

MINUTES OF THE JOINT SPECIAL MEETING OF THE MONTCLAIR CITY COUNCIL AND PLANNING COMMISSION HELD ON MONDAY, DECEMBER 16, 2019, AT 5:45 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

1. CALL TO ORDER

Mayor Dutrey called the meeting to order at 5:45 p.m.

2. ROLL CALL

Present: Mayor Dutrey; Mayor Pro Tem Raft; Council Members Ruh, Johnson, and Martinez; Planning Commission Chair Rowley; Commissioner Sanchez

Absent: Planning Commission Vice Chair Martinez (arrived at 5:48 p.m.); Commissioners Eaton (arrived at 5:47 p.m.) and Sahagun.

Staff: City Manager Starr; Public Works Director/City Engineer Castillo; Director of Community Development Diaz; Assistant Director of Housing/Planning Manager Caldwell; City Attorney Robbins; City Clerk Phillips

3. PUBLIC COMMENT — None

Planning Commissioner Eaton arrived at 5:47 p.m.

Planning Commission Vice Chair Martinez arrived at 5:48 p.m.

4. WORKSHOP PRESENTATION

A. THE VILLAGE AT MONTCLAIR MIXED-USE DEVELOPMENT

Mr. Don Henry and Mr. Michael Morris, Principal Partners of Village Partners Ventures, LLC developing the Village at Montclair Project, led a PowerPoint Presentation providing the City Council and Planning Commission with an overview of the project and an update on its status. The presentation provided a visual overview of the project and its key components making it an ideal project for the North Montclair Downtown Specific Plan (NMDSP).

The Project would be the first mixed-use project in Montclair with 332 residential units, 29,000 square feet of ground-level space available for commercial and office use, a multi-level tenant and commercial parking structure, and a 0.22-acre public park.

Rendered images of the completed project and site plans were shown, demonstrating the architectural components, landscaping, walkable areas, parking configuration, and layout of residential and commercial spaces.

Remaining issues consist of getting the project ready for formal Planning Commission and City Council reviews and approvals. Noted were a few remaining significant issues to be resolved before the project can be scheduled for public hearings, including:

- a. Subdivision Map must conform to minimum lot sizes specified in the NMDSP, and the map must identify street dedications along Arrow Highway and public access easements leading to the **Montclair Transcenter** and the Arrow Station Project.
- b. Need to provide appropriate collection facilities for solid waste removal and define an effective operational strategy for the Project that includes both residential and commercial waste in each building.
- c. Must provide terms for regulating the lease and management of flex units.

- d. Parking Management Plan needs to address needs of future residents, visitors, customers, workers, and loading spaces for each buildings; the request to reduce parking as provided for in the NMDSP; and security measures for the parking structure.
- e. Use of land for future addition of a proposed public parking structure located at the northeast corner of the property.

Mayor Dutrey asked if any members of the public would like to comment on this presentation.

Mr. Bruce Culp, resident, said he likes the plan but feels parking will always be an issue. He stressed the importance of pushing education of transit-oriented districts to prospective residents, noting with the **Transcenter** in walking distance, residents should have less need for private vehicles. He suggested making use of the rooftops for things like night clubs, residential amenities, and other purposes.

Mayor Dutrey requested questions and comments from Planning Commissioners.

Planning Commission Vice Chair Martinez asked if the parking structure would be for the development or for the **Transcenter**.

Community Development Director Diaz advised the parking structure would be for tenants, employees, and customers.

Planning Commission Vice Chair Martinez asked if the structure could be abused by **Transcenter** users.

Community Development Director Diaz stated there would be a public parking garage available on the site that could be used for that purpose, so he doesn't see there being an issue.

With no other Planning Commissioners wishing to comment, Mayor Dutrey asked if the City Council would like to provide questions or comments for staff or the developer.

Council Member Martinez asked if visitors would be allowed to park at the **Transcenter** and walk down to Fremont Avenue to utilize businesses in the project.

City Manager Starr advised staff will need to determine how to address parking regulations and, in the short term, intends to restrict overnight parking at the **Transcenter** to address abuse of the parking facility by residents of the project.

Mayor Pro Tem Raft complimented the design of the project and stated she also has concerns about parking, and asked if there would be enough for both residents and businesses.

