

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, OCTOBER 3, 2022 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 Josh Matlock, Bethany Baptist Church, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Martinez 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 — None

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. Juliet Orozco, Soroptimist International Montclair/Inland Valley, announced the Live Your Dream Awards are now accepting applications. The program provides scholarships to women who are the primary financial support for their families to empower them with resources to improve their economic opportunities.

C. Mr. Arnold San Miguel, Regional Affairs Officer of **Southern California Association of Governments (SCAG),** invited the City Council and staff to SCAG's 12th Annual Southern California Economic Summit on December 1, 2022, in Los Angeles. He also announced a Notice of Preparation for a Program Environmental Impact Report will soon be released in relation to Connect SoCal 2024, which is a long-range plan for the Regional Transportation Plan/Sustainable Communities Strategies covering 2024 to 2050.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Lopez, and carried unanimously 5-0, the City Council approved the Consent Calendar, as presented:

A. Approval of Minutes

1. Regular Joint Meeting — September 19, 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 September 19, 2022 regular joint meeting.

B. Administrative Reports

1. Authorizing the Purchase of Five 2023 Ford Explorer Interceptor Utility Vehicles and One Ford Edge SE for the Police Department Fleet from Fritts Ford in the Total Amount of \$299,605.93

Authorizing a \$46,914.93 Appropriation from the Inflation Control Expenditure Fund to Cover the Unanticipated Cost Increase of the Vehicles

Declaring Six Ford Police Interceptor Utility Vehicles as Surplus and Available for Parts or for Sale at Auction

The City Council took the following actions:

- (a) Authorized the purchase of five 2023 Ford Explorer Interceptor Utility Vehicles and one Ford Edge SE for the Police Department fleet from Fritts Ford in the total amount of \$299,605.93.
- (b) Authorized a \$46,914.93 appropriation from the Inflation Control Expenditure Fund to cover the unanticipated cost increase of the vehicles.
- (c) Declared six Ford Police Interceptor Utility vehicles as surplus and available for parts or for sale at auction.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 3, 2022, totaling \$2,051,712.69; and the Payroll Documentation dated August 28, 2022, amounting to \$707,959.15 gross, with \$497,358.57 net being the total cash disbursement; and the Payroll Documentation dated September 11, 2022, totals \$1,003,097.08 gross, with \$695,852.00 net being the total cash disbursement.

C. Agreements

1. Approval of *Agreement No. 22-92* with Western University of Health Sciences to Provide College of Osteopathic Medicine of the Pacific Students with Clinical and Educational Training at the Montclair Medical Clinic, Subject to Any Revisions Deemed Necessary by the City Attorney

The City Council approved *Agreement No. 22-92* with Western University of Health Sciences to provide College of Osteopathic Medicine of the Pacific Students with clinical and educational training at the Montclair Medical Clinic, subject to any revisions deemed necessary by the City Attorney.

2. Amending the 2019-2024 Capital Improvement Program to Include the Mills Avenue Street Rehabilitation Project from Holt Boulevard to Moreno Street

Approval of *Agreement No. 22-99* with Andreasen Engineering, Inc. for Performance of Surveying, Evaluation of Pedestrian Connectivity Improvements, and Preparation of Sidewalk Improvement Plans for Mills Avenue Street Rehabilitation Project, Subject to Any Revisions Deemed Necessary by the City Attorney

Authorizing a \$30,000 Appropriation from 2021 Lease Revenue Bond Proceeds for Costs Related to *Agreement No. 22-99*

Authorizing a \$3,400 Design Services Contingency for the Mills Avenue Street Rehabilitation Project

The City Council took the following actions:

- (a) Amended the 2019–2024 Capital Improvement Program to include the Mills Avenue Street Rehabilitation Project from Holt Boulevard to Moreno Street.
- (b) Approved *Agreement No. 22–99* with Andreasen Engineering, Inc. for performance of surveying, evaluation of pedestrian connectivity improvements, and preparation of sidewalk improvement plans for Mills Avenue Street Rehabilitation Project, subject to any revisions deemed necessary by the City Attorney.
- (c) Authorized a \$30,000 appropriation from 2021 Lease Revenue Bond proceeds for costs related to *Agreement No. 22–99*.
- (d) Authorized a \$3,400 design services contingency for the Mills Avenue Street Rehabilitation Project.

