

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, OCTOBER 21, 2019, AT 7:00 P.M. IN THE MONTCLAIR SENIOR CENTER, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Minister Jimmy Crowell, Calvary Montclair, provided 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 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

V. PRESENTATIONS

A. Recognition of Montclair Resident Joe Salaiz for Serving as 2018–2019 State Deputy for the California State Council of the Knights of Columbus

Mayor Dutrey presented Mr. Joe Salaiz with a plaque recognizing his service for the past year as the Knights of Columbus State Deputy.

Mr. Salaiz thanked Mayor Dutrey and the City Council for its support.

VI. PUBLIC COMMENT

Mr. Bruce Culp, 9016 Sycamore Avenue, Montclair, noted he was proud to learn that Congresswoman Norma Torres is working to get the Montclair Post Office renamed in honor of the late Mayor Paul M. Eaton.

VII. PUBLIC HEARINGS

A. First Reading — Consider Ordinance No. 19-987 Amending Section 8.36.150 of the Montclair Municipal Related to Additional Parking Regulations on City-Owned Property

Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 19-987 for Monday, November 4, 2019, at 7:00 p.m. in the City Council Chambers, 5111 Benito Street, Montclair

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 19-987 and invited comments from the public.

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 consideration.

Council Member Ruh asked if this would apply to parking on streets and at City parks.

City Manager Starr advised parking restrictions would apply to the parking lots at City parks where posted, likely to restrict overnight parking. He noted there have been recent issues with tour bus

companies allowing their customers to leave their cars at public parking lots for several days during the trip, removing the availability of those parking spaces for users of the parks and other City facilities.

Council Member Ruh noted the tour bus customers could also be Montclair residents, and he does not want to remove the availability of free parking for residents.

City Manager Starr advised the City operates its own tour bus out of the Senior Center, which serves mainly City residents, and this service would not be impacted. He noted private companies should rent parking spaces for their customers to store their vehicles for extended periods of time during trips.

Council Member Ruh indicated he would oppose any effort to charge for parking on public streets and parking lots or to impose short hourly restrictions.

Moved by Council Member Johnson, seconded by Mayor Pro Tem Raft, and carried 4-0 that Ordinance No. 19-987, entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SECTION 8.36.150 OF CHAPTER 8.36 OF THE MONTCLAIR MUNICIPAL CODE TO AUTHORIZE ADDITIONAL PARKING REGULATIONS AS TO CITY STREETS, ALLEYS, AND PUBLICLY-OWNED PROPERTY,**" 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, November 4, 2019, at 7:00 p.m. in the City Council Chambers or the Montclair Senior Center (depending on construction status — both located at 5111 Benito Street, Montclair) to consider second reading and adoption of Ordinance No. 19-987.

First Reading of Ordinance No. 19-987 was adopted 4-0, and a Public Hearing for its Second Reading was set by the following roll call vote:

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

VIII. CONSENT CALENDAR

Council Member Johnson requested Item B-9 be pulled from the consent calendar for questions.

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. Regular Joint Meeting — October 7, 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 October 7, 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 September 30, 2019.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 21, 2019, totaling \$1,507,315.81; and the Payroll Documentation dated September 29, 2019, amounting to \$638,294.36 gross, with \$462,591.42 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 September 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 09.01.19-09.30.19 in the amounts of \$5,144.41 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 September 30, 2019.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 09.01.19-09.30.19 in the amount of \$63,437.18.

7. Receiving and Filing of MHA Treasurer's Report

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

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 09.01.19-09.30.19 in the amount of \$0.00.

C. Agreements

1. Approval of *Agreement No. 19-96*, the Third Amendment to *Agreement No. 17-75* with Dudek Regarding Preparation of the Environmental Documentation for the Montclair Place District Specific Plan

The City Council approved *Agreement No. 19-96*, the third amendment to *Agreement No. 17-75* with Dudek regarding preparation of the environmental documentation for the Montclair Place District Specific Plan.

2. Approval of *Agreement No. 19-97* with All's Well Healthcare Services to Provide Staffing Recruitment Services for the Montclair Medical Clinic

The City Council approved *Agreement No. 19-97* with All's Well Healthcare Services to provide staffing recruitment services for the Montclair Medical Clinic.

