

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, MARCH 4, 2019, 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. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Joe McTarsney, Calvary Montclair, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Raft 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 — None

VI. PUBLIC HEARINGS

A. **First Reading — Introduction of 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**

Consider Setting a Public Hearing on Monday, March 18, 2019, at 7:00 p.m. in the City Council Chambers to Consider Second Reading and Adoption of Ordinance No. 19-980; Adoption of Resolution No. 19-3228 Establishing Design Guidelines for Small Cell Facilities Within the Public Right-of-Way; and 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

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 19-980 and invited comments from the audience.

Ms. Michelle Brower spoke on behalf of **Verizon Wireless** in support of the City Council’s adoption of Ordinance No. 19-980, noting staff has been very responsive to input from **Verizon** and other wireless providers when drafting these regulations.

Council Member Johnson asked what range of coverage a small cell would typically provide and whether different providers would inhibit or interfere with the others’ signals or capacity.

City Planner/Planning Manager Diaz advised the range and capacity depends on several factors including the type of small cell installed, the topographical interference such as buildings and trees, and the number of users utilizing the signal.

Ms. Brower stated different providers could and are willing to co-locate on shared structures to minimize the number of structures throughout the community, however **Southern California Edison (SCE)** will only allow one small cell on each of its poles for safety purposes.

Council Member Martinez asked if weather would create any additional hazards with small cells installed on electric poles.

Ms. Brower stated the presence of small cells on **SCE** poles would not cause any additional issues related to weather, and noted the one-per-pole maximum is related to weight restrictions.

Mr. Roger Lambert, resident, asked if these regulations apply to private property.

City Planner/Planning Manager Diaz stated the regulations only apply to small cells in the public right-of-way.

City Manager Starr stated the regulations adopted in 2003 regarding major cell structures cover facilities located on private property.

Mr. Loren Martens, resident, asked if his **SCE** smart meter, which was recently installed, uses his own electricity to transmit his usage data, whether he is paying for that electricity, and how many receivers were installed by **SCE** for this purpose.

City Manager Starr advised **Edison** does not utilize smart meters, and recommended **Mr. Martens** contact **Southern California Gas Company** regarding electricity used by its smart meters.

Mr. Julio Figueroa, speaking on behalf of AT&T Wireless, echoed Ms. Brower's support of the Ordinance and commended staff's speedy response to the new **FCC** regulations and responsiveness to wireless providers' input. He advised the small cells would only need to be installed in areas where customer usage and demand is high, noting customers are using remarkably more data now than they were ten years ago due to changes in technology capabilities and the usage of mobile devices for video streaming.

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

Mayor Dutrey noted he did not see an appeal process cited beyond the staff level and asked whether issues could be further appealed.

City Manager Starr advised such appeals can be escalated through the normal appeal process after the City Manager's determination, which would bring it to the City Council.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Ordinance No. 19-980, entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA, ADDING CHAPTER 9.105 TO THE MONTCLAIR MUNICIPAL CODE PERTAINING TO THE INSTALLATION OF WIRELESS "SMALL CELL" TECHNOLOGY WITHIN THE PUBLIC RIGHT-OF-WAY; AMENDING CHAPTER 9.02 TO ADD DEFINITIONS; AND AMENDING A PORTION OF CHAPTER 11.73 TO ELIMINATE CONFLICTING LANGUAGE,**" be read by number and title only, further reading be waived, and this be declared its first reading.

The City Council unanimously waived the reading of the Ordinance.

First reading of Ordinance No. 19-980 was unanimously adopted by the following vote:

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

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried unanimously and that the City Council set a public hearing for Monday, March 18, 2019, at 7:00 p.m. in the City Council Chambers

to consider second reading and adoption of Ordinance No. 19-980; adoption of Resolution No. 19-3228; and adoption of Resolution No. 19-3229.

VII. PUBLIC COMMENT

- A. **Ms. Anna Jaiswal**, Development Planning Manager, **Omnitrans**, announced **Omnitrans's** new *Adopt-a-Stop* Program, which gives local businesses an opportunity to sponsor a bus stop in the community and promote their business by providing clean-up services or making a donation to pay for various bus stop facilities such as shelters, benches, and trash cans.
- B. **Mr. Bruce Culp**, resident, welcomed Council Member Johnson and complimented the City Council for being recognized by an article in the Daily Bulletin as one of the few City Councils in the area with a majority of women. He noted he is happy to hear about the new Omnitrans bus program and hopes the bus stop near the **Paseos** can get a trash can. He noted regarding the property that will be discussed in closed session this evening that he would appreciate the City to consider allowing it to be accessed by the public to be used as a footpath if it is purchased, until it is further developed.

VIII. CONSENT CALENDAR

Mayor Pro Tem Raft requested that item C-2 be pulled from the Consent Calendar.

City Clerk Phillips requested that item C-5 be pulled from the Consent Calendar for public comment.

