

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, DECEMBER 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 Vicki Brobeck, Montclair Police Department Chaplain, gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

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

**IV. ROLL CALL**

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Johnson; Council Members/Directors Ruh, 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; Director of Information Technology Nguyen; City Attorney Robbins

Absent: City Clerk Myrick

**V. PRESENTATIONS**

**A. Community Activities Commission (CAC) Presentation of 2022 Holiday Home Decoration Contest Winners**

Community Activities Commissioner Rangel announced the winners of the City of Montclair's 24th Annual Holiday Home Decoration Contest. Of the 19 nominations received, the CAC selected three winners, as follows:

- *Welcome to Snowman Land* Award: The Burkholder Family, 10169 Camulos Ave.
- *Once Upon a Christmas Time* Award: The Bui Family, 10990 Kimberly Ave.
- *Journey to the North Pole* Award: The Mohsin Family, 10049 Marion Ave.

Mayor Dutrey and the City Council presented the winning families with Award Certificates and gift cards to Montclair restaurants.

**B. California Department of Insurance Presentation**

**Andrea Valdes**, Outreach Analyst for the Community Relations & Outreach branch of the **California Department of Insurance**, provided an informational presentation about the Department and the California Low Cost Auto Insurance Program.

**VI. PUBLIC COMMENT — None**

**VII. PUBLIC HEARINGS**

**A. Second Reading — Consider Ordinance No. 22-1002 Amending Specific Chapters of Title 10 of the Montclair Municipal Code Related to the Adoption of Building Codes to Regulate Construction in the City Of Montclair and Establishing January 18, 2023 as the Effective Date of the Codes**

Mayor Dutrey opened the public hearing.

Director of Community Development Diaz stated no written comments were received in relation to this item, and no members of the public requested to speak on the item.

Mayor Dutrey closed the public hearing and the City Council discussed the matter.

Council Members Ruh and Lopez expressed opposition to the state’s mandate to require all electric appliance hook-ups in new buildings by 2030.

<b>ACTION – Public Hearings – Item A</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Conduct the second reading of Ordinance No. 22-1002 by number and title only, waive further reading, and adopt Ordinance No. 22-1002.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ruh Council Member Lopez
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

- B. Consider Adoption of Resolution No. 22-3388 Adopting Environmental Findings Pursuant to the California Environmental Quality Act; Certifying the Mission Boulevard and Ramona Avenue Business Park Project Final Environmental Impact Report (EIR) (SCH#2021010005); Adopting a Statement of Overriding Considerations; Adopting a Mitigation Monitoring Program; and Approving the Project Under Planning Case No. 2021-07**

**Consider Adoption of Resolution No. 22-3389 Modifying the General Plan Land Use Designation of 27.74 Acres at the Northwest Corner of Mission Boulevard and Ramona Avenue, from “General Commercial” (Entire Site) to “M1 Limited Manufacturing” (North Side of Third Street Extension) and “Industrial Park” (South Side of Third Street Extension) (Planning Case No. 2021-07), Contingent on the City Council Certifying the EIR for the Mission and Ramona Business Park Project**

**First Reading — Consider Ordinance No. 23-1003 Modifying the Zoning Designation of 27.74 Acres of Land at the Northwest Corner of Mission Boulevard and Ramona Avenue from “C3 – General Commercial,” “MIP – Manufacturing Industrial,” and “M1 – Limited Manufacturing,” to “M1 – Manufacturing Industrial” (North Side of Third Street Extension) and “MIP – Manufacturing Industrial” (South Side of Third Street Extension) (Planning Case No. 2021-07), Contingent on the City Council Certifying the EIR for the Mission and Ramona Business Park Project**

**Consider Setting a Public Hearing for Second Reading and to Consider Adoption of Ordinance No. 23-1003 on Tuesday, January 17, 2023, at 7:00 p.m. in the City Council Chambers**

**Consider Adoption of Resolution No. 22-3390 Approving Tentative Tract Map No. 20381 and a Precise Plan of Design for the Site Plan, Floor Plans, Elevations, Colors, Materials, Conceptual Sign Program, and Conceptual Landscape Plan for an Eight-Building Industrial Park Development on 27.74 Acres of Land at the Northwest Corner of Mission Boulevard and Ramona Avenue (Planning Case No. 2021-07) Contingent on the City Council Certifying the EIR for the Mission and Ramona Business Park Project**

Mayor Dutrey opened the public hearing.

**Frankie Jimenez**, representing **Ironworkers Local 416**, spoke in support of the project and the developer’s commitment to hire skilled labor within the local community.

**David Hansen**, representing **UA Local 390 Plumbers & Steamfitters**, spoke in support of the project as its construction would be a benefit to the union’s members.

**Jason Baez**, representing **Laborers’ International Union of North America**, expressed support for the project, which will provide job opportunities for trade union members during construction and for the wider community after.

Mayor Dutrey closed the public hearing and the City Council discussed the matter.

Mayor Pro Tem Johnson received clarification about the addition of an art component and environmental impact mitigations for the project.

Council Member Ruh spoke in support of the project for its creation of local jobs.

Council Member Lopez received clarification about the following:

- The electric charging stations are for use by the tenants.
- The developer has entered private contracts to hire locally.
- Several measures have been taken including language in the Conditions of Approval, CC&Rs, and owners’ association agreements, to ensure the property continues to be maintained and secured.
- While the developer had expressed a desire for proceeds of the Community Benefit Fee to fund community programs, the City Council maintains control of those funds and will be directing their use at a separate meeting.

Council Member Martinez received clarification on road impacts from trucks servicing the property.

Mayor Dutrey received clarification about the property’s suitability for other uses and discussed the City’s plans to improve public streets surrounding the project.

<b>ACTION - Public Hearings - Item B</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Adopt Resolution No. 22-3388; adopt Resolution No. 22-3389; conduct the first reading of Ordinance No. 23-1003 by number and title only, waive further reading, and set a public hearing for the second reading and adoption of Ordinance No. 23-1003 on Tuesday, January 17, 2023 at 7:00 p.m. in the City Council Chambers; and adopt Resolution No. 22-3390, as amended.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Ruh Mayor Pro Tem Johnson
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**VIII. CONSENT CALENDAR**

<b>ACTION - Consent Calendar</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>MOTION:</b>	Approve the Consent Calendar as presented.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member/Director Ruh Mayor Pro Tem/Vice Chair Johnson
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**A. Approval of Minutes**

**1. Regular Joint Meeting – December 5, 2022**

<b>ACTION - Consent Calendar - Item A-1</b>	
<b>ACTING:</b>	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**B. Administrative Reports**

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

<b>ACTION - Consent Calendar - Item B-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

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

<b>ACTION - Consent Calendar - Item B-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

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

<b>ACTION - Consent Calendar - Item B-3</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**4. Consider Approval of SA Warrant Register – November 2022**

<b>ACTION – Consent Calendar – Item B-4</b>	
<b>ACTING:</b>	Successor Agency Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**5. Consider Receiving and Filing MHC Treasurer's Report – November 2022**

<b>ACTION – Consent Calendar – Item B-5</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**6. Consider Approval of MHC Warrant Register – November 2022**

<b>ACTION – Consent Calendar – Item B-6</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**7. Consider Receiving and Filing of MHA Treasurer's Report – November 2022**

<b>ACTION – Consent Calendar – Item B-7</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**8. Consider Approval of MHA Warrant Register – November 2022**

<b>ACTION – Consent Calendar – Item B-8</b>	
<b>ACTING:</b>	Montclair Housing Authority Commissioners
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**9. Consider Authorizing a \$2,316.25 Appropriation from the Federal Asset Forfeiture Fund to Purchase a 360-Camera System from Lenco Armored Vehicles for the Lenco Bearcat G3 Tactical Armored Vehicle**

