

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, MAY 16, 2011, AT 6:59 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 6:59 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

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Raft 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 - None

VI. PUBLIC COMMENT

- A. Mr. Loren Martens**, 4285 Benito Street, Montclair, noted the lighting for the Civic Center flags has burned out and that a corner of one of the flags has torn loose. He asked that these items be corrected.

Mayor Eaton assured **Mr. Martens** that staff would do so.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 11-2901 Approving a Precise Plan of Design to Allow a Multiple-Family Residential Development With a Density Bonus Pursuant to Chapter 11.85 of the Montclair Municipal Code

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Resolution No. 11-2901 approving a Precise Plan of Design to allow a multiple-family residential development with a density bonus pursuant to Chapter 11.85 of the Montclair Municipal Code and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh asked for clarification on the household income range of the 20 percent balance of total units in the proposed 18-unit special needs residential development.

Director of Community Development Lustro clarified that Montclair Municipal Code Chapter 11.85 allows a maximum 25 percent increase in the allowed density of a residential project if just one of the affordability restriction criteria listed in the agenda report is met. He added that as with previous projects, the City Council has the ability to allow an increased density beyond 25 percent if those criteria are exceeded as they are in this particular case.

Council Member Ruh noted he now understands the increased density proposed for the project. He stated that he is very supportive of the proposed multifamily residential development because it provides a wonderful housing opportunity for special needs individuals and would fulfill a need not currently being met in our community. He stated that the proposed development would have the advantage of being located near transit bus lines for the benefit of those with disabilities. He added that the architectural style of the proposed units will certainly transform and enhance the site and add to the community.

Council Member Dutrey asked if the project's onsite parking would be accessed via an easement through the adjoining Vista Del Cielo apartments.

Director of Community Development Lustro answered, "Yes."

Noting there are other organizations in the community that provide services to individuals with special needs, Council Member Dutrey stated that the City's development of an affordable housing

project on behalf of special needs individuals signifies a defining moment in the City's history. He noted the project would utilize Redevelopment Agency Low to Moderate Income Housing, federal HOME Investment Partnerships Program, and U.S. Department of Housing and Urban Development (HUD) Low-Income Housing Tax Credit (LIHTC) Program funds. He stated that National Community Renaissance of California (National CORE) is to be commended for moving forward on the proposed project and for developing its three other successful affordable housing projects in the City. He further noted staff should be commended for its work on the project.

Mayor Pro Tem Raft concurred with comments made by Council Members Ruh and Dutrey. She advised that she is "very happy" with National CORE's proposal, noting the plans for the housing project are very well laid out and necessary for the special needs demographic. She stated, "I support it 100 percent."

Council Member Paulitz inquired as to the total amount of funding the Redevelopment Agency would contribute to the proposed project.

Director of Redevelopment/Public Works advised that staff proposes the Redevelopment Agency contribute approximately \$1.6 million to the special needs housing project, though it might be a little more depending on the funding available from other sources including the HUD LIHTC Program. She added that National CORE has recently learned the project does not qualify to receive federal HOME Program funding.

Council Member Dutrey noted he is surprised that an affordable special needs housing project would not qualify for HOME Program funding.

Council Member Paulitz asked for clarification on the amount of Redevelopment Agency financing for the project.

Director of Redevelopment/Public Works noted \$1.6 million was initially committed to the project, though she was advised today by National CORE of a \$100,000 funding gap, so Agency funding could potentially total \$1.7 million.

Council Member Paulitz noted his inquiry is on behalf of the audience to demonstrate the tremendous asset of the Montclair Redevelopment Agency in the financing of affordable housing projects such as the special needs project proposed this evening. He stated that **Governor Brown's** proposal to eliminate redevelopment agencies in the state would put a stop to all affordable housing developments funded by the Redevelopment Agency. He emphasized the need for public advocacy at the state level in

support of redevelopment agencies because the majority of redevelopment agencies in California are legitimate and accomplish much in their respective communities including financing capital, affordable housing, and economic development projects.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that the City Council take the following actions:*

1. Confirm that based upon evidence submitted, there would be no significant impact on the environment as a result of construction of the proposed 18-unit special needs residential development and that a DeMinimis finding of no impact on fish and wildlife and Mitigated Negative Declaration have been prepared.
2. That Resolution No. 11-2901, entitled, "**A Resolution of the City Council of the City of Montclair Approving a Precise Plan of Design to Allow a Multifamily Residential Development for Special Needs Residents With a Density Bonus Pursuant to Chapter 11.85 of the Montclair Municipal Code in the "R-3/24 DU/AC" Land Use District of the Holt Boulevard Specific Plan at 4115 Kingsley Street,**" be read by number and title only, further reading be waived, and it be declared adopted. The Precise Plan of Design contains a Density Bonus Agreement under Case No. 2010-25 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the 18-unit special needs residential development at 4115 Kingsley Street and associated on- and off-site improvements per the submitted plans as described in the agenda report, subject to the 80 Conditions of Approval in Exhibit A attached to Resolution No. 11-2901.

Mayor Eaton stated that he is very pleased with the proposed special needs housing project and thanked National CORE.

*The City Council unanimously waived the reading of the Resolution.

The City Council confirmed that based upon evidence submitted, there would be no significant impact on the environment as a result of construction of the proposed 18-unit special needs residential development and that a DeMinimis finding of no impact on fish and wildlife and Mitigated Negative Declaration have been prepared and unanimously adopted Resolution No. 11-2901 by the following vote:

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

Council Member Ruh stated that the new development "shows the caring capacity that we have. We have many agencies within our boundaries and frontiers that support the special needs community. Many cities—and you'll see this when you pick up many newspapers—will fight against developments such as this. We are embracing it, understanding that it's another piece of our community and a need that we can fulfill to help empower somebody's life. And I think that's very important.

Council Member Dutrey noted he would be checking into the reason this project was denied HOME Program funding.

B. First Reading – Adoption of Ordinance No. 11-922 Replacing Section 8.32.010 of the Montclair Municipal Code Pertaining to the Maximum Speed Limit in the City

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Ordinance No. 11-922 replacing Section 8.32.010 of the Montclair Municipal Code pertaining to the maximum speed limit in 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 Paulitz inquired as follows:

1. Does the 2010 Speed Survey Study certify that 85 percent of drivers actually attain a speed of 40 miles per hour on Orchard Street despite the stops at Fremont and Vernon Avenues?

City Engineer Hudson answered, "Yes."

2. Was 40 miles per hour reached the majority of the time or just some of the time?

City Engineer Hudson stated that a speed survey must be conducted when traffic is free flowing. He stated that a survey could not appropriately be conducted on Orchard Street during peak traffic hours in the morning when students are dropped off at school. He advised that when traffic is free flowing along Orchard Street, 85 percent of motorists travel at or below 40 miles per hour.

Council Member Paulitz suggested that speed could be reached on Orchard Street only if a driver is already at that speed crossing Central Avenue at a green light, noting the motorist would still have to stop at Fremont Avenue.

City Engineer Hudson noted it is very possible to reach a speed of 40 miles per hour in a quarter of a mile and then slow down.

Council Member Paulitz advised that he travels that stretch of road quite often and expressed his reservation that the speed could be reached if drivers observe all traffic laws. He thanked City Engineer Hudson for the clarification.

Mayor Eaton indicated that the speeds traveled in the survey were for the most part pretty close to the posted speed limits. He inquired as follows:

1. What is the approximate number of signs that would need to be replaced?

City Engineer Hudson stated that the cost estimate is based on signs being located approximately every half mile on affected streets, advising that an inventory has not yet been completed.

2. Could new speed limit decals be used rather than replacing the signs?

City Engineer Hudson replied that it would be easier and more cost effective to install new signs rather than maintain the decals over the life of the sign.

Council Member Ruh asked if signs could be reused.

City Engineer Hudson responded that it is possible so long as the signs have the minimum required reflectivity. He advised that a new law will become effective January 2012 specifying the minimum reflectivity requirement and that a meter is used to determine if signs meet the criteria.

Moved by Council Member Dutrey and seconded by Council Member Ruh that Ordinance No. 11-922, entitled, "**An Ordinance of the City Council of the City of Montclair Replacing Section 8.32.010 of the Montclair Municipal Code Related to Maximum Speed Limits,**" 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 Resolution.

First Reading of Ordinance No. 11-922 was unanimously adopted by the following vote:

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

VIII. CONSENT CALENDAR

Council Member Paulitz requested that Items B-10, B-11, and C-2 be removed from the Consent Calendar for comment.

Mayor/Chairman Eaton noted he would abstain from voting on Item A-1 because he was absent from the May 2, 2011 regular joint meeting.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously 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 May 2, 2011

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors, with the exception of Mayor/Chairman Eaton, approved the minutes of the May 2, 2011 regular joint meeting.

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 April 30, 2011.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 2, 2011, totaling \$903,580.93; and the Payroll Documentation dated March 27, 2011, amounting to \$575,654.47, with \$408,701.57 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 April 30, 2011.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 4.01.11-4.30.11 in the amounts of \$2,799.77 for Project I; \$161.68 for Project II; \$271,813.83 for Project III; \$94,690.15 for Project IV; \$208,760.45 for Project V, and \$393,709.03 for the Mission Boulevard Joint Redevelopment Agency Project.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending April 30, 2011.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 4.01.11-4.30.11 in the amount of \$28,265.36.

7. Approval of City of Montclair Statement of Investment policy for the Year Ending December 31, 2011

The City Council approved the City of Montclair Statement of Investment Policy for the Year Ending December 31, 2011.

8. Redevelopment Agency Board of Directors' Approval of Montclair Redevelopment Agency Statement of Investment policy for the Year Ending December 31, 2011

The Redevelopment Agency Board approved the Montclair Redevelopment Agency Statement of Investment Policy for the Year Ending December 31, 2011.

9. Montclair Housing Corporation Board of Directors' Approval of Montclair Housing Corporation Statement of Investment policy for the Year Ending December 31, 2011

The Montclair Housing Corporation Board approved the Montclair Housing Corporation Statement of Investment Policy for the Year Ending December 31, 2011.

C. Agreements

1. Approval of *Agreement No. 11-52* Amending Agreement No. 11-45 With Wheeler & Wheeler Architects for Design Services for the Community Center Restroom Conversion and ADA Upgrade Project

The City Council approved *Agreement No. 11-52* amending Agreement No. 11-45 with Wheeler & Wheeler Architects for design services for the Community Center Restroom Conversion and ADA Upgrade Project.

D. Resolutions

1. Adoption of Resolution No. 11-2906 Authorizing Mayor Paul M. Eaton to Sign Program Supplement No. N006 to Administering Agency-State Agreement No. 08-5326R

The City Council adopted Resolution No. 11-2906 authorizing Mayor Eaton to sign Program Supplement No. N006 to Administering Agency-State Agreement No. 08-5326R.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

10. Consider Authorization of a \$4,800 Appropriation From the Contingency Account for Appraisal of 9950 Fremont Avenue (First United Methodist Church of Montclair)

Council Member Paulitz noted residents have been asking him if there has either been a change in ownership or in the church denomination in response to the signs that have been posted at the property. He asked if he was correct to advise the residents that the City is pursuing purchase of the property.

City Manager Starr answered, "That is correct." He advised there has been no change in management or ownership of the church and that the congregation simply desires to relocate to a larger facility.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried unanimously to authorize a \$4,800 appropriation from the Contingency Account for appraisal of 9950 Fremont Avenue (First United Methodist Church of Montclair).

