

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL AND REDEVELOPMENT
AGENCY AND MONTCLAIR HOUSING CORPORATION
BOARDS HELD ON TUESDAY, JANUARY 17, 2012,
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.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Dutrey led those assembled in the Pledge.

IV. ROLL CALL

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 Employee

Police Chief Jones introduced Mr. Kristofer Kelley, who was appointed to the position of Police Officer effective December 12, 2011, after graduating from **Golden West Academy** on March 18, 2011. He noted Officer Kelley joined the **United States Army** at age 19; obtained the rank of Staff Sergeant during his five years of active duty while serving as a member of the **Army Military Police Corps**, as a traffic investigator, and as a "General's Driver"; and served abroad in Africa, Iraq, Kuwait, and Afghanistan. He added that Officer Kelley has served five years in the **U.S. Army Reserves** and is currently Acting First Sergeant at **March Air Reserve Base**.

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

B. Presentation of Military Banners to Montclair Servicemen Who Have Completed Their Military Service

Community Action Committee Chairperson Pat Wooton introduced **Mr. David Burch**, who was honorably discharged from the **United States Marine Corps** in October 2011 having attained the rank of Corporal. She noted **Mr. Burch** was stationed in Okinawa, Japan, and **Marine Corps Base Camp Lejeune**, North Carolina, during his almost eight years of active duty in the **Marines** and was awarded two achievement medals and a meritorious mast in recognition of a job well done.

Mayor Eaton presented **Mrs. Burch** with her son's banner that had been displayed on Monte Vista Avenue and thanked her for her son's service to our country. He told **Mrs. Burch** that his grandson-in-law is stationed at **Camp Lejeune**.

CAC Chairperson Wooton introduced **Mr. John Luna Anthony**, who served as an E-4 **Corporal** in the **United States Marine Corps** from March 2007 to December 2010. She noted **Mr. Anthony** is planning a career in law enforcement.

Mayor Eaton presented **Mr. Anthony** with his banner that had been displayed on Holt Boulevard and thanked him for his service to our country.

CAC Chairperson Wooton introduced **Mr. Michael Gonzalez**, who served as a Sergeant in the **United States Marine Corps** from August 1990 to July 2011 while stationed in Hawaii, Guantanamo Bay, and Iraq. She noted **Mr. Gonzalez**, a third generation combat veteran who was awarded an **Army** commendation medal as well as five **Army** achievement awards during his years of service, also served in the **U.S. Army National Guard** in Los Alamitos and Azusa.

Mayor Eaton presented Mr. Gonzalez with his banner that had been displayed on Holt Boulevard and thanked him for his valor in combat and for his many years of dedicated service to our country.

Mayor Eaton thanked CAC Chairperson Wooton and the CAC's involvement with the program.

VI. PUBLIC COMMENT – None

VII. PUBLIC HEARINGS

- A. Adoption of Resolution No. 12-2935 Establishing Community Facilities District No. 2011-2 (Arrow Station), County of San Bernardino, State of California, and the Boundaries Thereof**

Adoption of Resolution No. 12-2936 Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2011-2 (Arrow Station) a Proposition With Respect to the Annual Levy of Special Taxes Within Said Community Facilities District to Pay the Costs of Certain Services to Be Provided by the Community Facilities District and a Proposition With Respect to Establishing an Appropriations Limit for Said Community Facilities District

Adoption of Resolution No. 12-2937 Declaring the Results of the Special Election for Community Facilities District No. 2011-2 (Arrow Station), County of San Bernardino, State of California, on the Propositions With Respect to (I) the Annual Levy of Special Taxes to Pay the Costs of Certain Services to Be Provided By the Community Facilities District; and (II) Establishing an Appropriations Limit

First Reading - Adoption of Ordinance No. 12-927 Levying Special Taxes to Be Collected During Fiscal Year 2012-13 to Pay the Annual Costs of the Maintenance and Lighting of Parks, Parkways, Streets, Roads, and Open Space; the Operation and Maintenance of Bio-Retention Basins and Storm Drainage Systems; and Public Safety Services Including Fire Protection and Suppression Services and Police Protection With Respect to City of Montclair Community Facilities District No. 2011-2 (Arrow Station)

Mayor Eaton declared it the time and place set for a public hearing to consider the following, after which he invited comments from the public:

1. Adoption of Resolution Nos. 12-2935, 12-2936, and 12-2937 related to establishing Community Facilities District (CFD) No. 2011-2 (Arrow Station) in the City of Montclair, calling a Special Election to submit to the voters of said CFD Propositions regarding an annual special tax levy to pay certain service costs to be provided by said CFD and establishment of an appropriations limit, and declaring the results of said Special Election.
2. Adoption of Ordinance No. 12-927 levying special taxes to pay certain public safety service costs and the annual maintenance and lighting costs of public improvements contained in said Community Facilities District.

