

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON MONDAY, SEPTEMBER 19, 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

Mayor Pro Tem/Vice Chairperson Raft led those assembled in the Pledge.

IV. ROLL CALL

Deputy City Clerk/Agency Secretary Smith noted for the record that Council Member/Director Paulitz is not in attendance at the meeting.

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors 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

Absent: Council Member/Director Paulitz (excused)

V. PRESENTATIONS

A. Introduction of New Promotee

Police Chief Jones noted in 2009 the Council, for cost reasons, changed the hierarchy in Police Department leadership from one Chief, two Captains, and two Lieutenants to one Acting Chief, one Deputy Chief, and two Lieutenants and that in 2010 one more Lieutenant was added to the force. He stated that with Deputy

Chief Lux's retirement at the end of August 2011, staff is considering temporarily reverting back to one Chief, two Captains, and two Lieutenants pending City Council approval.

Chief Jones introduced Captain Mike deMoet, who was promoted to his new position effective September 12, 2011, and reviewed Captain deMoet's record of service to the community during his tenure working for the Police Department since 1985.

Mayor Eaton congratulated Captain deMoet on his promotion and presented him with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 11-2922 Approving an Initial Study and Mitigated Negative Declaration Associated With the 2006-2014 City of Montclair Housing Element

Approval of a General Plan Amendment for the 2006-2014 City of Montclair Housing Element

Mayor Eaton declared it the time and place set for a public hearing to consider adoption of Resolution No. 11-2922 approving an Initial Study and Mitigated Negative Declaration associated with the 2006-2014 City of Montclair Housing Element and approval of a General Plan Amendment for the 2006-2014 City of Montclair Housing Element and invited comments from the public.

Director of Community Development Lustro introduced **Mr. David Barquist**, Senior Associate, **RBF Consulting**.

Mr. Barquist gave a presentation on the proposed 2006-2014 City of Montclair Housing Element.

Director of Community Development Lustro advised that staff anticipates another General Plan amendment regarding the City's Housing Element a few years hence—the next planning period will encompass eight years, from 2013 to 2021. He indicated that the Housing Element for that time period would be completed at the beginning of the planning period.

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 Dutrey stated that he is pleased the City continues to comply with the California State Housing Element Law requirement, in addition to other recent housing-related legislation, to

provide affordable housing as evidenced in the proposed Housing Element that also demonstrates the City has met its Regional Housing Needs Assessment allocation across all income categories. He stated, "I'm proud of what we have done here. This City has addressed improvement of housing conditions through our Code Enforcement and other housing assistance programs, and we have provided in the last five or six years good new housing opportunities in the community for homebuyers and renters."

Council Member Ruh stated that he appreciates staff's efforts in preparing the comprehensively detailed Housing Element and commented as follows:

1. He stated that in the years following **World War II**, the demand for affordable housing soared as returning veterans with new families, and help from the **GI Bill**, looked to settle down. He noted homebuilders and developers—the most famous of which was industrialist/real estate magnate **Henry J. Kaiser**—considered the median workforce income at that time and built housing affordable to the workforce, advising that the bulk of the homes were between 900 and 1,000 square feet, sizes adequate to house an entire population in Southern California. He stated that homebuilders in the last 30 to 35 years tended to gauge housing costs by median household income in an effort to build higher cost housing that has had the unfortunate consequence of residents commuting to job centers farther and farther away. He gave as an example the huge problem of excess commuters causing severe traffic congestion on the 91 Freeway and indicated this untenable condition begs the question: "How do we house the people who are already here?"
2. He advised that like it or not, the fastest growing segment of jobs in the Inland Empire tends to be at the very low end, paying slightly higher than minimum wage and involving retail, fast food—the hospitality industry—and that sadly, a lot of those workers tend to be seasoned, educated, out-of-work professionals, many of them single parents.
3. He advised that over the last ten years throughout the Inland Empire, policymakers and economists supported the development of expensive housing to attract higher wage earners and that it is those expensive homes purchased with hybrid loans that are now in default.

Council Member Ruh stated, "We need to deal with the reality of the world we live in. I think every community is going to have to take this seriously if we are going to survive into the future. Yes, we

want higher wage jobs; we hope we can bring them here. In the meantime, we've got a whole population that still needs to be housed somewhere, and not just in rentals. I think there are ways to create affordable units—there is a lot that can be done with density and design to enable that.

"We need to put aside the paradigms of the way we would like the world to be and look at the reality of where we are living right now and the conditions that people are in and start to move forward from that point. I think [the new Housing Element] is a very good plan; I think staff put a lot of thought and effort into it, and certainly I agree with getting ahead of it for the next cycle."

