

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 18, 2023, 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 7:01 p.m.

II. INVOCATION

Pastor Donald Rucker, Christian Development Center, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Acting Police Chief Reed led meeting participants in the Pledge.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Johnson; Council Members/Directors Ruh, Lopez, and Martinez

City Manager/Executive Director Starr; Assistant City Manager/Director of Human Services Richter; Director of Finance Kulbeck; Director of Public Works/City Engineer Heredia; Acting Police Chief Reed; City Attorney Robbins; Deputy City Clerk Walker

V. PRESENTATIONS

A. Recognition of Montclair Little League and Golden Girls Softball League for Resilience, Perseverance, and Rebuilding After the COVID-19 Pandemic

Mayor Dutrey presented **David Flores**, President of **Montclair Little League**, and **George Tellez**, President of **Golden Girls Softball League**, with Certificates of Recognition.

B. Introduction of New Police Officers

Acting Police Chief Reed provided brief introductions of two new Police Officers, **Isaac Mendez** and **Luis Calvillo**. Mayor Dutrey and the City Council welcomed Officer Mendez and Officer Calvillo to the Montclair City family.

VI. PUBLIC COMMENT

- **Bruce Culp**, resident, reiterated a prior request he made for a summary of legal costs incurred by the City as a result of sexual harassment allegations made against Council Member Lopez by two City employees in 2021, and an update on whether Council Member Lopez participated in additional sexual harassment prevention training.
- **Bill Kaufman** stated his anticipation for the City Council's decision on this evening's resolution related to cannabis licensing, noting he is still hoping to open a recreational cannabis dispensary in Montclair.
- **Stella Mejia**, resident, requested the City install better fencing around the Chino Basin because vandals are cutting the fence and trespassing into the basin.
- **Gustavo Valdez**, a former **El Camino Elementary School** student representing **Safe Routes to School**, invited the City Council to a walk-to-school event at **El Camino Elementary School** to promote pedestrian safety for students on October 4, 2023, at 7:00 a.m.

- **Carolyn Raft**, Board Trustee representing Montclair, **West Valley Mosquito and Vector Control District**, advised she provided Council Members with information related to the District’s recent efforts to reduce the mosquito population by releasing sterilized males. She advised misinformation is being expressed online and asked that they reach out to her if they have any concerns.

**VII. PUBLIC HEARINGS**

**A. Second Reading — Consider Adoption of Ordinance No. 23-1004 Amending Section 3.08.010 of the Montclair Municipal Code to Provide Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act [CC]**

Mayor Dutrey opened the public hearing.

Deputy City Clerk Walker 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 returned the matter to the City Council for consideration.

<b>Public Hearings - Item A</b>	
<b>ACTING:</b>	City Council
<b>MOTION:</b>	Conduct the second reading of Ordinance No. 23-1004 by number and title only, waive further reading, and adopt Ordinance No. 23-1004.
<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.

**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>DISCUSSION:</b>	Items B-9, C-1, C-4, C-6, D-1, and D-2
<b>MOTION:</b>	For Item D-1, revise Resolution No. 23-3414; and approve the remainder of the Consent Calendar as presented.
<b>MADE BY:</b> <b>SECOND BY:</b>	Mayor Pro Tem/Vice Chair Johnson Council Member/Director 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.

**A. Approval of Minutes**

**1. Regular Joint Meeting — August 21, 2023**

<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 - August 2023**

<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 - August 2023**

<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 - August 2023**

<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 - August 2023**

<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 - August 2023**

<b>ACTION - Consent Calendar - Item B-6</b>	
<b>ACTING:</b>	Montclair Housing Corporation Board

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

**7. Consider Receiving and Filing of MHA Treasurer’s Report – August 2023**

<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 – August 2023**

<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 Approval of the Filing of a Notice of Completion with the San Bernardino County Recorder’s Office for the Flashing STOP Sign Replacement Program**

**Consider Authorizing Release of Retention 30 Days After Recordation of the Notice of Completion**

Council Member Lopez asked when the grant-funded signs would be installed.

Public Works Director/City Engineer Heredia advised they would be installed by the end of the current Fiscal Year.

<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 the Sale of Certain Police Department Legacy Duty Firearms to ProForce Law Enforcement for \$21,750**

**Consider Authorizing Use of the Proceeds from the Sale of Said Firearms Toward the Purchase of 75 Ballistic Helmets from ProForce Law Enforcement for \$62,094**

**Consider Authorizing a \$41,000 Appropriation from the Federal Asset Forfeiture Fund to Cover the Remaining Balance of the Helmets and Potential Additional Shipping Costs**

Mayor Pro Tem Johnson received clarification from Acting Police Chief Reed that the weapons being sold were not currently assigned to any officers.