D. Resolutions

1. **Adoption of Resolution No. 22–3378 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts**

The City Council adopted Resolution No. 22–3378 authorizing placement of assessments on certain properties for delinquent sewer and trash accounts.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS

A. **Consider Adoption of Resolution No. 22–3380 Making Certain Findings for an Exception to the 180–Day Wait Period Pursuant to Government Code Sections 7522.56, 3301, and 21221 (H) with Authorization to Hire David Taylor into the Part–Time, Temporary Retired Annuitant Position of Police Officer**

Consider Authorizing a \$32,155 Appropriation from the FY 2022–23 Police Department Personnel Budget to Fund the Part–Time, Temporary Retired Annuitant Position of Police Officer

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried unanimously 5–0, the City Council took the following actions:

1. Adopted Resolution No. 22–3380 making certain findings for an exception to the 180–day wait period pursuant to Government Code Sections 7522.56, 3301, and 21221(h) with authorization to hire David Taylor into the part-time, temporary retired annuitant position of Police Officer; and
2. Authorized a \$32,155 appropriation from the FY 2022–23 Police Department personnel budget to fund the part-time, temporary retired annuitant position of Police Officer.

XI. RESPONSE

A. **Consider Receiving and Filing the Response to City Council Inquiry Regarding Commercial Cannabis Community Benefits Funding and Social Equity Programs**

Mr. Mark Ramos, President, United Food and Commercial Workers International Union (UFCW) Local 1428, asked if the 2019 draft cannabis ordinances are available to the public. He recommended against several proposed aspects of community benefits funding programs including having a competitive process for nonprofits to receive funds and involving the City Manager in the review process as a sole decision-maker.

City Manager Starr advised the draft was available online in 2019 and may not be there anymore, but it is available to the public upon request.

Mayor Pro Tem Ruh complimented how Pomona's cannabis program protects workers.

Council Member Lopez received clarification that no changes have been made to the 2019 draft ordinances. He noted he supports not having a restricted list of organizations that can receive community benefits funding from this program. He voiced his concern that the 300-page document does not appear business friendly due to its sheer volume, which he feels could open the City to more legal challenges.

City Manager Starr advised the direction from the City Council prior to developing the 2019 draft ordinances was to ensure that cannabis businesses would be well-regulated to keep the illegal businesses out. He noted loose regulations were not something the City Council was interested in exploring at that time, and the drafted ordinances included regulations for several aspects of the cannabis industry that are not addressed by any other state or local regulations such as vending machines and cannabis lounges. He added Montclair's draft ordinances received high regard from a large reputable cannabis retailer that operates upscale cannabis businesses in the Bay Area.

Mayor Dutrey requested newer Council Members who do not have copies of the 2019 draft ordinances receive them, and stated the City Council would take this report under advisement for the potential future consideration of cannabis regulations.

The City Council received and filed the response to City Council inquiry regarding commercial cannabis community benefits funding and social equity programs.

XII. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Activities & Events

Assistant City Manager/Director of Human Services Richter provided the following updates and announcements:

- **Youth Basketball League** — Indoor sports are finally starting back up. Youth basketball registration is open through Thursday, October 6, or until each division is filled.
- **Hispanic Heritage Month Celebration** — The public is invited to attend this event on Saturday, October 8, from 5:00 to 7:00 p.m. at the center court at **Montclair Place**. Montclair Afterschool Program (MAP) participants from **Kingsley** and **Mission Elementary Schools** will put on Folklórico performances and **Serrano Middle School** students will be hosting a Mexican tissue paper flower craft project.
- **Montclair Candidates' Forum** — This event will take place on Wednesday, October 12, from 7:00 to 8:30 p.m. in the Council Chambers. The public will have the opportunity to ask questions of the Montclair candidates running for Mayor and City Council.
- **Free Flu Vaccine and COVID Vaccine/Booster Events** — On October 18, and again on November 1, **San Bernardino County** will be hosting this free event in the Montclair Community Center from 9:30 a.m. to 1:30 p.m. No insurance is required and appointments are encouraged, but walk-ins are accepted. Pre-register at [MyTurn.ca.gov](https://myturn.ca.gov).

