

**MINUTES OF THE REGULAR JOINT MEETING OF THE  
MONTCLAIR CITY COUNCIL AND SUCCESSOR AGENCY  
AND MONTCLAIR HOUSING CORPORATION BOARDS  
HELD ON MONDAY, JANUARY 7, 2013, 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 and other electronic devices as a courtesy to others while the meeting is in session.

**II. INVOCATION**

**Pastor Vicki Brobeck, Grace Fellowship Foursquare Church**, 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 Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; City Manager/Executive Director Starr; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; Finance Director Parker; City Attorney Robbins; Deputy City Clerk Smith

**V. PRESENTATIONS - None**

**VI. PUBLIC COMMENT - None**

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

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

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

**A. Approval of Minutes**

**1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board of December 17, 2012**

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, and Montclair Housing Corporation Board of Directors approved the minutes of the December 17, 2012 regular joint meeting.

**B. Administrative Reports**

**1. Consider Authorizing Staff to Advertise for Bid Proposals for the Ramona Avenue Rehabilitation Project**

The City Council authorized staff to advertise for bid proposals for the Ramona Avenue Rehabilitation Project.

**2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated January 7, 2013, totaling \$478,335.81 and the Payroll Documentation dated December 2, 2012, amounting to \$665,465.18, with \$466,003.99 being the total cash disbursement.

**C. Agreements**

**1. Approval of *Agreement No. 13-01* With Montclair Little League and *Agreement Nos. 13-02* and *13-03* With All Cities Youth Baseball for Use of Ball Field Facilities**

The City Council approved *Agreement No. 13-01* with Montclair Little League and *Agreement Nos. 13-02* and *13-03* with All Cities Youth Baseball for use of ball field facilities.

**2. Approval of *Agreement No. 13-04*, a *Memorandum of Understanding* With the San Bernardino Associated Governments for Participation in the Property Assessed Clean Energy (PACE) Program**

The City Council approved *Agreement No. 13-04*, a *Memorandum of Understanding* with the San Bernardino Associated Governments for participation in the Property Assessed Clean Energy (PACE) Program.

**3. Approval of *Agreement No. 13-06* With Douglas Engineering, Inc., for Engineering Services Associated With Construction of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project**

## **Authorization of a \$35,000 Appropriation From Measure I Funds for Engineering Services**

The City Council took the following actions:

- (a) Approved *Agreement No. 13-06* with Douglas Engineering, Inc., for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.
- (b) Authorized a \$35,000 appropriation from Measure I funds for engineering services.

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

### **D. Resolutions**

- 1. **Adoption of Resolution No.13-01, a Resolution of the Successor Agency to the City of Montclair Redevelopment Agency Approving the Due Diligence Audit Review Completed by Teaman, Ramirez & Smith, Inc.**

Director Dutrey inquired as follows:

- (a) Is the \$14,160,644 identified in the agenda report as the "amount of assets transferred to the City for which an enforceable obligation with a third party requiring transfer and obligating the use of transferred assets did not exist" relates to bond proceeds, which cities are allowed to maintain for such "enforceable obligations"?

Finance Director Parker answered, "Yes; that is correct."

- (b) What is the amount of bond proceeds available in the Low- to Moderate-Income Housing Fund?

Finance Director Parker answered, "None. We have no bond proceeds in the Low- to Moderate-Income Housing Fund."

- (c) Are there currently any executed obligations for projects, or is the \$14,160,644 in bond proceeds available for new projects?

Finance Director Parker answered, "That is money available for projects. We currently have no executed agreements in place. That would be pending what is called a "finding of completion," which, once we make the payments—we made the payment for the Low- to Moderate-Income Housing—once we make the payment covered by this due diligence review, which is approximately 6.3 million at this point, maybe more, then,

ultimately, we hope to be in line for the finding of completion. Since all of our proceeds are pre-January 1, 2011, they are available to spend once the finding of completion is issued."

Director Dutrey thanked Finance Director Parker for the update. He advised that at least the City has \$14.1 million in bond proceeds that is available for projects specified in the Redevelopment Plans of the former Montclair Redevelopment Agency.

Moved by Director Dutrey, seconded by Director Raft, and carried unanimously that the Successor Agency Board adopt Resolution No. 13-01, a Resolution of the Successor Agency of the City of Montclair Redevelopment Agency approving the Due Diligence Audit Review completed by Teaman, Ramirez & Smith, Inc.

**X. RESPONSE - None**

**XI. COMMUNICATIONS**

**A. City Attorney**

**1. Closed Session Pursuant to Section 54957 of the Government Code**

*Public Employee Performance Evaluation*

*City Manager/Executive Director*

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

*City of Montclair Successor Agency v. State of California Department of Finance*

**3. 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 on the first two matters and withdrew her request for a Closed Session on the third.

