

**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, MAY 20, 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 Pro Tem/Vice Chair Raft called the meeting to order at 7:00 p.m.

**II. INVOCATION**

**Reverend Pratima Dharm, Monte Vista Unitarian Universalist Church,** gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

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

**IV. ROLL CALL**

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

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

Absent: Mayor/Chair Dutrey (excused); Council Member/Director Martinez (excused)

**V. PRESENTATIONS — None**

**VI. PUBLIC HEARINGS — None**

**VII. PUBLIC COMMENT**

**A. Mr. Sean Brunske**, 5472 Deodar Street, Montclair, reported unsightly conditions and code violations at several properties along his street including vehicles parked on lawns, inoperable vehicles parked in driveways, and unmaintained landscaping. He noted he has also been made aware by neighbors that several homes have been trespassed upon or broken into by homeless persons and that one home had squatters who trashed the interior while the owner had the property listed for sale. He thanked staff for assessing his previous complaints about lighting, surveillance, and a lack of speed bumps at **MacArthur Park** and stated his hope that those issues would be addressed soon.

**B. Mrs. Samantha Teves** and her husband, 9773 Lehigh Avenue, Montclair, requested the City Council revise the fence ordinance or provide an exception to allow for a block wall that exceeds 6 feet tall be built on the side of their home. It was noted that the home is located on the corner of two intersecting streets and is elevated above street level, requiring a taller wall to address privacy and safety concerns. Arguments provided for allowing such a wall to be built included increased protection from traffic, reduced noise, recent property damage and confrontations by transient persons, and increased security for their children and pets. Their request has already been denied by staff.

City Manager Starr indicated he would review the request with staff to determine the feasibility of allowing for such an exception.

**C. Ms. Nicole Vences and Ms. Victoria Pacheco** requested to make a formal presentation to the City Council at a future meeting about **GRID Alternatives**, a nonprofit that has partnered with several Inland Empire communities to help low income families transition to clean power sources. **Ms. Vences** advised **GRID** has several partnerships with the State and Cities to improve access to renewable energy.

City Manager Starr requested **GRID** representatives discuss the program with City staff to assess compatibility with other programs available to residents before proceeding with a full presentation to the City Council.

- D. **Mr. Gregory Brentano**, 5050 San Bernardino Street, Montclair, complimented the Montclair Police Department for being responsive addressing his business's concerns with loiterers and the homeless and encouraged those residents who mentioned having similar encounters to contact the Police Department for assistance.
- E. **Mr. George Marquez**, speaking on behalf of his sister who lives at 11336 Monte Vista Avenue, pleaded for the City to allow her home to be connected to the City's sewer line, noting if she cannot her septic tank would need to be replaced at prohibitively high cost that is more than double the price of connecting to the sewer system.

City Manager Starr advised the property is located outside of the City's boundaries in the County's jurisdiction, and that staff would contact the County to see what remedies are available.

## **VIII. CONSENT CALENDAR**

Moved by Council Member/Director Johnson, seconded by Council Member/Director Ruh, and carried unanimously 3-0 that the City Council approve the Consent Calendar as presented:

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

#### **1. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of May 6, 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 May 6, 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 April 30, 2019.

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

The City Council approved the City Warrant Register dated May 20, 2019, totaling \$770,060.44; and the Payroll Documentation dated April 30, 2019, amounting to \$595,828.61 gross, with \$419,236.50 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 April 30, 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 04.01.19-04.30.19 in the amounts of \$10,961.01 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 April 30, 2019.

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

The MHC Board approved the MHC Warrant Register dated 04.01.19–04.30.19 in the amount of \$43,642.20.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending April 30, 2019.

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

The MHA Commissioners approved the MHA Warrant Register dated 04.01.19–04.30.19 in the amount of \$0.00.

## **9. Setting a Public Hearing on Monday, June 3, 2019, at 7:00 p.m. in the City Council Chambers to Consider First Reading of Ordinance No. 19-985 Adding Section 6.16.025 to the Montclair Municipal Code Establishing and Mandating a Commercial Organic Waste Recycling Program and Amending Specific Sections of Chapters 1.12 and 6.16 Related to Penalties and Refuse Collection and Disposal in the City of Montclair**

The City Council set a public hearing on Monday, June 3, 2019, at 7:00 p.m. in the City Council Chambers to consider First Reading of Ordinance No. 19-985.

## **10. Authorizing a \$59,113 Appropriation from the Federal Asset Forfeiture Fund for the Purchase of an Updated Ventilation System Controller and Replacement Target Carriers and Control System for the Police Department's Firearms Range**

The City Council authorized a \$59,113 appropriation from Federal Asset Forfeiture Fund for the purchase of an updated ventilation system controller and replacement target carriers and control system for the Police Department's firearms range.

## **C. Agreements**

### **1. Authorizing the Receipt of \$17,586 from the FY2017 Homeland Security Grant Program under *Agreement No. 19-35* with the San Bernardino County Fire Protection District**

**Authorizing a \$2,000 Appropriation from the Public Safety Grant Fund to Purchase 16 Flat-Screen TV Monitors and Stands for the Communications Center**

The City Council took the following actions:

(a) Authorized receipt of \$17,586 from the FY2017 Homeland Security Grant Program under *Agreement No. 19-35* with the San Bernardino County Fire Protection District.

(b) Authorized a \$2,000 appropriation from the Public Safety Grant Fund to purchase 16 flat-screen TV monitors and stands for the Communications Center.

### **2. Authorizing an Additional \$95,000 Appropriation from the SB1 Fund for Costs Related to Construction of the Moreno Street Rehabilitation Project**

**Award of Contract to Hardy & Harper, Inc., in the Amount of \$453,871 for Construction of the Moreno Street Rehabilitation Project**

**Approval of Agreement No. 19-36 with Hardy & Harper, Inc., for Construction of the Moreno Street Rehabilitation Project**

**Authorization of a \$40,000 Construction Contingency for the Moreno Street Rehabilitation Project**

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

- (a) Authorized an additional \$95,000 appropriation from the SB1 Fund for costs related to construction of the Project.
- (b) Awarded a contract to Hardy & Harper, Inc., in the amount of \$453,871 for construction of the Project.
- (c) Approved Agreement No. 19-36 with Hardy & Harper, Inc., for construction of the Project.
- (d) Authorized a \$40,000 construction contingency.

**3. Award of Contract to Gentry Brothers, Inc., in the Amount of \$286,929 for Construction of the San Jose Street Rehabilitation Project**

**Approval of Agreement No. 19-37 with Gentry Brothers, Inc., for Construction of the San Jose Street Rehabilitation Project**

**Authorization of a \$10,000 Construction Contingency for the San Jose Street Rehabilitation Project**

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

- (a) Awarded a contract to Gentry Brothers, Inc., in the amount of \$286,929 for construction of the Project.
- (b) Approved Agreement No. 19-37 with Gentry Brothers, Inc., for construction of the Project.
- (c) Authorized a \$10,000 construction contingency for the Project.

#### **D. Resolutions**

**1. Adoption of Resolution Nos. 19-3237 and 19-3238 Establishing Proposed Schedules of Total Monthly Rates for Refuse and Sewer Program Services, Subject to the Proposition 218 Notification, Protest, and Public Hearing Process**

**Authorizing Staff to Send Notices to Property Owners Regarding a Public Hearing to Consider Establishing Maximum Monthly Residential and Commercial Rate Caps for Solid Waste Disposal Services, Pursuant to the Requirements of Proposition 218**

**Setting a Proposition 218 Public Hearing for July 15, 2019, at 7:00 p.m. in the City Council Chambers to Consider Establishing a Five-Year Schedule of Maximum Monthly Rate Caps for Refuse and Sewer Services**

**Allocating Up to \$12,000 from the Contingency Fund to Mail to Property Owners Notices of a Proposition 218 Public Hearing Regarding Establishing a Five-Year Schedule of Maximum Monthly Rate Caps for Refuse and Sewer Services**

**Setting a Public Hearing for July 15, 2019, at 7:00 p.m. in the City Council Chambers to Consider Setting Rates for Residential and Commercial Refuse Services, Effective July 1, 2019**

The City Council took the following actions:

- (a) Adopted Resolution Nos. 19-3237 and 19-3238 establishing proposed schedules of total monthly rates for refuse and sewer program services, subject to the Proposition 218 notification, protest, and Public Hearing process.
- (b) Authorized staff to send notices to property owners regarding a Public Hearing to consider establishing maximum monthly residential and commercial rate caps

for solid waste disposal services, pursuant to the requirements of Proposition 218.

