

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 18, 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.

II. INVOCATION

**Pastor Lance Irely, Trinity Lutheran Church**, 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, 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. **Introduction of Fire Department Promotee — Fire Captain Michael Matheson**

Executive Director of Public Safety/Police Chief Avels introduced **Mr. Michael Matheson**, who was promoted to the position of Fire Captain effective February 4, 2019.

The City Council congratulated Fire Captain Matheson.

B. **Introduction of Finance Department Promotee — Finance Supervisor Janet Kulbeck**

Finance Director Parker introduced **Ms. Janet Kulbeck**, who was promoted to the position of Finance Supervisor on January 21, 2019.

The City Council congratulated Finance Supervisor Kulbeck.

C. **Proclamation Declaring March 21, 2019, as World Down Syndrome Day in the City of Montclair**

Mayor Dutrey presented a proclamation declaring March 21, 2019, *World Down Syndrome Day* in the City of Montclair.

**Mr. Robert Castillo** thanked Mayor Dutrey and the City Council and accepted the proclamation on behalf of the **Down Syndrome Family Resource Center**. He invited the City Council and the community to celebrate *World Down Syndrome Day* at **John's Incredible Pizza** in Montclair on Thursday from 6:00 to 8:00 p.m.

VI. PUBLIC HEARINGS

A. **Second Reading — Consider Adoption of Ordinance No. 19-980 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**

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

**Consider 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.

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 expressed his support for the Ordinance relative to improving cell phone service for residents throughout the City.

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried unanimously that the following actions be taken:

1. Direct the City Clerk to read Ordinance No. 19-980 by number and title only; waive further reading, and declare this to be its second reading;
2. Adopt Resolution No. 19-3228 establishing design guidelines for small cell facilities within the public right-of-way; and
3. Adopt Resolution No. 19-3229 establishing permit fees, appeal fees, and other fees relating to small cell facilities within the public right-of-way.

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," was unanimously adopted by the following roll call vote:

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

**VII. PUBLIC COMMENT**

- A. **Mr. Daniel Luevanos**, Ambassador, **Donate Life/OneLegacy**, requested the City once again support Donate Life by proclaiming April 2019 as *Donate Life Month* in the City of Montclair to spread awareness about the importance of organ and tissue donation. He noted **One Legacy** is an organ procurement organization, which acts as a bridge connecting patients to transplant centers. He noted there are over 114,000 individuals in the nation awaiting an organ transplant, and over 21,000 of them are in California alone. He reported that sadly, 20 individuals die each day waiting for an organ transplant. He advised **One Legacy** has partnered with the **California Department of Motor Vehicles** to encourage new donor registrations, which has added over 15 million potential donors, and noted those who are interested can also register to become a donor at [donateLIFecalifornia.org](http://donateLIFecalifornia.org) / [doneVIDAcalifornia.org](http://doneVIDAcalifornia.org) (Spanish).

**Mr. Luevanos** thanked Council Members Ruh and Martinez for attending the *First Look* VIP event in December to preview **Donate Life's** float for the **2019 Tournament of Roses Parade** and for dedicating a rose on the float on behalf of the City of Montclair.

**Mr. Luevanos** stated that he is a liver transplant recipient, receiving his gift of life 16 years ago. He encouraged the Council and community's participation on Saturday, April 27, 2019, at the *17th Annual Donate Life Run/Walk and Family Festival* event at California State University, Fullerton, from 7:00 a.m. to 2:00 p.m.

## **VIII. CONSENT CALENDAR**

Council Member Ruh requested that item C-1 be pulled from the Consent Calendar for a separate vote. Council Member Martinez concurred.

Moved by Council Member/Director Ruh, 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. Adjourned City Council Meeting of February 21, 2019**

The City Council approved the minutes of the February 21, 2019 adjourned meeting.

#### **2. Adjourned City Council Meeting of March 4, 2019**

The City Council approved the minutes of the March 4, 2019 adjourned meeting.

#### **3. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of March 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 March 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 February 28, 2019.

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

The City Council approved the City Warrant Register dated March 18, 2019, totaling \$1,078,956.16; and the Payroll Documentation dated March 3, 2019, amounting to \$630,354.57 gross, with \$442,494.01 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 February 28, 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 02.01.19-02.28.19 in the amounts of \$63,745.98 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 February 28, 2019.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 02.01.19-02.28.19 in the amount of \$94,884.66.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending February 28, 2019.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 02.01.19-02.28.19 in the amount of \$0.00.

**9. Approval of Fiscal Year 2018-19 Schedule of Recommendations from the Community Activities Commission for Community Benefits Funding**

The City Council approved the Fiscal Year 2018-19 Schedule of Recommendations from the Community Activities Commission for Community Benefits Funding.

**10. Amending the Fiscal Years 2017-2022 Capital Improvement Program, Adding the Moreno Street Rehabilitation Project**

**Appropriation of \$250,000 from SB1 Funds and \$150,000 of Pavement Impact Fees for Costs Related to the Moreno Street Rehabilitation Project**

**Authorizing Staff to Advertise for Bid Proposals for the Moreno Street Rehabilitation Project**

The City Council took the following actions related to the Moreno Street Rehabilitation Project:

- (a) Amended the Fiscal Years 2017-2022 Capital Improvement Program, adding the Project.
- (b) Appropriated \$250,000 from SB1 Funds and \$150,000 of Pavement Impact Fees for costs related to the Project.
- (c) Authorized staff to advertise for bid proposals for the Project.

**11. Amending the Fiscal Years 2017-2022 Capital Improvement Program, Adding the San Jose Street Rehabilitation Project**

**Appropriation of \$200,000 from SB1 Funds and \$100,000 of Pavement Impact Fees for Costs Related to the San Jose Street Rehabilitation Project**

**Authorizing Staff to Advertise for Bid Proposals for the San Jose Street Rehabilitation Project**

The City Council took the following actions related to the San Jose Street Rehabilitation Project:

- (a) Amended the Fiscal Years 2017-2022 Capital Improvement Program, adding the Project.
- (b) Appropriated \$200,000 from SB1 Funds and \$100,000 of Pavement Impact Fees for costs related to the Project.
- (c) Authorized staff to advertise for bid proposals for the Project.

**12. Authorizing a \$9,800 Appropriation from the Federal Asset Forfeiture Fund to Send a Member of the Command Staff to the California Police Chiefs' Executive Leadership Institute at Drucker**

The City Council authorized a \$9,800 appropriation from the Federal Asset Forfeiture Fund to send a member of the command staff to the California Police Chiefs' Executive Leadership Institute at Drucker.

**13. Extending Two Terms on the Planning Commission by One Year to Reestablish a Regular Schedule of Odd-Year Vacancies on the Planning Commission in Contrast with the Regular Schedule of Even-Year Vacancies on the Community Activities Commission**

The City Council extended two terms on the Planning Commission by one year to reestablish a regular schedule of odd-year vacancies on the Planning Commission in contrast with the regular schedule of even-year vacancies on the Community Activities Commission.

**C. Agreements**

**2. Approval of Agreement No. 19-27, Amendment No. 1 to Agreement No. 18-38 with Ontario-Montclair School District to Provide Extended-Day Kindergarten Programs**

The City Council approved *Agreement No. 19-27*, Amendment No. 1 to *Agreement No. 18-38* with Ontario-Montclair School District to provide extended-day kindergarten programs.

**D. Resolutions**

**1. Adoption of Resolution No. 19-3231 Declaring the Need for Emergency Contracting Procedures and Storm Drain Inlet Installation at the Community Center Gymnasium**

**Approval of Agreement No. 19-23 for the Gymnasium Storm Drain Inlet Project to Sully Miller Contracting Company in the Amount of \$27,800**

**Authorizing a \$30,000 Appropriation from the Contingency Fund for the Gymnasium Storm Drain Inlet Project**

The City Council took the following actions related to the Gymnasium Storm Drain Inlet Project:

- (a) Adopted Resolution No. 19-3231 declaring the need for emergency contracting procedures and storm drain inlet installation at the Community Center Gymnasium.
- (b) Approved *Agreement No. 19-23* for construction of the Project to Sully Miller Contracting Company in the Amount of \$27,800.
- (c) Authorized a \$30,000 appropriation from the Contingency Fund for construction of the Project.

**2. Adoption of Resolution No. 19-3233 Donating Union Pacific Caboose No. UP25392 Located at Spirit of Freedom Plaza to the Railway and Locomotive Historical Society of Southern California**

The City Council adopted Resolution No. 19-3233 donating Union Pacific Caboose No. UP25392 located at Spirit of Freedom Plaza to the Railway and Locomotive Historical Society of Southern California.

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**1. Approval of Agreement No. 19-25 with the San Bernardino County Transportation Authority (SBCTA), a Right-of-Way Contract for the Purchase of Real Property from the City for Construction of the I-10 Corridor Project**

Council Member Ruh stated he pulled this item for a separate vote due to a dispute he and his neighbors are having with SBCTA over land acquisitions related to the I-10 project encroaching on their properties.

Council Member Martinez disclosed that she lives within 500 feet of City property being sold and will abstain from voting.

Mayor Dutrey received clarification that funds received from the purchases would go toward the General and Park Maintenance Funds.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Raft, and carried by a vote of 3-1-1, with Council Member Ruh opposing and Council Member Martinez abstaining, that the City Council approve *Agreement No. 19-25* with SBCTA, a Right-of-Way Contract for the purchase of real property from the City for construction of the I-10 Corridor Project.

