

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, MARCH 16, 2020, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

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

II. INVOCATION

**Pastor Lance Irely, Trinity Lutheran Church**, gave the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Martinez led those assembled 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; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS — None

A. **Presentation of Annual Donation by the Montclair Chamber of Commerce to the Montclair Community Foundation for the Montclair to College Program**

**Mr. Steve Hammitt**, Chair of the **Montclair Chamber of Commerce** Board of Directors and owner of **Hammitt Benefits Group**, presented a \$1,567 check to Montclair Community Foundation Chair Dutrey for the *Montclair to College* Program. **Mr. Hammitt** stated ten percent of the proceeds from the Chamber's annual street banner program are donated annually for this purpose.

Mayor/Chair Dutrey thanked **Mr. Hammitt** and the Chamber for its generous donation for this worthwhile program.

B. **Proclamation Declaring April 2020 as DMV/Donate Life California Month in the City of Montclair**

Mayor Dutrey presented a proclamation declaring April 2020 as *DMV/Donate Life California Month* in the City of Montclair.

**Mr. Daniel Luevanos**, City Ambassador, thanked Mayor Dutrey and the City Council for its support of spreading awareness of eye, organ, and tissue donation, and accepted the proclamation on behalf of **Donate Life/OneLegacy Foundation**. He advised the annual **Donate Life** Run/Walk event scheduled for April 25, 2020, has been postponed.

Mayor Dutrey stated he would like to consider Item X-A from the revised agenda.

X. BUSINESS ITEMS

A. **Consider Voting to Bring Resolution No. 20-3263 Before the City Council for Consideration as an Urgency Measure**

City Attorney Robbins advised the City Council may consider Item X-A at this time, which was not listed on the posted agenda, with concurrence of at least four-fifths of the City Council.

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried by a roll call vote of 5 to 0, the City Council voted to bring Resolution No. 20-3263 before the City Council for consideration as an urgency measure:

1. **Consider Adoption of Resolution No. 20-3263, a Resolution of the City Council of the City of Montclair Declaring that a Local Public Health Emergency Exists in the City of Montclair, and that by This Proclamation Hereby Establishes City Eligibility for Federal and State Funding Assistance**

**Consider Authorizing the Transfer of Up to \$200,000 from the General Fund Reserve Fund to the Contingency Account to Assist with Administration and Provision of the Services, Actions, and Assistance as Provided for in Resolution No. 20-3263**

**Mr. Bruce Culp**, resident, thanked the City for its extraordinary efforts in response to the current health emergency including the extensive website it created to disseminate information, noting he feels this community is in good hands. He stated he initially had concerns over the issuance of parking tickets during this time; however, City Manager Starr addressed his concerns during his verbal report on this item. He encouraged the City to also consider suspending the towing of vehicles by property managers. He stated he is very concerned regarding the lack of testing occurring in this county and the availability of test kits. He stated he hopes that the \$200,000 being requested is enough, although he feels it will not be.

Council Member Ruh stated he is concerned about the hoarding of food and supplies during this time, particularly toilet paper, and lamented the fact that many are taking advantage of the situation for their own profit. He urged everyone to think of their neighbors, especially those who are of a vulnerable population.

Council Member Johnson stated the residents of Montclair will be protected to the best of the City Council's ability during this crisis. She urged everyone to stay home and stay safe, but also to find ways to keep themselves entertained away from technology such as going outside for walks, noting the north side of the Transcenter is a wonderful location for a stroll. She asked everyone remain prayerful, exercise faith, and assured we will get through this.

Council Member Martinez acknowledged the difficult decision that the City had to make of cancelling public events and stated she feels that those who are over-buying supplies are simply scared of what lies ahead and do not all have ill intent. She stated there is so much uncertainty in this time and noted that, while we do not know if we are doing the right thing at this moment, we need to use the information we have to save lives. She stated we need to work together to get through this now and focus on the economic impacts later.

Mayor Pro Tem Raft asked if emergency personnel have all of the equipment and supplies they need.

City Manager Starr advised there is a limited supply of N-95 masks, but an order of masks will be coming from the state.

Mayor Pro Tem Raft asked if residents who believe they have contracted COVID-19 should go to **Arrowhead Regional Medical Center**.

City Manager Starr advised anyone who suspects they have the virus should call their primary care physician, and those without insurance should call **Arrowhead Regional Medical Center**, to receive instruction on how to proceed. He noted those who are sick should not go to urgent care.

Mayor Pro Tem Raft thanked City Manager Starr for his work to keep on top of this issue and wished everyone the best in this situation.

Mayor Dutrey asked what specific powers the proclamation will give the City Manager.

City Manager Starr advised his powers are enumerated in the proclamation, stating in general he will be empowered to issue directives and will also create and serve on the Disaster Preparedness Council, of which the Mayor is the Chair, the City Manager serves as Vice Chair, and additional members appointed by the City Manager along with anyone the Council wishes to be appointed. He noted Department Heads will likely be appointed as members.

Mayor Dutrey stated he would like Council Member Johnson to serve on the Disaster Preparedness Council.

