

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 TUESDAY, FEBRUARY 16, 2021 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**

The invocation was by **Sri Nithyananda Charana, Vedic Temple**.

**III. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Ruh led meeting participants in the Pledge.

**IV. ROLL CALL**

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

City Manager/Executive Director Starr; Director of Administrative Services and Human Resources Hamilton; Finance Manager Kulbeck; Public Works Director/City Engineer Castillo; Human Services Director Richter; Senior Management Analyst Fuentes; City Attorney Robbins; City Clerk Phillips

**V. PRESENTATIONS**

**A. COVID-19 Community Recognition Award**

Mayor Dutrey stated this presentation would be provided at the March meeting so the awardee can attend.

**VI. PUBLIC COMMENT**

- A. City Clerk Phillips read a public comment from **Mr. Jonathan Hawes**, a former elected City Clerk of the City of El Monte, concerning accusations of embezzlement of \$10 million from the El Monte Promise Foundation scholarship fund by Andre Quintero and Team El Monte. He asked the City Council to call out these crimes to protect vulnerable El Monte children, and requested he be called with any questions at (626) 863-2149.
- B. City Clerk Phillips read a public comment from **Ms. Alma Trejo**, resident, concerning the rise of hate crimes and prejudice against Asian Americans across the nation due to the rapid spread of misinformation surrounding the coronavirus pandemic. She urged the City to be intentional with inclusion and elevating the voices of Asian Americans in the community.
- C. City Clerk Phillips read a public comment from **Ms. Emily Nguyen**, resident, echoing concerns about the increasingly hostile environment towards Asian Americans and emphasized a need for Public Service Announcements to educate the public against this misguided prejudice. She also condemned the use of phrases such as "China/Chinese/Wuhan virus" and "kung flu," noting the prevalent use of these phrases have emboldened more acts of violence and hate speech against Asian Americans.

- D. **Mr. Thuan Nguyen**, resident, commended the City for speaking out against the January 6th riot at the nation's capitol building, and criticized those comparing it to the Black Lives Matter protests on social media. He stated it is important to discern the difference between radicalized white supremacists committing violent acts to overthrow the government and the will of the voters, and a protest movement against racial injustices experienced by black people daily from police. He noted during the week of the U.S. Capitol attack, there were 20 reported robberies and attacks on Asian Americans in Oakland. He noted that while racism is a deep rooted part of American history, it does not have to be part of the future, and asked all to speak publicly to condemn violent acts toward Asian Americans instead of waiting for something to happen in our town.
- E. **Mr. Jose Rivera**, resident, stated he was involved with **Montclair Little League** for 10 years and is attempting to help the league get back up and running. He requested Montclair open its parks for baseball, noting surrounding cities have allowed such activities at their parks. He asked when ball field improvements such as restroom facilities and a snack bar would be constructed.

## VII. PUBLIC HEARINGS

- A. **First Reading — Consider Ordinance No. 20-995 Amending Section 8.36.090 of the Montclair Municipal Code to Eliminate Commercial Truck Parking on Brooks Street and Palo Verde Street**  
**Consider Setting a Public Hearing to Consider Adoption of Ordinance No. 21-995 on Monday, March 1, 2021, at 7:00 p.m.**

Mayor Dutrey declared it the time and place for a public hearing related to Ordinance No. 21-995 and invited members of the audience to provide comments.

**Mr. Tom Squyres**, resident, stated he was the original requestor of parking of his truck on Palo Verde street, and requested the parking continue to be allowed on the north side of Palo Verde Street where it is currently permitted, noting there is nowhere else in the City to park it.

There being no one else in the audience wishing to speak and no written comments submitted in relation to this item, Mayor Dutrey closed the public hearing and returned the matter to the City Council for consideration.

Council Member Lopez received clarification from **Mr. Squyres** related to his truck, including the facts that it is a dump truck, is approximately 10 feet tall, does not need to be stored at a full time facility, and cannot be parked in nearby cities due to their bans on truck parking on public streets.

Council Member Lopez stated he is inclined to agree with staff's recommendation, noting it is problematic to have trucks parking on that street and is creating other issues that affect more residents.

Mayor Pro Tem Ruh asked if the resident could be granted a special permit for his truck.

Mayor Dutrey proposed this item be sent back to the Public Works Committee to review potential solutions.

