

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, NOVEMBER 4, 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 Fire Chaplain Jimmy Crowell 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 Finance Kulbeck; Director of Public Works/City Engineer Heredia; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Update on the Tentative National Pollutant Discharge Elimination System (NPDES) Permit for the Counties of Orange, Riverside, and San Bernardino Related to Santa Ana Regional Water Quality Control Board Tentative Order No. R8-2024-0001

Council Member/Director Ruh announced his recusal due to a conflict of interest, as he serves on the **Santa Ana Regional Water Quality Control Board** (Regional Board).

At 7:03 p.m., Council Member/Director Ruh left the meeting.

Arlene Chun, Engineering Manager, **San Bernardino County (SBC)** Environmental Management Division, provided an update regarding the tentative NPDES MS4 permit requirements set forth by the Regional Board. During the presentation she highlighted the significant cost impact of \$250.38 million over 20 years for Montclair; the efforts of the Tri-County group to oppose the proposal, which led to the Regional Board recommending a six-month extension to revise the permit language; an upcoming meeting scheduled for December for SBC permittees to meet with Regional Board staff; and proposed coordination among SBC permittees via monthly meetings.

Mayor Dutrey asked if the obligation to acquire the updated permit and pay associated costs is a mandate from the state or federal government on local governments.

SBC Engineering Manager Chun clarified that the MS4 is a state permit enforcing the federal Clean Water Act, which applies to counties and cities. The most favorable outcome would involve the Region Board revising the language of the new MS4 permit regulations in response to opposition from and continued discussions with the permittees.

In response to Council questions and comments regarding mandates and legal action, **SBC Engineering Manager Chun** advised an unfunded state mandate claim was filed for the 2010 MS4 Permit; however, that claim has not been resolved. She added this evening the City Council will consider entering the San Bernardino County Permittees' Joint Defense, Common Interest, and Confidentiality Agreement in case of litigation on this new MS4 Permit.

Council Member/Director Ruh returned to the meeting at 7:20 p.m.

VI. PUBLIC COMMENT

- **Ruby Long**, Senior Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, invited the community to a Christmas Open House event on December 4, from 5:30 p.m. to 7:30 p.m. at **Supervisor Hagman’s** District Office in Chino Hills.
- **Edmund Garcia Sr.**, resident, spoke in support of the two City employees involved in the sexual harassment and discrimination lawsuit against Council Member Lopez, and declared his opposition to Council Member Lopez’s re-election.
- **Nikole Bresciani** provided general information about **Inland Valley Human Society (IVHS)** programs such as their “Getting to Zero” initiative to ensure no healthy adoptable pets are euthanized, and services including free and low-cost programs such as pet pantries, spay and neuter services, vaccinations, and pet adoptions.
- **Xavier Mendez**, resident, wished good luck his fellow Montclair City Council candidates.
- **Carolyn Raft**, **West Valley Mosquito and Vector Control District** Board Secretary and representative for Montclair, announced **WVMVCD** has been awarded the Special District Leadership Foundation Award for the third time in a row.
- **Marcos Trinidad**, Scout Leader for **Scouts of America Troop 634**, spoke on demonstrating civic engagement and encouraged the City to continue improving its parks.
- **Bija Trinidad**, a Scout from **Troop 634**, shared fond memories growing up playing in Montclair’s parks and encouraged the Council to invest more in trees and parks.
- **Paloma Trinidad**, a Scout from **Troop 634**, conveyed her gratitude for those who maintain the City’s parks as a former **Golden Girls Softball League** player and resident who values spending time with her family at local parks.
- **Tony Lopez**, resident, expressed his rationale for remaining silent about the allegations concerning his son, Council Member Lopez, stating he prefers not to harbor negativity or judgement towards the accusers and acknowledged that, although the situation has been challenging for their family, they have continued to pray.

VII. PUBLIC HEARINGS — None

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-2, C-1, D-1, and D-3
MOTION:	Pull Item C-5 from the Consent Calendar for discussion and separate action, approve Item D-1 as amended, and approve the remainder of the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Lopez Council Member/Director Martinez
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Ruh, Martinez, Johnson, Dutrey None None None
RESULT:	Motion carried 5-0.

A. Approval of Minutes

1. Regular Joint Meeting — October 21, 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 Approval of 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 Approval of the City of Montclair Five-Year Capital Improvement Program (CIP) for Fiscal Years 2024-25 through 2028-29

Consider Authorizing the Appropriation of Funds as Indicated for Each of the Fiscal Year 2024-25 Projects Listed in the Proposed Five-Year Capital Improvement Program

Carolyn Raft, resident, requested community meetings be held to solicit input from residents affected by construction on the upcoming projects.

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

C. Agreements

1. Consider Approval of Agreement No. 24-83 with Crossroads Software, Inc. for Digital E-Citation Software for Parking and Notice-to-Appear Citations

Consider Authorizing an \$80,304 Appropriation from the Federal Asset Forfeiture Fund for Printing Equipment and Other Costs Associated with Agreement No. 24-83

Mayor Pro Tem Johnson requested additional information on digital citations and how individuals will be informed of when they have received one.

Chief Reed mentioned the software allows citations to be signed on an electronic device, which comes with a printers that will be installed in each vehicle and portable printers for Parking Enforcement to make the necessary citations.

Mayor Dutrey spoke on Measure L, a citizens-approved measure to fund project and commend staff on the hard work.

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

2. **Consider Approval of Agreement 24-84 with TKE Engineering, Inc. for Engineering Design Services for the Montclair Safe Routes to School (SRTS) Implementation Project for Safety Improvements Near Montclair High, Monte Vista Elementary, and Monterra Elementary Schools, Subject to Any Revisions Deemed Necessary by the City Attorney**

Consider Authorizing a \$459,580 Appropriation from 2021 Lease Revenue Bond Proceeds for Costs Related to Agreement No. 24-84

Consider Authorizing a \$45,420 Contingency for the Project

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

3. **Consider Approval of Agreement No. 24-85 with California Highway Patrol for use of the Montclair Police Department Firearms Shooting Range**

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

4. **Consider Approval of Agreement No. 24-86 with San Bernardino County Office of Emergency Services Authorizing the Receipt of \$15,148 from the Fiscal Year 2023 Homeland Security Grant Program**

Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement

Consider Authorizing a \$15,148 Appropriation from the Public Safety Grant Fund to Purchase Mobile Data Computers for the Police Department

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

D. Resolutions

1. **Consider Adoption of Resolution No. 24-3461 Authorizing the City of Montclair to Access of State- and Federal-Level Summary Criminal History Information for Employment Purposes**

City Attorney Robbins requested approval of the Resolution with a revision requested by the Department of Justice stating the Personnel Division is authorized to make these requests, adding the City Council has been provided with a copy of the revision.

ACTION – Consent Calendar – Item D-1	
ACTING:	City Council
RESULT:	Approved on Consent Calendar with minor revisions to the Resolution as requested by staff; motion carried 5-0.

2. **Consider Adoption of Resolution No. 24-3459 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

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

3. **Consider Adoption of Resolution No. 24-3460 Establishing an Environmentally Preferable Purchasing and Practices Policy**

Council Member Lopez requested clarification on whether this is a state mandate or an optional policy, its impact on the General Fund, and the City’s plans for implementation.

City Manager Starr explained that the City has been practicing this for several years and is now formalizing it in response to CalRecycle grant requirements. He noted that the widespread adoption of environmentally friendly purchasing policies has increased competition for these products, resulting in more affordable options. He also emphasized that the policy provides the City with flexibility to choose alternative products of better value or higher quality. Some examples of environmentally friendly goods currently prioritized for purchase include copy paper, mulch, and electric vehicles.

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

IX. **PULLED CONSENT CALENDAR ITEMS**

C. **Agreements**

5. **Consider Approval of Agreement No. 24-87, a Common Interest, Joint Defense, and Confidentiality Agreement with San Bernardino County, the San Bernardino Valley Flood Control District, and Co-Permittee Cities in the NPDES Program**

Council Member/Director Ruh announced his recusal during the City Council’s consideration of Item C-5 due to a conflict of interest, as he serves on the **Santa Ana Regional Water Quality Control** Board.

