

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, JANUARY 22, 2019, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

Mayor/Chairperson Dutrey called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

**II. INVOCATION**

Chaplain Vicki Brobeck, Montclair Police Department, gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Ruh led those assembled in the Pledge.

**IV. ROLL CALL**

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

City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; Finance Director Parker; Public Works Director/City Engineer Castillo; City Attorney Robbins; City Clerk Phillips

**V. PRESENTATIONS**

**A. Community Activities Commission Military Banner Presentation**

Community Activities Commission (CAC) Vice Chair Darlene Ferraro stated that eleven years ago, the CAC began sponsoring a military street banner program to recognize Montclair residents currently serving in the **U.S. Armed Forces**. She advised that in 2018, 71 military banners were proudly displayed throughout Montclair.

As CAC Vice Chair Ferraro introduced and summarized the service of each military veteran, Mayor Dutrey presented the honoree or their family member(s) with their military banner. The five honorees were:

- **Justic Pulido**, Army, 2015–2018
- **Kyle Hnaley**, Marine Corps., 2007–2018
- **Charles William Morgan**, Army, 2013–2018
- **Benetton Kinchen–Biritwum**, Navy, 2011–2018
- **Daniel Pipersky**, Army, 2004–2018

Mayor Dutrey thanked CAC Vice Chair Ferraro for her presentation, and thanked the honorees for their service. He stated, "Montclair is honored to have residents like you."

**VI. PUBLIC HEARINGS — None**

**VII. PUBLIC COMMENT**

**A. Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, stated he hopes the City Council will be able to come to a consensus for filling the vacancy, noting the City of Upland and the County of San Bernardino were both successful in filling vacancies on their governing boards via an application and interview process.

He also urged the City Council to require the leases for multi-family

apartment and condo communities to contain protections for tenants, noting he feels the property management companies and owners have more protections than the renters—the residents the City Council should be representing and protecting. He stated recently the management company for the **Paseos at Montclair North** has started requiring payment for storage lockers, which were previously provided at no charge in accordance with the lease agreements to prevent tenants from using garages for storage. He also alleged the private security guards hired by the property management company intimidate and bully residents.

## **VIII. CONSENT CALENDAR**

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chair Raft, and carried unanimously 4-0 that the City Council approve the Consent Calendar, as presented:

### **A. Approval of Minutes**

#### **1. Special City Council Meeting of December 10, 2018**

The City Council approved the minutes of the December 10, 2018 special meeting.

#### **2. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of December 17, 2018**

The City Council, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the December 17, 2018 regular joint meeting.

#### **3. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of January 7, 2019**

The City Council, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the January 7, 2019 regular joint meeting.

### **B. Administrative Reports**

#### **1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Report for the month ending December 31, 2018.

#### **2. Approval of Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated January 22, 2019, totaling \$1,365,661.82; and the Payroll Documentation dated January 6, 2019, totaling \$560,144.50 gross, with \$388,728.01 net being the total cash disbursement.

#### **3. Receiving and Filing of Successor Agency Treasurer's Report**

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending December 31, 2018.

#### **4. Approval of Successor Agency Warrant Register**

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 12.01.18–12.31.18 in the amounts of \$6,496.88 for the Combined Operating Fund and \$0.00 for the Redevelopment Obligation Retirement Funds.

**5. Receiving and Filing of MHC Treasurer's Report**

The MHC Board received and filed the MHC Treasurer's Report for the month ending December 31, 2018.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 12.01.18-12.31.18 in the amount of \$64,076.52.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending December 31, 2018.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 12.01.18-12.31.18 in the amount of \$18,651.68.

**9. Setting a Public Hearing to be Held on Monday, February 4, 2019, At 7:00 P.M. in the City Council Chambers to Consider Ordinance No. 19-981 Updating Section 8.32.010 of the Montclair Municipal Code Related to Maximum Speed Limits in the City**

The City Council set a public hearing to be held on Monday, February 4, 2019, at 7:00 p.m. in the City Council Chambers to Consider Ordinance No. 19-981 updating Section 8.32.010 of the Montclair Municipal Code related to maximum speed limits in the City.

**10. Authorizing a \$7,535 Appropriation from the Federal Asset Forfeiture Fund for the Purchase of Redaction Software and Associated Computer to Facilitate Compliance with Public Records Requests**

The City Council authorized a \$7,535 appropriation from the Federal Asset Forfeiture Fund for the purchase of redaction software and associated computer to facilitate compliance with Public Records Requests.

**11. Receiving and Filing Annual Reports from Independent Auditing Firm for the City of Montclair and the Successor Agency for the City of Montclair Redevelopment Agency**

The City Council and Successor Agency Board of Directors received and filed annual reports from the independent auditing firm for the City of Montclair and the Successor Agency for the City of Montclair Redevelopment Agency.

