MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS HELD ON MONDAY, NOVEMBER 16, 2009, AT 6:58 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 6:58 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

Pastor Josh Matlock, Bethany Baptist Church, 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; 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 Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Introduction of New Fire Department Promotees

Fire Chief Ament introduced Deputy Fire Chief Layne Shiba, who was promoted to his new position effective November 9, 2009.

Mayor Eaton congratulated Deputy Fire Chief Shiba on his promotion and presented him with a City pin.

Chief Ament introduced Division Chief Pat McCutcheon, who was promoted to his new position effective November 9, 2009.

Mayor Eaton congratulated Division Chief McCutcheon on his promotion and presented him with a City pin.

Chief Ament introduced Division Chief Rich Baldwin, who was promoted to his new position effective.

Mayor Eaton congratulated Division Chief Baldwin on his promotion and presented him with a City pin.

Chief Ament introduced Fire Engineer/Paramedic Roger Mora, who was promoted to his new position effective November 9, 2009.

Mayor Eaton congratulated Fire Engineer/Paramedic Mora on his promotion and presented him with a City pin.

B. Presentation on Protecting the San Gabriel Mountains

Mayor Eaton introduced Program Director **Erin Weller, Progressive Christians Uniting,** and Southern California Outreach Coordinator **Carolin Atchison, Friends of the River.**

Ms. Weller stated that she and **Ms. Atchison** represent the *San Gabriel Mountains Forever* campaign—a coalition of cities, local businesses, faith leaders, and community and conservation groups, whose purpose is to preserve and protect "our natural heritage, the San Gabriel Mountains," by joining a **National Park Service** effort to designate the San Gabriel Mountains as a national wilderness recreational area eligible for additional federal resources including law enforcement personnel, interpretive signs, and hiking trails. She reported the San Gabriel Mountains provide habitat for many endangered species, and Los Angeles County with 35 percent of its drinking water, and advised that protecting the mountains increases property values, attracts new residents and tourism, and provides Los Angeles County with 70 percent of its open space. Emphasizing that the mountains contain some of the most-visited forests/wildernesses in the country, she stated that threats to this natural resource include power line corridors, off-road vehicle riding, mining, road construction, and lack of funding for visitor services. She cited the **Wilderness Protection Act of 1964** that **President Lyndon B. Johnson** signed into law on September 3, 1964, the result of a long effort to protect federal wilderness that created a fitting legal definition in the United States, poetically memorialized as follows:

> *A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammeled by man, where man himself is a visitor who does not remain.*

Ms. Weller noted the definition goes on to further expand the definition of wilderness as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions...containing ecological, geological, or other features of scientific, educational, scenic, or historical value" for present and future generations.

Noting wild and scenic river preservation, like wilderness preservation, requires an act of **Congress** and signature of the **President, Ms. Atchison** advised that **Friends of the River's (FOR's)** mission is to protect and restore California's rivers by influencing public policy and inspiring resident action. She stated that **FOR's** focus is to protect certain free-flowing rivers with outstanding natural and cultural values for the benefit and enjoyment of present and future generations. She advised that **FOR** is presently seeking to expand protection of 46 miles of wild scenic rivers consisting of the upper west, north, and east forks of the San Gabriel River; a segment of San Antonio Creek just above **Mt. Baldy Village;** and a six-mile segment of the Lytle Creek middle fork extending from the Cucamonga wilderness area. Concurrently, the *San Gabriel Mountains Forever* campaign seeks the **U.S. Forest Service's** designation of the San Gabriel Mountains, including Sheep Mountain and Cucamonga Canyon, as protected wilderness.

Ms. Weller advised that a total of approximately 8,000 acres in the **Angeles** and **San Bernardino National Forests** are proposed to be added to the Cucamonga Canyon wilderness as well as an addition

of approximately 12,000 to 13,000 acres of forest to the Sheep Mountain wilderness. She asked that the City Council consider adopting a Resolution in support of the campaign, noting the cities of **Claremont, La Verne, San Dimas, Rancho Cucamonga,** and **La Cañada Flintridge** and the **San Gabriel Valley Council of Governments, Rivers and Mountains Conservancy,** and **Upper San Gabriel Valley Municipal Water District** have already done so.

Mayor Pro Tem Dutrey asked if there is federal legislation pending for protection of the San Gabriels.

Ms. Weller answered, "Not right now." She noted **U.S. Representative Dreier** has taken an interest in the campaign, though.