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Resolution No. 11-2922, entitled, "**A Resolution of the City Council of the City of Montclair Approving an Initial Study and Mitigated Negative Declaration Associated With the 2006-2014 City of Montclair Housing Element and Approving a General Plan Amendment for the 2006-2014 City of Montclair Housing Element,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolution.

Resolution No. 11-2922 was adopted by the following vote:

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

Moved by Council Member Dutrey and seconded by Council Member Ruh to approve a General Plan Amendment for the 2006-2014 City of Montclair Housing Element.

Motion carried as follows:

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, 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 September 6, 2011

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved the minutes of the September 6, 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 August 31, 2011.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 19, 2011, totaling \$2,460,526.76; and the Payroll Documentation dated July 31, 2011, amounting to \$584,130.56, with \$454,732.50 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 August 31, 2011.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 8.01.11–8.31.11 in the amounts of \$2,385.87 for Project I; \$61.91 for Project II; \$48,423.58 for Project III; \$33,594.81 for Project IV; \$50,719.79 for Project V; and \$444,031.27 for the Mission Boulevard Joint Redevelopment 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 August 31, 2011.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 8.01.11–8.31.11 in the amount of \$39,066.93.

7. Setting a Public Hearing to Consider Adoption of Resolution No. 11-2927 Amending the Master User Fee Schedule Related to Human Services Division Facility Rentals

The City Council set a public hearing for Monday, October 3, 2011, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 11-2927 amending the Master User Fee Schedule related to Human Services Division facility rentals.

8. Authorization to Receive \$18,486 From the Homeland Security Grant Program to Reimburse the City for the Cost of Four Laptop Mobile Data Computers and Accessories

Authorization of an \$18,486 Appropriation From the Contingency Account to Purchase Four Laptop Mobile Data Computers and Accessories From Dell Computer

The City Council authorized the following actions related to the Fire Department's purchase of four laptop mobile data computers and accessories for frontline emergency apparatus:

- (a) Receipt of \$18,486 from the Homeland Security Grant Program to reimburse the City for the cost of the equipment.
- (b) Appropriation of \$18,486 from the Contingency Account for purchase of the equipment from Dell Computer.

9. Approval to Replace Ice Machine at City Corporate Yard

The City Council approved replacement of the ice machine in the break room of the City Corporate Yard.

C. Agreements

1. Approval of Agreement No. 11-121 with the Hope Through Housing Foundation to Continue Providing After-School Program at San Antonio Gateway Vista Apartments

The City Council approved *Agreement No. 11-121* with the Hope Through Housing Foundation to continue providing the after-school program at the San Antonio Gateway Vista Apartments.

2. Approval of Agreement No. 11-122 With Kaiser Foundation Hospital, Fontana Medical Center, to Continue Funding the Montclair Medical Clinic's "Gateway to Coverage" Program

The City Council approved *Agreement No. 11-122* with Kaiser Foundation Hospital, Fontana Medical Center, to continue funding the Montclair Medical Clinic's "Gateway to Coverage" Program.

D. Resolutions

1. **City Council's Adoption of Resolution No. 11-2926 Approving *Agreement No. 11-119*, an *Agreement to Transfer Tax Increment* by and Between the City of Montclair Redevelopment Agency and the City of Montclair and Making Certain Findings in Connection Therewith**

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-15 Approving *Agreement No. 11-119*, an *Agreement to Transfer Tax Increment* by and Between the City of Montclair Redevelopment Agency and the City of Montclair and Making Certain Findings in Connection Therewith

Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-16 Amending the Enforceable Obligation Payment Schedule and Authorizing Its Transmission to the County of San Bernardino and State of California

The City Council adopted Resolution No. 11-2926 approving *Agreement No. 11-119*, an *Agreement to Transfer Tax Increment* by and between the City of Montclair Redevelopment Agency and the City of Montclair and making certain findings in connection therewith.

The Redevelopment Agency Board adopted Resolution No. 11-15 approving *Agreement No. 11-119*, an *Agreement to Transfer Tax Increment* by and between the City of Montclair Redevelopment Agency and the City of Montclair and making certain findings in connection therewith.

The Redevelopment Agency Board adopted Resolution No. 11-16 amending the Enforceable Obligation Payment Schedule and authorizing its transmission to the County of San Bernardino and State of California.

2. **Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-17 Adopting a Recognized Obligation Payment Schedule and Authorizing Its Transmittal to the City of Montclair**

The Redevelopment Agency Board adopted Resolution No. 11-17 adopting a Recognized Obligation Payment Schedule and authorizing its transmittal to the City of Montclair.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

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

Sipple v. City of Alameda, et al

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

Agency: City of Montclair

*Employee Organizations: Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session pursuant to Sections 54956.9(a) and 54957.6 of the Government Code on the above two matters.

