

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 18, 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

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I. CALL TO ORDER

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

II. INVOCATION

**Pastor Donald Rucker, Christian Development Center**, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Martinez 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. **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 related to the County's COVID-19 response:

- The number of new cases in the county has stabilized, with outbreaks mostly confined to prisons.
- The County has been working with cities to lobby the governor to give counties more local control to reopen their respective economies.
- Today, **Governor Newsom** announced the lowering of criteria for larger counties to allow certain businesses like dine-in restaurants to open sooner, which is currently being assessed by County staff.
- Last week, the County released a 70-page plan for businesses in the county to reopen, which was submitted to the governor's office. The plan contains pragmatic measures to allow for the reopening of businesses in a safe manner that protects customers and employees. The plan consists of a COVID-Compliance Campaign which allocates \$30 million in grants to assist small businesses to open in a safe manner, and the issuance of window display placards to businesses that enroll in the program. In the first eight hours of going online, the program had over 700 applications from businesses.

Mayor Pro Tem Raft asked how the county is notifying the public about which businesses are open.

**Supervisor Hagman** stated the placards would be used to let the public know which businesses meet the county's health and safety guidelines for the COVID-compliance campaign, similar to the health department letter grades restaurants receive and post in their windows. The County is developing an online map to plot the location of businesses that are part of the program.

Council Member Johnson stated she has noticed that since the County changed its order from masks being mandatory to being strongly recommended, many have stopped wearing them altogether. She asked if the County would re-issue the mandatory order in response.

**Supervisor Hagman** advised he personally supports the use of masks, noting studies have shown that cloth face coverings can reduce the risk of spread by up to 80 percent. However, the County decided to remove the mandatory requirement to ensure the county is not delayed with reopening the economy due to the time it takes for staff to prepare the orders and the infrequency of board meetings at which the orders must be adopted in contrast to the rapidly changing state orders. He advised the current County order strongly advises everyone to carry and use masks, which gives structure but also allows for freedom and is not connected with misdemeanor charges and fines.

Council Member Johnson stated she understands the complexity but feels that some have misinterpreted the recommendation, while others like herself are listening carefully and fully support the use of masks.

Council Member Ruh stated he believes masks should be mandatory, and feels many are refusing to wear them as an act of defiance and to make a political statement at the risk of others' health and lives. With the push to reopen dine-in restaurants and being unable to wear masks while eating, he inquired whether the county has a plan to protect restaurant employees and guests, such as mandatory testing of employees before reopening.

**Supervisor Hagman** agreed that masks should be mandatory but the requirement does add more barriers to reopening and has been met with strong public resistance. He noted restaurants provide unique complications due to the many different types of roles including cooks, servers, and diners. Some of the safety precautions being required include wearing masks and other personal protective equipment, distancing the parties dining in, and sanitizing between guests. He advised there is not enough testing availability to allow for testing of all restaurant employees; however, temperature checks would be required before employees start work. He noted permanent test sites are being opened in each area of the county to allow for more frequent testing, and they are switching from tests with a three-to-four-day turnaround to tests that provide results in less than an hour. He noted the county is also adding staff for contact tracing to ensure anyone who has been exposed can be quarantined.

Mayor Dutrey commended **Supervisor Hagman** for the work he has done in coordination with other counties to influence the governor's response to opening the economy. He acknowledged we are at war with an invisible enemy and must work together to defeat it.

**B. Proclamation Congratulating the 2020 Montclair High School Graduating Class**

Mayor Dutrey stated the 2020 **Montclair High School (MHS)** graduation, which made national news, took place as a two-day event where students arrived with their families at designated times, drove up to a stage set up in the parking lot, and were able to receive their diplomas from **Principal Charlene Saenz** while their families watched and took photos. He added a video is being produced of all the students receiving their diplomas and will be posted online this Wednesday at 6:00 p.m. He congratulated the class of 2020.

**Principal Saenz** thanked Mayor Dutrey and the City Council for supporting **MHS** students and their families during this difficult time. She stated the graduation was a team effort of school staff and faculty, district employees, the superintendent, and the **Chaffey Joint Union High School District Board of Trustees**, and they were glad to provide a unique and unforgettable graduation experience.

Mayor Dutrey advised the official proclamation was presented during the graduation ceremony. He recognized City staff for displaying a banner and a message for graduates on the Police Department's electronic message display. He noted **MHS** staff and parents appreciated the City's support.

#### **VI. PUBLIC COMMENT**

**Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, urged the City Council to put the cannabis ordinances from last year back on the agenda; requested the City cease parking enforcement and towing of vehicles again during these difficult economic times for residents; and requested the **Mission Tiki Drive-In Theater** be preserved as a historical landmark and continue to operate in light of its current resurgence in popularity during the public health crisis.

