

MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT  
AGENCY AND MONTCLAIR HOUSING CORPORATION  
BOARDS HELD ON MONDAY, DECEMBER 5, 2011,  
AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS,  
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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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

Council Member/Director Paulitz gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairperson 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. **Ms. Jennifer Nessler**, Field Representative, **Assembly Member Torres's District Office**, 13160 7th Street, Chino, reminded the Council that the *Annual Toy Drive & Open House* is this Thursday, December 8, 2011, from 4:00 to 7:00 p.m. She noted unwrapped new toys are being collected through December 16, 2011, for youth up to age 15 in support of **Yellow Ribbon America** and local charities.

Mayor Eaton thanked **Ms. Nessler** for the reminder.

- B. Mr. John E. Svenson**, 2480 Vista Drive, Upland, asked if he could lease his former residence at 5444 Palo Verde Street from the City to continue carving his sculptures in familiar surroundings and "make the place useful" by teaching children the art of sculpture. He stated that he would be pleased to return antiquities, Native American rugs and artwork, and other original furnishings to the dwelling. He noted his beloved wife of 54 years, **Lou Ann** (one of the founding members of the Montclair Planning Commission) and he raised their family in the adobe house that she designed with noted architects **Anthony and Langford**.

Mayor Eaton asked Director of Redevelopment/Public Works Staats to respond to **Mr. Svenson's** request.

Director of Redevelopment/Public Works Staats commented as follows:

1. She reported that under the supervision of the landscape architect hired by the City, much of the property's landscape has been thinned and removed while retaining the prime specimen pieces.
2. She noted Low- to Moderate-Income Housing funds were used to acquire the property in anticipation of its being occupied upon completion of the renovation. She stated that staff would discuss **Mr. Svenson's** request to lease the property with Agency Special Counsel.
3. She advised that presently, staff is obtaining the consulting services of an electrician to determine the electrical upgrades to be made in the dwelling at the advice of the Building Official.

Council Member Ruh suggested staff work with **Mr. Svenson** regarding his potential lease of the property. He stated, "It sounds like a good idea."

Mayor Eaton told **Mr. Svenson** that staff would look into his request.

**Mr. Svenson** noted his only concern should he lease the property is that the City continue maintaining the landscaping, making sure to preserve the tropical *Physalis peruviana* (cape gooseberry), which is the tallest such plant in the country, and the *Bauhinia variegata* (Orchid tree), "the biggest one anywhere." He noted the huge *Pinus halepensis* (Aleppo pine) in the front yard was his family's first Christmas tree and had branches larger than the tree trunk. He noted after **World War II** he brought olive tree stumps home from **Scripps College** for firewood, placed them in the front yard, and there they took root and grew into the trees that are there today.

He noted he obtained the asphalt emulsion mud that **Lou Ann** mixed to build the adobe house from Indian Hill Boulevard and recalled being told by the City Engineer that the City Engineer knew nothing about adobe construction and advised **Mr. Svenson** to "call me if you need me."

Mayor Eaton told **Mr. Svenson** that staff would contact him to see "what can be worked out."

Council Member Ruh stated that it would be nice to record the history of the construction of the **Svenson** home, noting he has many fond memories of visiting the home as a small child. He advised that **Mr. and Mrs. Svenson** and **Mr. Svenson's** parents, **Ed** and **Florence**, were instrumental and spent many hours working with residents in the incorporation of the **City of Monte Vista**, stating, "We appreciate their efforts."

Mayor Eaton thanked **Mr. Svenson** for attending the meeting.

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

Council Member Dutrey requested that Item B-2 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Ruh, 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 November 21, 2011**

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

**B. Administrative Reports**

**1. Setting a Public Hearing to Receive Public Comment on Allocation and Expenditure of Supplemental Law Enforcement Services Grant Funds**

The City Council set a public hearing for Monday, December 19, 2011, at 7:00 p.m. in the City Council Chambers to receive public comment on Supplemental Law Enforcement Services grant funds.

**3. Authorization to Advertise for Bid Proposals for the Carlton Street Improvement Project**

The City Council authorized staff to advertise for bid proposals for the Carlton Street Improvement Project.

**4. Authorization to Advertise for Bid Proposals for the Intersection Improvement Phase 2 Project**

The City Council authorized staff to advertise for bid proposals for the Intersection Improvement Phase 2 Project.

**5. Receiving and Filing of Alcoholic Beverage Permit Application – Target Corporation**

The City Council received and filed the Alcoholic Beverage Permit application for a Type 21 Off-Sale General license for Target Corporation to allow its store at 9052 Central Avenue, Montclair, California, to sell distilled spirits in addition to beer and wine for offsite consumption. The Planning Commission approved this item at its November 14, 2011 meeting.

**6. Approval of City Warrant Register and Payroll Documentations**

The City Council approved the City Warrant Register dated December 5, 2011, totaling \$576,986.11; the Payroll Documentation dated October 23, 2011, amounting to \$594,410.09, with \$427,802.77 being the total cash disbursement; and the Payroll Documentation dated November 6, 2011, amounting to \$567,832.77, with \$410,414.62 being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 11-133* With AECOM Technology Services, Inc., for \$156,705 Amending *Agreement Nos. 02-01, 02-135, and 09-119* for Additional Work Associated With the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project**

The City Council approved *Agreement No. 11-133* with AECOM Technology Services, Inc., for \$156,705 amending *Agreement No. 02-01, 02-135, and 09-119* for additional work associated with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

## **D. Resolutions**

- 1. City Council's Adoption of Resolution No. 11-2932 Committing City Fund Balances Pursuant to Governmental Accounting Standards Board Statement 54**

The City Council adopted Resolution No. 11-2932 committing City fund balances pursuant to Governmental Accounting Standards Board Statement 54.

- 2. Redevelopment Agency Board of Directors' Adoption of Resolution No. 11-20 Committing Redevelopment Agency Fund Balances Pursuant to Governmental Accounting Standards Board Statement 54**

The Redevelopment Agency Board adopted Resolution No. 11-20 committing Agency fund balances pursuant to Governmental Accounting Standards Board Statement 54.

- 3. Montclair Housing Corporation Board of Directors' Adoption of Resolution No. 11-03 Committing Montclair Housing Corporation Fund Balances Pursuant to Governmental Accounting Standards Board Statement 54**

The Montclair Housing Corporation Board adopted Resolution No. 11-03 committing Montclair Housing Corporation fund balances pursuant to Governmental Accounting Standards Board Statement 54.

- 4. Adoption of Resolution No. 11-2933, a Resolution of Intention With Respect to Formation of Proposed Community Facilities District No. 2011-2 (Maintenance and Public Safety Services) of the City of Montclair**

The City Council adopted Resolution No. 11-2933, a Resolution of Intention with respect to formation of proposed Community Facilities District No. 2011-2 (maintenance and public safety services) of the City of Montclair for the Arrow Station residential development.

## **IX. PULLED CONSENT CALENDAR ITEMS**

### **B. Administrative Reports**

- 2. Approval of a Time Extension Request for a Precise Plan of Design for a 129-Unit Residential Development Within the North Montclair Downtown Specific Plan**

Noting his support of the item, Council Member Dutrey inquired as follows:

- (a) What is the status of the Arrow Station project? Will it be under construction next year?

Director of Community Development Lustro advised that the developer is making satisfactory progress toward the approved entitlements and is currently working with staff on standard agreements as part of the North Montclair Downtown Specific Plan, such as establishment of a community facilities district. He added that the developer is also making very good progress in seeking an actual developer for the two product types approved as part of the project. He stated that as the City Council will recall, there will be a 99-unit multifamily component and a 30-unit single-family detached product. He noted staff believes the developer is making adequate progress toward ultimate construction of the project, which staff anticipates beginning construction in 2012, ergo the recommended time extension.

- (b) What is the status of the Paseos at Montclair North project at the northeast corner of Monte Vista Avenue and Moreno Street?