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

**11. Consider Declaring Used Fire Hose as Surplus and Available for Donation to the Fire Department of Huatabampo, Sonora in Mexico**

<b>ACTION - Consent Calendar - Item B-11</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

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

<b>ACTION - Consent Calendar - Item B-12</b>	
<b>ACTING:</b>	City Council
<b>RESULT:</b>	Approved on Consent Calendar; motion carried 5-0.

**C. Agreements**

**1. Consider Waiving a Minor Bid Irregularity and Award of Contract to PUB Construction, Inc. in the Amount of \$6,495,030.92 for Construction of the Sunset Park Beautification Project**

**Consider Approval of Agreement No. 23-64 with PUB Construction, Inc. for Construction of the Sunset Park Beautification Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Approval of Agreement No. 23-65 with LD King, Inc. in the Amount of \$68,290 for Supplemental Engineering and Material Testing Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing a \$650,000 Construction Contingency for the Sunset Park Beautification Project**

City Manager Starr clarified for Mayor Pro Tem Johnson that the bid irregularity was that the contractor used the engineer's project estimate for the bid bond, which could be easily corrected.

Council Member Lopez received clarification about fund sources for the project and other aspects of the park's improvements.

<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. 23-66 with STI Firearms LLC for the Purchase of Staccato P 2011 Platform Steel-Frame Weapon Systems and Associated Services and Equipment, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement**

**Consider Authorizing a \$200,214 Appropriation from the Federal Asset Forfeiture Fund for Costs Associated with Agreement No. 23-66**

**Consider Authorizing a \$3,185 Appropriation from the Federal Asset Forfeiture Fund for the Purchase of Leather Magazine Pouches from All State Police Equipment**

<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. 23-69 with Crash Data Group for the Purchase of One Bosch Crash Data Retrieval Pro Tool Package and a One-Year Software Subscription**

**Consider Authorizing an \$8,289 Appropriation from the Federal Asset Forfeiture Fund to Pay the Costs Associated with Agreement No. 23-69**

<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 Amending the 2019-2024 Capital Improvement Program Adding the Civic Center Master Plan**

**Consider Approval of Agreement No. 23-70 with EPTDESIGN for Design Services for the Civic Center Master Plan, Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing a \$42,000 Appropriation from 2021 Lease Revenue Bond Funds to Cover the Contract Amount and Reimbursable Expenses Related to Agreement No. 23-70**

Mayor Pro Tem Johnson requested the current basketball courts not be closed while constructing the new one, and received clarification that a permanent stage would be constructed where the current basketball courts are located.

Council Member Lopez received clarification that the current memorial wall would not be relocated, but a new one would be established. He requested Freedom Plaza Park improvements include something to commemorate the home of “the old lady on the corner” whose house was located there, as well as the caboose that used to be located there.

Mayor Pro Tem Johnson was informed that this is the design aspect, and the project should be in the construction phase in late 2024 or early 2025.

<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. 23-71 with the County of San Bernardino Related to Distribution of 2023 Justice Assistance Grant Program Award Funds**

**Consider Authorizing City Manager Edward C. Starr to Sign Said Agreement**

<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 Approval of Agreement No. 23-72 with the San Bernardino County Community Revitalization Office of Homeless Services to Accept an Award for the Homeless Housing, Assistance and Prevention Program Round 3 (HHAP-3), Subject to Any Revisions Deemed Necessary by the City Attorney**

**Consider Authorizing the City Manager to Sign Agreement No. 23-72 and Any Other Related Documents to Effectuate Programs**

Council Members Lopez and Ruh advocated using grant funds to house homeless veterans within the City’s boundaries.

City Manager Starr advised the County has not provided much support for homeless initiatives, and their grant dictates how the City can use the funds. He further noted that homeless veterans are eligible for the City’s programs.

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

**D. Resolutions**

1. **Consider Adoption of Resolution No. 23-3414 Reaffirming the City of Montclair’s Commitment to the Well-Being and Safety of All Individuals Regardless of Race, Religion, Ethnicity, National Origin, Disability, Sex, Gender, Gender Expression, Sexual Orientation, Age, or Military/Veteran Status; and Condemning Hate Crimes and Any Other Form of Racism, Religious or Ethnic Bias, Discrimination, Incitement of Violence, or Targeting of Minorities**

**Bruce Culp**, resident, stated he finds Council Member Lopez’s advocacy for this issue ironic, considering his past support of anti-LGBT legislation and allegations against him of sexual harassment. He insisted Council Member Lopez apologize for his actions or resign from his position.

Council Member Lopez requested language be added to the recitals at the request of **Jason Moss** of the **Jewish Federation of the Greater San Gabriel and Pomona Valleys**. He also stated he feels political persuasion should be included.

Council Member Martinez expressed concerns about individuals using their political and religious views to shield themselves from criticism for hateful or violent messages and actions, which she feels this resolution does not stand for.

Council Member Ruh emphasized the City has never had discriminatory policies in housing, elections, or employment.

Mayor Dutrey stated he is satisfied with the drafted resolution and agreed to adding the language requested by **Mr. Moss**.

