

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, 2017, AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Pro Tem Raft called the meeting to order at 7:01 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Doris Hampton, Brighter Day Ministries, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Ruh led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez

City Manager/Executive Director Starr; Deputy City Manager/Economic and Community Development Director Staats; Finance Director Parker; Public Works Director/City Engineer Wieske; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; City Attorney Robbins; City Clerk Phillips

Absent: Mayor/Chairman Eaton (excused)

V. PRESENTATIONS

A. Donation of Excess Funds from the Mayor's Prayer Luncheon to the Montclair Community Foundation for the 2017 Montclair Food and Toy Drive

Police Chaplain Brobeck presented the Montclair Community Foundation with a check for \$2,055 in surplus funds from the Mayor's Prayer Luncheon for the 2017 Holiday Food and Toy Drive.

B. California WaterFix Project - Metropolitan Water District of Southern California

Ms. Patti Arlt, Senior Government & Regional Affairs Representative, **Metropolitan Water District (MWD)**, provided a PowerPoint presentation discussing the California WaterFix Project, a proposed State Water Project that would improve and protect Northern California's watersheds, which provides 30 percent of Southern California's water supply. The proposed upgrades would result in the use of a flexible dual intake system, modernized facilities, operational flexibility and efficiency, a higher and more reliable water capture rate, and better emergency preparedness. She advised the **MWD Board** will review the project further during a workshop on September 26, 2017, and is scheduled to vote on the project on October 10, 2017. She further advised that the **Inland Empire Utilities Agency (IEUA)** is coordinating a letter of support with member agencies, which includes the City of Montclair, and requested the City's participation in signing the letter.

Council Member Dutrey noted that similar water conserving efforts have been proposed in the past by legislators, but in the end they never came to fruition. He remarked that the longer the issue is delayed, the worse the water problem gets. He stated he would fully support adopting a resolution or signing a letter of support of the California WaterFix Project.

Council Member Ruh noted he is very familiar with California's water issues and warned that an earthquake or other natural disaster could endanger the Delta Watershed.

Council Member Martinez asked if there were more recent statistics than 2005 for the pie chart depicted on slide 5 that shows the division of water flowing from the Delta Watershed.

Ms. Arlt stated she would provide the City Council an updated report.

Council Member Martinez emphasized her support for the California WaterFix project, noting its importance for farmers across the state.

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, City Clerk Phillips stated this section is intended to provide members of the public an opportunity to address the Council on any subject that does not appear on tonight's agenda. She stated that each speaker will be afforded five minutes.

- A. **Ms. Gloria Negrete McLeod**, Board Clerk, **Chaffey College Governing Board**, invited the City Council and City officials to attend Chaffey College's 18th Annual Report to the Community Event on October 24, 2017, at 11:30 a.m.
- B. **Mr. Bruce Culp**, **Paseos** resident, raised concerns regarding a security company that was hired by the Paseos management. He advised an incident took place several weeks ago involving an armed security guard and a resident at the pool area, which resulted in the security guard's arrest by Montclair Police Officers because he was not registered to carry a gun. **Mr. Culp** urged the City Council to prohibit armed security at multifamily housing developments.

VII. PUBLIC HEARINGS

- A. **Second Reading — Consider Adoption of Ordinance No. 17-968 Repealing Portions of Sections 11.02.010 and 11.10.030 and Adding Chapter 11.11 to the Montclair Municipal Code to Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Processing, Commercial Cannabis Activity, Delivery of Cannabis and Cannabis Products, and Outdoor Cultivation of Cannabis in the City of Montclair, and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 17-968 for Monday, September 18, 2017, at 7:00 p.m. in the City Council Chambers**

Mayor Pro Tem Raft declared it the time and place set for a public hearing related to Ordinance No. 17-968 repealing portions of Sections 11.02.010 and 11.10.030 and adding Chapter 11.11 to the Montclair Municipal Code to prohibit medical cannabis dispensaries, medical cannabis cultivation, medical cannabis processing, commercial cannabis activity, delivery of cannabis and cannabis products, and outdoor cultivation of cannabis in the City of Montclair and invited comments from the public.

Mr. Bruce Culp, **Paseos** resident, stated that 53 percent of Montclair voters supported the passage of Proposition 64, and at the last election each successful Council Member received approximately 25 percent of the vote. He stated concerns over some of the wording of the Ordinance that characterizes cannabis as an immediate threat to public health and safety, as well as the fact that the Ordinance does not have an expiration date to allow for legal sales and activities to take place in the future. He noted he attended the Code Enforcement/Public Safety meeting earlier this evening and learned of some illegal grow operations that were recently discovered in the City, and noted that the competition would likely drive them away. He urged the City Council to allow delivery service termination in the City of Montclair.

City Manager Starr advised the passage of SB 94, *the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)* in June has stalled Staff's development of a regulatory system, reiterating that staff is still fully committed to developing a proposed framework to regulate cannabis within the City to discourage illegal activities. He stated that the City Council must have a regulatory ordinance in effect by January 1, 2018, or else the state will assume that the City does not intend to impose zoning restrictions or other requirements.

There being no one else in the audience wishing to speak, Mayor Pro Tem Raft closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Ruh and seconded by Council Member Dutrey that Ordinance No. 17-968, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR REPEALING PORTIONS OF SECTIONS 11.02.010 AND 11.10.030 AND ADDING CHAPTER 11.11 TO THE MONTCLAIR MUNICIPAL CODE TO PROHIBIT MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS CULTIVATION, MEDICAL CANNABIS PROCESSING, COMMERCIAL CANNABIS ACTIVITY, DELIVERY OF CANNABIS AND CANNABIS PRODUCTS, AND OUTDOOR CULTIVATION OF CANNABIS IN THE CITY OF MONTCLAIR," be read by number and title only, further reading be waived, this be declared its second reading; and that the Ordinance be adopted.

Council Member Dutrey noted he is supportive of a future regulatory scheme for cannabis that is similar to the Department of Alcoholic Beverage Control's system for regulating alcoholic beverage sales.

Council Member Martinez stated she appreciates that the state has given cities the opportunity to claim local control of this issue by allowing until January 1, 2018, to have local regulations in place. She noted that this is a necessary step if the City wants to implement effective regulations after the deadline.

The City Council unanimously waived the reading of the Ordinance.

Ordinance No. 17-968 was unanimously adopted by the following vote:

AYES:	Martinez, Ruh, Dutrey, Raft
NOES:	None
ABSTAIN:	None
ABSENT:	Eaton

B. First Reading — Introduction of Ordinance No. 17-969 Adding Section 10.20.040 to Chapter 10.20 of the Montclair Municipal Code Related to Providing an Expedited Streamlined Permitting Process for Electric Vehicle Charging Stations and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 17-969 on Monday, October 2, 2017, at 7:00 p.m. in the City Council Chambers

City Manager Starr indicated that revisions have been made to the Ordinance since the agenda was published, which was provided to the City Council and the public before the meeting. He asked that the City Council consider these amendments incorporated as part of the first reading.

Mayor Pro Tem Raft declared it the time and place set for a public hearing related to Ordinance No. 17-969 adding Section 10.20.040 to Chapter 10.20 of the Montclair Municipal Code related to providing an expedited streamlined permitting process for electric vehicle charging stations and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Pro

Tem Raft closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Ordinance No. 17-969, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING SECTION 10.20.040 TO CHAPTER 10.20 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO PROVIDING AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS," as amended, be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing to consider the second reading and adoption of Ordinance No. 17-969 for Monday, October 2, 2017, at 7:00 p.m. in the City Council Chambers.

The City Council unanimously waived the reading of the Ordinance.

First Reading of Ordinance No. 17-969, as amended, was unanimously adopted by the following vote:

AYES: Martinez, Ruh, Dutrey, Raft
NOES: None
ABSTAIN: None
ABSENT: Eaton

VIII. CONSENT CALENDAR

City Manager Starr requested that item D-1 be removed from the consent calendar for separate action.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, and carried unanimously to approve the remainder of the Consent Calendar, as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of September 5, 2017

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the September 5, 2017 regular joint meeting.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending August 31, 2017.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated September 18, 2017, totaling \$1,169,046.96; and the Payroll Documentation dated September 3, 2017, totaling \$612,163.56 gross, with \$421,987.31 net being the total cash disbursement.

3. Receiving and Filing of Successor Agency Treasurer's Report

The City Council acting as successor to the Redevelopment Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending August 31, 2017.

4. Approval of Successor Agency Warrant Register

The City Council acting as successor to the Redevelopment

Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 08.01.17–08.31.17 in the amounts of \$19,967.75 for the Combined Operating Fund and \$0.00 for the Redevelopment Obligation Retirement Funds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending August 31, 2017.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 08.01.17–08.31.17 in the amount of \$41,202.35.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending August 31, 2017.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 08.01.17–08.31.17 in the amount of \$0.00.

9. Approval of the City of Montclair Capital Improvement Program for Fiscal Years 2017–2022

Appropriation of Funds as Indicated for FY 2017–2018 in the Capital Improvement Program

The City Council took the following actions:

- (a) Approved the City of Montclair Five-Year Capital Improvement Program for Fiscal Years 2017–2022.
- (b) Approved the appropriation of funds as indicated for each of the FY 2017–18 projects in the Capital Improvement Program.

10. Approval of Human Services Department's Grant Fund Balance Carryover from Prior Fiscal Years

The City Council approved the Human Services Department's grant fund balance carryover from prior fiscal years in the combined total amount of \$36,386.11 to support ongoing program needs in the Clinic and Family Health Education budgets.

11. Authorizing the Use of \$5,000 in State Asset Forfeiture Funds for the Purchase of Goods and Services for a Public Safety Open House at the Police Department

The City Council authorized the use of \$5,000 in State Asset Forfeiture Funds for the purchase of goods and services for a Public Safety Open House at the Police Department.

12. Authorization to Purchase Five X26P TASER Devices from Axon Enterprises, Inc., in the Amount of \$4,820

The City Council authorized the purchase of five X26P TASER devices from Axon Enterprises, Inc., in the amount of \$4,820.

C. Agreements

1. Approval of Agreement No. 17–78 with All City Management Services, Inc., for School Crossing Guard Services

The City Council approved *Agreement No. 17–78* with All City Management Services, Inc., for school crossing guard services.

2. Approval of Agreement No. 17–79 with Ontario–Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program

The City Council approved *Agreement No. 17-78* with Ontario-Montclair School District to provide a licensed clinical social worker for the Case Management Program.

D. Resolutions

2. Adoption of Resolution No. 17-3169 Adopting a Five-Year Capital Project Needs Analysis

The City Council adopted Resolution No. 17-3169 adopting a Five-Year Capital Project Needs Analysis.

3. Adoption of Resolution No. 17-3170 Changing the Name of the Community Action Committee to the Community Activities Commission

The City Council adopted Resolution No. 17-3170 changing the name of the Community Action Committee to the Community Activities Commission.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. Adoption of Resolution No. 17-3168 Declaring Intention to Annex Territory to Community Facilities District No. 2011-1 (Maintenance and Public Safety Services) of the City of Montclair and Adopting a Map of the Area Proposed to be Annexed Thereto (Annexation No. 1)

City Manager Starr requested this item be continued to the October 2, 2017 City Council meeting.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council continue consideration of Resolution No. 17-3168 to the October 2, 2017 City Council meeting.

X. BUSINESS ITEMS — None

XI. RESPONSE — None

XII. COMMUNICATIONS

A. City Department Reports

1. Human Services Department

Human Services Director Richter reported the following:

• **Montclair Day at the LA County Fair — September 14, 2017**

Day at the Fair was held last Thursday and was attended by Mayor Pro Tem Carolyn Raft and Council Members John Dutrey and Trisha Martinez. **Bill Blades**, a longtime volunteer with Montclair's Youth Basketball League was awarded the Montclair Community Hero award. Our Fire Department, Police Department, Public Works Department, Senior Center and Youth Center participated in the parade. The Fair runs until Sunday, September 24th, and the Recreation Center is still selling discounted tickets: \$12 for adult tickets and \$6 for children's tickets, good any day the Fair is open. The Recreation Center is open Monday through Friday from 7:30 a.m. - 9:30 p.m.

• **Fall Activities and Events**

Mark your calendars for the following Fall events:

- Youth Talent Showcase
Friday, October 13, starting at 6:00 p.m., in the Community Center

Come see Montclair youth ages 6 through 17 share their talents. The theme for 2017 is "Around the World."

- Montclair Community Health Fair
Tuesday, October 17, from 9:00 a.m. to noon, in the Community Center

Free health screenings and more than 35 health and community agencies will be at the event. Complimentary flu shots will be given to employees from 11:30 a.m. to noon. Additional opportunities for employees to get their flu shots will be announced.

B. City Attorney — None

C. City Manager/Executive Director

Regarding **Mr. Culp's** security guard issues at the Paseos, City Manager Starr advised that staff would first look into the covenants, conditions, and restrictions imposed on the **Paseos** and determine whether armed security is allowed, and then could report back to the City Council on findings and provide information on further options available.

D. Mayor/Chairman — None

E. City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board

1. Mayor Pro Tem/Vice Chairperson Raft made the following remarks:

- (a) She noted her attendance at Saturday's *Coffee with Curt* event at the senior center, and stated she learned a lot about available resources from **Supervisor Curt Hagman**.
- (b) She warned that a sample of mosquitoes tested positive for West Nile Virus in Montclair at Lehigh Avenue and Kingsley Street and advised that residents in that area be careful and wear bug repellent.

2. Council Member/Director Ruh commented as follows:

- (a) He noted on Saturday, September 9th, he attended a community housing event hosted by **Assembly Member Rodriguez**.
- (b) He stated on the evening of Saturday, September 9th he attended the annual **Soroptimist International of Montclair/Inland Valley** Casino Night, which was a lot of fun and had over 150 people in attendance.
- (c) He noted he attended *Coffee with Curt* event and was happy to see council members from Chino in attendance.
- (d) He stated on Thursday he attended a **Metro Gold Line Joint Powers Authority** meeting and learned that the **Los Angeles County Metropolitan Transportation Authority** may begin to charge parking fees at all of its facilities. He stated his opposition to parking fees, noting many people have expressed they would not use the train systems if they had to pay for parking as well as their ticket.

3. Council Member/Director Dutrey commented as follows:

- (a) He advised that as the alternate Board Member to the **San Bernardino County Transportation Authority (SBCTA)**, he recently voted to approve a reimbursement agreement with the City of Montclair for the City's advanced payment for design services related to the Montclair segment of the **Gold Line**.

- (b) He recognized Chaplain Brobeck for attending tonight's meeting and for coordinating the donation for the Montclair Community Foundation.
 - (c) He noted he enjoyed celebrating the 80th birthday of **Dr. Ronald Cuning**, owner of **Cuning Dental Group**, located in Montclair, and commended him for his success.
 - (d) He advised the Real Estate Committee met earlier this evening and discussed a **Cardenas Market** that is proposed at Central Avenue and Holt Boulevard, as well as the General Plan Update's progress, which has received seven proposals that staff will begin to review.
 - (e) He noted he will be absent at the next City Council meeting because he will be attending the **International Conference of Shopping Centers in Los Angeles**.
4. Council Member/Director Martinez stated she was happy that **MWD** and **IEUA** could attend to give a presentation tonight about the California WaterFix project.

F. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 17, 2017

The City Council received and filed the minutes of the Public Works Committee meeting of August 17, 2017, for informational purposes.

2. Minutes of Real Estate Committee Meeting of August 21, 2017

The City Council received and filed the minutes of the Real Estate Committee meeting of August 21, 2017, for informational purposes.

3. Minutes of Code Enforcement/Public Safety Committee Meeting of August 21, 2017

The City Council received and filed the minutes of the Code Enforcement/Public Safety Committee meeting of August 21, 2017, for informational purposes.

4. Minutes of Personnel Committee Meeting of September 5, 2017

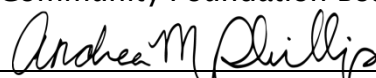
The City Council received and filed the minutes of the Personnel Committee meeting of September 5, 2017, for informational purposes.

XIII. COUNCIL WORKSHOP — None

XIV. ADJOURNMENT OF CITY COUNCIL, SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS

At 8:05 p.m., Mayor Pro Tem/Vice Chairperson Raft adjourned the City Council, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors.

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


 Andrea M. Phillips
 City Clerk