

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, JUNE 15, 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 Jason Terpack, Montclair Christian Church**, gave the invocation.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

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

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

V. PRESENTATIONS

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

**Supervisor Hagman** reported that businesses are responding well to the County's COVID-Compliance Program, with over 4,000 businesses participating throughout the County. He noted that while the County is not mandating the use of face masks, it is encouraging self-responsibility from residents to use face masks to protect themselves and others. He advised the County has established a joint incident command center made up of 19 fire agencies throughout the County to respond to the crisis and redirect lower-level incidents to resources outside of emergency services, which is expected to produce cost savings and may continue after the pandemic ends.

Mayor Pro Tem Raft asked if nail salons are going to be allowed to operate beginning Friday.

**Supervisor Hagman** advised guidelines for the safe operation of nail salons were released last Friday, and include basic sanitation procedures like mask-wearing and gloves. He advised they are authorized to open as early as Friday.

Council Member Ruh reaffirmed his conviction that face masks should be mandated and that a lack of leadership by the County is putting businesses in very difficult situations when it comes to enforcing policies to keep their employees and customers safe. He noted he heard there is a shortage of test kits and asked whether that is true in the County.

**Supervisor Hagman** agreed with Council Member Ruh regarding the County lifting the requirement to wear face masks in public, noting while he supported keeping it in place, the mandate was lifted by a

three-to-two vote of the **Board of Supervisors**. He stated his office continues to advocate for the public to protect itself and has handed out over 300,000 face masks this week to the public. He advised test kits are in high demand from hospitals, private insurance providers, and other clinics, and the County is redirecting surplus test supplies to outbreak areas where they are needed. He advised there was a recent outbreak at a Sheriff's training where 32 out of 160 deputies tested positive, and the academy is now holding remote classes for the remainder of the training.

Mayor Dutrey asked about the County's contact tracing efforts.

Supervisor Hagman stated tracing is being done and staff has been redirected to those efforts, and more are going to be hired to continue tracing for the next six to twelve months based on need.

Mayor Dutrey asked if the demand for testing has been high among asymptomatic residents.

Supervisor Hagman advised more people are becoming interested in and taking advantage of the free testing due to its availability and less intrusive testing methods. He encouraged all residents to get tested periodically to ensure they are not spreading the virus unwittingly.

Mayor Dutrey thanked **Supervisor Hagman** and stated his reports on the County's response have been valuable and appreciated.

## **VI. PUBLIC COMMENT**

**Mr. Leonard Paulitz**, 10166 Poulsen Avenue, Montclair, submitted written comments related to the proposed Transactions & Use Tax. In his comments, he stated he felt the survey sample size was too small and should have been done by postcard instead of telephone; suggested asking for a 0.75 percent tax rate instead of 1 percent; commended the City's selection of **Correll**, noting it is a reputable firm; insisted the City pressure **Governor Newsom** to open the economy to help generate sales tax revenue; and warned that passing an ordinance to legalize the sale of cannabis may jeopardize the passage of the tax measure at the election.

## **VII. PUBLIC HEARINGS**

### **A. First Reading — Consider Ordinance No. 20-990 Amending Certain Sections of Chapter 2.12 of the Montclair Municipal Code Authorizing an Electronic Filing Option for Certain Documents Required to be Filed by Elected Officers, Candidates, Committees, and Other Persons or Entities in Relation to General Municipal Elections in the City of Montclair and Making Other Amendments and Corrections to the Code in Relation Thereto**

**Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 20-990 for Tuesday, June 23, 2020, at 6:00 p.m.**

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 20-990 and invited comments from the public.

**Mr. Benjamin Lopez**, resident, asked if deadlines that fall on weekends and holidays would still move to the next business day.

City Clerk Phillips advised the FPPC deadlines are not affected by the adoption of an electronic filing system, even though the system is able to accept submissions on weekends and holidays.

There being no one else in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Ruh and seconded by Mayor Pro Tem Raft that Ordinance No. 20-990, entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CERTAIN SECTIONS OF CHAPTER 2.12 OF THE MONTCLAIR MUNICIPAL**

**CODE AUTHORIZING AN ELECTRONIC FILING OPTION FOR CERTAIN DOCUMENTS REQUIRED TO BE FILED BY ELECTED OFFICERS, CANDIDATES, COMMITTEES, AND OTHER PERSONS OR ENTITIES IN RELATION TO GENERAL MUNICIPAL ELECTIONS IN THE CITY OF MONTCLAIR AND MAKING OTHER AMENDMENTS AND CORRECTIONS TO THE CODE IN RELATION THERETO,"** be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing for Tuesday, June 23, 2020, at 6:00 p.m. to consider second reading and adoption of Ordinance No. 20-990.