Mayor Eaton asked Deputy City Clerk Smith the following questions:

1. Have any written protests been received?

Deputy City Clerk Smith answered, "Mr. Mayor, no written protests have been received."

2. Are there any persons registered to vote in the territory of the proposed CFD?

Deputy City Clerk Smith answered, "There are no registered voters residing within the boundaries of proposed Community Facilities District No. 2011-2."

3. Has the owner of all of the taxable property in the proposed CFD consented to holding a Special Election on January 17, 2012?

Deputy City Clerk Smith answered, "Yes, Mr. Mayor, the property owner has consented to holding the special election."

4. Do you concur that a Special Election may be held on January 17, 2011?

Deputy City Clerk Smith answered, "Yes, Mr. Mayor, I concur."

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 Council Member Dutrey and seconded by Mayor Pro Tem Raft that Resolution No. 12-2935, entitled, "**A Resolution of the City Council of the City of Montclair Establishing Community Facilities District No. 2011-2 (Arrow Station) of the City of Montclair, County of San Bernardino, State of California and Boundaries Thereof,**" 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. 12-2935 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 Mayor Pro Tem Raft that Resolution No. 12-2936, entitled, "**A Resolution of the City Council of the City of Montclair Calling a Special Election**"

and Submitting to the Voters of Community Facilities District No. 2011-2 (Arrow Station) of the City of Montclair a Proposition With Respect to the Annual Levy of Special Taxes Within Said Community Facilities District to Pay the Costs of Certain Services to Be Provided by the Community Facilities District and a Proposition With Respect to Establishing an Appropriations Limit for Said Community Facilities District," 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. 12-2936 was adopted by the following vote:

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

Deputy City Clerk Smith conducted the Special Election and declared the results as follows:

1. Proposition A with respect to the annual levy of special taxes on taxable property within Community Facilities District No. 2011-2 to pay the costs of certain services to be provided by the CFD has passed.
2. Proposition B with respect to establishing an appropriations limit for Community Facilities District No. 2011-2 has passed.

Moved by Council Member Ruh, based on the results of the Special Election, and seconded by Mayor Pro Tem Raft that Resolution No. 12-2937, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Results of the Special Election for Community Facilities District No. 2011-2 (Arrow Station) of the City of Montclair, County of San Bernardino, State of California, on the Propositions With Respect to (I) the Annual Levy of Special Taxes to Pay the Costs of Certain Services to Be Provided by the Community Facilities District; and (II) Establishing an Appropriations Limit,**" 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. 12-2937 was adopted by the following vote:

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

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Ordinance No. 12-927, entitled, "**An Ordinance of the City Council of the City of Montclair Levying Special Taxes to Be Collected During Fiscal Year 2012-13 to Pay the Annual Costs of the Maintenance and Lighting of Parks, Parkways, Streets, Roads, and Open Space; the Operation and Maintenance of Bio-Retention Basins and Storm Drainage Systems; and Public Safety Services Including Fire Protection and Suppression Services and Police Protection Services With Respect to City of Montclair Community Facilities District No. 2011-2 (Arrow Station),**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 12-927 was adopted by the following vote:

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

Council Member Dutrey inquired as to the date construction will begin on the Arrow Station project.

City Manager Starr noted Special Counsel **Jamie Raymond, Best Best & Krieger LLP; Ms. Andrea Roess**, Managing Director, **David Taussig & Associates**; and **Mr. Savoy M. Bellavia**, Vice President, **Hutton Development Company** are available for questions this evening.

Mr. Bellavia advised that at the present time, the **Arrow Station** infrastructure plans have been submitted to the City for review and that he hopes construction will start on the 30 single-family units this year, adding that development of the condominium units depends on the market conditions and financing within the next year.

