

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 16, 2021 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. and asked for a moment of silence to recognize the American soldiers whose lives were lost during the war in Afghanistan including Montclair resident **Alex Olscero** who perished in October 31, 2006.

**II. INVOCATION**

The invocation was given by Montclair Police Chaplain Vicki Brobeck.

**III. PLEDGE OF ALLEGIANCE**

Council Member/Director Lopez led meeting participants in the Pledge.

**IV. ROLL CALL**

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

City Manager/Executive Director Starr; Director of Human Services Richter; Director of Economic Development Fuentes; Finance Manager Kulbeck; City Attorney Robbins; City Clerk Myrick

**V. PRESENTATIONS**

**A. COVID-19 Community Recognition Award**

Mayor Dutrey announced tonight's award recipients are Montclair Police Department Chaplains **Vicki Brobeck**, **Josh Matlock**, and **Joe McTarsney**; and Montclair Fire Department Chaplains **Jimmy Crowell** and **Alan Olmos**. He along with Mayor Pro Tem Ruh and Council Members Johnson, Martinez, and Lopez presented each Chaplain with Certificates of Recognition.

Mayor Dutrey stated Montclair's Police and Fire Chaplains prayed for the City throughout the pandemic and have provided support and comfort to the City's first responders, staff, and the community.

**VI. PUBLIC COMMENT**

A. **Mrs. Carolyn Raft**, resident, asked for prayers for those who remain in Afghanistan following the United States Military's withdrawal and the Taliban's hostile takeover of the country.

B. **Mr. Bill Kaufman** urged the City to move forward with its formerly proposed plan to allow cannabis business in the City, noting neighboring cities of Rancho Cucamonga, Claremont, and Corona are moving quickly in order to gain the economic advantage of being early to welcome and attract high quality businesses in the industry.

C. **Ms. Rose Delgado**, resident, stated her concerns regarding pedestrian safety around Vernon Middle School, noting she recently witnessed children narrowly escape being hit by a car, including her own daughter. She requested the City perform another safety assessment of the intersections around the schools and implement more safety measures.

D. **Ms. Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, stated the District will be hosting the following events:

- A community open house on Thursday, September 9, from 5:00 to 7:00 p.m. at **Supervisor Hagman's** District Office located at 14010 City Center Drive in Chino Hills. Various County Departments will be available to educate about County resources for residents and businesses. Food will be served and there will be a raffle.
  - The District's quarterly shredding event on Saturday, September 25, from 9:00 a.m. to noon at Upland Memorial Park. County residents can bring personal papers for shredding, with a limit of three boxes per person.
- E. **Mr. Bruce Culp**, resident, stated he is happy to learn progress is being made on replacing the **Pacific Electric Trail** bridge. He thanked City Manager Starr, the City Council, and City staff for continuing to advocate to secure funding to bring the **Gold Line** to Montclair, noting he fully supports the mission as a resident of the City's north Montclair transit-oriented district. He also encouraged everyone to vote "no" on the state's gubernatorial recall election.

## VII. PUBLIC HEARINGS

### A. **First Reading — Consider Ordinance No. 21-996 Amending Portions of Title 11 of the Montclair Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units in the City**

**Consider Setting a Public Hearing for Monday, September 20, 2021, at 7:00 p.m. to Consider Adoption of Ordinance No. 21-996**

Mayor Dutrey declared it the time and place for a public hearing related to Ordinance No. 20-996 and invited members of the audience to provide comments.

**Mr. Culp** stated his support for this Ordinance as a measure to address the homeless crisis and noted that, while he realizes it is a state mandate that many local officials and residents do not agree with, he feels it is necessary for the state to overrule local opposition. He requested the City Council consider additional measures to reduce the environmental impacts of increased density such as requiring electric vehicle charging stations and solar energy to reduce greenhouse gas emissions.

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

Council Member Johnson noted there are no provisions to construct additional parking spaces on the property and asked if the City is precluded from imposing such requirements by the state.

Director of Community Development Diaz stated the City is barred from requiring the addition of or limits to parking in relation to ADUs and JADUs.

Council Member Lopez noted this would exacerbate parking issues that already exist throughout the single family neighborhoods. He asked if the pre-approved designs must be used for ADUs.

Director of Community Development Diaz stated the pre-approved designs are intended to expedite the process for those who use them but they are not required.

Mayor Pro Tem Ruh stated as an affordable housing advocate he supports this Ordinance, noting while local governments oppose state mandates, they tend to neglect their local responsibility to provide affordable housing for working class members of their communities, low income families, and college students.

Mayor Dutrey stated he would like there to be a deed restriction on properties with JADUs disclosing to future buyers that the owner is required to occupy one of the units as their primary residence.

Mayor Dutrey asked if the construction of a new detached ADU would requires energy efficient systems like new construction homes do.

Director of Community Development Diaz stated all new construction requires it.

Council Member Lopez asked why owner occupancy cannot be required for one of the units for homes with detached ADUs.

Director of Community Development Diaz stated owner occupancy requirements can be reinstated after 2025 for detached ADUs.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried that Ordinance No. 20-996 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, September 20, 2021, at 7:00 p.m. to consider second reading and adoption of Ordinance No. 20-996.

First reading of Ordinance No. 20-996 was approved, and public hearing for second reading was set unanimously by the following roll call vote:

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

**B. First Reading — Consider Ordinance No. 21-998 Repealing and Replacing Chapter 11.73 of the Montclair Municipal Code to Update Regulations, Standards, and Create Design Guidelines for Wireless Telecommunications Facilities on Public and Private Property; Adding Chapter 11.77 to Establish an Administrative Permitting Process; and Amending Chapter 11.46 to Exempt Certain Wireless Telecommunications Facilities**

**Consider Setting a Public Hearing for Monday, September 20, 2021, at 7:00 p.m. to Consider Adoption of Ordinance No. 21-998**

Mayor Dutrey declared it the time and place for a public hearing related to Ordinance No. 20-998 and invited members of the audience to provide comments.

**Ms. Sasha Riedisser** thanked Director of Community Development Diaz and the Planning Division for ensuring the Ordinance allows for adequate access to telecommunication services for the community.

**Mr. Culp** expressed his support for the expansion of wireless infrastructure to keep up with advances in technology.

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

Council Member Johnson asked if there could be multiple poles in a single location.

Director of Community Development Diaz advised it is typical for wireless companies to share the costs for hosting their facilities on the same structure.

Council Member Johnson asked if these structures can be located in the north Montclair commercial areas.

Director of Community Development Diaz stated they will likely be easier to integrate with the newer and taller buildings in that area and noted some older ones in that area will require updates soon to support new facilities and to be in compliance with the new design standards.

Council Member Lopez asked if the designs must be trees.

Director of Community Development Diaz stated there are several different types of designs other than trees such as obelisks or flag

poles.

Council Member Lopez stated he is content with the Ordinance as long as the record shows the City Council's intent to maintain transparency.

Council Member Lopez referenced the letter from Bethany Baptist Church referenced in the report asked if churches are inquiring about hosting these structures on their properties.

Director of Community Development Diaz stated there has been interest from several churches.

Mayor Pro Tem Ruh asked if residents could have these in their yards.

Director of Community Development Diaz stated they are not permitted in most residential zones.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried that Ordinance No. 20-998 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, September 20, 2021, at 7:00 p.m. to consider second reading and adoption of Ordinance No. 20-998.

First reading of Ordinance No. 20-998 was approved, and public hearing for second reading was set unanimously by the following roll call vote:

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

## **VIII. CONSENT CALENDAR**

Council Member Lopez noted he had questions on item C-4.

Mayor Dutrey allowed Council Member Lopez to ask his questions prior to the vote on the Consent Calendar.

Council Member Johnson stated she would like to abstain from voting on Items C-2 and C-3 and requested they be pulled from consent.

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Lopez, and carried unanimously 5-0, the City Council approved the remainder of the Consent Calendar with discussion on Item C-4:

### **A. Approval of Minutes**

#### **1. Regular Joint Meeting — August 2, 2021**

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 2, 2021 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, 2021.

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

The City Council approved the City Warrant Register dated August 16, 2021, totaling \$2,416,173.83; and the Payroll Documentation dated July 18, 2021, amounting to \$608,745.34 gross, with \$422,382.06 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, 2021.

**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 07.01.21-07.31.21 in the amounts of \$7,103.06 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, 2021.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 07.01.21-07.31.21 in the amount of \$42,558.02.

**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, 2021.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 07.01.21-07.31.21 in the amount of \$0.00.

**9. Receiving and Filing a Status Report on Emergency Contracting Procedures for the Pacific Electric Trail Bridge Replacement Project and Determining There is a Need to Continue the Action**

The City Council received and filed a status report on emergency contracting procedures for the Pacific Electric Trail Bridge Replacement Project and determined there is a need to continue the action.

**C. Agreements**

**1. Approval of *Agreement No. 21-44*, the Labor Agreement for Management (Nonsafety and Safety) Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2021 to June 30, 2022**

**Approval of *Agreement No. 21-45*, the Labor Agreement for Executive Management Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2021 to June 30, 2022**

The City Council took the following actions:

- (a) Approved *Agreement No. 21-44*, the Labor Agreement for Management (Nonsafety and Safety) employees regarding the terms and conditions of employment for the period of July 1, 2021 to June 30, 2022.
- (b) Approved *Agreement No. 21-45*, the Labor Agreement for Executive Management Employees regarding the terms and conditions of employment for the period of July 1, 2021 to June 30, 2022.

**4. Approval of *Agreement Nos. 21-54 and 21-55* with Montclair Little League and *Agreement No. 21-56* with Golden Girls Softball League for Use of Ball Field Facilities for the 2021 Winter Season**

Council Member Lopez asked if access to adequate cleaning and restroom supplies could be provided by **Anthesis** to the users of the fields, noting there have been instances where there has been no toilet paper in the stalls or the toilets have become clogged.

Director of Human Services Richter advised the ball field users should contact City staff if there are any issues needing immediate attention with regard to cleanliness, operation of restroom facilities, or supplies.

Mayor Dutrey stated he anticipates the ball fields will be renovated soon including improvements to the restroom facilities, with the City owing thanks to **Congresswoman Norma Torres** for helping to secure federal funding.

The City Council approved *Agreement Nos. 21-54 and 21-55* with Montclair Little League and *Agreement No. 21-56* with Golden Girls Softball League for use of ball field facilities for the 2021 winter season.

## **IX. PULLED CONSENT CALENDAR ITEMS**

### **C. Agreements**

#### **2. Approval of Amendment No. 1 to Agreement No. 21-49 with Ontario-Montclair School District to Increase Funding for the Montclair After-School Program**

The City Council, by a 4-0 vote (Johnson abstained) approved Amendment No. 1 to *Agreement No. 21-49* with Ontario-Montclair School District to increase funding for the Montclair After-School Program.

#### **3. Approval of Amendment No. 1 to Agreement No. 21-50 with Ontario-Montclair School District to Increase Funding for the Montclair After-School Summer Expanded Learning Program**

The City Council, by a 4-0 vote (Johnson abstained) approved Amendment No. 1 to *Agreement No. 21-50* with Ontario-Montclair School District to increase funding for the Montclair After-School Summer Expanded Learning Program.

## **X. COMMUNICATIONS**

### **A. Department Reports — None**

### **B. City Attorney**

City Attorney Robbins requested the City Council meet in closed session concerning the following:

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

*One Potential Case*

### **C. City Manager/Executive Director**

City Manager/Executive Director Starr stated his heart is with Council Member Lopez related to the health issues his family is dealing with and that he hopes for a positive outcome.

### **D. Mayor/Chair**

#### **1. Cancellation of Tuesday, September 7, 2021 Regular Joint Meeting**

Mayor/Chair Dutrey announced the cancellation of the next regular joint meeting following Labor Day.

#### **2. Mayor/Chair Dutrey asked if the City Council could hold a workshop to discuss the infrastructure bond projects.**

City Manager Starr advised the City Council would vote on the structure of the bonds and the infrastructure bond projects at its next regular meeting.

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

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:
  - (a) He congratulated **Assembly Member Freddie Rodriguez** for securing state funds for a welding program at **Chaffey College**.
  - (b) He thanked **Congresswoman Norma Torres** for working to secure funds for improvements at **Saratoga Park**.
  - (c) He stated *National Night Out* was a great event and a huge success with the community and thanked Police and Fire personnel for their hard work on it.
  - (d) He advised that “D” Street in La Verne would be closed from Arrow Highway to Bonita Avenue through October 23rd due to construction on the **Gold Line**.
  - (e) He noted he was happy employees were able to enjoy **In-N-Out** for their annual employee barbecue.
  - (f) He noted some elected officials are being told not to seek federal funding and stated he opposes this view because the state of California contributes far more money to the federal government than it receives back, making the state a net donor. He stated he believes getting federal money is good for the state and the state is entitled to it.
  
2. Council Member/Director Lopez made the following comments:
  - (a) *National Night Out* was widely attended and enjoyed by the community. He extended his gratitude to Chief Avels, Fire personnel, and other staff who made the event a success.
  - (b) He announced several temporary lane, ramp, and freeway closures in the coming month in relation to the I-10 Corridor project.
  - (c) He stated he attended a retirement party for Captain Ed Cook who was with the City for 29 years.
  - (d) He noted he attended the funeral for former City employee **Rudy Gomez** and presented the City Council’s Certificate of Adjournment to the family at the funeral.
  - (e) He stated he regrets missing the tour with **Congresswoman Torres of Saratoga Park** but was happy to learn it was thoroughly conducted and several issues were addressed. He noted he looks forward to the park improvements and hopes for a new tower for baseball announcers.
  
3. Council Member/Director Johnson made the following comments:
  - (a) She announced **Kids Emporium** at **Montclair Place** will be holding a bubble show this Thursday at 4:00 p.m.
  - (b) She stated she noticed signs at **Montclair Place** for a scavenger hunt for students to win **AMC Theater** tickets.
  
4. Council Member/Director Martinez made the following comments:
  - (a) She thanked Director of Community Development Diaz for his thorough presentations on tonight’s Ordinances.
  - (b) She stated she was glad employees were able to enjoy some **In-N-Out** at the employee barbecue.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of August 2, 2021**

The City Council received and filed the minutes of the Personnel Committee meeting of August 2, 2021, for informational purposes.

**XI. CLOSED SESSION**

At 8:57 p.m., the City Council went into closed session to discuss potential litigation.

**XII. CLOSED SESSION ANNOUNCEMENTS**

At 9:10 p.m., the City Council returned from closed session. Mayor Dutrey announced the City Council met in closed session to discuss potential litigation; information was received and direction given to staff; and no further announcements would be made at this time.

**XIII. ADJOURNMENT**

At 9:10 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency Board, Montclair Housing Authority Commission, 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 Myrick  
City Clerk