<b>ACTION – Consent Calendar – Item B-9</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**10. Consider Authorizing Staff to Advertise for Bid Proposals for the Flashing Stop Sign Replacement Program**

<b>ACTION – Consent Calendar – Item B-10</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**C. Agreements**

1. **Consider Amending the 2019–2024 Capital Improvement Program to Include the Monte Vista Avenue Street Widening, Street Rehabilitation, and Sewer Improvement Project from Holt Boulevard to Palo Verde Street**

**Consider Approval of Agreement No. 22–35 with HR Green Pacific, Inc. for Preparation of Plans and Specifications for the Construction of Street Widening, Street Rehabilitation, and Sewer Improvements on Monte Vista Avenue from Holt Boulevard to Palo Verde Street for the Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Approval of Agreement No. 22–51 with Aga Engineers, Inc. for the Preparation of Plans and Specifications for the Construction of Traffic Signal Upgrades and Traffic Signal Interconnect and Broadband Fiber Optic Improvements for the Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing an \$880,000 Appropriation from 2021 Lease Revenue Bond Proceeds and \$20,000 from the Sewer Fund for Costs Related to Agreement No. 22–35 and Agreement No. 22–51**

**Consider Authorizing an \$82,720.85 Design Services Contingency for the Project**

<b>ACTION - Consent Calendar - Item C-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

2. **Consider Approval of Agreement No. 22–110–I–110, an Irrevocable Annexation Agreement with Jason Duc Think Nguyen for the Property Located at 11226 College Avenue, Pomona, CA 91766 (APN 1012–391–03–0000), Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

3. **Consider Approval of Agreement No. 22–114, a Memorandum of Understanding with the Montclair City Confidential Employees’ Association for the Period of July 1, 2022, to June 30, 2024**

**Consider Approval of Agreement No. 22–115, a Memorandum of Understanding with the Montclair Police Officers’ Association for the Period of July 1, 2021, to June 30, 2025**

**Consider Approval of Agreement No. 22–116, the Labor Agreement for Management (Nonsafety and Safety) Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2022, to June 30, 2023**

**Consider Approval of Agreement No. 22–117, the Labor Agreement for Executive Management Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2022, to June 30, 2023**

**Consider Approving the Transfer of the Appropriate Additional Compensation from the Personnel Adjustment Reserve Fund to the General Operating Fund**

<b>ACTION - Consent Calendar - Item C-3</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

4. **Consider Approval of Agreement No. 22-118 Amending Agreement No. 21-68 with Securitas Security Services USA, Inc. for Security Guard Services at the Montclair Transcenter**

<b>ACTION - Consent Calendar - Item C-4</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

5. **Consider Approval of Agreement No. 22-119 with Theresa St. Peter for Professional Human Resources Consulting Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-5</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

6. **Consider Amending the 2019-2024 Capital Improvement Program to Add the Alleyway Improvements Project**

**Consider Authorizing a \$117,050 Appropriation from 2021 Lease Revenue Bond Proceeds for Costs Related to the Alleyway Improvements Project**

**Consider Approving Agreement No. 22-120 with L.D. King, Inc. for Professional Design Services for the Alleyway Improvements Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

<b>ACTION - Consent Calendar - Item C-6</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**D. Resolutions**

1. **Consider Adoption of Resolution No. 22-3391 Making Factual Findings in Compliance with AB 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of December 19, 2022, through January 18, 2023**

<b>ACTION - Consent Calendar - Item D-1</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

2. **Consider Adoption of Resolution No. 22-3393 Amending the Fee Schedule for the Collection and Disposal of Residential and Commercial Refuse**

**Consider Approval of Agreement No. 22-121 Amending Agreement No. 18-26 with Burrtec Waste Industries, Inc., for Solid Waste Management Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez and Mayor Dutrey received clarification on the fee increases, existing administrative fees, and potential future increases in 12 to 18 months. Council Member Ruh asked for clarification on the senior discount.

