

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 21, 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

Ezekiel and Maitrik Patel, Nithyananda Vedic Temple, gave the invocation.

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; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

- **Ruby Long**, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, announced the District will host a Christmas Open House event on Thursday, December 8th from 5:30 to 7:30 p.m. at Chino Hills City Hall.
- **Sophia Siqueros**, Field Representative for **U.S. Representative Norma Torres**, announced two upcoming federal infrastructure grant opportunities for organic waste programs and educational outreach programs.
- **Leticia Rodriguez**, resident, voiced concerns over a lack of lighting around the intersection of Fremont Avenue and San Bernardino Street and requested the City Council consider implementing permit parking on Fremont Avenue between Benito and San Bernardino Streets.
- **Carolyn Raft**, resident, spoke in support of additional lighting on the streets for safety and encouraged the Public Works Committee to consider the requested permit parking on Fremont Avenue.
- **Xavier Mendez**, resident, congratulated Mayor Dutrey, Mayor Pro Tem Ruh, and Council Member Martinez on their re-elections and shared concerns from residents he heard while he campaigned.

VII. PUBLIC HEARINGS

A. **Consider Adoption of Resolution No. 22-3381, a Resolution of Necessity for the Acquisition of an Easement of Interest in Certain Real Property, by Eminent Domain, Located in the City of Montclair, San Bernardino County, California (APN 1009-383-17) for the City of Montclair's San Antonio Creek Pedestrian Bike Path Project**

Mayor Dutrey opened the public hearing.

City Clerk Myrick stated proper notice of the hearing was sent to the owner of record and no written comments were received in relation to this item.

No persons with interest in the property spoke.

Bruce Culp spoke in support of Resolution No. 22-3381 and also spoke in support of the San Antonio Creek Pedestrian Bike Path Project.

Xavier Mendez spoke in support of Resolution No. 22-3381 and in opposition to the San Antonio Creek Pedestrian Bike Path Project.

Mayor Dutrey closed the public hearing and the City Council discussed the matter. Discussion focused on concerns regarding the City’s inability despite multiple attempts to make contact with the owner; the impact an additional maintenance easement would have on the property owner’s options for use of the property; the City’s use of eminent domain in general; the public interest being served by the City’s ability to acquire the easement for the purpose of making safety improvements to the property; and keeping adjacent residents informed and involved during the improvement and development of the path.

ACTION - Public Hearings - Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 22-3381
MADE BY: SECOND BY:	Council Member Johnson Council Member Martinez
RESULT:	With no opposition, motion carried 5-0.

Mayor Pro Tem Ruh left the meeting at 8:08 p.m.

VIII. CONSENT CALENDAR

ACTION - Consent Calendar	
ACTING:	City Council Successor Agency Montclair Housing Corporation Montclair Housing Authority Montclair Community Foundation
MOTION:	Approve the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Johnson Council Member/Director Lopez
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Johnson, Dutrey None None Ruh
RESULT:	With no opposition, motion carried 4-0

A. Approval of Minutes

1. Regular Joint Meeting — November 7, 2022

ACTION - Consent Calendar - Item A-1	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
RESULT:	Approved on Consent

B. Administrative Reports

1. **Consider Receiving and Filing City Treasurer's Report - October 2022**

ACTION - Consent Calendar - Item B-1	
ACTING:	City Council
RESULT:	Approved on Consent

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

ACTION - Consent Calendar - Item B-2	
ACTING:	City Council
RESULT:	Approved on Consent

3. **Consider Receiving and Filing SA Treasurer's Report - October 2022**

ACTION - Consent Calendar - Item B-3	
ACTING:	Successor Agency Board
RESULT:	Approved on Consent

4. **Consider Approval of SA Warrant Register - October 2022**

ACTION - Consent Calendar - Item B-4	
ACTING:	Successor Agency Board
RESULT:	Approved on Consent

5. **Consider Receiving and Filing MHC Treasurer's Report - October 2022**

ACTION - Consent Calendar - Item B-5	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent

6. **Consider Approval of MHC Warrant Register - October 2022**

ACTION - Consent Calendar - Item B-6	
ACTING:	Montclair Housing Corporation Board
RESULT:	Approved on Consent

7. **Consider Receiving and Filing of MHA Treasurer's Report - October 2022**

ACTION - Consent Calendar - Item B-7	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent

8. Consider Approval of MHA Warrant Register – October 2022

ACTION – Consent Calendar – Item B-8	
ACTING:	Montclair Housing Authority Commissioners
RESULT:	Approved on Consent

9. Consider Authorizing the a \$7,500 Appropriation from the State Asset Forfeiture Fund for the Purchase of Materials and Hardware for Repairs to the Police Department Firearms Shooting Range

ACTION – Consent Calendar – Item B-9	
ACTING:	City Council
RESULT:	Approved on Consent

C. Agreements

1. Consider Approval of the First Amendment to Agreement No. 22-36 with Sewer Service Providers Within the Inland Empire Utilities Agency Service Area for Additional Costs Related to Negotiations for Revisions to the Chino Basin Regional Sewage Service Contract

Consider Authorizing a \$4,286 Appropriation from the Sewer Fund for Costs Related to the First Amendment to Agreement No. 22-36

ACTION – Consent Calendar – Item C-1	
ACTING:	City Council
RESULT:	Approved on Consent

2. Consider Approval of Agreement No. 22-101 with the San Bernardino County Office of Emergency Services Authorizing the Receipt of \$17,275 from the FY 2021 Homeland Security Grant Program

Consider Authorizing City Manager Starr to Sign Agreement No. 22-101

Consider Authorizing a \$17,275 Appropriation from the Public Safety Grant Fund to Purchase an Electronic Message Board Trailer

Consider Authorizing a \$1,390 Appropriation from the State Asset Forfeiture Fund to Cover the Remaining Balance of the Electronic Message Board Trailer

ACTION – Consent Calendar – Item C-2	
ACTING:	City Council
RESULT:	Approved on Consent

3. Consider Approval of Agreement No. 22-108 with Lexipol, LLC for Continued Maintenance of the Police Department’s Policy and Procedures Manual, Law Enforcement Daily Training Bulletins (DTB), and DTB Management Services

ACTION – Consent Calendar – Item C-3	
ACTING:	City Council
RESULT:	Approved on Consent

4. **Consider Approval of Agreement No. 22-109 with Lexipol, LLC for Continued Maintenance of the Fire Department’s Policy and Procedures Manual and Fire Service Daily Training Bulletins**

ACTION - Consent Calendar - Item C-4	
ACTING:	City Council
RESULT:	Approved on Consent

5. **Consider Awarding a Contract to Arnold Fields Painting in the Amount of \$29,000 with a \$5,000 Contingency for City Hall Interior Painting Services**

Consider Approval of Agreement No. 22-111 with Arnold Fields Painting for City Hall Interior Painting Services Subject to Any Revisions Deemed Necessary by the City Attorney

Consider Authorizing a \$34,000 Appropriation from the Building Maintenance Reserve Fund for City Hall Interior Painting Services

ACTION - Consent Calendar - Item C-5	
ACTING:	City Council
RESULT:	Approved on Consent

6. **Consider Approval of Agreement No. 22-112 with LD King, Inc. for Engineering Design Services for Street and Storm Drain Improvements for the Arrow Highway and Fremont Avenue Improvement Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

Consider Authorizing an \$8,286 Engineering Design Services Contingency for Agreement No. 22-112

Consider Authorizing a \$53,000 Appropriation from the Redevelopment Project Area No. III Tax Allocation Bond Fund for Costs Related to Agreement No. 22-112

ACTION - Consent Calendar - Item C-6	
ACTING:	City Council
RESULT:	Approved on Consent

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS — None

Mayor Pro Tem Ruh returned to the dais at 8:10 p.m.

X. BUSINESS ITEMS

- A. Consider Authorizing the Preparation of Action Minutes as the Official Record of City Council and Commission Meetings**

Consider Revising the Retention Period for Video/Audio Recordings of Meetings to “Permanent” for Those with Action Minutes Prepared

The City Council discussed the item. Discussion focused on concern for residents who read the minutes and consideration of staff time to compose more detailed summary minutes.

ACTION - Business Items - Item A	
ACTING:	City Council

ACTION – Business Items – Item A	
MOTION:	Approved on a trial basis for six months, to be evaluated at the second regular meeting in July 2023.
MADE BY: SECOND BY:	Council Member Lopez Mayor Pro Tem Ruh
RESULT:	With no opposition, motion carried 5-0.

XI. COUNCIL WORKSHOP

A. David Turch & Associates, Federal Legislative Advocate Presentation

The City Council continued this presentation to an adjourned meeting on Monday, December 5, 2022, at 5:45 p.m. in the City Council Chambers.

