

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 17, 2024 AT 7:01 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 7:01 p.m.

**II. INVOCATION**

Council Member/Director Ruh gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Ruh 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 Community Development Diaz; Director of Finance Kulbeck; Director of Public Works/City Engineer Heredia; Fire Chief Pohl; Director of Economic Development Agency Fuentes; City Attorney Robbins; City Clerk Myrick

**V. PRESENTATIONS — None**

**VI. PUBLIC COMMENT**

- **Christian Nava**, resident, requested the City implement an internship program for disabled individuals.
- **Jay Mineck**, resident, expressed concerns regarding confusing traffic control measures being used for the construction on Monte Vista Avenue at the I-10 freeway.
- **Xavier Mendez**, resident, suggested the City consider offering free catalytic converter etching for residents to curb theft.
- **Mukthika Ananda, Kailasa USA**, invited the City Council and the community to an event on July 20, 2024, which will include a procession and cultural Hindu foods.

**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)**

**Consider Setting a Public Hearing for Second Reading and to Consider Adoption of Ordinance No. 24-1006 on Monday, July 1, 2024, at 7:00 p.m. in the City Council Chambers**

Mayor Dutrey opened the public hearing and invited comments from the public.

**Christian Nava**, resident, requested the City consider restricting ADUs and JADUs to low- and extremely low-income.

There being no one else wishing to comment, Mayor Dutrey closed the public hearing and returned the matter to the City Council.

Council Members Lopez and Ruh were pleased the ordinance was revised to remove the rental income reporting requirement, but do not support the maintained requirement for landscaping.

Director of Community Development Diaz advised the landscaping is intended to create privacy for the new residence and an exemption may be requested if there is an existing wall or fence.

Council Member Ruh asked if prefabricated homes would be allowed.

Director of Community Development Diaz stated they are allowed if they meet the minimum standards and are permanently installed.

Council Member Lopez received clarification from Director of Community Development Diaz that the City is developing three pre-approved ADU plans for property owners to optionally use.

<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, July 1, 2024 at 7:00 p.m. in the City Council Chambers.
<b>MADE BY:</b> <b>SECOND BY:</b>	Mayor Pro Tem Johnson Council Member Ruh
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

## 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-2, C-4, C-5, D-1, and D-2
<b>MOTION:</b>	Approve the Consent Calendar as presented.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member/Director Ruh Council Member/Director Lopez
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

### A. Approval of Minutes

#### 1. Regular Joint Meeting — June 3, 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

<b>ACTION – Consent Calendar – Item A-1</b>	
	Montclair Community Foundation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**B. Administrative Reports**

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

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

**2. Consider Approval of 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 5-0.

**3. Consider Receiving and Filing SA Treasurer's Report – May 2024**

<b>ACTION – Consent Calendar – Item B-3</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

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

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

**5. Consider Receiving and Filing MHC Treasurer's Report May 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 5-0.

**6. Consider Approval of MHC Warrant Register – May 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 5-0.

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

<b>ACTION – Consent Calendar – Item B-7</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners

<b>ACTION – Consent Calendar – Item B-7</b>	
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**8. Consider Approval of MHA Warrant Register – May 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 5-0.

**9. Consider Approval of the MCF Payment for a One-Year Subscription Renewal of Zengine Application Software Through Wizehive, Inc. for the Montclair to City Program**

<b>ACTION – Consent Calendar – Item B-9</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**C. Agreements**

**1. Consider Approval of Agreement No. 24-46 with Mt. San Antonio College Authorizing the Fire Department to Provide Clinical Training for Emergency Medical Interns**

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

**2. Consider Approval of Agreement No. 24-47 with Rangwala Associates for a Specific Plan Study Related to the City of Montclair’s Sphere of Influence, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Approval of Agreement No. 24-48 with San Bernardino County to Provide Funding for a Specific Plan Study Related to the City of Montclair’s Sphere of Influence, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez asked for clarification on the Government Code language referenced in the staff report.

Director of Economic Development Agency Fuentes advised that sphere of influence studies performed for General Plan updates must now include an assessment of potential service issues in the area.

Council Member Lopez asked if the City would be annexing the areas making up the City’s sphere of influence.

City Manager Starr noted this study would provide information for the City Council to make that determination in the future.