- **Lights On After School** — MAP will be hosting its annual Lights on After School event on Thursday, October 20, from 6:30 to 8:30 p.m. The event will feature visual arts, dance, drama, and music created and performed by students from all of our 10 MAP sites.
- **Holiday Food & Toy Basket Sign-Ups** — Appointments to apply to receive a holiday food and toy basket are now available for Montclair families who meet certain income requirements. October 21 is the deadline to contact the Recreation Center to schedule an appointment.
- **Halloween Spooktacular** — This event will be held on Saturday, October 29, from 5:00 to 8:00 p.m. in the parking lot at **Montclair Place**. Costume contests, games, a DJ, and other fun activities will be located outside next to the Pumpkin Patch.

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 54957 Regarding Public Employee Performance Evaluation: City Manager/Executive Director**
2. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**

Garcia v. Lopez, City of Montclair, et al.

Fuentes v. Lopez, City of Montclair, et al.

C. City Manager/Executive Director — None

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

2. He acknowledged upcoming and recently passed days and months of recognition, holidays, and celebrations:
 - September 25-27 — Rosh Hashanah
 - October — Breast Cancer Awareness Month
Filipino American History Month
Italian American Heritage Month
Polish American Heritage Month
LGBT History Month
- (b) He stated he attended the **Innovating Commerce Serving Communities (ICSC)** Conference in San Diego this weekend along with Mayor Pro Tem Ruh and Council Member Martinez.
- (c) He noted he just learned that a Montclair Firefighter named **Robert G. Anderson** died in the line of duty in 1977 and stated he would like to honor him by adjourning tonight's meeting in his memory.
- (d) He announced that Benson Avenue at the I-10 underpass is closed through November 9th due to freeway construction work. He noted Monte Vista Avenue will remain under construction until 2024.

E. Council Members/Directors

1. Mayor Pro Tem/Vice Chair Ruh voiced his frustration with the road closures in the area and their impacts on traffic, noting San Antonio Avenue's closure is causing additional traffic congestion on Montclair's streets. He noted the traffic signals north and south of the freeway on Central Avenue are not well coordinated causing major backups, and expressed his desire

to re-signalize with demand lights, noting he believes there are federal and state grants that would provide funding for it.

2. Council Member/Director Lopez made the following comments:
 - (a) He stated he attended the **Chino Basin Water Conservation District's** Garden & Pumpkin Fest event on Saturday at the Waterwise Community Center.
 - (b) He echoed complaints received from residents about the traffic conditions around construction zones, and suggested some of the striping for traffic turning onto the freeway be repainted.
 - (c) He stated there would be a 55-hour closure on the I-10 freeway of three westbound lanes at Monte Vista Avenue for half a mile, and the westbound on- and off-ramps from Friday, October 14, at 10:00 p.m. through Monday, October 17, at 5:00 a.m.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of September 19, 2022

The City Council received and filed the minutes of the Personnel Committee meeting of September 19, 2022, for informational purposes.

XIII. CLOSED SESSION

At 8:08 p.m., Council Member Lopez was excused and the City Council went into closed session to discuss pending litigation. Council Member Lopez joined the City Council in closed session at 8:54 p.m. to discuss the City Manager's performance evaluation.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:53 p.m., Mayor Dutrey announced that the City Council met in closed session to discuss pending litigation; information was received and direction given to staff; and no further announcements would be made at this time.

At 10:04 p.m., Mayor Dutrey announced that the City Council evaluated the performance of the City Manager and direction was given to the City Attorney and the Mayor to discuss the results of the evaluation with the City Manager

XV. ADJOURNMENT

At 10:04 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 in memory of Montclair Firefighter **Robert G. Anderson**, who passed away from a car accident while on duty in 1977.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/ Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea Myrick,
City Clerk