Council Member Johnson stated that during the Public Works Committee, the issue was discussed at length, and that it was not about the single resident's permit but of multiple trucks taking advantage of the permit parking program, causing others to assume parking was allowed for all trucks, which increased the number and frequency of trucks parking.

Council Member Martinez noted the staff report states the parking program did not specify a maximum number of permits and asked if that could be changed.

City Manager Starr advised only allowing permit parking for a resident to park their truck on the street could open the City to liability. He advised the Police Department currently must provide 72-hour notice to cite or remove vehicles, and many simply relocate further down the street to avoid being cited.

Executive Director of Public Safety/Police Chief Avels advised only a small segment of the north side of Palo Verde street allows permitted individuals to park; however, this has grown to attract tractor trailer parking, which diminishes available parking for those with permits and causes them to illegally park in unpermitted areas. He cautioned the City Council from authorizing a resident operating a business from their residence to use City streets to store their commercial vehicles.

Council Member Lopez asked if the truck parking affects the available parking for residents of the **Pines Apartments**.

Executive Director of Public Safety/Police Chief Avels advised the zone in question is further east and affects residents who live on Carrillo and Palo Verde.

Mayor Dutrey stated his preference remains to refer Ordinance No. 21-955 back to committee.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Ruh, and carried by a roll call vote of 3-2 (with Council Members Johnson and Martinez opposed), that Ordinance No. 21-995 be referred back to the Public Works Committee.

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

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Lopez, and carried 5-0 by roll call vote, the City Council approved the remainder of the Consent Calendar as presented (with Council Member Johnson's comments noted on Items C-1 and C-3):

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

###### **1. Adjourned Meeting — January 19, 2021**

The City Council approved the minutes of the January 19, 2021 adjourned meeting.

###### **2. Regular Joint Meeting — February 1, 2021**

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 February 1, 2021 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 January 31, 2021.

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

The City Council approved the City Warrant Register dated February 16, 2021, totaling \$999,346.06; and the Payroll Documentation dated January 17, 2021, amounting to \$568,890.97 gross, with \$392,523.87 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 January 31, 2021.

**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 01.01.21-01.31.21 in the amounts of \$14,011.25 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 January 31, 2021.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 01.01.21-01.31.21 in the amount of \$31,953.25.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending January 31, 2021.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 01.01.21-01.31.21 in the amount of \$0.00.

**C. Agreements**

**1. Approval of Agreement No. 21-05 with Alta Planning + Design, Inc. for Preparation of the San Antonio Creek Channel Multimodal Connectivity Plan**

**Authorizing a \$177,708 Appropriation from Sustainable Communities SB 1 Grant Funds for the San Antonio Creek Channel Multimodal Connectivity Plan**

Council Member Johnson asked if a design has been planned for this project.

City Manager Starr advised the San Antonio Creek Trail is envisioned in the upcoming General Plan Update as a multimodal transit corridor to service pedestrians and cyclists, as well as allowing for activities such as walking, jogging, hiking, and exercising. He noted it would add parkland space, which is a much needed commodity for Montclair residents that is currently lacking. He advised it is also going to serve as an educational platform for the Chino Basin Water Conservation District.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-05* with Alta Planning + Design, Inc. for preparation of the San Antonio Creek Channel Multimodal Connectivity Plan.
- (b) Authorized a \$177,708 appropriation from Sustainable Communities SB 1 Grant Funds for the San Antonio Creek Channel Multimodal Connectivity Plan.

**2. Approval of Agreement No. 21-06, a Memorandum of Agreement with the Los Angeles Police Department on Behalf of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, to Join the Internet Crimes Against Children Task Force**

**Authorizing Executive Director of Public Safety/Police Chief Robert Avels to Sign Agreement No. 21-06**

The City Council took the following actions:

- (a) Approved *Agreement No. 21-06*, a Memorandum of Agreement with the Los Angeles Police Department on behalf of the United States Department of Justice, Office

of Juvenile Justice and Delinquency Prevention, to join the Internet Crimes Against Children Task Force.

(b) Authorized Executive Director of Public Safety/Police Chief Robert Avels to sign *Agreement No. 21-06*.

**3. Approval of *Agreement No. 21-07*, a Reimbursement Agreement with Maple Multi-Family Land CA, L.P. Regarding Properties Generally Located on the Southwest Corner of Monte Vista Avenue and Arrow Highway and the Northwest Corner of Monte Vista Avenue and Richton Street**

Council Member Johnson stated that she would like the multi-family aspect of these projects provide options for all types of residents in terms of income and family size, and not just for wealthy high-end tenants.

