

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD
ON MONDAY, APRIL 4, 2011, 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 Marc Anthony, Abiding Love Family Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh 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; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; Deputy City Clerk/Agency Secretary Smith

V. PRESENTATIONS

A. Introduction of New Employees

Police Chief Jones introduced **Mr. Nicholas Almeida**, who was appointed to the position of Police Officer effective March 21, 2011. He noted Officer Almeida graduated from **Golden West Police Academy** on March 18, 2011, and is currently involved in the Police Department's Field Training Program.

Mayor Eaton presented Officer Almeida with a City pin and welcomed him to the Montclair City family.

Chief Jones introduced **Mr. Arthur Julian**, who was appointed to the position of Police Officer effective March 21, 2011. He noted Officer Julian worked for four years as a Police Cadet with the **Long Beach Police Department** while attending **California State University, Long Beach**, and **Cypress College**, from which he earned an Associate of Arts degree in General Studies. He stated that Officer Julian attended **Golden West Police Academy** in the fall of 2010 and graduated at the top of his class on March 18, 2011.

Mayor Eaton presented Officer Julian with a City pin and welcomed him to the Montclair City family. He inquired as to the Police Department's hiring status.

Chief Jones advised that staff is currently recruiting to fill three Police Officer vacancies.

B. Donation by Dr. Anthony Choi of Accident Reconstruction Software Program to the Montclair Police Department

Dr. Choi noted he has worked as a chiropractor in Montclair for almost ten years and is also a certified accident reconstructionist. He noted he currently consults on accident reconstruction with the **Pomona Police Department** and has had an interest in also working with the Montclair Police Department. He stated that he has been fortunate to expand his business to four other locations and would now like to give back to the Montclair community. **Dr. Choi** advised that he would be pleased to donate the **Accident, Reconstruction, Animation, Simulation (ARAS) 360** three-dimensional software program to the Police Department to assist in accident reconstruction analysis.

Mayor Eaton thanked **Dr. Choi** for his generous donation, stating, "That's tremendous. I'm sure it will be well used."

VI. PUBLIC COMMENT

- A. Mr. Loren Martens**, 4285 Benito Street, Montclair, suggested, in view of the continuing recession, the City consider reducing permit fees to attract more small businesses to the community.

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

VII. PUBLIC HEARINGS

- A. City Council's Adoption of Resolution No. 11-2894 Approving Agreement No. 11-42, an Affordable Housing Agreement by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation**

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-03 Approving *Agreement No. 11-42*, an *Affordable Housing Agreement* by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation, and Making Certain Findings in Connection Therewith

Redevelopment Agency Board of Directors' Approval of *Agreement No. 11-43* (Promissory Note 11-02) by and Between the Montclair Redevelopment Agency and the Montclair Housing Corporation

Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 11-01 Approving *Agreement No. 11-42*, an *Affordable Housing Agreement* by and Between the City of Montclair Redevelopment Agency and the Montclair Housing Corporation, and Making Certain Findings in Connection Therewith

Montclair Housing Corporation Board of Directors' Approval of *Agreement No. 11-43* (Promissory Note 11-02) by and Between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency

Mayor/Chairman Eaton declared it the time and place set for a joint public hearing to consider City Council Resolution No. 11-2894, Redevelopment Agency Resolution No. 11-03, and Montclair Housing Corporation (MHC) Resolution No. 11-01 approving *Affordable Housing Agreement No. 11-42* between the Agency and MHC and the Agency and MHC Boards' approval of *Agreement No. 11-43* (Promissory Note 11-02) between the Agency and MHC and invited comments from the public.

City Manager/Executive Director Starr pointed out a change in the purchase price of the 33 properties proposed to be transferred to the MHC for a total of \$12,141,000, which has been reflected in the revised agenda report and in proposed *Agreement Nos. 11-42* and *11-43* (Promissory Note 11-02).

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/Chairman Eaton and seconded by Council Member/Director Ruh that the following actions be taken:*

1. That Resolution No. 11-2894, entitled, "**A Resolution of the City Council of the City of Montclair Approving *Agreement No. 11-42*, an *Affordable Housing Agreement* by and Between the City of Montclair Redevelopment Agency and Montclair Housing Corporation, and Making**

Certain Findings in Connection Therewith," be read by number and title only, further reading be waived, and it be declared adopted.

