

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 TUESDAY, FEBRUARY 19, 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/Chair 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

Pastor Donald Rucker, **Christian Development Center**, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

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. **Ceremonial Swearing-In of Newly Appointed Council Member Tenice Johnson**

With her husband **Warren** by her side, Council Member Johnson placed her hand on the bible held by her son **Warren Jr.**, and was administered the Oath of Office by her daughter **Elizabeth**.

**Ms. Julie Leyba**, Field Representative, presented Council Member Johnson with a *Certificate of Recognition* on behalf of **Congresswoman Norma Torres**.

B. **Recognition of Monte Vista Water District Poster Contest Winners Hannah and Logan Guthrie**

Mayor Dutrey and the City Council congratulated two young Montclair residents, **Hannah** and **Logan Guthrie**, for winning first place in their respective age divisions of **Monte Vista Water District's** poster contest and presented them with *Certificates of Recognition*.

C. **Introduction of Public Works Department Promotee — National Pollutant Discharge Elimination System (NPDES) Inspector Marissa Pereyda**

Public Works Director/City Engineer Castillo introduced **Ms. Marissa Pereyda**, who was promoted to the position of NPDES/Environmental Compliance Inspector effective February 4, 2019. He noted **Ms. Pereyda** had served as Administrative Specialist for the Public Works Department since late 2014, and is now pursuing her Master's Degree.

Mayor Dutrey and the City Council congratulated NPDES/Environmental Compliance Inspector Pereyda.

At 7:12 p.m., Mayor Dutrey called for a short recess, and invited the audience to the lobby for a short reception in celebration of Council Member Johnson’s appointment.

At 7:30 p.m., Mayor Dutrey called the meeting to order and the City Council reconvened with all Council Members in attendance.

**VI. PUBLIC HEARINGS**

**A. Consider Projects and Prioritization of Funding for the Fiscal Year 2019–2020 Community Development Block Grant Program**

Mayor Dutrey declared it the time and place set for a public hearing related to projects and prioritization of funding for the Fiscal Year 2019–2020 Community Development Block Grant (CDBG) Program 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 its consideration.

Council Member Ruh asked whether the Council could redistribute funds proposed to be allocated for the Reeder Ranch project to graffiti abatement or code enforcement instead.

City Manager Starr indicated \$50,000 is the maximum allowance for the CDBG monies spent in the target area for code enforcement activities, and 15 percent of the 2019–2020 CDBG allocation has already been proposed for public service activities—graffiti removal and the senior transportation program.

Mayor Dutrey stated he would like staff to present a report to the City Council on the Reeder Ranch including what the City plans for the property and what the Foundation is doing.

Moved by Council Member Johnson, seconded by Council Member Martinez, and carried unanimously that the City Council approve the recommended funding levels, projects, and prioritization of funding for the Fiscal Year 2019–20 Community Development Block Grant Program, as noted below, by the following ROLL CALL vote.

|   |                         |
|---|-------------------------|
| Code Enforcement Program.....   | 50,000.                 |
| Historic Preservation of the Reeder Ranch —<br>ADA Compliance Project Design and<br>Construction Project..... | 133,821.                |
| Graffiti Abatement.....   | 22,438.                 |
| Senior Transportation Services<br>(Golden Express Transportation).....  | 10,000.                 |
|   |                         |
| <b>TOTAL</b>  | <b><u>\$216,259</u></b> |

AYES: Johnson, Martinez, Ruh, Raft, Dutrey  
 NOES: None  
 ABSTAIN: None  
 ABSENT: None

**B. Second Reading — Consider Adoption of Ordinance No. 19–981 updating Section 8.32.010 of the Montclair Municipal Code Relating to Maximum Speed Limits in the City**

Mayor Dutrey declared it the time and place set for public hearing to consider Ordinance No. 19–981 updating Section 8.32.010 of the Montclair Municipal Code relating to maximum speed limits in the City and invited comments from the audience.

**Mr. Benjamin Lopez**, resident, requested the City Council consider amending the proposed speed limits for segments of Monte Vista Avenue as follows: Item No. 17 – from 45 MPH to 40 MPH; Item No. 18 – from 40 MPH to 35 MPH. He stated that requiring drivers to slow down earlier as they come south from the City’s northern limit will reduce the potential for reckless driving and accidents when they reach busier areas.