XII. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Holiday Activities & Events

Assistant City Manager/Director of Human Services Richter announced that donations for the Holiday Food and Toy Basket Program are being accepted through December 8th with bins available at City facilities. She noted Police and Fire personnel will be hosting a donation drive for the holiday baskets at the Montclair **Costco** on December 2nd and 9th, from 10:00 a.m. to 2:00 p.m. She invited the community to the City's Holly Jolly Holiday event on Thursday, December 1st from 6:00 to 8:30 p.m. at the Youth Center and encouraged nominations for the Community Activities Commission's Annual Holiday Home Decoration Contest due Friday, December 9th at 6:00 p.m.

2. Police Department — Dashing Through Montclair

Executive Director of Public Safety/Police Chief Avels announced that **Santa** and **Mrs. Claus** will be dashing through the streets of Montclair on Saturday, December 3rd from 2:00 to 6:00 p.m.

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.

Dowser 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

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

1 Potential Case

C. City Manager/Executive Director — None

D. Mayor/Chair

Mayor Dutrey called a special meeting of the City Council on Monday, December 5, 2022, at 5:15 p.m. for a closed session to discuss the renewal of City Manager Starr's contract.

Mayor/Chair Dutrey wished everyone a happy Thanksgiving, thanked all Montclair candidates for running clean campaigns and congratulated those who won their bids for re-election; commended **Monte Vista Water District** Board Member **Tony Lopez** in the audience on his re-election; spoke optimistically about the **Los Angeles County Metropolitan Transportation Authority (Metro)** prioritizing the Gold Line's extension to Montclair and supporting the project's application for a federal Transit and Intercity Rail Capital Program grant at an upcoming **Metro** Board meeting.

E. Council Members/Directors

1. Mayor Pro Tem/Vice Chair Ruh emphasized the importance of the Gold Line's extension to the region; congratulated his re-elected colleagues and thanked his opponents for spirited campaigns; announced with deep condolences the passing of former **Chaffey Community College District** Board Member **Katie Roberts** and requested the meeting be adjourned in her memory; and shared passages from the November 4, 1963 speech by President **John F. Kennedy** about Thanksgiving.
2. Council Member/Director Lopez received clarification on military banner relocations due to the ongoing freeway construction and an updated timeline of the alleyway improvement project; thanked former Firefighter/Engineer Robert Estrada, whose last day with the City was November 17; acknowledged the recent passing of **Dr. Michael Flores**, a former **Ontario-Montclair School District** Board Member who was first elected in 2010; and shared Thanksgiving sentiments.
3. Council Member/Director Johnson congratulated her colleagues on their election victories; emphasized her desire to renew efforts to assist low-income and senior residents with maintaining the exteriors of their properties in good condition, despite the loss of redevelopment funds; and expressed her appreciation for all we have in contrast with other countries after her recent trip to Turkey.
4. Council Member/Director Martinez expressed her deepest condolences to the LGBTQ+ community after the horrific mass shooting that took place at **Club Q** in Colorado Springs over the weekend and stated Montclair stands in solidarity with the LGBTQ+ community against hateful rhetoric that inspires such actions.

F. Committee Meeting Minutes

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

1. Personnel Committee – November 7, 2022

Council Member/Director Lopez left the meeting at 8:54 p.m.

XIII. CLOSED SESSION

The City Council entered closed session at 8:54 p.m. to discuss pending litigation.

After discussion of the Fuentes and Garcia litigation, Council Member Lopez joined the City Council in closed session at 9:12 p.m.

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

XIV. CLOSED SESSION ANNOUNCEMENTS

The City Council returned from closed session at 9:35 p.m.

Mayor Dutrey announced the City Council met in closed session to discuss pending litigation, labor negotiations, and potential litigation; information was received and direction given to staff; and no further announcements would be made at this time.

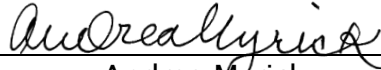
XV. ADJOURNMENT

At 9:36 p.m., the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

At 9:36 p.m., the City Council was adjourned to Monday, December 5, 2022, at 5:45 p.m. in the City Council Chambers for a Council Workshop Presentation by David Turch & Associates, the City's federal legislative advocate.

The meeting was adjourned in memory of Katherine J. "Katie" Roberts, former Chaffey Community College District Board Member.

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



Andrea Myrick,
City Clerk