11. Declaring as Surplus and Authorizing the Sale of One 1987 GMC Vandura 3500 to Plumbers Depot Inc. on Behalf of the City of Montclair

Council Member Paulitz noted he inadvertently removed this item; he meant to remove Item B-10 for comment instead.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously to declare as surplus and authorize the sale of one 1987 GMC Vandura 3500 to Plumbers Depot Inc. on behalf of the City of Montclair.

C. Agreements

2. Approval of Agreement No. 11-53 With the San Bernardino County Department of Aging and Adult Services to Provide a Senior Citizen Nutrition Program

Council Member Paulitz asked how the total number of Senior Citizen Nutrition Program meals to be provided is determined.

Assistant Director of Human Services Richter advised that by dividing the amount of funding to be provided by the San Bernardino County Department of Aging and Adult Services by a per meal cost of \$3.53, staff is able to calculate the number of meals the City would be able to provide for the program.

Moved by Council Member Paulitz, seconded by Mayor Pro Tem Raft, and carried unanimously to approve *Agreement No. 11-53* with the San Bernardino County Department of Aging and Adult Services to provide a Senior Citizen Nutrition Program.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.9 of the Government Code Regarding Anticipated Litigation

1 potential case

2. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator

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 pursuant to Sections 54956.9 and 54957.6 of the Government Code on the two respective matters listed above.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr advised **Mr. Martens** that new flags have been ordered and are anticipated to be received this week, at which time the torn flag would be replaced.

C. Mayor/Chairman - No comments

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

- (a) He advised that the **Metro Freeway Service Patrol** is a team of tow truck drivers patrolling freeways throughout Los Angeles County to provide help to stranded motorists and assist in clearing traffic accidents to keep traffic moving. He noted the service is provided free of charge and is accessed by dialing "3-9-9" from a mobile telephone or by calling for help from a freeway callbox.
- (b) He noted he was reminded while in Washington D.C. last week for work that beginning today, the **Smithsonian** is commemorating the 50-year anniversary of the *Freedom Riders*, black and white civil rights activists, most of them college students, who, for seven months in 1961, traveled on regularly scheduled buses to protest the segregationist policies of the Deep South. He advised that these brave and principled individuals endured being viciously attacked—many were shot at and several were killed—by angry mobs of segregationists and persevered to make sure that everyone who is guaranteed the constitutional right to vote was able to register to do so.

Council Member Ruh advised that out of these tumultuous times in our nation's history emerged landmark legislation that enacted the civil rights laws, noting it was a diverse coalition that approved these laws—everyone from Democratic **Senator Edward M. "Ted" Kennedy** to Republican **Senator Gerald Ford**. He noted they understood how important it was that every American have the right to vote.

Council Member Ruh encouraged everyone to learn about the *Freedom Riders'* contributions to equality in our society.

Mayor Eaton told Council Member Ruh that **PBS** is screening a film on the *Freedom Riders* tonight at 9:00 p.m.

- (c) He announced that the **Chaffey Joint Union High School District** has created orange crate art for each of the schools in the **District** to commemorate the **District's** 100-year anniversary that is available for purchase by calling (909) 988-8511.

Mayor Eaton inquired as to the price of the artwork.

Council Member Ruh answered, "Forty dollars." He noted he would like to display the **Montclair High School** artwork he purchased at City Hall because of the City's involvement with the **District** over the years.

- (d) He announced the Community Action Committee (CAC) would hold its Memorial Day 2011 flag-lowering ceremony at 6:00 p.m. on Monday, May 30, 2011, to honor our veterans who have faithfully served our country. He encouraged everyone to attend this wonderful event and thanked the CAC, Assistant Director of Human Services Richter, and staff for all their hard work to organize the event each year.