VIII. CONSENT CALENDAR

City Manager Starr requested that Item D-1 be removed from the Consent Calendar for comment.

Council Member Ruh requested that Item B-7 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chairperson Raft, 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 January 3, 2012

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved the minutes of the January 3, 2012 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 December 31, 2011.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated January 17, 2012, totaling \$1,610,503.68, and the Payroll Documentation dated December 4, 2011, amounting to \$689,181.23, with \$494,312.94 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 December 31, 2011.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 12.01.11-12.31.11 in the amounts of \$459.47 for Project I; \$0.00 for Project II; \$97,539.13 for Project III; \$6,524.66 for Project IV; \$12,561.86 for Project V; and \$533.40 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 December 31, 2011.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 12.01.11-12.31.11 in the amount of \$26,989.49.

8. **Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months for Completion of the Fremont Avenue Improvement Phase 2 Project**

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council approved the following actions related to completion of the Fremont Avenue Improvement Phase 2 Project:

- (a) The filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of *Payment Bond* for six months.
- (d) Release of retention 30 days after recordation of *Notice of Completion*.

C. Agreements

1. **Approval of *Agreement Nos. 12-03, 12-04, 12-05, 12-06, and 12-07* With Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, Respectively, for Use of Ball Field Facilities**

The City Council approved *Agreement Nos. 12-03, 12-04, 12-05, 12-06, and 12-07* With Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, respectively, for use of ball field facilities.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

7. **Authorization to Receive a \$10,000 Donation From Montclair Hospital Medical Center for Purchase of Specialized Emergency Medical Services Equipment and/or Supplies**

Council Member Ruh suggested a representative from Montclair Hospital Medical Center (MHMC) be invited to attend a future meeting to formally recognize the hospital for its generous contribution to our Fire Department. He noted MHMC is doing a great job in this community and is ranked as one of the top 100 hospitals in the nation.

Mayor Eaton stated, "We could certainly do that."

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried that the City Council authorize the Fire Department to receive a \$10,000 donation from Montclair Hospital Medical Center and appropriate the funds to Account No. 1143-4539-51130-400 for purchase of specialized emergency medical services equipment and/or supplies.

D. Resolutions

1. Redevelopment Agency Board of Directors' Adoption of Resolution No. 12-01 Amending the Enforceable Obligation Payment Schedule

Noting the amended Enforceable Obligation Payment Schedule is due January 31, 2012, City Manager Starr stated that staff is requesting the City Council's leniency related to allowing staff to make minor adjustments to the schedule that may become apparent during the next several weeks. That said, he noted staff nevertheless recommends the City Council adopt proposed Resolution No. 12-01 at this time.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried that the Redevelopment Agency Board adopt Resolution No. 12-01 amending the Enforceable Obligation Payment Schedule and allow further amendments to be made to the schedule over the next several weeks.

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*

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

California Redevelopment Association v. Matosantos, et al.

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

B. City Manager/Executive Director - No comments

C. Mayor/Chairman - No comments

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:

- (a) He noted the loss of redevelopment agencies in the state will result in the loss of a tremendous number of jobs in the community, region, and state, adding that individuals in the private and public sector at local and state levels will be affected with the potential loss of their jobs and subsequent loss of involvement in this and many other communities. He particularly noted the unfortunate loss of the special needs housing project proposed to be located at the San Antonio Gateway site.

Council Member Ruh expressed his hope that "calmer minds will prevail" during this legislative session to come up with a financing mechanism for local government similar to redevelopment.

- (b) He noted the passing of two community leaders in the last week: former Claremont **Mayor Judith Campbell Wright** and former California **Senator Ruben S. Ayala**.

Council Member Ruh noted **Mayor Wright** was a Claremont historian and did quite a bit of research on Russian Village on Mills Avenue, ensuring that the history of the village and Claremont were forever preserved. He stated that she was also known as "the Mother of Foothill Transit," and her leadership has enabled individuals to get to jobs and recreation activities in the San Gabriel Valley.