2. That Resolution No. 11-03, entitled, **"A Resolution of the City of Montclair Redevelopment Agency Approving Agreement No. 11-42, an Affordable Housing Agreement by and between the Agency and the Montclair Housing Corporation, and Making Certain Findings in Connection Therewith,"** be read by number and title only, further reading be waived, and it be declared adopted.
3. That the Redevelopment Agency Board of Directors approve *Agreement No. 11-43* (Promissory Note 11-02) by and between the Montclair Redevelopment Agency and the Montclair Housing Corporation.
4. That Resolution No. 11-01, entitled, **"A Resolution of the Montclair Housing Corporation Approving Agreement No. 11-42, an Affordable Housing Agreement by and Between the Agency and the Montclair Housing Corporation, and Making Certain Findings in Connection Therewith,"** be read by number and title only, further reading be waived, and it be declared adopted.
5. That the Montclair Housing Corporation Board of Directors approve *Agreement No. 11-42, an Affordable Housing Agreement* by and between the Montclair Housing Corporation and the City of Montclair Redevelopment Agency.

Council Member/Director Paulitz inquired as follows:

1. To whom would the annual payments on proposed Promissory Note 11-02 be made should Governor Brown's proposal to eliminate redevelopment agencies be approved?

City Manager/Executive Director Starr first noted this item's proposed actions would all be reversed by Council and Agency/MHC Board action should the Governor's proposal be denied. In the event redevelopment agencies are eliminated, he advised that a successor entity would be appointed to receive the annual installments on proposed Promissory Note 11-02 while there is remaining debt obligation, after which the City would assume that responsibility. He reminded the Council and Agency/MHC Boards that the 55 annual Promissory Note payments would be forgiven as each installment becomes due if MHC is in compliance with the terms of proposed *Agreement Nos. 11-42 and 11-43* (Promissory Note 11-02) and adopted Covenants, Conditions, and Restrictions, which would no doubt be the case.

Council Member/Director Paulitz thanked City Manager/Executive Director Starr for the clarification.

*The City Council and Redevelopment Agency and MHC Boards of Directors waived the reading of the Resolutions.

City Council Resolution No. 11-2894, Redevelopment Agency Resolution No. 11-03, and Montclair Housing Corporation Resolution No. 11-01 were adopted and *Agreement Nos. 11-42* and *11-43* (Promissory Note 11-02) were approved by the following vote:

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

VIII. CONSENT CALENDAR

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

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

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Paulitz, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Agency Board/MHC Board Meeting of March 21, 2011

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved the minutes of the March 21, 2011 regular joint meeting.

B. Administrative Reports

1. Setting a Public Hearing to Receive Public Comment on Reallocation and Expenditure of Fiscal Year 2009-10 Supplemental Law Enforcement Services Funds

The City Council set a public hearing for Monday, April 18, 2011, at 7:00 p.m. in the City Council Chambers to consider public comment on reallocation and expenditure of Fiscal Year 2009-10 Supplemental Law Enforcement Services funds.

2. Authorization to Purchase Six 2011 Ford Crown Victoria Police Interceptor Sedans From Hemborg Ford

The City Council authorized the purchase of six 2011 Ford Crown Victoria Police Interceptor sedans from Hemborg Ford.

3. Authorization to Receive \$9,445 From a Federal Emergency Management Agency Grant for Purchase of Wellness/Fitness and Audiovisual Equipment

Authorization of a \$1,050 Appropriation From the Contingency Account to Pay the Required 10 Percent Federal Emergency Management Agency Match for Purchase of Wellness/Fitness and Audiovisual Equipment

The City Council authorized the following actions:

- (a) The Fire Department's receipt of \$9,445 in Federal Emergency Management Agency (FEMA) grant funds for purchase of wellness/fitness and audiovisual equipment.
- (b) A \$1,050 appropriation from the Contingency Account to pay the required 10 percent FEMA match for purchase of wellness/fitness and audiovisual equipment.