**Mr. Leonard Paulitz**, 10166 Poulsen Avenue, Montclair, stated his strong opposition to the City allowing cannabis dispensaries to operate in the City, noting he feels such businesses would only bring corruption.

**Ms. Isabelle Donjuan**, resident, stated she strongly opposes cannabis as she believes those who support the businesses opening here are not residents, and it is being done strictly for greed and not for the good of the community.

#### **VII. PUBLIC HEARINGS — None**

#### **VIII. CONSENT CALENDAR**

City Attorney Robbins requested Items C-3 and C-4 be approved subject to minor revisions.

City Attorney Robbins advised a correction was made to the Agenda Report for Item C-6, noting the project will be funded from Redevelopment Project Area No. III Tax Allocation Bond funds, not Area No. II.

Mayor Dutrey requested Item D-1 be removed from the consent calendar for a report from the City Manager and discussion.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Johnson, and carried unanimously by the following roll call vote for approval of Items C-3 and C-4 subject to City Attorney revision, and the remainder of the Consent Calendar as presented, with the above-noted correction made to Item C-6:

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

#### **A. Approval of Minutes**

##### **1. Regular Joint Meeting — May 4, 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 May 4, 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 April 30, 2020.

### **2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated May 18, 2020, totaling \$1,708,826.98; and the Payroll Documentation dated April 12, 2020, amounting to \$642,387.92 gross, with \$449,526.15 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 April 30, 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 04.01.20-04.30.20 in the amounts of \$7,532.04 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 April 30, 2020.

### **6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 04.01.20-04.30.20 in the amount of \$72,556.80.

### **7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending April 30, 2020.

### **8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 04.01.20-04.30.20 in the amount of \$0.00.

### **9. Authorizing the Destruction of Certain Public Records Pursuant to the City of Montclair Records Retention Schedule**

The City Council authorized the destruction of certain public records pursuant to the City of Montclair Records Retention Schedule.

### **10. Approval of the Plans and Specifications for the Holt Boulevard Pavement Rehabilitation Project**

#### **Authorizing Staff to Advertise for Bid Proposals for the Holt Boulevard Pavement Rehabilitation Project**

The City Council took the following actions:

- (a) Approved of the plans and specifications for the Holt Boulevard Pavement Rehabilitation Project.
- (b) Authorized staff to advertise for bid proposals for the Holt Boulevard Pavement Rehabilitation Project.

### **11. Acceptance of Grant Deed No. 1678, an Easement For Construction, Maintenance, and Use of Sidewalks and Appurtenances Located on Monte Vista Avenue South of Palo Verde Street (APN 1008-651-12)**

**Authorizing Staff to Record Grant Deed No. 1678 with the Office of the San Bernardino County Recorder**

The City Council took the following actions:

- (a) Accepted Grant Deed No. 1678, an easement for construction, maintenance, and use of sidewalks and appurtenances located on Monte Vista Avenue south of Palo Verde Street (APN 1008-651-12).
- (b) Authorized staff to record Grant Deed No. 1678 with the Office of the San Bernardino County Recorder.

**12. Authorizing the Receipt of a Special One-Time Allocation of Community Development Block Grant (CDBG-CV) Funds in the Amount of \$202,737 to Respond to the COVID-19 Public Health Crisis**

The City Council authorized the receipt of a special one-time allocation of Community Development Block Grant (CDBG-CV) funds in the amount of \$202,737 to respond to the COVID-19 public health crisis.

**13. Authorizing the Purchase of The Taco Man Gift Cards for Montclair to College Graduates in Lieu of the Annual Graduation Dinner**

The City Council acting as successor to the Montclair Community Foundation authorized the purchase of The Taco Man Gift Cards for Montclair to College Graduates in lieu of the annual graduation dinner.

**C. Agreements**

**1. Approval of Agreement No. 20-36 with NetFile to Implement an Electronic Filing System for Fair Political Practices Commission (FPPC) Statement of Economic Interests and Campaign Statement Forms**

The City Council approved *Agreement No. 20-36* with NetFile to implement an electronic filing system for Fair Political Practices Commission (FPPC) Statement of Economic Interests and Campaign Statement Forms.

**2. Approval of Agreement No. 20-37 with the San Bernardino County Sheriff's Department for Pre-Employment Polygraph Services**

The City Council approved *Agreement No. 20-37* with the San Bernardino County Sheriff's Department for pre-employment polygraph services.

