

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY
AND MONTCLAIR HOUSING CORPORATION BOARDS,
AND MONTCLAIR HOUSING AUTHORITY COMMISSION
HELD ON MONDAY, FEBRUARY 3, 2014, 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. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Ma Shivamaya, Nithyananda Vedic Temple, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Ruh; Council Members/Directors Paulitz and Raft; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Director of Community Development Lustro; Director of Public Works Hudson; Director of Finance Parker; City Attorney Robbins; Deputy City Clerk Smith

Absent: Council Member/Director Dutrey (excused)

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. Mr. Fabian Gonzalez, Field Representative, **Assembly Member Freddie Rodriguez's District Office**, 13160 7th Street, Chino, invited the City Council, staff, and audience members to *Coffee Breaks With Assembly Member Rodriguez* to be held Thursday, February 20, 2014, from 5:00 to 8:00 p.m. in the Montclair City

Council Chambers and on Saturday, February 22, 2014, from 10:00 a.m. to 1:00 p.m. at the Montclair Police Department Emergency Operations Center, 4870 Arrow Highway. He gave the City Council invitations to the coffee breaks, passed the invitations out to audience members, and provided some to staff for the public. He encouraged attendance at the coffee breaks to discuss issues affecting the community and asked that those interested in attending the events to contact **Assembly Member Freddie Rodriguez's District Office** at (909) 902-9606 or visit www.asmdc.org/um.

Mr. Gonzalez thanked the City Council and staff for "the lovely welcome that Montclair has given us."

Mayor Eaton thanked **Mr. Gonzalez** for the invitation.

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 14-3018 Approving an Addendum to the Initial Study and Mitigated Negative Declaration Associated With the 2006-2014 City of Montclair Housing Element

Approval of a General Plan Amendment for the 2014-2021 City of Montclair Housing Element

Mayor Eaton declared it the time and place for a public hearing related to adoption of Resolution No. 14-3018 approving an addendum to the initial study and mitigated negative declaration associated with the 2006-2014 City of Montclair Housing Element and a General Plan Amendment for the 2014-2021 City of Montclair Housing Element and invited comments from the public.

Director of Community Development Lustro directed the City Council's attention to an email string between the California Department of Housing and Community Development (HCD) and him that he provided to the Council and staff this evening that clears up a misstatement on the HCD approval letter dated January 21, 2014, attached to the agenda report on this item. He noted the HCD email corrects the fourth paragraph in the letter as follows:

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its element within 120 calendar days from the statutory due date of October 15, 2013, for SCAG localities.

Director of Community Development Lustro stated that this item is being presented to the City Council this evening in time to meet the February 12, 2014 HCD deadline to remain on an eight-year planning cycle with the state rather than a four-year review cycle.

Mr. David Barquist, AICP, Vice President, Planning and Development, **RBF Consulting**, gave a PowerPoint presentation outlining the 2014-2021 City of Montclair Housing Element update

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 Paulitz noted he took a long time to study this item and that he was originally concerned that the State Legislature mandated some of the requirements of the Housing Element, such as homeless shelters and housing opportunities for the extremely low-income sector. He stated that despite the state-required unit numbers and types, "in the long run the capital market determines what is going to be built. Nobody is going to build an apartment on Holt Boulevard for the homeless to live free-of-charge. There would have to be a subsidy involved in order to have it done." He noted he is not overly concerned about the City's Regional Housing Needs Assessment (RHNA) requirements "because it is something that we have to do." He cited an article in this morning's *Inland Valley Daily Bulletin* indicating that the City of Claremont is going through the same process and has received a petition signed by 446 residents living in the northern portion of town who oppose the RHNA requirement that Claremont must identify 157 units of extremely low-, very low-, and low-income housing categories. He noted Montclair's RHNA requirement is for 82 units in like categories.

Council Member Paulitz stated that according to the news article, Claremont is tasked with identifying 373 housing units over the eight-year review period compared to Montclair's 691 units pursuant to RHNA requirements. He asked how these numbers were derived considering that Claremont is a much larger area city than Montclair.