Moved by Council Member/Director Martinez, seconded by Mayor Pro Tem/Vice Chair Raft, and carried unanimously 5-0 that the City Council approve the remainder of the Consent Calendar as presented:

A. Approval of Minutes

1. Special City Council Meeting of February 5, 2019

The City Council approved the minutes of the February 5, 2019 special meeting.

2. Adjourned Special City Council Meeting of February 6, 2019

The City Council approved the minutes of the February 6, 2019 adjourned special meeting.

3. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of February 19, 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 19, 2019 regular joint meeting.

B. Administrative Reports

1. Approval of Parcel Merger No. 2019-1 for Two Parcels Generally Located on the Northeast Corner of Brooks Street at Monte Vista Avenue

The City Council approved Parcel Merger No. 2019-1 for two parcels generally located on the northeast corner of Brooks Street at Monte Vista Avenue.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated March 4, 2019, totaling \$645,642.08; and the Payroll Documentation dated February 17, 2019, amounting to \$592,041.27 gross, with \$420,166.27 net being the total cash disbursement.

C. Agreements

1. **Approval of *Agreement No. 19-18* Amending *Agreement No. 17-20* with Albert Grover & Associates for Design Services Related to the Central Avenue Rehabilitation Project Phase 1**

Approval of an Additional Appropriation of \$26,340 from Bond Proceeds for Costs Related to Design Services for the Central Avenue Rehabilitation Project Phase 1

The City Council took the following actions related to the Central Avenue Rehabilitation Project Phase 1:

- (a) Approved *Agreement No. 19-18* amending *Agreement No. 17-20* with Albert Grover & Associates for design services related to the Project.
 - (b) Approved an additional appropriation of \$26,340 from Bond Proceeds for costs related to design services for the Project.
3. **Approval of *Agreement No. 19-20* with the Davenport Group, LLC for the Purchase of Licenses, Installation, Implementation, and Training for the Lama Software Suite for Use by the Community Development and Public Works Departments**

Authorizing City Manager Edward C. Starr to Execute All Documents in Relation to the Implementation of *Agreement No. 19-20*

Authorizing a \$79,250 Appropriation from the Technology Reserve Fund for Costs Related to Agreement No. 19-20

The City Council took the following actions:

- (a) Approved *Agreement No. 19-20* with the Davenport Group, LLC for the purchase of licenses, installation, implementation, and training for the LAMA software suite for use by the Community Development and Public Works Departments.
 - (b) Authorized City Manager Edward C. Starr to execute all documents in relation to the implementation of *Agreement No. 19-20*.
 - (c) Authorized a \$79,250 appropriation from the Technology Reserve Fund for costs related to Agreement No. 19-20,
4. **Approval of *Agreement No. 19-21* with San Bernardino County Transportation Authority for the Betterment of Sewer Infrastructure in Monte Vista Avenue Crossing the I-10 Freeway**

The City Council approved *Agreement No. 19-21* with San Bernardino County Transportation Authority for the betterment of sewer infrastructure in Monte Vista Avenue crossing the I-10 Freeway.

6. **Approval of *Agreement No. 19-24* with AppleOne Employment Services to Provide Staffing Services for the Montclair After-School Program**

The City Council approved *Agreement No. 19-24* with AppleOne Employment Services to provide staffing services for the Montclair After-School Program.

D. Resolutions

1. **Adoption of Resolution No. 19-3232 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 19-3232 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. **Approval of Agreement No. 19-19 with Fehr & Peers for the Preparation of a Systemic Safety Analysis Report**

Mayor Pro Tem Raft stated she would like to know when these meetings with the consultant will take place.

Council Member Johnson stated she is happy that this report will be comprehensive rather than focusing on specific areas.

Mayor Dutrey emphasized the importance of studying traffic safety around school sites and seeking solutions that are within the parameters of the law and budgetary restraints.

Moved by Council Member Johnson, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council approve *Agreement No. 19-19* with Fehr & Peers for the preparation of a Systemic Safety Analysis Report.

5. **Approval of Agreement No. 19-22 with Blais & Associates, Inc. for Grant Writing Services**

Authorizing a \$50,000 Appropriation from the Contingency Fund to the General Operating Fund for Costs Related to Agreement No. 19-22

Mr. Benjamin Lopez, resident, stated the consulting firm for which he works would like to have had an opportunity to bid for this contract and requested the City Council table this item to conduct a request for proposals (RFP) process.

City Manager Starr stated the City utilized cooperative procurement efforts with the City of Fontana for this contract.

Mr. Lopez stated his business has won grants for several public agencies in the area and he is certain it could provide the same level of service as Blais & Associates, Inc. at a lower cost, and urged the City Council to consider delaying approval of the contract to review his company's proposal.

City Manager Starr advised the City of Fontana performed a thorough RFP process for grant writing services, and the resulting top firm, Blais & Associates, Inc., has done grant writing work for the City in the past. He added the City could not risk expending the time to conduct a separate RFP process because the grants in question have upcoming deadlines.