Mayor Pro Tem Dutrey asked that **Ms. Weller** leave a sample of the resolution adopted by other cities with staff so it could be placed on the December 7, 2009 regular joint meeting agenda.

Mayor Eaton thanked **Ms. Weller** and **Ms. Atchison** for their presentations.

VI. PUBLIC COMMENT - None

VII. PUBLIC HEARINGS

A. Receiving Public Comment and Authorizing the Allocation and Expenditure of Supplemental Law Enforcement Services Grant Funds

Mayor Eaton declared it the time and place set for public hearing to receive public comment and authorize the allocation and expenditure of Supplemental Law Enforcement Services grant funds and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned this item to the City Council for its consideration.

Moved by Council Member Ruh and seconded by Council Member Raft that a public hearing was duly conducted to receive public comment and authorization was given for allocation and expenditure of Supplemental Law Enforcement Services grant funds for the following equipment and services to enhance Police Department patrol services:

Traffic enforcement overtime	$ 39,226
SWAT equipment	15,000
SWAT training and overtime	15,000
Digital voice recorders (60)	13,774
Promotional items	5,000
Computer server for photograph database	5,000
911 first responder tool (60)	5,000
Firearms safety training and materials	2,000
TOTAL	$100,000

Motion carried unanimously as follows:

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

B. **Second Reading - Adoption of Ordinance No. 09-910 Amending Chapter 1.04 of the Montclair Municipal Code Related to the Issuance of Administrative Citations and Collection of Administrative Citation Fines**

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 09-910 amending Chapter 1.04 of the Montclair Municipal Code related to the issuance of Administrative Citations and collection of Administrative Citation fines 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 Raft and seconded by Council Member Paulitz that Ordinance No. 09-910, entitled **"An Ordinance of the City Council of the City of Montclair Amending Chapter 1.04 of the Montclair Municipal Code Related to the Issuance of Administrative Citations and Collection of Administrative Fines,"** 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. 09-910 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/Chairman Eaton, 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 September 21, 2009**

   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 September 21, 2009.

2. **Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of October 5, 2009**

   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 October 5, 2009.

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, 2009.

2. **Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated November 16, 2009, totaling $3,678,237.83 and the Payroll Documentation dated September 13, 2009, amounting to $606,632.58, with $447,706.23 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, 2009.

4. **Approval of Agency Warrant Register**

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 10.01.09-10.31.09 in the amounts of $2,919.76 for Project I; $66.51 for Project II; $80,982.58 for Project III; $17,958.65 for Project IV; $44,638.02 for Project V, and $163.84 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, 2009.

6. **Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 10.01.09-10.31.09 in the amount of $32,865.95.

7. **Setting a Public Hearing to Consider Resolution No. 09-04, a Resolution of the City of Montclair Redevelopment Agency Adopting the Implementation Plan for Redevelopment Project Area Nos. I, II, III, IV, and V**

The City Council set a public hearing for Monday, December 21, 2009, at 7:00 p.m. in the City Council Chambers to consider proposed Resolution No. 09-04 adopting the Implementation Plan for Redevelopment Project Area Nos. I, II, III, IV, and V.

C. Agreements

1. **Approval of *Agreement No. 09-105* and Acceptance of Quitclaim Deed With Raymundo Ornelas for Acquisition of Real Property at 10767 Monte Vista Avenue, Unit B**

Authorization for City Manager to Execute *Agreement No. 09-105*

The City Council took the following actions:

(a) Approved *Agreement No. 09-105* and accepted a Quitclaim Deed with Raymundo Ornelas for acquisition of real property at 10767 Monte Vista Avenue, Unit B.

(b) Authorized the City Manager to execute *Agreement No. 09-105.*

2. **Approval of *Agreement Nos. 09-106* (Osmose Utilities Services, Inc.), *09-107* (Carl McCoy and Harold McCoy),**

***09-108* (Jack DiGiorgio), *09-109* (We Love Tows Auto Transport), and *09-110* (Reynaldo Martinez), *Self-Move Agreements* in Conjunction With Right-of-Way Acquisition for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project**

The City Council approved *Agreement Nos. 09-106* (Osmose Utilities Services, Inc.), *09-107* (Carl McCoy and Harold McCoy), *9-108* (Jack DiGiorgio), *09-109* (We Love Tows Auto Transport), and *09-110* (Reynaldo Martinez), *Self-Move Agreements* in conjunction with right-of-way acquisition for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project.

3. **Approval of *Agreement No. 09-114* With Graffiti Tracker, Inc., for Continued Use of Its Database to Track and Analyze Graffiti**

   The City Council approved Agreement No. 09-114 with Graffiti Tracker, Inc., for continued use of its database to track and analyze graffiti.

4. **Approval of *Agreement No. 09-116* Amending *Agreement No. 08-57* with John M. and Brenda Goller Construction Management Services Associated With the Youth and Senior Centers**

   The City Council approved *Agreement No. 09-116* amending *Agreement No. 08-57* with John M. and Brenda Goller Construction Management Services associated with the Youth and Senior Centers.

5. **Award of Contract to Gentry Brothers, Inc., in the Amount of $1,042,590**

   Approval of *Agreement No. 09-117* With Gentry Brothers, Inc., for the Mission Boulevard Improvement Phase 7 Project

   Authorization for a $105,000 Construction Contingency

   The City Council took the following actions:

   (a) Awarded a contract to Gentry Brothers, Inc., in the amount of $1,042,590.

   (b) Approved *Agreement No. 09-117* with Gentry Brothers, Inc., for the Mission Boulevard Improvement Phase 7 Project

   (c) A $15,000 construction contingency.

D. **Resolutions** - None

IX. **PULLED CONSENT CALENDAR ITEMS** - None

X. **RESPONSE** - None

XI. **COMMUNICATIONS**

A. **City Attorney/Agency Counsel** - No comments

B. **City Manager/Executive Director** - No comments

C. **Mayor/Chairman**

1. Mayor/Chairman Eaton commented as follows:

   (a) He noted his attendance at the following events and meetings:

      (1) November 4 - **Ontario-Montclair YMCA's** *Fiesta de Comida* fundraiser

      (2) November 5 - **Southern California Association of Governments** Board meeting

      (3) November 13 - **Metrolink** Board meeting

      (4) November 16 - **Chaffey College** 2009 Report to the Community luncheon

   (b) He announced the **Metrolink Holiday Toy Express Train** would arrive at the Montclair **Metrolink** station on Saturday, December 19, 2009, at 7:45 p.m.

D. **City Council/Agency Board**

1. Council Member/Director Paulitz commented as follows:

   (a) He noted he enjoyed attending the **Ontario-Montclair YMCA's** *Fiesta de Comida* fundraiser.

   (b) He noted his attendance last week at a Finance Committee meeting.

2. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:

   (a) He recognized Director of Community Development Lustro on his recent run for reelection to the **Pomona Unified School District,** noting it is certainly the **District's** loss that he was not reelected to provide the excellent leadership he has in his past years of service. He told Director of Community Development Lustro, "I am sorry you lost," noting a small compensation would be that he no longer needs to concern himself with the **District's** budget and labor relations negotiations.

   (b) Concerning the Council's approval of funding for SWAT equipment and training under Section VII, "Public Hearings," Item A, "Receiving Public Comment and Authorizing the Allocation and Expenditure of Supplemental Law Enforcement Services Grant Funds," on tonight's agenda, he asked if the City has an agreement with the City of Upland related to the Police Department's work with the Upland Police Department's S.W.A.T. team.

      Police Chief Jones advised that staff is developing a memorandum of understanding with City Attorney Robbins that the Council will review along with the Upland City Council before execution.

      Mayor Pro Tem Dutrey thanked Chief Jones.

   (c) Concerning Section VIII, "Consent Calendar," Item C-2, "Approval of *Agreement Nos. 09-106* (Osmose Utilities Services, Inc.), *09-107* (Carl McCoy and Harold McCoy), *09-108* (Jack DiGiorgio), *09-109* (We Love Tows Auto Transport), and *09-110* (Reynaldo Martinez), *Self-Move Agreements* in Conjunction With Right-of-Way Acquisi-

tion for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project," on tonight's agenda, he inquired as to the status of right-of-way acquisitions needed for the project.

City Engineer Hudson reported that the project required acquisition of several easements for road realignment as well as full parcels because the grade change would eliminate access to certain properties. He stated that the City has acquired or is in the process of acquiring through escrow all the properties south of the Union Pacific Railroad tracks on both sides of Monte Vista Avenue, adding that some of the tenants required their businesses to be relocated to other sites. He indicated that all necessary right-of-ways on the north side of the railroad tracks have been acquired; on the west side of Monte Vista Avenue, acquisition of three properties has been suspended pending availability of additional funds through the **San Bernardino Associated Governments (SANBAG)** or by federalizing the project to be able to qualify for federal funds already designated for this project. He noted all outstanding acquisitions would be completed by the end of the year.

City Engineer Hudson expressed his hope to begin the **National Environmental Police Act** clearance on the project after the first of the year, noting the process takes a minimum of 18 months to two years (the Ramona Avenue/Union Pacific Railroad Grade Separation Project took over three-and-a-half years). He stated that the Ramona Avenue Project was the highest-ranked grade separation project in San Bernardino County and that the Monte Vista Avenue Project was the fifth highest. He noted two of the top five ranked projects have been completed and advised that the Ramona Avenue Project is coming along quite well and is slated for completion in May 2010.

City Engineer Hudson noted the Monte Vista Avenue Project was at one time estimated to cost $30 million; but with construction costs decreasing over the next year or two, the total cost should run closer to $25 million, taking into consideration the high values paid for right-of-way acquisitions because the appraisals were made two years ago. He expressed his hope that construction would begin on the project by 2011, provided the City receives expedited environmental policy clearance from the **California Department of Transportation** and **SANBAG.**

Mayor Pro Tem Dutrey thanked City Engineer Hudson for his report.

3. Council Member/Director Ruh commented as follows:

   (a) He noted he is pleased to hear that Montclair's grade separation projects have been prioritized by the County as well as about the progress on the Alameda Corridor-East grade separations because he has long been an advocate of their development. He recognized staff for its work on the two grade separations in Montclair. He noted it is estimated that in the future, when freight trains from the ports are running at full capacity, a train will come through the region every six minutes.

   (b) He congratulated the **Monte Vista Water District** for successfully acquiring four shares of water through a

public open-bidding process earlier this month from the **San Antonio Water Company.** He noted all such water shares acquired from the water purveyor would certainly help meet water needs in Montclair as well as other areas the company serves throughout the region "during this time when water is at a priority."

(c) He noted his attendance recently at the **National Community Renaissance** event in Ontario to honor **U.S. Representative Joe Baca** for his work in housing. He expressed his appreciation to the City for being a parking sponsor for the event.

(d) He noted he was unable to attend the **Ontario-Montclair YMCA's** *Fiesta de Comida* fundraiser on November 4 because he attended the Community Action Committee meeting as Council liaison that evening. He noted the CAC is finishing work on the 2009 Holiday Home Decoration Contest and that the winners would be presented at the December 21, 2009 regular joint meeting.

(e) He announced the annual Christmas Tree Lighting Ceremony would be held on Thursday, December 3, 2009, at 6:00 p.m. and encouraged the "young and young at heart" to attend the festivities.

(f) He wished everyone a wonderful Thanksgiving next Thursday. He stated, "I hope everybody will keep in mind that only steps from this facility, we have families tonight that are struggling, families that are truly in need, many families that are hurting, some who have lost their shelter, who have lost all hope; and whatever means you do to provide that hope for them, we ask that you do that. These are our brothers and sisters, and there are truly many people in need this season. I hope each of us can go forth in a very good spirit and try to find those that need some assistance right now. In the spirit of Thanksgiving, be thankful for what we have: our shelter, our family, and our friends; and ask those that are our family and our friends to reach out and help our other brothers and sisters who are so in need this season."

Mayor Eaton thanked Council Member Ruh for his kind wishes to all.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 2, 2009

The City Council received and filed the Personnel Committee meeting minutes of November 2, 2009, for informational purposes.

XII. COUNCIL/AGENCY WORKSHOP

A. Update of Housing Element - Joint Study Session With Planning Commission

Moved by Council Member/Director Paulitz, seconded by Mayor/Chairman Eaton, and carried unanimously to continue this item to an adjourned joint meeting on Wednesday, November 18, 2009, at 7:00 p.m. in the City Council Chambers.

B. Crime Suppression Unit/30-Day Vehicle Impound Storage Lot

Moved by Mayor Pro Tem/Vice Chairman Dutrey, seconded by Council Member/Director Ruh, and carried unanimously to continue this item to an adjourned joint meeting on Monday, December 7, 2009, at 5:45 p.m. in the City Council Chambers.

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

At 7:33 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors to Wednesday, November 18, 2009, at 7:00 p.m. in the City Council Chambers.

At 7:33 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors.

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

Yvonne L. Smith
Transcribing Secretary