

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 6, 2023, 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

Reverend Maggie Burbank Yenoki, Monte Vista Unitarian Universalist Congregation, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Johnson 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 Community Development Diaz; Director of Finance Kulbeck; Director of Public Works/City Engineer Heredia; Acting Police Chief Reed; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Legislative Update from State Senator Susan Rubio

Mayor Dutrey announced this presentation would be delayed until Senator Rubio arrives later this evening.

VI. PUBLIC COMMENT

- **Chino Basin Water Conservation District (CBWCD)** program educators **Monica Curiel** and **Azucena Quiñones** invited the City Council and the community to the Waterwise Lotería Gallery Evening event on Thursday, November 16, from 5:30 to 7:30 p.m. at the Waterwise Community Center, located at 4594 San Bernardino Street.

CBWCD Board Vice Chair **Kati Parker** invited the City Council to a time capsule burial event to celebrate **CBWCD's** 75th anniversary to take place on Thursday, January 18, 2024, from 11:00 a.m. to 1:00 p.m. at the Waterwise Community Center. She invited the City to provide an item for the capsule that represents the community at this point in time. She added the capsule would be dug up in 75 years.

- **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 8, from 10:00 a.m. to 2:00 p.m. at the District office located at 14010 City Center Drive in Chino Hills.
- **Kaliah Redwood**, Event Coordinator for the **Montclair Chamber of Commerce**, announced the following upcoming Chamber programs and events:
 - **Holiday Food & Toy Drive** — Donations are accepted through November 29 at various businesses throughout the community including City Hall, the Chamber office, and the **CBWCD** Waterwise Community Center.

- Free E-Waste Drop-Off Event on Saturday and Sunday, November 18 and 19, 2023, at Alma Hofman Park.
- **Gourmet Gourmet Catering**, 42 N. Benson Avenue, Upland, is hosting a public Toast to the Most Reception Event on Tuesday, November 7, from 5:00 to 8:00 p.m.
- **Paradise Nutrition**, 9559 Central Avenue, is celebrating its third year anniversary by hosting a kickboxing class on Saturday, November 18, at 8:00 a.m. for \$25 per person, which includes a free protein shake.
- **Jordan Arciaga**, resident, voiced concerns regarding student safety due to illicit and underage drug use at **Montclair High School**, citing cannabis delivery services and a lack of police officer presence at the school as contributing factors.
- **Carolyn Raft**, Board Trustee representing Montclair, **West Valley Mosquito and Vector Control District**, advised that no diseased mosquitoes have been identified in Montclair, but they are in the surrounding communities.

V. PRESENTATIONS

A. Legislative Update from State Senator Susan Rubio

State Senator Susan Rubio introduced herself, noting the district she represents—California’s 22nd Senate District—was expanded to cover Montclair this year, and discussed the legislation, programs, and grants she sponsored to improve the lives of her constituents. Some of the areas she advocates include domestic violence and child abuse protections, cancer treatments, health insurance access, transportation, and education.

She also shared that she has just opened a second district office in Ontario at 1520E N. Mountain Avenue, Suite 201.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

ACTION - Consent Calendar	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
DISCUSSION:	Items C-1, C-6, and C-7
MOTION:	Minor correction to the minutes (Item A-1); and approve the remainder of the Consent Calendar as presented.
MADE BY: SECOND BY:	Council Member/Director Lopez Council Member/Director Ruh
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Martinez, Ruh, Johnson, Dutrey None None None
RESULT:	Motion carried 5-0.

A. Approval of Minutes

1. Regular Joint Meeting — October 16, 2023

Council Member/Director Lopez noted **Donald Kurth's** name is misspelled on page 5 of the minutes.

ACTION – Consent Calendar – Item A-1	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
MOTION:	Approve with a correction on page 5 — Donald Kurch <u>Kurth</u> .
RESULT:	Approved on Consent Calendar; motion carried 5-0.

B. Administrative Reports

1. Consider Approval of City Warrant Register and Payroll Documentation

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

C. Agreements

1. Consider Approval of Amendment No. 1 to Agreement No. 23-63 with Golden Girls Softball League for Use of Additional Ball Field Facilities at Saratoga Park

Council Member Lopez received clarification that the term of the contract coincides with the end of the softball season.

