

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, OCTOBER 5, 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

The invocation was by **Pastor Doris Hampton, Brighter Day Ministries.**

III. PLEDGE OF ALLEGIANCE

Council Member Johnson 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. **Robin Turner, Montclair High School** student and member of the school's **Junior States of America Club**, requested the City recognize October 2020 as LGBTQ+ History Month in the City of Montclair in order to help LGBTQ+ youth feel acceptance and security in the community.
- B. **Mr. Thuan Nguyen**, resident, also requested October be officially recognized by the City as LGBTQ+ History Month and October 11, 2020 as National Coming Out Day. He added former **Mayor Ginger Eaton** also supports this request. He cited a lack of resources for the LGBTQ+ community living in Montclair and stated the City could use this opportunity to teach about LGBTQ+ history and show support for LGBTQ+ residents.
- C. **Mr. Bruce Culp**, resident, stated he supports the LGBTQ+ community and has met and befriended many LGBTQ neighbors since moving into the Paseos apartment complex several years ago. He spoke in opposition to moving back to in-person meetings and encouraged the City to seek ways to incorporate methods of live remote participation by the community when they do resume.

VII. PUBLIC HEARINGS

- A. **Second Reading - Consider Adoption 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”**

**Second Reading – Consider Adoption 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**

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance Nos. 20-991 and 20-992 and invited comments from the public.

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

Moved by Council Member Ruh, seconded by Council Member Johnson, and carried that Ordinance Nos. 20-991 and 20-992 be read by number and title only, further reading be waived, and this be declared their second reading; and that the City Council adopt Ordinance Nos. 20-991 and 20-992.

Ordinance Nos. 20-991 and 20-992 were unanimously adopted by the following roll call vote:

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

**B. Second Reading – Consider Adoption of Ordinance No. 20-993 Amending the Qualifications to Serve on the Montclair Planning Commission**

Mayor Dutrey declared it the time and place set for public hearing related to Ordinance No. 20-993 and invited comments from the public.

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

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried that Ordinance No. 20-993 be read by number and title only, further reading be waived, and that it be adopted.

Ordinance No. 20-993 was unanimously adopted by the following roll call vote:

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

**C. 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 Approving Precise Plan of Design No. 2017-20 and a Parking Management Plan for a Mixed-Use Project Within the Station District of the North Montclair Downtown Specific Plan**

**Mr. Don Henry, Mr. Michael Morris, and Ms. Kaitlin Morris**, representatives of the developer of the proposed project, **Village Partners Ventures LLC**, presented an overview of the project, *The Village at Montclair*.

During the presentation, it was requested that Condition of Approval No. 20 related to flex units be revised, arguing the current condition

would delay the buildout of flex units and increase construction costs. The proposed revision would cause Condition No. 20 to read as follows:

*Flex Units in Building 2 shall each be reserved for commercial/restaurant/office uses for up to nine months following the issuance of a certificate of occupancy for Building 2. At the end of the nine month period following the issuance of a certificate of occupancy, and excluding the 2 southeast corner building units designated as prime potential commercial/restaurant (Potential Restaurant) locations, the property owner/management company may apply to the City Community Development Director for conversion of the subject Flex Units, that have not been leased for commercial/restaurant/office uses, to a temporary residential use and the City shall not unreasonably withhold its consent and respond within 5 business days.*

- ii. Flex Units in Buildings 1, 3, and 4 may be built out as residential with the initial building construction.*
- iii. Conversion of a Flex Unit to a residential or use shall be considered a temporary use. Residential leases of flex units shall not exceed 12 months in term to facilitate conversion to commercial/restaurant/office uses as market demand dictates.*
- iv. A Retail Market Analysis by an independent third-party consultant for the property owner/management company shall be prepared every two years after project completion and submitted to City to guide the conversion of flex units as market demand evolves and dictates.*
- v. Developer to work in good faith with a commercial leasing firm to market and attempt to lease flex space during the project construction period and provide quarterly written leasing activity updates to the Community Development Director.*

Mayor Dutrey declared it the time and place for a public hearing related to Resolution No. 20-3285 and invited comments from the public.

1. **Mr. Bruce Culp**, resident, stated he is supportive of the project and hopes to see it approved tonight with the requested revision. He asked if the zoning would allow for outdoor dining and for microbreweries and gastropubs to operate in the promenade.
2. **Mr. Thuan Nguyen**, resident, asked how the developer decided on the Spanish and Italian design elements utilized throughout buildings in the project, particularly if the community was engaged in that decision.

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 Ruh stated, in response to **Mr. Nguyen's** question, that the design of the buildings is meant to reflect the style of early California historic buildings, which is similar to the style the **Paseos** apartment complex uses. He also concurred that the restrictions on the flex units may be too much considering the retail industry is dying and more housing is needed. He stated he feels the developer's proposal is fair.

Council Member Johnson stated her preference for downtown districts with first-floor retail such as walk-in service businesses and quick bite restaurants. She asked if there is any restriction to the type of retail that can lease those units.

City Manager Starr stated there is a wide range of commercial uses that could be operated from those units, noting the vision is to have establishments that serve immediate area residents and transit riders traveling through the area.

Council Member Johnson asked for clarification on what the developer wants to change.

City Manager Starr advised that currently, the ground floor flex units would be initially reserved for commercial uses for twelve months after the developer receives its certificate of occupancy for the building in order to incentivize the developer to seek and build units to attract retail tenants before completion of construction. He noted that the developer could apply for conversion to residential units for 12-month periods, which would need to be extended annually if there is a demonstrated lack of market demand for retail space based on market studies.