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

3. **Consider Approval of Agreement No. 24-49 with National Testing Network, Inc. (NTN) for Law Enforcement Testing and Recruitment Services**

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

4. **Consider Approval of Agreement No. 24-50 with Catering Systems, Inc. to Provide Meals for the City’s Senior Citizen Nutrition Program**

Mayor Pro Tem Johnson asked if the Senior Nutrition Program is subsidized by the General Fund.

Assistant City Manager/Director of Human Services Richter stated the program is funded through a County grant, which requires the City request a voluntary three dollar donation per meal from senior participants.

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

5. **Consider Approval of Agreement No. 24-51 with Anderson Air Conditioning, L.P. to Upgrade the City’s Carrier iVu Building Automation System, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing a \$199,920 Appropriation from the 2021 Lease Revenue Bond Fund to Upgrade the Carrier iVu Building Automation System**

Mayor Dutrey requested clarification on not bidding this contract.

City Manager Starr advised there are several buildings that do not have working air conditioning and the repairs are needed quickly. He noted the vendor is an authorized vendor of the system and maintains the system used by the City. A complete system replacement, especially from a different vendor, would come at a substantial cost and could not be done quickly.

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

**D. Resolutions**

1. **Consider Adoption of Resolution No. 24-3440 Approving a List of Projects to be Funded in Fiscal Year 2024-25 by Senate Bill 1, the California Road Repair and Accountability Act of 2017**

**Matthew Wheaton**, resident, requested clarification on how the City prioritizes streets for repaving.

Director of Public Works/City Engineer Heredia advised the City is divided into six zones that are repaved on a schedule, repairs are scheduled as needed, and the City’s Public Works Inspector ensures that utility work that damages the streets is repaired to the City’s standards.

Council Member Lopez stated he is satisfied that the project proposed for this year’s funding has a useful life estimate of 30 years, which is a good investment.

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

2. **Consider Adoption of Resolution Nos. 24-3441 and 24-3442 Establishing Proposed Schedules of Total Monthly Rates for Refuse and Sewer Program Services, Subject to the Proposition 218 Notification, Protest, and Public Hearing Process**

**Consider Authorizing Staff to Send Notices to Property Owners Regarding a Public Hearing to Consider Establishing Maximum Monthly Residential and Commercial Rate Caps for Solid Waste Disposal Services, Pursuant to the Requirements of Proposition 218**

**Consider Setting a Proposition 218 Public Hearing for August 19, 2024, at 7:00 p.m. in the City Council Chambers to Consider Establishing a Five-Year Schedule of Maximum Monthly Rate Caps for Refuse and Sewer Services and Setting the Rates for Residential and Commercial Refuse Services and Sewer Services to be Effective August 1, 2024**

**Consider Allocating up to \$12,000 from the Contingency Fund to Mail to Property Owners Notices of a Proposition 218 Public Hearing Regarding Establishing a Five-Year Schedule of Maximum Monthly Rate Caps for Refuse and Sewer Services**

Mayor Dutrey clarified that the City Council is setting rate caps for five years, that each rate must be set by City Council action every year, and that the City Council has only enacted three rate increases in the past five years which did not reach the maximum rates previously set. He advised that the new rate increases are mainly a result of new state laws requiring separation of compostable materials, and increases in costs to process recyclables. He received clarification that the Part 3 fee is for long-term sewer replacement fund, and the Part 4 fee is the fee used to cover the costs of clearing obstructions due to effluent contamination including “flushable” wipes and other non-flushable items.

Council Members Ruh and Lopez discussed implementing a discounted low-income rate similar to **Monte Vista Water District** and **Southern California Edison’s** programs.

City Manager Starr discussed the challenges due to those discounts being based on tiered usage with only the lowest tier being discounted for qualifying individuals, which could not be easily achieved without invasive trash inspections and income verification processes.

Council Member Lopez received clarification that the first rate increases would go into effect on August 1, 2024, and that trash and sewer utilities are on two-month cycles billed in arrears.

Council Member Martinez suggested potential discounts be discussed separately to be budgeted for in future years.

**Mr. Michael Arreguin**, Vice President, **Burrtec**, advised residents can achieve a small savings by requesting smaller bins; however, they would also need to reduce their production of waste to not exceed the bin size.

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

3. **Consider Adoption of Resolution No. 24-3443 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities**

**Consider Adoption of Resolution No. 24-3444 Adopting the Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at An Election to be Held on Tuesday, November 5, 2024**

**Consider Adoption of Resolution No. 24-3445 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Presidential General Election to be Held on the Same Date Pursuant to Section 10403 of the California Elections Code**

<b>ACTION – Consent Calendar – Item D-3</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

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

**X. COUNCIL/MHC BUDGET REVIEW AND ADOPTION**

Mayor/Chair Dutrey announced that the following items are adjourned to Thursday, June 20, 2024 at 6:00 p.m. in the City Council Chambers.

**A. Presentation**

1. **Fiscal Year 2024-25 Preliminary Budget Review**

**B. Consent Calendar**

1. **Consider Adoption of Resolution No. 24-3447 Authorizing Approval of the Change in Population in San Bernardino County During 2023 for the Purpose of Calculating the Gann Spending Limit for Fiscal Year 2024-25**
2. **Consider Adoption of Resolution No. 24-3448 Establishing an Appropriations Limit for Fiscal Year 2024-25 Pursuant to Article 13-B of the California Constitution and to Section 7910 of the Government Code**
3. **Consider Adoption of Resolution No. 24-3449 Adopting the City of Montclair Fiscal Year 2024-25 Annual Budget**
4. **Consider Adoption of Resolution No. 24-02 Adopting the Fiscal Year 2024-25 Budget for the Montclair Housing Corporation**

**XI. 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)(1) Regarding Pending Litigation**

*Dow/Alvarran v Montclair*

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

**D. Mayor/Chair**

Mayor/Chair Dutrey advised the San Bernardino County Transportation Authority sent out an email in May advising major completion of construction at Monte Vista Avenue for the I-10 freeway corridor project should be completed by July; noted he participated in a Police Officer ride-along on Thursday; and stated he attended an event to recognize the Police Department's Reserve Captain and Reserve Officers.

**E. Council Members/Directors**

1. Council Member/Director Martinez encouraged the public to attend the upcoming Concerts and Movies in the Park.
2. Council Member/Director Ruh recognized June 17 as Eid al-Adha, a holy day celebrated by the Muslim community, and Juneteenth, a newly recognized federal holiday commemorating the day in 1865 when **General Gordon Granger** issued General Order No. 3 informing the people of Texas that all enslaved people were now free; and reported his attendance at the **Foothill Gold Line Phase II Joint Powers Authority** Board meeting.
3. Council Member/Director Lopez reported **Montclair High School's** baseball camp was a successful program with 12-15 participants; noted there is currently debate about Proposition 47 invalidating several bills addressing retail theft if it does not pass; expressed support for the Juneteenth holiday; and wished everyone a happy belated Father's Day.
4. Mayor Pro Tem/Vice Chair Johnson discussed how African Americans were not viewed or treated as equals by American society for over a century after emancipation, and provided personal experiences demonstrating that racism still exists in modern times; reported she attended a League of California Cities Inland Empire Division Meeting where Proposition 47 was discussed and encouraged voters to research it before the election; stated she was delighted to present the City with a check for \$6,000 on behalf of the Chamber of Commerce for Country Fair Jamboree sponsorships; announced an upcoming Chamber event, An Evening in the Garden, featuring foods from local restaurants in Montclair; and wished City Attorney Diane Robbins a happy birthday.

**F. Committee Meeting Minutes**

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

1. Personnel Committee - June 3, 2024

**XI. CLOSED SESSION**

At 8:39 p.m., the City Council went into closed session to discuss pending litigation.

**XII. CLOSED SESSION ANNOUNCEMENTS**

At 8:50 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council discussed pending litigation; information was received and direction given to staff on both matters; and no further announcements would be made at this time.

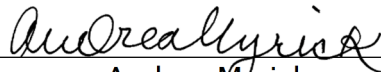
**XIII. ADJOURNMENT**

At 8:50 p.m., the Successor Agency Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned



At 8:50 p.m., the City Council and Montclair Housing Corporation Board were adjourned to Thursday, June 20, 2024 at 6:00 p.m. for the Council/MHC Budget Review and Adoption Meeting.

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



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Andrea Myrick,  
City Clerk