

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, NOVEMBER 7, 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

Montclair Fire Chaplain Jimmy Crowell gave the invocation.

Mayor Dutrey thanked Chaplain Crowell, wished his family sincere condolences on behalf of the City Council, and noted tonight's meeting would be adjourned in memory of his son, **Thomas M. Rojas**.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Ruh led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Ruh; Council Members/Directors 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

Absent: Council Member/Director Johnson

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

Ms. Ruby Long, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, 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.

Ms. Lisa Wallen, resident, sought assistance to find a friend who was evicted from his home and is currently in the care of Adult Protective Services.

Ms. Rosemarie Rosa, resident, requested the City pave a driveway approach in front of her property so that she does not have to continue using her neighbor's driveway. She was directed to speak with Public Works Director Heredia regarding the process for obtaining a sidewalk construction easement.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Mayor Dutrey took public comment and discussion on Item B-2, and staff provided clarification to Council Member Lopez on Item D-1.

The motion to adopt the Consent Calendar was made by Council Member/Director Lopez and seconded by Mayor Pro Tem/Vice Chair Ruh.

Support for the motion was recorded electronically as follows:

AYES: Lopez, Martinez, Ruh, Dutrey

NOES: None

ABSTAIN: None

ABSENT: Johnson

Mayor/Chair Dutrey declared the motion carried 4-0.

A. Approval of Minutes

1. Regular Joint Meeting — October 17, 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 October 17, 2022 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated November 7, 2022, totaling \$2,326,514.79; and the Payroll Documentation dated October 23, 2022, amounting to \$749,309.44 gross, with \$500,940.67 net being the total cash disbursement.

2. Authorizing the Purchase of One KME Custom Type-1 Pumper Apparatus in the Total Amount of \$838,070.48

Authorizing an \$838,070.48 Appropriation from the Equipment Replacement Fund for the Purchase of one KME Custom Type-1 Pumper Apparatus

Mr. Bruce Culp, resident, expressed doubts as to the necessity for this purchase based on limited justification and evidence, and considering a new fire engine was purchased in 2018. He added the timing of having this item on the agenda before the election makes it look politically motivated.

Mayor Dutrey countered **Mr. Culp's** claim that political bias is involved, noting this subject has been repeatedly discussed for over a year and the City Council directed the purchase be made from the General Fund if the grant is not successful in the budget review meetings. He noted staff has just learned the grant was unsuccessful, prompting the purchase being placed on tonight's agenda.

Council Member Martinez received clarification that a grant could not be sought for reimbursement after purchase of the truck, and that the fire station is equipped with an HVAC system to protect personnel from emissions.

Council Member Lopez stated all the engines need to be updated and this is just the first step.

Mayor Pro Tem Ruh noted the City of Rancho Cucamonga recently received a grant to purchase an electric fire engine.

The City Council took the following actions:

- (a) Authorized the purchase of one KME custom Type-1 pumper apparatus in the total amount of \$838,070.48.
- (b) Authorized an \$838,070.48 appropriation from the Equipment Replacement Fund for the purchase of one KME custom Type-1 pumper apparatus.

3. Approval of the Filing of a Notice of Completion with the San Bernardino County Recorder for the Fire Station No. 2 Landscaping Project Constructed by Mariposa Landscapes, Inc.

Authorizing Release of Retention 30 Days After Recordation of Notice of Completion, Reduction of Faithful Performance Bond to 10 Percent, and Release of Payment Bond After Nine Months Subject to City Attorney Approval

The City Council took the following actions:

- (a) Approved the filing of a notice of completion with the San Bernardino County Recorder for the Fire Station No. 2

Landscaping Project constructed by Mariposa Landscapes, Inc.

- (b) Authorized release of retention 30 Days after recordation of Notice of Completion, reduction of faithful performance bond to 10 Percent, and release of payment bond after nine months subject to City Attorney approval.

4. Authorizing the Purchase of Perpetual Award Plaques, Frames, and an Organizational Chart for the Police Department in the Total Amount of \$15,000

Authorizing a \$15,000 Appropriation from the State Asset Forfeiture Fund for the Purchase of Said Items

The City Council took the following actions:

- (a) Authorized the purchase of perpetual award plaques, frames, and an organizational chart for the Police Department in the total amount of \$15,000.
- (b) Authorized a \$15,000 appropriation from the State Asset Forfeiture Fund for the purchase of said items.

C. Agreements

1. Award of Contract to G&S Carpet Mills, Inc. in the Amount of \$64,451.72 with a \$9,548.28 Contingency for City Hall Flooring Services

Approval of *Agreement No. 22-98* with G&S Carpet Mills, Inc., for City Hall Flooring Services, Subject to Any Revisions Deemed Necessary by the City Attorney

Authorizing a \$74,000 Appropriation from the Building Maintenance Reserve Fund for City Hall Flooring Services

The City Council took the following actions:

- (a) Award a contract to G&S Carpet Mills, Inc. in the amount of \$64,451.72 with a \$9,548.28 contingency for City Hall flooring services.
- (b) Approved *Agreement No. 22-98* with G&S Carpet Mills, Inc., for City Hall flooring services, subject to any revisions deemed necessary by the City Attorney.
- (c) Authorized a \$74,000 appropriation from the Building Maintenance Reserve Fund for City Hall flooring services.

