

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, MAY 4, 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

Pastor Josh Matlock, Bethany Baptist Church, 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 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; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. **San Bernardino County COVID-19 Update by Fourth District Supervisor and Chair of the Board of Supervisors Curt Hagman**

Supervisor Hagman reported the following information:

- 2,200 COVID-positive cases have been reported in the County, and close to 100 individuals have passed away from the virus. While the number of COVID-positive cases is rising due to the increased amount of testing being done, the percentage of positive tests is decreasing overall.
- The County's hospital intensive care unit (ICU) beds are below 50 percent capacity, and the governor is beginning to permit elective surgeries.
- Antibody testing for those who believe they had the virus, and contact tracing for those who tested positive, will be starting soon.
- The County is prepared to start to open certain sectors to retail and other sectors throughout the County by Friday.
- **Governor Newsom** has announced a phased approach to reopening the state, and will be giving counties some control over the rate at which businesses may open during phase 2.
- On Friday, San Bernardino County announced its new COVID-compliant campaign, which would place placards in the windows of businesses indicating the County has certified compliance with health and safety protocols. The plan was developed in consultation with industry representatives from various sectors, and the complete plan will be presented at tomorrow's **Board of Supervisors** meeting.

- Superintendents of schools throughout the County are planning virtual graduations for their students.
- Hazardous waste facilities are open throughout the County.
- The **San Bernardino County Department of Aging and Adult Services** is hosting senior food drives for very low-income seniors who are not receiving federal aid. These individuals qualify to have three meals delivered to them per day.
- The County has conducted surveys among cities within its jurisdiction regarding how to spend the federal relief funds, which will allow them to find where to partner with local governments and how to improve infrastructure for the future.
- A third of positive tests have come from senior care centers, which are home to 6,500 seniors. These are considered the hot spots of the virus in the County.
- The County's Joint Information Center Hotline—(909) 387-3911—is available for more information on the County's COVID assistance programs; which are changing daily
- The County is drafting guidelines for the opening and passive use of County parks.

Council Member Ruh asked if there will be a contingency plan if, for some reason, a spike of cases occurs after reopening.

Supervisor Hagman stated that the different geographical regions of the County are being assessed separately, current testing takes three to four days to get results, and the plan is to mitigate an increase of cases while opening economy and follow data as best we can. He noted currently 35 to 40 staff members are performing contact tracing, which can be increased to up to 500 staff members if necessary, and tests that can have results within four hours are coming soon. These measures would help to close in on the virus to stop outbreaks from spreading further. He stated the hot weather would also serve to our benefit; however, even after summer, we will need to anticipate the regular flu season and keep up our new mask-wearing and increased hand-washing habits going forward.

Council Member Ruh asked if the County currently has the ability to test anyone who wishes to be tested, or only those with symptoms?

Supervisor Hagman stated that every day the criteria for testing is expanded. Non-symptom testing has been added for frontline workers including hospital staff, public safety, public transportation, and grocery store workers. As the supply of tests increases, more will become eligible to be tested. While there are no official announcements being made yet, the County has also just purchased antibody tests.

Council Member Ruh stated that mass transit is still needed by low income families, and asked, how will we be able to function safely with mass transit? Are there plans in place?

Supervisor Hagman noted the County has discussed these issues with transportation authorities, and many protocols will be put in place including the alternating availability of seats, driver block-off from passengers; sanitization of trains and buses; hand sanitizing stations; and no physical exchange of fares. Also under consideration are temperature assessments to determine whether fever is present in passengers, noting there are thermos-cameras that have the ability to take temperatures of many individuals at the same time as they board the trains.

Council Member Johnson thanked **Supervisor Hagman** for keeping the residents of the county updated through daily e-mails, and for co-hosting a webinar event for businesses with **Congresswoman Norma Torres** and the various local Chambers of Commerce throughout the county.

Council Member Johnson asked what “some retail” means in the context of the Phase 2 opening of businesses. She asked whether it would be clarified which businesses qualify during each phase.

Supervisor Hagman stated it is ultimately up to the governor how much control the counties will have to open businesses, and initially it would be low-contact and pick-up restaurant service only, but the County is aiming to allow all businesses to open as soon as possible while requiring strict precautions to be in place for the safety of customers and employees.

VI. PUBLIC COMMENT — None

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

City Attorney Robbins requested Items C-3, C-6, and C-8 be approved subject to her revisions.

Council Member Ruh requested Item C-2 be removed from the consent calendar for comment.

Moved by Council Member/Director Martinez, seconded by Council Member/Director Johnson, and carried unanimously by the following roll call vote for approval of Items C-3, C-6, and C-8 subject to City Attorney revision, and the remainder 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. Special Meeting — December 16, 2019

The City Council approved the minutes of the December 16, 2019 special meeting.

