

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, SEPTEMBER 8, 2020, AT 7:00 P.M. CONDUCTED REMOTELY PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDERS SUSPENDING CERTAIN ASPECTS OF THE BROWN ACT DURING THE COVID-19 STATE OF EMERGENCY AND MANDATING STAY-AT-HOME SAFETY PROTOCOLS

---

**I. CALL TO ORDER**

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

**II. INVOCATION**

The invocation was led by **Pastor Vicki Brobeck**, Montclair Police Chaplain.

**III. PLEDGE OF ALLEGIANCE**

Council Member Ruh led meeting participants in the Pledge.

**IV. ROLL CALL**

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

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

**V. PRESENTATIONS — None**

**VI. PUBLIC COMMENT**

A. **Mr. Leonard Paulitz**, resident, submitted written comments congratulating the City on its successful grant application for the development of **Reeder Ranch Park**, and stating it is now more important than ever that the City own the **Reeder Ranch** property and protect the grove as a historic site.

**VII. PUBLIC HEARINGS — None**

**VIII. CONSENT CALENDAR**

Mayor Dutrey pulled Item B-2 to receive a public comment.

Council Member Johnson requested Items B-3 and C-3 be pulled from the Consent Calendar.

Moved by Council Member/Director Johnson, seconded by Council Member/Director Ruh, and carried unanimously 5-0 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 — August 17, 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 August 17, 2020 regular joint meeting.

## **B. Administrative Reports**

1. **Setting a Public Hearing for Monday, September 21, 2020, at 7:00 p.m. to Consider Adoption of Resolution No. 20-3285 Approving Tentative Tract Map No. 20273 to Subdivide a 6.68-Acre Site into Six Numbered Parcels and One Lettered Lot for a Public Park; and Precise Plan of Design No. 2017-20 for a Mixed-Use Project Within the Station District of the *North Montclair Downtown Specific Plan***

The City Council set a public hearing for Monday, September 21, 2020, at 7:00 p.m. to consider adoption of Resolution No. 20-3285 approving Tentative Tract Map No. 20273 to subdivide a 6.68-acre site into six numbered parcels and one lettered lot for a public park; and Precise Plan of Design No. 2017-20 to develop a mixed-use project within the Station District of the *North Montclair Downtown Specific Plan*.

4. **Acceptance of Grant Deed No. 1680, an Easement for Construction, Maintenance, and Use of Sidewalk Located on Brooks Street East of Ramona Avenue (Assessor's Parcel Nos. 1012-082-07 and 1012-082-08)**

**Authorizing Staff to Record Grant Deed No. 1680 with the Office of the San Bernardino County Recorder**

The City Council took the following actions:

- (a) Accepted Grant Deed No. 1680, an easement for construction, maintenance, and use of sidewalk located on Brooks Street east of Ramona Avenue (Assessor's Parcel Nos. 1012-082-07 and 1012-082-08).
  - (b) Authorized staff to record Grant Deed No. 1680 with the Office of the San Bernardino County Recorder.
5. **Approval of Parcel Merger No. 2020-2 for Two Parcels Generally Located on the South Side of Brooks Street East of Ramona Avenue**

The City Council approved Parcel Merger No. 2020-2 for two parcels generally located on the South Side of Brooks Street east of Ramona Avenue.

6. **Authorizing an Additional Appropriation of \$19,150 from Bond Proceeds for Costs Related to Construction of the City of Montclair City Hall Remodel Phase 2 Project**

**Approving the Filing of a Notice of Completion of Contract with Rasmussen Brothers, Inc., for Construction of the City of Montclair City Hall Remodel Phase 2 Project**

**Authorizing Release of Retention 30 Days After Recordation of Notice of Completion**

The City Council took the following actions:

- (a) Authorized an additional appropriation of \$19,150 from bond proceeds for costs related to construction of the City of Montclair City Hall Remodel Phase 2 Project.
- (b) Approved the filing of a Notice of Completion of contract with Rasmussen Brothers, Inc., for construction of the Project with the San Bernardino County Recorder.
- (c) Authorized release of retention 30 days after recordation of Notice of Completion.