Mr. Barquist replied that the Southern California Association of Governments (SCAG) determines the RHNA iterative process and that the process's biggest challenge is methodology. He indicated that at Stage 1, SCAG representatives "who are a bunch of PhDs" work with cities to consider different methodologies, which involve "complicated models that many of us, even myself, do not necessarily understand." He stated, "The process consists of the state's allocating a growth rate for a SCAG region, taking into account economics, jobs creation, birth and death rates, nature of build-out conditions of a community, and location of transit services. The growth rates are allocated to each jurisdiction within the SCAG region. When you add them all up, it adds to that number that came down from the state from that regional growth need. That goes to each of the cities for their review and comment to see if they agree with it.

Council Member Paulitz stated, "It is pretty much formula-driven and arbitrary. They say the whole region needs this amount of housing, and your share of it is a certain number. I was wondering how some cities get away with fewer numbers than we do." He inquired as to the total amount of vacant acreage in Montclair.

Mr. Barquist noted he did not have the number offhand but that the number could be provided to Council Member Paulitz.

Council Member Paulitz noted "total capacity 1,532" is indicated on page AC-7. He also noted "vacant land 489" and asked if that acreage would need to somehow accommodate 691 housing units.

Mr. Barquist advised that the number does not necessarily relate to acreage. He stated, "Those are the units that could be accommodated on that acreage. It is not actually 489 acres; rather, it is 489 units within those income categories could be accommodated on those vacant areas. It is much less than that."

Council Member Paulitz stated, "What if a very high-priced community like Beverly Hills, Malibu, or San Marino decided it did not care about any state assistance for housing. Could those cities ignore this requirement and say, 'We do not care what you want. We do not have any land. Our homes are all estate-type housing, and that is what we want. We are not going to provide for the extremely low-income category.'" We know when that happened in the housing bubble. We tried to accommodate many more homeowners by low interest rates, no interest rates, no income verification. We saw what happened in 2008—we had a bubble because there are certain people in certain economic categories who would be better off renting than owning a house because home ownership requires basically more income to take care of the home. Could a community not opt to adopt this type of Housing Element?"

Mr. Barquist answered, "Any community has that option."

Council Member Paulitz asked, "One of the incentives here is that a community would have to have a certified plan in order to receive state assistance. What if it did not care about that?"

Mr. Barquist stated, "Any City Council has the option to 'self certify,' which means you do not comply with state law, but you are adopting that as part of your General Plan. Some cities have done that. I am not an attorney, and I will leave the legal questions to your City Attorney, but what I can tell you is that there are some ramifications as they relate to state law. For example, if you do not have those adequate sites available—say someone comes in and

you do not have an adequate Housing Element—then they can have 'by right development.' If you do not provide those available sites, the courts could compel you to rezone. They can stop all building permit activity. Those are some of the examples of the problems that could occur from self-certification. Again, this is a local decision that any Council has the right to make. Given some of the risks associated with that option, that decision could be made. There have been communities that have done so. There are some precedents throughout the state—I would not characterize them as many—but there are a few. There are a few that just cannot get certified because the policies and changes are too difficult, if you will, for the communities to absorb; so they struggle with that. Again, in a nutshell, it is any community's right not to self certify given that there are some legal issues that could result."

Council Member Paulitz thanked **Mr. Barquist** for the clarification.

Council Member Raft asked for clarification on the reasoning behind the 1.25 parking spaces for a one-bedroom dwelling unit and 1.5 parking spaces for a two-bedroom dwelling unit.

Mr. Barquist stated, "The numbers are a generation rate of parking, a ratio—for every unit, what that quarter unit is really doing from a zoning code standpoint, is accommodating the visitor parking. If you have four units, you would have one additional unit to accommodate extra parking. That is the reason for the unusual numbers that are not rounded."

Council Member Raft noted reading in the proposed Housing Element that in the future there may not be subsidies to help with senior housing and housing for persons with disabilities. She asked how cities would cope with losing those subsidies.

Mr. Barquist stated, "Essentially, in the past you had available resources, secondary funding sources, for example, redevelopment, to provide that funding mechanism. In many cases, those are gone. What is the alternative? That is the big question: What are those alternate funding and financing sources to help that type of issue. Cities would need to look at different opportunities, whether it is private equity funds and sources, the state and federal government, new legislative requirements, nonprofit participation—cities would put all their feelers out to discover what those are. It is a discovery phase as part of this process to see what those are. The answer to your question now is 'unknown.' It is just that process of doing in a diligent way that provides for that need. This is a question throughout the state that every city is talking about: 'We have had a lot taken away from us in terms of funding and financing, and now is it our responsibility to do that?' Understanding that this is an iterative process and it is an emerging process, we can only

do our best efforts in looking at those. As they come along, we will take advantage of those when they come along."

Mayor Pro Tem Ruh stated, "Some of the issues that we are trying to address or that may create points of difficulty for the community tend generally to stem not just this community alone, but from the region. When you look at some of these numbers, calculate them into these formularies, they look at the median workforce. When you have a region such as we do, which is very high with warehousing, retail, food services, entertainment uses, and not entertainment uses you would find as with, say Paramount Pictures, you have seen over the last several years a growth—and this has been well documented—in what they call low-wage jobs in this region. Because those low-wage jobs are here, those individuals who work at these jobs have to be housed somewhere. Thus the need for some of these numbers. It is a decision that the region has essentially made. We have seen quite often in the newspapers in the county local economists saying how wonderful it is to have these warehousing jobs in the area. Well, if it is wonderful to have them, you need to look at the median wages being paid. Those wages are not enough to afford most people to be able to buy the median price of a home.

"That is part of it. If you want to look back on history and something that happened to further create problems in the region, you can specifically look at some communities just east of the I-15 Freeway corridor that pushed for years to get million dollar home sites. When the developers built these homes that retail for a million dollars at the height of the economy, people bought them the only way they could on these interest-only loans. Whether they should have been buying them or not is not the issue. Those loans were offered specifically in response to the fact that people could not get into a home. They bought million dollar homes hoping they would run up to \$1.2 million or \$1.3 million and then cash out without having any money in them and go to Orange County and put \$200,000 to \$300,000 down on a home. For a very small group of people, that worked; for the rest, it did not work. Those homes collapsed; and at one point, were going for \$350,000. Those communities, in my estimation, have no right forcing those types of homes in a community in which the median workforce wage would not support that. If you look historically up until about 30 years ago how Southern California developed post-World War II, the returning soldiers came home. They went to work at the aircraft plants, the car plants, employment of that sort. They needed housing. The free-market development community responded with a product they could afford. Retail stores were then built, and as the economy grew, better housing and retail were developed.

"In the last 30 years, it seems to have been reversed. Communities have pushed the most expensive homes they could, even if the wages were not there to support them. In order to afford those homes, you had these great commutes on the freeway to jobs in Los Angeles of people who really cannot afford those homes. When the economy collapsed, they were hit with a double whammy of expensive homes, the inability to pay for them because their jobs were going way, and two-hour each-way commutes. All that comes into some of the reasons for some cities having higher numbers or lower numbers—it goes back to looking specifically at the type of wages that are paid in those communities. In the long term, it means something that all communities are going to have to look at. If they only want low-wage employers, they have to understand the housing that will go with those types of jobs. If they want higher wage employers, they have to bring them in; and the higher wage housing will follow.

"In just looking at that, there is another issue that hit the region. This was in the newspaper only a few weeks ago. Even though the economy is supposedly improving, in real terms wages are where they were in 1998. Even though people are working again, incomes are what they were in 1998. That disposable income that allows you to buy that home, a more-expensive move-up product, just is not there. Again, coupling that with the job growth, which has been low-wage sector, has created a lot of problems. It comes back to the need for this, whether anybody wants it or not, is the fact that those who work in the community and make \$8, \$9, or \$10 an hour need a place to live, whether it is a rental or whether it is a product to purchase, they need a place to live. That is coming into the formularies on this issue. I believe that is part of what ties into the issue; and whether the state should or should not mandate that is an issue that needs to be taken up by the State Legislature. If somebody does not like that, that person could take it up with the Legislature. In some ways, I think the Legislature is responding to certain economic issues that were out of its control; but at the same time, it has taken the only tools that we have away from cities to be able to create the types of housing it is looking for. It is all coming together at this point.

"I have read through this and understand why it is being done. Some communities may choose to ignore it. If they do, I think down the line they will be penalized. I have been around long enough to have seen the days when the Legislature indicated that if you fail to meet your affordable housing element, there is no more state funding for schools because, obviously, if you do not think your community is going to grow, that is it. Those bills never passed, but they could come back. I believe communities ignore this at their own peril. When you look at a regional area, you have to understand what is going on in not just your community but in

your neighboring communities that can create this. That is my take on it. Thank you."

Council Member Paulitz inquired if the RHNA statistics are computed on static or dynamic situations, suggesting that perhaps there could be outmigration resulting in a population decrease. He noted Detroit had a population of 1.2 million at one time and now has 700,000 residents. He asked if those factors are taken into consideration.

Mr. Barquist stated, "I think the models are dynamic models. It is a projection; and by nature of its being a projection, it is dynamic. The challenge is seeing into the future of what the economic conditions will be. We do not know what is going to happen tomorrow."

Council Member Paulitz noted historically there has been a business cycle and that everything does go straight up, though the stock market fluctuates and right now it is down. He stated, "I just wonder whether SCAG has taken that concept into consideration in the formula. Apparently, it does not, as far as I can tell. It just assumes a straight line that the economy will be whatever it is at this point in time and does not take into consideration that cities could experience outmigration, falling migration, falling population. For instance, we had a presentation by the Ontario–Montclair School District three or four years ago in which it was reported the student population was falling off, resulting in a bad situation because all the schools in the District had to be maintained but the District was not receiving the amount of per student funding from the state that it needed to support school maintenance. The District was lamenting that fact and wondering the reason for the outmigration. It is always possible that the population could fall off—outmigration could be occurring. I just wonder if SCAG has taken that into consideration."

Mayor Eaton stated, "It seems as though we sometimes get caught between a rock and a hard place doing what the state says to do and what we can do. I understand that; and in reading through this Housing Element, I think we have to support it."

Mayor Eaton asked if the General Plan amendment should be addressed at this time.

Director of Community Development Lusto indicated that staff's recommendation is in two parts and that he would have to defer to City Attorney Robbins as to whether or not it could be done in one motion. He noted the recommendations are for adoption of proposed Resolution No. 14-3018 approving an Addendum to the Initial Study and Mitigated Negative Declaration (the environmental factor) associated with the 2006–2014 City of Montclair Housing

Element and to approve a General Plan Amendment for the 2014-2021 City of Montclair Housing Element.

Council Member Paulitz asked if the City Council was provided with the General Plan Amendment.

Director of Community Development Lustro advised that adoption of the 2014-2021 Housing Element *is* the General Plan Amendment.

Council Member Paulitz inquired as to the need for two motions on this item.

Director of Community Development Lustro clarified that the first action would approve an Addendum to the Initial Study and Mitigated Negative Declaration from the 2006-2014 Housing Element. He stated, "As **Mr. Barquist** explained, since there were no additional new housing sites that were added during this planning period, we had the ability to do a streamlined review on the environmental side rather than doing a whole new Initial Study and Mitigated Negative Declaration. It was satisfactory to just do an Addendum, which was included in your agenda packet two weeks ago."

Council Member Paulitz asked, "Won't we have another action coming to us later that we postponed initially that we talked about?"

Director of Community Development Lustro stated, "That is a separate Montclair Municipal Code amendment related to development standards in the R-3 Zone. It is not related to this action this evening."

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

Mayor Eaton asked City Attorney Robbins if the recommended actions could be taken in one motion or if two would be required.

City Attorney Robbins stated, "You could do it either way. I suggest you take the actions one at a time."

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Resolution No. 14-3018, entitled, "**A Resolution of the City Council of the City of Montclair Approving an Addendum to the Initial Study and Mitigated Negative Declaration Associated With the 2006-2014 City of Montclair Housing Element and Approving a General Plan Amendment for the 2014-2021 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. 14-3018 was adopted by the following vote:

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

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that the City Council approve a General Plan amendment for the 2014-2021 City of Montclair Housing Element.

Motion carried as follows:

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

B. First Reading - Adoption of Ordinance No. 14-941 Adding Chapter 5.02 and Replacing Chapter 5.04 of Title 5 of the Montclair Municipal Code Related to Domestic Animals

Mayor Eaton declared it the time and place for a public hearing related to adoption of the first reading of Ordinance No. 14-941 adding Chapter 5.02 and replacing Chapter 5.04 of Title 5 of the Montclair Municipal Code related to domestic animals and invited comments from the public.

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.

Mayor Pro Tem Ruh noted certain individuals are not "good neighbors" and neglect to pick up after their pets. He noted he is conscientious in cleaning up after his Pomeranian and pug when he takes them for walks in the community including using a spray disinfectant. He noted it is unfortunate that others are not so conscientious about their pets, particularly in City parks where children play. He stated, "It is sad to have to regulate human behavior, which used to be common courtesy, but we do. [Animal waste] really is unsightly and can create a problem, not just for the Santa Ana watershed, but can create problems in neighborhoods, particularly when a neighbor works hard to take care of their property, and somebody comes along and fails to pick up after a pet. I think that—as much as we may laugh at the scope of the proposed Ordinance—it is probably very necessary."

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Ordinance No. 14-941, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 5.02 and to Title 5 and Replacing Chapter 5.04 of Title 5 of the Montclair Municipal Code Related to Domestic Animals,**" be read by number and title only, further reading be waived, and this be declared its first reading.*

Council Member Raft concurred with comments made by Mayor Pro Tem Ruh because she has seen the problem "and it is really a nuisance. It is not nice, it is not polite, and people just do not have the courtesy to pick after their dogs. Unfortunately, I agree very much that it is necessary." In an aside, she commented about a horse running loose on Holt Boulevard yesterday.

At this time, Mayor Eaton invited **Mr. Roger Lambert** to speak despite the public hearing's being closed.

Mr. Roger L. Lambert, 4861 Fauna Street, Montclair, expressed his opinion that the City would be unable to hire more Police Officers to enforce proposed Ordinance No. 14-941 and suggested the City is unable to enforce existing laws because it lacks the force necessary to do so. He inquired as to why the City would adopt an Ordinance "that you are not going to enforce. I just do not think there is a necessity for it."

Mayor Eaton told **Mr. Lambert** he understands his position, adding, "But this is another item that we need to do because an agency says we have to. So we have to do it."

Mr. Lambert indicated the agency has not provided increased law enforcement personnel to enforce the new law. He noted the Inland Valley Humane Society fails to pick up carrion in the community even when asked to do so.

Council Member Paulitz noted **Mr. Lambert** brings up a good point. He noted there is no enforcement mechanism in proposed Ordinance No. 14-941 and no penalty for violation of the proposed Ordinance. He told **Mr. Lambert**, "We are doing this because another agency wants us to."

Mr. Lambert noted it is common sense for pet owners to pick up after their pets. He questioned the City's adoption of an Ordinance that would not be enforced.

Council Member Paulitz noted he understands **Mr. Lambert's** concern "because the previous item in which we adopted a Housing Element is because the state requires it. The state does not care about what residents of the City want."

*The City Council waived the reading of the Ordinance.

First Reading of Ordinance No. 14-941 was adopted by the following vote:

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

VIII. CONSENT CALENDAR

Moved by Council Member/Director Raft, seconded by Council Member/Director Paulitz, 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 6, 2014

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 6, 2014 regular joint meeting.

B. Administrative Reports

1. Setting a Public Hearing to Prioritize Funding for Fiscal Year 2014-15 Community Development Block Grant Projects

The City Council set a public hearing for Tuesday, February 18, 2014, at 7:00 p.m. in the City Council Chambers to prioritize funding for Community Development Block Grant projects.

2. Authorization of a \$30,000 Appropriation From the Gas Tax Fund for Signal Modifications at the Intersection of Phillips Boulevard and Central Avenue

Authorizing City Manager to Sign a Cooperative Agreement With the City of Chino for Signal Modifications at the Intersection of Phillips Boulevard and Central Avenue

The City Council authorized the following actions related to signal modifications at the intersection of Phillips Boulevard and Central Avenue:

- (a) A \$30,000 appropriation from the Gas Tax Fund to pay the City's 25 percent portion of Chino's project.
- (b) The City Manager to sign a cooperative agreement with the City of Chino.

3. Receiving and Filing of Alcoholic Beverage Permit Application – Sake 2 Me Sushi, 5660 Holt Boulevard

The City Council received and filed the report regarding the owner of Sake 2 Me Sushi, 5660 Holt Boulevard, requesting approval from the California Department of Alcoholic Beverage Control to have the existing Type 41 - "On-Sale General - Eating Place" license transferred into the company's name, thereby allowing the continued sale and service of beer and wine at the establishment.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 3, 2014, totaling \$768,347.24 and the Payroll Documentation dated December 29, 2013, amounting to \$685,245.54, with \$395,721.99 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 14-14 With House of Car Wash for Car Wash Services for City Vehicles, Subject to Addition of City Attorney Comments as Necessary

The City Council approved *Agreement No. 14-14* with House of Car Wash for car wash services for City Vehicles, subject to City Attorney comments as necessary.

D. Resolutions

1. Adoption of Resolution No. 14-3020 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 14-3020 authorizing placement of liens on the 196 properties listed on Exhibit A to the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney

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

Kenneth Pollich v. Montclair

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

Patton-Cunningham v. Montclair

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

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:

- (a) He asked if the City Council would be available on Tuesday, March 4, 2014, from 4:00 to 8:00 p.m. for the Strategic Planning Session, noting it was postponed in January because of scheduling conflicts. He reminded the Council that Monday, March 3, 2014, is the date of the regular joint meeting, which would result in two back-to-back meetings. He added that the four-hour Strategic Planning Session requires a time commitment.

It was the consensus of the City Council to conduct the Strategic Planning Session on March 4, 2014, from 4:00 to 8:00 p.m. in the City Council Chambers.

- (b) He apprised the City Council of a number of news items recently related to the **Gold Line** issue. He stated, "Staff has met with representatives from the **City of Ontario**, the **Metro Gold Line Foothill Extension Construction Authority**, and the **San Bernardino Associated Governments (SANBAG)** to obtain clarification on funding issues related to **SANBAG's** position related to funding of the **Gold Line** extension from Azusa to Montclair. It is true that the **Gold Line Construction Authority** continues to develop funding necessary for that extension project. The issue we are focusing on right now and actually struggling with is the one about funding the environmental clearance and the advanced engineering consulting work to move Phase 2B of the project forward after Phase 2A from Pasadena to Azusa is completed. The **Gold Line Construction Authority**, along with the

Los Angeles County Metropolitan Transportation Authority, is attempting to put a measure on the ballot in 2016 to secure the necessary funding to complete the **Gold Line** extension from Azusa to Montclair. Our position and the position of the **Gold Line Construction Authority** is that if the City of Montclair and **SANBAG** does not participate right now in relation to the consulting work related to advanced engineering and environmental clearance, the cost of doing that down the road on the part of **SANBAG** on its own would probably be, instead of the \$2.6 million that is being discussed right now, closer to \$30 million. We see no reason for the City or **SANBAG** to wait to participate in that study.

"Staff will be bringing an item to the City Council at a future meeting asking the Council to consider participating in funding with the **Gold Line Construction Authority** so we could move this forward; but at the same time, we are also attempting to secure a commitment from **SANBAG** that there would be potential that the City of Montclair would be reimbursed for whatever that contribution is in relation to completing those studies. I just want to give you that understanding of the process right now because I do understand that if you read the newspapers, there is some confusion as to what is going on. This is an evolving process. I do expect that over the course of this week, some additional information will be produced as to **SANBAG's** position in relation to funding of the **Gold Line** from Azusa to Montclair. An agenda report addressing each one of these issues will be presented to the City Council at the February 18, 2014 regular joint meeting. Until we actually have every aspect of this resolved and the concerns and issues of **SANBAG** identified and fully what the **Gold Line Construction Authority** would expect from the City of Montclair in this participation, I cannot give you any greater clarification than what I have already defined for you at this point in time. I do expect over the course of the next few weeks, this issue will gain greater clarity; and when the Council does consider this item at the February 18 meeting, we will present to you some clear options for you to consider."

Mayor Eaton noted that he will be attending a **SANBAG** meeting on Wednesday and stated, "I suspect it will be a very interesting meeting. There are several members of the Commuter Rail and Transit Committee who voted for priorities, and now there are some second thoughts on those. I am hoping that those priorities will be changed

and we could work things out because it is extremely important that the **Gold Line** arrive in Montclair and in the distant future that it is extended to **LA/Ontario International Airport**. There is no airport in the region that has a commuter rail line connection to it as we are hoping **LA/ONT** will have. I think it is really important for airline passengers who want to depart from **LA/ONT** that they have an easy way to get there."

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted he participated as the installing officer for the **Pomona Valley Workshop** Board of Directors meeting on January 22, 2014.
 - (b) He noted his attendance at a **Metrolink** Board meeting on January 24, 2014. He noted the agency is beginning to recover from the past shoddy accounting practices discovered in an audit early last year.
 - (c) He noted Mayor Pro Tem Ruh, Council Member Paulitz, City Manager Starr, Police Chief/Public Safety Executive Director deMoet, and his attendance at the dedication ceremony for the newly redesigned and upgraded **Chino Basin Water Conservation District** on Saturday. He suggested those in need of ideas on incorporating California native plants in their gardens to visit the new water-wise demonstration garden at the facility. He emphasized that now is the time to start thinking about water conservation.

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

1. Council Member/Director Paulitz commented as follows:
 - (a) He noted he was very impressed with the new amenities and improvements at the **Chino Basin Water Conservation District** dedication. He noted he enjoyed walking around the perimeter of the site and that it is a very nice level place to take a walk.
 - (b) He noted he would be meeting for lunch with **Monte Vista Water District** General Manager **Mark Kinsey** to address finalizing the contract between the City and **MVWD** for the community garden as well as the rising cost of water. He noted he would be asking **Mr. Kinsey** if he would be available to give a

presentation on the difference between Tiers 1 and 2 and why Tier 2 is so high in some cases as well as the best ways to mitigate the megadrought in California.

- (c) He noted for the record that he is opposed to **TNT® Fireworks'** request related to a nonprofit organization's seeking to sell fireworks in the City.

Mayor Eaton noted he has discussed the issue with City Manager Starr, and it has been decided that the City would not respond to the request.

- 2. Council Member/Director Raft commented that she regrets not being available to attend the **Chino Basin Water Conservation District** dedication ceremony, noting how beautiful the grounds of the facility look when she drives by. She noted she looks forward to taking a tour of the facility as time permits and encouraged everyone to do so.
- 3. Mayor Pro Tem/Vice Chairman Ruh commented as follows:
 - (a) He stated, "It was a very good morning to see what **Chino Basin Water Conservation District** has been doing and how the staff is coming up with new ideas and publicizing those ideas to the public." He noted **U.S. Representative Gloria Negrete McLeod, Senator Norma Torres, and Assembly Member Freddie Rodriguez** also attended the dedication, which had good representation from the region at all levels of government including **Chino Mayor Dennis Yates and Upland Mayor Ray Musser**. He likewise encouraged the public to visit the facility.
 - (b) He noted the family planning clinic site on San Bernardino Street adjacent to **Montclair Hospital Medical Center** has been sold to an individual who is not going to continue the use. He stated that once the sales transaction is finalized by the end of March 2014, the site will transition to a new use—perhaps a use affiliated with the hospital or used by the hospital for an entryway, parking, or something related.
 - (c) He announced **Soroptimist International Montclair/Inland Valley** will be holding its 20th annual *Casino Night* "fun-raiser" this Saturday, February 8, 2014, from 5:30 to 11:00 p.m. at the Senior Center, noting the events are always "well attended and a lot of fun."
 - (d) He stated, "Extension of the **Gold Line** is part of a regional comprehensive transportation plan; and

extending it to **LA/ONT** as mentioned by Mayor Eaton is important. If you want to see traffic grow at the airport, perhaps getting the train there will help. In many other parts of the country—if you go to Washington, D.C., you can get right on a train; in Baltimore, Maryland, you can get right on a train; at **John F. Kennedy International Airport** in Queens, New York City, you can get on a train; in Chicago, you can get on a train and it takes you to the airport and from the airport. There is no connectivity with any airport in Southern California except to **LA/ONT**, and that is why it is vital to do this. There are some who are somewhat negative about it who indicate no one will use it. The segments of the light rail system that have already been built are running at capacity, and the **Gold Line** is no exception. In the areas where the **Gold Line** is currently operating, it is running at capacity. You have seen interest from the free market in the development community to build homes and businesses along the **Gold Line** route from Azusa to Montclair. The free market does not risk their capital on something they do not think will have a long-term benefit to them.

"For those who might think it is a bit futuristic, we can only look back about 60 years in Southern California and the plan to build a freeway from downtown Los Angeles eastward to the **City of San Bernardino**. At the time, it was considered a bit of a stretch to take it to Alhambra, which is now considered an inner ring suburb of Los Angeles, because it was thought there were plenty of roads and who was going to go there? It was then considered to take it as far as El Monte, which was way out in the country. When it was considered to take it to Pomona, the thought was, 'There is nothing there and you have to get over Kellogg Hill.' When it was considered to take it past Kellogg Hill to what are now the areas of Montclair, Upland, Ontario, and Rancho Cucamonga 'all the way' to San Bernardino, the thought was, 'Who would go there? Nobody's going to live there.' It took a very futuristic approach to see not what the world was in 1953 but as it would be in 2014 to see a comprehensive network. Some of that still has not been achieved—there are issues in Pasadena with that freeway. Looking long term, the vision worked. We were able to move people.

"We need the **Gold Line**. The **Gold Line** route, in many cases, is no different than the old **Red Car** lines, which were very prevalent throughout Southern California from

the 1920s into the 1950s. I believe the last **Red Car** tracks were taken up in either 1961 or 1962.

"We are simply going back to what we once had. It is not mandating this on anybody; it is giving an option to consumers, to residents who may not want to drive, who do not drive, or who simply say, 'Hey, I do not need a car at work. I can get on the train, take it to work, and take it home in the evening.' The route will be different from the **Metrolink** route that presently goes to Los Angeles. It will enable people to get up into the Pasadena area or for those in Pasadena to get down into this area. The colleges in this areas are supporting it because they see the absolute need to not just move the students, they have faculty who need to be able to get to work. It is part of this larger vision in Southern California for where we will be in the future.

"Again, nobody is mandating it; but some statistics that are coming out are the numbers of young people who no longer want a driver license and who do not drive. When I was growing up, to get your driver license and your checking account was your rite of passage. I think most of us in this room remember those days. Now I think most young people do not have checking accounts; instead, they have debit cards and they conduct financial transactions on their cellular phones or **iPads** and, increasingly, they do not want to have cars and have no driver licenses. Many of them live their lives in the more dense urban areas every day without needing to take a car. When they do need a car, if they have a license, they have all these different services they can call to have the use of a car for two hours to grocery shop or for whatever purpose. There is a whole change in the way things are done in Southern California.

"The great thing about the **Gold Line** is it is going to create a lot of jobs, it is going to continue to allow people to move through the area, and it is an option, it is not mandated that you have to use it. You would still be able to drive your car. You would still be able to take a bus. You do not have to use any transportation options if you want to stay in your home and do nothing. It would be an option that is there.

"When I start to look at the numbers of people who do use it, and I frequently use the **Metrolink** as well as the **Blue Line** and the **Red Line**, it is a variety of people, it is every age group, it is every income level, it is every background,

and it is an option. I think we do need to extend it through to Montclair. It certainly makes more sense to extend it to Montclair and then over to LA/ONT than it does to try to build something that may not really be needed and will not provide any economic vitality to the region. Thank you."

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of January 16, 2014

The City Council received and filed the Public Works Committee meeting minutes of January 16, 2014, for informational purposes.

2. Minutes of Code Enforcement Committee Meeting of January 21, 2014

The City Council received and filed the Code Enforcement Committee meeting minutes of January 21, 2014, for informational purposes.

3. Minutes of Personnel Committee Meeting of January 21, 2014

The City Council received and filed the Personnel Committee meeting minutes of January 21, 2014, for informational purposes.

XII. COUNCIL WORKSHOP

A. Midyear Budget Review

Moved by Mayor Pro Tem Ruh, seconded by Council Member Paulitz, and carried to continue this item to an adjourned meeting on Wednesday, February 12, 2014, at 6:00 p.m. in the City Council Chambers.

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

At 8:15 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors and the Montclair Housing Authority Commissioners.

At 8:15 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 5495.9(d)(1).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:35 p.m., the City Council returned from Closed Session. Mayor Eaton 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

At 8:36 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Deputy City Clerk