At 7:47 p.m., Council Member/Director Ruh left the meeting.

Council Member Lopez asked if approval of this Agreement would indicate the City’s acceptance of the requirements associated with the new NPDES permit.

City Attorney Robbins advised the Agreement would facilitate the extension of attorney-client privileges to all participating parties for discussions among the participating permittees and their attorneys related to potential and future litigation on the NPDES MS4 Permit.

ACTION – Consent Calendar – Item C-5 (Pulled)	
ACTING:	City Council
MOTION:	Approve Item C-5 as presented.
MADE BY: SECOND BY:	Council Member Lopez Council Member Martinez

ACTION – Consent Calendar – Item C-5 (Pulled)	
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Johnson, Dutrey None None Ruh
RESULT:	Motion carried 4-0-1 (Ruh absent).

Council Member/Director Ruh returned to the meeting at 7:49 p.m.

X. COUNCIL WORKSHOP

A. Federal Legislative Advocate Presentation by David Turch & Associates

The City Council continued this presentation to an adjourned meeting to be held on Monday, November 18, 2024, at 5:45 p.m. in the City Council Chambers.

XI. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Events

Assistant City Manager/Director of Human Services Richter announced the Senior Center’s Veterans Day dance on Wednesday, November 15th; advised donation bins for the Holiday Food and Toy Basket Program will be placed in City facilities November 12th; invited the community to the Holly Jolly Holiday event on Thursday, December 5th, from 6:00 to 8:30 p.m., promoted the Police and Fire Departments’ Costco Holiday Food and Toy Drive on Friday, December 6th; encouraged the community to nominate homes for the Community Activities Commission for the Holiday Home Decoration Contest; and announced that Mr. and Mrs. Claus will be “Dashing Through Montclair” to spread holiday cheer on Saturday, December 7th, from noon to 7:00 p.m.

B. City Attorney — No comments

C. City Manager/Executive Director

City Manager/Executive Director Starr announced with great pleasure that \$798 million was officially award by **LA Metro** for extension of the Metro Gold Line (now known as the “L Line”) light rail from Claremont to Montclair, which is expected to be completed by 2030.

D. Mayor/Chair

Mayor/Chair Dutrey noted his attendance, along with Mayor Pro Tem Johnson and Council Members Ruh and Martinez, at the meeting at which the LA Metro Board awarded the Gold Line funding. He advised bids for the project will be solicited and evaluated by **San Bernardino County Transportation Authority (SBCTA)**. He recognized veterans present at the meeting in honor of Veterans’ Day, thanked staff for their hard work at the recent Halloween and After School Program event, and acknowledged holidays and celebrations in the month of October and November. He expressed optimism for a high voter turnout in tomorrow’s election.

E. Council Members/Directors

1. Council Member/Director Ruh spoke on his attendance at various meetings and community events; encouraged the community to vote; and quoted a famous passage from the Armistice agreement in recognition of Veterans’ Day.

2. Council Member/Director Lopez spoke on Veterans' Day; commended Public Works staff on the quick response on a graffiti incident; relayed residents' concerns regarding the unfinished condition of the Central Avenue pavement beneath the I-10 freeway; encouraged everyone participate in the upcoming election; expressed his disapproval of campaign mailers directed at him; and wished luck to the other in the election.
3. Mayor Pro Tem/Vice Chair Johnson invited all residents to a health fair and ribbon cutting event at **Life Point Clinic and Urgent Care** on November 9th at 9:30 a.m., and encouraged the community to vote.
4. Council Member/Director Martinez commended staff on successful afterschool program and Halloween events.

F. Committee Meeting Minutes

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

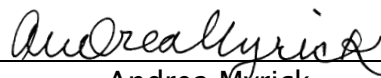
1. Personnel Committee — October 21, 2024

XII. ADJOURNMENT

At 8:25 p.m., the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

At 8:25 p.m., the City Council was adjourned to Monday, November 18, 2024, at 5:45 p.m. in the City Council Chambers for a workshop presentation from David Turch & Associates, the City's federal legislative advocate.

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



Andrea Myrick,
City Clerk