

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, JUNE 3, 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 Bret Maxwell, Sandals Church 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 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; Public Works Director/City Engineer Castillo; City Attorney Robbins; City Clerk Phillips

Absent: Council Member/Director Martinez (excused)

**V. PRESENTATIONS — None**

**VI. PUBLIC HEARINGS**

**A. First Reading of Ordinance No. 19-985 Adding Section 6.16.025 to the Montclair Municipal Code Establishing and Mandating a Commercial and 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**

**Consider Setting a Public Hearing on Monday, June 17, 2019, at 7:00 p.m. in the City Council Chambers to Consider Second Reading and Adoption of Ordinance No. 19-985**

City Manager Starr noted minor corrections have been made to the Ordinance for its first reading that differ from the version appearing in the agenda packet, which would be incorporated should the City Council adopt first reading of Ordinance No. 19-985 this evening:

- Revision of “subsection B” to read “subsection A” in subsection A(2)(b) of Section 6.16.025.
- Removal of “at the discretion of the City Manager” in both locations in which it appears in Sections 6.16.025 and 6.16.140.
- Revision of “divert its commercial solid waste from disposal” to read “divert its recyclable materials” in Section 6.16.025(A).
- Revision of “divert its commercial solid waste from disposal” to read “divert its organic waste” in Section 6.16.025(B).

Council Member Johnson asked if multifamily communities with five or more units that do not generate the minimum of 4 cubic yards of waste would be penalized for not separating recyclables and organic waste.

City Manager Starr indicated penalties for not meeting the minimum diversion threshold would be imposed on the City by **CalRecycle** based on a report of the community’s compliance with **CalRecycle’s**

standards, which is currently a 75 percent diversion rate. The City is attempting to meet this standard by requiring this program, which was previously implemented on a voluntary basis.

Mayor Pro Tem Raft asked if residents who recycle their own items would be counted.

City Manager Starr indicated it would only be counted if it is somehow reported, which can be done at recycling centers by providing your zip code.

**Mike Arreguin**, Vice President, **Burrtec Waste Industries, Inc.**, advised this program is intended for businesses and large residential complexes that generate excessive waste.

Council Member Ruh asked if there was a plan to work with property management companies regarding this new requirement before issuing penalties.

**Mr. Arreguin** advised that, as the City's contracted waste hauler, **Burrtec** is required by this Ordinance to educate its customers about this new program and intends to do so via newsletters, notices to tenants and owners, and informational pamphlets distributed to multifamily communities. He noted contact information is obtained from the **County Recorder's Office** for the property owner of record.

Council Member Ruh offered to provide **Mr. Arreguin** with a list of property management companies with properties in Montclair.

Mayor Pro Tem Raft noted her son owns a business in Montclair and because they don't have a recycling bin, the employees collect and provide their recyclables to a local homeless man. She asked if this practice would interfere with meeting the program's goals.

**Mr. Arreguin** stated those recyclables would not be counted unless they are recycled in a way that gives credit to the City. He noted with the passage of this Ordinance, **Burrtec** would provide recycling containers to all businesses falling under the minimum waste generation requirements, whereas previously those containers would be provided only upon request. He advised the current threshold for businesses is those generating four cubic yards of solid waste per week, but he believes that threshold will be lowered to two cubic yards per week next year.

Mayor Dutrey asked whether there have been any changes since China decided to stop accepting recyclables from the United States.

**Mr. Arreguin** noted China's refusal to accept plastics continues to present a challenge and has significantly lowered the value of recyclable materials. He noted his industry has lobbied the governor to provide communities relief from these new standards due to this issue, but nothing has changed. He indicated this downward trend in the value of recyclables may reduce motivation for scavengers digging through trash for recyclables.

Council Member Ruh noted he toured a Canadian recycling facility and energy plant several years ago that generated energy by converting plastics into pellets used for paving roads and in other construction materials. He asked if this is something recycling and clean energy industries are exploring.

**Mr. Arreguin** noted environmental regulations are not as strict in Canada which enables those types of facilities but the industry continues to pursue changes in the legislation that would incentivize the industry to make such advancements.

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 19-985 and invited comments from the public.

**Mr. Victor Mendez** spoke on behalf of the **Montclair Town Center Homeowners Association** and noted there have been issues in his community with scavengers. He asked if the community would be required to monitor and prevent scavenging. He also requested

clarification about using other companies for recycling.

City Manager Starr indicated with the declining value of recyclable materials, the scavenging issue should disappear over time, but noted it is currently against the law in Montclair to scavenge and should be reported to the police. He advised outside companies may be used for recycling as long as a report is provided that shows the recyclables were properly diverted.

**Mr. Bruce Culp**, resident, noted he lives at the **Paseos at Montclair North** apartment complex which also has scavenging issues. He stated he was not sure if those individuals could be reported but now he will do so. He requested **Burrtec** also consider providing waste containers for individual units within apartment complexes for organic waste. He also suggested the City require recycling centers to report recycled materials so it can be counted in the City's total.

**Mr. Benjamin Lopez**, resident, concurred with **Mr. Culp** that recycling entities should be required to provide a report of recycled materials from residents in the 91763 zip code. He also requested that, despite the increased cost, notices regarding changes in law be sent out to individual residents and businesses separately and in a manner that stands out from the normal City mailings.

**Mr. Arreguin** advised recycling centers are already required to provide reports to the state which include the zip code of those recycling materials at their facilities. Those numbers are credited to the cities that contain those zip codes. He added recycling centers do not get paid for the recyclable materials they collect if they do not comply with this reporting requirement.

Moved by Council Member Johnson and seconded by Mayor Pro Tem Raft that Ordinance No. 19-985, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTIONS WITHIN CHAPTERS 6.02 (DEFINITIONS) AND 6.16 (REFUSE COLLECTION AND DISPOSAL) OF THE MONTCLAIR MUNICIPAL CODE; ADDING SECTION 6.16.025 ESTABLISHING A MANDATORY COMMERCIAL RECYCLING AND ORGANIC WASTE RECYCLING/DIVERSION PROGRAM; AND AMENDING SECTION 1.12.010 (PENALTIES)," be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing for Monday, June 17, 2019, at 7:00 p.m. in the City Council Chambers to consider second reading and adoption of Ordinance No. 19-985.

The City Council unanimously waived the reading of the Ordinance.

First reading of Ordinance No. 19-985 was unanimously adopted by the following vote:

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

## VII. PUBLIC COMMENT

- A. **Mr. Benjamin Lopez**, resident, stated he has been a Little League tee-ball coach for three years and presented Mayor Dutrey with a plaque thanking him for his sponsorship and support over the years.

## VIII. CONSENT CALENDAR

City Attorney Robbins requested Item C-2 be removed from the Consent Calendar for revision.

Council Member Johnson requested that Items D-1 and D-2 be removed from the consent calendar for discussion.

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

**A. Approval of Minutes**

**1. Special City Council Meeting of May 9, 2019**

The City Council approved the minutes of the May 9, 2019 special meeting.

**2. Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of May 20, 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 20, 2019 regular joint meeting.

**B. Administrative Reports**

**1. Authorizing a \$15,586 Appropriation from the Public Safety Grant Fund to Purchase a Respirator Fit Tester and Batteries for Handheld Radios**

The City Council authorized a \$15,586 appropriation from the Public Safety Grant Fund to purchase a respirator fit tester and batteries for handheld radios.

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

The City Council approved the City Warrant Register dated June 3, 2019, totaling \$1,180,549.11; and the Payroll Documentation dated May 12, 2019, amounting to \$614,618.12 gross, with \$433,989.25 net being the total cash disbursement.

**C. Agreements**

**1. Approval of Agreement No. 19-39 with San Bernardino County for Construction of the Central Avenue Rehabilitation Phase 1 Project**

The City Council approved *Agreement No. 19-39* with San Bernardino County for construction of the Central Avenue Rehabilitation Phase 1 Project.

**3. Approval of Agreement No. 19-41 with Econolite Systems for Traffic Signal Maintenance Services**

The City Council approved *Agreement No. 19-41* with Econolite Systems for traffic signal maintenance services.

**4. Approval of Agreement No. 19-42 with Albert Grover & Associates for Traffic Engineering Services**

The City Council approved *Agreement No. 19-42* with Albert Grover & Associates for traffic engineering services.

**5. Approval of Agreement No. 19-43 with the State of California, Department of General Services, Office of Administrative Hearings (OAH) to Furnish Administrative Law Judges for the Purpose of Conducting Hearings Regarding Industrial Disability Retirement Determination Appeals**

The City Council approved *Agreement No. 19-43* with OAH to furnish administrative law judges for the purpose of conducting hearings regarding industrial disability retirement determination appeals.

**6. Approval of Agreement No. 19-44 with the San Bernardino County Office of Homeless Services for Access to the Homeless Management Information System**

**Authorizing the City Manager to Sign Agreement No. 19-44**

The City Council took the following actions:

- (a) Approved *Agreement No. 19-44* with the San Bernardino County Office of Homeless Services for access to the Homeless Management Information System.
- (b) Authorized the City Manager to sign *Agreement No. 19-44*.

**7. Award of Contract to R Dependable Construction, Inc., in the Amount of \$24,800 for Construction of the Montclair Transcenter Shelter Repair Project**

**Approval of *Agreement No. 19-45* with R Dependable Construction, Inc., for Construction of the Montclair Transcenter Shelter Repair Project**

**Authorization of a \$3,500 Construction Contingency for the Project**

The City Council took the following actions in relation to the Montclair Transcenter Shelter Repair Project:

- (a) Awarded a contract to R Dependable Construction, Inc., in the amount of \$24,800 for construction of the Project.
- (b) Approved *Agreement No. 19-45* with R Dependable Construction, Inc., for construction of the Project.
- (c) Authorized a \$3,500 construction contingency for the Project.

**8. Approval of *Agreement No. 19-46* with Ontario-Montclair School District to Utilize the Family Resource Center for Case Management Services and to Support Operating Costs at the Facility**

The City Council approved *Agreement No. 19-46* with Ontario-Montclair School District to utilize the Family Resource Center for case management services and to support operating costs at the facility.

**9. Approval of *Agreement No. 19-47* with the San Bernardino County Department of Aging and Adult Services to Accept an Award to Provide the Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 19-47* with the San Bernardino County Department of Aging and Adult Services to accept an award to provide the Senior Citizen Nutrition Program.

**D. Resolutions**

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**2. Award of Contract to Sully Miller Contracting Company in the Amount of \$7,129,961.75 for Construction of the Central Avenue Rehabilitation Phase 1 Project**

**Approval of *Agreement No. 19-40* Sully Miller Contracting Company for Construction of the Central Avenue Rehabilitation Phase 1 Project**

**Authorization of a \$700,000 Construction Contingency for the Central Avenue Rehabilitation Phase 1 Project**

City Attorney Robbins requested the City Council approve *Agreement No. 19-40* subject to revision by the City Attorney, noting some of the insurance and liability language needs to be altered for this project.

Mayor Dutrey stated this is a highly anticipated project, noting it includes construction of street repairs and a new median island design. He asked how staff will be communicating with

businesses along Central Avenue regarding traffic delays and potential impacts to their businesses during construction.

Public Works Director/City Engineer Castillo advised the City has hired a consultant to handle public relations including communicating with businesses, informing the public, and establishing a project hotline, and noted information will also be posted on the City's website.

Mayor Dutrey suggested the information also be disseminated on the City's Facebook page.

Moved by Mayor Dutrey, seconded by Council Member Ruh, and carried unanimously 4-0 that the City Council take the following actions in relation to the Central Avenue Rehabilitation Phase 1 Project:

- (a) Award a contract to Sully Miller Contracting Company in the amount of \$7,129,961.75 for construction of the Project.
- (b) Approve *Agreement No. 19-40* with Sully Miller Contracting Company for construction of the Project, subject to revision by the City Attorney.
- (c) Authorize a \$700,000 construction contingency for the Project.

#### **D. Resolutions**

##### **1. Adoption of Resolution No. 19-3236 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

Council Member Johnson asked how quickly a lien can be removed once the property owner has paid their delinquencies.

City Manager Starr indicated it can be removed quickly; however, the cost includes additional fees on top of the delinquent payments. He advised some property owners and management companies purposely allow the payments to become delinquent resulting in liens in order to pay them off at one time with their property tax bill, despite the additional fees.

Moved by Council Member Johnson, seconded by Council Member Ruh, and carried unanimously 4-0 that the City Council adopt Resolution No. 19-3236 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

##### **2. Adoption of Resolution No. 19-3239 Authorizing the Application for Statewide Park Development and Community Revitalization Program Grant Funds to Develop Reeder Ranch Park**

Council Member Johnson asked why there is such a large disparity between the minimum and maximum award amounts.

City Manager Starr indicated funding is available from a minimum award of \$200,000 to a maximum of \$8.5 million, and noted the City is applying for and is confident it will receive close to the maximum amount of the grant due to the strength of its application.

Mayor Dutrey asked if these funds could only be used on the Reeder park.

City Manager Starr confirmed the Reeder Ranch is the only park eligible for use of this funding. He advised the grant requires at least five public events to receive input from the community, noting three have already been conducted at the City's recent Easter Eggstravaganza, Montclair After-School Program Awards, and Country Fair Jamboree events, where residents provided input regarding features they would like to see at this new park.

Mayor Dutrey stated he is hopeful there will be funding available

soon for improvements at other parks like Saratoga Park, which is in need of repairs that were recently requested by **Montclair Little League**.

Moved by Council Member Johnson, seconded by Council Member Ruh, and carried unanimously 4-0 that the City Council adopt Resolution No. 19-3239 authorizing the application for Statewide Park Development and Community Revitalization Program Grant Funds to develop Reeder Ranch Park.