Director of Community Development Lustro advised that the Paseos project is in the process of being sold to one of the partners involved in obtaining the entitlements. He stated that staff has met with the parties recently related to finalization of the agreements, they expect to close escrow on the property about the third week in January, and they have until the third week in March to pull permits, which they feel very confident they will do by then.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council approve a time extension request for a Precise Plan of Design for a 129-unit residential development within the North Montclair Downtown Specific Plan.

**X. RESPONSE – None**

**XI. COMMUNICATIONS**

**A. City Attorney/Agency Counsel**

- 1. 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 Government Code Section 54957.6 on the above matter.

**B. City Manager/Executive Director** - No comments

**C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

(a) He noted the Christmas tree-lighting ceremony last Thursday was a "huge" success with an "amazing" turnout. He inquired as to the number of photographs taken that evening.

City Manager Starr expressed his understanding between 500 and 700 photographs were taken.

(b) He noted he is pleased that the **Metrolink Holiday Toy Express** on Saturday was another success with many donating toys to the **Spark of Love Toy Drive**.

(c) He noted Council Member Dutrey's and his attendance at an anti-bullying assembly at **Vernon Middle School** facilitated by Police Officers Amanda Holloway and Courtnie Mair as part of their Bully Awareness Campaign during Bully Awareness Week, after which Council Member Dutrey attended a similar assembly at **Serrano Middle School**. He noted the importance of schools effectively addressing bullying with ongoing educational programs that help create a healthy social climate as well as teaching children at every grade level how to be inclusive leaders and how to be empathetic towards others and teaching victims effective resistance techniques to reduce abusive behavior in schools.

**D. City Council/Agency Board**

1. Council Member/Director Ruh commented as follows:

(a) Noting he assisted with the refreshments at the "very successful and very well done" Christmas tree-lighting ceremony, he expressed his opinion that "well over a thousand people" attended the festivities because they served a thousand cups of hot chocolate alone. He gave much credit to the Community Action Committee and Human Services Division and Police and Fire Departments

staff who made sure everything went well. He added that it was probably the best run Christmas tree lightings the City has had in the years that he could recall.

- (b) He thanked and gave a great amount of credit to Human Services Division and Fire and Police Departments staff for organizing the "phenomenal" **Metrolink Holiday Toy Express** event on Saturday that, in his opinion, attracts one of the largest audiences of all cities along the rail line. He noted the children enjoyed appearances by **Rudolph the Red-Nosed Reindeer** and **Santa and Mrs. Claus** at this year's **Santa Claus Meets the Aliens**-themed event.
- (c) He noted retired **Ontario** Police Captain **Katie Roberts** will be the community leader honoree at the **California Inland Empire Council of the Boy Scouts of America** (encompassing San Bernardino and Riverside counties) *2011 Distinguished Citizen of the Inland Empire* dinner on December 15, 2011. He noted **Ms. Roberts** is being recognized for being the first female Explorer in La Verne, as a governing board member of **Chaffey College**, as a member of the **Ontario Rotary Club** that sponsors Troop 301, and most recently as the person who spear-headed establishment of the **Ontario Rotary Police Museum**. He noted she continues to promote good lifestyles for youth at Chaffey College by being a big supporter of the *Online to College* and scholar programs, stating, "We certainly do wish her well."

2. Council Member/Director Dutrey commented as follows:

- (a) He noted he did not attend the last meeting because he was in Boston for an enjoyable family vacation. He noted learning that Massachusetts is also experiencing financial and pending issues, though not to the degree that California is facing.
- (b) In follow up to Mayor Eaton's comments about their attendance last Friday at the Bully Awareness Campaign assemblies at **Vernon** and **Serrano Middle Schools**, he stated that Officers Holloway and Mair did an excellent job facilitating a program that teaches children how to get along with one another and to not disturb or make things difficult for other students through text messaging and other bullying activities. He stated that he enjoyed the student dancing, singing, and skits performed at both assemblies, noting the students were motivated to do well. He added that he was pleased to receive cheers for being an alumnus of **Vernon Middle**

**School, which was not the case at Serrano Middle School!**

- (c) He noted learning from the City Manager's weekly report last week that the Academic Performance Index (API)—California's system for measuring school performance and improvement—scores have steadily increased for the **Ontario-Montclair School District (OMSD)** since 1999. Noting many of **OMSD's** schools had low API scores in 1999, he advised that all of Montclair's schools are now doing quite well, which he attributed to the schools' faculties and administration that are doing much better at preparing our students for the future. He recognized City Manager Starr for his work on an academic committee and asked him to describe his role on the committee.

