the many beautifully decorated homes in the community are wonderful to see this time of year.

(d) He noted the **Metrolink Holiday Toy Express Train** was truly spectacular to see, adding that Montclair had the largest turnout among nearby cities Claremont and Upland. He thanked Fire and Police Department staff for their work at the event. He noted **Assembly Member Torres,** Council Member Raft, and he greeted the audience from aboard the train.

(e) Council Member Ruh read his Christmas wishes for life's forgotten on Christmas Eve as follows:

As we wrap presents and sing carols and gaze at the glitter of boxes brave with bows under the glow of a well-trimmed tree, let's pause and see all those down on their luck in a different light.

Give the gift of recognition to the unappreciated.

Cherish forgotten heroes who are mistaken for losers.

Let dreams come true tonight for all who truly need a break.

Tonight, let there be laughter in all this country's poor neighborhoods and forsaken places.

Let nobody go to bed hungry or cold on this holiday.

Let no policeman be shot, no child abused, no woman battered, and let no infant be born addicted to drugs.

Let us write a song for all of the anonymous hard-working people with grueling jobs who obey the law, pay their taxes, educate their children, never get into trouble, and struggle every day to make ends meet.

Let no parent feel the torment of not being able to afford toys for the children.

Please give a second chance to somebody in trouble.

Hire the guy who once went to jail and is eager to work, for Christ would have done that.

Take some time to explain history to a college student so that the student may appreciate artists with style who performed before he was even born.

Give every young journalist copies of Edward R. Murrow so that they may see how integrity, moral intelligence, and irony can become poetry against a deadline.

Light a candle to all those who serve this country in huts and villages half a globe away. Then light another candle, and another one, and one after that for permanent peace.

If you run into an old friend, tell him about the times you won and came out on top, not the times you lost. Thank him for being a friend when it really, truly counted.

Let a high school dropout discover the local library, fall in love with books, and become a teacher.

Remember the Holy Family on their flight into Egypt.

Make this a miracle Christmas for somebody in a homeless shelter and for the immigrant just here from the Middle East, Africa, Mexico, or some other distant far and homeland.

But most of all on this holiday, let the timid find confidence, the lost find a direction, the lonely find love, and may each of you find peace.

Merry Christmas.

Mayor Eaton thanked Council Member Ruh for his beautiful Christmas wishes.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of December 7, 2009

The City Council received and filed the Personnel Committee meeting minutes of December 7, 2009, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update by Federal Legislative Advocate David Turch, David Turch and Associates

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried to continue this item to an adjourned joint meeting on Monday, January 4, 2010, at 5:45 p.m. in the City Council Chambers.

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

At 7:55 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Monday, January 4, 2010, at 5:45 p.m. in the City Council Chambers.

At 7:55 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary