

**MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY
AND MONTCLAIR HOUSING CORPORATION BOARDS,
AND MONTCLAIR HOUSING AUTHORITY COMMIS-
SIONERS HELD ON MONDAY, FEBRUARY 4, 2013,
AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem/Vice Chairman Ruh called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Mayor Pro Tem Ruh noted Mayor Eaton has taken ill and is not in attendance at the meeting, stating, "We wish him well."

Present: Mayor Pro Tem/Vice Chairman 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

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

Mayor Pro Tem Ruh announced that pursuant to Government Code Section 54954.3, this section is intended to provide members of the public with an opportunity to address the City Council, Successor Agency Board, Montclair Housing Corporation Board, and Montclair Housing Authority Commission on any subject that does not appear on tonight's agenda. He stated that each speaker would be afforded five minutes to address the Council, Successor Agency and Montclair Housing Corporation Boards of Directors, and Montclair Housing Authority Commissioners.

- A. **Mr. Alfonso Altamirano**, Field Representative, **Assembly Member Torres's District Office**, 13160 7th Street, Chino, invited the City Council to **Assembly Member Torres's** annual *Free Tax Preparation and Electronic Filing Service* event on Saturday, February 16, 2013, from 10:00 a.m. to 2:00 p.m. at **Assembly Member Torres's** District Office. He noted the free service will be provided to low- and moderate-income families through the Volunteer Income Tax Assistance Program and that an appointment is required.

Mr. Altamirano conveyed **Assembly Member Torres's** continued support of the Montclair City Council and that she would like for the Council to consider her a friend.

Mayor Pro Tem Ruh thanked **Mr. Altamirano** for the invitation.

VII. PUBLIC HEARINGS

- A. **Projects and Prioritization of Funding for the Fiscal Year 2013-14 Community Development Block Grant Program**

Mayor Pro Tem Ruh declared it the time and place set for public hearing related to projects and prioritization of funding for the Fiscal Year 2013-14 Community Development Block Grant (CDBG) Program and invited comments from the public.

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

Concerning the \$216,487 CDBG funding request for Recreation Center accessibility improvements, Council Member Dutrey asked for clarification that funding was provided for the project in last year's CDBG funding prioritization.

City Manager Starr answered, "Yes, that is correct."

Council Member Dutrey inquired as follows;

1. Would the project be completed with the requested funding?

City Manager Starr noted the total of \$384,441 that would be expended should the City Council approve this item should be adequate to complete the project.

2. Has not construction already begun on the project?

City Manager Starr answered, "No," advising that the construction underway at the Community Center is a separate project.

Moved by Council Member Dutrey and seconded by Council Member Raft that the City Council approve the following projects and priorities for the Fiscal Year 2013-14 Community Development Block Grant Program:

Accessibility improvements to the Recreation Center including reconstruction of the restrooms, showers, and saunas and improve accessibility to the racquetball courts	\$216,487*
Graffiti abatement	28,189**
Montclair Golden Express	<u>10,015**</u>
TOTAL	<u>\$254,691</u>

*Total CDBG funding for this project: \$384,441

**Total public services projects: \$38,204

Motion carried as follows:

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

B. Adoption of Resolution No. 13-2976 Approving a General Plan Amendment to the Official Land Use Map for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "General Commercial" to "Medium-Density Residential" (8 to 14 Dwelling Units Per Acre)

Adoption of Resolution No. 13-2977 Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "Auto Mall" to "R-3/11 du/ac" (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre)

Mayor Pro Tem Ruh declared it the time and place set for public hearing related to adoption of Resolution No. 13-2976 approving a General Plan amendment to the Official Land Use Map for 1.63 acres on the south side of Bandera Street west of Central Avenue, modifying the land use designation from "General Commercial" to "Medium-Density Residential" (8 to 14 dwelling units per acre) and adoption of Resolution No. 13-2977 approving a Specific Plan amendment to the Holt Boulevard Specific Plan for 1.63 acres on the south side of Bandera Street west of Central

Avenue, modifying the land use designation from "Auto Mall" to "R-3/11 du/ac" (Multiple-Family Residential, maximum 11 dwelling units per acre) and invited comments from the public.

Council Member Paulitz expressed his belief that a portion of the project has already been built and asked for clarification from staff.

Director of Community Development Lustro answered, "That is correct. There is a 12-unit multifamily project that is built on the easterly portion of this 1.63 acres."

Council Member Paulitz noted this item would make it legal for the proposed General Plan and Specific Plan amendments. He asked if anything is planned for the adjacent parcel.

Director of Community Development Lustro answered, "The westerly and smaller of the two parcels has been entitled by the Planning Commission for an additional 5-unit multifamily project to be built by the same builder as the 12-unit project."

Council Member Paulitz thanked Director of Community Development Lustro for the information.

Mr. Loren Martens, 4285 Benito Street, Montclair, asked if the proposed project would improve Bandera Street from Monte Vista Avenue to Central Avenue.

City Engineer Hudson advised **Mr. Martens** that he is confusing Bandera Street with Brooks Street.

Mr. Martens concurred and thanked City Engineer Hudson for the clarification.

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

Council Member Dutrey noted his understanding that the original 12-unit multifamily project was to be owner-occupied, though with the change in the economy, most, if not all, of the units became rentals. He noted there have been some Code Enforcement issues at the site, the main issue being lack of maintenance. He asked if the applicant would be required to include Covenants, Conditions, and Restrictions (CC&Rs) on the proposed five-unit project to ensure code maintenance is addressed.

Director of Community Development Lustro stated, "Code Enforcement staff has been monitoring the 12-unit project fairly closely. We have had a number of conversations with the developer about the proposed project expressing our concerns about the

existing project. Planning and Building Divisions and the Code Enforcement Unit will be watching the new project more closely than the original 12-unit project. We are continuing to watch that project to ensure it is kept up to code."

Council Member Dutrey noted his unhappiness with the 12-unit project outcome and expressed his hope that staff will do a good job with the proposed five-unit project as well as enforce the codes on the original project. He noted it is unfortunate that the market change resulted in the original project turning into rentals and that the layout of those units is not conducive to rentals. He expressed his hope that including CC&Rs will prevent residents from drying their clothes in public view on Bandera Street.

Director of Community Development Lustro noted staff largely modeled the conditions of approval related to property maintenance for the five-unit project on the Paseos project.

Moved by Council Member Dutrey and seconded by Council Member Raft that the City Council take the following actions:

1. That Resolution No. 13-2976, entitled, "**A Resolution of the City Council of the City of Montclair Approving a General Plan Amendment to the Official Land Use Map for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "General Commercial" to "Medium-Density Residential" (8 to 14 Dwelling Units Per Acre),**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That Resolution No. 13-2977, entitled, "**A Resolution of the City Council of the City of Montclair Approving a Specific Plan Amendment to the Holt Boulevard Specific Plan for 1.63 Acres on the South Side of Bandera Street West of Central Avenue, Modifying the Land Use Designation From "Auto Mall" to "R-3/11 du/ac (Multiple-Family Residential, Maximum 11 Dwelling Units Per Acre)"**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Resolutions.

Resolution Nos. 13-2976 and 13-2977 were adopted by the following vote:

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

VIII. CONSENT CALENDAR

City Manager Starr 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 to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission Meeting of January 22, 2013

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Housing Authority Commissioners approved the minutes of the January 22, 2013 regular joint meeting.

B. Administrative Reports

1. Authorizing a \$3,000 Transfer From the Contingency Account to Purchase Security Card Readers

The City Council authorized a \$3,000 transfer from the Contingency Account to Capital Outlay Expenditure Account No. 1001-4316-62010-400 to purchase two security card readers.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 4, 2013, totaling \$1,302,052.70 and the Payroll Documentation dated December 30, 2012, amounting to \$780,002.49, with \$440,597.53 being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 13-08* With RBF Consulting to Update the City's General Plan Housing Element

The City Council approved *Agreement No. 13-08* with RBF Consulting to update the City's General Plan Housing Element.

2. Approval of Agreement No. 13-15 With the County of San Bernardino for the Ramona Avenue Rehabilitation Project

The City Council approved *Agreement No. 13-15* with the County of San Bernardino for the Ramona Avenue Rehabilitation Project.

3. Approval of Agreement No. 13-16 With Graffiti Tracker Inc. for Continued Use of Its Database to Track and Analyze Graffiti

The City Council approved *Agreement No. 13-16* with Graffiti Tracker Inc. for continued use of its database to track and analyze graffiti.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. Adoption of Resolution No. 13-2978 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

City Manager Starr requested removal of the \$121.08 delinquency for 11236 Monte Vista Avenue from Exhibit A, "Report of Delinquent Civil Debts - February 2013" to proposed Resolution No. 13-2978, advising that the property owner spoke to Finance Division this evening about remedying the delinquency to prevent a lien action against his property.

Moved by Council Member Dutrey, seconded by Council Member Raft, and carried that the City Council adopt Resolution No. 13-2978 authorizing placement of liens on the 227 accounts listed on Exhibit A to the Resolution for delinquent sewer and trash charges, noting the removal from Exhibit A of the \$121.08 delinquency for 11236 Monte Vista Avenue that the property owner has promised to clear.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

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

Stanley Christ v. City of Montclair

Zachary Mejia v. City of Montclair

City Attorney Robbins requested a Closed Session on the above two matters.

B. City Manager/Executive Director

1. City Manager Starr advised that staff is interested in arranging a field trip for the City Council to visit **California Department of Forestry and Fire Protection** and **San Bernardino County Fire Department** headquarters followed by a workshop for the Council to consider fire protection service proposals from the two agencies. He suggested the tour take place on either Saturday, February 9, 2013, or the following Saturday so working Council Members will not face a hardship to attend.

Mayor Pro Tem Ruh noted he would be available either Saturday.

Council Member Paulitz asked where the field trip would take place.

City Manager Starr replied that the Council would meet at 9:00 a.m. in the City Hall south parking lot and that both agency headquarters are located in San Bernardino County.

Council Member Paulitz suggested they should tour actual working stations.