**C. Agreements**

**1. Rejecting Bid Proposal from St. George Groupe for the City of Montclair Council Chambers Remodel Project**

**Award of Contract for the City of Montclair Council Chambers Remodel Project to R Dependable Construction, Inc., in the Amount of \$287,000**

**Approval of Agreement No. 19-05 with R Dependable Construction, Inc., for Construction of the City of Montclair Council Chambers Remodel Project**

**Authorization of a \$30,000 Construction Contingency**

The City Council took the following actions related to the City of Montclair Council Chambers Remodel Project:

- (a) Rejected bid proposal from St. George Groupe for the Project.
- (b) Awarded contract for the Project to R Dependable Construction, Inc., in the amount of \$287,000.

- (c) Approved *Agreement No. 19-05* with R Dependable Construction, Inc. for construction of the Project.
  - (d) Authorized a \$30,000 construction contingency.
2. **Approval of *Agreement No. 19-06*, Amendment No. 2 to *Agreement No. 18-42* with Catering Systems, Inc., to Provide Meals for the City's Senior Citizen Nutrition Program**
- The City Council approved *Agreement No. 19-06*, Amendment No. 2 to *Agreement No. 18-42* with Catering Systems, Inc., to provide meals for the City's Senior Citizen Nutrition Program.
3. **Approval of *Agreement No. 19-08* with PlanetBids for Bid Management Services**
- Authorizing a \$7,875 Appropriation from the Contingency Reserve Fund for Costs Related to *Agreement No. 19-08* with PlanetBids**
- The City Council took the following actions:
- (a) Approved *Agreement No. 19-08* with PlanetBids for bid management services.
  - (b) Authorize a \$7,875 appropriation from the Contingency Reserve Fund for costs related to *Agreement No. 19-08* with PlanetBids.

**D. Resolutions**

1. **Adoption of Resolution No. 19-3226 Declaring the Need for Emergency Contracting Procedures and Floor Restoration in the Community Center Gymnasium**

The City Council adopted Resolution No. 19-3226 declaring the need for emergency contracting procedures and floor restoration in the Community Center gymnasium.

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

**X. BUSINESS ITEMS**

- A. **Consider Making an Appointment to Fill the Vacancy on the City Council for a Term Ending in December 2020**
- B. **Consider Approving an Application and Interview Process to Facilitate Filling, by Appointment, a Vacancy on the Montclair City Council**

Mayor Dutrey stated he would like the Council to discuss and consider items A and B simultaneously.

City Manager Starr outlined the proposed application, interview, and appointment process as follows:

- Application Period — Wednesday, January 23 through Wednesday, January 30, 2019, at 5:00 p.m.
- Application Submission — Applicants must submit printed, completed, and signed applications by the January 30, 2019, 5:00 p.m. deadline.
- Application Review — The City Council will be provided with all application packages to review on Thursday, January 31, 2019, for review prior to its February 4, 2019 regular meeting at 7:00 p.m. in the Council Chambers. The City Council shall not discuss the applications amongst themselves or contact applicants regarding their application.
- City Council Interviews — At its regular meeting on February 4, 2019, the City Council will determine the applicants to be interviewed and the City Clerk shall determine the random order in which the City Council will interview the selected candidates. The City Council shall interview candidates at

special meetings scheduled as needed on February 5, 6, and/or 8, 2019, at 5:00 p.m. The City Council will also determine at its February 4, 2019 meeting, the manner in which the interviews are conducted related to questions and time allotment based on the number of candidates to be interviewed and considered for appointment. At the conclusion of the interviews, the Council may consider additional follow-up questions for a finalized list of interviewees and/or consider moving to nominations.

- **City Council Vacancy Appointment** — The City Council may vote on each nominee until a nominee receives a majority vote for appointment to the vacancy. If there is no consensus on a nominee, the City Council may consider a motion to agendize the calling of a special mail-only ballot election on August 27, 2019, or a special polling place election on November 5, 2019; and may additionally consider a motion to agendize the adoption of an urgency ordinance to make a temporary appointment to the vacancy until such a special election is held to fill the vacancy.

Mayor Dutrey requested comments from the public.

**Mr. Culp** stated he feels the cost would be too high to hold a special election, and he believes the Council needs a full membership to address important matters to come before the Council this year.

\*Mayor Pro Tem Raft made a motion to continue Item A to the following meeting.

Council Member Martinez seconded the motion, and urged Mayor Dutrey and Council Member Ruh to consider going forward with the application and interview process. The motion carried with no opposition.

Council Member Ruh stated that, in the spirit of compromise, he would go along with this process as long as all applicants are interviewed and considered for appointment.

Mayor Pro Tem Raft stated it would work better for her schedule if the interviews could be scheduled at 5:30 p.m. on the proposed dates instead of 5:00 p.m.

Moved by Mayor Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council approve the proposed application and interview process, with the time of the interviews revised to begin at 5:30 p.m.

Mayor Dutrey announced the City Clerk would post the application on the City's website by noon tomorrow, and would have hard copies available at City Hall.

**XI. RESPONSE** — None

**XII. COMMUNICATIONS**

**A. City Department Reports** — None

**B. City Attorney**

City Attorney Robbins withdrew her request for the City Council to meet in closed session concerning real property negotiations and stated a closed session would not be held this evening.

**C. City Manager/Executive Director**

City Manager/Executive Director Starr addressed **Mr. Culp's** comments related to issues with his apartment complex's management, noting certain Covenants, Conditions, and Restrictions (CC&Rs) are being imposed on newer multifamily developments, which included the **Paseos** project, to ensure there is ample parking in communities by restricting the use of garages for storage and requiring the availability to tenants of storage lockers on the premises.

Council Member Ruh stated his understanding was that the provision of lockers were required at no charge to residents in order to encourage garage parking.

City Manager Starr stated he does not believe there is a requirement that the lockers be provided for free to tenants. He advised staff would contact the Paseos property management company in an attempt to negotiate a **policy** regarding the storage lockers.

#### D. Mayor/Chair

Mayor Dutrey thanked Chief Executive Officer Habib Balian of the **Metro Gold Line Foothill Extension Construction Authority** for providing a presentation earlier this evening regarding options for building the Gold Line to Montclair.

##### 1. Announcement of Upcoming General Plan Focus Group Meetings

Mayor Dutrey stated the next focus group meetings are scheduled as follows, and welcomed the public to attend and provide input:

- *Our Natural, Healthy, and Safe Community Focus Group*  
January 31, 2019, at 6:00 p.m. in the Senior Center
- *Our Active and Creative Community Focus Group*  
February 7, 2019, at 6:00 p.m. in the Senior Center
- *CORE Focus Group*  
March 7, 2019, at 6:00 p.m. in the Senior Center

##### 2. Announcement of Vacancy on the City Council

Mayor Dutrey announced that a vacancy exists on the Community Activities Commission due to the resignation of Commissioner Paez. He requested input from the Council regarding how to address the vacancy.

Council Member Ruh stated vacancies on the Community Activities Commission are typically filled in the summer before new terms begin, and recommended the Council continue to follow that procedure.

Mayor/Chair Dutrey stated he would like tonight's meeting to be adjourned in honor of two individuals: **Mrs. Verna Murphy**, the mother of Human Services Director Richter and a long-time Montclair resident and community volunteer; and **Mr. Paul Corbo**, a long-time Montclair resident who attended **Montclair High School** and was a parishioner at **Our Lady of Lourdes Catholic Church**.

#### E. City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board

Council Member/Director Martinez made the following comments:

1. She thanked everyone for attending tonight's meeting, as well as those who attended the Focus Group meeting to provide valuable input.
2. She noted she attended the **La Bufadora** ribbon cutting event hosted by the **Chamber of Commerce** and thanked all who attended. She thanked Director of Administrative Services and Human Resources Hamilton for signing up to make a presentation at the next **Chamber of Commerce Networking Breakfast** event to discuss new laws affecting employers in 2019.
3. She provided her sincere condolences to Human Services Director Richter for the loss of her mother, who was a dear presence in the community.

Mayor Pro Tem/Vice Chair Raft stated **Mrs. Murphy** would be truly missed and offered her sincere sympathies.

Council Member/Director Ruh made the following comments:

1. He noted at the last **Gold Line Phase II Joint Powers Authority Board** meeting, a discussion was held regarding the new funding gap that exists to extend the Gold Line all the way to Montclair. He emphasized the importance of working with elected officials in the **County of Los Angeles** to gain support for completing this project in anticipation of the **2028 Olympic Games** to be hosted in Los Angeles in order to relieve the impending traffic congestion issues.
2. He stated he attended the January 17 Focus Group meeting, which was well attended by the community and sparked discussions that generated valuable input for the General Plan related to the City's business environment and increasing the local tax base.
3. He stated yesterday, during the **Martin Luther King Jr.** holiday, school was closed but many **Montclair High School** students walked to raise funds to help homeless students.
4. He extended condolences to Human Services Director Richter and her family, noting **Mrs. Murphy** was a beloved member of the community who clearly enjoyed attending and helping out at City events.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of January 7, 2019**

The City Council received and filed the minutes of the Personnel Committee meeting of January 7, 2019, for informational purposes.

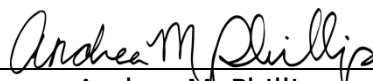
**XIII. CLOSED SESSION — None**

**XIV. CLOSED SESSION ANNOUNCEMENTS — None**

**XV. ADJOURNMENT**

At 8:11 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board, in memory of **Mrs. Verna Murphy**, and **Mr. Paul Corbo**.

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 M. Phillips  
City Clerk