The City Council unanimously waived the reading of the Ordinance.

First reading of Ordinance No. 20-990 was unanimously adopted by the following vote:

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

### **VIII. CONSENT CALENDAR**

Council Member Ruh requested Items D-1 and D-2 be pulled from the consent calendar.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Martinez, and carried unanimously by the following roll call vote for approval of the remainder of the Consent Calendar as presented:

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

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

##### **1. Regular Joint Meeting — June 1, 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 June 1, 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 May 31, 2020.

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

The City Council approved the City Warrant Register dated June 15, 2020, totaling \$1,661,020.23; and the Payroll Documentation dated May 10, 2020, amounting to \$626,844.86 gross, with \$436,886.22 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 May 31, 2020.

##### **4. Approval of Successor Agency Warrant Register**

The City Council acting as successor to the Redevelopment Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 05.01.20-05.31.20 in the amounts of \$2,520.29 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 May 31, 2020.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 05.01.20-05.31.20 in the amount of \$27,855.39.

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

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

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 05.01.20-05.31.20 in the amount of \$0.00.

**C. Agreements**

**1. Approval of Agreement No. 20-47 with Catering Systems, Inc. to Provide Meals for the City's Senior Citizen Nutrition Program**

The City Council approved of *Agreement No. 20-47* with Catering Systems, Inc. to provide meals for the City's Senior Citizen Nutrition Program.

**2. Approval of Agreement No. 20-51 with Chaffey Joint Union High School District and Agreement No. 20-52 with Ontario-Montclair School District for Specialized Law Enforcement Services During Fiscal Year 2020-21**

The City Council approved of *Agreement No. 20-51* with Chaffey Joint Union High School District and *Agreement No. 20-52* with Ontario-Montclair School District for specialized law enforcement services during Fiscal Year 2020-21.

**3. Approval of Agreement No. 20-53 with the Montclair Chamber of Commerce to Provide Services to Promote Local Economic Development**

The City Council approved of *Agreement No. 20-53* with the Montclair Chamber of Commerce to provide services to promote local economic development.

**4. Approval of Agreement No. 20-55 Amending Agreement No. 17-30, as Amended by Agreement Nos. 18-30 and 19-38, with Mariposa Landscapes, Inc., for Landscape Maintenance Services**

The City Council approved of *Agreement No. 20-55* amending *Agreement No. 17-30*, as amended by *Agreement Nos. 18-30* and *19-38*, with Mariposa Landscapes, Inc., for landscape maintenance services.

**5. Approval of Agreement No. 20-57 with Fairbank, Maslin, Maullin, Metz, and Associates (FM3) for Additional Polling, Educational, and Outreach Services**

The City Council approved of *Agreement No. 20-57* with Fairbank, Maslin, Maullin, Metz, and Associates (FM3) for additional polling, educational, and outreach services.

**D. Resolutions**

**3. Adoption of Resolution No. 20-3272 Directing Staff to Review the Conflict of Interest Code and Submit the 2020 Biennial Notice Pursuant to the Political Reform Act**

The City Council adopted Resolution No. 20-3272 directing staff to review the Conflict of Interest Code and submit the 2020 Biennial Notice pursuant to the Political Reform Act.

## IX. PULLED CONSENT CALENDAR ITEMS

### D. Resolutions

1. **Adoption of Resolution No. 20-3268 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2020, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Related to General Law Cities**

**Adoption of Resolution No. 20-3269 Adopting the Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 3, 2020**

**Adoption of Resolution No. 20-3270 Requesting the Board of Supervisors of the County of San Bernardino to Consolidate a General Municipal Election to be Held on Tuesday, November 3, 2020, with the Presidential General Election to be Held on the Same Date Pursuant to Section 10403 of the California Elections Code**

Council Member Ruh asked if this would be an all-mail ballot election.

City Clerk Phillips stated all voters will receive mail-in ballots; however, they can choose to vote in person. There will be polling locations and early vote centers throughout the County, as well as mail ballot drop-off locations.

Council Member Ruh stated he is relieved to hear that everyone will have the option to mail in their ballot with many fearing to leave their homes during the pandemic.

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried unanimously by a roll call vote of 5 to 0, the City Council took the following actions:

- (a) Adopted Resolution No. 20-3268 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of certain officers as required by the provisions of the laws of the State of California related to General Law Cities.
  - (b) Adopted Resolution No. 20-3269 adopting the regulations for candidates for elective office pertaining to Candidates' Statements Submitted to the voters at an election to be held on Tuesday, November 3, 2020.
  - (c) Adopted Resolution No. 20-3270 requesting the Board of Supervisors of the County of San Bernardino to consolidate a General Municipal Election to be held on Tuesday, November 3, 2020, with the Presidential General Election to be held on the same date pursuant to Section 10403 of the California Elections Code.
2. **Adoption of Resolution No. 20-3271 Amending Animal Licensing and Sheltering Fees**

Council Member Ruh asked if these fees would only impact those whose pets have been impounded.