ACTION – Consent Calendar – Item D-1	
MOTION:	Adopt Resolution No. 23-3414, as amended to include the following recital: <i>Whereas, the City of Montclair ensures its commitment to work with community-based organizations, advocacy groups and officials, and agencies across local, county and state governmental agencies to develop relationships and partnerships between groups that are targeted by hate.</i>
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

**2. Consider Adoption of Resolution No. 23-3420 Authorizing the City of Montclair to Enter Into an Agreement with the California Department of Cannabis Control for a Local Jurisdiction Cannabis Retail Access Grant for Development and Implementation of a Commercial Cannabis Licensing Program**

Council Member Lopez asked when the City Council would be presented with a draft ordinance for consideration of licensing commercial cannabis businesses to operate in the City.

City Manager Starr stated it would likely come to the City Council in the first quarter of 2024.

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

**3. Consider Adoption of Resolution No. 23-3421 Adopting a Five-Year Capital Project Needs Analysis for Fiscal Years 2025-26 through 2029-30**

**Consider Adoption of Resolution No. 23-3422 Adopting the Five-Year Local Street Capital Improvement Program for Fiscal Years 2024-25 through 2028-29**

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

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

**X. COMMUNICATIONS**

**A. Department Reports**

**1. Public Works — Groundbreaking Ceremony for Renovations at Sunset Park**

Executive Director of Engineering/Major Projects Manager Hoerning invited the City Council to a groundbreaking ceremony that will be taking place at Sunset Park on Wednesday, September 27, 2023, at 9:00 a.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)(4) Regarding Potential Litigation**

*1 Potential Case*

**2. Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with Designated Labor Negotiator Diane E. Robbins**

*Employee: City Manager*

**3. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations**

*Property: APN 1010-061-10-0000*

*Negotiating Parties: City of Montclair and Jose Flores*

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

*Under Negotiations: Recommendations Regarding Purchase Price*



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

**D. Mayor/Chair**

Mayor/Chair Dutrey recognized the following occurring in September: Labor Day, National Grandparents Day, Mexican Independence Day, Hispanic Heritage Month, Constitution Day, POW/MIA Recognition Day, Native American Indian day, and Rosh Hashanah. He advised on October 12, at 10:30 a.m. there will be a ceremony at the Montclair Post Office naming it in Mayor Paul M. Eaton's honor; and at 1:00 p.m. a West Valley Connector groundbreaking ceremony will take place at the **Ontario Convention Center**.

**E. Council Members/Directors**

1. Council Member/Director Ruh stated last week he attended the **Chaffey College Foundation** Alumni Awards and a **Metro Gold Line Foothill Extension Joint Powers Authority** meeting, where the Gold Line received tremendous support from participating cities. He acknowledged the 50th anniversary of the senseless 16th Street Baptist Church bombing in Birmingham, Alabama on September 15, 1963.
2. Council Member/Director Lopez reported residents are pleased with a property clean-up by staff; urged the community to continue supporting Montclair High School Football, who recently defeated Ontario High School 42-0; and expressed concerns over an increasing number of serious car accidents along Monte Vista Avenue.
3. Mayor Pro Tem/Vice Chair Johnson noted she is pleased with the new blue play surface under the shark at Alma Hofman Park, and that the Splash Pad is finally operational and should be ready for next summer without technical issues experienced this year. She also reported upcoming **Montclair Chamber of Commerce** events including its quarterly 2-day E-Waste recycling event this weekend at the Chamber office from 9:00 a.m. to 2:00 p.m. each day; the monthly networking breakfast at **OPARC** on October 12; a college fair at Montclair Place on October 19 from 4:00 to 6:00 p.m.; an upcoming Firefighter Recognition Event to be held in November at the **Chino Basin Water Conservation District**; and the grand opening of **SED Cocina** on Thursday, September 28.
4. Council Member/Director Martinez stated she also attended the **Chaffey College Foundation** Alumni Awards event, and wished everyone a happy Hispanic Heritage month.

**F. Committee Meeting Minutes**

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

1. Personnel Committee - August 21, 2023

**XI. CLOSED SESSION**

At 8:37 p.m., the City Council went into closed session to discuss pending litigation and real property negotiations.

At 9:05 p.m., City Manager Starr left closed session and the City Council discussed labor negotiations concerning the City Manager.

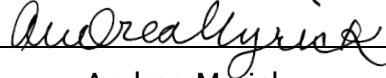
**XII. CLOSED SESSION ANNOUNCEMENTS**

At 9:36 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council met in closed session to discuss potential litigation, real property negotiations, and labor negotiations concerning City Manager; information was received and direction given to staff on the items; and no further announcements would be made at this time.

**XIII. ADJOURNMENT**

At 9:36 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

*The meeting was adjourned in memory of  
**Los Angeles County Sheriff's Deputy Ryan Clinkunbroomer.***