2. Approval of *Agreement No. 22-102* with Graffiti Tracker Inc. for Continued Use of its Database to Track and Analyze Graffiti, Subject to Any Revisions Deemed Necessary by the City Attorney

Authorizing a \$3,300 Appropriation from the Prop 30/AB 109 Fund for Costs Associated with *Agreement No. 22-102*

The City Council took the following actions:

- (a) Approved *Agreement No. 22-102* with Graffiti Tracker Inc. for continued use of its database to track and analyze graffiti, subject to any revisions deemed necessary by the City Attorney.
- (b) Authorized a \$3,300 appropriation from the Prop 30/AB 109 fund for costs associated with *Agreement No. 22-102*.

D. Resolutions

1. Adoption of Resolution No. 22-3385 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

Council Member Lopez asked if property owners who are repeatedly on this list are notified and given the opportunity to pay the owed amounts before it goes to lien.

City Manager Starr advised many property owners rent out their properties and prefer to pay for their trash and sewer service on their annual tax bill through the lien process. He added notices are mailed and staff works with those who contact the City to avoid the liens.

The City Council adopted Resolution No. 22-3385 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

2. Adoption of Resolution No. 22-3386 Making Factual Findings in Compliance with AB 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of November 7, 2022, through December 7, 2022

The City Council adopted Resolution No. 22-3386 making factual findings in compliance with AB 361 for the continuation of public meeting teleconferencing during public health emergencies for the period of November 7, 2022, through December 7, 2022.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS — None

XI. 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)(1) Regarding Pending Litigation

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

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

Kresback v. Hamilton, City of Montclair, et al.

Borra v. City of Montclair

Wheeler v. City of Montclair

2. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

Employee Management

Organizations: Montclair City Confidential Employees Assn.
Montclair General Employees Association
Montclair Fire Fighters Association
Montclair Police Officers Association

C. City Manager/Executive Director — None

D. Mayor/Chair

Mayor/Chair Dutrey recognized all who served in honor of Veterans Day; announced upcoming days and months of recognition for November including National Native American Heritage Month; commended the success of the Human Services Department's Halloween Spooktacular and Lights On After School events; thanked the Fire Department for quickly addressing a large house fire on Camulos Avenue last night; recognized the Montclair Firefighters Association for replacing a resident's broken wheelchair; and expressed his confidence in the people of Montclair to vote tomorrow.

E. Council Members/Directors

1. Mayor Pro Tem/Vice Chair Ruh thanked the Community Activities Commission as well as Montclair Fire and Police Departments for their involvement in the successful Halloween event; noted his attendance at **Hasco Outlet's** First Annual Family Fun Festival and Car Show on Saturday; noted the passing of **Mr. Roger Lambert**, a longtime Montclair resident, and **Mrs. Barbara "Barbee" Pearson**, who owned and operated **Midway Building Supply** in Montclair with her husband, **Mr. Richard "Ric" Harold Pearson**, from 1952 to 1998; urged residents to vote tomorrow using any of the many available methods; and commemorated Veterans Day by reflecting on what it used to be called, Armistice Day, which marked the end of World War I at the Battle of Normandy.
2. Council Member/Director Lopez shared a compliment from a resident for Assistant Code Enforcement Manager Fondario; stated he attended the **Hasco Outlet** event as well as some **Montclair High School (MHS)** water polo games; attended the **I-10 Towing & Recovery** grand opening event with his Council colleagues; attended the **MHS Homecoming**; expressed the importance of Election Day and urged residents to not let the rainy forecast deter them; wished all candidates luck; and thanked residents who have served in the **U.S. Military**.
3. Council Member/Director Martinez commended the City's Halloween event; announced the **Women's Club of Montclair** is holding its **See's Candy** fundraiser; and wished her father, Planning Commissioner Manny Martinez, a happy birthday.

F. Committee Meeting Minutes

The following committee minutes were received and filed for informational purposes:

1. **Public Works Committee Meeting – August 18, 2022**
2. **Personnel Committee Meeting – October 17, 2022**

Council Member Lopez left the meeting at 7:57 p.m.

XII. CLOSED SESSION

The City Council entered closed session at 7:57 p.m. to discuss pending litigation.

Council Member Lopez joined the City Council in closed session at 8:12 p.m.

The City Council resumed discussion of pending litigation and discussed labor negotiations.

XIII. CLOSED SESSION ANNOUNCEMENTS

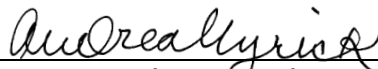
The City Council returned from closed session at 8:37 p.m.

Mayor Dutrey announced 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.

XIV. ADJOURNMENT

At 8:37 p.m., the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned in memory of **Roger Lambert, Barbara Pearson, and Thomas M. Rojas**.

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



Andrea Myrick,
City Clerk