

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, AUGUST 5, 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.

II. INVOCATION

Mayor/Chair Dutrey requested a moment of silence for the victims of the recent mass shooting events that occurred in the cities of El Paso, Gilroy, and Dayton.

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; Finance Director Parker; Public Works Director/City Engineer Castillo; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. City Council Recognition of Serrano Middle School Student Austin Leong for his Achievement in the 2019 Scripps National Spelling Bee

Mayor Dutrey presented Serrano Middle School student **Austin Leong** with a *City Council Certificate of Recognition* for winning the **San Bernardino County Regional Spelling Bee** and competing in the **Scripps National Spelling Bee** in Washington, D.C. He also praised **Austin** for winning **Ontario-Montclair School District's (OMSD)** annual spelling bee three years in a row.

Austin was also presented with a *Congressional Certificate of Recognition* from the office of **U.S. Representative Norma Torres**.

Dr. James Hammond, OMSD Superintendent, thanked Mayor Dutrey and the City of Montclair for honoring this amazing and talented student, noting the District is very proud of **Austin**.

OMSD Trustee Chris Brake noted she has watched **Austin** excel in the District's spelling bees, and she is happy to have him one more year, no matter the outcome.

The City Council, **Dr. Hammond**, and **Trustee Brake** posed for photos with **Austin** holding his certificates.

Council Member Ruh stated it is an honor to have such a bright, astute, and honorable young man in the community. He encouraged **Austin** to keep up the good work.

Council Member Johnson reminisced about the difficulties of being a seventh grader and commended **Austin** for his accomplishments.

Mayor Pro Tem Raft stated she is so impressed with **Austin**, and that kids who compete in spelling bees have to practically know the whole dictionary.

Council Member Martinez congratulated **Austin** and stated she is glad that he has one more year in the District to try again.

Mayor Dutrey stated **Austin** has made the City, as well as his school and his parents, proud.

VI. PUBLIC COMMENT

- A. **Mr. Sean Brunske**, 5472 Deodar Street, commended Montclair Police Department staff for responding to an issue he has been experiencing related to trespassers.
- B. **Ms. Lupe Camacho**, Partnership Specialist with the **U.S. Census Bureau**, introduced herself and noted she would be working with the City and the community to spread awareness about the upcoming 2020 U.S. Census.

Council Member Martinez thanked **Ms. Camacho** and offered her assistance to support the effort in any way needed.

Council Member Ruh stated he attended three town hall meetings held by **Congresswoman Torres**, and concerns regarding online forms were common. He noted that paper forms would be available and mailed out as a last resort for non-responders.

- C. **Mr. Victor Mendez**, representing the **Montclair Towncenter Homeowners' Association (HOA)**, stated his HOA is opposed to the implementation of permit parking on the west side of Fremont Avenue. In relation to a permit parking petition that was presented to the City Council at its last meeting by Fremont Avenue homeowners, he advised this is not a new issue and the HOA has opposed this effort in the past and provided input and other possible solutions. He requested that the City keep **Montclair Towncenter** residents informed on this issue.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Mayor/Chair Dutrey stated he would like to abstain from the vote on Item A-1, the minutes of the last regular joint meeting, due to his absence from that meeting.

Mayor Dutrey requested Item B-2 be pulled from the consent calendar for discussion.

Council Members Ruh and Martinez recused themselves from the vote on Item C-1.

City Attorney Robbins requested Item C-3 be pulled from the consent calendar for comment.

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

- A. **Approval of Minutes**
- B. **Administrative Reports**
 - 1. **Setting a Public Hearing for Monday, August 19, 2019, at 7:00 p.m. in the Montclair Senior Center Located at 5111 Benito Street, Montclair, to Consider First Reading of Ordinance No. 19-986 Amending Chapter 6.22 of the Montclair Municipal Code Permitting the Use of Certain Wheeled Recreational Devices in the Montclair Skate Park**

The City Council set a public hearing for Monday, August 19, 2019, at 7:00 p.m. in the Montclair Senior Center located at 5111 Benito Street, Montclair, to consider First Reading of Ordinance No. 19-986 amending Chapter 6.22 of the Montclair Municipal Code permitting the use of certain wheeled recreational devices in the Montclair Skate Park.

3. Authorizing a \$17,132 Appropriation from the Federal Asset Forfeiture Fund to Purchase Workspace Furniture for Dispatch, Internet Technology, and Administration Offices in the Police Department Facility

The City Council authorized a \$17,132 appropriation from the Federal Asset Forfeiture Fund to purchase workspace furniture for dispatch, internet technology, and administration offices.

4. Authorizing a \$13,170 Appropriation from the Federal Asset Forfeiture Fund to Purchase Extensions, Software, and Subscriptions for the Police Department's Recently Acquired Leica Laser Scanning Forensic Mapping System

The City Council authorized a \$13,170 appropriation from the Federal Asset Forfeiture Fund to purchase extensions, software, and subscriptions for the Police Department's recently acquired Leica Laser Scanning Forensic Mapping System.

5. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 5, 2019, totaling \$2,489,269.07; and the Payroll Documentation dated July 7, 2019, amounting to \$609,402.06 gross, with \$425,861.83 net being the total cash disbursement.

C. Agreements

2. Approval of Agreement No. 19-70 with Suzanne Yoakum to Provide Case Management Services

The City Council approved *Agreement No. 19-70* with Suzanne Yoakum to provide case management services.

D. Resolutions

1. Adoption of Resolution No. 19-3247 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 19-3247 authorizing placement of assessments on certain properties for delinquent sewer and trash accounts.

IX. PULLED CONSENT CALENDAR ITEMS

A. Approval of Minutes

1. Adjourned Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of July 22, 2019

Moved by Mayor Pro Tem/Vice Chair Raft, seconded by Council Member/Director Martinez, and carried by a vote of 4 to 0, with Mayor/Chair Dutrey abstaining, that 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 approve the minutes of the July 22, 2019 adjourned regular joint meeting.

B. Administrative Reports

2. Approval of the Plans and Specifications for the City of Montclair Office Remodel Expansion Project

Authorizing Staff to Advertise for Bid Proposals for the City of Montclair Office Remodel Expansion Project

Mayor Dutrey advised this project will eliminate the breezeway between City Hall and the Youth Center.

Council Member Martinez stated she has been opposed, and remains opposed, to closing off the breezeway.

Council Member Ruh noted the breezeway provides easy access for those who park on Benito Street to access the Senior Center, Library, and other City events. He noted he could not attest to the noise burden on staff, but feels this matter should be considered carefully.

Council Member Johnson asked if the project could go forward leaving the breezeway open.

City Manager Starr indicated there would be no project because the intent was to utilize the breezeway area for additional office space. He noted the City Council already approved this project last year, and what is presented for consideration this evening is simply to approve putting the project out to bid. He indicated that any discussion or reconsideration of the project itself would need to be brought back at a future meeting.

Council Member Martinez stated her understanding was that funding had been approved for the project but that no details of the project had been provided.

Mayor Dutrey asked if the City Council would like to take a vote or continue the item to think about it.

Council Member Ruh stated he would like a little more time to consider this item.

Mayor Pro Tem Raft stated her understanding that if this project is not approved then there will be no expansion of City Hall.

City Manager Starr added this project is being funded from 2014 Issue Lease Revenue Bonds, which must be encumbered by October of this year or the money shall be forfeited back to bond counsel, in addition to any penalties on top of that.

Finance Director Parker concurred, and noted he would also like to add that while the breezeway provides some benefits to the public for civic center access, the breezeway creates major disturbances for Finance Division staff. He noted staff and City Hall patrons must endure constant disruptions due to noise from the breezeway caused by shouting, skateboarding, and bouncing balls against the walls. He added the breezeway also tends to attract mischief, noting several years ago some youths attempted to start a fire in the IT office entry in the breezeway.

Council Member Martinez opined there are other options to reduce the negative impacts the breezeway has on staff including soundproofing, removal, or replacement of the windows along the breezeway. She stated her concerns are taking the access away from youth and seniors.

City Manager Starr concurred with points made both by Council Member Martinez and Finance Director Parker, noting that it does provide enhanced access for the public to other public facilities, but also pointed out that the breezeway is in disrepair, the concrete is cracked, and it tends to collect trash.

Council Member Martinez restated her opposition to this aspect of the project and stated she would like the item to move forward for further discussion and perhaps to reconsider certain aspects of the plan.

City Manager Starr emphasized the purpose for this project is to expand office space for conference rooms and Finance offices. He noted the current number of conference rooms are not adequate to support the number of meetings that are needed throughout the day.

Council Member Martinez stated she feels other areas could be reconfigured to create more meeting rooms.

Council Member Johnson noted that as a new Council Member she may not have been here to consider the plan that came before the Council, but she would like to believe this body put serious thought behind its decision to support the project as proposed. She asked for clarification on what needs to be accomplished by the October deadline to ensure the funds are not lost.

City Manager Starr stated a contractor needs to be selected and the funds need to be encumbered by that time.

Council Member Johnson asked if there is alternative access from Benito Street to the Civic Center parking lot.

City Manager Starr advised the access would be to enter from Fremont Avenue, going through the Youth Center and out through the staff parking lot, or going into and through the City Hall building.

Council Member Johnson stated that because she trusts the decision-making capabilities of this body prior to her being a part of it, she feels the project should move forward as it is.

Council Member Ruh motioned that this item be continued to the next regular meeting on August 19, 2019. Council Member Martinez seconded the motion.

City Manager Starr requested the motion be modified to additionally direct staff to bring back more detailed information related to the project.

Council Member Ruh and Martinez concurred with the proposed amendment to the motion.

With no opposition to the motion, the City Council directed staff to bring this item back for consideration at the next regular City Council meeting on August 19, 2019, and to provide more detailed information related to the City of Montclair Office Remodel Expansion Project.

C. Agreements

1. **Approval of an Amendment to *Agreement No. 19-25* with 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, Related to SBCTA's Elimination of the Local Government Incentive Payment Program**

Moved by Mayor Pro Tem/Vice Chair Raft, seconded by Council Member/Director Martinez, and carried by a vote of 3 to 0, with Council Members Ruh and Martinez recusing themselves due to a potential conflict of interest, the City Council approved an amendment to *Agreement No. 19-25* with 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, Related to SBCTA's Elimination of the Local Government Incentive Payment Program.

3. **Approval of *Agreement No. 19-71* with Azusa Pacific University to Implement a Clinical Field Experience Program at the Montclair Medical Clinic**

City Attorney Robbins requested this item be approved subject to City Attorney review and modification.

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried unanimously that the City Council approved *Agreement No. 19-71* with Azusa Pacific University to Implement a Clinical Field Experience Program at the Montclair Medical Clinic, subject to City Attorney review and modification.

X. COMMUNICATIONS

A. City Department Reports

1. Police Department — National Night Out

Captain Reed reminded the City Council that National Night Out takes place tomorrow evening beginning at 7:00 p.m. at Alma Hofman Park. He also advised that a blood drive would be taking place throughout the day and during the event in the Senior Center.

2. Public Works Department

Public Works Director/City Engineer Castillo made the following announcements:

- The Montclair Public Works Department was featured in a photo feature in the Daily Bulletin titled “Montclair public works workers do it all,” emphasizing the vast range of duties performed by Public Works employees from potholes to trash clean-up.
- The City Council Chambers will be undergoing an upgrade that includes new paint, carpet, and seating. During construction, which begins August 6th and is planned to extend through the end of September, meetings have been relocated as follows:
 - Montclair Senior Center: Regular City Council Meetings
 - Theater Room (Located at the West Side of the Montclair Branch Library Building): Council Workshops, Planning Commission Meetings, and Community Activities Commission Meetings

B. City Attorney

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

1. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair
Employee: Management
Organizations: Montclair City Confidential Employees Assn.
Montclair General Employees Association
Montclair Fire Fighters Association
Montclair Police Officers Association

C. City Manager/Executive Director

City Manager Starr noted the bids have come in for extension of the Gold Line to Pomona and there appears to be a \$29 million funding shortfall. He noted \$96 million of **Measure M's** \$199 million Subregional Equity Program Fund has already been committed to the project, and the **Metro Gold Line Foothill Extension Construction Authority** intends to request approval from the **Los Angeles County Metropolitan Transportation Authority (Metro) Board** to allocate additional funding. He noted the rapidly rising costs of labor and materials indicate that Montclair's segment may need additional funding of approximately \$20 million. He advised staff would research federal grants for this purpose.

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He mentioned his absence from the last meeting was due to a travel-intensive family vacation that included visits to Niagara Falls, Boston, and Canada.

2. He congratulated **Ms. Patricia Pennington** for being recognized as Woman of the Year by **Assembly Member Freddie Rodriguez**.
3. In reference to the recent mass shooting events that occurred over the past week, he stated his support for more strict regulations of automatic assault rifles. He referenced **Governor Newsom's** lack of rhetoric supporting law enforcement personnel, noting he seems to be more vocal about protecting the rights of criminals. He stated that nevertheless it is important to work together to address the issue of increasing gun violence.
4. He reminded everyone that the next Council Meeting will be held in the Senior Center.

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

1. Council Member/Director Martinez commented as follows:
 - (a) She thanked Council Member Johnson for keeping her informed of City activities during her illness.
 - (b) She acknowledged Planning Commissioner Eaton's presence in the audience and thanked her for attending tonight's meeting.
 - (c) She posed the hypothetical question: "Would the shooter have had 20 to 30 seconds if more officers were present?"
2. Mayor Pro Tem/Vice Chair Raft made the following remarks:
 - (a) She congratulated **Ms. Pennington** on being recognized as Woman of the Year.
 - (b) She concurred with Mayor Dutrey on his comments related to gun violence and stated her opinion that online discussions related to modifying weapons to make them into automatic weapons should be banned.
3. Council Member/Director Johnson made the following remarks:
 - (a) She stated it was her pleasure to keep Council Member Martinez informed while she was away.
 - (b) She noted the Police Department would be handling out pamphlets for residents related to emergency preparedness during **National Night Out** tomorrow evening. She also advised that when phone lines and cell towers are down during an emergency, ham radio is one of the few methods the public can use to communicate, and that the City would be offering ham radio classes in September.
4. Council Member/Director Ruh commented as follows:
 - (a) He emphasized the importance of maintaining a landline because cell towers are more likely to go down than landlines in an earthquake event.
 - (b) In response to the **Burtec** discussion that occurred at the last meeting, he stated he still feels Upland has the superior program, and he doesn't believe that non-residents drive through town to drop off mattresses. He stated he saw a dishwasher and trash compactor left out on the street this morning.
 - (c) He noted his attendance at the multi-chamber mixer at which 18 local chambers of commerce were represented.
 - (d) He reported he recently took the **Gold Line** to enjoy events in the Pasadena area.

- (e) He noted the recent passing of **Mr. Justus “Jut” Castleberry** at the age of 97. **Mr Castleberry** was the co-founder of a Montclair business, **Lloyd’s Furniture and Appliances Store**, which he ran for over 45 years alongside his brother, **Lloyd Castleberry**.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of April 15, 2019

The City Council received and filed the minutes of the Real Estate Committee meeting of April 15, 2019, for informational purposes.

2. Minutes of Personnel Committee Meeting of July 22, 2019

The City Council received and filed the minutes of the Personnel Committee meeting of July 22, 2019, for informational purposes.

XI. CLOSED SESSION

At 8:12 p.m., the City Council went into closed session to discuss labor negotiations.

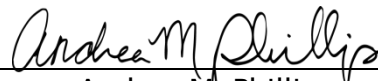
XII. CLOSED SESSION ANNOUNCEMENTS

At 8:30 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council met in closed session related to labor negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

XIII. ADJOURNMENT

At 8:31 p.m., Mayor/Chair Dutrey adjourned the City Council, 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