City Manager Starr noted she would be appointed based upon that recommendation.

Mayor Dutrey asked who would be eligible to receive the 120 hours of administrative leave.

City Manager Starr advised full-time employees already accrue leave and are able to utilize that leave, and part-time employees or those without any leave left in their bank can be granted the time off. He noted the Personnel Committee will have the authority to extend the administrative leave time granted on a case-by-case basis, and advised there are still legal issues to be worked out.

Mayor Dutrey asked if City Manager Starr anticipates City Hall will close down.

City Manager Starr advised City services are essential and most operations will continue; however, some employees may be assigned to work from home. He noted there would likely remain some staff inside City Hall.

Mayor Dutrey asked whether the City would be able to defer trash and sewer payments for residents.

City Manager Starr advised residents already have the option to defer their payments until the end of the year when the unpaid balances are added to their property tax bills.

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously 5 to 0, the City Council took the following actions:

- (a) Adopted Resolution No. 20-3263, a Resolution of the City Council of the City of Montclair declaring that a local public health emergency exists in the City of Montclair, and that by this Proclamation hereby establishes City eligibility for federal and state funding assistance.
- (b) Authorized the Transfer of up to \$200,000 from the General Fund Reserve Fund to the Contingency Account to assist with administration and provision of the services, actions, and assistance as provided for in Resolution No. 20-3263.

## VI. PUBLIC COMMENT — None

**VII. PUBLIC HEARINGS — None**

**VIII. CONSENT CALENDAR**

City Attorney Robbins requested Item C-4 be pulled from the consent calendar to consider approval subject to her revisions.

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chair Raft, and carried unanimously that the City Council approve the remainder of the Consent Calendar, with the exception of Item C-4, as presented:

**A. Approval of Minutes**

**1. Adjourned Council Meeting — November 4, 2019**

The City Council approved the minutes of the November 4, 2019 adjourned meeting.

**2. Special Council Meeting — November 12, 2019**

The City Council approved the minutes of the November 12, 2019 special meeting.

**3. Adjourned Special Council Meeting — November 18, 2019**

The City Council approved the minutes of the November 18, 2019 adjourned special meeting.

**4. Adjourned Council Meeting — December 2, 2019**

The City Council approved the minutes of the December 2, 2019 adjourned meeting.

**5. Regular Joint Meeting — March 2, 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 March 2, 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 February 29, 2020.

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

The City Council approved the City Warrant Register dated March 16, 2020, totaling \$1,030,591.80; and the Payroll Documentation dated February 16, 2020, amounting to \$626,788.22 gross, with \$442,667.39 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 February 29, 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 02.01.20-02.29.20 in the amounts of \$2,651.53 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 February 29, 2020.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 02.01.20-02.29.20 in the amount of \$78,265.11.

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

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending February 29, 2020.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 02.01.20-02.29.20 in the amount of \$0.00.

**9. Setting a Public Hearing for Monday, April 6, 2020 at 7:00 p.m. in the City Council Chambers to Consider Adoption of Resolution No. 20-3260 Amending the Master User Fee Schedule**

The City Council set a public hearing for Monday, April 6, 2020 at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 20-3260 amending the Master User Fee Schedule.

**10. Approval of the Fiscal Year 2019-20 Schedule of Recommendations from the Community Activities Commission for Community Benefit Funding**

The City Council approved the Fiscal Year 2019-20 schedule of recommendations from the Community Activities Commission for community benefit funding.

**11. Approval of Parcel Merger No. 2020-1 for Seven Parcels Generally Located on the Southeast Corner of Monte Vista Avenue at State Street**

The City Council approved Parcel Merger No. 2020-1 for seven parcels generally located on the southeast corner of Monte Vista Avenue at State Street.

**12. Authorizing a \$3,500 Appropriation from the State Asset Forfeiture Fund for the Purchase of Goods and Services for the San Bernardino County Peace Officers Memorial Ceremony to be Held at the Police Department Facility**

The City Council authorized a \$3,500 appropriation from the State Asset Forfeiture Fund for the purchase of goods and services for the San Bernardino County Peace Officers Memorial Ceremony to be held at the Police Department facility.

**13. Declaring Certain City Property as Surplus and Available for Auction or Destruction**

The City Council declared certain City property as surplus and available for auction or destruction.

**C. Agreements**

**1. Approval of Agreement No. 20-05-I-103, an Irrevocable Annexation Agreement with Maurilio Escamilla for 11168 Roswell Avenue, Pomona (APN 1012-421-29-0000)**

The City Council approved *Agreement No. 20-05-I-103*, an Irrevocable Annexation Agreement with Maurilio Escamilla for 11168 Roswell Avenue, Pomona (APN 1012-421-29-0000).

**2. Approval of Agreement No. 20-18 with L.D. King, Inc. for Plan Check and Design Services**

The City Council approved of *Agreement No. 20-18* with L.D. King, Inc. for plan check and design services.

**3. Approval of Agreement No. 20-20 with the County of San Bernardino for Continued Participation in the State's California Identification System**

The City Council approved of *Agreement No. 20-20* with the County of San Bernardino for continued participation in the State's California Identification System.