<b>ACTION - Consent Calendar - Item D-2</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**IX. PULLED CONSENT CALENDAR ITEMS — None**

**X. BUSINESS ITEMS**

**A. Consider Adoption of Resolution No. 22-3392 Making Certain Findings for an Exception to the 180-Day Wait Period Pursuant to Government Code Sections 7522.56 and 21224 with Authorization to Hire Leslie Phillips as a Retired Annuitant into the Temporary Part-Time Position of Benefits Coordinator**

<b>ACTION - Business Items - Item A</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Adopt Resolution No. 22-3392 subject to any changes as requested by CalPERS and as approved by the City Attorney.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Lopez Council Member Ruh
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**B. Consider Adoption of Resolution No. 22-3394 Making Certain Findings for an Exception to the 180-Day Wait Period Pursuant to Government Code Sections 7522.56 and 21224 with Authorization to Hire Elizabeth Lew as a Retired Annuitant into the Temporary Part-Time Position of Payroll Analyst**

<b>ACTION - Business Items - Item B</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Adopt Resolution No. 22-3394 subject to any necessary changes as requested by CalPERS and as approved by the City Attorney.
<b>MADE BY:</b> <b>SECOND BY:</b>	Council Member Lopez Council Member Ruh
<b>AYES:</b> <b>NOES:</b> <b>ABSTAIN:</b> <b>ABSENT:</b>	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
<b>RESULT:</b>	Motion carried 5-0.

**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 54956.8 Regarding Real Property Negotiations**

*Properties:* APNs 1009-273-19-0000 & 1010-021-03-0000

*Negotiating Parties:* City of Montclair, Hernandez Family Trust, and H & G Newton Family Trust

*Agency Negotiator:* Edward C. Starr, City Manager

*Under Negotiations:* Recommendations Regarding Purchase Price

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

**D. Mayor/Chair**

Mayor Dutrey called two special meetings of the City Council and Planning Commission on Thursday, January 12, 2023, and Thursday, January 19, 2023, at 6:00 p.m. for workshops related to the General Plan Update.

Mayor/Chair Dutrey wished everyone a Merry Christmas and a Happy New Year.

**E. Council Members/Directors**

1. Council Member/Director Ruh acknowledged various religions that celebrate different holidays around this time of year. He shared that in the Christian faith, Joseph and Mary were the first documented homeless family and were taken in by a kind innkeeper. He asked all to think of the last, the least, the lost, and the lonely during this time and not look down upon those in need.
2. Council Member/Director Lopez stated he assisted the Ayala Family, owners of the Montclair and Chino **Los Portales** restaurants, with a toy drive community event the prior week; and wished everyone a Happy Hanukkah and Merry Christmas and a safe and happy New Year.
3. Mayor Pro Tem/Vice Chair Johnson wished condolences to resident **Bruce Culp** who recently lost a family member; wished everyone a Merry Christmas, Happy Hanukkah, Happy Kwanzaa, season's greetings, and a healthy and prosperous 2023.
4. Council Member/Director Martinez thanked all of the Holiday Home Decoration Contest participants and wished everyone happy holidays and a Happy New Year.

**F. Committee Meeting Minutes**

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

1. Personnel Committee - December 5, 2022

**XII. CLOSED SESSION**

The City Council entered closed session at 9:46 p.m. to discuss real property negotiations.

**XIII. CLOSED SESSION ANNOUNCEMENTS**

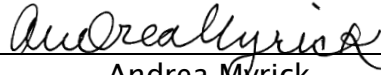
The City Council returned from closed session at 10:10 p.m.

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

**XIV. ADJOURNMENT**

At 10:10 p.m., the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

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



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Andrea Myrick,  
City Clerk