- (c) Set a Proposition 218 Public Hearing for July 15, 2019, at 7:00 p.m. in the City Council Chambers to consider establishing a five-year schedule of maximum monthly rate caps for refuse and sewer services.
- (d) Authorized the allocation of up to \$12,000 from the Contingency Fund to mail to property owners notices of a Proposition 218 Public Hearing regarding establishing a five-year schedule of maximum monthly rate caps for refuse and sewer services.
- (e) Set a Public Hearing for July 15, 2019, at 7:00 p.m. in the City Council Chambers to consider setting rates for residential and commercial refuse services, Effective July 1, 2019.

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

**X. BUSINESS ITEMS — None**

**XI. RESPONSE — None**

**XII. COMMUNICATIONS**

**A. City Department Reports**

**1. Human Services Department — Summer Programs & Events**

Director of Human Services Richter made the following announcements:

- ***The Montclair Summer Season Kick-Off Event*** will be held this Saturday, May 25, 2019, from noon to 3:00 p.m. at **Alma Hofman Park** (weather permitting) and will feature activities, free game stations, as well as information about youth summer programs and discount coupons for the Summer Recreation Program that will be held at **Montera Elementary School**.

The Splash Pad at **Alma Hofman Park** will be open daily from May 25 through September 2, from noon to 6:00 p.m. For Splash Pad updates and closure information, please follow the Montclair Splash Pad on Facebook.

- Join us on Monday, May 27 at 6 p.m. for the Community Activities Commission's ***19th Annual Memorial Day Program***. The Program will be held in the **Memorial Garden**, adjacent to City Hall, and will include the dedication of three new plaques to our Veterans' Memorial Wall. The Memorial Wall pays tribute to deceased Montclair residents from all branches of military service.

The Program will feature the **Montclair High School JROTC**, patriotic songs performed by local choral groups, poetry readings, as well as the presentation of a U.S. Internment Flag to the City that honors **Montclair High School's** graduating class of 1968. Refreshments will be served at the conclusion of the event in the Senior Center.

- The 7th Annual ***Country Fair Jamboree*** will be held on Saturday, June 1 from noon to 6:00 p.m. at **Alma Hofman Park**.

Attractions will include kids' carnival rides and games, a water roller attraction, a giant Ferris wheel, a fiberglass slide, and a giant swing for adults and kids; a DJ; performances by the bands "**In the Mix**" and "**Monkey Wrench**"; pony rides, a petting zoo, face painting, food trucks, contests for all ages, community organizations, an art show in the Community Center (new for 2019) and much

more. Ride wristbands are available for \$10 at the Recreation Center if purchased prior to the event; wristbands will cost \$15 at the Jamboree. We look forward to seeing you at this annual event celebrating Montclair!

**B. City Attorney**

City Attorney Robbins withdrew her request for a Closed Session to discuss pending litigation as listed on the Agenda.

**C. City Manager/Executive Director — No comments.**

**D. Mayor/Chair**

**1. Announcement of Special Meeting of the City Council to be held on Thursday, May 30, 2019, at 6:00 p.m. in the City Council Chambers for a Council Workshop Related to Proposed Regulation of Commercial Cannabis Activities in the City of Montclair**

Mayor Pro Tem Raft announced the City Council would hold a special meeting on Thursday, May 30, 2019, at 6:00 p.m. in the City Council Chambers for a Council Workshop related to proposed regulation of commercial cannabis activities in the City of Montclair.

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

Mayor Pro Tem/Vice Chair Raft wished everyone a happy Memorial Day and stated she hopes to see everyone at the Country Fair Jamboree on June 1st.

Council Member/Director Johnson made the following comments:

1. She attended the Montclair After-School Program Awards Ceremony and was impressed by the great youth talent in our City.
2. She noted construction activities are occurring at **Montclair Place** including the future **AMC Theatres** and **Lazy Dog** restaurant.

Council Member/Director Ruh emphasized his support for holding several public meetings to gather community and stakeholder input regarding whether or how the City should allow and regulate cannabis within the City. He noted the prior deadline of July 1, 2019, is no longer an issue due to a trailer bill that would give cities until July 1, 2020, to implement regulations.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of May 6, 2019**

The City Council received and filed the minutes of the Personnel Committee meeting of May 6, 2019, for informational purposes.

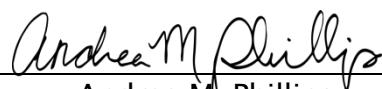
**XIII. CLOSED SESSION — None**

**XIV. CLOSED SESSION ANNOUNCEMENTS — None**

**XV. ADJOURNMENT**

At 8:14 p.m., Mayor Pro Tem/Vice Chairperson Raft 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