

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, JUNE 3, 2024 AT 7:02 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:02 p.m.

II. INVOCATION

**Bishop Edyson Perez, Church of Jesus Christ of Latter Day Saints**, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Lopez led meeting participants in the Pledge.

IV. ROLL CALL

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

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

Absent: Council Member/Director Martinez (excused)

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 Open House event at his district office in Chino Hills on Wednesday, June 5, from 5:00 to 7:00 p.m., and a free shredding event at Chino City Hall on Saturday, June 15, from 9:00 a.m. to 12:00 p.m.
- **Xavier Mendez**, resident, complimented the City on its Country Fair Jamboree event and spoke of the success of his booth where he spoke with other residents and gave away a bicycle.

VII. PUBLIC HEARINGS

- A. **First Reading — Consider Ordinance No. 24-1006 Amending the Zoning Code and Repealing and Replacing Chapter 11.23 of the Montclair Municipal Code Relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in Residential Zones (Case No. 2024-21) [CC]**

**Consider Setting a Public Hearing for Second Reading and to Consider Adoption of Ordinance No. 24-1006 on Monday, June 17, 2024, at 7:00 p.m. in the City Council Chambers [CC]**

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.

Mayor Pro Tem Johnson received clarification on the conditions required for property owners to request exemption from the requirement to provide one on-site parking space.

Council Member Ruh suggested having pre-approved plans for residents, noted a recent law allows property owners to split their lot

to convey as a separate property containing an ADU; and questioned requiring income verification for ADU/JADU tenants.

Director of Community Development Diaz stated the City is currently working on having three designs approved for residents to optionally use.

**Todd R. Leishman, BBK**, Special Counsel for the City, advised the law regarding lot splits for ADUs still requires cities to allow it, and to his knowledge no cities have done so. He also advised supporting evidence is required for the City to meet its Regional Housing Needs Assessment requirements by verifying low- to moderate-income residents.

Council Member Lopez stated while he understands the City's hands are tied with having to implement these new regulations, he does not agree with the City arbitrarily requiring ADU projects to landscaping or requesting income verification, and he feels this will exacerbate street parking issues.

<b>ACTION - Public Hearings - Item A</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Conduct the first reading of Ordinance No. 24-1006 by number and title only, waive further reading, and set a public hearing for second reading and adoption of Ordinance No. 24-1006 on Monday, June 17, 2024 at 7:00 p.m. in the City Council Chambers.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ben Lopez Mayor Pro Tem Johnson
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Ruh, Johnson, Dutrey None Lopez Martinez
<b>RESULT:</b>	Motion carried 3-0-1-1.

#### VIII. CONSENT CALENDAR

<b>ACTION - Consent Calendar</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>DISCUSSION:</b>	Items C-1 and D-1
<b>MOTION:</b>	Remove Item D-1 from the Consent Calendar and continue it to a future meeting at the City Attorney's request, and approve the remainder of the Consent Calendar as presented.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member/Director Lopez Council Member/Director Ruh
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Ruh, Johnson, Dutrey None None Martinez
<b>RESULT:</b>	Motion carried 4-0-1.

**A. Approval of Minutes**

**1. Regular Joint Meeting — May 6, 2024**

<b>ACTION – Consent Calendar – Item A-1</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**B. Administrative Reports**

**1. Consider Receiving and Filing City Treasurer's Report – April 2024**

<b>ACTION – Consent Calendar – Item B-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

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

<b>ACTION – Consent Calendar – Item B-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**3. Consider Receiving and Filing SA Treasurer’s Report – April 2024**

<b>ACTION – Consent Calendar – Item B-3</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**4. Consider Approval of SA Warrant Register – April 2024**

<b>ACTION – Consent Calendar – Item B-4</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**5. Consider Receiving and Filing MHC Treasurer's Report – April 2024**

<b>ACTION – Consent Calendar – Item B-5</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**6. Consider Approval of MHC Warrant Register – April 2024**

<b>ACTION – Consent Calendar – Item B-6</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**7. Consider Receiving and Filing of MHA Treasurer's Report – April 2024**

<b>ACTION – Consent Calendar – Item B-7</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**8. Consider Approval of MHA Warrant Register – April 2024**

<b>ACTION – Consent Calendar – Item B-8</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**9. Consider Directing Staff to Review the City’s Conflict of Interest Code and to Submit the 2024 Biennial Notice to the City Council On or Before October 1, 2024, Pursuant to the Political Reform Act**

<b>ACTION – Consent Calendar – Item B-9</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**10. Consider Authorizing a \$15,000 Appropriation from the Federal Asset Forfeiture Fund for Cellular Data Service for Command Staff Laptops and In-Car Camera Routers**

<b>ACTION – Consent Calendar – Item B-10</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**11. Consider Declaring Holmatro Power Tools as Surplus and Available for Donation to the Huatabampo Fire Department in Sonora, Mexico**

<b>ACTION – Consent Calendar – Item B-11</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**C. Agreements**

**1. Consider Approval of Amendment No. 2 to Agreement No. 22-100 with the San Bernardino County District Attorney’s Office to Station a Victim’s Advocate at the Police Department Through the 2024-25 Fiscal Year, Subject to Any Revisions Deemed Necessary by the City Attorney**

Mayor Pro Tem Johnson requested and received clarification regarding how the Victim’s Advocate assists victims through continued contact and guidance.

<b>ACTION – Consent Calendar – Item C-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

2. **Consider Approval of Agreement No. 24-38 with All City Management Services, Inc. for School Crossing Guard Services for Fiscal Year 2024-25, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

3. **Consider Approval of Agreement No. 24-40 with Chaffey Joint Union High School District for Specialized Law Enforcement Services During Fiscal Year 2024-25**

<b>ACTION - Consent Calendar - Item C-3</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

4. **Consider Approval of Agreement No. 24-41 with Ontario-Montclair School District for Specialized Law Enforcement Services During Fiscal Year 2024-25**

<b>ACTION - Consent Calendar - Item C-4</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

5. **Consider Approval of Agreement No. 24-42 with Consolidated Fire Agencies of San Bernardino County (CONFIRE) for Continued Dispatch and Communication Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-5</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

6. **Consider Approval of Agreement No. 24-44 with Econolite Systems for Traffic Signal Maintenance Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-6</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

7. **Consider Approval of Agreement No. 24-45 with AGA Engineers for Traffic Engineering Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-7</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

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.

<b>ACTION - Consent Calendar - Item C-8</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**D. Resolutions**

2. **Consider Adoption of Resolution No. 24-3438 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

<b>ACTION - Consent Calendar - Item D-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 4-0-1.

**IX. PULLED CONSENT CALENDAR ITEMS**

**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**

City Attorney Robbins requested this item be continued to a future meeting. The City Council took no action on this item.

**X. COMMUNICATIONS**

**A. Department Reports — None**

**B. City Attorney**

City Attorney Robbins requested the City Council meet in closed session concerning the following:

1. **Request for City Council to Meet in Closed Session Pursuant to Government Code §54956.9(d)(4) Regarding Potential Litigation**

*One Potential Case*

2. **Request for City Council to Meet in Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr**

*Agency: City of Montclair*

*Employee Management*

*Associations: Montclair City Confidential Employees Association  
General Employees - Teamsters Local 1932  
Montclair Fire Fighters Association  
Montclair Police Officers Association*

**C. City Manager/Executive Director — None**

**D. Mayor/Chair**

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 June for the following: Cancer Survivor Month, D-Day, Philippines Flag Day, Father’s Day, Juneteenth, LGBTQ Pride Month, and Caribbean-American Heritage Month.
- He complimented the City’s Memorial Day and Country Fair Jamboree events, and stated he attended the City-County Conference.

**E. Council Members/Directors**

1. Mayor Pro Tem/Vice Chair Johnson stated the Memorial Day and Country Fair Jamboree events were outstanding, and expressed gratitude for all who attended the **Montclair Chamber of Commerce’s** Police Officer Recognition Luncheon.
2. Council Member/Director Lopez congratulated officers who were recognized at the Police Officer Recognition event; noted he attended the **Montclair Little League’s** closing ceremonies on Friday; and promoted **Montclair High School’s** baseball camp.
3. Council Member/Director Ruh stated he attended the International Conference of Shopping Centers in Las Vegas from May 19 to 21; regretted that he was not able to make it to the Police Officer Recognition event; praised the Memorial Day and Country Fair Jamboree events; and gave a touching speech about D-Day.

**F. Committee Meeting Minutes**

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

1. Personnel Committee – May 6, 2024

**XI. CLOSED SESSION**

At 8:10 p.m., the City Council went into closed session to discuss potential litigation and labor negotiations.

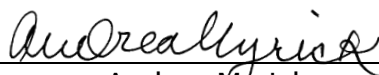
**XII. CLOSED SESSION ANNOUNCEMENTS**

At 8:55 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council discussed potential litigation and labor negotiations; information was received and direction given to staff on both matters; and no further announcements would be made at this time.

**XIII. ADJOURNMENT**

At 8:56 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