2. Regular Joint Meeting — April 20, 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 20, 2020 regular joint meeting.

B. Administrative Reports

1. Authorizing a \$1,080 Appropriation from the Prop 30/AB 109 Fund for the Annual Usage Fee of Five Electronic StakeOut Tracker Systems

The City Council authorized a \$1,080 appropriation from the Prop 30/AB 109 Fund for the annual usage fee of five Electronic StakeOut tracker systems.

2. Extending the Terms of Community Activities Commissioners Padilla, Hernandez, and Wells by One Year Through June 30, 2021

The City Council extended the terms of Community Activities Commissioners Padilla, Hernandez, and Wells by one year through June 30, 2021.

3. Approval of Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 4, 2020, totaling \$1,142,547.87; and the Payroll Documentation dated March 29, 2020, amounting to \$587,601.74 gross, with \$426,409.73 net being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 20-15 with West Coast Arborists for Tree Maintenance Services

The City Council approved of *Agreement No. 20-15* with West Coast Arborists for tree maintenance services.

3. Approval of Agreement No. 20-28 with LSA & Associates, Inc., for Consulting Services Related to a Peer Review of Technical Reports Associated with the Environmental Impact Report Prepared for the Proposed Mission Boulevard and Ramona Avenue Business Park Project at 10798 Ramona Avenue

Approval of Agreement No. 20-29 with Mission Boulevard Industrial Owner, LP to Reimburse the City for Legal Review Services and Peer Analysis of Environmental Documents Prepared for the Proposed Mission Boulevard and Ramona Avenue Business Park Project

The City Council took the following actions:

- (a) Approved of *Agreement No. 20-28* with LSA & Associates, Inc., for consulting services related to a peer review of technical reports associated with the Environmental Impact Report prepared for the proposed Mission Boulevard and Ramona Avenue Business Park Project at 10798 Ramona Avenue, subject to City Attorney revision.
- (b) Approved of *Agreement No. 20-29* with Mission Boulevard Industrial Owner, LP to reimburse the City for legal review services and peer analysis of environmental documents prepared for the proposed Mission Boulevard and Ramona Avenue Business Park Project.

4. Approval of Agreement No. 20-30 with Southern California Transcription Services for Transcription of Digital, Audio-Recorded Material

The City Council approved of *Agreement No. 20-30* with Southern California Transcription Services for transcription of digital, audio-recorded material.

5. Approval of Agreement No. 20-31 with San Bernardino County for Construction of the Pipeline Avenue Pavement Rehabilitation Project

The City Council approved of *Agreement No. 20-31* with San Bernardino County for construction of the Pipeline Avenue Pavement Rehabilitation Project.

6. Approval of Agreement No. 20-32 with San Bernardino County Transportation Authority Amending Agreement No. 15-64 (SBCTA Cooperative Agreement No. 15-1001297) for the Construction Phase of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project

The City Council approved of *Agreement No. 20-32* with San Bernardino County Transportation Authority amending *Agreement No. 15-64* (SBCTA Cooperative Agreement No. 15-1001297) for the construction phase of the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project, subject to the City Attorney's proposed revision to extend the termination date by one year through 2022.

7. Approval of Agreement No. 20-33 with the San Bernardino County Fire Protection District Authorizing the Receipt of \$16,672 from the FY 2018 Homeland Security Grant Program

Authorizing a \$16,672 Appropriation from the Public Safety Grand Fund to Purchase 20 Batteries for the Uninterruptable Power Supply Device in the Communications Center, 71 Batteries for Handheld Radios, and Evidence Storage Systems for the Evidence/Property Room

The City Council took the following actions:

- (a) Approved of *Agreement No. 20-33* with the San Bernardino County Fire Protection District authorizing the receipt of \$16,672 from the FY 2018 Homeland Security Grant Program.
- (b) Authorized a \$16,672 appropriation from the Public Safety Grand Fund to purchase 20 Batteries for the Uninterruptable Power Supply Device in the Communications Center, 71 Batteries for handheld radios, and evidence storage systems for the evidence/property room.

8. Approval of *Agreement No. 20-34* with LexisNexis Risk Solutions for a Coplogic Desk Officer Reporting System for Online Crime Reporting Services

Authorizing a \$26,040 Expenditure from the COVID-19 Fund for Costs Associated with *Agreement No. 20-34*, with the Potential for Reimbursement through the Bureau of Justice Assistance 2020 Corona-virus Emergency Supplemental Funding Program

The City Council took the following actions:

- (a) Approval of *Agreement No. 20-34* with LexisNexis Risk Solutions for a Coplogic Desk Officer Reporting System for online crime reporting services, subject to City Attorney revision.
- (b) Authorized a \$26,040 expenditure from the COVID-19 Fund for costs associated with *Agreement No. 20-34*, with the potential for reimbursement through the Bureau of Justice Assistance 2020 Corona-virus Emergency Supplemental Funding Program.

9. Approval of *Agreement No. 20-35* with the San Bernardino County Department of Public Health Preparedness and Response Program for Use of the Montclair Civic Center

The City Council approval of *Agreement No. 20-35* with the San Bernardino County Department of Public Health Preparedness and Response Program for use of the Montclair Civic Center.

D. Resolutions

1. Adoption of the Resolution No. 20-3266 Approving a List of Projects to be Funded by Senate Bill 1, the California Road Repair and Accountability Act of 2017

The City Council adopted of the Resolution No. 20-3266 approving a list of projects to be funded by Senate Bill 1, the California Road Repair and Accountability Act of 2017.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

2. Approval of *Agreement No. 20-24* with Monte Vista Water District for the Use of Recycled Water Associated with the Central Avenue Street Rehabilitation Project

Council Member Ruh asked why recycled water would be needed in the medians if there would be drought-tolerant landscaping.

City Manager Starr advised some of the plants would require a small amount of water, and that the water lines would also serve

nearby parks and business developments as they move toward drought-tolerant landscaping.

Council Member Ruh asked how long the contract would be in effect.

City Manager Starr stated this relates to the City's compliance with the District's recycled water use ordinance, and not the direct purchase of recycled water, so it would need to continue indefinitely for the City's continued use of recycled water.

Mayor Dutrey asked if the recycled water line would continue north of the I-10 Freeway.

City Manager Starr stated the line would terminate just south of the I-10 freeway; however, **Caltrans** has indicated its interest in bringing recycled water to the on- and off-ramps, and has entered into discussions with the City to bring the line north of the freeway.

Mayor Dutrey asked if **CIM**, the owner of **Montclair Place**, is interested in connecting to the recycled water line.

City Manager Starr stated he believes that if the water line is extended north, that mall and other developments in that area would be interested in connecting; however, there may not be enough pressure to move the water to that area.

Moved by Council Member Martinez, seconded by Council Member Johnson, and carried unanimously 5-0 by roll call vote, the City Council approved of *Agreement No. 20-24* with Monte Vista Water District for the use of recycled water associated with the Central Avenue Street Rehabilitation Project.

X. COMMUNICATIONS

- A. City Department Reports — None
- B. City Attorney — None
- C. City Manager/Executive Director

1. COVID-19 Update

City Manager Starr advised his understanding that Phase 2 of the governor's reopening guidelines, which would begin this Friday, would allow for the operation of book stores and clothing stores for pick-up service only. In addition, if an office-based business can telecommute, the office cannot reopen under Phase 2; however, if the nature of the work does not allow staff to telecommute, the business would be allowed to reopen under Phase 2. On-site dining would most likely not be allowed under Phase 2—the governor does not appear willing to be lenient with restaurants. Shopping malls would also not be authorized to operate under Phase 2 and will need to wait until Phase 3. Each county will be provided an opportunity to accelerate through Phase 2 but accelerating through Phase 2 does not mean moving to Phase 3. To qualify for accelerated opening of businesses during Phase 2, the County will need to submit a reopening plan to the state for approval, and the **Board of Supervisors** will need to attest that the plan is in compliance with the governor's plan under Phase 2, except for an accelerated component. San Bernardino County does plan to submit an accelerated plan proposal to the governor's office.

He reported that the City Managers of San Bernardino County are working together to assist the County to develop a reopening plan. One thing that City Managers agree to require is for every business to prepare a risk mitigation business operation plan to establish best management practices (BMPs) that ensure a safe environment and follow COVID-19 abatement guidelines from the **Centers for Disease Control, California**

Department of Public Health, and San Bernardino County Department of Public Health. BMPs would consist of requiring face coverings to be worn by employees and customers; requiring personal hygiene be practiced constantly, providing access to hand sanitizers for employees and customers throughout the facility; implementation of logistical and administrative procedures to ensure social distancing; and employee training for cleaning supplies and equipment, new safety procedures, and ongoing adherence to all aspects of the risk mitigation business operation plan.

He noted Executive Director of Public Safety/Police Chief Avels reported there have been 23 positive COVID-19 cases in the City; and that Montclair hospital currently has seven COVID-19 patients. At the testing that took place at **Montclair Place**, 450 tests were administered, with 41 coming back positive. The County is looking at conducting testing at the Senior Center during the nutrition lunch period.

He reported attending a teleconference with **Congresswoman Torres** and area city managers last week, at which city managers discussed their needs as it relates to dealing with COVID-19 issues. **Congresswoman Torres** did not indicate there is a great chance the federal government would adopt a funding program for local governments; however, they may look at alternatives including a proposed program similar to a 1970s general revenue sharing program under the **Nixon** Administration that was developed into a block grant program in an effort to decentralize government operations and give more local control over federal funding. **Congress** will likely reject the idea of giving a large one-time cash infusion to local governments, but may be more amenable to providing a stream of funding over the course of several years. Funding allocated now would not be provided and spent all at once, but would be disbursed in smaller amounts over the course of several years, and could be budgeted into programs over time to deal with a variety of issues.

Mayor Dutrey stated when restaurants are able to open, they will need to stay under 50 percent capacity for indoor dining tables; however, local governments may temporarily allow the use of outdoor spaces to serve more patrons in a responsible manner.

Council Member Ruh asked how businesses will be able to get hand sanitizer, noting the product seems to be in short supply.

City Manager Starr noted commercial suppliers have more stock and availability.

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He stated **Montclair High School** will be producing a video graduation ceremony for its students, and the City Council will be presenting a proclamation at its next meeting to congratulate and commemorate the 2020 graduates.
2. He stated the **San Bernardino County Transportation Authority (SBCTA)** has been in contact with residents impacted by the I-10 Corridor Project construction.

City Manager Starr advised the City has also sent out letters to affected residents with more information, which will be an ongoing regular practice throughout construction.

3. He wished everyone a happy Mothers Day, which is next Sunday.
4. He noted the City Manager is currently working on the budget for the upcoming 2020-21 Fiscal Year, and the Council will have one or two workshops before adopting the budget.

City Manager Starr advised the City Council will also be holding quarterly budget review meetings throughout the upcoming fiscal year to make adjustments as necessary.

5. He stated two Montclair residents have died of COVID-19, and tonight's meeting would be adjourned in the memory of those individuals who lost their lives to the virus.

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

1. Council Member/Director Martinez made the following comments:

- (a) She recommended residents who lost of their jobs because of the pandemic should visit the **California Employment Development Department** website at www.edd.ca.gov to see if they can benefit from recent changes including a 13-week extension of benefits paid through unemployment insurance.

- (b) She advised the City is hosting a blood drive on Friday, May 8th at the Community Center from 10:00 a.m. through 4:00 p.m. She advised appointments can be made through www.redcrossblood.org with the sponsor code MCC.

2. Mayor Pro Tem/Vice Chair Raft made the following comments:

- (a) She noted she attended the **West Valley Mosquito and Vector Control District** Board Meeting where she brought up her concerns regarding mosquito season coming up in relation to the spread of COVID-19; however, she was assured mosquitos are not vectors for the virus.

- (b) She wished all mothers a happy Mothers' Day, and hopes everyone can stay safe while enjoying time with their families.

3. Council Member/Director Johnson made the following comments:

- (a) She asked if more testing events are scheduled in Montclair.

City Manager Starr advised there may be weekly events at **Montclair Place** due to the success of the prior event that was held there. An event may be scheduled for next Friday, but he would need to confirm that.

- (b) She asked for clarification of the current gathering guidance in place, noting she has been hearing and seeing different things.

City Manager Starr advised there is no limit for those who live in the same residence; however, currently more than two individuals not from the same household cannot gather.

- (c) She advised the City frequently updates a list of restaurants throughout Montclair that are currently operating with take-out and delivery service. She urged residents to support their local businesses in this time.

- (d) She thanked Public Safety Administrative Services Supervisor Pipersky and Senior Management Analyst Fuentes for providing a presentation to local businesses regarding what they can do to recover from disaster.

- (e) She thanked Public Works Director/City Engineer Castillo for assisting residents she directed to him to answer questions about maintenance schedules for areas throughout the City needing road repairs.

4. Council Member/Director Ruh made the following comments:
- (a) He stated it is nice to know we may be moving toward slowly reopening businesses, because they need revenue to survive this pandemic.
 - (b) He stated the **City of Los Angeles** has provided open testing for anyone who wants it without symptoms, which can help keep the public safe from asymptomatic spreaders.
 - (c) He stated many states have prematurely allowed businesses to open and then have had to immediately shut down again due to a surge of corona virus cases.
 - (d) He noted that while many cities have complained about closing their beaches, parks in low-income neighborhoods remain closed without much attention. He pointed out the outrage seems to depend on whether the spaces bring revenue to the cities. He stated cities need to consider equity when opening public spaces, and not cater to those with money.
 - (d) He acknowledged receiving information regarding **SBCTA's I-10 Corridor Project** from the City of Montclair, and noted the project's timeline has never been communicated to the residents.
 - (e) He was pleased to learn **Pathways Network** is working with Code Enforcement to get homeless individuals in the community housed within the City. He stated cities should be housing their homeless within their boundaries, and he hopes all cities will work to build homeless shelters after this situation.

F. Committee Meeting Minutes — None

XI. CLOSED SESSION — None

XII. CLOSED SESSION ANNOUNCEMENTS — None

XIII. ADJOURNMENT

At 8:11 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 in memory of the two Montclair residents who lost their lives from COVID-19.

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