City Manager Starr stated that is correct.

Council Member Ruh stated he is comfortable with approving these fee increases as long as responsible pet owners are not being penalized.

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried unanimously by a roll call vote of 5 to 0, the City Council adopted Resolution No. 20-3271 amending animal licensing and sheltering fees.

## **X. COUNCIL/MHC WORKSHOP**

### **A. Fiscal Year 2020–21 Preliminary Budget Review**

Mayor/Chair Dutrey asked if the City Council/Montclair Housing Corporation (MHC) Board would prefer to hold this workshop as an in-person meeting, or continue in the ZOOM format.

Council Member/Director Johnson stated it would be difficult to use proper distancing in the Council Chambers because the microphones can't be spaced, but she would prefer in-person meetings so she can see the speakers' faces including members of the public. She suggested the Senior Center, which was used temporarily to hold City Council meetings while the Council Chambers were under construction last fall.

Council Member/Director Ruh stated he feels this presentation should be held as an in-person meeting, noting he feels many who are hesitant to use technology have been missing out. He suggested allowing both remote and in-person participation for the audience.

Mayor Pro Tem/Vice Chair Raft stated she prefers the transparency of in-person meetings.

Council Member/Director Martinez stated she would prefer the meeting be held in person as long as social distancing can be achieved for all participants, and no one is excluded from participating.

City Manager/Executive Director Starr stated staff would arrange for the workshop meeting to be held in the Senior Center.

Mayor Dutrey asked if personnel actions could be discussed in closed session at a future meeting.

City Attorney Robins stated she would look into whether there is a closed session exception for the discussion to take place in closed session based on the subject matter.

Moved by Council Member/Director Johnson, seconded by Mayor Pro Tem/Vice Chair Raft, and carried unanimously, the Council/MHC Workshop was continued to an adjourned meeting to take place on Tuesday, June 23, 2020, at 6:00 p.m. to be held in-person at the Montclair Senior Center.

## **XI. COMMUNICATIONS**

### **A. Department Reports**

#### **1. Public Works — Central Avenue Rehabilitation Project Update**

Public Works Director/City Engineer Castillo reported the three components of the project nearing completion are the installation of a recycled water line for landscaping being installed and for future developments; installation of new landscaping in the medians; and traffic signal modifications. He advised the final component of the project will be the paving of the street, which is expected to be completed by the end of July. He thanked businesses and residents for their patience and cooperation during construction.

### **B. City Attorney — None**

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

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

City Manager Starr reported a second employee has recently been diagnosed with COVID-19, noting the first was a firefighter earlier in the pandemic. He advised most City Hall employees were tested for COVID-19 at the **Montclair Kids Station** located at the **Montclair Transcenter** today, and some received a serology test upon request.

Mayor Dutrey stated he would like the next regular Council meeting on July 6th to be held in the Council Chambers and asked when City Hall is expected to be open to the public.

City Manager Starr advised the intention is to open parks and City Hall in early July, after major construction has been completed at City Hall. He noted staff remains concerned about the number of cases climbing amid the County's relaxation of mandatory mask wearing orders.

Mayor Dutrey asked if yard sales will be permitted the first weekend in August, as scheduled.

City Manager Starr stated with the relaxed gathering guidance, yard sales should be allowed.

Mayor Dutrey asked if the public would need to come to City Hall for permits, and suggested perhaps there should be an exemption for this upcoming yard sale weekend or staff could determine an alternative way to obtain the permit online.

City Manager Starr noted staff would look into allowing unpermitted yard sales during that weekend.

#### D. Mayor/Chair

##### 1. Discussion of Civil Unrest in the Community

Mayor Dutrey stated he has been concerned with recent events that triggered protests throughout the country including the murder of **Mr. George Floyd** at the hands of law enforcement officers in Minneapolis. He stated the City of Montclair, including the Police Department (MPD), does not tolerate racism and discrimination and expects its employees to behave in a professional manner when interacting with the public. He referenced a recent social media post published by MPD addressing the Department's alignment with the eight calls to action for police departments demanded by the **Black Lives Matter** protesters and activists. He added MPD has been a leader implementing community initiatives and listening to the public. MPD engages with the public at its annual open house and National Night Out events, leads the holiday parade "Dashing Through Montclair," hosts an explorer program for **Montclair High School** students; and provides resource officers at all schools. He noted that, for a relatively small city, Montclair provides many services to enhance life of residents; however, he feels there is always room to improve and grow. He asked City Manager Starr and Executive Director of Public Safety/Police Chief Avels to review policies to ensure Montclair is committed to the principles to serve the community.