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

**C. Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted he had a wonderful holiday season and expressed his hope everyone else did as well.
- (b) He asked if there was a fire at **Costco** on New Year's Eve.

Fire Division Chief Jackson answered, "No, there was not. It was an honest mistake. [**Costco** employees] saw steam escaping from the roof, so they called the Fire Department."

Mayor Eaton asked if the Fire Department responded to the call.

Division Chief Jackson answered, "Yes, we did."

Mayor Eaton noted friends of his told him **Costco** was on fire and expressed his relief it was nothing serious. He thanked Division Chief Jackson for the Fire Department's response to the call.

**D. City Council/Successor Agency Board/MHC Board**

- 1. Council Member/Director Paulitz noted he spent the holidays with family near Scottsdale, Arizona. He reported that the stores on the second floor of a very small two-story mall located in that very affluent community were completely empty, with only two businesses in operation on the first floor. He stated, "We are not the only ones affected by this recession. I just wanted to report from another perspective."
- 2. Council Member/Director Dutrey commented as follows:
  - (a) He noted the holidays seemed very quiet in Montclair other than a fire on Mission Boulevard.
  - (b) He expressed his appreciation of City Manager Starr for staff's swift abatement during the holidays of graffiti on Central Avenue reported by a resident.
  - (c) He thanked all City employees who worked during the holidays and expressed his appreciation of Public Works crews' efforts to catch up on duties since returning to work.

3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
- (a) He wished everyone a "very happy 2013—one of peace, prosperity, and good times with families because that is truly what the new year should be about."
  - (b) He thanked Police and Fire departments for their diligence during the holiday season, which is a time of year that can be stressful to a lot of us.
  - (c) He stated that all City employees who worked during the holidays are most appreciated.
  - (d) He concurred with Council Member Paulitz's comments this evening regarding the City sometimes being criticized for supposedly not attracting enough development to the community. He expressed his understanding that **Ashley Furniture Homestore** is set to open this spring in the 42,000-square-foot former **Borders Books and Music** building adjacent to the **Montclair Plaza**. He expressed his opinion that the City's approach to publicizing new developments by waiting until a business is a certainty as the best method. He noted the new furniture store will be a positive for our community.
  - (e) He noted learning over the holidays that the **Montclair Hospital Medical Center** has again been named one of the "100 Top Hospitals" in the nation by **Thomson Reuters**, the world's leading provider of information and solutions to improve the cost and quality of healthcare. He stated, "It is really something for a small hospital to be ranked in the top 100 hospitals in the nation."
  - (f) Concerning the economy, he noted Montclair is "holding its own fairly well." He reported that **Macy's Inc.** announced a few days ago that it would close its store on Colorado Boulevard in Pasadena as part of its plans to shut down six "underperforming" stores nationwide. He remarked that if Pasadena, a city of tremendous wealth and affluence that is fairly well located, receives an appreciable amount of tourist dollars, and has self-admittedly done a good job with development, is faced with underperforming stores (it lost **Saks Fifth Avenue** six years ago), it makes a statement regarding the economy in Southern California as a whole. He stated, "Many areas are still hard hit. Many retailers are making decisions based on a free market. We cannot demand a retailer remain here; we cannot demand a retailer locate here. The free market is how we operate. All of those decisions are going to be made by those companies. Can

we help to influence those decisions? Yes, we can; and we have done so. I certainly believe it was the good work of staff to encourage **Ashley Furniture Homestore** to locate to the vacant **Borders** freeway site. Very few communities have freeway locations. Our car dealers are very well sited here. Many communities would love to have the freeway access we have. We have a lot to offer here in Montclair. We are part of the larger economy—not just in the Inland Empire and near San Gabriel Valley—but in Southern California and, indeed, the state as a whole. The things we are moving forward with in the future are very positive for this area, and I know that they will continue to be."

Mayor Pro Tem Ruh advised residents to have those inquiring about future development in the City contact Community Development staff for information. He stated, "We do have good things going on here, and I really appreciate the work of all of our staff and our residents who have worked together to make things happen. Thank you."

Mayor Eaton thanked Mayor Pro Tem Ruh for his remarks.

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

##### **1. Minutes of Personnel Committee Meeting of December 17, 2012**

The City Council received and filed the Personnel Committee meeting minutes of December 17, 2012, for informational purposes.

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

At 7:14 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors.

At 7:14 p.m., the City Council went into Closed Session regarding public employee performance evaluation pursuant to Government Code Section 54957 and pending litigation pursuant to Government Code Section 54956.9(a).

#### **XIII. CLOSED SESSION ANNOUNCEMENTS**

At 7:59 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding public employee performance evaluation 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 8:01 p.m., Mayor Eaton adjourned the City Council.

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

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Yvonne L. Smith  
Deputy City Clerk