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

2. Consider Authorizing the Receipt of \$800,000 from the Bureau of Justice Assistance (BJA) FY 2023 Byrne Discretionary Community Project Funding/Grants Program to Implement a Body-Worn Camera Program

Consider Authorizing an \$800,000 Appropriation from the BJA Fund to Purchase Body-Worn Cameras and Associated Equipment

Consider Approval of Agreement No. 23-78 with Motorola Solutions, Inc. to Purchase Camera Systems, Evidence Management Systems, and Associated Equipment to Implement a Body-Worn Camera Program

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

3. **Consider Approval of Agreement No. 23-80 with Lexipol, LLC for Continued Maintenance of the Fire Department’s Policy and Procedures Manual, Fire Service Daily Training Bulletins (DTB), and DTB Management Services**

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

4. **Consider Approval of Agreement No. 23-81 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-4	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

5. **Consider Approval of Agreement No. 23-82 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**

Consider Authorizing a \$3,300 Appropriation from the Prop 30/AB 109 Fund for Costs Associated with Agreement No. 23-82

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

6. **Consider Approval of Agreement No. 23-83 with Moule & Polyzoides Architects and Urbanists to Develop a Master Project Site Plan for the Montclair Transcenter, Subject to Any Revisions Deemed Necessary by the City Attorney**

Consider Authorizing an Allocation of up to \$350,300 in 2021 Lease Revenue Bond Funds for Development of a Master Project Site Plan for the Montclair Transcenter

Council Member Ruh emphasized his expectation that parking at the Transcenter will remain free for transit riders regardless of who owns or maintains the property.

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

7. **Consider Approval of Agreement No. 23-84 with Rymax Electric to Install Parking Lot Lighting at Fire Station 151**

Consider Approval of Agreement No. 23-85 with Grigolla and Sons Construction Company, Inc. to Replace the Parking Lot Asphalt Surface at Fire Station 151

Council Member Lopez stated he is glad the fire station parking lot issues are being addressed.

ACTION - Consent Calendar - Item C-7	
ACTING:	City Council
RESULT:	Approved on Consent Calendar; motion carried 5-0.

D. Resolutions

- 1. Consider Adoption of Resolution No. 23-3423 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

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

- 2. Consider Adoption of Resolution No. 23-3424 Rescinding and Superseding Resolution No. 21-3294 Identifying and Correcting Updated Terms and Conditions for a Fire Department Response Away from its Official Duty Station when Assigned to a State or Federal Declared Emergency Incident**

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

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS

- Consider Approval of Agreement No. 23-68 with Edward C. Starr for Professional City Manager and Executive Director Services for the City of Montclair, the Montclair Successor Redevelopment Agency, the Montclair Housing Authority, the Montclair Housing Corporation, and the Montclair Community Foundation for the Period of January 2, 2023, to December 31, 2026**

Bruce Culp, resident, spoke in support of renewal of City Manager/Executive Director Starr’s contract due to his past five years of service where he led the City through a pandemic, improved the city’s revenues, and investigated the misconduct of a Council Member.

Ginger Eaton, resident, spoke in support of renewing City Manager/Executive Director Starr’s contract as the former appointed Mayor completing her husband **Paul Eaton’s** unexpired term in 2018. She stated she does not believe the City will find anyone more dedicated, talented, or qualified than him.

Carolyn Raft, resident, stated of the three City Managers who served Montclair during her 28-year tenure on the City Council, City Manager/Executive Director Starr was the best one.

Council Member/Director Lopez asked if there is an Exhibit “C” missing from the contract, which is referenced in the agenda report.

City Attorney Robbins advised the Exhibit “C” referenced in the agenda report was to a prior contract with. The exhibit was the independent auditor’s report that was completed to confirm that City Manager/Executive Director Starr did not take a pay increase for two years for his 2010 contract.

Mayor Pro Tem/Vice Chair Johnson and Council Member/Director Martinez spoke in support of City Manager/Executive Director Starr’s contract citing his responsiveness, dedication, intelligence, work ethic, and qualifications.

ACTION – Business Items – Item A	
ACTING:	City Council Successor Agency Board Montclair Housing Corporation Board Montclair Housing Authority Commissioners Montclair Community Foundation Board
MOTION:	Approve Agreement No. 23-68 with Edward C. Starr for professional City Manager and Executive Director services for the period of January 2, 2023, to December 31, 2026.
MADE BY: SECOND BY:	Mayor/Chair Dutrey Mayor Pro Tem/Vice Chair Johnson
AYES: NOES: ABSTAIN: ABSENT:	Martinez, Johnson, Dutrey None Lopez, Ruh None
RESULT:	Motion carried 3-0-2 (Lopez & Ruh abstained).