**X. BUSINESS ITEMS — None**

**XI. RESPONSE — None**

**XII. COMMUNICATIONS**

**A. City Department Reports — None**

**B. City Attorney**

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

**1. Potential Litigation Pursuant to GC §54956.9(d)(2)**

*1 Potential Case*

**C. City Manager/Executive Director**

City Manager Starr reported that the **California State Transportation Authority (CalSTA)** met with City officials to discuss the **Transit and Intercity Rail Capital Program (TIRCP)** grant it received for Phase 2B of construction of the Gold Line's extension across the Los Angeles-San Bernardino County line in relation to staff's concerns that the funding would be used on the first segment of the project rather than the Montclair segment. Staff was assured the funding would be held over at \$49 million for the Montclair segment. He added the **Metro Gold Line Foothill Extension Construction Authority** has now received bids for the newly segmented project and those numbers should be coming out in July or August, hopefully at a lower cost than the initial 2B project bids.

**D. Mayor/Chair**

Mayor Dutrey commented as follows:

1. He addressed the mass shooting that took place at Virginia Beach municipal building and noted he would like tonight's meeting adjourned in memory of those victims.
2. He reported the **Montclair High School** graduate, **Eric Morales**, who was shot at a graduation party in Ontario tragically succumbed to his injury. He added tonight's meeting would also be adjourned in his memory.
3. He recognized **Serrano Middle School** student **Austin Leong** for advancing to the **Scripps National Spelling Bee** representing the **San Bernardino County Community College District**, and making it to round three, just short of the finals. He noted the City Council will be recognizing this young man for his accomplishment at an upcoming meeting.
4. He noted he and several staff members attended the **International Conference of Shopping Centers** in Las Vegas a couple weeks ago and had some productive discussions with potential developers, businesses, and restaurant chains.
5. He recognized staff for putting on another successful and well-run Memorial Day event.
6. He commended the **Montclair After-School Program (MAP)** staff and Human Services staff noting he attended the **MAP Awards Ceremony** and was very impressed at the work the kids are doing.

7. He recognized all staff who participated in putting on this year's *Country Fair Jamboree*, noting everyone had a great time.

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

Mayor Pro Tem/Vice Chair Raft made the following comments:

1. She also congratulated **Austin Leong**, noting he has won the district's local spelling bee three times, however this is the first time he won the County's annual spelling bee to advance on to the **Scripps National Spelling Bee**.
2. She stated the City's Memorial Day event was very nice.
3. She noted she and Council Member Ruh attended the Montclair High School graduation ceremony where she presented the City's annual proclamation to the graduating class.
4. She thanked staff in the Human Services Department for putting on the *Country Fair Jamboree* each year, noting the food truck selection was fantastic and people really seemed to enjoy it.

Council Member/Director Johnson made the following comments:

1. She commended staff, especially the Police Department's cadets and explorers, for their hard work at the *Country Fair Jamboree*.
2. She reported **Kids Empire at Montclair Place** is now open and encouraged everyone with small children to try it out.

Council Member/Director Ruh made the following comments:

1. He noted Mrs. Dolores Brinkman, wife of a former City employee, recently passed away and requested the meeting also be adjourned in her memory. He stated she was a very active member of the community.
2. He commended the Community Activities Commission for hosting the Memorial Day Event, and recognized the Montclair High School Class of 1968, of which several representatives attended to share stories.
3. He advised that he and Council Member Johnson attended a **Congresswoman Norma Torres** Town Hall event at which the upcoming **U.S. Census** was discussed. He noted the importance of counting every person because it is tied to local funding received from the Federal Government for public programs.
4. He noted he really enjoyed himself, at the *Country Fair Jamboree*.
5. He emphasized the importance of recycling and stated it needs to be less inconvenient like back in the days when supermarkets would take recycling.
6. He noted this Thursday will observe the 75th anniversary of D-Day and we continue to honor and remember those who gave their lives that day.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of May 20, 2019**

The City Council received and filed the minutes of the Personnel Committee meeting of May 20, 2019, for informational purposes.

**XIII. COUNCIL/MHC WORKSHOP**

**A. Fiscal Year 2019-20 Preliminary Budget Review**

Mayor/Chair Dutrey noted this item is being continued to an adjourned meeting of the City Council and Montclair Housing Corporation Board on Monday, June 17, 2019, at 5:30 p.m. in the City Council Chambers.



**XIV. CLOSED SESSION**

At 8:09 p.m., the City Council went into closed session to discuss potential litigation.

**XV. CLOSED SESSION ANNOUNCEMENTS**

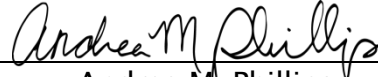
At 8:45 p.m., Mayor Dutrey announced that the City Council met in closed session regarding potential litigation; information was received and direction was given to staff; and no further announcements would be made at this time.

**XVI. ADJOURNMENT**

At 8:46 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 8:46 p.m., Mayor/Chair Dutrey adjourned the City Council and Montclair Housing Corporation Board of Directors to Monday, June 17, 2019, at 5:30 p.m. in the City Council Chambers for the 2019-20 Preliminary Budget Review workshop.

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