Community Development Director Diaz advised staff is working with the developer on a Parking Management Plan to ensure that provided parking is utilized and managed properly.

City Manager Starr advised the NMDSP is designated as a transit-oriented district, and defines a 1.5 parking space per unit density; however, the City Council does have the authority to reduce that requirement by 15 percent.

Council Member Johnson asked if any of the 332 residential units would be designated as low- to moderate-income housing.

City Manager Starr advised this project does not currently fall under the inclusionary housing ordinance, which will be updated in the first quarter of 2020.

Planning Commission Vice Chair Martinez stated the unit sizes seem small and could be more affordable for that reason.

Council Member Ruh stated he is against the inclusionary ordinance, and all housing built should be affordable to meet the current need. He stated housing located near transit tends to be more expensive and is built for luxury at unaffordable costs. He stated he is also against paid public parking, noting a commuter would be paying \$720 per year if it cost them \$3 per day to park at the **Transcenter**. He emphasized the need to maintain affordable transit to encourage use and reduce the stress on the congested freeway system.

Mayor Dutrey asked if there is a commercial market for the commercial uses of the project.

Mr. Henry stated there is an expectation that as the residential community in the project grows, the commercial demand will increase in that area, adding the demand would be amplified by future residential development in the surrounding area.

Mayor Dutrey asked if the outdoor parking would be covered parking.

Community Development Director Diaz advised there would be covered parking provided via parking garages, however there would not be smaller individual private garages or carports.

Mayor Dutrey asked if the City would purchase the property for the public parking structure and how it would be funded.

City Manager Starr advised the City would purchase the property with **Federal Transit Administration** grant funding.

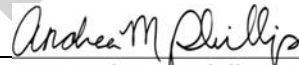
Mayor Dutrey thanked **Mr. Henry** and **Mr. Morris** for their presentation. He stated this project has been in development for six or seven years, and he is impressed with what is being presented today for the project. He stated the arrival of the **Gold Line** at the **Montclair Transcenter** should also increase demand for housing and commercial uses in the immediate area.

Council Member Ruh added many parts of the world in developing areas are becoming less reliant on cars and moving toward driverless cars and ridesharing. He warned there is likely to be an overabundance of parking as transportation trends change.

5. ADJOURNMENT

At 6:32 p.m., Mayor Dutrey adjourned the City Council and Planning Commission.

Submitted for City Council approval,



Andrea M. Phillips
City Clerk

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 20, 2020, AT 7:00 P.M. CONDUCTED REMOTELY PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDERS SUSPENDING CERTAIN ASPECTS OF THE BROWN ACT DURING THE COVID-19 STATE OF EMERGENCY AND MANDATING STAY-AT-HOME SAFETY PROTOCOLS

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

Montclair Police Chaplain **Vicki Brobeck** gave the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Raft led meeting participants in the Pledge.

IV. ROLL CALL

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

City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; Finance Manager Kulbeck; Public Works Director/City Engineer Castillo; Community Development Director Diaz; Deputy Director of Community and Economic Development Caldwell; Human Services Director Richter; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. Proclamation Declaring May 7, 2020 as the National Day of Prayer in the City of Montclair

Mayor Dutrey declared May 7, 2020 as the National Day of Prayer in the City of Montclair, and stated the signed Proclamation will be mailed to **Mrs. Carolyn Preschern**, moderator of the **Inland Empire Prayer Breakfast**.

VI. PUBLIC COMMENT — None

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Council Members Johnson and Ruh requested Item C-2 be removed from the consent calendar.

City Manager Starr stated staff is removing Item C-2 from the agenda to bring back at a future date.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Johnson, and carried unanimously by the following roll call vote for approval of the Consent Calendar as presented, with the exception of Item C-2:

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

A. Approval of Minutes

1. Regular Joint Meeting — April 6, 2020

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 approved the minutes of the April 6, 2020 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 March 31, 2020.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated April 20, 2020, totaling \$2,500,191.87; and the Payroll Documentation dated March 15, 2020, amounting to \$628,986.54 gross, with \$441,904.12 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 March 31, 2020.

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 03.01.20-03.31.20 in the amounts of \$8,031.50 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 March 31, 2020.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 03.01.20-03.31.20 in the amount of \$57,754.23.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending March 31, 2020.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 03.01.20-03.31.20 in the amount of \$0.00.

9. Approval of the Filing of a Notice of Completion of Contract with OCC Builders, Inc. for the Reeder Ranch Roof Replacement and Electrical Improvement Project

Authorizing Release of Retention 30 Days After Recordation of Notice of Completion

The City Council took the following actions:

- (a) Approved the filing of a Notice of Completion of Contract with OCC Builders, Inc. for the Reeder Ranch Roof Replacement and Electrical Improvement Project.
- (b) Authorized releasing retention of payment bond 30 days after recordation of the Notice of Completion with the Office of the San Bernardino County Recorder.

C. Agreements

1. **Approval of Agreement No. 20-19 Amending Agreement No. 19-41 with Econolite Systems for Traffic Signal Maintenance Services**

The City Council approved *Agreement No. 20-19* amending *Agreement No. 19-41* with Econolite Systems for traffic signal maintenance services.

3. **Approval of Agreement No. 20-26 Amending Agreement No. 18-76, a Passenger Amenities Program Agreement with Omnitrans**

The City Council approved of *Agreement No. 20-26* amending *Agreement No. 18-76*, a Passenger Amenities Program Agreement with Omnitrans.

4. **Approval of Agreement No. 20-27, the First Amendment to Reimbursement Agreement No. 17-76 with 5060 Montclair Plaza Lane Owner, LLC Related to Costs Associated with the Montclair Place District Specific Plan**

The City Council approved of *Agreement No. 20-27*, the first amendment to Reimbursement *Agreement No. 17-76* with 5060 Montclair Plaza Lane Owner, LLC related to costs associated with the Montclair Place District Specific Plan.

D. Resolutions

1. **Adoption of the Resolution No. 20-3264 Designating Authorized Agents of the City of Montclair for California Governor's Office of Emergency Services (Cal OES) Public Assistance Grants**

Authorizing Submittal of the Approved Cal OES Form 130 to the State

The City Council took the following actions:

- (a) Adopted the Resolution No. 20-3264 designating authorized agents of the City of Montclair for California Governor's Office of Emergency Services (Cal OES) Public Assistance Grants.
- (b) Authorized submittal of the approved Cal OES Form 130 to the State.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. **Approval of Agreement No. 20-25 with Verizon Wireless for a Grant Deed Providing an Easement to Operate and Maintain Telecommunication Facilities**

Mayor Dutrey requested Council Members Johnson and Ruh provide their comments on this item if they wish, although no action on this item will be taken this evening.

Council Member Johnson asked if the cell tower would be relocated on the site or removed.

City Manager Starr stated the tower will remain in its current location and the only construction taking place would be trenching for the new fiber optic line.

Council Member Ruh asked if there would be a disruption in service during the trenching.

City Manager Starr indicated there would be no service interruption, and service would be seamlessly transitioned over to the newly installed fiber optic line.

X. COMMUNICATIONS

A. City 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 Section 54956.9(d)(1) Regarding Pending Litigation

Carrillo v. City of Montclair

Correlo v. City of Montclair

C. City Manager/Executive Director

1. COVID-19 Update

City Manager Starr reported that on April 18th the **San Bernardino County Public Health Officer** released an omnibus COVID-19 health order, which loosens some of the original requirements to wear face masks at all times when outdoors and in grocery stores, and allows in-person church services to take place as long as they comply with social distancing and mask-wearing guidelines. He advised Montclair will keep its own more strict order in place requiring the use of masks when shopping and when coming in close proximity to non-household members outdoors.

He advised that as Montclair's Director of Emergency Services, he released a new Emergency Directive providing authority to Police and Code Enforcement Officers to issue citations related to defiance of the City's Emergency Directives including the wearing of facial coverings in public, holding public gatherings, and the operation of non-essential businesses.

He reported the **Centers for Medicare and Medicaid Services** released guidelines allowing elective medical procedures to resume, which will only apply to states and regions opening their economies, so it will not impact California until at least May. The guidelines provide for a phased approach and hospitals will need to demonstrate capacity, standards, staffing levels, etc.

He advised California is taking proactive approach monitoring nursing home facilities to ensure they are operating in accordance with guidelines after the thousands of deaths reported throughout the nation due to improper practices and nursing home workers abandoning their jobs. He assured there are no cases of nursing homes not complying with guidelines in Montclair, and that the City's Emergency Operations Center made contact with all of the City's nursing homes to ensure compliance with state requirements.

