

MINUTES OF THE REGULAR JOINT MEETING OF THE MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS, MONTCLAIR HOUSING AUTHORITY COMMISSION, AND MONTCLAIR COMMUNITY FOUNDATION BOARD HELD ON MONDAY, MAY 6, 2024 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Montclair Police Department Chaplain Vicki Brobeck gave the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Johnson led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Johnson; Council Members/Directors Ruh, Martinez, and Lopez

City Manager/Executive Director Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Director of Public Works/City Engineer Heredia; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

- **Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, announced the Supervisor's Office is holding an Expungement and Job Fair event at Terminal 1 of the **Ontario International Airport** on Wednesday, May 8, 2024, from 10:00 a.m. to 2:00 p.m.
- **Carolyn Raft**, Trustee, **West Valley Mosquito and Vector Control District**, reported that the Vector Control District has just released sterile male mosquitoes in order to reduce the population of mosquitoes.
- **Solomon Alexander**, a student at **International Polytechnic High School in Pomona**, advocated for providing Montclair teens with more options for fitness and presented a petition signed by 99 members of the community in support of adding fitness equipment to Alma Hofman Park.
- **Paul Kielsmeier**, resident, thanked Mayor Dutrey for providing a proclamation for the community prayer event held on National Day of Prayer. He added he supports the City Council's decision to adopt Resolution No. 24-3433 last week to maintain focus on matters of local concern.

VII. PUBLIC HEARINGS

A. Consider Adoption of Resolution No. 24-3435 Amending the Master User Fee Schedule

Mayor Dutrey opened the public hearing and invited comments from the public. There being no one in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for consideration.

Council Member Lopez received clarification on one-time inspection fees and the definition of assemblies.

ACTION – Public Hearings – Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3435
MADE BY: SECOND BY:	Council Member Ben Lopez Mayor Pro Tem Johnson
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
RESULT:	Motion carried 5-0.

VIII. CONSENT CALENDAR

ACTION – Consent Calendar	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
DISCUSSION:	Item C-5, C-8
MOTION:	Pull Item C-4 for separate action, and approve the remainder of the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Lopez Mayor Pro Tem/Vice Chair Johnson
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
RESULT:	Motion carried 5-0.

A. Approval of Minutes

1. Special Meeting — April 15, 2024

ACTION – Consent Calendar – Item A-1	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

2. Regular Joint Meeting — April 15, 2024

ACTION – Consent Calendar – Item A-2	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
RESULT:	Approved on Consent Calendar; motion carried 5-0.

B. Administrative Reports

1. Consider Approval of City Warrant Register and Payroll Documentation

ACTION - Consent Calendar - Item B-1	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

2. Consider Receiving and Filing the Montclair Police Department 2023-24 Military Equipment Annual Report Pursuant to GC §7072

Consider Authorizing the Scheduling of a Follow-up Police Department Community Engagement Meeting on Thursday, May 9, 2024, at 5:00 p.m. in the Police Department's Emergency Operations Center Community Room at 4870 Arrow Highway, Montclair

ACTION - Consent Calendar - Item B-2	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

3. Consider Declaring Certain City Property as Surplus and Available for Auction, Parts, or Destruction

ACTION - Consent Calendar - Item B-3	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

C. Agreements

1. Consider Approval of Agreement No. 24-28 with Anderson Air Conditioning, L.P., to Replace Two 25-Ton HVAC Condensing Units at Fire Station No. 151, Subject to Any Revisions Deemed Necessary by the City Attorney

ACTION - Consent Calendar - Item C-1	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

2. Consider Approval of Agreement No. 24-29 with Ontario-Montclair School District to Support the Montclair After-School Program at Various Sites for the 2024-2025 School Year

ACTION - Consent Calendar - Item C-2	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

3. Consider Approval of Agreement No. 24-30 and Amendment No. 1 to Agreement No. 24-30 with Ontario-Montclair School District to Support the Montclair After-School Summer Program at Four School Sites

ACTION - Consent Calendar - Item C-3	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

5. **Consider Approval of Agreement No. 24-32 with Hinderliter, de Llamas and Associates to Provide Services Related to the Development of Ordinances Regulating Commercial Cannabis Activities, Subject to Any Revisions Deemed Necessary by the City Attorney**

Consider Approval of Agreement No. 24-33 with Cole Huber Attorneys LLP for Cannabis Legal Consulting Services, Subject to Any Revisions Deemed Necessary by the City Attorney

Carolyn Raft, resident, stated she is happy to see this item on the agenda due to the voters’ approval of recreational cannabis sales in the City.

Xavier Mendez, resident, congratulated the City on receiving the grant to move forward with the process of allowing the cannabis industry into Montclair.

Frank Sanchez, STIIIZY, expressed support for the contracts and stated he looks forward to applying for a license in the future.

Bill Kaufman updated the City Council on his prospective cannabis business partnering with Culture Cannabis, which runs 13 dispensaries throughout the state. He stated he does not think it is necessary to pay attorneys or consultants when the City can use other cities’ cannabis regulations as a template.

Council Member Lopez stated he supports simple rather than extensive regulations and expressed concern that Agreement No. 24-32 does not provide for a contract end date outside of the request for termination by either party.

City Attorney Robbins assured Council Member Lopez that language has already been added requiring the contract to automatically terminate one year after the effective date.

Council Member Martinez stated she supported the originally proposed regulations provided by staff in 2019 because they extensively addressed residents’ concerns and asked why new ordinances need to be drafted.

Mayor Dutrey noted with new cannabis-related laws and legal challenges, and other priorities arising for staff to address, the City moved forward with adopting the tax aspect while taking a wait-and-see approach.

City Manager Starr added the originally proposed ordinances are now outdated and the industry has evolved. He advised some aspects from the original draft ordinance may be incorporated into the City’s proposed regulations such as implementing a legal defense fund into which cannabis licensees must pay.

Mayor Pro Tem Johnson stated there is voter and staff support for allowing cannabis industry into Montclair for revenues, and she will be supportive as long as the restricted zoning aspect of the original ordinances remains.

Council Member Lopez added he would support the concept of applicants donating a percentage of profits to local community benefits or nonprofits.

ACTION – Consent Calendar – Item C-5	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

6. **Consider Approval of Agreement No. 24-34 Amending Agreement No. 22-93 with Records Control Services, Inc. for Records Management Consulting Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

ACTION - Consent Calendar - Item C-6	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

7. **Consider Approval of Agreement No. 24-35, Amendment No. 2 to Agreement No. 21-42 with the San Bernardino County Department of Aging and Adult Services to Accept Additional Funding to Support Senior Center Activities and the Senior Transportation Program**

ACTION - Consent Calendar - Item C-7	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

8. **Consider Approval of Agreement No. 24-36 with CASC Engineering and Consulting for Sanitary Sewer Order Consulting Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

Xavier Mendez stated the City used to have in-house staff that performed this work.

ACTION - Consent Calendar - Item C-8	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

D. Resolutions

1. **Consider Adoption of Resolution No. 24-3436 Authorizing the Submission of an Application for Grant Funds for the Urban and Community Forestry Grant Program of the California Department of Forestry and Fire Protection and Authorizing the Execution of Application-Related Documents by the City Manager or His Designee**

ACTION - Consent Calendar - Item D-1	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

4. **Consider Approval of Agreement No. 24-31 with Blais & Associates, Inc. for Grant Writing Services**

Consider Authorizing a \$75,000 Appropriation from the Contingency Reserve Fund for Costs Related to Agreement No. 24-31

Council Member Lopez stated he will abstain from voting, as he works with a competitor of Blais & Associates, Inc.

ACTION – Consent Calendar – Item C-4	
ACTING:	City Council
MOTION:	Approve Item C-4
MADE BY: SECOND BY:	Mayor Dutrey Mayor Pro Tem Johnson
AYES: NOES: ABSTAIN: ABSENT:	Martinez, Ruh, Johnson, Dutrey None Lopez None
RESULT:	Motion carried 4-0-1 (Lopez Abstained)

X. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Events

Assistant City Manager/Director of Human Services Richter shared details of the upcoming *Memorial Day Program* on Monday, May 27, at 6:00 p.m. in the City Hall Memorial Garden with refreshments following in the Senior Center, and the *Country Fair Jamboree* taking place at Alma Hofman Park on Saturday, June 1, from 12:00 p.m. to 6:00 p.m.

B. City Attorney— None

C. City Manager/Executive Director

City Manager/Executive Director Starr advised many City parks have fitness equipment as part of planned upcoming improvements.

D. Mayor/Chair

1. Announcement of Three Vacancies on Community Activities Commission for Four-Year Terms from July 1, 2024, to June 30, 2028

Mayor Dutrey announced three vacancies on the Community Activities Commission with an application deadline of May 15.

2. Notice of Cancellation of May 20, 2024 Regular Joint Meeting

Mayor/Chair Dutrey announced the May 20, 2024 regular joint meeting is cancelled.

Mayor/Chair Dutrey commented as follows:

- He announced the following scheduled meetings:
 - Preliminary Budget Review Workshop on Thursday, June 20, 2024, at 6:00 p.m. in the City Council Chambers
 - Special Meeting to adopt the budget on Wednesday, June 26, 2024, at 6:00 p.m. in the City Council Chambers
- He recognized May for the following: Nurse’s Day, Teacher Appreciation Day, Mother’s Day, National Firefighters Memorial Day, National Peace Officers Memorial Day, Armed Forces Day, Memorial Day, Asian American and Pacific Islander Heritage Month, and Jewish American Heritage Month.
- He advised he recently attended a **League of California Cities’** legislative conference, and the **Southern California Associated Governments** annual conference last week. He also attended the *Montclair to College* graduation ceremony and the *Annual Bingo Bash* hosted by the **Senior Citizens Club** and the **Women’s Club of Montclair**.

E. Council Members/Directors

1. Council Member/Director Lopez thanked Montclair Police Officers for keeping everyone safe at the last meeting.
2. Mayor Pro Tem/Vice Chair Johnson thanked Police Chaplains Vicki Brobeck, Josh Matlock, and Joe McTarsney for organizing an event for National Day of Prayer; promoted the upcoming **Montclair Chamber of Commerce** Networking Breakfast on May 9; and announced the Chamber’s Police Officer Recognition Luncheon will be held on May 23, at the Canyon.
3. Council Member/Director Martinez expressed amazement at the number of *Montclair to College* graduates this year; stated she attended an awards ceremony for **Montclair High School** and was honored to present a scholarship to a student on behalf of the **Women’s Club of Montclair**; and added the *Bingo Bash* event had a surprise visit from **Senator Susan Rubio**.

F. Committee Meeting Minutes

The following committee minutes were received and filed for informational purposes:

1. Personnel Committee – April 15, 2024

XI. ADJOURNMENT

At 8:23 p.m., the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea Myrick,
City Clerk