

MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, MAY 17, 2010, 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 cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Senior Pastor Kundan L. Peter, First United Methodist Church of Montclair, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh 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, Acting City Manager/Executive Director Starr; Director of Redevelopment/Public Works Staats, Director of Community Development/Agency Planner Lustro, City/Agency Engineer Hudson, City Attorney/Agency Counsel Robbins, Deputy City Clerk Smith

Also Present: Marco A. Martinez, Partner; Best Best & Krieger LLP

V. PRESENTATIONS

A. Presentation by San Bernardino County Fourth District Supervisor Gary Ovitt on Quality of Life Survey Results

Supervisor Ovitt reviewed the County's first edition of the *Community Indicators Report* that measures key health, social, education, and economic indicators and evaluates the impacts of these changes to provide a mechanism to target and address the County's most critical issues and to set a vision and goals for future improvement. He shared the information in the form of a pop quiz with five questions, most asking if the County was above or below the state and federal medians in such areas as household income (below), home ownership (above), number of hospitals (above), and percentage of residents with health coverage (above). He discussed County services, advised that the County would be working with cities to form its vision for the future, and noted the *Community Indicators Report* is available at the County's website at www.sbcounty.gov.

Council Member Ruh asked if the County has considered skilled workforce jobs, such as sheet metal fabrication, diesel, locomotive, and jet engine repair; and allied health, that pay relatively good wages. He discussed the *California's Middle-Skill Jobs* report released jointly in October 2009 by the **National Skills Coalition** and the **California EDGE Campaign**, a nonprofit coalition of major

employers, educators, regional workforce development leaders, labor, and industry associations working together to propose sound policy that will prepare Californians for the high-wage skilled jobs that will drive the state's economic recovery. He noted the report indicates such skilled labor jobs needed for the future of California would not be outsourced, could be done with a two-year community college education, and pay approximately \$80,000 to \$100,000 per year, allowing students to build a good future for themselves.

Noting Council Member Ruh brings up a very good point, **Supervisor Ovitt** advised that the County's Workforce Investment Board continually works with the community colleges to attract as many of those types of jobs as possible to the Inland Empire. He noted a plan is underway to move the **Chaffey College** Aeronautics Program to **Chino Airport** to foster employment opportunities.

Mayor Pro Tem Dutrey noted he is proud to have lived his entire life in the great County of San Bernardino and that he is pleased with the County's strong vision for its future that, under the leadership of new County Administrative Officer **Greg Devereaux**, would certainly bring more prosperity to the region. He emphasized the importance of focusing on education, specifically, in reducing the high school dropout rate and encouraging graduates to continue their education, either at college or trade schools, so they could prosper and have a bright future. Improving the education levels of our residents would contribute to the County's economic recovery, he added.

Mayor Pro Tem Dutrey noted he thoroughly enjoyed the **Planes of Fame - Chino Air Show 2010** over the weekend and thanked Supervisor Ovitt for the event.

Supervisor Ovitt noted the County would be working with **LA/Ontario International Airport** to ensure it remains a viable regional transportation hub. He noted the general aviation **Chino Airport** actually supports the other five airports in the County and that the County is working on the airport's General Plan update to make it more viable in the future.

Concerning education, Supervisor Ovitt advised that oftentimes, our youth find work elsewhere after receiving a higher education, so it is important to provide those better jobs in their hometowns so they will remain to participate in their communities and, perhaps, become leaders themselves.

Supervisor Ovitt noted he looks forward to attending Montclair's Family Fun Festival next month.

Mayor Eaton thanked Supervisor Ovitt for his presentation and thanked him "for what you do for us" and that he looks forward to working in partnership with the County.

B. Presentation by Board of Directors President Terry Catlin, Inland Empire Utilities Agency, Related to the City's Participation in the IEUA's Recycled Water Program

Mr. Catlin stated that **IEUA**, the regional wholesale supplier of recycled water, would like to recognize the City of Montclair for its leadership of being the first city in **IEUA's** service area to receive recycled water for landscape irrigation, thereby conserving precious drinking water supplies while the state continues to experience a water-supply crisis. He noted the City's conservation efforts translate into saving 1.5 million gallons of drinking water per year.

Mr. Catlin recognized Monte Vista Water District Board of Directors Vice President Maynard Lenhart in the gallery. He presented Mayor Eaton with a plaque congratulating the City on its water conservation efforts.

Mayor Eaton accepted the plaque and thanked Mr. Catlin.

