

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, AUGUST 19, 2024 AT 7:01 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 7:01 p.m.

II. INVOCATION

Pastor Jaime Saravia, Truth Church, 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, 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; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. **Presentation by Monte Vista Water District (MVWD): “Making Conservation a Way of Life”**

Justin Scott-Coe, General Manager, introduced **Kelly Donaldson, Community Affairs Manager**, who presented on the state’s new water conservation regulations established by AB 1572. These regulations prohibit the use of potable water for the irrigation of non-functional turf on commercial, industrial, and public properties, as well as in common areas of homeowners’ associations. She also highlighted resources and rebates available to residents aimed at improving water efficiency. In response to inquiries from the City Council, she discussed a collaborative grant the City received from the **Inland Empire Utilities Agency**, in partnership with **MVWD**, to install water-efficient landscaping at Fire Station No. 151. The discussion also included details about available rebates and programs, as well as the potential expansion of the law to apply to residential properties in the future.

VI. PUBLIC COMMENT

- **Susan Elias**, resident, expressed dissatisfaction with the Police Department’s response to her reporting of a hit-and-run incident by her neighbor that resulted in damage to her vehicle, which was captured by her home security camera.
- **Xavier Mendez**, resident, shared condolences for a former City employee, **Steve Stanton**, and his family, for the recent tragic passing of his son, **Ryan Stanton**, in a motorcycle accident.

VII. PUBLIC HEARINGS

A. **Consider Adoption of Resolution No. 24-3453 Establishing a Five-Year Schedule of Maximum Monthly Rate Caps for Refuse and Sewer Program Services in Compliance with Proposition 218**

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

Aaron Adams, resident, raised concerns about the proposed rate increases for **Burrtec** and emphasized the importance of soliciting bids from other trash haulers to secure more competitive rates.

Xavier Mendez, resident, expressed concerns regarding the high increase in rates compared to surrounding Cities and questioned the addition of a new Part 4 “Effluent/Contamination maintenance” fee which he feels should be covered by the existing Part 2 “Sewer maintenance” fee.

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

In response to questions raised by Council Members and concerns from speakers, City Manager Starr clarified that a majority of the increases are pass-through charges established by external parties rather than by the City or **Burrtec**, and the new sewer maintenance fee addresses an increase in items like “flushable” wipes being flushed, which clog the main sewer lines and require additional repairs. He advised the projected future increases indicated represent maximum rates that the City is legally obligated to report under the Proposition 218 process; however, the City has historically not raised rates to the maximum allowable limits. He noted that the City Council will still need to set and approve each individual future rate increase, but another Proposition 218 process will not be necessary for each of those instances over the next five years.

Mike Arreguin, **Burrtec** Vice President, also provided clarification about cost increases related to wages and recycling costs, and implementation of SB 1383 requirements for food waste.

Council Member Ruh indicated he would not endorse rate increases unless discounted pricing is made available for low income families.

ACTION – Public Hearings – Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3453 establishing a five-year schedule of maximum monthly rate caps for refuse and sewer program services in compliance with Proposition 218.
MADE BY: SECOND BY:	Mayor Dutrey Mayor Pro Tem Johnson
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Johnson, Dutrey Ruh None None
RESULT:	Motion carried 4-1.

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:	Items B-10, B-13, C-1, and C-8
MOTION:	Pull item C-6 and approve the remainder of the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Ruh Council Member/Director Lopez

ACTION – Consent Calendar	
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
RESULT:	Motion carried 5-0.

A. Approval of Minutes

1. Regular Joint Meeting — July 15, 2024

ACTION – Consent Calendar – Item A-1	
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 Receiving and Filing City Treasurer's Report — July 2024

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

2. Consider Approval of Warrant Register and Payroll Documentation

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

3. Consider Receiving and Filing of SA Treasurer’s Report — July 2024

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

4. Consider Approval of SA Warrant Register — July 2024

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

5. Consider Receiving and Filing MHC Treasurer's Report July 2024

ACTION – Consent Calendar – Item B-5	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent Calendar; motion carried 5-0.

6. **Consider Approval of MHC Warrant Register — July 2024**

ACTION – Consent Calendar – Item B-6	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent Calendar; motion carried 5-0.

7. **Consider Receiving and Filing of MHA Treasurer's Report — July 2024**

ACTION – Consent Calendar – Item B-7	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent Calendar; motion carried 5-0.

8. **Consider Approval of MHA Warrant Register — July 2024**

ACTION – Consent Calendar – Item B-8	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent Calendar; motion carried 5-0.

9. **Consider Designating Mayor Dutrey as Voting Delegate for the Annual Business Meeting of the General Assembly at the League of California Cities Annual Conference on October 18, 2024**

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

10. **Consider Authorizing the Purchase of a 2024 Ford F-450 Medic Squad from Fire Apparatus Solutions in the Total Amount of \$246,137.55**

Consider Authorizing a \$246,137.55 Appropriation from the Equipment Replacement Fund for the Purchase of a 2024 Ford F-450 Medic Squad from Fire Apparatus Solutions

Councilmember Lopez expressed satisfaction with the Medic Squad returning after being out of service for over 20 years.

ACTION – Consent Calendar – Item B-10	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

11. **Consider Authorizing a \$47,565.75 Appropriation from the Equipment Replacement Fund for the Purchase of a 2024 Chevrolet Silverado 2500 Pickup Truck from Mark Christopher Chevrolet, and \$9,851.25 for the Installation of Safety Lights, Strobes, and a Cross-Body Tool Box for the Vehicle**

Consider Declaring a 2000 Chevrolet 2500 Bi-Fuel Pickup Truck (Unit 220) as Surplus and Available for Sale at Auction

ACTION – Consent Calendar – Item B-11	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

12. **Consider Authorizing a \$37,606.78 Appropriation from the Equipment Replacement Fund for the Purchase of a 2024 Chevrolet Colorado Pickup Truck from Rotolo Chevrolet for the Code Enforcement Division**

ACTION – Consent Calendar – Item B-12	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

13. **Consider Declaring Two Noncompliant Vehicles as Surplus and Available for Donation to the City of Huatabampo, Sonora in Mexico**

Xavier Mendez, resident, recommended the City purchase replacement work vehicles and proposed that in-house staff continue to handle tree trimming and removal.

City Manager Starr advised both vehicles have been replaced.

ACTION – Consent Calendar – Item B-13	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

C. **Agreements**

1. **Consider Approval of Agreement No. 24-43-I-111, an Irrevocable Annexation Agreement with 2A LLC, for a 2.42 Acre Site at the Southwest Corner of Mission Boulevard and Benson Avenue, Ontario, CA 91762 (APNs 1011-351-04 and 1011-351-05) (Case No. 2024-27), Subject to Any Revisions Deemed Necessary by the City Attorney**

In response to City Council questions regarding the timeframe of annexation, City Manager Starr advised that there is currently no plan to annex the property; however, should the City decide to annex in the future, the agreement will require the owner to support annexation of the property.

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

2. **Consider Approval of Agreement No. 24-62 with Lifestyle Management Solutions to Provide Nutrition Education Services for the City’s Senior Citizen Nutrition Program, Subject to Any Revisions Deemed Necessary by the City Attorney**

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

3. **Consider Approval of Agreement No. 24-63 with Rymax Electrical, Inc., for the Installation of the Emergency Generator and Electrical Conductors at the Civic Center, Subject to Any Revisions Deemed Necessary by the City Attorney**

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

4. **Consider Approval of Agreement No. 24-64 with Kendry II Apartments Owner, LLC, an Operations and Management Regulatory Agreement Regarding Property Generally Located at the Southwest Corner of Arrow Highway and Monte Vista Avenue, Subject to Any Revisions Deemed Necessary by the City Attorney**

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

5. **Consider Approval of Agreement No. 24-66 with Liebert Cassidy Whitmore for Participation in the East Inland Empire Employment Relations Consortium and Premium Liebert Library Subscription, Subject to Any Revisions Deemed Necessary by the City Attorney**

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

7. **Consider Approval of Agreement Nos. 24-68, 24-69, and 24-70 with Montclair Little League and Golden Girls Softball League for Use of Ball Field Facilities**

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

8. **Consider Approval of Agreement No. 24-71 with Chaplain of the Streets for the Lease of a City-Owned Property, Subject to Any Revisions Deemed Necessary by the City Attorney**

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

9. **Consider Approval of Agreement No. 24-72 with Kaiser Foundation Hospitals to Accept a Grant Award in the Amount of \$15,000 to Support Montclair the Montclair to College Program**

Consider Authorizing the Executive Director Edward C. Starr to Sign Agreement No. 24-72

ACTION – Consent Calendar – Item C-9	
ACTING:	Montclair Community Foundation Board
RESULT:	Approved on Consent Calendar; motion carried 5-0.

D. Resolutions

1. **Consider Adoption of Resolution No. 24-3439 Approving Agreement No. 24-65, an Affordable Housing Agreement with the Montclair Housing Authority and the Montclair Housing Corporation; Authorizing the Transfer of 9603 Mills Avenue, Montclair, to the Montclair Housing Authority for use as Affordable Housing; and Declaring such Real Property to be Exempt Surplus Land**

Consider Authorizing a \$35,000 Appropriation from the Economic Development Assets Fund for Rehabilitation of the Property Located at 9603 Mills Avenue, Montclair

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

Consider Adoption of MHA Resolution No. 24-02 Approving Agreement No. 24-65, an Affordable Housing Agreement with the City of Montclair and the Montclair Housing Corporation, and Accepting the Transfer of Certain Real Property from the City of Montclair

ACTION – Consent Calendar – Item D-1	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent Calendar; motion carried 5-0.

