

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, NOVEMBER 4, 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

Pastor Donald Rucker, Christian Development Center, gave the invocation.

III. PLEDGE OF ALLEGIANCE

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

V. PRESENTATIONS

A. **Introduction of New Police Department Employees — Police Officers Augustine Tejas, Jesse James, and James Quiroz**

Executive Director of Public Safety/Police Chief Avels introduced three recently hired Police Officers Augustine Tejas, Jesse James, and James Quiroz.

Mayor Dutrey, Mayor Pro Tem Raft, and Council Members Ruh and Johnson welcomed Officers Tejas, James, and Quiroz to the Montclair City family.

B. **Introduction of Public Works Department Promotees — Engineering Division Manager Steve Stanton and Assistant Public Works Superintendent Jim Diaz**

Public Works Director/City Engineer Castillo introduced newly promoted employees, Engineering Division Manager Steve Stanton who promoted from Project Manager, and Assistant Public Works Superintendent Jim Diaz, who promoted from Public Works Inspector.

Mayor Dutrey, Mayor Pro Tem Raft, and Council Members Ruh and Johnson congratulated Mr. Stanton and Mr. Diaz on their promotions.

VI. PUBLIC COMMENT

- A. **Ms. Mary Hill**, resident, requested the City Council consider adopting an ordinance outlawing children playing in public streets, noting several children have been playing ball games in the street in front of her home on Greycliff Avenue. She stated their actions have resulted in property damage and trespassing on private property to retrieve their balls. She also noted it is not a safe place for children to be playing.

Ms. Hill stated that prior to the meeting she provided a letter to the Mayor and each Council Member citing a law in the City of Los Angeles that states, *“No person shall play ball or any game of sport*

with a ball or football or throw, cast, shoot or discharge any stone, pellet, bullet, arrow or any other missile, in, over, across, along or upon any street or sidewalk or in any public park, except on those portions of said park set apart for such purposes."

City Manager Starr indicated this issue would be forwarded to the Code Enforcement/Public Safety Committee for review and to provide a recommendation to the City Council.

- B. **Mr. Eric Reese** proposed the City seek partnerships with State and County agencies to pave roadways with porous reflective pavements in response to climate change. He discussed the many benefits of using this material, noting its tolerance to damage from earthquakes, heat, and water resulting in fewer potholes and reduced maintenance costs and construction pollutants; serving as a natural filtration system for groundwater; and providing for a safer and healthier environment for residents.

Mayor Dutrey thanked **Mr. Reese** for his comments, noting he heard him speak about this issue at several other public meetings including the **San Bernardino County Transportation Authority Board**.

VII. PUBLIC HEARINGS

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

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

- 1. **Mr. Bruce Culp**, 9016 Sycamore Avenue, asked if a resident who needed to park overnight could get an exemption, noting with the new multifamily residential developments coming in north Montclair many residents may have a need for emergency overnight parking.

City Manager Starr indicated there would be temporary allowances made for emergency situations.

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.

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, that it be adopted.

Second Reading of Ordinance No. 19-987 was unanimously adopted 4-0, by the following roll call vote:

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

VIII. CONSENT CALENDAR

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 Consent Calendar, as presented:

- A. **Approval of Minutes**

- 1. **Regular Joint Meeting — October 21, 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 21, 2019 regular joint meeting.

B. Administrative Reports

1. Authorizing a Request from the Human Services Department to Defund the Part-Time Medical Clinic Specialist-LVN and Medical Clinic Coordinator-RN Positions from the FY 2019-20 Budget

Authorizing the Creation of a Full-Time Medical Clinic Specialist-LVN Position in the Human Services Department

Authorizing the Transfer of an Amount Not to Exceed \$18,436 from the Unanticipated Personnel Adjustment Reserve Fund to the Human Services Department Personnel Budget

The City Council took the following actions:

- (a) Authorized a request from the Human Services Department to defund the part-time Medical Clinic Specialist-LVN and Medical Clinic Coordinator-RN Positions from the FY 2019-20 Budget.
- (b) Authorized the creation of a full-time Medical Clinic Specialist-LVN position in the Human Services Department.
- (c) Authorized the transfer of an amount not to exceed \$18,436 from the Unanticipated Personnel Adjustment Reserve Fund to the Human Services Department personnel budget.

2. Authorizing a \$6,402 Appropriation from the Contingency Fund for the Repair of the Police Facility Generator Fuel Transfer Pump and Supply Line

Approval of a Purchase Order with Yale Chase for the Repair of the Police Facility Generator Fuel Transfer Pump and Supply Line in the Amount of \$5,402

The City Council took the following actions:

- (a) Authorized a \$6,402 appropriation from the Contingency Fund for the repair of the police facility generator fuel transfer pump and supply line.
- (b) Approved of purchase order with Yale Chase for the repair of the police facility generator fuel transfer pump and supply line in the amount of \$5,402.

3. Delegating to the City Attorney the Authority to Enter into Interim Retainer Agreements with Special Legal Counsel

The City Council delegated to the City Attorney the authority to enter into interim retainer agreements with special legal counsel.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 4, 2019, totaling \$1,125,790.89; and the Payroll Documentation dated October 13, 2019, amounting to \$649,159.45 gross, with \$456,031.25 net being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 19-91 with San Bernardino

County Transportation Authority Amending *Agreement No. 16-41* for the Construction Phase of the Grade Separation at Monte Vista Avenue

The City Council approved *Agreement No. 19-91* with San Bernardino County Transportation Authority amending *Agreement No. 16-41* for the construction phase of the Grade Separation at Monte Vista Avenue.

D. Resolutions

1. Adoption of Resolution No. 19-3255 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 19-3255 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS

A. Consider Adoption of Resolution No. 19-02 Approving the Preliminary and Final Official Statements, Approving the Execution and Delivery of a Continuing Disclosure Certificate, and Providing for Other Matters Properly Relating Thereto

Moved by Director Ruh, seconded by Vice Chair Raft, and carried unanimously 4-0 that the Successor Agency Board adopt Resolution No. 19-02 approving the Preliminary and Final Official Statements, approving the execution and delivery of a Continuing Disclosure Certificate, and providing for other matters properly relating thereto.

B. Consider Determining the Applicants to be Interviewed and Considered for Appointment to Fill a Vacancy on the City Council

Consider Directing the City Clerk to Randomly Determine the Sequential Order in Which Applicants will be Interviewed

Consider Calling a Special Meeting of the City Council to be Held at 5:30 p.m. on Tuesday, November 12, 2019, in the City Council Chambers to Conduct Interviews and to Consider Nominees to Fill a Vacancy on the City Council

City Manager noted twelve residents applied for the vacancy, and all applicants meet the minimum requirement of being a registered voter in the City of Montclair.

Mayor Dutrey proposed all twelve applicants be interviewed, and that the interviews be scheduled to take place at a special meeting on Tuesday, November 12, 2019, at 5:30 p.m. in the City Council Chambers.

The City Council discussed and tentatively agreed to consider making an appointment at its regular meeting on Monday, November 18, 2019, at 7:00 p.m. in the City Council Chambers.

Mayor Dutrey proposed reserving November 20th at 5:30 p.m. for the City Council to meet to further consider appointment or calling a special election, if needed. Mayor Pro Tem Raft and Council Members Ruh and Johnson confirmed their availability if such a meeting is needed.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Raft, and carried unanimously 4-0 that the City Council take the following actions:

1. Determine that all twelve applicants be interviewed and considered for appointment to fill a vacancy on the City Council;
2. Direct the City Clerk to randomly determine the sequential order in which applicants will be interviewed; and

3. Call a special meeting of the City Council to be held at 5:30 p.m. on Tuesday, November 12, 2019, in the City Council Chambers to conduct interviews.

Mayor Dutrey directed City Clerk Phillips to determine the random order in which applicants would be interviewed.

City Clerk Phillips stated the order of applicants would be randomized a certain number of times determined by a physical dice roll, using an online List Randomizer located at <https://www.random.org/lists>. She stated the list of applicants was entered into the online List Randomizer in alphabetical order by last name. She rolled a 12-sided dice, resulting in a 4. After randomizing the list of names 4 times, the resulting order was as follows:

- | | |
|------------------------|-----------------------------|
| 1. Sousan D. Elias | 7. George RJ Tellez |
| 2. David W. Schroeder | 8. Edgar Gallegos |
| 3. Benjamin Lopez | 9. Bruce E. Culp |
| 4. Rosa Rangel | 10. Corysa Martinez |
| 5. Anna Marie Salaiz | 11. Juliet Orozco |
| 6. Donald R. Alexander | 12. Virginia "Ginger" Eaton |

Mayor Dutrey announced the City Clerk would post the order of interviews on the City's website by noon tomorrow.

XI. COMMUNICATIONS

A. City Department Reports

1. Human Services Department — Upcoming Events

Human Services Director Richter provided the following reports regarding past events and upcoming programs:

- On Wednesday, October 23rd, over 300 dedicated volunteers—including **KaBOOM!** staff members, **Krispy Kreme** employees, elected officials, City employees, and community members—met at **MacArthur Park** to build a playground in just one day.

Each volunteer was assigned to a project group with a playspace installation expert. Groups focused on building different parts of the playground, such as installing the playground's support posts, mixing and pouring cement; assembling the shade structures, slides, and swing set; carrying pounds and pounds of rubber mulch to lay a 6-inch base; and painting the community mural designed by local artist **Guillermo Luna** from **Memo's Canvas**.

A special thanks goes out to Mayor Dutrey, Council Member Johnson, **Fourth District County Supervisor Curt Hangman**, City employees from all departments—especially the Human Services and Public Works Departments, and the 300+ volunteers for all of their hard work on Build Day. We would also like to thank our many community sponsors for generously donating food, water, tools, supplies, and funds along with **KaBOOM!** and **Krispy Kreme Doughnuts**, in support of the **MacArthur Park** Playground Build Day project.

- On Thursday, October 24, the Montclair After-School Program (MAP) hosted its annual *Lights on After-School* event in the Community Center. The event was themed "Night at the Museum" and featured projects highlighting all twelve MAP sites. The Geek Squad from **Serrano Middle School** as well as students from **Lehigh, Ramona, Kingsley, and El Camino** performed dance routines, and

students from **Montera Elementary School** also presented a computer animation.

The event was attended by approximately 350 guests, including Mayor Dutrey, Mayor Pro Tem Raft, Council Member Johnson, Lead After-School Program Specialist **John Duran** from the office of the **San Bernardino County Superintendent of Schools**, and Principal **Sultana Dixon** and Elementary Administrator **Kim Martindale** from **Monte Vista Elementary School**. Thank you to all who help make this program such a success!

- The *Children's Halloween Party* was held last Thursday in collaboration with **Montclair Place**. The event included games and activities spread throughout the lower level of the mall, the popular costume contest, an interactive dancing game, refreshments, trick-or-treating at more than 70 mall stores, and the *Nightmare on Moreno Street* selfie station. Mayor Dutrey, Mayor Pro Tem Raft, and Council Member Ruh attended along with several Community Activities Commission members.
- *Toy and Food Basket Program* — On Thursday and Friday afternoon, from 3:30 to 8:00 p.m., the Human Services Department will be processing applications for the annual *Food and Toy Basket Program*. In its 34th year, the program provides qualified low-income Montclair residents with a full holiday dinner, a box of additional food, and new toys for every child under 18 years of age provided exclusively through donations from local businesses and individuals.
- *Military Banner Program* applications will be accepted at the Recreation Center through Thursday, November 7th. The program provides complimentary banners for those currently serving in the armed forces who live in Montclair or graduated from **Montclair High School**. Banners can also be purchased for \$200 for veterans who have been honorably discharged and reside in the City. Banners will be hung on Montclair streets in early Spring.

2. **Public Works Department — Central Avenue Rehabilitation Construction Update**

Public Works Director/City Engineer Castillo stated the project has begun with paving at the south end of Central Avenue, as well as the installation of a recycled water line for the future drought-tolerant landscaping that will be installed in the median islands.

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

Torres v. Montclair

Johnson v. Montclair

Pipersky v. Montclair

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

Council Member Johnson announced she would recuse herself from participating in the discussion/vote for *Johnson v. Montclair*.

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

D. **Mayor/Chair**

Mayor/Chair Dutrey made the following comments:

1. He reported learning that the **Tiki Drive-In Theater** will be closing by the end of the year and noted he hopes the property will be transformed into a good new use in the future.
2. He stated the **KaBOOM!** event was amazing, thanked the event's wonderful sponsors, and encouraged all community members to come see the beautiful new playground at **MacArthur Park**.
3. He noted the *Children's Halloween Party* at **Montclair Place** was a great event and he hopes it will continue to grow and improve at its new location.
4. He praised the *Lights On After-School* event, noting he was very impressed with the **MAP** kids' talent.
5. He recognized Montclair's firefighters for their recent efforts in putting out several fires in the community, as well as those battling the larger wildfires across the state.
6. He reported he met with Superintendent **James Q. Hammond** of the **Ontario-Montclair School District**, during which they discussed strengthening the relationship between the City and the School District and working together more effectively.

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

1. Mayor Pro Tem/Vice Chair Raft made the following comments:
 - (a) She attending the *Lights On After-School* event and was so impressed with the **MAP** kids and their creativity.
 - (b) She noted the *Halloween Party* was a fun event that she feels will improve every year at its new location.
 - (c) While she was unable to attend Playground Build Day, she thanked **KaBOOM!**, **Krispy Kreme**, and all of the wonderful volunteers who were able to show up and get the job done.
2. Council Member/Director Johnson made the following comments:
 - (a) She stated the **KaBOOM!** playground build event was fabulous, noting she was on the team charged with carrying and dumping bags of rubber mulch onto the new play surface.
 - (b) She stated she would like to see the cannabis regulatory ordinances return to the City Council soon for discussion and consideration, noting there has not been much word on issue since the Council held workshops to review the initial drafts back in May.
 - (c) She noted the **Christian Development Center** will be holding a Thanksgiving food and clothing drive on the morning of November 8th until noon and encouraged the community to donate.
 - (d) She advised many cities throughout California are close to bankruptcy, but she read a report that notes those that have healthy budgets all have one thing in common—a strong City Manager. She thanked City Manager Starr for doing such a great job.
3. Council Member/Director Ruh made the following comments:
 - (a) He noted due to work obligations, he was unable to attend both the **KaBOOM!** playground build and the memorial service for Council Member Martinez.

- (b) He reported he attended the **San Gabriel Valley Council of Governments (SGV COG)** meeting, where **SBCTA** Executive Director **Raymond Wolfe** presented a proposal for using diesel multiple units (DMUs) as an alternative to having the **Gold Line** built to Montclair, which was not well received. He stated Claremont **Council Member Ed Reece** emphasized the need to finish what was started, and **Mayor John Fasana** of Duarte, who has been a part of the **Gold Line's** development from its inception, also continues to support its full completion to Montclair. He added the cities of **SGV COG** gave up funding for their own pet projects to ensure the **Gold Line's** construction to Montclair.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of August 19, 2019

The City Council received and filed the minutes of the Real Estate Committee meeting of August 19, 2019, for informational purposes.

2. Minutes of Code Enforcement/Public Safety Committee Meeting of August 19, 2019

The City Council received and filed the minutes of the Code Enforcement/Public Safety Committee meeting of August 19, 2019, for informational purposes.

3. Minutes of Personnel Committee Meeting of October 21, 2019

The City Council received and filed the minutes of the Personnel Committee meeting of October 21, 2019, for informational purposes.

XII. CLOSED SESSION

At 7:56 p.m., the City Council went into closed session to discuss pending litigation.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:20 p.m., the City Council returned from closed session.

Mayor Dutrey announced that information was received and direction given to staff regarding the matters of *Johnson v. Montclair* and *Torres v. Montclair*.

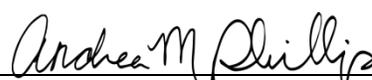
Mayor Pro Tem Raft announced that information was received and direction given to staff regarding the matter of *Pipersky v. Montclair*.

Mayor Dutrey stated no further announcements would be made at this time.

XIV. ADJOURNMENT

At 9:06 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