

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 TUESDAY, JANUARY 21, 2020, AT 7:02 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 7:02 p.m.

II. INVOCATION

Minister Eddie Bravo, Calvary Montclair, 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, Johnson, and Martinez

City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; Finance Manager Kulbeck; 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. Community Activities Commission Military Banner Presentation

Community Activities Commission (CAC) Vice Chair Darlene Ferraro stated that twelve years ago, the CAC began sponsoring a military street banner program to recognize Montclair residents currently serving in the **U.S. Armed Forces**. She advised that in 2019, 65 military banners were proudly displayed throughout Montclair.

As CAC Vice Chair Ferraro introduced and summarized the service of each military veteran, Mayor Dutrey, Mayor Pro Tem Raft, and Council Members Ruh, Johnson, and Martinez congratulated and presented each honoree or their family member(s) with their military banner. The six honorees were:

- **Miguel Garcia**, Marine Corps, 2010-2018
- **Christian Manuel Coss Gamboa**, Army, 2012-2019
- **Barbara Ortiz**, Navy, 1999-2019
- **Elizabeth Ortiz**, Navy, 2014-2019
- **Christopher Dale Thomas**, Navy, 2013-2019
- **Alejandro Zepeda**, Marine Corps, 2000-2020

Mayor Dutrey thanked CAC Vice Chair Ferraro for her presentation, and thanked the honorees for their service. He stated, "Montclair is honored to have residents like you."

B. Introduction of New Police Department Employee — Police Officer Armando Baeza

Executive Director of Public Safety/Police Chief Avels introduced newly appointed Police Officer Armando Baeza.

Mayor Dutrey, Mayor Pro Tem Raft, and Council Members Ruh, Johnson, and Martinez congratulated Police Officer Baeza and welcomed him to the Montclair City family.

C. Introduction of Fire Department Promotee — Fire Engineer Robert Estrada

Executive Director of Public Safety/Police Chief Avels introduced Fire Engineer Robert Estrada, who was recently promoted to his current position.

Mayor Dutrey, Mayor Pro Tem Raft, and Council Members Ruh, Johnson, and Martinez congratulated Fire Engineer Estrada on his promotion.

D. Proclamation Declaring January 2020 as National Mentoring Month in the City of Montclair

Mayor Dutrey presented **Ms. Xeneida Brown** of **211 San Bernardino** with a proclamation declaring January 2020 as National Mentoring Month in the City of Montclair.

VI. PUBLIC COMMENT

A. **Mr. Michael Miller**, Senior Field Representative, Office of Fourth District San Bernardino County Supervisor **Curt Hagman**, invited the community to attend a free document shredding event hosted in partnership with the City of Montclair and the **Montclair Chamber of Commerce** on Saturday, February 29, 2020, from 9:00 a.m. to noon at the Montclair Civic Center parking lot.

B. **Mr. Jim Westmyer** invited the senior community to attend monthly meetings of the **San Bernardino County Council on Aging (SBCCA)** held on the first Tuesday of each month in the Montclair Senior Center from 10:00 to 11:30 a.m. He advised the **SBCCA** is a senior advocacy and volunteer organization which makes recommendations to the **County's Department of Aging and Adult Services** and their next meeting's project will be to make valentines for veterans.

C. **Mrs. Lois Sicking Dieter**, Upland resident, reported that the City of Upland released an *Environmental Impact Report* and *Mitigated Negative Declaration* for a proposed warehouse to be constructed in Upland covering over 50 acres at Foothill Boulevard and Central Avenue. She requested the City review the documents and contest the deficiency of the reports including the absence of a health risk assessment, improper land use designation for the project, and the negative impacts the facility's future operation as an **Amazon** logistics center would have on surrounding communities including traffic, roadway maintenance, pollution, and noise. She advised the Upland Planning Commission will be holding a public hearing on the item at its meeting on February 12, 2020 and urged the City to oppose the project.

D. **Ms. Cindy Phillips**, Upland resident, stated she is a part of the **Upland Coalition of Concerned Citizens** and concurred with **Ms. Dieter's** comments, noting the **Amazon** terminal would operate twenty-four hours a day, seven days a week, and traffic would be heavily impacted.

E. **Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, thanked the City for organizing the presentation earlier this evening on homelessness, noting he believes another potential solution could be to designate underutilized state land for housing the homeless. He also requested the City move forward on the cannabis ordinances that were drafted last year, noting he is disappointed that they have not come before the City Council since then.

City Manager Starr advised the Planning Commission has recently approved the land use aspect for the proposed future cannabis regulations, and the item is currently in legal review with plans to come before the City Council in the coming months.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Mayor Dutrey requested Item C-2 be pulled from the consent calendar for public comment.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Johnson, and carried unanimously 5-0 that the City Council approve the remainder of the Consent Calendar as presented:

A. Approval of Minutes

1. Regular Joint Meeting — December 16, 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 December 16, 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 December 31, 2019.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated January 21, 2020, totaling \$3,574,975.80; and the Payroll Documentation dated December 22, 2019, amounting to \$638,438.31 gross, with \$450,331.75 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 December 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 12.01.19-12.31.19 in the amounts of \$15,097.52 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 December 31, 2019.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 12.01.19-12.31.19 in the amount of \$56,928.17.

7. Receiving and Filing of MHA Treasurer's Report

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

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 12.01.19-12.31.19 in the amount of \$0.00.

9. Authorizing the Reclassification of Assistant Director of Housing/Planning Manager to Deputy Director of Community and Economic Development

Authorizing the Reclassification of Finance Supervisor to

Finance Manager

Authorizing the Transfer of Unanticipated Additional Personnel Costs from the Personnel Adjustment Reserve Fund and the Economic Development Fund to the City's General Fund

The City Council took the following actions:

- (a) Authorized the reclassification of Assistant Director of Housing/Planning Manager to Deputy Director of Community and Economic Development.
- (b) Authorized the reclassification of Finance Supervisor to Finance Manager.
- (c) Authorized the transfer of unanticipated additional personnel costs from the Personnel Adjustment Reserve Fund and the Economic Development Fund to the City's General Fund.

10. Authorizing the Purchase of Two Chevrolet Work Trucks from MK Smith Chevrolet for the Public Works Department

The City Council authorized the purchase of two Chevrolet work trucks from MK Smith Chevrolet for the Public Works Department.

11. Authorizing a \$9,800 Appropriation from the Federal Asset Forfeiture Fund to Send a Member of the Command Staff to the California Police Chiefs' Executive Leadership Institute at Drucker

The City Council authorized a \$9,800 appropriation from the Federal Asset Forfeiture Fund to send a member of the Command Staff to the California Police Chiefs' Executive Leadership Institute at Drucker.

C. Agreements

1. Approval of *Agreement No. 19-100*, a Memorandum of Understanding (MOU) with the Montclair Fire Fighters' Association for the Period of July 1, 2019, to June 30, 2020

Authorizing the Transfer of Additional Compensation as Approved in the MOU from the Personnel Adjustment Reserve Fund

The City Council took the following actions:

- (a) Approved of *Agreement No. 19-100*, a Memorandum of Understanding (MOU) with the Montclair Fire Fighters' Association for the Period of July 1, 2019, to June 30, 2020.
- (b) Authorized the transfer of additional compensation as approved in the MOU from the Personnel Adjustment Reserve Fund.

3. Approval of *Agreement No. 20-07* with Colantuono, Highsmith, Whatley, PC, to Provide Legal and Consulting Services Related to Litigation Involving Transportation- and Transit-Related Issues, Proposition 64 Compliance, Municipal Tax and Finance, Election- and Ballot-Related Matters, and Miscellaneous Special Counsel Projects

The City Council approved of *Agreement No. 20-07* with Colantuono, Highsmith, Whatley, PC, to provide legal and consulting services related to litigation involving transportation- and transit-related issues, Proposition 64 compliance, municipal tax and finance, election- and ballot-related matters, and miscellaneous special counsel projects.

4. **Approval of *Agreement No. 20-08* with the County of San Bernardino for Equipment Maintenance and Access to the County's Emergency Radio Communications System**

The City Council approved of *Agreement No. 20-08* with the County of San Bernardino for equipment maintenance and access to the County's emergency radio communications system.

5. **Approval of *Agreement No. 20-10* with Tommy's Express Wash for Car Wash Services for City Vehicles**

The City Council approved of *Agreement No. 20-10* with Tommy's Express Wash for car wash services for City vehicles.

6. **Approval of *Agreement No. 20-11* Amending *Agreement No. 17-38* with Lexipol, LLC for Law Enforcement Daily Training Bulletins to Enhance and Reinforce the Understanding of Department Policies and Procedures**

Authorizing a \$6,610 Appropriation from the Prop 30/AB 109 Fund to Pay the Costs Associated with *Agreement No. 20-11*

The City Council took the following actions:

- (a) Approved of *Agreement No. 20-11* Amending *Agreement No. 17-38* with Lexipol, LLC for law enforcement Daily Training Bulletins to enhance and reinforce the understanding of Department policies and procedures.
- (b) Authorized a \$6,610 appropriation from the Prop 30/AB 109 Fund to pay the costs associated with *Agreement No. 20-11*.

D. **Resolutions — None**

IX. **PULLED CONSENT CALENDAR ITEMS**

C. **Agreements**

2. **Approval of *Agreement Nos. 20-01, 20-02, 20-03, and 20-04* with Montclair Little League, Golden Girls Softball League, and All Cities Youth Baseball for Use of Ball Field Facilities at Vernon, Essex, Kingsley, and Saratoga Parks**

Mr. Benjamin Lopez, resident, noted last year the **Montclair Little League** Board expressed concerns to the City regarding the conditions at Saratoga Park and asked if those issues have been addressed.

Mayor Dutrey advised he accompanied staff on an inspection of the park and many of the issues were mitigated. He noted the City is also planning to perform future improvements throughout the City's sports field parks. He advised that he also personally donated funds to buy new bases for the parks.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously 5-0, the City Council approved *Agreement Nos. 20-01, 20-02, 20-03, and 20-04* with Montclair Little League, Golden Girls Softball League, and All Cities Youth Baseball for use of ball field facilities at Vernon, Essex, Kingsley, and Saratoga Parks.

X. **COMMUNICATIONS**

A. **City Department Reports**

1. **Public Works Department — Central Avenue Construction Update**

Public Works Director/City Engineer Castillo advised that construction is ongoing along Central Avenue with several lane closures during the day, urged commuters to avoid Central

Avenue and seek alternate routes to their destinations along that street, and noted updates will continue to be posted on the City's website and Facebook page.

Council Member Johnson asked that her appreciation be extended to the construction crews for cleaning up their equipment and removing traffic cones at night.

B. City Attorney

City Attorney Robbins requested the City Council to meet in closed session regarding the following item

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation

Omega Chemical Corporation Superfund Site, Los Angeles County, California

C. City Manager/Executive Director — No comments.

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He stated he appreciates **Dr. Robert Marbut Jr.**, the newly-appointed Director of the **United States Interagency Council on Homelessness**, for his presentation earlier this evening regarding homelessness, and thanked Code Enforcement Supervisor Fondario for arranging for **Mr. Marbut's** visit. On a related note, he added this Thursday will be the County of San Bernardino's Point-in-Time count of homeless individuals living in the community.
2. He invited the community to attend a Community Census meeting tomorrow at 6:00 p.m. in the Theater Room, located at the west side of the library building.
3. He reported that **Assembly Member Chris Holden**, who serves as Chair of the **California State Assembly's Select Committee on Regional Transportation Solutions**, plans to introduce legislation that would create a new Construction Authority focused on building transit, namely the **Gold Line**, from the **Montclair Transcenter to Ontario International Airport**. He advised **Assembly Member Holden** will be hosting a public meeting on Friday, January 31st, from 10:00 a.m. to 1:00 p.m. at Ontario City Hall.
4. He noted the Police Department is working diligently to solve a homicide case that occurred last week and thanked the Department for its hard work.
5. He spoke of the City's efforts to meet the need for affordable housing over the past couple of decades including the facilitation of high-density housing and mobile home parks in the community; however, the state is imposing additional housing density requirements to increase the production of affordable housing including requiring that cities allow single family homes to be converted into fourplexes.
6. He asked when the new **Cardenas Market** will be opening.

Community Development Director Diaz stated the business should open early summer.

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

1. Council Member/Director Martinez made the following comments:
 - (a) She congratulated Police Officer Baeza on his appointment, and Fire Engineer Estrada on his promotion.

- (b) She stated that yesterday, she and Council Member Ruh attended **Montclair High School (MHS)**'s *Miles for Montclair* event, at which students walk the streets to raise awareness and funding for homeless students in Montclair. She stated over the many years of hosting this event the school has raised over \$250,000.
2. Mayor Pro Tem/Vice Chair Raft wished everyone a Happy New Year.
3. Council Member/Director Ruh advised **MHS** has hosted *Miles for Montclair* on **Martin Luther King, Jr. Day** for the past twelve years and he has heard many complaints from residents who do not like the roads being blocked off for the students to walk. He stated he feels it is important for residents to understand why these students are walking and become aware of the issue that many students in this community do not have a stable home.

F. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of November 21, 2019

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

2. Minutes of Personnel Committee Meeting of December 16, 2019

The City Council received and filed the minutes of the Personnel Committee meeting of December 16, 2019, for informational purposes.

XI. CLOSED SESSION

At 8:05 p.m., the City Council went into closed session to discuss pending litigation.

XII. CLOSED SESSION ANNOUNCEMENTS

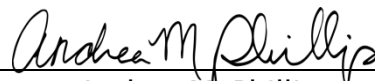
At 8:15 p.m., the City Council returned from closed session.

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

XIII. ADJOURNMENT

At 8:15 p.m., Mayor/Chair Dutrey adjourned the City Council, the 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