City Manager Starr noted the City is in line with the state of California and its progressive policies relating to community policing and preserving the rights of citizens, victims of crimes, and suspects. He noted that while there are nationwide calls to "defund the police," the message has been interpreted in many ways but the main consensus is that Police Officers are expected to do many jobs they are not properly trained or equipped to handle including social work, healthcare, homelessness, and mental health. He stated removing funding from Police Departments would only exacerbate these issues without the proper infrastructure and resources in place. This community has shown support and appreciation for our local officers and department. He noted many issues could further be addressed if the Police Officers' Bill of Rights could be amended to allow agencies to fire law enforcement officers who are not fit for the job.

Executive Director of Public Safety/Police Chief Avels thanked the City Council and City Manager for their support of the Department. He stated he is proud of the high standards of MPD

and that is why he chose to remain with the Department for most of his career. He noted the City participates in the **(Police Officer Standards and Training (POST))** program, which is voluntary, to access resources, standards, training, and leadership programs. Officers conduct legislatively-mandated training, and are also constantly tested on the Department's 774-page policy manual. He advised all eight categories targeted for police reform are addressed in MPD's policies except for a "carotid chokehold," which is currently suspended until further legislative and **POST** review.

Council Member Johnson thanked Chief Avels, noting she had concerns about recent events but hopes that the community does not use the negative messages about policing to judge MPD officers.

Council Member Ruh expressed his appreciation for Chief Avels and the leadership he provides to MPD. He noted the residents clearly support our public safety officers, and protests taking place in or near this community have been peaceful.

Mayor Pro Tem Raft stated she was glad to see MPD's social media post. She stated she is proud that our police officers engage with the community.

Council Member Martinez thanked Chief Avels for taking these issues seriously and reflecting on what the City can do to make sure that what happened to **Mr. Floyd** does not happen in our City. She also thanked City Manager Starr for his detailed thoughts on the matter.

Mayor Dutrey stated MPD understands the diversity and needs of this community, and their goal is to ensure its safety. He added he is proud of officers who assisted other agencies responding to criminal activities that took place during the curfews.

2. Mayor/Chair Dutrey stated many residents are complaining about fireworks and asked if Chief Avels has a plan for addressing them this year.

Chief Avels stated fireworks have started early this year due to the lockdown, and residents should start receiving flyers advertising Montclair's ban on fireworks with their utility bills if they have not already received them. He advised there will be an additional deployment of police officers, fire personnel, and code enforcement officers to assist, identify, and locate those setting off fireworks in Montclair on July 4th. When this strategy was attempted in the past, it did not result in enough citations to support the level of deployment; however, he feels it is worth trying again due to the increased activity this year. He noted criminal citations would be issued for the more dangerous types of fireworks whereas administrative citations would be issued for "safe and sane." MPD will also deploy messages on its digital sign board and patrol cars to educate residents and visitors about the City's ban on fireworks.

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

1. Council Member/Director Johnson made the following comments:
  - (a) She thanked Mayor Dutrey, Council Member Ruh, Director of Human Services Richter, and all others who joined her in a community prayer walk, which was well-received by the community who showed support by honking their car horns and clapping as they went by.



- (b) She stated that while she supports the mask-wearing mandate in the City, she worries it is confusing the public having an inconsistent policy from the County and surrounding cities. She suggested the City Council consider lifting the mandate in the near future, possibly at the next regular meeting.
  - (c) She stated the **Montclair Chamber of Commerce** will be hosting a business person's Zoom meeting for local businesses to get together and discuss or report concerns, news, advice, and promotions.
2. Council Member/Director Ruh made the following comments:
- (a) He stated for safety reasons the mask requirement should stay in place despite confusion it may cause.
  - (b) He noted fireworks are being set off in surrounding communities, where it may be legal.
  - (c) He remarked on the passing of the 52nd anniversary of **Senator Robert Kennedy's** assassination on June 6th, which took place only two months after the assassination of **Dr. Martin Luther King, Jr.**
3. Mayor Pro Tem/Vice Chair Raft stated the fireworks have been awful and she hopes those setting them off are caught.

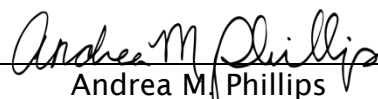
**F. Committee Meeting Minutes — None**

**XII. ADJOURNMENT**

At 8:42 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 8:42 p.m., Mayor/Chair Dutrey adjourned the City Council and Montclair Housing Corporation Board to Tuesday, June 23, 2020, at 6:00 p.m. in the Montclair Senior Center.

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