4. Authorization to Advertise for Bid Proposals for the Mission Boulevard Improvement Phase 9 Project

Authorization for City Manager to Award Construction Contract to and Execute Agreement With Lowest Responsible, Responsive Bidder and Include a Construction Contingency of 10 Percent

The City Council authorized the following related to the Mission Boulevard Improvement Phase 9 Project:

- (a) For staff to advertise for bid proposals.
- (b) For the City Manager to award construction contract to and execute Agreement with the lowest responsible, responsive bidder and include a construction contingency of 10 percent.

5. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated April 4, 2011, totaling \$972,213.18; and the Payroll Documentation dated February 13, 2011, amounting

to \$590,917.86, with \$417,892.13 being the total cash disbursement.

C. Agreements

2. Approval of *Agreement No. 11-45* With Wheeler & Wheeler Architects for Design Services on the Community Center Restroom Conversion and ADA Upgrade Project

The City Council approved *Agreement No. 11-45* with Wheeler & Wheeler Architects for design services on the Community Center Restroom Conversion and ADA Upgrade Project.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of *Agreement No. 11-44* Amending *Agreement No. 10-43* With the San Bernardino County Department of Aging and Adult Services to Increase Funding for the Senior Citizen Nutrition Program

Council Member Paulitz received clarification that the City is named as "Contractor" in proposed *Agreement No. 11-44* and is compensated \$5.53 per meal. He inquired as to the amount the food vendor is compensated.

Assistant Director of Human Services Richter answered, "Three dollars and twenty-five cents per meal."

Council Member Paulitz noted the City could, theoretically, serve free meals to Nutrition Program participants.

Assistant Director of Human Services Richter advised that the compensation amount is only the cost of the meals and does not include staffing, equipment, and supply costs.

Moved by Council Member Paulitz, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council approve *Agreement No. 11-44* amending *Agreement No. 10-43* with the Department of Aging and Adult Services to increase funding for the Senior Citizen Nutrition Program.

D. Resolutions

1. Adoption of Resolution No. 11-2895 Supporting and Encouraging the Transfer of Title for LA/Ontario International Back to the City of Ontario or to Such Regional Authority as May Be Established

Council Member Ruh inquired as follows:

- (a) Has the City of Ontario asked for Montclair's support either by Resolution or on a staff level of a title transfer of LA/Ontario International from the City of Los Angeles back to the City of Ontario?

City Manager Starr answered, "No, there has been no direct contact from the City of Ontario either related to developing a Resolution or requesting assistance regarding taking control of LA/Ontario International, should that happen, or to establishing a regional joint powers authority (JPA) based in the Inland Empire for management of the airport should Los Angeles World Airports (LAWA) relinquish control.

- (b) Concerning **SB 446 - Ontario International Airport (Dutton)**, which states the intent of the Legislature to enact legislation to establish the Ontario International Airport Authority and to require the transfer of management and operational control of LA/Ontario International from the City of Los Angeles to the Authority, he asked if Montclair has been formally offered a seat on the proposed JPA.

City Manager Starr answered, "No, it has not; and it is my understanding that the bill will not go forward until the City of Ontario permits it to do so. At this time, it does not appear that will be likely until LAWA makes a decision one way or the other."

Council Member Ruh expressed his concern after researching the matter that LAWA has yet to name a price or to actually offer the airport for sale, noting the City would be liable for its share of operational costs as a member of the "Ontario International Airport Authority." He expressed other concerns as follows:

- (a) That Montclair residents could be adversely affected as a result of the intense political clout of homeowners in the former Ontario/Chino dairy sites to influence Ontario airfield traffic pattern changes.
- (b) That the City of Ontario and the San Bernardino Associated Governments contributed \$89 million toward construction of a new terminal at San Bernardino International Airport (converted from the aviation facilities of the former Norton Air Force Base) rather than using those funds to support LA/Ontario International,

advising that San Bernardino International Airport is more of a direct competitor to LA/Ontario International than Los Angeles International Airport would ever be.

- (c) That staff has received no information from the City of Ontario detailing its intent so far as management and operation of LA/Ontario International should the airport be returned to local control.