Mr. Lopez stated he hopes the Council will consider limiting the term of the contract to give competitors a chance to bid for future grant writing services.

Council Member Martinez thanked **Mr. Lopez** for offering and making the City aware of his company's services. She stated she agrees with City Manager Starr's recommendation to approve this contract as matter of urgency due to the grant opportunities at stake.

Mayor Dutrey stated that time is of the essence and, while he appreciates **Mr. Lopez's** offer, there will be future grants for the City to pursue, noting he would like to see the City apply for more grants for park improvements in the future.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council take the following actions:

- (a) Approve *Agreement No. 19-22* with Blais & Associates, Inc. for grant writing services.
- (b) Authorize a \$50,000 appropriation from the Contingency Fund to the General Operating Fund for costs related to *Agreement No. 19-22*.

- X. **BUSINESS ITEMS** — None
- XI. **RESPONSE** — None
- XII. **COMMUNICATIONS**
 - A. **City Department Reports** — None

B. City Attorney

1. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations

City Attorney Robbins requested the City Council meet in closed session concerning the following real property negotiations:

Properties: 5040 Arrow Highway, Montclair (APN 1007-701-01-0000)

Negotiating Parties: City of Montclair and Miriam A. Kendall, Trustee of the Miriam A. Kendall Trust Ownership

City Negotiator: Edward C. Starr, City Manager

Under Negotiation: Recommendations Regarding Purchase Price

C. City Manager/Executive Director — None

D. Mayor/Chair

Mayor Dutrey made the following comments:

1. Reorganization of 2018-2020 Council Committee / Liaison Assignments:

He requested the City Council review their current committee and liaison assignments and consider which they would be willing to give up to allow Council Member Johnson to serve. He noted he would like to reorganize.

2. He commended **Montclair High School's** women's basketball team for advancing to the CIF division championship game, despite not winning the game.

3. He complimented the Montclair After School Program's (MAP) recent art show that was held last week, noting the projects were very impressive and he is proud of the current leadership of the MAP program.

4. He advised that at the upcoming **San Bernardino County Transportation Authority (SBCTA)** Board meeting, he will be appointed as **SBCTA's** alternate to the **Metrolink (Southern California Regional Rail Authority) Board of Directors**.

5. He complimented two new breakfast restaurants in Montclair, **Cinnamon Café** and **Pancakes R Us**, noting both are excellent.

6. He reported two statues at **Our Lady of Lourdes (OLL) Catholic Church** in Montclair were vandalized over the weekend and the church is holding a fundraiser to rebuild the statues.

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

Council Member/Director Martinez made the following comments:

- 1. She offered condolences to the parishioners of **OLL**.
- 2. She stated she enjoyed eating at both **Cinnamon Café** and **Pancakes R Us**.
- 3. She stated the next Montclair **Chamber of Commerce** networking breakfast will be held at the **OPARC** headquarters on March 14 at 7:30 a.m.

Mayor Pro Tem/Vice Chair Raft stated she also read the **Daily Bulletin**

article **Mr. Culp** mentioned, and added Montclair was also the first City in the County to have a Hispanic woman elected to the Council in 1982, **Mrs. Dolly Lewman**. She added the prospect of a female majority on the Council did not have any bearing on her decision during the appointment process, noting she felt **Mrs. Eaton** and **Mrs. Johnson** were both the most qualified of the applicants.

Council Member/Director Johnson advised that while there are three women on the Council, there are, more importantly, five humans who want to do the best for their City.

In anticipation of the upcoming opening of the **Canyon Montclair**, she stated she recently learned the **Canyon** operates a restaurant on nights where no concerts or events are scheduled, and offers different menus each night.

Council Member/Director Ruh made the following comments:

1. He recognized **Montclair Hospital Medical Center** for being named as a top 100 hospital by **IBM Watson Health**.
2. He noted the **California Supreme Court** ruled **CalPERS** is able to discontinue the purchase of airtime for employees to inflate their pensions, which should help with the pension issues.
3. He shared an artifact from 1908 advertising land in Monte Vista, California, for sale at \$300 per acre, or \$450 per acre of grove, which includes a free water stock per acre purchased.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of February 19, 2019

The City Council received and filed the minutes of the Personnel Committee meeting of February 19, 2019, for informational purposes.

Council Member Ruh left the meeting at 8:11 p.m.

XIII. CLOSED SESSION

At 8:15 p.m., the City Council went into closed session to discuss real property negotiations. Council Member Ruh was not in attendance.

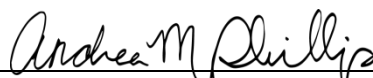
XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:25 p.m., Mayor Dutrey announced that the City Council met in closed session to discuss real property negotiations pursuant to Government Code Section 94956.8; information was received and direction was given to staff; and no further announcements would be made at this time.

XV. ADJOURNMENT

At 8:26 p.m., Mayor/Chair Dutrey adjourned the City Council, the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

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