The City Council approved *Agreement No. 21-07*, a Reimbursement Agreement with Maple Multi-Family Land CA, L.P. regarding properties generally located on the southwest corner of Monte Vista Avenue and Arrow Highway and the northwest corner of Monte Vista Avenue and Richton Street.

**D. Resolutions — None**

**IX. PULLED CONSENT CALENDAR ITEMS — None**

**X. RESPONSE**

**A. Consider Receiving and Filing Response to Council Inquiry Regarding the Reopening of City Parks and Facilities Amidst the Novel Coronavirus Pandemic**

**Consider Continuing the Reopening Protocols as Established in the City Facilities Reopening, Health and Safety Plan Adopted by the City Council on September 21, 2020**

Mayor Dutrey invited public comments on this item.

**Mr. Max Perez**, resident, urged the City Council to reopen the parks to help parents give their children a healthy outlet for their energy.

**Mr. Gilbert Gomez, Montclair Little League (MLL) Board Member and Treasurer**, stated while he understands the issues, he feels the restrictions on parks have prevented the MLL from moving forward while other leagues in surrounding cities are already getting ready for the upcoming season. He stated he feels the kids are suffering from a lack of physical activity and are becoming addicted to video games and phones.

City Manager Starr advised according to the state's current guidance, practice activities are permitted but all participants and observers must be masked and distanced. He noted **Governor Newsom** is expected to release new team sports guidance, which will provide greater flexibility.

**Mr. Rivera**, resident and former MLL Board Member, stated the guidance received by the League allowed training but had onerous requirements such as all participants being required to take COVID-19 tests prior to starting and every two weeks. He requested the City waive the test requirement. He also asked why the City's parks were not renovated during the downtime, stating his opinion that this shutdown would have been the perfect time for the City to update the fields and bathrooms.

Council Member Johnson stated while she understands the frustrations of parents and the difficulties of isolation for children, she would feel safer lifting the restrictions when the County moves into the appropriate tier for parks to fully open. She noted she observed several baseball games being played in other cities' parks and in all situations, observers and those on the bench or in the dugout are sitting shoulder-to-shoulder with no masks, including parents.

Mayor Pro Tem Ruh stated he takes this pandemic seriously and has lost two friends from the virus. He stated even at the open parks, he feels too many are not following rules regarding wearing masks and distancing. He noted he also observed the same behaviors from customers at **Home Depot** and diners at restaurants over the weekend. He stated his concern of opening the parks is for young people, and he wants to ensure the longevity of the community.

Council Member Lopez noted he has personally been affected by the virus and has had several family members fall ill and become hospitalized, however he feels the statistics and numbers being released by the County are improving and more in favor of opening, and that the state's guidance is inconsistent. He noted he would support converting to the County's guidance rather than the state's.

Council Member Martinez stated the County's numbers doubled from November to December, and while we are seeing a decrease from the cases that came about over the holiday season, she worries that relaxing restrictions too much could cause the cases to go up again.

Mayor Dutrey stated he believes kids need to have access to the parks for informal activities, not planned events. He stated California's blueprint allows for outdoor playgrounds and recreational facilities to open with modifications, which was revised in December of 2020. He stated he feels this means that the state is now allowing parks and playgrounds to open with the recommended guidance. He also stated the County should be moving into the red tier soon; however, experts believe the new UK variant of the virus could cause a March or April surge. He noted while he agrees to keep certain activities and facilities closed, he believes families should be allowed passive access and uses of the parks at this time.

City Manager Starr advised the Plan adopted by the City Council is a living document that automatically implements guidance from the state, and that new guidance expected soon will likely allow opening of parks sooner. He noted he, as the Director of Emergency Services, could also be authorized to implement changes to the Plan as warranted.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Ruh, and carried 5-0 by roll call vote, the City Council took the following actions:

- (a) Received and filed a response to Council inquiry regarding the reopening of City parks and facilities amidst the novel coronavirus pandemic;
- (b) Directed staff to bring this item back in April to review opening of the parks with modifications; and
- (c) Authorized the City Manager to open the parks sooner as provided for in State guidance.