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

Mayor Pro Tem Raft stated she agrees with **Mr. Lopez's** comments, especially due to the portion of Monte Vista Avenue south of the I-10 freeway, where drivers must merge from two lanes into one.

Public Works Director/City Engineer Castillo advised that speed surveys were conducted and the City is bound to setting limits within 5 MPH from the average of the recorded speeds driven by 85 percent of drivers during the survey.

City Manager Starr added the state set the 85 percent rule to thwart local governments' attempts to impose extremely low speed limits.

Council Member Ruh stated he feels the City should look into implementing "smart lights" that alter their timing based on current traffic conditions, noting it seems to him that green lights are too short and red lights are too long. He stated he believes drivers speed up in order to make it through the intersections due to the short green lights, which can cause accidents.

Council Member Johnson stated she understands the City has limitations on setting speed limits, and asked how often speed surveys are conducted.

Public Works Director/City Engineer Castillo advised the surveys are conducted every 5 years, but segments can be studied individually at the direction of the City Council if they feel changes are necessary.

Moved by Council Member Martinez and seconded by Mayor Pro Tem Raft that Ordinance No. 19-981, entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR REPLACING SECTION 8.32.010 OF TITLE 8 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO MAXIMUM SPEED LIMITS,**" be read by number and title only, further reading be waived, and this be declared its second reading; and that the City Council adopt Ordinance No. 19-981.

The City Council unanimously waived the reading of the Ordinance.

Ordinance No. 19-981 was unanimously adopted by the following vote:

AYES: Johnson, Martinez, Ruh, Raft, Dutrey  
NOES: None  
ABSTAIN: None  
ABSENT: None

**VII. PUBLIC COMMENT — None**

**VIII. CONSENT CALENDAR**

City Attorney Robbins requested that item C-5 be pulled from the Consent Calendar for amendment.

Moved by Council Member/Director Johnson, seconded by Council Member/Director Martinez, and carried unanimously 5-0 that the City Council approve the remainder of the Consent Calendar:

**A. Approval of Minutes**

**1. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of February 4, 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 February 4, 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 January 31, 2019.

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

The City Council approved the City Warrant Register dated February 19, 2019, totaling \$1,059,573.97; and the Payroll Documentation dated February 3, 2019, amounting to \$621,109.90 gross, with \$437,584.01 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 January 31, 2019.

### **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 01.01.19-01.31.19 in the amounts of \$55,455.02 for the Combined Operating Fund and \$3,784,040.00 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 January 31, 2019.

### **6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 01.01.19-01.31.19 in the amount of \$49,268.13.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending January 31, 2019.

### **8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 01.01.19-01.31.19 in the amount of \$0.00.

### **9. Setting a Public Hearing for Monday, March 4, 2019, at 7:00 p.m. in the City Council Chambers to Consider the Following:**

**Ordinance No. 19-980 Adding Chapter 9.105 to the Montclair Municipal Code (MMC) Pertaining to the Installation of Wireless "Small Cell" Technology Within the Public Right-of-Way, Amending Chapter 9.02 of the MMC to Add Definitions, and Amending a Portion of Chapter 11.73 of the MMC to Eliminate Conflicting Language**

**Adoption of Resolution No. 19-3228 Establishing Design Guidelines for Small Cell Facilities Within the Public Right-of-Way**

**Adoption of Resolution No. 19-3229 Establishing Permit Fees, Appeal Fees, and Other Fees Relating to Small Cell Facilities Within the Public Right-of-Way**

The City Council set a public hearing for Monday, March 4, 2019, at 7:00 p.m. in the City Council Chambers to consider the

following:

- (a) Ordinance No. 19-980 adding Chapter 9.105 to the Montclair Municipal Code (MMC) pertaining to the installation of wireless “small cell” technology within the public right-of-way, amending Chapter 9.02 of the MMC to add Definitions, and amending a portion of Chapter 11.73 of the MMC to eliminate conflicting language.
- (b) Adoption of Resolution No. 19-3228 establishing design guidelines for small cell facilities within the public right-of-way.
- (c) Adoption of Resolution No. 19-3229 establishing permit fees, appeal fees, and other fees relating to small cell facilities within the public right-of-way.

**10. Receiving and Filing a Status Report on Emergency Contracting Procedures Related to Wood Floor Restoration in the Community Center**

**Declaring a Termination to the Emergency Action Authorized Under Resolution No. 19-3226**

**Approval of the Filing of a Notice of Completion for the Emergency Repairs**

The City Council took the following actions:

- (a) Received and filed a status report on emergency contracting procedures related to wood floor restoration in the Community Center.
- (b) Declared a termination to the Emergency Action authorized under Resolution No. 19-3226.
- (c) Approved the filing of a Notice of Completion for the emergency repairs.

**11. Authorizing a \$6,350 Appropriation from the Proposition 30/AB 109 Fund to Purchase Food, Hotel Accommodations, and Promotional Items for the Every 15 Minutes Program to be Held at Montclair High School**

The City Council authorized a \$6,350 appropriation from the Proposition 30/AB 109 Fund to purchase food, hotel accommodations, and promotional items for the Every 15 Minutes Program to be held at Montclair High School.

**C. Agreements**

**1. Award of Contract for the Reeder Citrus Ranch Roof Replacement and Electrical Improvement Project to OCC Builders, Inc., in the Amount of \$110,000**

**Approval of *Agreement No. 19-12* with OCC Builders, Inc., for Construction of the Reeder Citrus Ranch Roof Replacement and Electrical Improvement Project**

**Authorization of a \$15,000 Construction Contingency**

The City Council took the following actions related to the Reeder Citrus Ranch Roof Replacement and Electrical Improvement Project:

- (a) Awarded a contract for the Project to OCC Builders, Inc., in the amount of \$110,000.
- (b) Approved *Agreement No. 19-12* with OCC Builders, Inc., for construction of the Project.
- (c) Authorized a \$15,000 construction contingency for the Project.

**2. Approval of a Rectangular Rapid Flashing Beacon Improvement Plan – Benson Avenue and J Street**

**Approval of *Agreement No. 19-13* with the City of Ontario for the Installation of a Rectangular Rapid Flashing Beacon at Benson Avenue and J Street**

**Authorizing a \$10,000 Appropriation from the Local Development Impact Fee Fund for Costs Related to *Agreement No. 19-13***

The City Council took the following actions:

- (a) Approved a Rectangular Rapid Flashing Beacon Improvement Plan — Benson Avenue and J Street.
- (b) Approved *Agreement No. 19-13* with the City of Ontario for the installation of a rectangular rapid flashing beacon at Benson Avenue and J Street.
- (c) Authorized a \$3,300 appropriation from Local Development Impact Fee Fund for costs related to *Agreement No. 19-13*.

**3. Approval of *Agreement No. 19-14* with Richmond American Homes of Maryland, Inc., a Grant Deed for Land Improved as Public Right-of-Way (Assessor’s Parcel Nos. 1009-153-58, 1009-153-59, and 1009-153-60)**

The City Council approved *Agreement No. 19-14* with Richmond American Homes of Maryland, Inc., a Grant Deed for land improved as public right-of-way (Assessor’s Parcel Nos. 1009-153-58, 1009-153-59, and 1009-153-60).

**4. Approval of *Agreement No. 19-15* with the Zappia Law Firm to Provide Legal and Consulting Services Related to Litigation and Industrial Disability Retirement Matters**

The City Council approved *Agreement No. 19-15* with the Zappia Law Firm to Provide Legal and Consulting Services Related to Litigation and Industrial Disability Retirement Matters.

**D. Resolutions**

**1. Adoption of Resolution No. 19-3227 Declaring Support for and Execution of the Memorandum of Understanding Between Inland Empire Utilities Agency and Various Chino Basin Stakeholders (Agreement No. 19-17) for Participation in Development of the Chino Basin Program**

The City Council adopted Resolution No. 19-3227 declaring support for and execution of the Memorandum of Understanding between Inland Empire Utilities Agency and various Chino Basin stakeholders (Agreement No. 19-17) for participation in development of the Chino Basin Program.

**2. Adoption of Resolution No. 19-3230 Amending the Master User Fee Schedule to Add a Credit Card Convenience Fee**

The City Council adopted Resolution No. 19-3230 amending the Master User Fee Schedule to add a credit card convenience fee.

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**5. Approval of *Agreement No. 19-16* with South Coast Air Quality Management District (SCAQMD) for the Installation of Eight Electric Vehicle Charging Stations at City Facilities**

City Attorney Robbins requested the City Council approve this agreement subject to her revisions.

Moved by Mayor Dutrey, seconded by Council Member Martinez, and carried unanimously that the City Council adopt *Agreement No. 19-16* with SCAQMD for the installation of eight electric vehicle charging stations at City facilities, subject to revision by City Attorney Robbins.

X. **BUSINESS ITEMS** — None

XI. **RESPONSE** — None

XII. **COUNCIL WORKSHOP**

A. **Fiscal Year 2018–19 Midyear Budget Review**

Moved by Mayor Pro Tem Raft, seconded by Council Member Martinez, and carried unanimously that this item be continued to an adjourned meeting on Thursday, February 21, 2019, at 6:00 p.m. in the City Council Chambers.

B. **Inland Empire Utilities Agency Presentation — Chino Basin Program and Regional Sewer Contract Update**

Moved by Council Member Johnson, seconded by Mayor Pro Tem Raft, and carried unanimously that this item be continued to an adjourned meeting on Monday, March 4, 2019, at 5:45 p.m. in the City Council Chambers.

XIII. **COMMUNICATIONS**

A. **City Department Reports** — None

B. **City Attorney** — None

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

D. **Mayor/Chair**

Mayor/Chair Dutrey made the following comments:

1. He recognized **Montclair High School's** women's basketball team for advancing to the CIF division championship game, which will be held this Saturday at **Colony High School**.
2. He commended staff for addressing the flooded gym and having the floors repaired quickly.
3. He stated at the next Council Meeting, he would be proposing new Council committee assignments and requested Council Members consider offering a few of their current assignments to Council Member Johnson.

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

Council Member/Director Martinez made the following comments:

1. She congratulated and welcomed Council Member Tenice.
2. She thanked Director of Administrative Services and Human Resources Hamilton for providing an informative presentation regarding labor laws at the last **Montclair Chamber of Commerce** networking breakfast event.
3. She thanked all who donated in today's Battle of the Badges blood drive hosted by the Police Department and the **American Red Cross**.

Mayor Pro Tem/Vice Chair Raft welcomed Council Member Johnson.

Council Member/Director Johnson stated she is ready to get to work.

Council Member/Director Ruh made the following comments:

1. He noted his attendance at the **Metro Gold Line Foothill Extension Phase II Joint Powers Authority Board**, noting all cities are in agreement that the **Gold Line** must get to Montclair.

2. He noted it has been several years since the drought was declared and requested a timeline for replacing medians along Central Avenue with drought-tolerant landscaping.

City Manager Starr advised the design phase is almost complete and that construction of Phase I, along Central Avenue between Holt and Phillips Boulevards, will commence shortly thereafter.

3. He stated on Saturday he attended the funeral of **Mr. Bill Alexander**. He noted **Mr. Alexander** was part of the first four-year graduating class from **Montclair High School**, lived on Amherst Avenue, and his parents were part of the effort to incorporate the City of Montclair. He admired **Mr. Alexander** for conducting himself as a very humble public servant.
4. He expressed his dissatisfaction with the Council's vacancy appointment process, and stated he felt he had betrayed his principles by participating. He noted he was challenged on his belief in elections and was called a dictator, and affirmed he is simply opposed to the process of appointment over the election process and is not personally opposed to the person who was appointed. He stated he feels the appointment process was tainted and that he was informed by a person he trusts that a staff member secretly met with an applicant on February 6th before the Council appointment took place, and that the staff member then communicated what was discussed to a Council Member; however, he has not had a chance to confirm the allegations himself. He stated he felt some of the applicants have some genuinely good ideas for the City and others appear to have sought assistance from staff to complete the written answers to questions on their applications.

City Manager Starr stated it is inappropriate to make such disparaging remarks and cast aspersions on staff at a public meeting without presenting evidence.

Mayor Dutrey stated he would appreciate if the Council could put aside their differences and come together to focus on the important issues facing the City.

#### **F. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of February 4, 2019**

The City Council received and filed the minutes of the Personnel Committee meeting of February 4, 2019, for informational purposes.

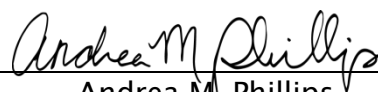
#### **XIV. CLOSED SESSION — None**

#### **XV. ADJOURNMENT**

At 8:13 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 8:13 p.m., Mayor Dutrey adjourned the City Council to Thursday, February 21, 2019, at 6:00 p.m. in the City Council Chambers for the 2018-19 Midyear Budget Review workshop.

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



Andrea M. Phillips  
City Clerk