

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, APRIL 15, 2024 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

Pastor Joe McTarsney of **Calvary Montclair** and Montclair Police Department Chaplain, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Fourth District San Bernardino County Supervisor Curt Hagman 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 Community Development Diaz; Director of Public Works/City Engineer Heredia; Police Chief Reed; Fire Chief Pohl; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Fourth District Update by San Bernardino County Supervisor Curt Hagman

Supervisor Hagman provided countywide and fourth district updates including updates on countywide ambulance service, homelessness committee, federal funding, a new stadium, and park construction projects.

B. Proclamation Declaring April 26, 2024 as “Arbor Day” in the City of Montclair

Mayor Dutrey presented a proclamation declaring April 26, 2024 as “Arbor Day” in the City of Montclair to Public Works Director Heredia.

Public Works Director Heredia announced upcoming tree planting events at Sunset Park and invited residents to volunteer.

VI. PUBLIC COMMENT

Mayor Dutrey apologized to Council Member Martinez for comments he made to her after the April 1, 2024 meeting, noting he values her input as a representative of the younger residents in the community.

- **Bill Kaufman** urged the City Council to move forward with legalizing commercial cannabis businesses, noting he still has a secured location on Central Avenue to open a business. He added Pomona is benefitting from tax revenue by allowing it in their city.
- **Frank Sanchez, STIIIZY**, encouraged the City Council to allow the cannabis industry to operate in Montclair, and stated he looks forward to submitting an application on behalf of his company.
- **Mike Cargile** introduced himself as a candidate running to represent the 35th Congressional District, which includes Montclair, and stated that if elected, he would be happy to speak to residents about any federal issues they would like him to bring to Capitol Hill.

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:	Item C-1
MOTION:	Approve 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 — April 1, 2024

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 - March 2024

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 - March 2024

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 – March 2024

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 – March 2024

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 – March 2024

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 – March 2024

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 – March 2024

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 \$16,729 from the 2021 Justice Assistance Grant to Purchase Three Electric Bikes and Safety Equipment for the Police Department

Carolyn Raft, resident, stated she thinks electric bikes would be great for the Police Department, making them more accessible to the community.

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

C. Agreements

1. Consider Approval of Agreement No. 24-27 with TKE Engineering, Inc. for On-Call Contract Inspection Services, Subject to Any Revisions Deemed Necessary by the City Attorney

Consider Authorizing a \$60,000 Appropriation from 2021 Lease Revenue Bond Proceeds for Costs Related to Agreement No. 24-27

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

D. Resolutions

- 1. Consider Adoption of Resolution No. 24-3432 Approving the Tree City USA Application for 2024 and Authorizing the Director of Public Works to Sign the Application**

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

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS

A. Consider Adoption of One of the Following Resolutions:

Resolution No. 24-3433 Affirming as Policy the City Council’s Practice to Not Act on Matters Considered the Purview and Maintenance of the State or National Governments; and, Further, to Not Consider or Adopt Resolutions, Issue Proclamations or Otherwise Engage in Discourse or Advocacy Adverse to the Interests Of Montclair, or that Would Place the City Council in the Position of Advocacy on Matters Outside the Purview of Local Government, or that Would Potentially Pit Against Each other Factions or Groups Within Montclair, or that are Otherwise Not Directly Connected with the City Council’s Governance or Administration of the City, its Provision of Public Services, or its Objective to Improve the Quality of Life for Montclair Residents;

Resolution No. 24-3434 Demonstrating Support for the Biden Administration’s Call for “An Immediate Ceasefire” to Hostilities in the Israel-Gaza Strip Conflict, and that “Specific, Concrete, and Measurable Steps” be Taken to Curb Civilian Casualties and Prevent Harm to Aid Workers, that All Hostages, Prisoners of War and Detainees be Immediately Returned to their Respective States and, Further, that Humanitarian Aid be Permitted to Flow into the Conflict-Torn Areas

Mayor Dutrey invited comments from the public.

City Clerk Myrick read written comments submitted by the following:

- 1. Pastor Josh Matlock** in support of Resolution No. 24-3433; and
 - 2. Sally Sanders** in support of Resolution No. 24-3434.
- Guy Bouk** stated he prays for everyone on all sides of the matter.

