

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 18, 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

Police Department Chaplain Vicki Brobeck 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; Director of Public Works/City Engineer Heredia; Acting Police Chief Reed; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Community Activities Commission Presentation of 2023 Holiday Home Decoration Contest Winners

Community Activities Commission (CAC) Chairperson Wells announced the winners of the City of Montclair's 25th Annual Holiday Home Decoration Contest. Of the 20 nominations received, the CAC selected three winners, as follows:

- *Sounds & Sights of Christmas*: The Bryant Family, 9743 Lehigh Ave.
- *Candy Cane Corner*: The Ferreyra Family, 10158 Tudor Ave.
- *Merry and Bright*: The Rodriguez Family, 4570 Moreno St.

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

B. Introduction of New Police Officers

Acting Police Chief Reed introduced three new Police Officers: **Steven Silos**, **Rick Dominguez**, and **George Morones**. Mayor Dutrey and the City Council welcomed Officers Silos, Dominguez, and Morones to the Montclair City family.

VI. PUBLIC COMMENT

- **Herman Janssen**, commenting on behalf of **Bill Kaufman**, expressed he is looking forward to a potential cannabis business on Central Avenue and Moreno Street opening next year and wished everyone a Merry Christmas.
- **Xavier Mendez**, Planning Commissioner and former Montclair Public Works Superintendent, commented on the passing of retired Montclair Motor Sweeper Operator **Richard Salazar**. **Mr. Salazar** was born and raised in the City of Montclair, worked for the City for over 30 years, and took pride in his work as a Motor Sweeper Operator.
- **Veronica Milliman**, Ambassador for **Montclair Chamber of Commerce**, announced the Chamber will be hosting the Montclair Firefighter Recognition Luncheon at the **Chino Basin Water**

Conservation District on January 11th at noon, and three ribbon cutting events at noon for **Al Pastor Taqueria** on January 18th, **Shi Math Educational Foundation** on January 24th, and **Archive Workforce** on January 25th.

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 B-9, B-10, C-1, C-2, C-3, C-4, C-5, and C-7 |
| MOTION: | Continue Item C-6; and approve the remainder of the Consent Calendar as presented. |
| MADE BY: SECOND BY: | Council Member/Director Ruh Mayor Pro Tem/Vice Chair Johnson |
| 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 — November 20, 2023

| 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 Calendar; motion carried 5-0. |

B. Administrative Reports

1. Consider Receiving and Filing City Treasurer’s Report – November 2023

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

2. Consider Approval of City Warrant Register and Payroll Documentation

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

3. **Consider Receiving and Filing SA Treasurer's Report – November 2023**

| ACTION – Consent Calendar – Item B-3 | |
|--------------------------------------|---|
| ACTING: | Successor Agency Board |
| RESULT: | Approved on Consent Calendar; motion carried 5-0. |

4. **Consider Approval of SA Warrant Register – November 2023**

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

5. **Consider Receiving and Filing MHC Treasurer's Report – November 2023**

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

6. **Consider Approval of MHC Warrant Register – November 2023**

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

7. **Consider Receiving and Filing of MHA Treasurer's Report – November 2023**

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

8. **Consider Approval of MHA Warrant Register – November 2023**

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

9. **Consider Authorizing the Receipt of \$17,605 from the 2022 Justice Assistance Grant to Purchase Spike Strips and Breaching Tools**

Mayor Pro Tem Johnson expressed concern regarding excessive property damage caused by vehicle-mounted battering rams.

Acting Police Chief Reed explained the entry tools the Police Department is currently utilizing and will be purchasing are small handheld devices that cause minimal damage to the door.

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

10. Consider Declaring Three Noncompliant Vehicles as Surplus and Available for Donation to the City of Huatabampo, Sonora in Mexico

Council Member Martinez noted that donating the City’s Public Work vehicles that no longer meet California’s emission standards is an impressive show of the City’s ingenuity.

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

11. Consider Approval of the Montclair Housing Authority Annual Report Prepared Pursuant to Section 3416.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2022-23

| ACTION – Consent Calendar – Item B-11 | |
|---------------------------------------|---|
| ACTING: | City Council Montclair Housing Authority Commissioners |
| RESULT: | Approved on Consent Calendar; motion carried 5-0. |

12. Consider Review and Acceptance of the Montclair Housing Authority Annual Report for Fiscal Year 2022-23

| ACTION – Consent Calendar – Item B-12 | |
|---------------------------------------|---|
| ACTING: | Montclair Housing Authority Commissioners |
| RESULT: | Approved on Consent Calendar; motion carried 5-0. |

C. Agreements

1. Consider Approval of Agreement No. 23-90, the Labor Agreement for Management (Nonsafety & Safety) Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2023, to June 30, 2024

Consider Approval of Agreement No. 23-91, the Labor Agreement for Executive Management Employees Regarding the Terms and Conditions of Employment for the Period of July 1, 2023, to June 30, 2024

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

Council Member Lopez asked when these items were discussed in Closed Session and if these agreements were retroactive.

City Manager Starr advised that the items were discussed in May and June and have already been implemented; however, the language is now incorporated into the agreements.

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

2. **Consider Approval of Agreement No. 23-92 with Abound Food Care to Provide Edible Food Recovery Services, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez asked staff for the draft ordinance as mentioned in the staff report and inquired how the contract will enforce the ordinance.

City Manager Starr advised that the draft ordinance mentioned is no longer a draft as it was adopted by City Council in May 2022 and clarified that processes will be developed by Abound Food Care to ensure and track compliance.

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

3. **Consider Approval of Agreement No. 23-93 with Flock Group Inc. for a 5-Year Lease for 60 Automated License Plate Reader Cameras**

Consider Authorizing a \$63,500 Appropriation from the Federal Asset Forfeiture Fund to Pay Costs Associated with Agreement No. 23-93

Matthew Wheaton, resident, inquired as to what capacity the cameras will be used and if they will be utilized for activities other than amber alerts and stolen vehicles.

Acting Police Chief Reed explained that the cameras are not surveillance or traffic enforcement cameras; rather, their purpose is for license plate and image distribution. They continue to be utilized for various purposes including grand theft auto, missing persons, and locating suspects that have committed violent crimes.

Mayor Dutrey commented that this is very powerful technology and he is glad that additional cameras will be added throughout the City.

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

4. **Consider Approval of Agreement No. 23-94 with University Enterprises Corporation at California State University San Bernardino (Inland Empire Small Business Development Center) for the Lease of a City-Owned Facility, Subject to Any Revisions Deemed Necessary by the City Attorney**

Mayor Pro Tem Johnson commented that having the Inland Empire Small Business Development Center partner with the Chamber of Commerce will allow for additional tools to help the local business community grow.

| ACTION – Consent Calendar – Item C-4 | |
|--------------------------------------|---|
| ACTING: | City Council |
| RESULT: | Approved on Consent Calendar; motion carried 5-0. |

5. **Consider Approval of Agreement No. 23-95 with NextRequest for the Use of its Online Public Records Request Management System, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez commented that he appreciated the explanation of the process relating to public records requests and asked what the reason is for entering into an agreement.

City Clerk Myrick explained how the NextRequest platform would streamline the current process and compile all staff communications and responses for each request.

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

7. **Consider Approval of Agreement No. 23-97 Amending Agreement No. 20-23 with Biggs Cardosa Associates, Inc., for Design Services Associated with the Central Avenue Bridge Project, Subject to Any Revisions Deemed Necessary by the City Attorney**

Council Member Lopez stated this item would continue the contract with the consulting firm relating to the Central Avenue Bridge Project and asked for clarification on funding.

City Manager Starr advised that the City could potentially receive additional grants for the project, however typically there is a local match that would be required from the City.