He stated Congress may have reached a deal on a \$400 billion economic relief bill, which will not cover testing or assistance for local governments because Congress could not agree on that aspect. Congress may introduce an additional \$500 billion bill for testing and local government assistance; however, there is suspicion **President Trump** will try to barter returns in relation to the bill, so we will need to wait to see what happens.

He advised the **National League of Cities (NLC)** and **National Governors' Association** is lobbying for a \$400 billion package for state and local government assistance.

City Manager Starr advised he is preparing a resolution to declare a state of fiscal necessity, noting the City is anticipating a 70 percent reduction in sales tax revenue for the last quarter of the current fiscal year. He added while the state is assisting businesses by deferring their sales tax payments, they are also

harming local governments by removing that revenue stream, and cities are needing to look at developing alternative revenue sources to maintain a standard of services to the community. He advised this will certainly affect the upcoming Fiscal Year 2020–21 budget and staff is preparing to make severe cuts in every department.

He stated the **Legislative Analyst's Office** announced California will receive \$15.3 billion from the Corona Virus Relief Fund (CVRF), with \$5.8 billion allocated for cities and counties with populations over 500,000. While no city in San Bernardino County will receive funding directly out of CVRF, the County will receive \$381.3 million, and in its discretion will decide whether and how much of that to allocate to local governments within its jurisdiction.

He advised **Governor Newsom** has announced the state has procured more than 11,000 rooms for homeless individuals through a grant. California has 150,000 homeless living in the state, and the governor anticipates he will try to hold onto this housing for the state's permanent homeless solution. The state plans to develop more housing through this program. The County has acquired twenty trailers installed at **Glen Helen Regional Park**, which it is using as living quarters for homeless individuals diagnosed with COVID-19 while they recover.

While **Governor Newsom** has established a framework for reopening the state after certain criteria are met, Californians should expect the way the state operates to be different—restaurants will likely be required to close half the dining area to accommodate social distancing; the requirement to wear face coverings may continue well into the future; schools may be placed on alternative or split schedules to reduce class sizes and may also be prohibited from holding assemblies or hosting cafeteria lunches.

He noted gaining access to COVID-19 testing has been a hurdle for state and local governments. The **Trump** Administration has not demonstrated a significant commitment to providing federal funding to states for testing, but tests may become more readily available soon.

He advised the **California Judicial Council** issued new rule of court banning evictions for nonpayment of rents and mortgages, which was already in effect but now will continue for 90 days after the State of Emergency Declaration is rescinded by the Governor. The Council also stopped all pending and future judicial foreclosures. This essentially means that there will be no evictions in the state throughout the COVID-19 crisis and for 90 days after it is over.

Finally, he noted the states of California, Oregon, and Washington have established a pact to collaborate and coordinate the reopening of the states' economies.

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He appreciates the Montclair and surrounding communities wearing masks, which will have a significant impact reducing the spread of the virus in our area.
2. He stated he appreciates City staff—notably Public Safety Administrative Services Supervisor Pipersky—**Montclair Place**, and **San Bernardino County**, for holding a testing site at **Montclair Place** last Tuesday, adding 650 individuals made appointments to be tested. He stated his understanding that more testing will be taking place soon in nearby cities including Rancho Cucamonga and Chino.

3. He reported there are currently 1,400 reported cases in the County with 60 deaths. He advised there are 20 known cases in Montclair. He added he hopes for more testing and to reduce new cases down to zero, provided that we will be required to continue social distancing and wearing masks to allow society and businesses to reopen by June, if not sooner.
4. He stated he will be on a conference call tomorrow with the Mayors of cities in San Bernardino County and **Fourth District San Bernardino County Supervisor Curt Hagman** to discuss reopening of society, increasing testing, and the \$380 million the County is receiving from the CVRF, and how the cities can get their share of money. While the funds are meant for COVID-19 expenses, they cannot be used to cover revenue losses; however, the **U.S. Department of the Treasury** has yet to publish official guidance.
5. He stated he appreciates the school districts providing daily meals for students five days per week, noting **Ontario-Montclair School District** intends to continue the program into the summer whereas **Chaffey Joint Union High School District** is still evaluating whether it will continue its summer lunch program at **Montclair High School**.
6. He noted the **U.S. House of Representatives** has not been supportive of providing funding assistance for local governments; however, two members of the **U.S. Senate** are expected to bring a new bill forward for local government assistance. He attended a webinar this afternoon hosted by **NLC** discussing the proposed senate bill, at which it was discussed that the bill does not help small cities with populations below 50,000, and that cities need to lobby their local representatives in DC. He emphasized that the City needs to contact **Congresswoman Norma Torres** to fight to ensure all small cities receive federal assistance.
7. He stated he appreciates City Manager Starr speaking of an emergency resolution and discussing potential budget cuts.
8. He advised six individuals were arrested this weekend for trying to break into businesses.

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

1. Council Member/Director Martinez thanked Mayor Dutrey and City Manager Starr for keeping the public informed and constantly sharing information, and thanked her Council colleagues for their volunteerism and willingness to help the community in this time.
2. Council Member/Director Johnson made the following comments:
 - (a) She asked how the testing at **Montclair Place** went and whether the City was provided with the test results.

City Manager Starr stated that information was not made available to the City by the County.
 - (b) She stated her appreciation for Human Services Department staff's coordination of the food distribution last week, noting the line of cars receiving food spanned several blocks. She added this Saturday, the **Christian Development Center** located at the intersection of Kingsley Street and Fremont Avenue will be distributing food beginning at 9:00 a.m. to families who need assistance.

- (c) She advised **Lazy Dog Restaurant** is serving family lunch and dinner kits that can be picked up curbside, and **La Bufadora Baja Grill** has daily specials that are very affordable—from \$1.50 to \$2.50 per meal.
 - (d) She advised a Montclair resident named **Rose Delgado** is trying to get the word out about online cooking classes she is hosting called **Creative Fun Foodz** for children ages seven and up.
 - (e) She stated the **Montclair Chamber of Commerce** is hosting an informational webinar instead of its monthly networking breakfast for Montclair businesses on Thursday morning at 9:00 a.m. with presentations by staff from the Police Department and City Manager's Office.
3. Mayor Pro Tem/Vice Chair Raft made the following comments:
- (a) She stated she appreciates staff that are working through this pandemic, noting it is not easy with all of the current restrictions in place.
 - (b) She thanked Human Services Director Richter for doing a tremendous job with programs to help the community in this time.
 - (c) She stated she has been hearing on the news that several mayors are allowing businesses to open and people to go out as long as they keep up with social distancing and wearing masks; however, many people do not follow those precautions and she is worried what will happen if we try to open everything back up too soon. She stated she wishes people would think of the health of seniors and others who are vulnerable to the disease. She stated she will continue to hope for the best in the coming months.
4. Council Member/Director Ruh made the following comments:
- (a) He stated his thoughts are with the families of those 20 individuals who were diagnosed with COVID-19 in Montclair.
 - (b) He urged everyone to offer help to their neighbors, especially if they are elderly or have conditions that make it difficult or dangerous for them to run errands.
 - (c) He thanked frontline workers in public safety, at City Hall, in the retail food sector, in pharmacies, and in hospitals who are working many times without enough rest and with inadequate supplies.
 - (d) He stated construction on the I-10 Corridor Project is scheduled to begin in 30 days and expressed his frustration that he and his neighbors have not received any communications from **San Bernardino County Transportation Authority (SBCTA)**. He stated the residents were promised full transparency and have not had any contact from **SBCTA** or the City on its behalf.

Mayor Dutrey stated he would contact **SBCTA** regarding the issue because he was under the impression they were communicating with affected property owners.

City Manager Starr stated he received information today from **SBCTA Public Relations Officer Otis Grier** that they are providing information to the residents directly via email and through **SBCTA's** website; however, if necessary, the City will act as a conduit and mail weekly updates to affected residents.

F. Committee Meeting Minutes — None

XI. CLOSED SESSION

At 7:45 p.m., the City Council went into closed session to discuss pending litigation.

XII. CLOSED SESSION ANNOUNCEMENTS

At 7:53 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council met in closed session to discuss pending litigation; information was received and direction was given to staff; and no further announcements would be made at this time.

XIII. ADJOURNMENT

At 7:53 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

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



Andrea M. Phillips
City Clerk

PENDING APPROVAL