2. Council Member/Director Dutrey commented as follows:

- (a) He stated it was interesting to note that **Governor Brown** did not propose any state employee layoffs in his May budget revision presented today. He noted the latest flap over wasteful government practices concerns state government managers' failure to enforce the limit on accumulating vacation times by public employees, which is already generous at a cap of 80 days. Specifically, he advised that a prison doctor was allowed to amass up to two-and-a-half years of vacation that he cashed out for \$594,976 when he retired. He noted it is unconscionable that the state does not enforce its own vacation cap policy while enacting legislation on redevelopment reform for the few isolated cases of redevelopment funding misuse.
- (b) He recognized Human Services and Code Enforcement staff and the participating 11 youth and adult volunteers for their recent cleanup of a disabled Montclair resident's property through the newly established Neighborhood Outreach Program.
- (c) He noted the Senior Center Hot Shots rousingly defeated the Youth Center Juniors in the first Montclair Nerf Tournament held May 11, 2011, and that Mayor Eaton presented the championship trophy to the winning team.
- (d) He announced that Police Officer Raul Perez was among other officers in San Bernardino County who were recognized by law enforcement agencies as "Officer of the Year" at a *National Police Week Blue Ribbon Breakfast* sponsored by the **International Footprint Association, Inland Empire Chapter 67** on May 10, 2011.

- (e) He noted the Montclair Fire Fighters Association donated \$250 to the *Firefighters Quest for Burn Survivors* 15th Annual Quest Rally caravan on May 9, 2011.
 - (f) He noted the Montclair Housing Corporation recently completed an extensive interior and exterior renovation of its single-family rental unit at 9945 Central Avenue incorporating attractive low water-use landscaping. He added that the California native gardens of the Montclair Resource Center at 9916 Central Avenue were recently enhanced.
 - (g) He noted he was, unfortunately, unable to attend the **Montclair Chamber of Commerce Chairman's Circle Recognition Luncheon** on April 27, 2011, at **Pomona Valley Mining Company**. He recognized the **Chamber** for its great work in the community.
3. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
- (a) She noted her attendance at the *Reserve Police Officer Awards Recognition Ceremony and Reception* on May 14, 2011, adding that the "amount of time these individuals donate to our Police services and their dedication is quite wonderful—we're really very thankful to them."
 - (b) She noted she recently spoke to **Upland Police** Lieutenant **Anthony Yoakum** who asked that she relay to the Council, City Manager Starr, and Police Chief Jones that "Montclair has five very good Officers participating on the team who are doing a great job."
4. Council Member/Director Paulitz commented as follows:
- (a) He also noted his attendance at the *Reserve Police Officer Awards Recognition Ceremony and Reception* last Saturday at Police headquarters, adding that holding the event there rather than at a restaurant was so much more fun for the families in attendance.
 - (b) He noted staff has received positive feedback from **Golden State Water Company** regarding creation of a community garden on land co-owned by the company and **Monte Vista Water District** on Palo Verde Street. He noted he would follow up on this project as there are further developments.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of April 18, 2011

The City Council received and filed the Public Works Committee meeting minutes of April 18, 2011, for informational purposes.

2. Minutes of Personnel Committee Meeting of May 2, 2011

The City Council received and filed the Personnel Committee meeting minutes of May 2, 2011, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update on Metro Gold Line

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, June 6, 2011, at 5:45 p.m. in the City Council Chambers.

Mayor Eaton announced that there is one vacancy on the Planning Commission for a four-year term to expire June 30, 2015. He noted applications are available at all City offices and will be accepted until 5:30 p.m. on Thursday, May 26, 2011.

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

At 7:43 p.m., Chairman Eaton adjourned the Redevelopment Agency Board of Directors to Monday, June 6, 2011, at 5:45 p.m. in the City Council Chambers.

At 7:43 p.m., Vice Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

At 7:43 p.m., the City Council went into Closed Session regarding anticipated litigation pursuant to Government Code Section 54956.9 and conference with designated labor negotiator pursuant to Government Code Section 54957.6.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:09 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding anticipated litigation and labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:10 p.m., Mayor Eaton adjourned the City Council to Monday, June 6, 2011, 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
Deputy City Clerk