City Manager Starr advised that he serves as Vice Chair of the **Ontario-Montclair Schools Foundation (OMSF)** whose purpose is to promote a scholarship program that was implemented a few months ago. He pointed out that he was remiss in not including in the article mentioned by Council Member Dutrey the important role Montclair's after-school programs have played in contributing to the higher API scores during the last decade. As the City Council is aware, after-school programs have been in place since the 1999 school year; and during the past decade, API scores have steadily increased. He advised that the program provides academic activities designed to support the learning experiences addressed during the regular instructional day. He noted the "Lights on After School" program sponsored each year by the After-School Program showcases the quality of the programs on which the children are actively working, programs that further their education beyond what schools are able to accomplish. He advised that he would write a follow-up article in his report this week on the importance of the City's After-School Program.

Council Member Dutrey commented as follows:

- (1) He further noted the importance of the *Online to College Program* in preparing participating students for college.
- (2) He noted there has not been a very strong association between the City and **OMSD** in the past and expressed his appreciation to City Manager Starr for serving on **OMSF** as a means of strengthening that relationship.

- (3) He noted he has met with **Dr. James Hammond, OMSD** Superintendent, on a few occasions and found him to be a very dynamic leader who has lots of good ideas for the **District**.
- (d) He noted cities across the state continue to anticipate the decision of the **California Supreme Court** on the future of redevelopment. He suggested staff be prepared should the court decide in favor of **ABX1 26** (the dissolution bill) and **ABX1 27** (the continuation bill), expressing his understanding that the City of Montclair would become the designated successor agency, which would be under the direction of a seven-member oversight board dominated by appointees from education and county interests as follows:
  - (1) One member appointed by the **San Bernardino County Board of Supervisors**
  - (2) One member appointed by Mayor Eaton
  - (3) One member appointed by the largest special district, by property tax share, with territory jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenue pursuant to Government Code Section 34188 (presumably the **Monte Vista Water District**)
  - (4) One member appointed by the **San Bernardino County Superintendent of Schools Gary Thomas**
  - (5) One member appointed by **California Community Colleges Chancellor Jack Scott** to represent community colleges in the **San Bernardino Community College District**.
  - (6) One member of the public appointed by the **San Bernardino County Board of Supervisors**
  - (7) One member representing the employees of the former Montclair Redevelopment Agency

Council Member Dutrey noted the importance of the advisory board's including individuals concerned not just about how funds are being spent but also about completing the performance of existing contractual obligations and otherwise winding down operations of the Redevelopment Agency and preserving assets for benefit of other taxing agencies.

3. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
  - (a) Though she was unable to attend either the Christmas tree-lighting or **Metrolink Holiday Toy Express** events because of prior engagements, she noted she was pleased to hear they were both successes. She expressed her hope they would both be even bigger successes next year.
  - (b) She noted her good friend **Marzi** left for home yesterday and is already missed by her family.
4. Council Member/Director Paulitz commented as follows:
  - (a) He introduced his son, **Timothy**, who is visiting from Pullman, Washington. He noted his son works as a Research Plant Pathologist with **Agriculture Research Service, United States Department of Agriculture**, and is an adjunct professor at **Washington State University**.
  - (b) He noted he was unable to attend the Christmas tree-lighting or **Metrolink Holiday Toy Express** events because he had company, advising that he usually attends each year. He noted he was pleased to light the Christmas tree one year.
  - (c) He noted he would be unable to attend the December 19, 2011 regular joint meeting because he would soon be leaving for Arizona for the Christmas holidays.
  - (d) He wished everyone a "Merry Christmas."

#### **E. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of November 21, 2011**

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

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

At 7:30 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:30 p.m., the City Council went into Closed Session regarding conference with designated labor negotiator pursuant to Government Code Section 54957.6.

**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 7:43 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding 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 7:44 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk