

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, SEPTEMBER 19, 2022 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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**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**

Staff Sergeant **Hadar Espinoza, United States Army**, 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 Community Development Diaz; Assistant City Manager/Director of Human Services Richter; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Myrick

**V. PRESENTATIONS**

**A. Presentation of Annual Donation by the Montclair Chamber of Commerce to the Montclair Community Foundation for the Montclair to College Program**

**Mr. Steve Hammitt, Chair, Chamber of Commerce** Board of Directors, presented a check for \$875 raised from its Military Banner Program to Mayor Dutrey as a donation to the Montclair to College Program.

**B. Training and Education Program by Southwest Regional Council of Carpenters — Postponed**

**VI. PUBLIC COMMENT**

**A. Ms. Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, stated the District will be hosting its quarterly shredding event on Saturday, October 15, from 9:00 a.m. to noon at Ontario Police Department located at 2500 S. Archibald Avenue, Ontario. She also announced the District will host a Veteran Claims Event on Wednesday, November 9, from 10:00 a.m. to 2:00 p.m. at the District office located at 14010 City Center Drive in Chino Hills.

**B. Ms. Susan Shea**, resident, stated her property was damaged by **Southern California Edison (SCE)** when they accessed her property without permission or prior knowledge, and she has not been able to resolve the issue. She noted she has been in communication with a City staff member.

City Manager Starr advised staff would attempt to contact **SCE** on behalf of **Ms. Shea** to get the matter resolved.

**C.** The following individuals voiced safety concerns regarding the student drop-off location south of **Monte Vista Elementary School (MVE)**, including illegal U-turns, parents dropping children off on the wrong side of the street, and speeding:

- **Mr. Joseph Meza**, resident

- **Mr. Shawn Guthrie**, resident
- **Ms. Adrian Koelliker**, MVE Teacher
- **Mr. John Christianson**, resident
- **Mrs. Eleni Christianson**, resident

The speakers urged the City to improve safety conditions on the street.

- D. Mr. Bruce Culp**, resident, expressed his support for the parents and educators who spoke tonight about traffic safety. He suggested they speak to Executive Director of Public Safety/Police Chief Avels who is usually in attendance at Council meetings and is responsive to residents' traffic concerns.

Director of Public Works/City Engineer Heredia presented a map of the **MVE** drop-off area being discussed and explained the temporary safety improvements the City will be implementing including adding signs and creating a painted median.

City Manager Starr advised the City has requested **Ontario-Montclair School District (OMSD)** make changes to their property for the drop-off configuration by removing the current parking spaces and turning them into a drop-off corridor with a physical barrier preventing cars from exiting before the end of the corridor. He advised the City's temporary measures would only provide police officers with additional ticketing authority for illegal and unsafe maneuvers.

**VII. PUBLIC HEARINGS — None**

**VIII. CONSENT CALENDAR**

Item C-10 was pulled from the Consent Calendar.

Mayor Dutrey entertained discussion on Items B-9, C-1, C-2, C-3, C-7, and C-8 prior to the vote on the Consent Calendar.

Moved by Council Member/Director Johnson, seconded by Council Member/Director Lopez, and carried unanimously 5-0, the City Council pulled Item C-10 and approved the remainder of the Consent Calendar as presented, with discussion on the above-noted items:

**A. Approval of Minutes**

**1. Regular Joint Meeting — August 15, 2022**

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 15, 2022 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 August 31, 2022.

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

The City Council approved the Warrant Register dated September 6, 2022, totaling \$2,594,308.17; and the Warrant Register dated September 19, 2022, totaling \$876,531.79; and the Payroll Documentation dated July 31, 2022, amounting to \$693,157.80 gross, with \$496,350.56 net being the total cash disbursement; and the Payroll Documentation dated August 14, 2022, amounting to \$720,818.31, with \$504,971.85 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 Redevelop-

ment Agency Treasurer's Report for the month ending August 31, 2022.

**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 08.01.22–08.31.22 in the amounts of \$7,167.14 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 August 31, 2022.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 07.01.22–07.31.22 in the amount of \$82,137.70.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending August 31, 2022.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 08.01.22–08.31.22 in the amount of \$0.00.

**9. Authorizing a \$43,592.30 Allocation from the Economic Development Agency Fund for the Purchase of a 2022 Nissan Pathfinder from Metro Nissan Montclair for Use by the Economic Development Agency**

**Authorizing a \$33,894.80 Allocation from the Air Quality Improvement Fund for the Purchase of a 2022 Nissan Rogue From Metro Nissan Montclair for Use by the Administrative Services Department**

**Declaring a 2000 Toyota Camry CNG (Unit 102) as Surplus and Available for Parts or for Sale at Auction**

Council Member Lopez asked if the grant has been received for the Fire Department's purchase of a new fire truck.

City Manager Starr indicated the City has not yet heard and anticipates notification by mid-October. He noted if that does not happen, the City would move forward with the purchase without the grant.

The City Council took the following actions:

- (a) Authorized a \$43,592.30 allocation from the Economic Development Agency Fund for the purchase of a 2022 Nissan Pathfinder from Metro Nissan Montclair for use by the Economic Development Agency
- (b) Authorized a \$33,894.80 allocation from the Air Quality Improvement Fund for the purchase of a 2022 Nissan Rogue from Metro Nissan Montclair for use by the Administrative Services Department.
- (c) Declared a 2000 Toyota Camry CNG (Unit 102) as surplus and available for parts or for sale at auction.

**10. Receiving and Filing the 2022 Local Agency Biennial Notice and Directing Staff to Amend the City's Conflict of Interest Code Pursuant to the Political Reform Act**

The City Council received and filed the 2022 Local Agency Biennial Notice and directed staff to amend the City's Conflict of Interest Code Pursuant to the Political Reform Act.

**11. Authorizing the Destruction of Certain Obsolete Public Records Pursuant to the City of Montclair Records Retention Schedule**

The City Council authorized the destruction of certain obsolete public records pursuant to the City of Montclair Records Retention Schedule.

**C. Agreements**

**1. Approval of Agreement No. 22-81 with the Christian Development Center to Provide Case Management Services for the Homeless Program**

**Authorizing a \$19,800 Appropriation from the Contingency Reserve Fund for Costs Related to Agreement No. 22-81**

Council Member Johnson asked if this contract would be renewed after it is set to expire in June of 2023.

City manager Starr concurred, should both parties wish to renew.

The City Council took the following actions:

- (a) Approved *Agreement No. 22-81* with the Christian Development Center to provide case management services for the Homeless Program.
- (b) Authorized a \$19,800 appropriation from the Contingency Reserve Fund for costs related to *Agreement No. 22-81*.

**2. Approval of Agreement No. 22-83 with CRP/VP Montclair Village Owner, LLC., an Operations and Management Regulatory Agreement Regarding the Property Located at 5040-5050 Arrow Highway, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez asked why the Chief of Police needs to approve the property management company, stating he feels it should be completely up to the property owner how their property is managed.

Executive Director of Public Safety/Police Chief Avels advised the review function is to ensure that the property manager or company are experienced and reputable to ensure they are able to manage issues to reduce calls for police service.

Director of Community Development Diaz noted the property owner has already approved the conditions and agreed to the standards contained for the property management company, so he does not foresee any issues.

Council Member Lopez stated concerns regarding legal challenges to the requirement. He stated he would contact the property owner to make sure they are aware of what they are agreeing to.

The City Council approved *Agreement No. 22-83* with CRP/VP Montclair Village Owner, LLC., an Operations and Management Regulatory Agreement regarding the property located at 5040-5050 Arrow Highway, subject to any revisions deemed necessary by the City Attorney.

**3. Approval of Agreement No. 22-93 with Records Control Services, Inc. for Records Management Consulting Services (Inventory Assessment, Updated Retention Policy, and Strategic Roadmap)**

Council Member Johnson asked if this project would implement a new electronic system.

City Manager Starr advised the City has several electronic

systems already in place and this process would assist with ensuring compliant procedures are followed.

City Clerk Myrick clarified the consultant would review all of the City's records repositories, both paper and electronic, and assist staff with determining the most efficient ways to structure and manage the records across platforms, which could include recommending new software to purchase.

The City Council approved *Agreement No. 22-93* with Records Control Services, Inc. for records management consulting services (inventory assessment, updated retention policy, and strategic roadmap).

**4. Approval of *Agreement No. 22-94* with CRP/VP Montclair Village Owner, LLC., for Construction and Dedication of Parkland, Subject to Any Revisions Deemed Necessary by the City Attorney**

The City Council approved *Agreement No. 22-94* with CRP/VP Montclair Village Owner, LLC., for construction and dedication of Parkland, subject to any revisions deemed necessary by the City Attorney.

**5. Approval of *Agreement No. 22-95* with University Enterprises Corporation at California State University San Bernardino to Provide Technical Assistance and Outreach Services to Small Businesses, Subject to Any Revisions Deemed Necessary by the City Attorney**

The City Council approved *Agreement No. 22-95* with University Enterprises Corporation at California State University San Bernardino to provide technical assistance and outreach services to small businesses, subject to any revisions deemed necessary by the City Attorney.

**6. Approval of *Agreement No. 22-96* with the International Language School for Children & Adults (ILSCA) for Language Testing Services**

The City Council approved *Agreement No. 22-96* with the International Language School for Children & Adults (ILSCA) for language testing services.

**7. Approval of *Agreement No. 22-97*, Amendment No. 3 to *Agreement No. 95-73*, as Amended, with Diane E. Robbins of Robbins & Holdaway, a Professional Corporation, to Continue Providing Legal Services to the City of Montclair, Montclair Successor Redevelopment Agency, Montclair Housing Corporation, Montclair Housing Authority and Other City-Related Legal Entities**

Council Member Lopez asked if the proposed rates are comparable to the City Attorney's other clients.

City Attorney Robbins advised there is only one other government client who is currently paying the proposed rates.

The City Council approved *Agreement No. 22-97*, Amendment No. 3 to *Agreement No. 95-73*, as amended, with Diane E. Robbins of Robbins & Holdaway, a Professional Corporation, to continue providing legal services to the City of Montclair, Montclair Successor Redevelopment Agency, Montclair Housing Corporation, Montclair Housing Authority and other City-related legal entities.

**8. Approval of *Agreement No. 22-100* with the San Bernardino County District Attorney's Office to Station a Victim's Advocate at the Police Department, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Johnson asked how many advocates would be stationed and what services would be provided.

Executive Director of Public Safety/Police Chief Avels advised only one would be assigned for now and would provide services such as assisting with paperwork, referrals to counseling, and accompanying victims to court during proceedings.

The City Council approved *Agreement No. 22-100* with the San Bernardino County District Attorney's Office to station a Victim's Advocate at the Police Department, subject to any revisions deemed necessary by the City Attorney.

**9. Approval of *Agreement No. 22-103*, Amending *Agreement No. 19-103* with the City of West Covina and Mark 43 for CAD/RMS Updates and Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Authorizing a \$10,000 Expenditure from the SB 509 Public Safety Fund for Costs Associated with *Agreement No. 22-103***

The City Council took the following actions:

- (a) Approved *Agreement No. 22-103*, amending *Agreement No. 19-103* with the City of West Covina and Mark 43 for CAD/RMS updates and services, subject to any revisions deemed necessary by the City Attorney.
- (b) Authorized a \$10,000 expenditure from the SB 509 Public Safety Fund for costs associated with *Agreement No. 22-103*.

**D. Resolutions**

**1. Adoption of Resolution No. 22-3377 Making Factual Findings in Compliance with AB 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of September 19, 2022, through October 19, 2022**

The City Council adopted Resolution No. 22-3377 making factual findings in compliance with AB 361 for the continuation of public meeting teleconferencing during public health emergencies for the period of September 19, 2022, through October 19, 2022.

**2. Adoption of Resolution No. 22-3379 Approving a Five-Year Capital Project Needs Analysis for Fiscal Years 2023-24 Through 2027-28**

The City Council adopted Resolution No. 22-3379 approving a Five-Year Capital Project Needs Analysis for Fiscal Years 2023-24 through 2027-28.

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**10. Amending the 2019-2024 Capital Improvement Program to Add the CDBG Target Area Alley Improvements Project**

**Authorizing an \$849,440 Appropriation from Community Development Block Grant (CDBG) Funds for Costs Related to the CDBG Target Area Alley Improvements Project**

**Authorization to Advertise for Bid Proposals for the CDBG Target Area Alley Improvements Project**

**Authorizing the City Manager to Award *Agreement No. 22-104* for Construction of the CDBG Target Area Alley Improvements Project**

Council Member Lopez raised several concerns regarding parking, trash pickup, street sweeping, and prolonged access issues that residents will face during the paving projects, especially those who do not have driveways or access their garages from their alley.

City Manager Starr clarified the alley should not be inaccessible for more than a day and that scheduled services that coincide with the project such as trash pickup and street sweeping could be rescheduled if necessary.

Moved by Mayor Dutrey, seconded by Council Member Johnson, and carried 4-1 (Lopez dissenting), the City Council took the following actions:

- (a) Amended the 2019-2024 Capital Improvement Program to add the CDBG Target Area Alley Improvements Project.
- (b) Authorized an \$849,440 appropriation from Community Development Block Grant (CDBG) Funds for costs related to the CDBG Target Area Alley Improvements Project.
- (c) Authorized to advertise for bid proposals for the CDBG Target Area Alley Improvements Project.
- (d) Authorized the City Manager to award *Agreement No. 22-104* for construction of the CDBG Target Area Alley Improvements Project.

## 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 54956.8 Regarding Real Property Negotiations

*Properties:* APNs 1009-383-17-0000 & 1009-391-20-0000  
*Negotiating Parties:* City of Montclair, Boyce and Green Inc. Ownership, and Cynthia L. Cox  
*Agency Negotiator:* Edward C. Starr, City Manager  
*Under Negotiations:* Recommendations Regarding Purchase Price

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

*George v. City of Montclair*

### C. City Manager/Executive Director — None

### D. Mayor/Chair

#### 1. Announcement of a Community Stakeholder Meeting of the City Council, Planning Commission, and Community Activities Commission on Monday, September 26, 2022, at 6:00 p.m. in the Senior Center Hosted by KTUA to Discuss the Parks and Recreation Master Plan

Mayor/Chair Dutrey announced members of the City Council, Planning Commission, and Community Activities Commission will participate in a stakeholder workshop to discuss the Parks and Recreation Master Plan on Monday, September 26, 2022, at 6:00 p.m. in the Senior Center.

#### 2. Mayor Dutrey made the following comments:

- (a) He stated he would like to discuss the City Manager's evaluation at the next regular meeting during closed session.
- (b) He stated he attended the **League of California Cities (LCC) Annual Conference** in Long Beach and the installation of officers for the **Montclair Chamber of Commerce**.
- (c) He stated he is excited to see youth programs are starting up for the fall.

## E. Council Members/Directors

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:
  - (a) He stated he would like to have a discussion on building tiny homes for homeless veterans.  
City Manager Starr advised staff is currently looking into this as part of the homeless program being developed and stated a workshop would take place in early 2023.
  - (b) He noted he also attended the **LCC Annual Conference**.
  - (c) He attended the **Metro Gold Line Joint Powers Authority** meeting last week.
  - (d) He spoke on the significance of the death of **Queen Elizabeth II** on September 8, 2022.
2. Council Member/Director Lopez made the following comments:
  - (a) He stated he and the Mayor attended the **Rodrigo's** restaurant's 50th anniversary event.
  - (b) He noted **Montclair Little League** opened its fall season this past weekend.
  - (c) He wished a happy belated birthday to Mayor Dutrey.
  - (d) He thanked the Montclair Firefighters who were assigned to assist with fighting the Fairview fire.
  - (e) He stated he received an update that the student who was stabbed while walking home from **Montclair High School** several months ago is making great progress with her recovery.
  - (f) He asked if the \$1,500 inflationary adjustments went out to all employees.  
City Manager Starr advised it has not been disbursed to employees whose labor groups are still in negotiations.
3. Council Member/Director Johnson made the following comments:
  - (a) She advised the **Montclair Chamber of Commerce** is hosting another e-waste drive on Saturday, September 24th and 25th.
  - (b) She stated **Soroptimist International Montclair/Inland Valley** chapter is hosting a casino night at the Senior Center on October 8th.
  - (c) She announced **Hasco** Outlet in Montclair will be hosting a family festival and car show on November 4th.
4. Council Member/Director Martinez announced the City Council would be attending an awards ceremony to recognize 40 **OMSD** students who achieved perfect grades on their state tests.

## F. Committee Meeting Minutes

1. **Minutes of Public Works Committee Meeting of May 19, 2022**  
The City Council received and filed the minutes of the Public Works Committee meeting of May 19, 2022, for informational purposes.
2. **Minutes of Personnel Committee Meeting of August 15, 2022**  
The City Council received and filed the minutes of the Personnel Committee meeting of August 15, 2022, for informational purposes.

## XI. CLOSED SESSION

At 8:42 p.m., the City Council went into closed session to discuss pending litigation and labor negotiations.



**XII. CLOSED SESSION ANNOUNCEMENTS**

At 9:25 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council met in closed session to discuss pending litigation and labor negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

**XIII. ADJOURNMENT**

At 9:25 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency Board, Montclair Housing Corporation 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