B. City Manager/Executive Director – No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at the **Soroptimist International of Montclair/Inland Valley Casino 9-10-11 Night Annual Fall Fun-Raiser** held Saturday, September 10, 2011, at the Senior Center.
- (b) He noted he enjoyed attending the Montclair Day at the Fair events on September 15, 2011, foremost of which was a ceremony to honor Montclair's Community Hero **Mary Cotter**, who was also named the City's 2011 Volunteer of the Year for her tireless service over more than 11 years to the Senior Citizen Nutrition Program. He stated, "She is just a great, great lady."
- (c) He congratulated the over 200 volunteers from the **Iglesia Ni Cristo** church of Montclair who participated in a City cleanup campaign on Saturday on "the very fine job

they have done. They said they are going to be back, and we will look forward to that."

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

- (a) He noted he, too, had a wonderful time at Montclair Day at the Fair. He noted that though "a lady should never reveal her age," it was announced during Montclair Community Hero **Mary Cotter's** recognition ceremony that she is "98 years young and exceedingly active." He noted **Ms. Cotter** received a rousing round of applause from the audience that included representatives from the **City of Diamond Bar**, which was recognizing its Community Hero that day as well. He noted one individual stated, "Wow! That's very impressive!"
- (b) He noted he was unable to attend the **Soroptimist** fundraiser because of a scheduling conflict, adding that it is the first Soroptimist fundraiser he has missed.
- (c) He noted he reread a book over the weekend that he had read many years ago entitled *Markings* featuring the writings of **Dag Hammarsjold**, who served for eight years as the second **United Nations** Secretary-General. Noting yesterday marked 50 years since **Mr. Hammarsjold** perished in an airplane crash in the **Congo**, he stated that **Mr. Hammarsjold** was considered by former **President Eisenhower, Vice President Nixon, President Kennedy,** and **Vice President Johnson** as one of the great statesmen because he did not play political lines; he simply did his best for international relations.

Council Member Ruh offered the following memorable quotation of **Mr. Hammarsjold's** that struck him as being "so important for my Council colleagues and those in the gallery because they speak to who we are as human beings":

The more faithfully you listen to the voices within you, the better you will hear what is sounding on the outside.

2. Council Member/Director Dutrey commented as follows:

- (a) He noted he was unfortunately unable to attend Montclair day at the Fair because of work obligations, adding that

his daughter **Janine** was none too pleased with him for missing it and that he promised he would take her next year.

- (b) He noted his attendance with Director of Redevelopment/Public Works Staats and Director of Community Development Lustro at the **2011 International Council of Shopping Centers Western Division Conference** held September 7 through September 9, 2011, in San Diego. He noted they were successful in promoting Montclair retail opportunities to developers, landowners, and brokers despite the massive power outage in San Diego and other parts of Southern California Friday evening.
- (c) He expressed his hopeful optimism that the economy in Montclair and the rest of Southern California will eventually be thriving once more.
- (d) He asked when the report he requested at the last meeting on the proposed **Pomona Valley Transfer Station** would be available.

Director of Community Development Lustro advised that staff has yet to receive requested backup information on the proposed facility from the **City of Pomona** and that he hopes to receive the materials by the October 3, 2011 regular joint meeting.

Council Member Dutrey told Director of Community Development Lustro, "I appreciate that. Thank you."

- (e) He noted reading in the newspaper that on Saturday, over 200 volunteers from the **Iglesia Ni Cristo** church of Montclair worked to clean up five vacant lots within a one-mile radius of the church. Noting the event was organized by Senior Code Enforcement Officer Gabe Fondario in partnership with members of the church congregation, he stated that it is nice that volunteers from a local organization wanted to donate their time to help clean up the City.

3. Mayor Pro Tem/Vice Chairperson Raft commented as follows:

- (a) Noting she was sorry to miss Montclair Day at the Fair because of work obligations, she stated that she was pleased **Mary Cotter** was honored as Montclair's Community Hero because "she is such a wonderful person." She noted she has had the pleasure of working with **Ms. Cotter** in the Senior Citizen Nutrition Program each day.

- (b) She noted she enjoyed attending the **Soroptimist** Casino Night fundraiser and expressed her hope it raised a lot of money for its programs.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of August 15, 2011

The City Council received and filed the Code Enforcement Committee meeting minutes of August 15, 2011, for informational purposes.

2. Minutes of Personnel Committee Meeting of September 6, 2011

The City Council received and filed the Personnel Committee meeting minutes of September 6, 2011, for informational purposes.

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

At 7:42 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:42 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(a) and conference with designated labor negotiator pursuant to Government Code Section 54957.6.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:17 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation and labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:18 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk