

**MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND REDEVEL-
OPMENT AGENCY AND MONTCLAIR HOUSING
CORPORATION BOARDS HELD ON MONDAY,
NOVEMBER 17, 2008, 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 cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

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

Mayor Eaton introduced Community Action Committee (CAC) Chairperson Hollis Judkins to make a special **Veteran's Day** presentation in honor of two Montclair veterans.

CAC Chairperson Judkins stated that the CAC began sponsoring a military street banner program in 2006 to recognize Montclair residents currently serving in our armed forces. She noted 43 banners were proudly displayed in Montclair from January to

November 2008 and that the banners of those who continue to serve our country, plus any new submissions, would again be displayed beginning in January 2008.

CAC Chairperson Judkins recognized **Mr. David Pedregon** for his 3 years of service in the **U.S. Army** and for 17 years of consecutive service in the **U.S. Marine Corps**, including a recent deployment to **Fallujah, Iraq**. She noted that as a youth, **Mr. Pedregon** attended **Serrano Middle School** and graduated from **Montclair High School** in 1984. She noted the City thanks **Mr. Pedregon** for his committed service to our country. In **Mr. Pedregon's** absence because of an employment opportunity, she presented his military banner to his mother, **Mrs. Eileen Pedregon**.

CAC Chairperson Judkins recognized **Mr. Carlos Martinez** for his ten years of service in the **U.S. Army**, part of which was spent training soldiers before their deployment to the Middle East. She thanked **Mr. Martinez** for his dedicated service to our country and presented him with his military banner.

VI. PUBLIC COMMENT

Mayor/Chairman Eaton advised those audience members desiring to address the Council and Redevelopment Agency/Montclair Housing Corporation Boards to submit a *Speaker Information Card*, and they would be afforded five minutes each to speak on topics that do not appear on tonight's agenda. He added that pursuant to the provisions of the **Ralph M. Brown Act**, the City Council and Agency and MHC Boards are prohibited from taking action on items not listed on the agenda.

A. **Ms. Traci Ruth, California Department of Transportation (Caltrans)**, District 8, 464 West Fourth Street, San Bernardino, updated the Council on the \$98 million state-funded pavement rehabilitation project slated to begin in early 2009 on the I-15 Freeway, noting the project limits on the I-15 Freeway are near the cities of Ontario and Mira Loma from the I-15 Freeway/State Route 60 interchange and continue north across the San Bernardino County/Riverside County line to Seventh Street just north of the I-15/I-10 Freeway interchange in Rancho Cucamonga. Noting most of the work would be done during weeknights and would take approximately two years to complete, she advised that later on next year, the project will involve some connector and ramp closures that could cause backup on the I-10 Freeway in the Montclair area during weekends. She noted she has left literature about the project at City Hall and that **Caltrans** could also be accessed online at www.dot.ca.gov/dist8/.

Mayor Eaton thanked **Ms. Ruth** for her report.

Ms. Ruth advised that she would be giving follow up reports to the Council as information becomes available.

- B. Mr. Mauricio Lopez, M L Engineering**, 1391 Third Avenue, Upland, spoke on behalf of his client, **Mr. George Landers**, regarding **Mr. Landers's** efforts since July 2008 to build a covered front porch at his residence at 9827 Lindero Avenue, Montclair, to shade the west-facing residence from the hot afternoon sun.
- C. Mr. George Landers**, 9827 Lindero Avenue, Montclair, stated that the new covered front porch he is proposing to build would offer some protection from the hot afternoon sun, which has already ruined the finish on the new front doors he installed at his residence approximately two years ago. He stated that the City obtained approximately ten feet of right-of-way from his front-yard setback in the 1980s, which greatly reduced the depth of his front yard and is the reason Planning denied his request to build a covered front porch.

Mayor Eaton told **Mr. Landers** that the Council is unable to take action on this matter and suggested he speak to Planning staff.

Director of Community Development Lusto advised that **Mr. Landers** and his architect have spoken to Planning staff on a number of occasions about **Mr. Landers'** proposal to build a covered front porch at his residence. He indicated that the issue revolves around an insufficient front-yard setback to build the front porch. He concluded by stating that Planning staff will assemble the relevant information regarding this matter for inclusion in a written response to Council at the December 1, 2008 meeting.

Mayor Eaton suggested **Mr. Landers** continue to work with Planning staff on his issue.

- D. Mr. Jody Rinker**, 5195 Evert Street, Montclair, complained about the loud volume of music being played in his neighborhood. He suggested the City send notices with its sewer/trash billing requesting residents to keep their music volume at reasonable levels so as not to disturb the peace in their neighborhoods.

Mayor Pro Tem Dutrey advised that the Code Enforcement Committee, on which Council Member Paulitz and he both serve, is presently updating the City's Noise Ordinance to address the issue of loud music. He noted the Code Enforcement Committee hopes to complete its revision of the Noise Ordinance, which will include heftier fines for infractions of the Ordinance, for presentation to the City Council in January or February 2009.

Mayor Pro Tem Dutrey thanked **Mr. Rinker** for his suggestion to notify residents in their sewer/trash bills that infractions to the City's Noise Ordinance could result in a hefty fine.

Mayor Eaton told **Mr. Rinker**, "We are aware and we're working on it."

Noting the Code Enforcement Committee has been working on revisions to the Noise Ordinance for several months, Council Member Paulitz encouraged **Mr. Rinker** to comment at the public hearing on this item, adding that he might invite his neighbors to comment as well because "we need your support."

Mr. Rinker thanked Council Member Paulitz.

Mayor Eaton thanked **Mr. Rinker** for his comments.

Council Member Ruh asked if the revisions to the Noise Ordinance would address mobile sources, such as vehicle boom boxes, noting loud radios in vehicles bother him more than loud residential music.

Mayor Pro Tem Dutrey responded that the Noise Ordinance currently addresses mobile sources, which is also a violation of California law.

E. As a concerned parent of a student who attends **Buena Vista Arts-integrated Magnet School, Mrs. Jennifer Swanek**, 903 West Yale Street, Ontario, commented as follows:

1. She requested that the City post a crossing guard at the San Bernardino Street and Benson Avenue intersection for students' safety in addition to installing bright signs at all four corners of the intersection to alert motorists of children in the vicinity who attend the three elementary schools and one middle school in the area. She stated that she spoke to the City Manager's office recently regarding a number of vehicle versus pedestrian incidents she has witnessed at the subject intersection and was referred to City Engineer Hudson, who kindly responded immediately and took quick action on the matter. In sharing the City's action on this issue with other concerned parents whose children attend the school, she stated that they were all very uplifted knowing that the City did actually share their concerns. She thanked City Engineer Hudson on behalf of other parents and herself for his immediate response.
2. She shared with the Council and staff information, statistics, criteria, and substantial evidence including photographs she has taken that prove a crossing guard is warranted at the

subject intersection. She emphasized that an "alarming" number of children are struck by vehicles while walking in crosswalks, adding that crosswalks were only recently painted at the intersection last week following rehabilitation of the streets in June 2008.

Mayor Eaton advised that final paving in the project was just completed last week.

Mrs. Swanek emotionally remarked concerning one of her photographs that depicts a mother and child who, had they still been in the crosswalk three seconds later, would have been struck by a vehicle. She further described an incident she witnessed at the beginning of September 2008 in which a mother and her two small children were struck by a vehicle while crossing the intersection. She expressed her gratitude for the increased patrol in that area during the busy morning and afternoon hours.

Mayor Eaton asked Police Chief Thompson when the two new Traffic Division officers would be on patrol.

Chief Thompson answered, "November 24, 2008."

Mayor Eaton thanked **Mrs. Swanek** for bringing this matter to the Council's attention.

Council Member Ruh noted the extreme hazard involving parents who stop their vehicles along Benson Avenue to drop off their children, who then run across the street to the school, advising that parents should stop such practices because of the potential danger to their children.

Mayor Pro Tem Dutrey told **Mrs. Swanek** she is welcome to attend the forthcoming Public Works Committee meeting on Thursday, November 20, 2008, at 2:00 p.m. in the City Hall Conference Room at which crosswalks would be addressed, advising that **Buena Vista Arts-integrated Magnet School** is one of the sites to be considered in that agenda item.

Council Member Paulitz noted Council Member Raft would be attending the meeting in his place. He inquired as follows:

1. Are there "school speed limit" warning signs posted at that intersection?

City Engineer Hudson answered, "Yes, we do have the signs posted. We also have the crosswalks painted yellow, which is an indication of a school crossing. Additional signs could be added."

Council Member Paulitz asked for clarification of the types of signs posted at the intersection.

City Engineer Hudson clarified that the signs posted warn motorists to drive "25 miles per hour when children are present," advising that the signs are not right at the intersection but are typically posted midblock. He noted additional signage could be posted.

2. Does the Ontario side of the street have the appropriate signage?

City Engineer Hudson expressed his understanding that the **City of Ontario** would not be required to post school signage for a Montclair school, though he stated he would check to see if Ontario should add signage.

Mayor Eaton suggested staff ask the **City of Ontario** to post signage for the school.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

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 - None

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 October 31, 2008.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 17, 2008, totaling \$1,593,458.29 and the Payroll Documentation dated September 14, 2008, amounting to \$653,271.02, with \$476,333.98 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending October 31, 2008.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 10.01.08–10.31.08 in the amounts of \$5,122.63 for Project I; \$353.37 for Project II; \$92,180.44 for Project III; \$618,534.21 for Project IV; \$364,397.03 for Project V, and \$146,849.07 for the Mission Boulevard Joint Redevelopment Project.

5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending October 31, 2008.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 10.01.08–10.31.08 in the amount of \$46,284.99.

7. Setting a Public Hearing to Consider Resolution No. 08–06, a Resolution of the City of Montclair Redevelopment Agency Adopting the *Implementation Plan* for the Mission Boulevard Joint Redevelopment Project Area

The Redevelopment Agency Board set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider Resolution No. 08–06, a Resolution of the City of Montclair Redevelopment Agency adopting the *Implementation Plan* for the Mission Boulevard joint Redevelopment Project Area.

8. Setting a Public Hearing to Consider Review of the *Implementation Plans* for Redevelopment Project Area Nos. I, II, III, IV, and V

The Redevelopment Agency Board set a public hearing for Monday, December 15, 2008, at 7:00 p.m. in the City Council Chambers to consider review of the *Implementation Plans* for Redevelopment Project Area Nos. I, II, III, IV, and V.

9. Setting a Public Hearing to Consider Tentative Parcel Map No. 19104 to Subdivide a 2.33–Acre Site Into Two Parcels at 5113-5123 Brooks Street

The City Council set a public hearing for Monday, December 1, 2008, at 7:00 p.m. in the City Council Chambers to consider Tentative Parcel Map No. 19104 to subdivide a 2.33-acre site into two parcels at 5113–5123 Brooks Street.

10. Acceptance of Grant Deed No. 1651, an Easement for Street, Highway, and Utility Construction and Maintenance

Authorization of Grant Deed No. 1651 to Be Recorded With the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Accepted Grand Deed No. 1651, an Easement for Street, Highway, and Utility Construction and Maintenance.
- (b) Authorized Grant Deed No. 1661 to be recorded with the Office of the San Bernardino County Recorder.

11. Authorization to Advertise for Bid Proposals for the Youth Center Project, Phase 2

The City Council authorized staff to advertise for bid proposals for the Youth Center Project, Phase 2.

C. Agreements

1. Approval of *Agreement No. 08-114* With the California Department of Education to Provide Summer After-School Programs

The City Council approved *Agreement No. 08-114* with the California Department of Education to provide summer after-school programs.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.8 of the Government Code Regarding Real Property Negotiations

<i>Property</i>	
<u>Assessor's Parcel No.</u>	<u>Address</u>
1011-301-04	10751 Monte Vista Avenue, Montclair
1011-301-05	" " "

Negotiating

Parties: City of Montclair and Keith Allen Ealy

1011-301-24 10763-10771 Monte Vista Avenue, Montclair

Negotiating

Parties: City of Montclair and Harold W. McCoy and Peggy C. McCoy, as to an undivided 1/2 interest, and Carl L. McCoy, as to an undivided one-half interest

Negotiators: Director of Redevelopment/Public Works Staats and City Engineer Hudson

Under Recommendations Regarding Acquisition of Fee Title on Negotiation: Subject Properties in Conjunction With the Monte Vista Avenue/Union Pacific Grade Separation Project

City Attorney Robbins requested a Closed Session pursuant to Section 54956.8 of the Government Code regarding real property negotiations on the above two matters.

B. City Manager/Executive Director - No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:

- (a) He noted his attendance at recent **Omnitrans** and **San Bernardino Associated Governments** Board meetings.
- (b) He noted his attendance at the **Ontario-Montclair YMCA Fiesta de Comida** fundraiser on November 5, 2008, at the **Citizens Business Bank Arena**, Ontario.
- (c) He noted his attendance on November 6, 2008, at the grand reopening of the **Montclair Plaza's** remodeled interior.
- (d) He announced that the more than 50,000-light **Metro-link Holiday Toy Express 2008** would arrive at the Montclair **Metrolink** station at 7:45 p.m. on Saturday, November 22, 2008. He encouraged the public to attend and donate an unwrapped toy or sports equipment to the **ABC7** and Southland Firefighters' 16th Annual **Spark of Love Toy Drive** at the event for distribution to under-served children in our local community.

D. City Council/Agency Board

1. Council Member/Director Ruh commented as follows:
 - (a) He noted Mayor Eaton's and his attendance at the **Chaffey College** 2008 Report to the Community luncheon at 11:30 a.m. today at the **Ontario Airport Marriott**.
 - (b) He noted his attendance last evening at the **Assistance League of the Foothill Communities'** Annual Christmas Tree Brunch fundraiser at the **Doubletree Hotel**, Ontario.
2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - (a) He wished everyone a "Happy Thanksgiving" next Thursday.
 - (b) He noted he attended with Mayor Eaton the **Montclair Plaza's** grand reopening on November 6, noting **General Growth Properties, Inc.**, will be continuing its remodeling efforts with improvements to the exterior of the mall early next year. He encouraged the public to shop at the **Plaza** and take a look at the new design improvements, expressing his hope that they will have a pleasant shopping experience.
 - (c) He noted Mayor Eaton, Council Member Ruh, and he attended the **National Community Renaissance (National CORE)** and **Hope Through Housing Foundation's** 10th Annual Gala last Thursday at which the City was honored with **National CORE's** "Commitment to Community" award. He advised that the City was recognized for partnering with **National CORE** on the development of the 75-unit **San Antonio Vista Apartments**, the 85-unit senior project currently under construction, and a 50-unit family project recently approved by the City Council.
 - (d) He noted Mayor Eaton and the Council (with the exception of Council Member Paulitz) attended the Montclair City Employees Association's 2008 "Island Experience" holiday party last Friday. He stated that City employees are "very important to Montclair" and told them, "Thank you very much for all your hard work in 2008."
 - (e) He asked that Police Chief Thompson meet with him after tonight's meeting.

3. Council Member/Director Raft commented as follows:
 - (a) She likewise wished everyone a "Happy Thanksgiving."
 - (b) She noted Montclair is very fortunate to have not been in the path of the recent wildfires, noting that thus far, over 800 homes have been lost.
 - (c) She noted she recently visited the **Montclair Plaza** and that it is "looking great."
4. Council Member/Director Paulitz commented as follows:
 - (a) He also noted his attendance at the **Ontario-Montclair YMCA Fiesta de Comida** fundraiser on November 5.
 - (b) He likewise noted his attendance at the **Montclair Plaza** breakfast and grand reopening ceremony and encouraged the public to visit the mall and take a look at the improvements made to the **Plaza's** interior.
 - (c) He also wished everyone a "Happy Thanksgiving."

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 3, 2008

The City Council received and filed the Personnel Committee meeting minutes of November 3, 2008, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update by State Legislative Advocate Charles W. Bader, CWB Consulting

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Monday, December 1, 2008, at 5:45 p.m. in the City Council Chambers.

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

At 7:39 p.m., Mayor/Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:39 p.m., the City Council went into Closed Session regarding real property negotiations pursuant to Government Code Section 54956.8.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 7:52 p.m., the City Council returned from Closed Session. Mayor Eaton announced that the City Council met in Closed Session regarding real property negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 7:53 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith
Transcribing Secretary