City Manager Starr advised that the headquarters are working stations, noting it is essential for Council Members to review the types of operations each agency has in place so a decision could be made on the possibility of outsourcing fire protection services.

Council Member Dutrey suggested the field trip be scheduled for February 16, 2013 because Mayor Eaton might be feeling well enough by then to attend.

City Manager Starr concurred. He stated, "Based on what I heard this evening, I do not think Mayor Eaton will be feeling any better by this weekend. Let us hope that he is."

Council Member Raft noted she would be available to attend next Saturday.

Discussion was held regarding a suitable date for the City Council workshop to consider fire protection service proposals.

It was the consensus of the City Council to schedule the field trip to visit **California Department of Forestry and Fire Protection** and **San Bernardino County Fire Department** headquarters for Saturday, February 16, 2013, at 9:00 a.m. at the City Hall south parking lot and for the workshop to consider fire protection service proposals on Thursday, February 21, 2013, at 6:30 p.m.

C. Mayor/Chairman – Absent

D. City Council/Successor Agency Board/MHC Board

1. Council Member/Director Paulitz stated that he volunteered in the rain the morning of January 25, 2013, at the San Bernardino County 2013 Point-in-Time Homeless Count of sheltered and unsheltered persons. He reported that Montclair has a total of ten persons who are homeless, noting "we don't really have a homeless problem, *per se*."
2. Council Member/Director Dutrey commented as follows:
 - (a) He noted Mayor Eaton, Council Member Paulitz, City Manager Starr, and he attended the **League of California Cities**, Inland Empire Division quarterly meeting on January 24, 2013, in Highland. He noted **State Senator Emmerson** and **Assembly Member Torres** addressed the state's decision to eliminate redevelopment to solve its chronic \$20 billion structural deficit. **Assembly Member Torres** spoke positively of the action, while **Senator Emmerson** lamented the significant loss to local governments in terms of job creation and removal of blight, not to mention the state was woefully ignorant of the fact that the majority of redevelopment funds are tied up in bonded indebtedness obligations, resulting in the State Treasury's receiving just \$300 million of the supposed \$1.7 billion windfall. He stated, "It was a good presentation by both members of the Legislature, but I believe it was also very telling that as long as our current Governor remains in office, he will not be a friend to cities. Do not expect any future legislation related to revenues being returned to cities to get past his veto, particularly with regard to redevelopment, economic development, or even affordable housing."
 - (b) He noted he met with City Manager Starr last week to discuss the future of development in North Montclair including improvements to the Montclair Plaza. He stated that he looks forward to implementation of these projects and advised that the Paseos at Montclair has already

commenced construction. He noted these developments will greatly enhance and benefit Montclair.

- (c) He stated that he noticed during a drive last Friday that the Northwest Montclair Street Rehabilitation Project is nearing completion. He recognized City Engineer Hudson and staff for their work on the project, noting he looks forward to Measure I funding future street improvement projects in the community.
- (d) He expressed his appreciation to City Manager Starr for keeping the City Council updated on the paramedic squad, noting he received the City Manager's report on overtime services that included information regarding the paramedic squad being in use 100 percent of the time since July 1, 2012.

3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:

- (a) He congratulated **Assembly Member Torres** for again being named Chair of the Assembly Committee on Housing and Community Development, one of the more important committees in Sacramento. He stated, "I know she will continue to do a good job on the Committee." He noted he appreciates her continued commitment to extension of the **Metro Gold Line** to Montclair.
- (b) He noted the City Council took action this evening to finalize development of a parcel on Bandera Street and that motorists traveling near the **Montclair Plaza** in the area of Monte Vista Avenue and Moreno Street have likely noticed wood and steel going up on The Paseos at Montclair North project. He stated, "There is a lot of development going on in this City. For those who have been rather critical over the last two or three years in saying the City does not do enough development, the issue becomes that construction of a project does not begin immediately once a project is approved. These things take time. The developers work out a lot of agreements on their own separate from the City on what they need to do. We are beginning to see a lot of previously approved developments beginning to take shape in this community. There is some continued growth going on; and I believe that in the next three to four years, there will be a transformation in many areas of this City as a result of that new development and opportunity. That is not to say that we ignore in any way our existing residents, but this new project will give them an enhanced opportunity in this City, not just with

housing but for areas to shop and recreate. We do appreciate the hard work of staff on these new developments."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of January 22, 2013

The City Council received and filed the Personnel Committee meeting minutes of January 22, 2013, for informational purposes.

XII. ADJOURNMENT OF SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS AND MONTCLAIR HOUSING AUTHORITY COMMISSIONERS

At 7:24 p.m., Vice Chairman Ruh adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 7:24 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(a).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:58 p.m., the City Council returned from Closed Session. Mayor Pro Tem Ruh announced the City Council met in Closed Session regarding 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 8:00 p.m., Mayor Pro Tem Ruh adjourned the City Council to Tuesday, February 12, 2013, at 6:00 p.m. in the City Council Chambers for the Midyear Budget Review.

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

Yvonne L. Smith
Deputy City Clerk