

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 18, 2014, AT 6:59 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 6:59 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 Larry Brazier, MorningStar Christian 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 Chairman Ruh; Council Members/Directors Paulitz, Raft, and Dutrey; 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

V. PRESENTATIONS

A. Introduction of New Employee

Police Chief/Public Safety Executive Director deMoet introduced **Ms. Stacey Donnelly**, who was appointed to the position of Police Dispatcher effective February 5, 2014. He noted Dispatcher Donnelly previously worked at a packaging distribution company for 12 years and for a design company helping homebuyers with interior design.

Chief deMoet told Dispatcher Donnelly that the dispatchers are an integral part of the organization who are usually the first to interact with the public and set the tone for that contact from beginning to end. He wished her luck in the vital role she would be playing in

the safety of Police Officers and the public and stated that he appreciates her taking on such a noble responsibility.

Mayor Eaton welcomed Dispatcher Donnelly to the Montclair City family and presented her with a City pin.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Projects and Prioritization of Funding for Fiscal Year 2014-15 Community Development Block Grant Program

Mayor Eaton declared it the time and place for a public hearing related to projects and prioritization of funding for the Fiscal Year 2014-15 Community Development Block Grant Program 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.

Moved by Council Member Dutrey and seconded by Mayor Pro Tem Ruh that the City Council approve the following projects and priorities for the Fiscal Year 2014-15 Community Development Block Grant Program:

Accessibility improvements to the Recreation Center including reconstruction of restrooms and showers and improvement of accessibility to one racquetball court	\$172,553*
Code Enforcement	75,000
Graffiti abatement	31,000**
Montclair Golden Express	<u>12,686**</u>
TOTAL	<u>\$291,239</u>

*Total CDBG funding for this project: \$556,944

**Total public services projects: \$43,686

Motion carried unanimously as follows:

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

B. Second 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. 13-941 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.

Moved by Mayor Pro Tem Ruh and seconded by Council Member Dutrey that Ordinance No. 14-941, entitled, "**An Ordinance of the City Council of the City of Montclair Adding Chapter 5.02 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 second reading.

The City Council unanimously waived the reading of the Ordinance.

Second Reading of Ordinance No. 14-941 was unanimously adopted by the following ROLL CALL vote:

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

VIII. CONSENT CALENDAR

Mayor Eaton noted Item B-9, "Consider Setting a Public Hearing Regarding the Following: Consider Adoption of Resolution No. 13-2996 Amending the Land Use Element of the General Plan/Consider Ordinance No. 13-935 Amending Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District" is being removed from the Consent Calendar for revision and return at a future meeting.

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

Moved by Council Member/Director Paulitz, 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/MHA Commission Meeting of January 21, 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 21, 2014 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 January 31, 2014.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated February 18, 2014, totaling \$1,184,638.22; the Payroll Documentation dated January 12, 2014, amounting to \$524,392.11, with \$361,813.50 being the total cash disbursement.

3. Receiving and Filing of Successor Agency Treasurer's Report

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending January 31, 2014.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 01.01.14-01.31.14 in the amounts of \$45,121.59 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds; \$43.50 from the Tax-Exempt Bond Proceeds; and \$43.50 from the Taxable Bond Proceeds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending January 31, 2014.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 01.01.14-01.31.14 in the amount of \$18,479.42.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending January 31, 2014.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 01.01.14-01.31.14 in the amount of \$0.00.

10. Declaring Certain City Property and Unclaimed Property in Police Custody as Surplus and Available for Auction

The City Council declared the City property and unclaimed property in Police custody listed on an attachment to the agenda report as surplus and available for auction.

C. Agreements

2. Approval of *Agreement No. 14-18* With The Planning Center to Provide Policy Briefs Related to Geographic Information System Mapping Done in Fiscal Year 2012-13

The City Council approved *Agreement No. 14-18* with The Planning Center to provide policy briefs related to Geographic Information System mapping done in Fiscal Year 2012-13.

D. Resolutions

1. City Council, Acting as Successor to the City of Montclair Redevelopment Agency Board of Directors, Adoption of Resolution No. 14-01 Adopting a Recognized Obligation Payment Schedule for July 1, 2014, Through December 31, 2014; Adopting an Administrative Budget for July 1, 2014, Through December 31, 2014; and Authorizing Certain Other Actions Pursuant to Section 34177 of Part 1.85 of the Health and Safety Code

The City Council, acting as successor to the City of Montclair Redevelopment Agency, adoption of Resolution No. 14-01 adopting a Recognized Obligation Payment Schedule for July 1, 2014, through December 31, 2014; adopting an Administrative Budget for July 1, 2014, through December 31, 2014; and authorizing certain other actions pursuant to Section 34177 of Part 1.85 of the Health and Safety Code.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. **Approval of Agreement No. 14-17, a Memorandum of Understanding Between the City of Montclair and the Metro Gold Line Foothill Extension Construction Authority for the Cost of Advanced Conceptual Engineering and Environmental Clearance Work for that Portion of Phase 2B of the Metro Gold Line Extension Within the City of Montclair**

Council Member Dutrey commented as follows:

- (a) Noting the City has been pursuing the Gold Line extension to Montclair for a number of years, he stated that Mayor Eaton and he learned during a business trip to Washington D.C. last year that SANBAG did not support Phase 2B through to Montclair, despite SANBAG Executive Director **Dr. Raymond W. Wolfe's** commitment of support at a regular joint meeting in May 2013.
- (b) He reported that SANBAG staff recommended at a Commuter Rail and Transit Committee meeting in January 2014 that three projects be prioritized, with the Gold Line being placed third while a Redlands Passenger Transit Project was placed first. Before the SANBAG Board had a chance to vote on staff's recommendation, he stated that a SANBAG staff member in charge of transit projects sent an email to the Metro Gold Line Foothill Extension Construction Authority advising that SANBAG no longer has funds to pay the costs of conceptual engineering and environmental clearance work that the Construction Authority was about to execute in an agreement with a vendor. He noted he is quite upset at SANBAG staff's taking the initiative on the issue without authorization from the Commuter Rail and Transit Committee.
- (c) He advised that Mayor Eaton was able to convince the SANBAG Board at its February 2014 meeting to overturn its decision and act to give even priority to the top three projects including the Gold Line extension to Montclair.
- (d) He stated that the Construction Authority will be ready to move forward and retain a vendor sometime in April 2014 and that if SANBAG or Montclair fails to enter into an agreement with the Construction Authority to pay for Montclair's portion of the conceptual engineering and environmental clearance work costs, then the Gold Line would not be coming to Montclair.

- (e) He expressed his disappointment that Measure I funds are being allocated to transportation projects on the east side of the county, despite the many years the City has been in discussions with the SANBAG Board about the importance of the Gold Line extension to Montclair and, ultimately, to the LA/Ontario International Airport (LA/ONT).
- (f) He advised that SANBAG must be pressured to reimburse the City the \$2.16 million the City would be advancing the Construction Authority for participation with the Construction Authority in engineering and environmental consulting work along with the \$840,000 the City would be paying SANBAG for oversight of the advanced engineering and environmental consulting work.
- (g) He spoke in support of this item.

Mayor Pro Tem Ruh commented as follows:

- (a) He noted he has been questioning SANBAG's commitment to the Gold Line for over a year.
- (b) He reported that the Gold Line is part of a comprehensive regional transportation plan for Southern California that will connect many communities and is necessary if we want to move people through Southern California. He stated that it has become apparent in Southern California that residents are not able to drive the freeways because of congestion and that in many cases, the cost of simply owning and maintaining a vehicle is not feasible for some residents. He expressed his hope that the Gold Line would ultimately be extended to LA/ONT for the benefit of airline passengers and that at that point, it would be the only airport in Southern California with a direct mass transit connection. He emphasized that it should receive a higher priority from SANBAG for that reason alone.
- (c) He noted the only item SANBAG seems to want to push for the West End of the county is tolling the I-10 Freeway from Montclair to Ford Street in Redlands, advising that SANBAG's funding of the Gold Line into San Bernardino County would relieve freeway congestion and neutralize the need to toll freeways.
- (d) He stated that from Azusa to Montclair, the development community has responded positively to extension of the Gold Line with new mixed-use developments occurring frequently along that line that has created more jobs and

would result in more disposable income for the cities along the Gold Line because "when people live near transit, they generally have more disposal income."

- (e) He noted the need to push extension of the Gold Line to San Bernardino County with our Congressional representatives, though unfortunately for our county, U.S. Representative Miller, who has been in office since 1999, announced he is retiring. In addition, he noted U.S. Representative McLeod is retiring after serving for one year. He advised that Congress is a seniority based institution and that we no longer have ranking in Congressional committees to get things done. He stated that it is incumbent that we work to educate whomever replaces our retiring Congressional representatives.
- (f) He expressed his belief in mass transit and noted he frequently uses it for a variety of activities including taking the Red Line to such places as Hollywood and Highland or the Universal City Walk. He noted he would use the Gold Line once it arrives at the Montclair to go to work on days that he does not have meetings outside his office, just as he has used the Gold Line in Pasadena for some of the routes to Los Angeles and that it has been very convenient for him to do so.
- (g) He expressed his opinion that SANBAG "really needs to look at the future of this county and realize it is going to be in mass transit."
- (h) He spoke in support of this item.

Mayor Eaton stated that he has been working with City Manager Starr and staff to persuade SANBAG of the importance of the Gold Line extension into San Bernardino County. He stated that he is very supportive of this item to ensure "the study can go on and it just does not die." As Chair of the SANBAG Commuter Rail and Transit Committee, he noted that SANBAG staff seems to be working against Montclair regarding the Gold Line extension to San Bernardino County and stated, "We are doing our best to overcome that."

Council Member Raft concurred with comments made by Council Member Dutrey, Mayor Pro Tem Ruh, and Mayor Eaton. She noted reading in the agenda report that effective October 2013, the Gold Line's average weekly ridership was 43,923—almost 44,000—compared to Metrolink with its 388 miles of track having an average weekly ridership of less than 42,000, which illustrates the popularity of the Gold Line. She spoke in complete support of the item.

Council Member Paulitz stated, "I agree with the proposed expenditure of money even if we never get it back. I look at it as an investment in the future of probably 10 to 15 years down the line that this is necessary to show Los Angeles County that we are serious. I, therefore, support this item."

Council Member Dutrey commented as follows:

- (1) He concurred with Council Member Paulitz that funding must be pledged to pay for Montclair's portion of the conceptual engineering and environmental clearance work costs to show how serious the City is in having the Gold Line come to Montclair. He emphasized that when the residents voted to extend Measure I, the measure included the Gold Line as a regional transportation project.
- (2) He further emphasized that the \$3 million in question could have easily been funded by redevelopment tax increment revenue, which is no longer possible because of the governor's misjudgment in dissolving redevelopment, and that it is incumbent upon SANBAG to reimburse these funds because the Gold Line extension to San Bernardino County is its responsibility.
- (3) He stated that it is important for us to show the leadership that Montclair is willing to front the funding with the understanding that SANBAG will reimburse the City at some point in the future and expressed his confidence that SANBAG would do so.

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

- (1) Approve staff's recommendation to enter into Agreement No. 14-17, a Memorandum of Understanding (MOU) between the City of Montclair and the Metro Gold Line Foothill Extension Construction Authority for \$2.16 million, payable in monthly installments, for consulting related to advanced engineering and environmental clearance work for that portion of Phase 2B of the Metro Gold Line Extension within the City of Montclair.
- (2) Give direction to the City Manager to negotiate on behalf of the City of Montclair a reimbursement agreement with SANBAG to include, to the extent possible, the following terms and conditions:
 - SANBAG to reimburse to the City of Montclair 100 percent of costs incurred as follows:

- SANBAG to reimburse to the City advance funding, including all Phase 2B project-related costs, within four (4) years beginning on the date the first advance payment is made by the City to either the Metro Gold Line Foothill Extension Construction Authority, or SANBAG, whichever comes first.
- The amount of reimbursement shall be based on the City's maximum advanced contribution and any and all other Phase 2B project-related costs including up to \$2.16 million for advanced engineering and environmental consulting work and up to \$840,000 for SANBAG project oversight costs.
- Reimbursement of the City's advance payments and any and all Phase 2B project-related costs to be guaranteed by SANBAG even in the event the Metro Gold Line Foothill Extension Construction Authority fails, for whatever reason, to construct the Phase 2B project to Montclair.

Mayor Pro Tem Ruh noted the motion is quite changed from staff's recommendation in the agenda report on this item and asked City Attorney Robbins if that is allowable.

City Attorney Robbins expressed her opinion that it would be proper for the City Council to provide direction to allow the City Manager to negotiate a contract for reimbursement from SANBAG, the second part of Council Member Dutrey's motion. She noted the only action being proposed is approval of the MOU before the Council and to direct the City Manager to negotiate a contract.

Mayor Pro Tem Ruh asked if it would be proper for the motion to include the points of the contract.

City Attorney Robbins stated that though Council Member Dutrey has included the contractual points in his motion, the direction is for the City Manager to negotiate a contract with SANBAG for reimbursement which is, in her opinion, perfectly fine.

Council Member Dutrey noted he consulted with the City Manager regarding the motion in a discussion earlier this evening. He stated, "We need to show SANBAG that we are serious in terms of being reimbursed, and we have to commit to the Construction Authority that we have funds available to

pay for the design work and environmental study. If by May 2014, SANBAG does not commit to reimbursing the City, the City Council will have to make a decision to continue with the MOU or pull back."

City Manager Starr stated, "Certainly the City Council would have the opportunity to renegotiate the proposed MOU with the Construction Authority, but that would require that the Construction Authority negotiate those terms with us as well. Ultimately, the conclusion would obviously depend on the results of the negotiation process. By entering into an MOU tonight, the City is making a commitment to the Construction Authority that we are agreeing to provide the \$2.16 million. The Construction Authority has already released its request for proposals related to the advanced engineering and environmental consulting work and does anticipate entering into that agreement by April 5, 2014. The City's commitment right now, should this item be approved, is that we would be participating with the Construction Authority. Backing out from that in May 2014 should the SANBAG Board of Directors make a decision contrary to our interests—it is difficult to say—obviously, the Construction Authority's project would be in its infancy regarding any advanced engineering and environmental consulting work that would be proceeding, so it is possible the Construction Authority may be willing to come back and discuss altering the MOU or allowing the City to back out. I think a lot of that would ultimately depend on what agreement terms it has already entered into with the consulting firm that would be performing the advanced engineering and environmental consulting work. There are a lot of details to work out before we can make any clear direction on what ultimately would happen in relation to this. The Construction Authority has been very cooperative with the City up to this point; and it is possible that if SANBAG chooses not to provide funding and the City wants to reconsider the terms of the MOU, the Construction Authority may be willing to discuss that.

"I do want to point out, as members of the City Council have already indicated this evening, that for the City to not participate in this if it is SANBAG's decision to not reimburse the City, then we have to clearly understand that that would probably be the nail in the coffin on bringing the Gold Line to San Bernardino County. The reason why I say that is that the County of San Bernardino's cost of participation with the Construction Authority right now is \$2.16 million, or 6 percent of \$36 million, for the cost of the consulting work. If we choose not to do that now—and in two years when Measure R

is extended or expanded and additional funding comes to Los Angeles County for them to do the construction work From Azusa to Claremont—and SANBAG at that point decides to join in the project with the Construction Authority to bring the Gold Line to Montclair and ultimately to LA/ONT, SANBAG would have to assume the entire cost of the advanced engineering and environmental work for that portion of the project at that time; and it will probably cost \$30 million or more for SANBAG to do that. The reality is: Would you pay \$2.16 million now or pay \$30 million in two years because you deferred making a decision?

"I believe Director of Public Works Hudson and Deputy City Manager/Economic Development Executive Director Staats are of the opinion that if SANBAG would not come up with \$30 million or \$36 million, whichever the cost may be, to participate in doing that component of the advanced engineering and environmental work on their own without the participation of the Construction Authority simply because if their arguing now that they do not have the money for the construction work, and this goes back to the email from one of the SANBAG staff members, which, by the way, did not only say that they do not have the funding to participate with the Construction Authority for the advanced engineering and environmental consulting work but they also do not even have the money for the construction and, further, the email went on to say they also do not have the money for priority No. 2, which was the Metrolink double tracking. The only money they had was to do the Redlands Passenger Transit Project. Of course, as you read in the agenda report and as staff has explored this issue further, they do not really even have the money to do the Redlands Passenger Transit Project.

"What they have is Measure I money that will flow to them from 2014 to 2040 of approximately \$343 million. The Redlands Passenger Transit Project, as currently projected, costs \$393 million. They are off by about \$50 million in order to do the Redlands Passenger Transit Project, their No. 1 priority. The only way they can do the Redlands Passenger Transit Project is to bond the Measure I money. If you are going to bond \$343 million, you are not going to have \$343 million to spend on a project; you would have somewhat less than \$300 million. At this point, you would be off about \$100 million to do the Redlands Passenger Transit Project. We are a little bit confused as to really where SANBAG thinks it would be able to do the Redlands Passenger Transit Project with the bonding of Measure I money when they are telling us they also do not have the money to do the construction, operation, and maintenance in participation with the

Construction Authority on the funding for the Gold Line extension from Azusa to Montclair; and they obviously also do not have the \$66 million to do the Metrolink Double Track Project. To us, there is a lot of confusion in relation to the funding that SANBAG has for the transit projects. Their budget defines for the next 26 years \$1.5 billion in funding from various sources including Measure I and other federal and state funding sources; but the total of the three priority projects is about \$620 million. Staff does not really understand that if you are projecting \$1.5 billion in transit funding over the next 26 years, why you are saying that you only have the money to do priority No. 1, the Redlands Passenger Transit Project, but you do not have the money to do either one of the other two projects within the next 26 years. That needs to be clarified further for us by SANBAG as to what their true funding status is.

"Again, going back to the original issue and that is the question from Council Member Dutrey: 'Will the Construction Authority agree to allow the City to renegotiate this MOU?' I cannot say. Perhaps the City Attorney could provide more clarification as to what the Construction Authority's ability will be to do that once it has entered into an agreement with a consulting firm to do all this work, which it has indicated to us that it will be doing on April 5, 2014. In any event, if the money does not come forward either from SANBAG or Montclair prior to entering into that agreement on April 5, 2014, the Construction Authority has no choice other than to remove the county-line-to-Montclair portion of the consulting work; and the Gold Line extension will only go from Azusa to Claremont. There would be no other option for us at that point in time once that agreement is entered into on or about April 5, 2014.

"From my perspective, the City Council is making the right decision. I understand the caution, Council Member Dutrey, that you are advising the other members of the Council of; and I think that the terms of what you have structured in your motion are the correct direction for us to go.

"I do believe that when we look at the tentative proposal that has been submitted to staff by SANBAG—I think that there is every reason to believe that SANBAG is sincere in making the commitment to reimburse all aspects of the funding to the City, not only the \$2.16 million but also the \$840,000 that they say Montclair needs to fund in relation to the oversight. It is my opinion, and as we go forward in the negotiations as contained in the Council Member Dutrey's motion that as we sit and discuss with SANBAG, I do not believe it is our

responsibility to pay for the oversight. That is an internal SANBAG requirement. That is part of their operations, and I do not see why we should be funding the \$840,000. I am concerned that their proposal indicates that not only do we need to fund it but that we need to give them the \$840,000 up front. However it comes out, I believe the City's position should be that we are not going to give SANBAG the \$840,000 up front. We may give SANBAG the money as it suffers those costs. That is the only thing that we should agree to in relation to the \$840,000. I also believe that the Mayor, as Chair of the Commuter Rail and Transit Committee and as a SANBAG Board Member, should make the point that the \$840,000 oversight cost is the responsibility of SANBAG, pure and simple. It is their cost to suffer, and Montclair should not really be a part of that.

"The \$2.16 million is an advance; and SANBAG thus far is committed to reimbursing that. There is no timeframe that I saw in the terms of the proposal submitted to us, but we will certainly go back and seek to negotiate that four-year timeframe that Council Member Dutrey is attempting to have imposed on the terms of that agreement that we reach with SANBAG. I certainly think that there is no reason why we should need to wait until construction is fully completed. If SANBAG is aware that the project is going forward and they are prepared to make the commitment and have generated the necessary funding, then Montclair should receive its reimbursement almost immediately once SANBAG makes a decision to go forward on the project. I think that that falls within the four-year timeframe that Council Member Dutrey spoke of. I do know that if you look at the terms of the agreement, SANBAG does give the Construction Authority until 2040 to generate the funding; but I do not believe that that really is the timeframe we are looking at. The Construction Authority will know by November 2016 what sort of funding will be available for transit projects within Los Angeles County, and they will probably know sometime by mid-2017 whether or not there is general agreement with the Los Angeles County Metropolitan Transportation Authority (Metro) Board that funding will be available from whatever may occur from a tax measure that goes before the voters in 2016 will be available for the Construction Authority to do the extension from Azusa to Montclair. I believe the four years is something that we can certainly work with, and I believe SANBAG should be agreeable to that as well.

"I do want to point out one more thing, something that Council Member Raft brought up, and that is the daily ridership for the Gold Line versus Metrolink. When you look at the higher daily

passenger ridership for the Gold Line, you have to put in perspective that it is for 19.7 miles of track—effectively from East Los Angeles to Pasadena. Now you are talking about Phase 2B, which is the Pasadena to Azusa component. You could imagine that the ridership from East Los Angeles to Pasadena is almost 44,000 a day. You could probably add quite a few thousand on top of that from Pasadena to Azusa when that is completed in 2015, and then imagine from Azusa to Montclair and ultimately to LA/ONT what that ridership would be. Contrast that to Metrolink, which has about 388 miles of track, carrying less than 42,000 passengers daily and declining at the rate of about 4.1 percent starting in 2013. If that decline in Metrolink ridership continues for 388 miles of track versus an increase in ridership for the Gold Line for 19.7 miles of track, which will ultimately expand to, I believe, additional 24 miles, you can see that the Gold Line really is the transit system for the future; and it is the transit system that not only has a higher daily ridership but accesses an entirely different region of Los Angeles County. It will be bringing passengers from not only Los Angeles because it does originate in East Los Angeles but then goes the route of the foothill cities in the San Gabriel Valley and then comes in to Claremont and, one day, to Montclair. It just taps a whole new region; and from staff's perspective, we do not understand why there would be any resistance to bringing the Gold Line transit project to Montclair."

Mayor Pro Tem Ruh concurred with City Manager Starr's comments and noted the educational opportunities the Gold Line opens up. He stated that in some quarters of the San Gabriel Valley, the Gold Line is being referred to as the "brain train" because of the number of institutions of higher learning along the line once it is completed including the Claremont Colleges, the University of La Verne, Azusa Pacific University, and Pasadena City College. He emphasized this is another reason that SANBAG needs to carefully consider its decision about funding the project. He noted the Gold Line would enable many Montclair residents to take advantage of those education opportunities. He stated, "I think the attitude of SANBAG can certainly give one pause. I am a lifetime resident of this City—I moved here when I was three days old from San Antonio Hospital. I am about as lifetime as one could get. I live all of three blocks from the home I grew up in, and I wonder after all these years if Montclair were not located in Los Angeles County if this would be an issue at all. I think it would be fully funded by now. I think San Bernardino County needs to look at that, that the future damage that SANBAG is doing by not recognizing the potential in this is

detrimental to the future—not just of this City, not just of this county, but to many of our neighbors to the west of us.

"We need to push this issue more than ever; and I think we have the wherewithal from many of our friends in the west, our cities in Claremont, La Verne, San Dimas, Glendora, Azusa, and even further out who are all joined with us to help push this issue. Thank you."

Council Member Dutrey noted he realizes the risk of losing such an important project that is "too important to walk away from at this point. It is only February; there is some time for our City Manager to discuss this further with SANBAG staff. It is hoped that prior to the next Commuter Rail and Transit Committee meeting, there is a resolution between City staff and SANBAG staff on our reimbursement; and then in April 2014, the item will be considered by the Commuter Rail and Transit Committee. April 5, 2014, is when the Construction Authority will be awarding the contract with the consulting firm. I am going to trust the City Manager will work on the agreement and notify the Construction Authority that we are in but, at the same time, are a little cautious. I know sometimes planning agreements could be revised. I imagine our City Manager will clearly communicate that to the Construction Authority; and if things do fall apart, then I think it is important to at least bring the matter back to the City Council in May for us to make a decision to move forward or not. The question is: If the Gold Line extension project is in the Measure I plan, and SANBAG chooses not fund it when we are this close to it and there is other money available to do projects, perhaps we should look into litigation."

Mayor Eaton stated, "Let us hope it does not go that far."

Council Member Dutrey concurred with Mayor Eaton.

Mayor Eaton stated, "I think we are doing the right thing. If this Gold Line project just dies, the amount of money it is going to cost to start it up again is astronomical."

*Motion carried unanimously as follows:

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

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Attorney

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

1 Potential Case

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

Kenneth Pollich v. Montclair

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 Items 1 and 3 and withdrew Item 2 from City Council consideration.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr stated that he once again needs to review dates with the City Council to reschedule the Strategic Planning Session previously set for March 4, 2014, because of scheduling conflicts during the month of March. He noted the consultant is available on Thursday, April 3, 2014; Wednesday, April 23, 2014; or Thursday, April 24, 2014.

Mayor Eaton advised that he would be available on all three dates, noting it would be best to hold the much-delayed session as soon as possible.

Council Member Paulitz noted he is also available on all three dates.

Council Member Dutrey noted he is likewise available on all three dates.

City Manager Starr stated that he would schedule the Strategic Planning Session on the date most convenient to the consultant and advise the City Council.

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He welcomed *Inland Valley Daily Bulletin* Columnist **David Allen** in the gallery this evening, stating, "We are glad you are with us. Thank you for coming."
 - (b) He noted he has been busy since the last meeting attending **Omnitrans, SANBAG, Southern California Association of Governments, and Metrolink** Board meetings and a fundraiser. He stated, "The **SANBAG** meetings have been interesting, and I will be doing my level best to present our feelings about funding and other issues raised this evening regarding extension of the **Gold Line.**"

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

1. Council Member/Director Paulitz commented that he has been working with Director of Community Development Lustro concerning Section VIII, "Consent Calendar," Item B-9, "Consider Setting a Public Hearing Regarding the Following: Consider Adoption of Resolution No. 13-2996 Amending the Land Use Element of the General Plan/Consider Ordinance No. 13-935 Amending Chapters 11.22, 11.78, and 11.90 of the Montclair Municipal Code Related to Development Standards and Requirements in the R-3 (Residential Medium-High Density) Zoning District," that was removed for revision this evening. He advised that Director of Community Development Lustro and he have had a meeting of the minds on certain issues including the minimum lot size being one acre and a studio and one-bedroom apartment being 800 square feet in size, a two-bedroom, 950 square feet, a three-bedroom, 1,200 square feet, and a four-bedroom, 1,500 square feet. He stated, "There is much work to be done on density because there are basically two R-3 Ordinances: One is an R-3 Ordinance and the other a Planned Residential Development Ordinance, which repeats the same language. I would think at this time, since we have time, that we should put those two Ordinances together and only have one Ordinance, probably the Planned Residential Development Ordinance. The Housing Element that the City Council adopted indicated that we were going to establish a very high-density zone of 30 units per acre, but there is some language in Item B-9 indicating 30 units per acre would only relate to deed-restricted affordable housing."

Mayor Eaton asked City Attorney Robbins if it is appropriate to discuss this item at this time.

City Attorney Robbins advised that it is, indeed, proper for Council Member Paulitz to comment on the item as part of his communications because the City Council would take no action on the item.

Council Member Paulitz noted he is simply indicating areas of concern on issues "that need a lot more work. I will dedicate myself to working with Director of Community Development Lustro to ensure that when the item is returned for City Council consideration, it is complete, acceptable to everyone, all redundancies removed, and a good Ordinance. Thank you."

2. Council Member/Director Raft congratulated Mayor Eaton on his recent appointment as Chair of the SANBAG Commuter Rail and Transit Committee, stating, "It is nice to see you doing something like that. We have you in there on our side."

Mayor Eaton thanked Council Member Raft.

3. Council Member/Director Dutrey commented as follows:
 - (a) He stated that he is pleased with **CIM Group's** purchase of the **Montclair Plaza**. He noted his visit to the **Birch Street Promenade**, a newly developed open-air pedestrian area three blocks long featuring shops, restaurants, offices, and residential in the heart of Brea, that he did not realize was originally developed by **CIM Group** until today. He noted in discussions with staff that **CIM Group** seems motivated to redevelop the **Montclair Plaza** site and "has grander plans than the prior owner. I am hopeful that this time around, we will see some development at the **Montclair Plaza** in the near future."
 - (b) He noted he was pleased to learn that the **9th U.S. Circuit Court of Appeals** rejected an effort by the owners of the former **Déjà Vu** site to renege on the 2002 settlement agreement with the County of San Bernardino. He expressed his hope that the owners decide to be a good neighbor to Montclair and change the present shade of the building to a more neutral tone and "do the right thing; and if they want to move forward with their Conditional Use Permit application, that is their right. The City Council has already commented on the issue."
 - (c) He recognized Director of Human Services Richter and particularly Senior Citizens Program Specialist Ester Pipersky for coordinating and facilitating the *Wedding Bliss* event last Thursday at the Senior Center at which 12 senior couples renewed their wedding vows. He noted

Senior Citizens Program Specialist Ester Pipersky came up with the unique idea on behalf of Montclair seniors.

- (d) He recognized Fire Chief Mayhew's attendance at tonight's meeting. He stated, "He is a good man because he attends four City Council meetings a month: two in Upland and two in Montclair. I hope that our meetings are a little quieter than Upland's meetings, though I hope **David Allen** does not fall asleep during our meetings."

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

- (a) He stated, "I, too, would like to welcome **Mr. Allen** to the City of Montclair, formerly known as Monte Vista circa 1956. I do not know if we need to put signs up that indicate we were formerly Monte Vista."

Council Member Dutrey noted he is still searching for a downtown in Montclair.

Mayor Pro Tem Ruh stated, "I can say the street I grew up on is Palo Verde Street. The Mayor is very familiar with that street—that it was formerly known as 'Margarita Street' before my family moved there. I looked at an earlier map of the City. Maybe we need to start putting up signs indicating 'Formerly Known As.'"

- (b) He recognized City staff who assisted with the very successful **Soroptimist International Montclair/Inland Valley** 20th annual *Casino Night* "fun-raiser" held on February 8, 2014, at the Senior Center. He noted the attendance of Mayor Eaton and Council Member Raft at the event and stated, They did raise a lot of money for their many different causes and projects they supports here in this City, and I appreciate the fact that staff was on hand to help with the moving and lifting that needed to be done that evening."
- (c) He noted **Assembly Member Rodriguez** will hold a neighborhood coffee this Thursday from 5:00 to 8:00 p.m. in the City Council Chambers followed by another neighborhood coffee this Saturday from 10:00 a.m. to 1:00 p.m. at the Montclair Police Department Emergency Operations Center, 4870 Arrow Highway. He expressed his appreciation "of **Assembly Member Rodriguez's** diligence and efforts to get out to all of our communities to make sure that residents' voices are heard and that we could hear what some of his priorities are. I think that is very important and very typical of the type of

person he is. I have known him for a number of years, and he is always willing to listen."

- (d) He noted this Saturday evening at 6:00 p.m. at the **Holiday Inn Ontario Airport**, 2155 East Convention Center Way, the **Montclair Chamber of Commerce** will hold its *Murder Mystery Party* that should be a fun evening.
- (e) He expressed his appreciation of the **CIM Group's** purchase of the **Montclair Plaza**, noting the company does a variety of developments: retail, commercial, and residential including a great deal of very well planned and developed high-density residential that has tremendous retail value. He noted he is somewhat familiar with the company's developments because of his visits to venues such as the **Dolby Theatre**, formerly the **Kodak Theatre** where the **Academy Awards** are held; the **Hollywood & Highland Center** across the street from the **El Capitan Theatre**; **Sunset Plaza**; **Sunset & Cherokee**; **Historic Gas Company Lofts**, downtown Los Angeles; and the **Redbury** hotel, 1717 Vine Street. He stated, "Many of these venues have been repurposed to something that brings in money and brings in energy. They are destinations where people want to be, and I really look forward to what **CIM Group** may have planned for the Montclair Plaza. I know that part of their plans will follow what they have done in most other developments and will include housing of some type—I think that is important because you need that captive audience with any retail today in order to be able to make it successful. Without that captive audience, they fail. You can look around Southern California and see where they have integrated housing with retail—it is very successful. Where you have retail separately from housing, it is not as successful. I know the **CIM Group** and many of its projects, and it will do a fantastic job here in the City from just looking at its past success rate in many other areas in Southern California. Thank you."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of February 3, 2014

The City Council received and filed the Personnel Committee meeting minutes of February 3, 2014, for informational purposes.

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 54956.9(d)(1).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:31 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 8:32 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