The following spoke in support of the City Council’s adoption of proposed Resolution No. 24-3433, affirming the City Council’s policy to focus on local issues:

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|-----------------------------|--------------------------------|
| 1. Bernice Navarro | 12. Sharon Stein |
| 2. Catherine Lara | 13. Carolyn Raft |
| 3. Tom Long | 14. Paul Santillanez |
| 4. Enrique Guzman | 15. Rabbi Shalon Harlig |
| 5. Lonnie Marion | 16. Chanie Harlig |
| 6. Dyane McTarsney | 17. Edna Tzobery |
| 7. Katelyn McTarsney | 18. Shoshana |
| 8. Joseph McTarsney | 19. Jacob Haiavy |
| 9. Jimmy Crowell | 20. Sigalif Raviv |
| 10. Sandra Crowell | 21. Linor Geld |
| 11. Matthew Munson | |

The following spoke in support of the City Council’s adoption of proposed Resolution No. 24-3434, calling for a ceasefire:

- | | |
|-------------------------------|-------------------------------|
| 1. Samar Khalife | 23. Youssef Abdelmonen |
| 2. Fernando | 24. Kenneth Tea |
| 3. Jessica Gaytan | 25. Kayo Nguyen |
| 4. Tahseen Sultana | 26. Ziad |
| 5. Alejandra | 27. Saffi Khan |
| 6. Huda | 28. Chapo |
| 7. Zain | 29. Zuhair |
| 8. Celeste Guerrero | 30. Thoraya |
| 9. Noor Abdallah | 31. Nazli Janjue |
| 10. Rheyannah Williams | 32. Anonymous 1 |
| 11. Elvis Caceres | 33. Anonymous 2 |
| 12. Raina Ramirez | 34. Nicole |
| 13. Ehaab Zubi | 35. Phillip Gomez |
| 14. Madeline | 36. Selma Maytah |
| 15. Estee Chandler | 37. Sawsan |
| 16. Janel | 38. Julian Gonzalez |
| 17. Farzana | 39. Nour T. |
| 18. Liza Pena | 40. Ibrahim Shaheed |
| 19. Avraham Stern | 41. MD Shaheed |
| 20. Mirvette | 42. Abu Elias |
| 21. Alex Rocha | 43. Abdul Rahman Kotat |
| 22. Maggie Moe | |

At 9:56 p.m., Mayor Dutrey called for a brief recess.

The City Council reconvened at 10:05 p.m. with all members present.

Mayor Dutrey returned the matter to the City Council for discussion and consideration.

Mayor Pro Tem Johnson discussed her empathy for what the people of both Israel and Palestine are enduring. She stated she would support the resolution in favor of a ceasefire based on comments she heard tonight, although her primary focus as a Council Member is on local issues and she does not feel Resolution No. 24-3434 will have a significant impact on the war.

Council Member Martinez thanked the residents and students for speaking on this issue and noted she does not feel that by adopting Resolution No. 24-3434 the City Council would be acting “on matters considered the purview and maintenance of the state or national governments,” as proposed Resolution No. 24-3433 implies, but simply supporting the call for a ceasefire in Israel.

Council Member Ruh questioned how this item came to be on tonight’s agenda when there was not a majority of the City Council voting in support of its placement on the agenda.

City Manager Starr advised it was staff’s decision to place it on the agenda, as staff does for all items placed on the agenda for City Council consideration.

Council Member Ruh expressed he does not agree that local governments should be involved with international issues.

Council Member Lopez moved that the City Council adopt Resolution No. 24-3433.

Council Member Martinez requested to amend the motion to instead adopt Resolution No. 24-3434.

City Attorney Robbins advised the City Council must take action on the amended motion and, if that fails, can take action on the original motion.

Council Member Lopez requested to further amend the motion to adopt Resolution No. 24-3434 by adding provided language.

ACTION 1 – Business Items – Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3434 with added language: <i>Whereas, the Montclair City Council condemns Hamas for their unprovoked attack on Israel on October 7, 2023, resulting in their terrorist acts of violence, murder, destruction, fear, and intimidation of innocent people.</i> <i>Whereas, the Montclair City Council condemns Hamas’s taking of innocent human beings as hostages and calls for all nations to enact sanctions of every kind until every hostage is released in good health, free of harm.</i> <i>Whereas, the Montclair City Council recognizes the nation of Israel’s right to defend its borders, its people, its national interests and their right to rescue their citizens held hostage.</i>
MADE BY: SECOND BY:	Council Member Lopez Council Member Ruh
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Ruh, Johnson, Dutrey Martinez None None
RESULT:	Motion carried 4-1.

Mayor Dutrey called for a vote on Council Member Martinez’s motion.

City Attorney Robbins advised that the prior vote was to adopt Resolution No. 24-3434 as amended.

Mayor Dutrey and Council Member Lopez stated their understanding of the motion was to only amend proposed Resolution No. 24-3434.

Mayor Pro Tem Johnson stated she understood the motion to be voting to adopt Resolution No. 24-3434 as amended.

Mayor Dutrey requested the City Council vote to rescind the prior action so that a discussion can take place with everyone understanding the motion prior to voting.

ACTION 2 – Business Items – Item A	
ACTING:	City Council
MOTION:	Rescind the previous vote to adopt Resolution No. 24-3434 with added language: <i>Whereas, the Montclair City Council condemns Hamas for their unprovoked attack on Israel on October 7, 2023, resulting in their terrorist acts of violence, murder, destruction, fear, and intimidation of innocent people.</i> <i>Whereas, the Montclair City Council condemns Hamas’s taking of innocent human beings as hostages and calls for all nations to enact sanctions of every kind until every hostage is released in good health, free of harm.</i> <i>Whereas, the Montclair City Council recognizes the nation of Israel’s right to defend its borders, its people, its national interests and their right to rescue their citizens held hostage.</i>
MADE BY: SECOND BY:	Mayor Dutrey Council Member Lopez
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Ruh, Johnson, Dutrey Martinez None None
RESULT:	Motion carried 4-1.

At 11:00 p.m., Mayor Dutrey called for a brief recess.

The City Council reconvened at 11:10 p.m. with all members present.

Mayor Pro Tem Johnson asked if the second clause could be removed from the amendments or replace “ Hamas ” with “ all nations . ”

Council Member Lopez declined to remove any clauses from his proposed amendments or change the language as requested. He explained the importance of calling out Hamas, enacting sanctions on them, and demanding the release of hostages.

City Attorney Robbins asked if the clause could be amended for clarity as follows: *Whereas, the Montclair City Council condemns Hamas’s taking of innocent human beings as hostages and calls for all nations to enact sanctions of every kind on Hamas until every hostage is released in good health, free of harm.*

Council Member Lopez agreed.

Council Member Martinez stated she feels the amendments are unnecessarily divisive, noting they do not address all perspectives on the matter, such as Israel’s taking of Palestinian hostages nor Palestine’s right to defend its borders.

ACTION 3 - Business Items - Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3434 with added language: <i>Whereas, the Montclair City Council condemns Hamas for their unprovoked attack on Israel on October 7, 2023, resulting in their terrorist acts of violence, murder, destruction, fear, and intimidation of innocent people.</i> <i>Whereas, the Montclair City Council condemns Hamas’s taking of innocent human beings as hostages and calls for all nations to enact sanctions of every kind on Hamas until every hostage is released in good health, free of harm.</i> <i>Whereas, the Montclair City Council recognizes the nation of Israel’s right to defend its borders, its people, its national interests and their right to rescue their citizens held hostage.</i>
MADE BY: SECOND BY:	Council Member Lopez Mayor Dutrey
AYES: NOES: ABSTAIN: ABSENT:	None Lopez, Martinez, Ruh, Johnson, Dutrey None None
RESULT:	Motion failed 0-5.

ACTION 4 - Business Items - Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3434.
MADE BY: SECOND BY:	Council Member Martinez Mayor Pro Tem Johnson
AYES: NOES: ABSTAIN: ABSENT:	Martinez, Johnson Lopez, Ruh, Dutrey None None
RESULT:	Motion failed 2-3.

ACTION 5 – Business Items – Item A	
ACTING:	City Council
MOTION:	Adopt Resolution No. 24-3433.
MADE BY: SECOND BY:	Council Member Lopez Council Member Ruh
AYES: NOES: ABSTAIN: ABSENT:	Lopez, Ruh, Dutrey Martinez, Johnson None None
RESULT:	Motion carried 3-2.

XI. COUNCIL WORKSHOP

A. Update on Affordable Housing and Homeless Assistance Grant Applications, Awards, and Projects

The City Council continued this presentation to an adjourned meeting to be held on Monday, May 6, 2024, at 5:45 p.m. in the City Council Chambers.

XII. COMMUNICATIONS

A. Department Reports — None

B. City Attorney— None

C. City Manager/Executive Director — None

D. Mayor/Chair

1. Announcement of Three Vacancies on Community Activities Commission for Four-Year Terms from July 1, 2024, to June 30, 2028

Mayor Dutrey announced there are three vacancies on the Community Activities Commission. The deadline to apply is by May 15, 2024, at 5:00 p.m.

E. Council Members/Directors — None

F. Committee Meeting Minutes

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

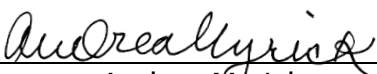
1. Personnel Committee – April 1, 2024

XIII. ADJOURNMENT

At 11:30 p.m., the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board were adjourned.

At 11:30 p.m., the City Council was adjourned to Monday, May 6, 2024, at 5:45 p.m. in the Council Chambers for a Council Workshop.

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 **Jacob Tuscher**, husband of former Community Activities Commissioner **Myrna Tuscher**, and a longtime Montclair resident.*