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

The City Council approved the City Warrant Register dated September 8, 2020, totaling \$3,044,114.28; and the Payroll Documentation dated August 2, 2020, amounting to \$613,405.74 gross, with \$425,639.79 net being the total cash disbursement.

**C. Agreements**

**1. Approval of Agreement Nos. 20-72, 20-73, and 20-74 with the County of San Bernardino to Provide for the Receipt of Grant Funds from the 2017, 2018, and 2019 Justice Assistance Grant Awards**

**Authorizing City Manager Edward C. Starr to Sign Said Agreement**

The City Council took the following actions:

- (a) Approved *Agreement Nos. 20-72, 20-73, and 20-74* with the County of San Bernardino to provide for the receipt of grant funds from the 2017, 2018, and 2019 Justice Assistance Grant Awards.
- (b) Authorized City Manager Edward C. Starr to sign said Agreement.

**2. Approval of Agreement No. 20-75 with the County of San Bernardino Related to Distribution of 2020 Justice Assistance Grant Program Award Funds**

**Authorizing City Manager Edward C. Starr to Sign Said Agreement**

The City Council took the following actions:

- (a) Approved *Agreement No. 20-75* with the County of San Bernardino related to distribution of 2020 Justice Assistance Grant Program Award funds.
- (b) Authorized City Manager Edward C. Starr to sign said Agreement.

**4. Amending the 2019-2024 Capital Improvement Program to Include the Reeder Ranch Park Project**

**Authorizing a \$371,965 Appropriation from the Statewide Park Development and Community Revitalization Program Grant Fund for Construction of the Reeder Ranch Park Project**

**Approval of Agreement No. 20-79 with EPT Design for Design Services for the Reeder Ranch Park Project**

The City Council took the following actions:

- (a) Amended the 2019-2024 Capital Improvement Program to include the Reeder Ranch Park Project.
- (b) Authorized a \$371,965 appropriation from the Statewide Park Development and Community Revitalization Program grant funds for costs related to design and construction of the Reeder Ranch Park Project.
- (c) Approved *Agreement No. 20-79* with EPT Design for design services for the Reeder Ranch Park Project.

**D. Resolutions**

**1. Adoption of Resolution No. 20-3286 Adopting a Five-Year Capital Project Needs Analysis**

**Adoption of Resolution No. 20-3287 Adopting a Five-Year Local Street Capital Improvement Program**

The City Council took the following actions:

- (a) Adopted Resolution No. 20-3286 adopting a Five-Year Capital Project Needs Analysis.
- (b) Adopted Resolution No. 20-3287 Adopting a Five-Year Local Street Capital Improvement Program.

## **IX. PULLED CONSENT CALENDAR ITEMS**

### **B. Administrative Reports**

- 2. **Setting a Public Hearing for Monday, September 21, 2020, at 7:00 p.m. to Consider the Following:**

**Adoption of Resolution No. 20-3288 Approving and Certifying the Final Environmental Impact Report for the Montclair Place District Specific Plan and Adopting a Statement of Overriding Considerations and a Mitigation Monitoring Program (Case No. 2018-13)**

**Adoption of Resolution No. 20-3289, a General Plan Amendment Changing the Land Use Designation for 104.35 Acres Bounded by and Including the Right-of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) from “Regional Commercial” to “Planned Development”**

**Adoption of Resolution No. 20-3290, an Amendment to Remove 104.35 Acres from Within the Boundaries of the North Montclair Specific Plan**

**First Reading of Ordinance No. 20-991, an Amendment to the Official Zoning Map Changing the Land Use Designation of 104.35 Acres of the North Montclair Specific Plan Bounded by and Including the Right-of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) from “C-3” (General Commercial) to “Specific Plan”**

**First Reading of Ordinance No. 20-992 Adopting the Montclair Place District Specific Plan for a 104.35-Acre Site Bounded by and Including the Right-of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) Under Case No. 2018-13**

**Mr. Paulitz** provided written comments as follows: “Did the North Montclair Specific Plan not provide for all of the rules and regulations needed? Are the new standards going to be tighter or looser? What started this idea?”