**3. Approval of Agreement No. 20-38, the Second Amendment to Agreement No. 17-74 with Moule & Polyzoides for Preparation of the Montclair Place District Specific Plan**

The City Council approved *Agreement No. 20-38*, the Second Amendment to *Agreement No. 17-74* with Moule & Polyzoides for preparation of the Montclair Place District Specific Plan, subject to City Attorney revision.

**4. Approval of Agreement No. 20-39, the Second Amendment to Agreement No. 17-76 with 5060 Montclair Plaza Lane Owner, LLC Related to Reimbursement of Costs Associated with the Montclair Place District Specific Plan**

The City Council approved *Agreement No. 20-39*, the Second Amendment to *Agreement No. 17-76* with 5060 Montclair Plaza Lane Owner, LLC related to reimbursement of costs associated with the Montclair Place District Specific Plan, subject to City Attorney revision.

5. **Approval of Agreement No. 20-40 with Blais & Associates, Inc. for Grant Writing Services**

**Authorizing a \$50,000 Appropriation from the Contingency Reserve Fund for Costs Related to Agreement No. 20-40**

The City Council took the following actions:

- (a) Approved *Agreement No. 20-40* with Blais & Associates, Inc. for grant writing services.
- (b) Authorized a \$50,000 appropriation from the Contingency Reserve Fund for costs related to *Agreement No. 20-40*.

6. **Approval of Agreement No. 20-41 with San Bernardino County Transportation Authority for Phase II of the Montclair Metrolink Transcenter Accessibility Improvement Project**

**Authorized a \$230,000 Appropriation from Redevelopment Project Area No. III Tax Allocation Bonds for Costs Related to Agreement No. 20-41**

The City Council took the following actions:

- (a) Approved *Agreement No. 20-41* with San Bernardino County Transportation Authority for phase II of the Montclair Metrolink Transcenter Accessibility Improvement Project.
- (b) Authorized a \$230,000 appropriation from Redevelopment Project Area No. III Tax Allocation Bonds for costs related to *Agreement No. 20-41*.

7. **Approval of Agreement No. 20-42 with CPS HR Consulting for Recruitment Test Rental Services**

The City Council approved of *Agreement No. 20-42* with CPS HR Consulting for recruitment test rental services.

**IX. PULLED CONSENT CALENDAR ITEMS**

**D. Resolutions**

1. **Adoption of Resolution No. 20-3267 Declaring a State of Fiscal Urgency in the City of Montclair and Requiring Reductions in General Fund Operating Budget Expenditures to Ensure Sustainability and Viability of the General Fund Operating Budget and City Operations for the Balance of Fiscal Year 2019-20 and Through Fiscal Year 2020-21 and Subsequent Fiscal Years**

City Manager Starr provided a PowerPoint presentation outlining the salient points of proposed Resolution No. 20-3267.

Mayor Dutrey stated the Preliminary Budget Review is scheduled for June 23rd, and a special meeting will be held to adopt the budget on June 29th. He asked whether written updates would be provided to the City Council as work on the budget progresses, and whether items like layoffs, furloughs, contracting services, and consolidates of services would be left up to the City Council to determine.

City Manager Starr advised many of the potential cost saving measures listed in the resolution are not going to be part of the current budget proposal, but may be implemented at a later date during the newly instated quarterly budget reviews if necessary.

Council Member Johnson stated she is opposed to layoffs and furloughs and is hoping the City can avoid taking those measures.

City Manager Starr advised it would be impossible to produce a balanced budget without reductions in personnel, noting the current deficit after making cuts to services and supplies is still \$3.5 to \$4 million without personnel reductions. He assured that most reductions would be achieved by freezing and defunding vacant positions and not recruiting new staff.

Council Member Johnson stated she would be more comfortable if the cuts were made to the vacant positions.

Mayor Dutrey encouraged council members to discuss their concerns with City Manager Starr regarding the budget process.

Council Member Ruh suggested exploring the sharing of services with other agencies through Joint Powers Authorities (JPAs) as a potential solution to reducing costs.

Mayor Dutrey asked whether a pension bond would be more feasible now with the low interest rates.

City Manager Starr advised that financially, a pension bond always makes financial sense; however, there is an inherent risk with handing over to CalPERS a large lump sum of money and then being responsible for losses it experiences due to poor stock performance.

Mayor Pro Tem Raft concurred with Council Member Ruh, noting it might make sense to explore JPAs.

Mayor Dutrey stated that the City Council has many options to consider and is not in as bad of a position as many other cities.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council adopt Resolution No. 20-3267 declaring a State of Fiscal Urgency in the City of Montclair and requiring reductions in General Fund Operating Budget expenditures to ensure sustainability and viability of the General Fund Operating Budget and City Operations for the balance of Fiscal Year 2019-20 and through Fiscal Year 2020-21 and subsequent fiscal years.