XI. COMMUNICATIONS

A. Department Reports

1. Human Services — Upcoming Events and Programs

Assistant City Manager/Director of Human Services Richter reported the following:

- Montclair Halloween Spooktacular — The event, held this year at **Montclair Place**, was a huge success with attendance estimated at 10,000.
- Veterans Day Dance — The Senior Center will recognize over 25 veterans at this event on Wednesday, November 8, from 2:00 to 5:00 p.m. in the Montclair Community Center.
- Holiday Food & Toy Basket Program — Donation bins are available through December 13 at City Hall, the Senior and Recreation Centers, Fire Station 1, and the Police Department. Monetary donations are also accepted at the Recreation Center front desk. Those who would like to volunteer for the distributions can fill out an application on the City’s website. Distributions will take place on the following schedule:
 - Monday, December 18, from 9:00 a.m. to noon
 - Tuesday, December 19, from 9:00 to 11:00 a.m.
- Holly Jolly Holiday— Thursday, November 30, from 6:00 to 8:30 p.m. at the Youth Center. The event includes a tree-lighting ceremony, complimentary photos with Santa, a letter-to-Santa writing station, and free refreshments while supplies last. Gift Lights in honor or memory of a loved one may also be purchased at the event.
- Food & Toy Drives — The Police and Fire Departments are hosting food and toy drives in support of the Holiday Food & Toy Basket Program at Costco in Montclair on Friday, December 1, and Friday, December 8, from 10:00 a.m. to 2:00 p.m. both days.

- Holiday Home Decoration Contest — Applications are available on the City’s website and entries are due by Friday, December 1, at 6:00 p.m. The Community Activities Commission will select the winners and present them at an upcoming City Council meeting.
- Dashing Through Montclair — Saturday, December 2, from 2:00 p.m. to 6:00 p.m. Santa and Mrs. Claus will be dashing through the streets of Montclair on their sleigh to greet residents and spread holiday cheer. The route is available on the City’s website.

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**
Cities of Ontario, Montclair, Chino v. Inland Empire Utilities Agency (IEUA)
2. **Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**
Dow/Alvarran v. City of Montclair, et al.
3. **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

City Manager/Executive Director Starr announced he anticipates the Gold Line’s extension to Montclair will soon be fully funded, with **San Bernardino County Transportation Authority** having allocated \$80 million and agreeing to pick up the \$20 million shortfall to get it from Claremont to Montclair.

D. Mayor/Chair

Mayor/Chair Dutrey wished everyone a happy upcoming Veterans Day and recognized November as Native American Heritage Month. He stated he appreciates staff providing a memo to Council discussing ball field use by various ball leagues.

E. Council Members/Directors

1. Council Member/Director Martinez wished everyone a happy Veterans Day.
2. Mayor Pro Tem/Vice Chair Johnson stated she looks forward to the upcoming Chamber events.
3. Council Member/Director Lopez noted his attendance at **La Carneceria’s** grand opening event, several trunk-or-treat events hosted by churches throughout the community, and **Hasco’s** Second Annual Fall Festival. He thanked resident **Vincent Urbina** for his comments at the last meeting and requested **Mr. Urbina** contact him. He noted November 10th is the 248th birthday of the U.S. Marine Corps and thanked all veterans for serving. He requested tonight’s meeting be adjourned in memory of longtime resident **Helen Rodriguez**.
4. Council Member/Director Ruh noted his attendance on October 27th at a Halloween Carnival at **Buena Vista Arts-Integrated Magnet School** and the joint event with **Golden Girls Softball and Little Leagues**. He urged parents to teach their children to be safe pedestrians and not let their children run into the street.

He commended **Senator Rubio** for a water workshop she hosted on October 28th and advised the **Metropolitan Water District** opened a water recycling facility on November 1st. He noted the recent passing of **Robert Jauregui**, a longtime resident of Montclair. In closing, he discussed the history of Veterans Day, which was known as Armistice Day until 1946.

F. Committee Meeting Minutes

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

1. Real Estate Committee - July 17, 2023
2. Personnel Committee - October 16, 2023

XII. CLOSED SESSION

At 8:59 p.m., the City Council went into closed session to discuss the IEUA and Dow/Alvarran pending litigation matters.

Council Member/Director Lopez left the meeting at 9:25 p.m.

The City Council resumed discussion of pending litigation on the Garcia/Fuentes pending litigation matters.

XIII. CLOSED SESSION ANNOUNCEMENTS

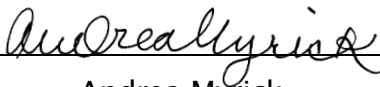
At 9:45 p.m., the City Council returned from closed session.

Mayor Dutrey announced that the City Council met in closed session to discuss four matters of pending litigation; information was received on all matters; direction was given to staff on the Fuentes/Garcia, and Dow/Alvarran matters; and no further announcements would be made at this time.

XIV. ADJOURNMENT

At 9:45 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,



Andrea Myrick,
City Clerk

*The meeting was adjourned in memory of longtime Montclair residents
Helen Rodriguez and Robert Jauregui.*