## **XI. COUNCIL WORKSHOP**

### **A. Fiscal Year 2020-21 Midyear Budget Review**

Moved by Council Member Lopez, seconded by Mayor Pro Tem Ruh, and carried unanimously 5-0, the City Council continued this item to an adjourned meeting on Wednesday, February 24, 2021, at 6:00 p.m.

## **XII. COMMUNICATIONS**

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

#### D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:

- (a) He asked if the technology in the Council Chambers has been upgraded to allow for in-person meetings.

City Manager Starr advised in-person Council meetings can resume as soon as the County enters and remains in the red tier for a two-week period.

He asked if the audience would have the ability to call in.

He stated there is capacity for up to 30 to 40 people to attend, with overflow room in the lobby. He noted the telephone participation would be challenging and rudimentary but possible. He advised the City Clerk would need to essentially run three meetings simultaneously: in-person, Zoom, and a telephone conferencing system.

Mayor Dutrey stated he feels City Council meetings could return as soon as May.

Council Member Lopez stated the cities of Upland, Chino Hills, and Chino currently have hybrid live meetings with Zoom and call-in capabilities, and he would prefer to see that.

Mayor Pro Tem Ruh stated he feels a comfortable setting needs to be provided for all participants, whether it be remotely or in person, and he feels that includes Council Members.

- (b) He stated he would like the Council Committee Meetings to resume its regular meetings again, noting Code Enforcement, Real Estate, and Personnel Committees have not met since last year.
- (c) He stated the Asian American community is respected in Montclair, as are all residents of any nationality or ethnic background, and that the City does not believe in nor condone discrimination.

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

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:

- (a) He concurred with the Mayor regarding Montclair being a welcoming community with integrated neighborhoods, adding he was taught we are all God's children and should treat one another with respect, dignity, and equality.
- (b) He stated California's housing crisis does not refer to the need to house affluent and upper-middle-class, but for working class families. He noted his observation that much of California's current residential building activity is catering to the upper-middle class.
- (c) He emphasized the importance of everyone getting inoculated and asked those in the community to encourage neighbors and the elderly to get their vaccines, and to help those who need a ride to get vaccines. He noted there are nearby mass vaccination sites operating at **California State Polytechnic University, Pomona**; the **Fairplex**; the **Ontario Convention Center**; and the **Autoplex Speedway**.

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

- (a) She stated she is glad the Public Works Committee is meeting again and she looks forward to the other Committees resuming their meetings.

- (b) She promoted the blood drive being sponsored by the **American Red Cross** and the Montclair Police Department, which will take place on Tuesday, February 22, at the Montclair Community Center from 2:00 to 8:00 p.m.
- (c) In recognition of **Black History Month**, she shared that she is the great granddaughter of a former slave, **Smith Thrash**, and her grandmother **Carey Elizabeth**, who lived through Jim Crow laws, was sure to teach her children and grandchildren how to behave around white people, including to never look them in the eye, never speak unless spoken to, only respond with what you think they want to hear, and never be within arm's reach of them. She stated that today, the great granddaughter of an ex-slave, she sits between two men of European descent on the dais of the City Council Chambers, and feels completely safe and equal. She encouraged the community to celebrate **Black History Month** by learning about someone important to black history who is not as well known, and to reach out to others who are different from yourself to learn how we are alike and all want the same things: safety, family, and happiness.
3. Council Member/Director Martinez stated she appreciates residents speaking up and reminding the City Council of topics that matter to them. She stated that it is one thing to live in a diverse community and not be personally racist or sexist or act in a discriminatory manner, but it is another thing entirely to act intentionally about inclusion to promote equality in the community. She stated that in the early stages of the lockdown, she heard some awful stories about the things being said on the elementary school playgrounds in our own cities, and that parents are still teaching their children prejudices. She added it is important to be aware that this is happening whether we see it for ourselves or not, and to keep those issues at the forefront of decision-making.
4. Council Member/Director Lopez stated he was concerned to hear from an outside agency that the County Fire Department is offering lateral positions directly to Fire Fighters at other agencies, and thinks it may affect the City's Fire Department.

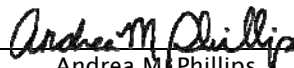
**F. Committee Meeting Minutes — None**

**XIII. ADJOURNMENT**

At 9:10 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 9:10 p.m., Mayor Dutrey adjourned the City Council to the Midyear Budget Review on Wednesday, February 24, 2021, at 6:00 p.m.

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

  
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Andrea M. Phillips  
City Clerk