VI. PUBLIC COMMENT – None

VII. PUBLIC HEARINGS

A. Adoption of Resolution No. 10-2837 Approving the Following:

Tentative Tract Map No. 18213 Resubdividing a 15.1-Acre Site Into 13 Numbered Lots and 14 Lettered Lots for Condominium Purposes

Precise Plan of Design for a 385-Unit Residential Development Within the North Montclair Downtown Specific Plan

Adoption of Resolution No. 10-2841 Approving a Variance for Interior Side-Yard Setbacks

Adoption of Resolution No. 10-2842 Approving a Variance for Building Height

City Attorney Robbins expressed her understanding that the applicant has withdrawn its request for a second setback variance related to placement of two single-story detached garage buildings along the west side of the subject property that requires the following proposed amendments

- 1 Addition of the following language at the end of Item 1(b) under "Project Approvals & General Conditions" of "Exhibit A" to Resolution No. 10-2837

.with the revision of relocating the two garages along the west property line to the south side of the north drive aisle.

- 2 Removal of the following language in Resolution No. 10-2841

Paragraph 7 in its entirety

Variance Findings for Setback of Garages at EZ Lube Boundary, Items A, B, C, and D, of Section 1.

Item A(2) of Section 2.

In addition, City Attorney Robbins stated that Items D and E of the agenda report "Recommendation" are revised as follows.

- D. ...and subject to the findings and conditions in Resolution No. 10-28412.

- E. Approve a Variance request under Case No. 2009-21 to allow setbacks less than the minimum 5'-0" required in the North Montclair Downtown Specific Plan for the one-story, detached garage buildings along the easterly project boundary and a portion of the westerly project boundary (adjacent to EZ Lube) in conjunction with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno

Street as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 10-2842

Mayor Eaton declared it the time and place for public hearing to consider adoption of Resolution Nos. 10-2837, 10-2841, and 10-2842 related to the respective approvals of Tentative Tract Map No. 18213 resubdividing a 15.1-acre site into 13 numbered lots and 14 lettered lots for condominium purposes, a Precise Plan of Design for "The Paseos at Montclair North," a 385-unit residential development within the North Montclair Downtown Specific Plan (NMDSP); and approval of Variances for interior side-yard setbacks and building height.

Acting City Manager Starr gave a brief presentation including staff's recommendations on the item, noting the development team would give a brief overview followed by a computer-generated video flythrough of its project proposal prior to public comment.

Mr. Garth Erdossy noted the proposed project would be a joint venture between Merlone Geier Partners and his company, GLJ Partners West. He introduced **Mr. Mark D. Kirkhart** AIA with the architectural firm DesignARC.

Mr. Kirkhart introduced himself as the President and founder of DesignARC and noted his firm has been involved with the proposed project over several months. He highlighted the project's design aspects, noting it is based on a "Spanish Colonial Revival" style of architecture that has come to be known as "Santa Barbara" style. He noted the design team recognized the importance of this being a very high-quality project because it would be the first development in the North Montclair Downtown Specific Plan site, setting the tone for future development.

Mr. Stephen Carroll, Principal, EPT Design, discussed the landscape design, deemed critical to the site design and success of this project. He noted inspiration for the design is based on the history of Montclair, most notably the agriculture prevalent in this area and nature itself. He stated that the overall landscape would use low-water-consuming plants, no turf except in the linear Arroyo Park, and color for identity and way finding.

At this time, a video flythrough of The Paseos at Montclair North was shown.

Mr. Vinod B. Kapoor, 3660 Startouch Drive, Pasadena, owner of the **EZ Lube** auto service facility adjacent to the proposed project, thanked Montclair I MGP Partners LLC for its decision to locate the two garages on the south side of the north drive aisle rather than along the west property line, which would have affected his business.

Mr. Scott C. Felix, Executive Vice President, Hutton Development Company, 2520 North Santiago Boulevard, Orange, noted his company developed the 688-rental unit College Park subdivision on Central Avenue in Upland to which development of 89 "for sale" homes and 16,000 square feet of retail space would begin in approximately one month. He objected to the "excessive" building height variance proposed in Resolution No. 10-2842 because it would set a precedent for future development in the North Montclair Downtown Specific Plan

Mr. Larry Martin, 5385 Running Creek, Rancho Cucamonga, identified himself as the Montclair Plaza General Manager. He spoke in support of The Paseos at Montclair North development

proposal because of its high quality and the large number of local shoppers who would reside there. He encouraged the Council to approve the item because "it will be a benefit to our community "

There being no one else 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 suggested separate votes be taken on each recommendation. He expressed his opinion that the proposed project should be subject to R-3 standards, particularly concerning the parking ratio. He noted the subdivision would not be reasonably accessible to the Montclair Transcenter because of the distance between the two sites, not to mention the fact that the project would be seven to ten years old by the time the Gold Line arrives in Montclair. He stated that his other concern relates to the possibility of a future Council's changing the subdivision's management/maintenance regulations, thereby causing the development to deteriorate.

Though he was initially concerned about rental units being the first development in the NMDSP, Mayor Pro Tem Dutrey expressed his complete support of The Paseos at Montclair North because of the high quality and beautiful design of the project, particularly after touring similar projects in Orange County that have held their value.

Council Member Ruh commented as follows.

1. He noted he was somewhat skeptical of the subject project until he learned from his research that the market for such high-quality rental units is already here. He noted the high demand for rental as well as ownership housing units at Victoria Gardens and that as nice as those units are, The Paseos at Montclair North" will outshine them demonstrably."
2. He stated that he was advised recently by **Mr. Randall Lewis** of the Lewis Group of Companies, an expert on regional development whose family has been building in this region for over sixty years, of the emerging demographics of the "new society," many of whom are renters by choice and tend to be professionals who plan to work for five to ten years in their present careers. He noted they are either families without children who enjoy an active though simpler lifestyle, are over 55 and either retired or ready to retire and do not want the responsibilities of owning a home, preferring to invest the money from the sale of their homes and other vehicles and rent without worry about upkeep while traveling, or are the "millenials" who do not presently value home ownership.
3. He advised that pursuant to his market study research, a majority of the foreclosures in Southern California are of upscale housing. He noted those who lost homes are in the market for rental units until they are once again able to purchase a home.
4. He stated that the rental units built by city visionaries above the large plaza in historic Old Pasadena, which was not such a nice neighborhood 20 years ago, have turned out rather well since the urban renewal that took place there in the late 1980s. He noted a ten-mile radius from the center of the proposed project would include the Claremont Colleges, California Polytechnic University, Pomona, University of La Verne; and Chaffey College whose employees tend to earn higher incomes than are the norm for this community

In addition, the seven medical facilities and hospitals within that radius employ large numbers of professionals needing housing near their work to maximize overtime.

- 5 He noted other experts involved in rental housing have reported an excellent future in that type of product because of a changing "portable" job market in which professionals take their skills with them
- 6 He noted residents of the project would need to meet stringent income and credit standards.
- 7 He spoke of the excellent attention to detail in the design of the project, noting the exclusion of pay telephones and vending machines, which exemplifies the care and concern the developer has for the project.

In view of how effectively **Mr. Kapoor's** concerns were addressed by the City Council and developer, Council Member Ruh expressed his opinion that the proposed project would be very good for the area in terms of a "captive" market for the Montclair Plaza and local stores. He added that the Gold Line should reach Montclair by late 2016, increasing mass transit opportunities for Paseos residents.

Council Member Raft noted the Paseos at Montclair North will be quite a beautiful project" if it is anything like the plans she has reviewed. She noted her concerns regarding adequate parking and the potential for the development to deteriorate over time have been addressed with the proposed onsite management and the fact that the units would be built to condominium specifications so they could be sold individually when the market improves.

It was the consensus of the City Council to find the proposal by Montclair I MGP Partners LLC to construct a 385-unit residential community, known as The Paseos at Montclair North, at the northeast corner of Monte Vista Avenue and Moreno Street to be consistent with the General Plan and the goals and development standards of the North Montclair Downtown Specific Plan. Accordingly, the Council took the following actions.

1. Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh to certify that the Council has reviewed and considered the environmental assessment, based upon the findings of exemption, concluded there would be no significant impact on the environment as a result of the proposed land use amendments and the subsequent construction of the proposed 385-unit multifamily residential project; and took the following actions
 - (a) Adopted the proposed finding that there would be DeMinimis impact on fish and wildlife.
 - (b) Directed staff to file a Notice of Determination and the applicant to pay appropriate fees within five (5) days of this action.

Motion carried as follows.

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

- 2 Moved by Council Member Ruh and seconded by Council Member Raft to approve Tentative Tract Map No 18213 subdividing a 15.1-acre site at the northeast quadrant of

Monte Vista Avenue and Moreno Street in the City of Montclair into 13 numbered lots and 14 lettered lots for condominium purposes, finding that the map is consistent with the map and the California Subdivision Map Act.

Motion carried as follows.

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

3. Moved by Council Member Ruh and seconded by Mayor Pro Tem Dutrey to approve a Precise Plan of Design request under Case No. 2009-21 for the site plan, floor plans, elevations, colors, materials, conceptual landscape plan, and conceptual landscape plan, and conceptual plans for the public park associated with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno Street in the City of Montclair and associated on- and offsite improvements per the submitted plans and as described in the staff report, subject to the conditions in Resolution No. 10-2837 and subject to the amendments as presented in Exhibit A of this agenda report.

Motion carried as follows

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

4. Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh to approve a Variance request under Case No. 2009-21 to allow a 61'-6" building height for Building F rather than the maximum allowed 45-foot building height in conjunction with the proposed 385-unit residential development at the northeast corner of Monte Vista Avenue and Moreno Street as described in the staff report and subject to the findings and conditions in Resolution No 10-2842.

Motion carried as follows.

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

- 5 Moved by Council Member Ruh and seconded by Council Member Raft to approve a Variance request under Case No 2009-21 to allow setbacks less than the minimum 5'-0" required in the North Montclair Downtown Specific Plan for the one-story detached garage buildings along the easterly project boundary in conjunction with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno Street in the City of Montclair as described in the staff report and subject to the findings and conditions in Resolution No. 10-2841, as amended

Motion carried as follows.

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

B. Second Reading – Ordinance No. 10-914 Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-914 authorizing an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System 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 Ruh and seconded by Mayor Pro Tem Dutrey that Ordinance No 10-914, entitled "**An Ordinance of the City Council of the City of Montclair Authorizing an Amendment to the Contract With the Board of Administration of the California Public Employees' Retirement System,**" 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. 10-914 was unanimously adopted by the following ROLL CALL vote.

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

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Paulitz, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of May 3, 2010

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of May 3, 2010

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 April 30, 2010.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 17, 2010, totaling \$1,653,766.41 and the Payroll Documentation dated March 28, 2010, amounting to \$591,494.41, with \$445,135.86 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 April 30, 2010

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 4 01 10-4.30.10 in the amounts of \$4,938 57 for Project I, \$8,143.19 for Project II, \$258,828.29 for Project III, \$116,214.35 for Project IV; \$263,410.91 for Project V; and \$195,000 00 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 April 30, 2010

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 4 01.10-4.30 10 in the amount of \$59,395 66.

7. Setting a Public Hearing to Receive Public Comment on Reallocation and Expenditure of Fiscal Years 2008-09 and 2009-10 Supplemental Law Enforcement Services Funds

The City Council set a public hearing for Monday, June 7, 2010, at 7:00 p.m in the City Council Chambers to receive public comment on reallocation and expenditure of Fiscal Years 2008-09 and 2009-10 Supplemental Law Enforcement Services funds.

8. Authorization to Purchase a 2010 TYMCO 600 LPG Regenerative Air Street Sweeper

The City Council authorized purchase of a TYMCO 600 LPG regenerative air street sweeper at a cost of \$275,000

9. Authorization of a \$14,500 Transfer From the Contingency Account for Maintenance and Repairs to Emergency Response Apparatus

The City Council authorized a \$14,500 transfer from the Contingency Account for maintenance and repairs to Engine 151A, Engine 151, Medic Engine 152, and other fire apparatus.

10. Authorization of a \$3,000 Transfer From the Contingency Account for Personal Protective Equipment

The City Council authorized a \$3,000 transfer from the Contingency Account to purchase personal protective equipment for newly hired Firefighters.

11. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to Completion of the Mills Avenue Alley Improvement Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council approved the following related to completion of the Mills Avenue Alley Improvement Project:

- (a) Filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release retention 30 days after recordation of *Notice of Completion*.

12. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to Completion of the Bandera Street Pedestrian Ramp Improvement Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council approved the following related to completion of the Bandera Street Pedestrian Ramp Improvement Project:

- (a) Filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release retention 30 days after recordation of *Notice of Completion*.

13. Approval of the Filing of a *Notice of Completion*, Reduction of *Faithful Performance Bond* to 10 Percent, and Retention of *Payment Bond* for Six Months Related to Completion of the 4113 Kingsley Street Demolition Project

Release of Retention 30 Days After Recordation of Notice of Completion

The City Council approved the following related to completion of the 4113 Kingsley Street Demolition Project:

- (a) Filing of a *Notice of Completion* with the Office of the San Bernardino County Recorder.
- (b) Reduction of the *Faithful Performance Bond* to 10 percent.
- (c) Retention of the *Payment Bond* for six months.
- (d) Release retention 30 days after recordation of *Notice of Completion*.

14. Status Report on Emergency Contracting Procedures Related to the Damaged Floor in the Community Center Gymnasium and Determine There is a Need to Continue the Action

The City Council received and filed a status report on emergency contracting procedures related to the damaged floor in the Community Center gymnasium and determined the need to continue the action.

15. Status Report on Emergency Contracting Procedures Related to the Block Wall Construction at Alma Hofman Park and Determine There is a Need to Continue the Action

The City Council received and filed a status report on emergency contracting procedures related to the block wall construction at Alma Hofman Park and determined the need to continue the action.

C. Agreements

1. Approval of Agreement No. 10-30 With Dietz Towing and Agreement No. 10-45 With Pacific Truck and Auto Towing, Inc., for Cost Recovery for Vehicles Stored Pursuant to California Vehicle Code Section 14602.6, the 30-Day Impound Law

The City Council approved *Agreement No 10-30* with Dietz Towing and *Agreement No 10-45* with Pacific Truck and Auto Towing, Inc., for cost recovery for vehicles stored pursuant to California Vehicle Code Section 14602.6, the 30-Day Impound Law.

2. Redevelopment Agency Board of Directors' Approval of Agreement Nos. 10-33, 10-52, and 10-53, Rehabilitation Grant Agreements by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program Participants

The Redevelopment Agency Board approved *Agreement Nos. 10-33, 10-52, and 10-53, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the three Exterior Housing Improvement Program participants listed on Exhibit A to the agenda report on this item

3. Approval of Agreement No. 10-50 With the County of San Bernardino for Allocation and Expenditure of Justice Assistance Grant Program Funds

Authorization for Acting City Manager to Sign Agreement on Behalf of the City of Montclair

The City Council took the following actions.

- (a) Approved *Agreement No. 10-50* with the County of San Bernardino for allocation and expenditure of Justice Assistance Grant Program funds.
- (b) Authorized Acting City Manager Starr to sign the *Agreement* on behalf of the City of Montclair

4. Approval of Agreement No. 10-51 With the County of San Bernardino for Continued Participation in the California Identification System

The City Council approved *Agreement No 10-51* with the County of San Bernardino for continued participation in the California Identification System.

5. Approval of Agreement No. 10-54 With Kessler Storage, LLC, for Fence Relocation in Conjunction With the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project and Authorize Acting City Manager to Sign the Agreement

The City Council approved *Agreement No. 10-54* with Kessler Storage, LLC, for fence relocation in conjunction with the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project and authorized Acting City Manager Starr to sign the *Agreement*.

D. Resolutions

1. Adoption of Resolution No. 10-2839 Declaring the Need for Emergency Contracting Procedures and Authorizing Performance Related to Block Wall Construction at Alma Hofman Park

The City Council adopted Resolution No 10-2839 declaring the need for emergency contracting procedures and authorizing performance related to block wall construction at Alma Hofman Park.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel - No comments

B. Acting City Manager/Executive Director

- 1 Acting City Manager Starr reminded the Council of the ribbon-cutting ceremony celebrating the opening of the much-anticipated Ramona Avenue grade separation at the **Union Pacific Railroad** tracks on Thursday, May 20, 2010, at 9:00 a.m.

C. Mayor/Chairman - No comments

D. City Council/Agency Board

- 1 Council Member/Director Paulitz noted he just returned from a trip to Arizona.
- 2 Council Member/Director Raft commented that she looks forward to the Ramona Avenue grade separation ceremony on Thursday, noting many of her neighbors are grateful that long waits at the railroad crossing would now be a thing of the past.
- 3 Mayor Pro Tem/Vice Chairman Dutrey commented as follows.
 - (a) He noted he enjoyed attending the **Chino Basin Water Conservation District Dog Day at the Park** event last Saturday.
 - (b) He commended staff for its hard work on the Paseos at Montclair North project.
 - (c) He asked City Attorney Robbins to meet with him after the meeting.
 - (d) He expressed his hope that the **Los Angeles Lakers** are winning their game tonight against the **Phoenix Suns** and stated, "Go Lakers!"
- 4 Council Member/Director Ruh commented as follows.
 - (a) He noted he would, unfortunately, be unable to attend the Ramona Avenue grade separation ribbon cutting because