City Manager Starr stated the mall area was not part of the surrounding North Montclair Specific Plan. He advised the regulations are similar but more tailored to a mixed-use area. He noted CIM Group had put forth a proposal to create a plan around 2015; however, changes to consumer behaviors in the retail, dining, and entertainment environment led to CIM approaching the City for assistance with a long-term plan for future development. This collaboration effort produced the currently-proposed Montclair Place District Specific Plan.

Moved by Council Member Johnson, seconded by Council Member Ruh, and carried unanimously 5-0, the City Council set a public hearing for Monday, September 21, 2020, at 7:00 p.m. to consider the following:

- (a) Adoption of Resolution No. 20-3288 approving and certifying the Final Environmental Impact Report for the

Montclair Place District Specific Plan and adopting a statement of overriding considerations and a mitigation monitoring program (Case No. 2018-13).

- (b) Adoption of Resolution No. 20-3289, a General Plan Amendment changing the Land Use Designation for 104.35 acres bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 Parcels) from “Regional Commercial” to “Planned Development”.
  - (c) Adoption of Resolution No. 20-3290, an amendment to remove 104.35 acres from within the boundaries of the North Montclair Specific Plan.
  - (d) First Reading of Ordinance No. 20-991, an amendment to the official Zoning Map changing the Land Use Designation of 104.35 acres of the North Montclair Specific Plan bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 Parcels) from “C-3” (General Commercial) to “Specific Plan”.
  - (e) First Reading of Ordinance No. 20-992 adopting the Montclair Place District Specific Plan for a 104.35-acre site bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 Parcels) under Case No. 2018-13.
3. **Setting a Public Hearing for Monday, September 21, 2020, at 7:00 p.m. to Consider First Reading of Ordinance No. 20-993 Amending the Qualifications to Serve on the Montclair Planning Commission**

Council Member Johnson asked why the same change is not being proposed for the Community Activities Commission (CAC).

City Clerk Phillips advised the qualifications for Planning Commission are outlined in the Montclair Municipal Code (MMC) which can only be altered by ordinance; however, the qualifications for the CAC are set by Council resolution.

Moved by Council Member Johnson, seconded by Council Member Ruh, and carried unanimously 5-0, the City Council set a public hearing for Monday, September 21, 2020, at 7:00 p.m. in the Montclair Senior Center to consider first reading of Ordinance No. 20-993 amending the qualifications to serve on the Montclair Planning Commission.

### C. Agreements

3. **Approval of Agreement No. 20-78 with the San Bernardino County Registrar of Voters Related to the Installation of Secure Mail Ballot Drop Boxes on City Property**

Council Member Johnson stated she is happy to see the two locations proposed at the Civic Center and Police Department; however, she asked whether there is a limit to the number of boxes and if a third could be placed closer to residents of the south end of town.

City Manager Starr advised the list of proposed locations was just released for public review and input. He noted the County’s intent was to locate the boxes at every civic center with the additional number and placement of boxes based several

geographic and demographic factors. He advised the close proximity to the Montclair Transcenter made the Police Department an ideal second location.

Council Member Ruh stated Fire Station No. 2 located on Monte Vista Avenue between Mission and Holt Boulevards would be an ideal location for a box that serves the southern residents.

City Manager Starr stated staff would look into whether additional box locations can be requested.

Moved by Council Member Johnson, seconded by Council Member Ruh, and carried unanimously 5-0, the City Council approved *Agreement No. 20-78* with the San Bernardino County Registrar of Voters related to the installation of secure mail ballot drop boxes on City property.