Council Member Ruh noted it is difficult for him to support the proposed action this evening without enough information on which to base his support. He asked that the following amendments related to creation of a JPA for control of LA/Ontario International be made to proposed Resolution No. 11-2895:

- (a) Include a provision that the City of Montclair be offered a seat on the JPA so as to be a part of the process and not overlooked.
- (b) Include a provision that Montclair be given guarantees that Ontario airfield traffic patterns would not be changed to negatively affect the City of Montclair and that the City be consulted and residents given a chance to comment prior to any changes being made.

Council Member Ruh reiterated that the dramatically higher landing fees at LA/Ontario International directly relate to an agreement between the City of Ontario and Los Angeles World Airports, which specified that bonds issued to build two new terminals at the airport were to be repaid with higher landing fees. He advised that he would have to abstain from voting on proposed Resolution No. 11-2895 unless the amendments he requested are made because "I want protections for our City."

Noting he understands Council Member Ruh's position, Mayor Eaton reminded Council Member Ruh that the proposed action supports the airport's return to local control, adding that "those items you discussed would have to be worked out."

Council Member Dutrey stated that he requested this item be placed on tonight's agenda to "support our neighbor," the City of Ontario, in its efforts to improve the economic conditions and declining market share at LA/Ontario International. He emphasized that the airport is of vital importance to the economy of the Inland Empire and that the "City of Ontario has more of a stake, more of an interest, and more

of a motivation to ensure that the airport does well compared to the City of Los Angeles, which has other needs and priorities." Noting airfield traffic patterns involve a regulatory process and the City of Ontario has yet to discuss establishing a JPA, he indicated that the proposed action on this item is "simply telling our neighbors to the east that we support your efforts to make LA/Ontario International even better."

Council Member Paulitz quoted Baseball Hall of Fame Member-New York Yankees catcher **Yogi Berra** by stating, "It's *déjà vu* all over again," recalling a time while serving on the Montclair City Council, when the airport was owned by the City of Ontario, when Mayor Emeritus Harold Hayes kept complaining about the Ontario airfield traffic patterns. He advised that Inland Empire residents would have a better chance of affecting Ontario airfield traffic patterns with the airport being locally owned rather than owned by the City of Los Angeles.

Moved by Council Member Dutrey and seconded by Council Member Paulitz that the City Council adopt Resolution No. 11-2895 supporting and encouraging the transfer of title for LA/Ontario International back to the City of Ontario or to such regional authority as may be established.

Motion carried as follows:

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

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. City Manager/Executive Director

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

- (a) He reminded the City Council that the 2011 "Your County, Your Future" State of the County Address would be held April 6, 2011, at 4:30 p.m. at **San Bernardino International Airport**.
- (b) He announced that a **Metro Gold Line Foothill Extension Construction Authority** Station Planning Workshop

would be held at 6:00 p.m. on Tuesday, April 12, 2011, at the Senior Center.

- (c) He advised the City Council that a photographer would be available from 5:45 to 6:45 p.m. prior to the April 18, 2011 regular joint meeting to update Council photographs.

C. Mayor/Chairman

- 1. Mayor Eaton noted Council Member Ruh and he met with representatives from **Senators Boxer** and **Feinstein's** offices in Washington, D.C., to discuss the City's needs, advising that their requests were positively received.

D. City Council/Agency Board

- 1. Council Member/Director Ruh commented as follows:
 - (a) He concurred that he was encouraged during meetings with representatives from **Senators Boxer** and **Feinstein's** offices on a number of issues.
 - (b) He cited a recent *Inland Valley Daily Bulletin* article that reported the good news that **Cushman & Wakefield** is now managing the **Montclair Plaza** for a group of lenders led by **CWCapital Asset Management LLC**. He noted the **Plaza's** new owners are focused on obtaining the much-needed fifth anchor, adding additional tenants, and revitalizing the east end of the mall. He stated, "The **Montclair Plaza** is an underutilized asset that could be greatly improved, so we look forward to seeing the good things that come out of that."
 - (c) He noted the Crime Suppression Unit gave a report earlier this evening on its success despite reduced staffing in combating graffiti and preventing other quality-of-life crimes in the City, typically within 24 hours, an outstanding turnaround time.
 - (d) He noted April is National Volunteer Month and that what is so wonderful about the City's volunteers is that they do not expect government to solve problems, instead relying on themselves to do so. He noted it certainly speaks to the character of our volunteers in the community and expressed his appreciation of all the hours of dedicated service they devote to helping those in need. He noted he looks forward to participating in the City's inaugural Volunteer Fair this weekend. He

asked that Assistant Director of Human Services Richter please give the Council's best to the City's volunteers because "we truly appreciate them."