**D. Resolutions — None**

**IX. PULLED CONSENT CALENDAR ITEMS**

**C. Agreements**

**4. Approval of *Agreement No. 20-21*, a Purchase and Sale Agreement with Dolores Casa Fimbres for the Single-Family Residence Located at 5072 Moreno Street**

**Authorizing a \$447,000 Appropriation from the Housing Trust Fund for Acquisition and Closing Costs for the Property Located at 5072 Moreno Street**

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried by a vote of 5 to 0, the City Council took the following actions:

- (a) Approved Agreement No. 20-21, a Purchase and Sale Agreement with Dolores Casa Fimbres for the single-family residence located at 5072 Moreno Street, subject to revision by City Attorney Robbins.
- (b) Authorized a \$447,000 appropriation from the Housing Trust Fund for acquisition and closing costs for the property located at 5072 Moreno Street.

**XI. COUNCIL WORKSHOPS**

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried that the following workshops be continued to adjourned meetings to take place at the dates, times, and locations indicated below:

**A. SB 743 – CEQA Analysis of Transportation Impacts**

Monday, March 30, 2020, at 6:00 p.m. in the City Council Chambers, 5111 Benito Street, Montclair.

**B. Systemic Safety Analysis Report Program (SSARP)**

Monday, April 6, 2020, at 5:45 p.m. in the City Council Chambers, 5111 Benito Street, Montclair.

**XII. COMMUNICATIONS**

**A. City Department Reports**

**1. Human Services Department — Upcoming Events & Programs**

Administrative Analyst Alyssa Colunga reported that the Human Services Department is continuing to serve the public in any way possible—seniors will still be able to pick up their daily lunch at the Montclair Senior Center beginning at 11:30 a.m. from Monday through Friday. She stated that today, over 40 seniors were served meals in a drive-thru format, and the City will continue providing meals until further notice, rain or shine. She noted that, in addition, the City will continue to partner with the **San Bernardino County Community Services Department** to provide the monthly food distribution for qualified low-income Montclair residents. She advised next food distribution will be this Thursday, March 19, beginning at 8:30 am. The distribution will also be a drive-thru format, similar to the senior lunch program. To qualify, participants must bring proof of income and residency in San Bernardino County. Commodities vary each month and may include items like canned meats and vegetables, flour, corn meal, pudding, sauces, pasta, juices, and frozen items. She advised the community can call (909) 625-9483 for information on income qualifying requirements.

**B. City Attorney**

City Attorney Robbins withdrew her request for the City Council to meet in closed session regarding the following item listed on the agenda:

**1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation**

*Carrillo v. City of Montclair*

City Attorney Robbins requested the City Council vote to add a closed session item to the agenda to consider the following, noting a four-fifths vote is required with findings that there is a need to take immediate action and that the need to take action came to the attention of the City after the agenda was posted:

**1. Closed Session Regarding Threat to Public Services or Facilities Pursuant to Government Code Section 54957(a) in Consultation with City of Montclair Chief of Police Robert Avels**

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried unanimously by a 5-0 vote, the City Council found that there is a need to take immediate action and that the need to take action came to the attention of the City after the agenda was posted, and approved the addition of the above-referenced item to the agenda for closed session.

**C. City Manager/Executive Director — No comments.**

**D. Mayor/Chair**

Mayor/Chair Dutrey wished his father a happy 95th birthday.

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

**1. Council Member/Director Johnson made the following comments:**

- (a) She stated she was very impressed at the parents of Ontario-Montclair School District students for a planning event they coordinated where they discussed public safety as their top priority for their families.
- (b) She requested everyone be kind to others during these difficult and trying times.

**2. Council Member/Director Ruh made the following comments:**

- (a) He advised that he received his 2020 Census form in the mail and urged everyone to make sure they received their form and complete it as soon as possible, noting it can be done online or via the paper form.
- (b) He noted that while the community will have to make many sacrifices in the coming days ahead, this region has overcome many seemingly insurmountable times in history and will get through this as well.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of March 2, 2020**

The City Council received and filed the minutes of the Personnel Committee meeting of March 2, 2020, for informational purposes.

**XIII. CLOSED SESSION**

At 9:07 p.m., the City Council went into closed session in consultation with City of Montclair Chief of Police Robert Avels regarding a threat to

public services or facilities.

**XIV. CLOSED SESSION ANNOUNCEMENTS**

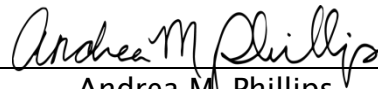
At 9:59 p.m., the City Council returned from closed session. Mayor Dutrey announced that the City Council met in closed session regarding a threat to public services or facilities and no further announcements would be made at this time.

**XV. ADJOURNMENT**

At 9:59 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board.

At 9:59 p.m., Mayor Dutrey adjourned the City Council to Monday, March 30, 2020 at 6:00 p.m. for SB 743 workshop, and to Monday, April 6, 2020, at 5:45 p.m. for an SSARP workshop.

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