

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 19, 2019, AT 7:00 P.M. IN THE MONTCLAIR SENIOR CENTER, 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**

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**

Council Member/Director Johnson 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; Finance Director Parker; Public Works Director/City Engineer Castillo; Community Development Director Diaz; City Attorney Robbins; City Clerk Phillips

Absent: Council Member/Director Martinez (excused)

**V. PRESENTATIONS**

Mayor Dutrey requested that **Item No. VIII. D-2** be considered at this time for the presentation of a proclamation in conjunction with approval of the proposed Resolution.

**VIII. CONSENT CALENDAR**

**D. Resolutions**

**2. Adoption of Resolution No. 19-3250 in Support of and in Partnership with the United States Census Bureau to Ensure a Complete and Accurate Count for the 2020 U.S. Census**

Moved by Mayor Dutrey, seconded by Council Member Ruh, and carried 4-0 that the City Council adopt Resolution No. 19-3250 in support of and in partnership with the United States Census Bureau to ensure a complete and accurate count for the 2020 US Census.

Mayor Dutrey presented **Ms. Lupe Camacho**, Partnership Specialist, **U.S. Census Bureau**, with a Proclamation in support of and in partnership with the **U.S. Census Bureau** to ensure a complete and accurate count for the 2020 U.S. Census.

**Ms. Camacho** thanked Mayor Dutrey, the City Council, and City staff for their support and commitment to this important and vital effort.

**VI. PUBLIC COMMENT**

**A. Ms. Corina Terrero, Montclair Towncenter (MTC)** resident/homeowner, presented a "Petition to Permanently Block and Dismiss the Permit Parking Request for the West Side section of the 9700 & 9800 block of Fremont Ave. Montclair, CA," signed by the residents and homeowners of **MTC**. She stated her opposition to the request for permit parking on the west side of Fremont Avenue, noting this is the third time she can recall this request being made, and believes

the real issue is illegal long-term parking that should be addressed by the Police Department. She submitted the petition to City Clerk Phillips.

- B. **Mr. Victor Mendez**, MTC HOA President, spoke in opposition to the petition for permit parking on Fremont Avenue. He stated he feels Mayor Pro Tem Raft is unfairly supporting the homeowners on the west side of Fremont Avenue and is not taking the residents of MTC into consideration.
- C. **Mr. Bruce Culp**, 9016 Sycamore Avenue, stated he supports the closure of the breezeway in favor of the expansion of City Hall.

## VII. PUBLIC HEARINGS

- A. **First Reading — Consider Ordinance No. 19-986 Amending Chapter 6.22 of the Montclair Municipal Code to Permit the Use of Certain Wheeled Recreational Devices in Designated Skateboarding/Skating Areas**

**Consider Setting a Public Hearing to Consider Second Reading and Adoption of Ordinance No. 19-986 for Tuesday, September 3, 2019, at 7:00 p.m. in the Montclair Senior Center (5111 Benito Street, Montclair)**

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 19-986 and invited comments from the public.

- 1. **Mr. Xavier Mendez**, 4588 Benito Street, spoke in support of the Ordinance, emphasizing the importance of cities adopting these changes to unite the skater and BMX communities.
- 2. **Mr. Robert Castillo** stated he owns a BMX traveling show company that has hosted educational performances at schools in the City. He thanked all who have supported this change and expressed his hope that the Council would adopt the changes for the youth.
- 3. **Mr. Bruce Culp**, 9016 Sycamore Avenue, stated he grew up in the area, and remembers the pipeline skateboard park at which all types of recreational riders would share the space. He stated he feels the park should be enjoyed by those of all abilities, not just those who can skateboard.

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

Mayor Pro Tem Raft stated her surprise to learn that wheelchairs would be permitted to use in the skate park.

Council Member Ruh stated many wheelchair-bound individuals participate in sports leagues and other recreational activities in their wheelchairs. He voiced his support of this change, stating it would also be wonderful for the youth of the community.

Moved by Council Member Johnson and seconded by Council Member Ruh that Ordinance No. 19-986, entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTER 6.22 ("REGULATION OF SKATEBOARDING/SKATING") OF THE MONTCLAIR MUNICIPAL CODE PERMITTING THE USE OF CERTAIN WHEELED RECREATIONAL DEVICES IN THE MONTCLAIR SKATE PARK AND OTHER DESIGNATED SKATEBOARD/ SKATING AREAS,**" 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 Tuesday, September 3, 2019, at 7:00 p.m. in the Montclair Senior Center (5111 Benito Street, Montclair) to consider second reading and adoption of Ordinance No. 19-986.

The City Council unanimously waived the reading of the Ordinance.

First reading of Ordinance No. 19-986 was unanimously adopted by the following vote:

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

## **VIII. CONSENT CALENDAR**

Mayor Dutrey requested Item C-4 be pulled from the consent calendar for comment.

City Manager Starr requested Item D-5 be pulled from the consent calendar and continued to the September 3rd meeting.

Moved by Council Member/Director Ruh, 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. Regular Joint Meeting — August 5, 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 August 5, 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 July 31, 2019.

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

The City Council approved the City Warrant Register dated August 19, 2019, totaling \$1,460,310.25; and the Payroll Documentation dated July 21, 2019, amounting to \$623,850.28 gross, with \$442,011.56 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 July 31, 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 07.01.19-07.31.19 in the amounts of \$11,741.06 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 July 31, 2019.

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

The MHC Board approved the MHC Warrant Register dated 07.01.19-07.31.19 in the amount of \$71,338.27.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending July 31, 2019.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 07.01.19–07.31.19 in the amount of \$0.00.

**9. Approval of the Filing of a Notice of Completion with the San Bernardino County Recorder for Completion of Contract by R Dependable Construction, Inc., for Construction of the Transcenter Canopy Repair Project**

**Authorizing Release of Retention of Payment Bond 30 Days After Recordation of Notice of Completion**

The City Council took the following actions:

- (a) Approved the filing of a Notice of Completion with the San Bernardino County Recorder for completion of contract by R Dependable Construction, Inc., for construction of the Transcenter Canopy Repair Project.
- (b) Authorized the release of retention of payment bond 30 days after recordation of Notice of Completion.

**10. Approval of the Filing of a Notice of Completion with the San Bernardino County Recorder for Completion of Contract by Hardy & Harper, Inc., for Construction of the Moreno Street Rehabilitation Project**

**Authorizing Release of Retention of Payment Bond 30 Days After Recordation of Notice of Completion**

The City Council took the following actions:

- (a) The City Council approved the filing of a Notice of Completion with the San Bernardino County Recorder for completion of contract by Hardy & Harper, Inc., for construction of the Moreno Street Rehabilitation Project.
- (b) The City Council authorized the release of retention of payment bond 30 days after recordation of Notice of Completion.

**11. Authorizing an Additional \$5,587 Appropriation from SB 1 and Pavement Impact Fee Funds for Construction of the San Jose Street Rehabilitation Project**

**Approval of the Filing of a Notice of Completion with the San Bernardino County Recorder for Completion of Contract by Gentry Brothers, Inc., for Construction of the San Jose Street Rehabilitation Project**

**Authorizing Release of Retention of Payment Bond 30 Days After Recordation of Notice of Completion**

The City Council took the following actions:

- (a) Authorized an additional \$5,587 appropriation from SB 1 and Pavement Impact Fee funds for construction of the San Jose Street Rehabilitation Project.
- (b) Approved the filing of a Notice of Completion with the San Bernardino County Recorder for completion of contract by Gentry Brothers, Inc., for construction of the San Jose Street Rehabilitation Project.
- (c) Authorized the release of retention of payment bond 30 days after recordation of Notice of Completion.

**12. Approval of a Debt Policy as Required by Government Code §8855(i) for New Debt Issuances After January 1, 2017**

The City Council approved a Debt Policy as required by Government Code §8855(i) for new debt issuances after January 1, 2017.

**13. Approval of a Request by Mills Family Housing Partners, L.P. (National Community Renaissance) Regarding Use of Construction Savings for Project Improvements at 10319 Mills Avenue (Vista Del Cielo)**

The Montclair Housing Authority Commissioners approved the request by Mills Family Housing Partners, L.P. (National Community Renaissance) regarding use of construction savings for project improvements at 10319 Mills Avenue (Vista Del Cielo).

**C. Agreements**

**1. Approval of Agreement No. 19-66 with Ontario-Montclair School District to Administer the Immunization Program at the Montclair Medical Clinic**

The City Council approved *Agreement No. 19-66* with Ontario-Montclair School District to administer the immunization program at the Montclair Medical Clinic.

**2. Approval of Agreement No. 19-72, a Memorandum of Understanding with the Montclair City Confidential Employees' Association (MCCEA) for the Period of July 1, 2019 to June 30, 2021**

The City Council approved *Agreement No. 19-72*, a Memorandum of Understanding with the Montclair City Confidential Employees' Association (MCCEA) for the period of July 1, 2019 to June 30, 2021.

**3. Approval of Agreement No. 19-73 with Matrix Audio Visual Designs, Inc., for the Purchase and Installation of Audio and Video Equipment in the City Council Chambers**

**Approval of Agreement No. 19-74 with Matrix Audio Visual Designs, Inc., for the Purchase and Installation of Audio and Video Equipment in the Montclair Senior Center**

**Authorizing a Transfer of \$92,534.60 from the PEG Fund for Audio-Video Technology Upgrades in the City Council Chambers and \$66,734.36 from the Technology Reserve Fund for Audio-Video Technology Upgrades in the Montclair Senior Center**

**Authorizing City Manager Edward C. Starr to Execute All Documents on Behalf of the City of Montclair in Relation to Agreement Nos. 19-73 and 19-74 with Matrix Audio Visual Designs, Inc.**

The City Council took the following actions:

- (a) Approved *Agreement No. 19-73* with Matrix Audio Visual Designs, Inc., for the purchase and installation of audio and video equipment in the City Council Chambers.
- (b) Approved *Agreement No. 19-74* with Matrix Audio Visual Designs, Inc., for the purchase and installation of audio and video equipment in the Montclair Senior Center.
- (c) Authorized a transfer of \$92,534.60 from the PEG Fund for audio-video technology upgrades in the City Council Chambers and \$66,734.36 from the Technology Reserve Fund for audio-video technology upgrades in the Montclair Senior Center.

(d) Authorized City Manager Edward C. Starr to execute all documents on behalf of the City of Montclair in relation to *Agreement Nos. 19-73 and 19-74* with Matrix Audio Visual Designs, Inc.

**5. Approval of *Agreement No. 19-79* Extending *Agreement No. 19-68* with West Coast Arborists for Tree Maintenance Services Through October 15, 2019**

The City Council approved *Agreement No. 19-79* extending *Agreement No. 19-68* with West Coast Arborists for tree maintenance services through October 15, 2019.

**D. Resolutions**

**1. Adoption of Resolution No. 19-3248 Adopting a Measure I Five-Year Capital Project Needs Analysis (CPNA) for Fiscal Years 2020-21 through 2024-25**

**Adoption of Resolution No. 19-3249 Adopting the Measure I Five-Year Local Street Capital Improvement Plan (CIP) for Fiscal Years 2019-20 Through 2023-24**

The City Council took the following actions:

(a) Adopted Resolution No. 19-3248 adopting a Measure I Five-Year Capital Project Needs Analysis (CPNA) for Fiscal Years 2020-21 through 2024-25.

(b) Adopted Resolution No. 19-3249 adopting the Measure I Five-Year Local Street Capital Improvement Plan (CIP) for Fiscal Years 2019-20 through 2023-24.

**3. Adoption of Resolution No. 19-3251 in Support of Balanced Energy Solutions and Local Control of Energy Choices**

The City Council adopted Resolution No. 19-3251 in support of balanced energy solutions and local control of energy choices.

**4. Adoption of Resolution No. 19-3252 Delegating Authority to the City Manager to Make Applications, Determine Disability Status, Authorize Reinstatements, and Certify Such Determinations on Behalf of the City for Disability Retirements with the California Public Employees' Retirement System (CalPERS)**

The City Council adopted Resolution No. 19-3252 delegating authority to the City Manager to make applications, determine disability status, authorize reinstatements, and certify such determinations on behalf of the City for disability retirements with the California Public Employees' Retirement System (CalPERS).

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**4. Approval of *Agreement Nos. 19-75, 19-76, 19-77, and 19-78* with Montclair Little League, Golden Girls Softball League, and All Cities Youth Baseball for Use of Ball Field Facilities**

Mayor Dutrey emphasized his commitment to improving parks and the City's support of youth sports leagues.

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried unanimously 4-0 that the City Council approve *Agreement Nos. 19-75, 19-76, 19-77, and 19-78* with Montclair Little League, Golden Girls Softball League, and All Cities Youth Baseball for use of ball field facilities.

**D. Resolutions**

- 5. Adoption of Resolution No. 19-01 Approving the Issuance of Refunding Bonds in Order to Refund Certain Outstanding Bonds of the Dissolved City of Montclair Redevelopment Agency, Approving the Execution and Delivery of an Indenture of Trust Relating Thereto, Requesting Oversight Board Approval of the Issuance of the Refunding Bonds, Requesting Certain Determinations by the Oversight Board, and Providing for Other Matters Properly Relating Thereto**

Moved by Director Ruh, seconded by Director Johnson, and carried unanimously 4-0 that the Successor Agency Board of Directors continue this item to the next regular joint meeting to be held Tuesday, September 3, 2019, at 7:00 p.m. in the Montclair Senior Center.

**X. RESPONSE**

- A. Consider Approval of the Plans and Specifications for the City of Montclair Office Remodel Expansion Project (City Hall Phase 2 Remodel Project)**

**Consider Authorizing Staff to Advertise for Bid Proposals for Construction of the Project**

City Manager Starr noted the agenda report on this item includes additional information about the project. He stated the plans were reviewed by the Public Works Committee and that, while the project would eliminate the breezeway between City Hall and the Youth Center, it would improve safety for employees and the public and provide additional office and conference room space for staff. He also discussed the various nuisances caused for employees and the public by the breezeway including the amplification of noises, attraction for mischievous activities, and the collection of trash.

Council Member Johnson stated she believes it would not be a problem if seniors choosing to park on Benito Street would still be able to access the Senior Center by traveling through City Hall.

Mayor Dutrey concurred, noting City Hall has the added benefit of air conditioning and seating areas in the east and west lobbies.

Moved by Mayor Pro Tem Raft, seconded by Council Member Ruh, and carried 4-0 that the City Council take the following actions in relation to the City of Montclair Office Remodel Expansion Project (City Hall Phase 2 Remodel Project):

1. Approve the plans and specifications for the Project; and
2. Authorize staff to advertise for bid proposals for construction of the Project.

**XI. COUNCIL WORKSHOP**

- A. Overview of Safe Routes to School and Active Transportation Plan**

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried unanimously 4-0 that this item be continued to an adjourned meeting of the City Council to be held on Tuesday, September 3, 2019, at 5:45 p.m. in the South Conference/Theatre Room (5111 Benito Street, Montclair).

**XII. COMMUNICATIONS**

- A. City Department Reports**

- 1. Public Works Department**

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

- **San Bernardino County Transportation Authority (SBCTA) I-10 Corridor Project — Status**

He reported **SBCTA** would begin construction on the I-10 Freeway to widen and add express lanes in Spring of 2020 and construction would continue through 2023.

- **Monte Vista Avenue/UPRR Grade Separation Project — Status and Scheduling of Ribbon Cutting Ceremony**

He noted **SBCTA**, the lead agency, is nearing completion on this project and is planning a ribbon cutting ceremony for Monday, September 23, 2019, at 10:00 a.m.

2. **Human Services Department — KaBOOM! Project at MacArthur Park Update**

Human Services Director Richter noted in May the City was awarded a grant by **KaBOOM!** and **Krispy Kreme** to engage the community to design and build a playground at **MacArthur Park**. She announced “Design Day” will be held on August 29th at 5:00 p.m. in the Youth Center to kick off the project. She advised a collaborative team from both the Public Works and Human Services Departments will then continue to meet with **KaBOOM!** weekly until “Playground Build Day” on October 23rd, at which over 125 community members will come together to build the playground in a few short hours.

**B. City Attorney**

City Attorney Robbins noted the City Council would no longer need to meet in closed session regarding the following item:

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

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

**D. Mayor/Chair**

Mayor/Chair Dutrey made the following comments:

1. He noted his regret at being unable to attend the **Metro Gold Line Foothill Extension Construction Authority** meeting.
2. He requested staff provide a report to the Council discussing the petitions for and against permit parking on Fremont Avenue, and including potential and recommended solutions to the issue.

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

1. Mayor Pro Tem/Vice Chair Raft made the following remarks:
  - (a) She noted she is not solely supporting the proponents of permit parking, and stated her understanding that the newly submitted petition against permit parking would come to the City Council after it is discussed and recommendations are made at the next Public Works Committee meeting.
  - (b) She reported **Montclair High School** recently held an active shooter training that involved the Police and Fire Departments and advised that everyone should be more alert and adhere to the advice that if you “see something, say something.”
2. Council Member/Director Johnson invited the public to attend a groundbreaking event hosted by the **Chamber of Commerce** for the **Alta Vista Medical Center** to take place tomorrow morning at 10:00 a.m.
3. Council Member/Director Ruh advised the **Gold Line Joint Powers Authority Board** voted unanimously to support the Gold Line’s extension all the way to Montclair, and emphasized



the fact that few regional projects have unanimous support from all cities.

**F. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of March 21, 2019**

The City Council received and filed the minutes of the Public Works Committee meeting of March 21, 2019, for informational purposes.

**2. Minutes of Personnel Committee Meeting of August 5, 2019**

The City Council received and filed the minutes of the Personnel Committee meeting of August 5, 2019, for informational purposes.

**XI. CLOSED SESSION — None**

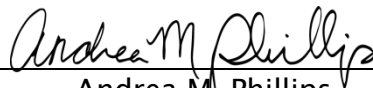
**XII. CLOSED SESSION ANNOUNCEMENTS — None**

**XIII. ADJOURNMENT**

At 8:03 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 8:03 p.m., Mayor Dutrey adjourned the City Council to Tuesday, September 3, 2019, at 5:45 p.m. in the South Conference/Theatre Room (5111 Benito Street) for a Council Workshop related to the Safe Routes to School and Active Transportation Plans.

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