2. Council Member/Director Dutrey commented as follows:
 - (a) He noted the new ownership/management of the **Montclair Plaza** is exciting news for the City and our region. He advised that \$200,000 would immediately be devoted to minor improvements and that major improvements would take place in the next three years, including demolition of the former **Macy's** store and its replacement with a new fifth anchor.
 - (b) He noted his attendance at the **California Redevelopment Association 2011 Annual Conference & Expo** in San Jose last week that addressed this crucial time in the history of redevelopment in California. He advised that budget negotiations on the Governor's proposed extension of temporary tax increases have stalled in Sacramento including his proposal to abolish redevelopment agencies, advising that there is a possibility of its passing by a simple majority rather than attempting to achieve a two-thirds majority vote. He advised that "the battle is not over—there is still a huge battle to save redevelopment."
 - (c) He recognized Senior Citizens Program Specialist Ester Pipersky for her immediate lifesaving efforts to revive one of the City's longtime Senior Citizen Nutrition Program volunteers last Thursday by performing cardio-pulmonary resuscitation.
 - (d) He congratulated Heath Education Specialist Leticia Gavilanes on recently being named 32nd Senate District 2011 Woman of the Year for Montclair by **Senator McLeod**.
 - (e) In recognition of National Volunteer week, he announced the City's first Volunteer Fair will be held Saturday, April 9, 2011, from 10:00 a.m. to 1:00 p.m. in the Community Center. He noted representatives from 20 area agencies will attend the event.
 - (f) He announced the Montclair Fire Fighters Association's pancake breakfast fundraiser and motorcycle raffle will be held Saturday, April 16, 2011, at the **Firefighter's, Hot Rods, and Harleys** event at **Pomona Valley Harley-Davidson**.

3. Mayor Pro Tem/Vice Chairperson Raft commended staff on the "great job" in organizing and facilitating the State of the City Address on March 23, which was very well attended.
4. Council Member/Director Paulitz commented as follows:
 - (a) He sadly noted **Margaret Lowry**, the dedicated senior lunch program volunteer mentioned earlier, passed away on Friday, April 1, 2011. He stated that **Ms. Lowry** faithfully served participants for many years.

Council Member Paulitz told Assistant Director of Human Services Richter that he really appreciates the services of all our volunteers.

- (b) He noted that with the help of Assistant Director of Human Services Richter and Resource Analyst DeForge, he is working on creation of a community garden on land co-owned by the **Monte Vista Water District** and **Golden State Water Company** on Palo Verde Street between Ramona and Mills Avenues. He advised that the City requested **Golden State Water Company's** partnership in the project last week, adding that there are several other sites owned by the City that would be suitable for the project.
- (c) He cited a recent **Wall Street Journal (WSJ)** article lambasting redevelopment agencies and praising **Governor Brown's** proposal to eliminate them. He noted the article contained flagrant errors in that the author contended all sales tax from commercial development in a redevelopment project area is passed through to the city as well as the claim that eminent domain is blatantly used throughout the state. He advised that City Manager Starr penned a letter to the **WSJ** editor correcting the misstatements that may not be published because it is quite lengthy, noting the letter might be shortened for publication in the ***Inland Valley Daily Bulletin***. He emphasized that the City of Montclair Redevelopment Agency has been very responsible and has never used eminent domain—only once threatening to use it. He noted responsible redevelopment agencies are not given credit for complying with state law. He reiterated that this is a case of the majority of redevelopment agencies not needing reform and that **Governor Brown's** proposal to eliminate redevelopment agencies is simply a way to use redevelopment funds to help close the state budget deficit.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of March 21, 2011

The City Council received and filed the Code Enforcement Committee meeting minutes of March 21, 2011, for informational purposes.

2. Minutes of Personnel Committee Meeting of March 21, 2011

The City Council received and filed the Personnel Committee meeting minutes of March 21, 2011, for informational purposes.

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

At 7:32 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

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

Yvonne L. Smith
Deputy City Clerk