

MINUTES OF THE REGULAR CITY COUNCIL 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, DECEMBER 16, 2019, AT 7:00 PM IN THE COUNCIL CHAMBERS 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

1. CALL TO ORDER

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

2. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, provided the invocation.

3. PLEDGE OF ALLEGIANCE

Council Member/Director Ruh led the pledge of allegiance.

4. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Raft; Council Members/Directors Martinez, Johnson, and Ruh

Absent: None

Staff: City Manager/Executive Director Starr; City Attorney Robbins; City Clerk Phillips; Finance Director Parker; Director of Administrative Services and Human Resources Hamilton; Public Works Director/ City Engineer Castillo; Assistant Director of Housing/Planning Manager Caldwell; Community Development Director Diaz; Human Services Director Richter; Executive Director of Public Safety/Police Chief Avels

5. PRESENTATIONS

5.1 COMMUNITY ACTIVITIES COMMISSION PRESENTATION OF 2019 HOLIDAY HOME DECORATION CONTEST WINNERS

Community Activities Commission (CAC) Vice Chair Ferraro announced the winners of the City of Montclair's 22nd Annual Holiday Home Decoration Contest. Of the 23 nominations received, the CAC selected three winners, as follows:

- **"Joy to the World" Award:** Madz Family, 9909 Vernon Ave.
- **"Childhood Christmas" Award:** Salonga Family, 4896 El Morado St.
- **"Angels Heard on High" Award:** Rodriguez Family, 4570 Moreno St.

Mayor Dutrey and the City Council presented the winning families with Award Certificates and gift cards to Lazy Dog restaurant.

5.2 DONATION OF EXCESS FUNDS FROM THE MAYOR'S PRAYER LUNCHEON TO THE MONTCLAIR COMMUNITY FOUNDATION FOR THE 2019 HOLIDAY FOOD AND TOY DRIVE

Police Chaplain Vicki Brobeck presented Mayor Dutrey with a check to the Montclair Community Foundation for \$4,860.

5.3 OVERVIEW OF MONTE VISTA WATER DISTRICT RATES FOR 2020-2023 PRESENTED BY JUSTIN SCOTT-COE, MVWD GENERAL MANAGER

MVWD General Manager **Justin Scott-Coe** provided a presentation discussing rate increases for the District for 2020 through 2023. He advised the public hearing took place on November 20 and provided copies of the hearing as well as a Frequently Asked Questions sheet for the public.

Council Member Ruh expressed concerns regarding notification of these rate increases and the impact it will have on low-income and senior residents. He also criticized the District for its plan to build a new campus for its offices.

Mr. Scott-Coe thanked Council Member Ruh for his comments, concerns, and recommendations. He stated the District has used several methods to notify ratepayers and will take his comments into consideration for future notifications.

Mayor Dutrey asked whether heavy users were being charged higher rates.

Mr. Scott-Coe advised the District is not legally allowed to structure rates in that way, and stated all ratepayers in each category are charged at the same rate for each tier of usage. He further pointed out that the District attempts to adjust its allocation of water use provided for each tier on an annual basis, based on usage data from previous years.

6. PUBLIC COMMENT

Ms. Iva Costa requested the City consider installing permanent restroom facilities at the Montclair Transcenter, noting she does not feel safe using the portable units which are often not well maintained or in a clean state.

City Manager Starr advised the City is aware of the restroom issues at the Transcenter and is working with CalTrans, which owns the Transcenter property, to receive authorization to install a permanent restroom facility.

7. PUBLIC HEARINGS

7.1 SECOND READING — CONSIDER ADOPTION OF ORDINANCE NO. 19-988 AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO ADOPTION OF BUILDING CODES TO REGULATE CONSTRUCTION IN THE CITY OF MONTCLAIR, AND ESTABLISHING JANUARY 15, 2020, AS THE EFFECTIVE DATE OF THE CODES

Mayor Dutrey declared it the time and place for a public hearing related to Ordinance No. 19-988, and invited comments from the public.

Mr. Bruce Culp, 9016 Sycamore Avenue, stated he is pleased that with this Ordinance, the City will be adopting requirements for solar panels and electric vehicle charging stations for new parking lots, noting that despite the increased costs for new construction, it is a step in the right direction to address environmental issues. He stated he believes the City should move away from natural gas in new construction altogether, and urged the City Council to rescind Resolution No. 19-3251 to maintain natural gas as a viable alternative energy source, which he believes was a concerted effort pushed onto cities by **Southern California Gas Company** to stay in business.

Mr. Benjamin Lopez, resident, stated his understanding that the City is simply conforming to state mandates; however, he expressed his concerns shared by the real estate and development communities that the government is overextending its reach by regulating how and what can be built and done on private property. He noted this effort to require new construction utilize electric and solar will push home costs up and further exacerbate the affordable housing crisis in the state.

Mayor Dutrey closed the public hearing and returned the item to the City Council for further discussion and consideration.

Mayor Dutrey stated he understands the affordability issues; however, due to state mandates, the City will need to enforce the regulations whether they are adopted at the local level or not.

Council Member Ruh stated he dislikes being in the position to adopt these state mandates and added the City will need to look into a creative way to address the rising housing costs such as prefabricated housing. He added he feels it is important to keep natural gas as an alternative form of energy for safety reasons, considering one form of energy may become unavailable in emergency situations.

Moved by Mayor Dutrey, seconded by Council Member Martinez, and carried 5 - 0 to direct the City Clerk to read Ordinance No. 19 -988 by number and title only; waive further reading of the Ordinance; and adopt Ordinance No. 19-988.

The City Council adopted Ordinance 19-988 by the following roll call vote:

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

8. CONSENT CALENDAR

Moved by Council Member/Director Johnson, seconded by Mayor Pro Tem/Vice Chair Raft, and Carried 5 - 0 to approve the Consent Calendar, as presented.

8.1 CONSIDER APPROVAL OF MINUTES

Carried 5 - 0 to Approve the minutes of the December 2, 2019 Regular Meeting [CC/SA/MHC/MHA/MCF].

8.2 CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT [CC]

Carried 5 - 0 to receive and file the City Treasurer's Report for the month ending November 30, 2019.

8.3 CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION [CC]

Carried 5 - 0 to approve the Warrant Register dated 12/16/2019 and the Payroll Documentation dated 11/24/2019.

8.4 CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT [SA]

Carried 5 - 0 to receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending November 30, 2019.

8.5 CONSIDER APPROVAL OF WARRANT REGISTER [SA]

Carried 5 - 0 to approve the Successor to the Redevelopment Agency Warrant Register for the period ending November 30, 2019.

8.6 CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT [MHC]

Carried 5 - 0 to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending November 30, 2019.

8.7 CONSIDER APPROVAL OF WARRANT REGISTER [MHC]

Carried 5 - 0 to approve the Montclair Housing Corporation Warrant Register for the period ending November 30, 2019.

8.8 CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT [MHA]

Carried 5 - 0 to receive and file the Montclair Housing Authority Treasurer's Report for the month ending November 30, 2019.

8.9 CONSIDER APPROVAL OF WARRANT REGISTER [MHA]

Carried 5 - 0 to approve the Montclair Housing Authority Warrant Register for the period ending November 30, 2019.

8.10 CONSIDER AUTHORIZING A \$46,625.13 APPROPRIATION FROM THE UTILITY UNDERGROUND FUND FOR CONSTRUCTION COSTS ASSOCIATED WITH THE UNDERGROUNDING OF OVERHEAD UTILITIES LOCATED WITHIN THE 8800-8900 BLOCK OF CENTRAL AVENUE

Carried 5 - 0 to authorize a \$46,625.13 appropriation of from the Utility Underground Fund for construction costs associated with the undergrounding of overhead utilities located within the 8800-8900 block of Central Avenue.

8.11 CONSIDER AUTHORIZING A \$42,004.77 APPROPRIATION FROM BOND PROCEEDS FOR CONSTRUCTION OF THE COUNCIL CHAMBER REMODEL PROJECT

CONSIDER APPROVAL OF THE FILING OF A NOTICE OF COM-PLETION OF CONTRACT WITH R DEPENDABLE CONSTRUCTION, INC., FOR THE COUNCIL CHAMBER REMODEL PROJECT WITH THE SAN BERNARDINO COUNTY RECORDER

CONSIDER AUTHORIZING RELEASE OF RETENTION OF PAYMENT BOND 30 DAYS AFTER RECORDATION OF NOTICE OF COMPLETION

Carried 5 - 0 to take the following actions related to the Council Chamber Remodel Project:

1. Authorize a \$42,004.77 appropriation from Bond Proceeds for construction of the Council Chamber Remodel Project.
2. Approve the filing of a Notice of Completion of contract with R Dependable Construction, Inc., for the Council Chamber Remodel Project with the Office of the San Bernardino County Recorder.
3. Authorize release of retention of payment bond 30 days after recordation of Notice of Completion.

8.12 CONSIDER APPROVAL OF PARCEL MERGER NO. 2019-4 AND LOT LINE ADJUSTMENT NO 2019-5 FOR FOUR PARCELS ADDRESSED AS 9625, 9635, 9645, AND 9655 MONTE VISTA AVENUE

Carried 5 - 0 to approve Parcel Merger No. 2019-4 and Lot Line Adjustment No. 2019-5 for four parcels addressed as 9625, 9635, 9645, and 9655 Monte Vista Avenue.

8.13 CONSIDER APPROVAL OF AGREEMENT NO. 19-104 WITH GRAFFITI TRACKER INC. FOR CONTINUED USE OF ITS DATABASE TO TRACK AND ANALYZE GRAFFITI

CONSIDER AUTHORIZING A \$3,300 APPROPRIATION FROM THE PROP 30/AB109 FUND TO PAY THE COSTS ASSOCIATED WITH AGREEMENT NO. 19-104

Carried 5 - 0 to take the following actions:

1. Approve Agreement No. 19-104 with Graffiti Tracker Inc. for continued use of its database to track and analyze graffiti.
2. Authorize a \$3,300 appropriation from the Prop 30/AB109 Fund to pay the costs associated with Agreement No. 19-104.

8.14 CONSIDER APPROVAL OF AGREEMENT NO. 19-105, THE THIRD AMENDMENT TO AGREEMENT NO. 98-50 WITH STC ONE LLC, A COMMUNICATIONS SITE GROUND LEASE REGARDING MACARTHUR PARK

Carried 5 - 0 to approve Agreement No. 19- 105, the Third Amendment to Agreement No. 98-50 with STC One LLC, a Communications Site Ground Lease regarding MacArthur Park.

8.15 CONSIDER APPROVAL OF AGREEMENT NO. 19-106 WITH INLAND EMPIRE UTILITIES AGENCY, A MUTUAL AID AGREEMENT FOR SEWER SERVICE

Carried 5 - 0 to approve Agreement No. 19-106 with IEUA, a mutual aid agreement for sewer service.

8.16 CONSIDER AUTHORIZING THE TRANSFER OF \$160,000 FROM THE MONTCLAIR HOUSING AUTHORITY TO THE MONTCLAIR HOUSING CORPORATION TO FURTHER COMPLIANCE WITH SECTION SECTION 34176.1 OF THE HEALTH AND SAFETY CODE

Carried 5 - 0 to authorize the transfer of \$160,000 from the Montclair Housing Authority to the Montclair Housing Corporation to further compliance with Section 34176.1 of the Health and Safety Code.

8.17 CONSIDER APPROVAL OF RESOLUTION NO. 19-3258 UPDATING RESOLUTION NO. 18-3211 PROVIDING FOR A SAFETY COMMITTEE FOR THE CITY OF MONTCLAIR

Carried 5 - 0 to adopt Resolution No. 19-3258 updating Resolution No. 18-3211 providing for a Safety Committee for the City of Montclair.

9. PULLED CONSENT CALENDAR ITEMS — None.

10. COUNCIL WORKSHOP

10.1 INLAND EMPIRE UTILITIES AGENCY PRESENTATION

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Raft, and Carried 5 - 0 to adjourn the meeting to Monday, January 6, 2020, at 5:45 p.m. in the City Council to conduct the workshop.

11. COMMUNICATIONS

11.1 City Department Reports

Human Services Department – Holiday Events

Human Services Director Marcia Richter shared the following information regarding the City's holiday events and upcoming programs:

- Earlier tonight, the *2019 Holiday Home Decoration Contest* winners were awarded. CAC members visited all 23 participants' homes last Monday evening. Please take a copy of the winner's list and visit our winning homes, the photos tonight just didn't capture their real beauty.

- On Thursday, December 5th, the *Annual Tree Lighting and Visit with Santa* was held at the Montclair Youth Center. There was a record attendance of over 600 at the event. **Santa** is writing letters back to over 150 children who left him a note at the event.
- The past two Fridays, our Police, Fire, and Human Services Departments collected food and toy donations outside of the Montclair Costco store. The *2019 Holiday Toy and Food Baskets* will be distributed to over 130 Montclair families in need later this week. This program would not be a success without the support of our Montclair family and community.
- The first Saturday in January kicks off the *2020 Youth Basketball League* games. Games will be played every Saturday beginning January 4th at 8:30 a.m. through the end of February. Come out and cheer on our 176 Montclair youth who will be participating!

Police Department – Dashing Through Montclair

Director of Public Safety/Police Chief Robert Avels reported the *Dashing Through Montclair* event held on Saturday, December 7th was a huge success, despite the intermittent rain throughout the day. He noted Council Member Ruh participated as an elf, and that newly-appointed Council Member Martinez participated as well. He expressed his gratitude to the over sixty City employees and volunteers helping to make the event a success, and gave special thanks to the Human Services Department. He noted that, while he wishes **Santa** could have visited every residential street in the City, it is unfortunately not practical as the procession travels at low speeds, but still managed to cover 23 miles in 5 hours with five scheduled stops at public locations, including **Alma Hofman Park**.

11.2 CITY ATTORNEY

City Attorney Robbins requested the City Council meet in closed session this evening regarding the below-referenced matters, and wished everyone a Merry Christmas and Happy New Year.

- Request for City Council to meet in closed session pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation
 - *Arthur v. Montclair*
- Request for City Council to meet in closed session pursuant to Government Code Section 54957.6 Regarding Conference with City's Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

Employee Associations:

- *Management*
- *Montclair City Confidential Employees' Association*
- *Montclair General Employees' Association*
- *Montclair Firefighters' Association*
- *Montclair Police Officers' Association*

11.3 CITY MANAGER — No Comments.

11.4 MAYOR/CHAIR

Mayor/Chair Dutrey made the following comments:

- He announced that on Sunday, December 22nd, the **Ontario Fury** soccer team will be hosting a **Montclair High School (MHS)** night and honoring retired Major League Soccer player **Nick Romando**, who grew

up in Montclair and graduated from **MHS**. He advised that **Mr. Romando** played professionally for the **Real Salt Lake** soccer team. He encouraged everyone to purchase tickets for the game, noting a portion of ticket sales goes to the high school.

- He announced the **Lazy Dog** restaurant officially opened to the public on Friday and encouraged everyone to try the great food.
- He advised **Metrolink** will be initiating a new service in which passengers can receive a \$35 voucher for a **Lyft** ride to the **Ontario International Airport**.
- He stated tonight's meeting would be adjourned in honor of **Mr. Tim Staples**, who was a teacher at **Damien High School**. He noted **Mr. Staples** lost his life while helping to search for a missing hiker.
- He advised staff is trying out a new agenda system and requested any issues regarding the new format be reported to the City Clerk.

11.5 COUNCIL MEMBERS/DIRECTORS

Council Member/Director Martinez commented as follows:

- She stated both the *Tree Lighting* and *Dashing Through Montclair* events were wonderful and thanked City staff for organizing the events, the Mayor for promoting the events, and the Police and Fire Departments for participating. She noted these events show how the City truly cares for its community.
- She reported attending the **Lazy Dog** ribbon cutting ceremony, and stated she feels the City is doing an excellent job of keeping with the times and the changing needs of the residents of the City.

Mayor Pro Tem/Vice Chair Raft commented as follows:

- She stated the *Tree Lighting Ceremony* was wonderful and she was so happy to hear that there was a record attendance.
- She wished everyone a Merry Christmas and Happy New Year.

Council Member/Director Johnson made the following comments:

- She stated she was unable to directly participate in the *Dashing Through Montclair* event due to her husband's recent surgery, but she was able to watch **Santa** go by her house and was very impressed at just how wonderful it was.
- She wished a Happy Hanukkah, Happy Kwanzaa, Happy Holidays, Merry Christmas, and prosperous New Year to all.

Council Member/Director Ruh requested everyone keep the less fortunate in their thoughts for the holiday season.

11.6 COMMITTEE MEETING MINUTES

The City Council reviewed the following committee meeting minutes for informational purposes.

- 09/19/2019 Minutes of the Public Works Committee

- 12/02/2019 Minutes of the Personnel Committee

12. CLOSED SESSION

At 8:15 p.m., the City Council went into closed session to discuss pending litigation and labor negotiations.

13. CLOSED SESSION ANNOUNCEMENTS

At 8:40 p.m., the City Council returned from closed session.

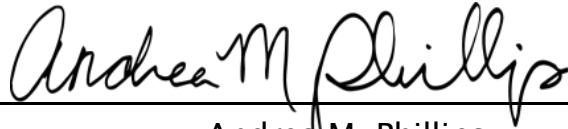
Mayor Dutrey announced that information was received regarding pending litigation and labor negotiations, direction was given to staff, and no further announcements would be made at this time.

14. ADJOURNMENT

At 8:41 p.m., Chair Dutrey adjourned the Successor Agency Board, the Montclair Housing Corporation Board, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board.

At 8:41 p.m., Mayor Dutrey adjourned the City Council to Monday, January 6, 2020, at 5:45 p.m. in the City Council Chambers for a Council Workshop.

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