## **X. COMMUNICATIONS**

### **A. Department Reports — None**

### **B. City Attorney**

City Attorney Robbins requested the City Council to meet in closed session pursuant to Government Code Section 54956.9(d)(1) regarding pending litigation in the following cases:

1. *Cook v. City of Montclair*
2. *Molitor v. City of Montclair*

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

City Manager Starr reported the Fire Department's new ladder truck will be placed into active service beginning Friday, September 11th.

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

City Manager Starr reported San Bernardino County has a total of 49,690 active COVID-19 cases recorded, with 1,133 confirmed cases in Montclair. He advised there have been 765 deaths countywide, with 15 in Montclair. He reported the testing numbers are up, which helps to lower the positivity rate, upon which reopening the economy depends.

City Manager Starr advised that on Friday, August 28, the governor released a new color-based tier system to determine to what extent each County can reopen its economy. He reported San Bernardino County is currently in the purple "widespread" tier, with a higher than 8 percent positivity rate, which is the most restrictive. He noted if the County can move into the red "substantial" tier, which can occur as soon as September 29th, the mall will be able to allow up to 50 percent capacity in time for the holiday shopping season, whereas it is currently only allowed to operate at 25 percent capacity in the purple tier. He clarified the delay is because the system requires counties remain in each tier for at least three weeks before being eligible to advance into a lower tier based on its testing positivity rate. He stated staff will be working with the mall to facilitate compliance with the state's guidelines.

City Manager Starr reported the governor signed AB 3088 extending eviction protections for tenants through February 2021 if they provide a statement of financial hardship due to COVID-19 to their landlord. He clarified these protections do not erase the debt, but prohibits evictions due to nonpayment. He noted there is currently a federal order in place that also provides minimal protections; however, AB 3088 is far more substantial in its protection. He advised the senate is currently working on a "skinny" COVID relief bill, which does not provide any aid to state or local governments; however, it does not appear it will have the requisite amount of votes in senate to

pass into the house.

## 2. Re-Opening City Facilities

City Manager Starr stated a reopening health and safety plan will be provided to the City Council and staff by the end of the week, noting there is a tentative plan to reopen on October 5th if the County is in the red tier by then. He noted it is not recommended to open parks and other facilities that encourage public gatherings at that time until perhaps the orange or yellow tier is achieved. He advised that transitioning to live meetings may also be an option; however, there are going to be many restrictions in place including limited seating and limited remote participation options. He advised Zoom integration with live meetings would be difficult and the technology in the Council Chambers is not optimized for hybrid meetings to be conducted efficiently. He noted one option that could be enacted for in-person meetings in the Council Chambers is to have video of the meeting live-streamed to a monitor in the lobby, which would increase the audience capacity while observing social distancing restrictions.

Mayor Dutrey concurred about waiting until the County enters the red tier to open City facilities with limited access to certain areas. He stated parks should open during the red phase as well.

**Mr. Thuan Nguyen**, resident, stated his support for technology that allows for remote meeting participation when meetings transition to an in-person format. He noted having a live stream of the meeting on the internet would be a good first step to take.

Council Member Ruh stated he is eager to return to in-person meeting but cautioned opening too soon. He stated his opinion that parks should open more slowly, perhaps only a few at a time due to the number of young people who tend to use the parks.

Council Member Johnson stated that she would prefer meeting in-person over holding meetings via Zoom. She noted she is concerned that the amount of meeting participation will be reduced if the only way to participate in a meeting is in-person due to fear of getting sick. She agreed the meetings should be broadcast live to the public at the very least. She also stated parks should only open when it appears safe based on the infection rate, noting she is not confident that everyone will adhere to the safety guidance for public spaces.

Mayor Pro Tem Raft agreed with Council Member Ruh regarding opening parks gradually. She stated the plexiglass shields in the Council Chambers appear to be the standard safety measure used by most businesses right now at their check-out counters. She stated she cannot see how many are in the audience over zoom, and she would like things to open only as soon as it is safe to do so.