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

D. **Resolutions — None**

IX. **PULLED CONSENT CALENDAR ITEMS**

C. **Agreements**

6. **Consider Approval of Agreement No. 23-96 with Biggs Cardosa Associates, Inc., for Design Services Associated with the Holt Boulevard and Pacific Electric Trail Bridge Project**

City Attorney Robbins advised that Item C-6 will be continued to a future City Council Meeting.

X. **COMMUNICATIONS**

A. **Department Reports — None**

B. **City Attorney**

City Attorney Robbins requested the City Council meet in closed session regarding the following:

1. **Closed Session Pursuant to Government Code §54956.9(d)(1) Regarding Pending Litigation**

Rivera v. Montclair

2. **Closed Session Pursuant to Government Code §54956.8 Regarding Real Property Negotiations**

Properties: APN 1010-054-01-0-000

Negotiating Parties: City of Montclair and Nelson Hugo Flores & Roxana Vasquez

City Negotiator: Edward C. Starr, City Manager

Under Negotiation: Recommendations Regarding Purchase Price

C. City Manager/Executive Director — None

D. Mayor/Chairperson

1. Notice of Cancellation – January 2, 2024 Regular Joint Meeting

Mayor/Chair Dutrey announced the January 2, 2024 regular joint meeting is cancelled.

2. Mayor/Chair Dutrey complimented the Holly Jolly and Dashing through Montclair events; commented on **San Bernardino County Transportation Authority's (SBCTA)** I-10 Express Lanes Project, informing the public that the Monte Vista Interchange will not be complete until Summer 2024; announced tonight's meeting would be adjourned in memory of former **Supreme Court Justice Sandra Day O'Connor**, former City of Chino Council Member **Glenn Duncan**, former City of Ontario Council Member and retired **Ontario-Montclair School District** Deputy Superintendent **Patrick John King**, retired Montclair Motor Sweeper Operator **Richard Salazar**, and Montclair Medical Clinic Volunteer **Dr. Anita Kay Kalousek**; and wished everyone a Merry Christmas, Happy Hanukkah, Happy New Year, and peace for 2024 in Ukraine, Israel, Gaza, Sudan, the Middle East, and the United States.

E. Council Members/Directors

1. Council Member/Director Ruh commented on the City's holiday events and spoke on various events in our region; read an excerpt from **G.K. Chesterton's** book, "Brave New Family"; and wished everyone a Merry Christmas.
2. Council Member/Director Lopez spoke on **Fourth District County Supervisor Curt Hagman's** annual Christmas open house event; remembered former City of Chino Council Member **Glenn Duncan**, Former City of Ontario Council Member **Patrick John King**, and retired Montclair Motor Sweeper Operator **Richard Salazar**; commented the **SBCTA's** I-10 Express Lanes Project and asked that the candlesticks be replaced at the Monte Vista Intersection; thanked staff for all their hard work during the holidays; and wished everyone a Merry Christmas.
3. Mayor Pro Tem/Vice Chair Johnson thanked staff for all their hard work and wished everyone Happy Holidays, a Merry Christmas, Season's Greetings, Happy Hanukkah, Feliz Navidad, Happy Kwanzaa, and prosperity in the New Year.
4. Council Member/Director Martinez thanked staff and volunteers for their hard work; encouraged the public to shop local and support the community; and wished everyone a Happy Holiday.

F. Committee Meeting Minutes

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

1. Personnel Committee – November 20, 2023

XI. CLOSED SESSION

At 8:36 p.m., the City Council went into closed session to discuss real property negotiations and pending litigation.

XII. CLOSED SESSION ANNOUNCEMENTS

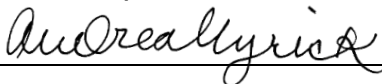
The City Council returned from closed session at 9:02 p.m.

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

XIII. ADJOURNMENT

At 9:02 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 retired Montclair Motor Sweeper Operator **Richard Salazar**, Montclair Medical Clinic Volunteer **Dr. Anita Kay Kalousek**, former City of Chino Council Member **Glenn Duncan**, former City of Ontario Council Member **Patrick John King**, and former Supreme Court Justice **Sandra Day O'Connor**.*