X. BUSINESS ITEMS — None

XI. RESPONSE — None

XII. COMMUNICATIONS

A. City Department Reports

1. Human Services Department — Upcoming Programs & Events

Director of Human Services Richter made the following announcements:

- This Saturday, two of the top teams from each division in this year's *Youth Basketball League* season will compete in the **Inland Empire Southern California Municipal Athletic Federation Tournament** to face opponents from neighboring cities. Division A games will be hosted in the Montclair Community Center from 9:00 a.m. to 6:00 p.m., with one of Montclair's teams playing against Rancho Cucamonga at noon. We wish our teams the best of luck and give a special thanks to our volunteer coaches.
- On Saturday, April 13, from 8:00 a.m. to noon, the Code Enforcement Division and Human Services Department, in partnership with **Bethany Baptist Church of Montclair**, will be hosting a community clean-up event similar to the City's former C.A.U.T.I.O.N. clean-ups. Volunteers will be cleaning trash, doing yard work, and painting address numbers on the alley side of the residences located on the alleyway just south of San Bernardino Street, between Monte Vista and Helena Avenues. All are invited to come help, and lunch will follow afterward at the church. Sign-up online at the address on the flyer by the door.
- The *Volunteer of the Year* program will be held at the April 15th regular City Council meeting. Eight outstanding volunteers serving Montclair will be recognized.
- The *Montclair to College* graduation ceremony, along with a dinner, will be held on Wednesday, April 17, at 6:00 p.m. in the Community Center, where over 40 outstanding **Chaffey College-bound Montclair High School** students will be recognized. Formal invitations will be going out soon.
- The *Easter Eggstravangaza*, sponsored by the City and the **Women's Club of Montclair**, will be held on Saturday, April 20, from 9:00 to 11:00 a.m. in the Community Center. There will be free Easter-themed games with eggs as prizes, three-dollar photos with the Easter Bunny, and an **Ontario-Montclair Kiwanis**-sponsored pancake breakfast for five dollars per adult plate or three dollars per child's plate.
- The City's *Volunteer Recognition Dinner* will be held on Tuesday, April 30, from 5:00 p.m. to 7:30 p.m. in the Community Center. Watch your mail for further information.

**B. City Attorney**

City Attorney Robbins requested the City Council meet in closed session to discuss the following matters:

1. **Pending Litigation Pursuant to GC §54956.9(d)(1)**  
*Molitar v. Montclair*
2. **Potential Litigation Pursuant to GC §54956.9(d)(2)**  
1 Potential Case

**C. City Manager/Executive Director**

City Manager Starr announced the City Council Chambers will soon be closed for renovations, which are anticipated to begin around mid-May. The City Council will hold its meetings at an alternate location within the Civic Center during construction, which is not expected to exceed four weeks.

**D. Mayor/Chair**

Mayor Dutrey made the following comments:

1. He requested the City Council review their current committee and liaison assignments for reorganization at the April 1st meeting.
2. He commended staff for involvement with the *Every 15 Minute* program held for **Montclair High School** students to raise awareness of the consequences of driving under the influence.
3. He congratulated Planning Commissioner Barry Rowley for his recent appointment as Chair.
4. He announced he will be joining **Trinity Lutheran Church** every other Saturday at 8:30 a.m. to help feed the less fortunate, and invited anyone who is interested to come and help out.
5. He stated he met with the Mayors of Pomona and Claremont to discuss issues related to the future **Gold Line** stations and have a productive discussion of the issue.
6. He noted **Omnitrans** is also experiencing funding shortfalls and is exploring alternate funding options.

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

Council Member/Director Johnson announced there will be a ribbon cutting ceremony for **Miracle Ear** on Thursday at noon, along with an open house at 5:00 p.m.

Council Member/Director Ruh made the following comments:

1. He stated he and Mayor Dutrey met with Claremont officials to discuss strategies related to getting the Gold Line to Montclair, and noted he is also pursuing legislators for assistance.
2. He commended **OMSD** for its new Mandarin Immersion Program.
3. He stated he is researching smart traffic light technology being used by other cities and will bring his findings at a future meeting.
4. He stated his opposition to the **Metropolitan Transportation Authority's** decision to eliminate carpool lanes and convert them to toll lanes.
5. He wished everyone a Happy Saint Patrick's Day, Happy Saint Joseph's Day, and Happy Iranian New Year.

**F. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of September 20, 2018**

The City Council received and filed the minutes of the Public Works Committee meeting of September 20, 2018, for informational purposes.

**2. Minutes of Public Works Committee Meeting of January 17, 2019**

The City Council received and filed the minutes of the Public Works Committee meeting of January 17, 2019, for informational purposes.

**3. Minutes of Personnel Committee Meeting of March 4, 2019**

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

Council Member Ruh left the meeting at 7:41 p.m.

**XIII. CLOSED SESSION**

At 7:42 p.m., the City Council went into closed session to discuss pending and potential litigation. Council Member Ruh was not in attendance.

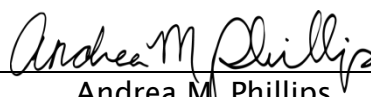
**XIV. CLOSED SESSION ANNOUNCEMENTS**

At 8:10 p.m., Mayor Dutrey announced that the City Council met in closed session to discuss pending and potential litigation; information was received; direction was given to staff regarding pending litigation; and no further announcements would be made at this time.

**XV. ADJOURNMENT**

At 8:10 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