Council Member Ruh noted former **Senator Ayala**, who was a friend to everyone on the Council, passed away at the age of 89 and was the first Mexican-American elected to the Senate since 1911. He noted **Senator Ayala** was a powerful voice in state water policy as Chairman of the Senate Agriculture and Water Resources Committee; he also championed legislation to create a peripheral canal that would have delivered water from the northern to the southern half of the state, though the proposal was roundly defeated by voters in 1982. He also noted

Senator Ayala worked with **Senator Bill Lancaster** on the genesis of the California 210 Freeway.

Council Member Ruh noted **Senator Ayala** cared about his communities and local governments, expressing his certainty that there would have been a very different outcome concerning redevelopment had **Senator Ayala** still been in office.

- (c) He noted **Montclair High School** held its fourth annual **Miles for Montclair** five-kilometer walkathon yesterday—notably on **Martin Luther King Day**—and he along with over 900 **MHS** students participated, raising \$22,000 for the school's homeless students. He stated, "These students didn't look to the City and say, 'This is your responsibility.' They didn't look to the state or the federal government. They said, 'This is our responsibility as citizens, and we are going to do something about it in our place and time.' I commend the students for their activism. It should be noted that in December 2011, these same students helped a family in Ontario that lost their home to a fire. What they did was wonderful."

Council Member Ruh noted he was pleased to walk yesterday with **Chaffey Joint Union High School District** Trustee **Sue Ovitt**, President **Shari Magaw**, and Clerk **Josie Estrada**; **Assembly Member Norma Torres**; and **Ontario-Montclair School District** Executive Assistant **Virginia Riley**, who also serves in the **Soroptimist International of Montclair/Inland Valley**. He commended all who participated in the walkathon to support these students. He stated, "I, for one, am not worried about the future of this community if we have 900 students who are willing to do something like this. I think we are going to be in good hands in the future."

Council Member Ruh expressed his hope that the City will recognize these altruistic students for their efforts to assist the underserved in the community.

Mayor Eaton asked City Manager Starr to relay to **MHS** the City's appreciation of the **Miles for Montclair** program.

Council Member Ruh suggested representatives of the student organizers of the program be invited to a future meeting to be formally recognized for their philanthropy.

Mayor Eaton concurred, stating, "That would be fine."

2. Council Member/Director Dutrey commented as follows:

- (a) Noting he first met with **Senator Ayala** while in college, he stated that he was pleased to meet with the Senator in Sacramento when he was first elected to the City Council in 1996 to ask him about the possibility of a repeal of **Proposition 98 (Educational Revenue Augmentation Fund)**. He advised that **Senator Ayala** was forthright in telling him that the legislation's shift of specified amounts of property tax revenue from cities, counties, and special districts was necessary to support schools statewide. He noted the Senator introduced him on the Senate floor.

Council Member Dutrey noted in 1966, **Chino Mayor Ayala** was elected to the **San Bernardino County Board of Supervisors** and that he became a state senator after defeating then **Assembly Member Jerry Lewis**, a San Bernardino Republican.

Council Member Dutrey stated that **Senator Ayala** will be remembered for being a great leader in this region—"the type of leader we need in Sacramento"—and will be greatly missed.

- (b) He proudly announced that his son, **Christopher Tanner**, has reenlisted in the **United States Army**, will participate in a swearing-in ceremony next Thursday, and will be stationed at **Fort Jackson**, South Carolina, in June.

Mayor Eaton stated, "Good for him, John."

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

- (a) She noted she along with other members of the City Council are very sad that the Montclair Redevelopment Agency will soon be dismantled, noting the many projects funded by redevelopment tax increment financing have certainly benefited Montclair. She stated, "It will really be missed. I am so sorry [the state] did that."
- (b) She noted **Senator Ayala** wrote an autobiography in 2005, entitled, ***Up From Second Street***, and that the Senator signed her son **Jonathon's** copy of the book at his college graduation. She stated, "He will be sorely missed. He was a really great guy...no matter who you were, you voted for him because he was a great person."

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of December 19, 2011

The City Council received and filed the Code Enforcement Committee meeting minutes of December 19, 2011, for informational purposes.

2. Minutes of Personnel Committee Meeting of January 3, 2012

The City Council received and filed the Personnel Committee meeting minutes of January 3, 2012, for informational purposes.

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

At 7:35 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:35 p.m., the City Council went into Closed Session regarding labor negotiations and pending litigation pursuant to respective Sections 54957.6 and 54956.9(a) of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:15 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding labor negotiations and pending litigation, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:16 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