Council Member Martinez agreed with the idea of using the lobby as an overflow viewing room. She noted her concerns related to meeting accessibility for those who are not comfortable or feel unsafe leaving their homes during the pandemic. She stated over time, she would like to see more options for audience participation and engagement whether in-person or remote. She noted she is not in favor of opening playground equipment at parks, but supports allowing the public to enjoy grassy open areas with their families in small groups. She stated she feels City Hall can continue operating efficiently while closed to the public until the County is out of the purple zone.

Mayor Dutrey requested staff prepare a report for Council review and discussion at the next meeting regarding going back to in-person Council meetings beginning in October. He stated the City Council should revisit the discussion on opening parks and City facilities at the first meeting in October.

**D. Mayor/Chair**

Mayor Dutrey made the following comments:

1. He stated he would like the Council to hold a discussion in October to reinstate street sweeping parking enforcement due to resident complaints and his own observation of trash and other debris collecting in the gutters.
2. He commended Montclair and Chino Police Departments for apprehending three suspects in two homicides that occurred in Montclair over the weekend.
3. He extended his thoughts and prayers to fire personnel deployed to battle the statewide fires, including one of Montclair's own, and those who have had to evacuate or who have lost their homes.
4. He reported that **Montclair Place** has opened as of Friday with many safety measures in place.
5. He thanked staff for installing the lighted stop signs at the Ramona Avenue and Howard Street intersection, noting the surrounding residents seem to be satisfied with it as a temporary measure until a more permanent solution can be implemented.
6. He noted the **League of California Cities'** Annual Conference is being held virtually this year, and noted Council Member Ruh is the City's voting delegate.
7. He announced the candidates for the two City Council seats at this year's election are **Michael Tadrous, Benjamin "Ben" Lopez, Robert Pipersky, Juliet Orozco, Oscar Miranda, and Tenice Johnson**. He added **Corysa Martinez** is the only candidate who was nominated for the two-year seat, and will remain on the ballot in a separate race against any write-in candidates who are nominated.
8. He recognized today as the late Council Member Trisha Martinez's birthday, noting she was a dear friend and is truly missed.

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

1. Mayor Pro Tem/Vice Chair Raft commended the Police Department on the double homicide case and stated the new lighted stop sign is "a good start" according to residents she's spoken to.
2. Council Member/Director Ruh made the following comments:
  - (a) He commended the police on apprehending the homicide suspects.
  - (b) He noted he has some acquaintances directly affected by the fires including **City of Azusa Council Member Andrew Mendez** whose city is currently experiencing two fires that are currently 8 percent contained with 5,000 acres burning
  - (c) He expressed his frustration that the U.S. Census is ending early on September 30, and emphasized the importance that everyone respond noting funding for cities, transportation, and schools depends on it.



- (d) He stated on Friday, we will once again remember the terrorist attack on the Twin Towers that occurred 19 years ago on September 11, 2001.
- 3. Council Member/Director Johnson made the following comments:
  - (a) She noted the Police Department's handling of the homicide speaks to their training, diligence, and leadership.
  - (b) She shared her experience visiting the mall over the weekend, noting she was very impressed with the safety measures in place including propped open entrance doors and hand sanitizing stations. She noted she did not see a single person who was not wearing a mask.
  - (c) She stated the **Chamber of Commerce** will be holding a voter registration drive at the Chamber office on Saturday, September 19, from noon to 3:00 p.m.
- 4. Council Member/Director Martinez echoed all the sentiments of her colleagues.

**F. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of July 16, 2020**

The City Council received and filed the minutes of the Public Works Committee meeting of July 16, 2020, for informational purposes.

**XI. CLOSED SESSION**

At 8:08 p.m., the City Council went into closed session to discuss pending litigation.

**XII. CLOSED SESSION ANNOUNCEMENTS**

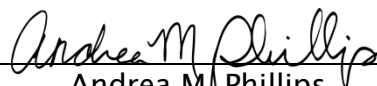
At 8:27 p.m., the City Council returned from closed session.

Mayor Dutrey announced that information was received regarding pending litigation; direction was given to staff; and no further announcements would be made at this time.

**XIII. ADJOURNMENT**

At 8:27 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

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