3. Rejecting Bid Proposal from R Dependable Construction Inc., for the City of Montclair City Hall Remodel Phase 2 Project

Award of Contract for the City of Montclair City Hall Remodel Phase 2 Project to Rasmussen Brothers Construction, Inc., in the Amount of \$862,833

Approval of Agreement No. 19-98 with Rasmussen Brothers Construction, Inc., for Construction of the City of Montclair City Hall Remodel Phase 2 Project

Authorization of a \$90,000 Construction Contingency for the City of Montclair City Hall Remodel Phase 2 Project

The City Council took the following actions in relation to the City of Montclair City Hall Remodel Phase 2 Project:

- (a) Rejected bid proposal from R Dependable Construction Inc., for the Project.
 - (b) Awarded contract for the Project to Rasmussen Brothers Construction, Inc., in the amount of \$862,833.
 - (c) Approved *Agreement No. 19-98* with Rasmussen Brothers Construction, Inc., for construction of the Project.
 - (d) Authorized a \$90,000 construction contingency for the Project.
4. **Approval of *Agreement No. 19-99* Extending *Agreement No. 19-79* with West Coast Arborists for Tree Maintenance Services Through December 15, 2019**

The City Council approved *Agreement No. 19-99* extending *Agreement No. 19-79* with West Coast Arborists for tree maintenance services through December 15, 2019.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

9. **Authorizing the Creation of an Information Relations Officer Position in the City Manager's Department**

Authorizing the Transfer of an Amount Not to Exceed \$94,816 from the Unanticipated Personnel Adjustment Reserve Fund to the City Manager Department Personnel Budget

Council Member Johnson asked if the position was calculated at the maximum step in salary in order to ensure funding, or if the person hired would begin at that step.

City Manager Starr indicated all positions to be filled are budgeted at "Step E" to ensure the position is funded, and to allow room for starting salary negotiations with qualified candidates. He added most candidates begin at Step A.

Council Member Ruh stated he feels the salary is too high, and the City could hire a consultant to do this job for much less. He added the City would be responsible for CalPERS pension contributions with the creation of this position.

Mayor Dutrey pointed out a dedicated employee would be more beneficial to residents than a contractor, and would not be split between other organizations.

Moved by Council Member Johnson, seconded by Mayor Pro Tem Raft, and carried 3-1 with opposition from Council Member Ruh, that the City Council take the following actions:

- (b) Authorize the creation of an Information Relations Officer position in the City Manager's Department.
- (c) Authorize the transfer of an amount not to exceed \$94,816 from the Unanticipated Personnel Adjustment Reserve Fund to the City Manager Department Personnel Budget.

X. RESPONSE

A. Consider Receiving and Filing a Permit Parking Request for the 9700 and 9800 Block of Fremont Avenue or Providing Direction to Staff in Relation Thereto

City Manager Starr noted the City Council may take any of the following actions in relation to this item:

- 1. Receive and file the report with no action taken; or

2. Direct City staff to develop a permit parking program for the west side of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north; or
3. Direct City staff to develop a permit parking program for both sides of Fremont Avenue, between Benito Street to the south and San Bernardino Street to the north; or
4. Direct City staff to pursue development of a citywide parking management study and strategy.

Mayor Pro Tem Raft stated she feels Option No. 4 would be appropriate because she knows of several areas throughout the community that could benefit from a citywide parking management program.

Council Member Ruh stated public streets are paid for by the public, and homeowners do not have exclusive rights to park on the curb in front of their homes. He proposed residents wanting exclusive parking in front of their homes should have a petition signed by all their neighbors on the street to convert it into a private street and pay assessments on their homes for the maintenance of their private street. He stated he would support Option No. 1 to file the report and take no action on this item, and revisit the issue again in the future if it continues to be a problem.

Council Member Johnson stated she feels there is no solution to this problem that will satisfy everyone and supported Option No. 1 to leave the issue alone.

Mayor Dutrey concurred with Option No. 1, noting the street parking issue may become worse after equivalent dwelling units are permitted in the City as required to address regional housing shortages. He noted at that time it may be appropriate to revisit the issue and consider Option No. 4.

Mayor Pro Tem Raft stated she would go along with Option No. 1 if everyone feels that way, but she would like to consider Option No. 4 in the future to address citywide parking issues.

Moved by Mayor Dutrey, seconded by Council Member Ruh, and carried 4-0 that the City Council receive and file a report related to a permit parking request for the 9700 and 9800 block of Fremont Avenue.

XI. BUSINESS ITEMS

A. Consider and Select from Options Related to Filling a Vacancy on the City Council

Ms. Sousan Elias, 9960 Coalinga Avenue, Montclair, stated she hopes that, in honor of the late Council Member Martinez, the City Council will appoint a resident who is not heavily involved with the City, seeing as **Mrs. Martinez** was not serving in any official capacity for the City before her election to the City Council.

Council Member Ruh stated he would only support calling a special election to fill the seat.

Council Member Johnson stated she felt the last appointment process for a City Council vacancy earlier this year was very rushed, and the process was very stressful as an applicant. She noted she would still prefer to go forward with appointing to avoid the cost of a special election.

Council Member Ruh stated if the City can afford to create a new position and to increase salary of Council Members, then it should be able to afford a special election.

Mayor Pro Tem Raft asked if the process could be run similar to how Commissioners are appointed, with the selection made based on scored interviews.

Mayor Dutrey indicated this is a political process and he does not feel

the Council's authority to make a decision on who to appoint should be based on a point system.

Mayor Dutrey stated his preference that an application and interview process be initiated, with the interviews being held as soon as possible after the October 31st application deadline.

Council Member Ruh stated he would not be available the week of November 4th.

Mayor Dutrey stated interviews could be held beginning at 5:30 p.m. in the City Council Chambers the week of November 12th and would be held as special meetings; and additional meetings could be held on the week of the 18th if necessary.

Council Member Johnson requested the appointment not be postponed until November 21st, the final day the City Council is required by law to fill the vacancy or call a special election.

Moved by Mayor Dutrey, seconded by Council Member Johnson, and carried 3-1 with opposition from Council Member Ruh, that the City Council initiate an application, interview, and appointment process in which applications would be accepted at City Hall from Montclair residents during the established filing period beginning October 22, 2019, and ending October 31, 2019, at 5:00 p.m.; qualified applicants would be interviewed by the City Council *en banc* at special meetings to be held in the City Council Chambers at 5:30 p.m. on the weeks of November 12th and November 18th; and an appointment would be made from among the candidates.

XII. COUNCIL WORKSHOP

A. Gold Line Update

Moved by Mayor Dutrey, seconded by Council Member Ruh, and carried unanimously 4-0 that this item be continued to an adjourned meeting of the City Council to be held on Monday, November 4, 2019, at 5:45 p.m. in the City Council Chambers, 5111 Benito Street, Montclair.

Mayor Dutrey noted he is also looking into requesting a joint meeting of the city councils of Montclair, Claremont, and Pomona, and also inviting the **Los Angeles Metropolitan Transportation Authority**, **Southern California Regional Rail Authority (Metrolink)**, **Metro Gold Line Foothill Extension Construction Authority** and the **San Bernardino County Transportation Authority (SBCTA)** to the table to discuss an alternative proposal by **SBCTA** to explore in case the Gold Line is not constructed to Montclair.

XIII. COMMUNICATIONS

A. City Department Reports

1. Human Services Department — Upcoming Events

Human Services Director Richter requested the City Council and community mark their calendars for upcoming events during the rest of October:

- ***KaBoom! Playground Build Day*** will be held this Wednesday, October 23 from 8:00 a.m. to 3:00 p.m. at **MacArthur Park**. In partnership with **KaBOOM!** and **Krispy Kreme Doughnuts**, a team of 200+ volunteers will build a playground in just ONE day! If you would like to help support our build project by making a donation or to sign up as a volunteer, please see the flyer for additional information.
- ***Lights on After School*** will be held this Thursday, October 24 from 6:30 to 8:00 p.m. in the Community Center. The event features visual arts, dance, drama, and music, created and performed by participants in all twelve of Montclair's After-School Program (MAP) sites.

- The *Children's Halloween Party* is coming up on Thursday, October 31 from 5:30 to 8:00 p.m. at **Montclair Place** (please note the new location for 2019). There will be games, candy, selfie photo stations, refreshments, and a costume contest. Flyers are available with more information.

Human Services Director Richter noted one announcement for November: Applications for the Toy and Food Basket Program will be accepted on Monday and Tuesday, November 4th and 5th from 3:30 to 6:00 p.m. in the Community Center. Baskets will be available for families that reside in Montclair and meet specific income guidelines.

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 54956.9(d)(1) Regarding Pending Litigation

Carrillo v. Montclair, Conley v. Montclair, Correla v. Montclair, Johnson v. Montclair, Pipersky v. Montclair

2. Closed Session Pursuant to Government Code Section 54956.9(d)(4) Regarding Potential Litigation

1 Potential Case

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

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

C. City Manager/Executive Director — No comments

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He noted he attended the Building Industry Association luncheon at which the **Southern California Association of Governments'** Regional Housing Needs Assessment was discussed.
2. He reported last week he and Council Member Johnson attended the **League of California Cities'** Annual Conference in Long Beach.
3. He stated last Saturday he and Council Member Johnson participated in the *Youth Talent Show* at the Community Center that was put on by the Montclair Youth Center. He noted Council Member Johnson was a judge and the performances were great.
4. He noted last Thursday, he and Council Member Ruh attended the Annual Gala hosted by **National Community Renaissance (National CORE)** to raise money for their housing and social services programs. He added the week prior, he and Council Member Ruh met with **National CORE** and **Congresswoman Torres** to discuss affordable housing in Montclair.
5. He recognized the Fire, Public Works, and Police Departments for their efforts and teamwork related to a fire incident that occurred last week at a mobile home park.
6. He announced, noting many have likely already read in the newspaper, that **Congresswoman Torres** has introduced a

Resolution to rename the Montclair Post Office in memory of former **Mayor Paul M. Eaton**, which was approved by the House of Representatives and now awaits Senate consideration, after which it will go to the President's desk for signature.

7. He noted last Tuesday the City held its annual Community Health Fair, which was well-attended. He commended Director of Human Services Richter and her staff for putting on another great event.
8. He offered his condolences to Community Activities Commissioner Arturo Padilla and his family, noting **Mr. Padilla's** mother, **Mrs. Castula Padilla**, passed away yesterday.

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

1. Mayor Pro Tem/Vice Chair Raft made no comments.
2. Council Member/Director Johnson advised residents can bring their e-waste for recycling to the **Montclair Chamber of Commerce**, located at 8880 Benson Avenue, on October 26th and 27th from 9:00 a.m. to 3:00 p.m. She urged everyone to take this opportunity to get rid of old electronics taking up space in their garages.
3. Council Member/Director Ruh made the following comments:
 - (a) Two weekends ago he participated in an emergency preparedness workshop held by **Assembly Member Freddie Rodriguez**. He noted the workshop covered several different emergency scenarios including earthquakes, fires, gas leaks, and floods; how to prepare for emergencies at home; how and what to pack in an emergency kit and where to store them; and information from our Police and Fire Departments.
 - (b) He noted he attended a recent General Plan Focus Group workshop where he recommended the City explore a plan to implement Smart Lights, which are traffic signals that use artificial intelligence to detect how to improve traffic flow.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of October 7, 2019

The City Council received and filed the minutes of the Personnel Committee meeting of October 7, 2019, for informational purposes.

XIV. CLOSED SESSION

Mayor Dutrey announced he would be abstaining from participating in the discussion/vote for *Pipersky v. Montclair*.

Council Member Johnson announced she would be recusing herself from the discussion/vote for *Johnson v. Montclair*.

At 8:17 p.m., the City Council went into closed session to discuss pending and potential litigation and labor negotiations.

At 8:45 p.m., Council Member Ruh left the meeting.

XV. CLOSED SESSION ANNOUNCEMENTS

At 9:05 p.m., the City Council returned from closed session.

Mayor Dutrey made the following announcements:

- Information was received regarding potential litigation from the City Attorney and direction was given to staff;

- Council Member Ruh left the meeting after potential litigation was discussed, thus a quorum was not present to discuss pending litigation matters of *Pipersky v. Montclair* or *Johnson v. Montclair* due to the recusals of Mayor Dutrey and Council Member Johnson from those cases, respectively;
- Information was received from the City Attorney regarding the remaining three cases of pending litigation and from the City's designated labor negotiator regarding labor negotiations and direction was given to staff related to those matters;
- No further announcements would be made at this time.

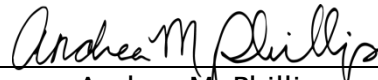
XVI. ADJOURNMENT

At 9:06 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 9:06 p.m., Mayor Dutrey adjourned the City Council to Monday, November 4, 2019, at 5:45 p.m. in the Theater Room for a Council Workshop related to a Gold Line Update.

The meeting was adjourned in memory of **Mrs. Castula Padilla**, a resident and mother of Community Activities Commissioner Arturo Padilla.

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