Consider Adoption of MHC Resolution No. 24-03 Approving Agreement No. 24-65, an Affordable Housing Agreement with the City of Montclair and the Montclair Housing Corporation

ACTION – Consent Calendar – Item D-1	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent Calendar; motion carried 5-0.

2. **Consider Adoption of Resolution No. 24-3450 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts**

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

3. **Consider Adoption of Resolution No. 24-3451 Adopting the Measure I Five-Year Capital Project needs Analysis for Fiscal Years 2025-26 through 2029-30**

Consider Adoption of Resolution No. 24-3452 Adopting the Measure I Five-Year Local Street Capital Improvement Program for Fiscal Years 2025-26 through 2029-30

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

4. **Consider Adoption of Resolution No. 24-3454 Designating Authorized Agents of the City of Montclair for California Office of Emergency Services (Cal OES) Public Assistance Grants**

Consider Approving for Submittal the Cal OES Form 130 Updating the City’s Authorized Agents

ACTION – Consent Calendar – Item D-4	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

6. Consider Approval of Agreement No. 24-67 with Blais & Associates, Inc. for Grant Writing Services, Subject to any Revisions Deemed Necessary by the City Attorney

Consider Authorizing a \$100,000 Appropriation from the Contingency Reserve Fund for Costs Related to Agreement No. 24-67

Council Member Lopez recused himself due to holding a position with a competitor of **Blais & Associates, Inc.**

ACTION – Consent Calendar – Item C-6	
ACTING:	City Council
MOTION:	Approve Agreement No. 24-59 with Blais & Associates, Inc. for grant writing services and Consider Authorizing a \$100,000 appropriation from the Contingency Reserve for Costs Related to Agreement 24-67.
MADE BY: SECOND BY:	Mayor/Chair Dutrey Council Member/Director Ruh
AYES: NOES: ABSTAIN: ABSENT:	Martinez, Ruh, Johnson, Dutrey None Lopez None
RESULT:	Motion carried 4-0-1.

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 §54956.8 Regarding Real Property Negotiations

Property: APN: 1007-703-06-0000
Negotiating Parties: City of Montclair and CRP/VP Montclair Village Owner, LLC
City Negotiator: Edward C. Starr, City Manager
Under Negotiation: Recommendations Regarding Purchase Price

2. Request for City Council to Meet in Closed Session Pursuant to Government Code §54956.8 Regarding Real Property Negotiations

Property: APN: 1010-295-03-0000
Negotiating Parties: City of Montclair and Tessier, Daniel & Carlotta Living Trust
City Negotiator: Edward C. Starr, City Manager
Under Negotiation: Recommendations Regarding Purchase Price

C. City Manager/Executive Director — No comments

D. Mayor/Chair

Mayor/Chair Dutrey expressed his heartfelt condolences to the families of **Lynnette Kievit**, a retired employee who worked in the Human Services and Administrative Services Departments; former Community Action Committee member and Planning Commissioner **Luis Flores**; and **Ryan Stanton**, son of retired Engineering Division

Manager **Steve Stanton**. He congratulated all candidates who qualified for the ballot for two City Council seats in City of Montclair’s upcoming election, and invited the community to **Montclair High School’s** first football game this Friday.

E. Council Members/Directors

1. Council Member/Director Ruh recounted memories serving on the Planning Commission alongside **Luis Flores** and acknowledged the passing of **Sandra Ham**, a Montclair resident from 1965 to 2022 who was very involved with the family business **Ham’s Electric**, established in 1986, with her husband **Larry Ham**. He reported on the great outcome of the Police Department’s National Night Out event.
2. Council Member/Director Lopez extended his sympathies for the family of **Luis Vazquez**, a longtime resident, and narrated the story of his “American Dream” as an immigrant from Colombia. He noted he believes **Luis Flores** was the first Latino Planning Commissioner; expressed his deepest sympathies to the **Stanton** and **Flores** families; and shared a personal anecdote from his childhood about **Sandra Ham**. He encouraged the community to come out to support the **MHS Cavaliers’** first game of the season.
3. Mayor Pro Tem/Vice Chair Johnson urged the community to drive safely and maintain awareness of their surroundings as children return to school. She invited everyone to attend the **Montclair Chamber of Commerce’s Night in the Garden** event on Thursday, August 29, at 6:00 p.m. at the **Chino Basin Water Conservation District**, and promoted a raffle to win two tickets.
4. Council Member/Director Martinez extended her condolences to the families of those being honored this evening who have recently passed away.

F. Committee Meeting Minutes

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

1. Public Works Committee — April 18, 2024
2. Personnel Committee — July 15, 2024

XI. CLOSED SESSION

At 9:03 p.m., the City Council went into closed session to discuss real property negotiations.

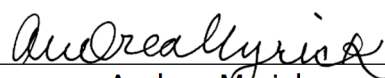
XII. CLOSED SESSION ANNOUNCEMENTS

At 9:40 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council discussed real property negotiations; information was received and direction given to staff on both parcels; and no further announcements would be made at this time.

XIII. ADJOURNMENT

At 9:40 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