Resolution No. 20-3267 was unanimously adopted by the following roll call vote:

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

#### **X. COUNCIL WORKSHOP**

##### **A. Vital City Services Protection Transactions and Use Tax**

Mayor Dutrey advised this workshop is scheduled to occur on Monday, June 1, 2020, at 5:45 p.m. prior to the regular Council meeting.

#### **XI. COMMUNICATIONS**

##### **A. City Attorney — None**

##### **B. City Manager/Executive Director**

###### **1. COVID-19 Update**

City Manager Starr stated that despite the County making face coverings voluntary, the City of Montclair's Order No. 04-18-20-1-A is still in place and mandates face coverings be worn in the City of Montclair except under certain circumstances, such as exercising outside alone, walking pets, and being inside a vehicle with the windows closed. He asked if any members of the City Council felt the City should relax this order.

All Council Members concurred that the City's mask order should remain in effect at this time.

City Manager Starr advised testing was conducted at Montclair Place last Friday, and testing will continue every Friday in May. He noted if Montclair Place opens to the public, the testing site will need to be relocated. He stated 449 tests were administered last Friday and results have not been reported. He further reported there are 44 residential locations throughout the City with one or more household members having tested positive for COVID-19.

**D. Mayor/Chair**

Mayor/Chair Dutrey made the following comments:

1. He stated two more Montclair residents have passed away since the last meeting, and noted tonight's meeting would be adjourned in their memory.
2. He advised there was a discussion at the last **San Bernardino County Transportation Authority (SBCTA)** Transit Committee meeting of a proposal to build a tunnel from the **Los Angeles International Airport** to the **Ontario International Airport (ONT)**. **SBCTA** is also reviewing requests for proposals for alternative transit connections to **ONT**. He added **SBCTA** has not had discussions to move money away from the **Gold Line**, and he remains optimistic of **SBCTA's** support for the **Gold Line**, noting the challenge facing the **Gold Line** is funding to get it to Claremont.
3. He advised the City has posted information about the County's business program on its website and shared on its Facebook page, and Council Member Johnson has shared it with the Chamber of Commerce business community. He noted the City will be helping local restaurants with outdoor dining options.
4. He noted that, while virtual meetings of the City Council have been conducted since April 6th, he would like to propose having the Council Members use video and asked if anyone is opposed.  
No Council Members opposed the use of video, although Council Member Ruh expressed he has mixed feelings and believes it may be distracting for him, but he will try it.

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

1. Council Member/Director Martinez congratulated the **MHS** Class of 2020.
2. Mayor Pro Tem/Vice Chair Raft stated she enjoyed how the **MHS** graduation was conducted and is glad they managed to still do something for the graduates. She congratulated all the graduating seniors and wished them the best of luck.
3. Council Member/Director Johnson made the following comments:
  - (a) She congratulated the **MHS** graduates and knows that the students appreciated that, although they did not get the traditional graduation experience, they were able to have some semblance of a ceremony that was better than nothing.
  - (b) She commended Montclair Police Chaplain Brobeck for her leadership on this year's National Day of Prayer, noting the video reached 13,000 people.
  - (c) She stated the video produced by the Police Department for the Police Memorial Ceremony was very powerful and can be viewed on the Department's website.



Mayor Dutrey concurred and stated he would like to honor Montclair's fallen police officer at the City Council's June 15th meeting.

4. Council Member/Director Ruh made the following comments:
  - (a) He congratulated **MHS** students and he appreciated the theme of the graduation, which was "the hand you have been dealt," and he feels this experience will strengthen those students for the future.
  - (b) He attended the **Gold Line JPA** meeting virtually and could see that all member JPA cities—including Pasadena, Azusa, and Glendora—have strong support for getting the **Gold Line** to Montclair.
  - (c) He expressed his appreciation for public safety responders, healthcare workers, and the jobs that support those fields including administrators and custodians.
  - (d) He discussed the loss of **Nordstrom**, noting the greatest loss would be those who worked in the stores. He emphasized the City has no control over whether a store stays or closes down, and that those decisions are made by the businesses themselves based on the free market.

**F. Committee Meeting Minutes — None**

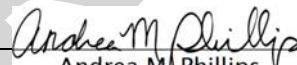
**XII. ADJOURNMENT**

At 9:21 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 9:21 p.m., Mayor Dutrey adjourned the City Council to Monday, June 1, 2020, at 5:45 p.m. to a workshop on a proposed Vital City Services Protection Transaction and Use Tax.

The meeting was adjourned in memory of the two Montclair residents who recently 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