Council Member Johnson noted demand would likely be driven by the number of residents living in the building already. She asked what would happen if the renters do not want to leave after twelve months.

City Manager Starr stated those units' residential leases would need to be limited to twelve months.

Mayor Pro Tem Raft asked if the developer intends to convert all bottom floors to be residential.

City Manager Starr advised some of the units on the bottom floor are permanently designated as residential if they are less accessible from the main street and away from high traffic areas.

City Manager Starr noted the proposed revision to Condition 20 would eliminate the intent of the condition and would impede the opportunity to have retail serving transit riders in the promenade area. He stated the timing in which this project is moving forward is much sooner than staff had anticipated, noting the build-out of development within the boundaries of the Montclair Place District Specific Plan was intended to kick off development in the surrounding area. He stated he understands the developer's trepidation and commended their work on this high quality development proposal; however, he believes the 6,000 residential units planned within the Montclair Place District Specific Plan will create a massive residential base to feed demand for retail businesses in the immediate area. He added staff wants this project to succeed and intends to assist with promotion of the property at shopping center conferences, as it has done for properties throughout the City for the past decade.

City Manager Starr advised that because staff has not had time to thoroughly review the developer's request, he recommends the City Council continue this item to the November 2nd meeting so staff can determine whether it complies with the North Montclair Downtown Specific Plan and provide a recommendation at that time.

Council Member Martinez stated she has concerns of allowing the use of flex space in the promenade area for residential, noting it would make the area feel more like a residential community and hurt business in the village while undermining the intent of the project.

Council Member Ruh stated that in the short-term, especially with the current pandemic and economic situation impacting retail, he feels it would be difficult for the developer to find tenants for retail within twelve months. He stated he does not feel that more retail on the ground floor at this time would hurt the project, citing a similar situation at the Americana at Brand in Glendale. He expressed his hope that the City can work with the developer on this.

Mayor Dutrey stated the staff report does not discuss flex units in depth and feels this item should be continued so staff and the developer can possibly come to an agreement or provide more information to the Council at the next meeting.

**Mr. Morris** stated he disagrees with City Manager Starr's comments and emphasized that the proposed revision does not force or preclude anything. He stated he would prefer a decision be made on this today.

At 8:54 p.m. Mayor Pro Tem/Vice Chair Raft was disconnected from the meeting.

**Mr. Henry** stated that, while he does agree with many of City Manager Starr's points and shares staff's ambitious vision for the project, the timing of the project does not align with the other aspects needed for its success such as the Gold Line and surrounding high-quality developments. He noted he does not feel that today's market would support such a retail corridor and that he believes future development and population increases in the immediate area will bring the necessary demand for retail at a later time.

Mayor Dutrey stated he does not feel comfortable making a decision today with this last-minute change being proposed that may have a great impact on the project. He stated he would like an opportunity to study the issue before coming to a decision.

Mayor Dutrey motioned to continue consideration of this item to Monday, November 2, 2020, at 7:00 p.m. Council Member Dutrey seconded the motion. The motion carried 3-1-1 by the following roll call vote:

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

## VIII. CONSENT CALENDAR

Moved by Council Member/Director Ruh, seconded by Council Member/Director Johnson, and carried 4-0 by the following roll call vote for approval of the remainder of the Consent Calendar as presented:

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

### A. Approval of Minutes

#### 1. Regular Joint Meeting — September 21, 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 September 21, 2020 regular joint meeting.

### B. Administrative Reports

#### 1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 5, 2020, totaling \$1,816,735.80; and the Payroll Documentation dated August 30, 2020, amounting to \$586,787.72 gross, with \$415,900.02 net being the total cash disbursement.

#### 2. Approving a Grant Fund Balance Carryover of \$19,033.28 from Prior Fiscal Years for the Human Services Department to Support Ongoing Clinic and Family Health Education Program Needs

The City Council approved a grant fund balance carryover of \$19,033.28 from prior fiscal years for the Human Services Department to support ongoing Clinic and Family Health Education Program needs.

### C. Agreements

#### 1. Approval of Agreement No. 20-80 with Partners in Care Foundation City of Hope to Implement the Chronic Disease Self Management Education Programs

**Authorizing the Director of Human Services to Sign Agreement No. 20-80 and Any Other Documents to Effectuate the Programs**

The City Council took the following actions:

- (a) Approved *Agreement No. 20-80* with Partners in Care Foundation City of Hope to implement the Chronic Disease Self Management Education Programs.
- (b) Authorized the Director of Human Services to sign *Agreement No. 20-80* and any other documents to effectuate the programs.

**2. Approval of Agreement Nos. 20-82 and 20-83 with San Bernardino County Transportation Authority for the Betterment of Sewer Infrastructure and Other Utilities in Monte Vista Avenue Crossing the I-10 Freeway**

The City Council approved *Agreement Nos. 20-82* and *20-83* with San Bernardino County Transportation Authority for the betterment of sewer infrastructure and other utilities in Monte Vista Avenue crossing the I-10 Freeway.

**3. Approval of Agreement No. 20-84 with Dennis Grubb and Associates, LLC, to Provide Fire Marshal and Fire Construction Plan Review Services for the City**

The City Council approved *Agreement No. 20-84* with Dennis Grubb and Associates, LLC, to provide Fire Marshal and fire construction plan review services for the City.

**D. Resolutions — None**

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

**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)(2) for conference with legal counsel regarding anticipated litigation - 1 potential case.

**C. City Manager/Executive Director**

**1. COVID-19 Update**

City Manager Starr advised there have been 1,307 positive cases of COVID-19 in Montclair, and 25 deaths. He reported the seven-day test positivity rate in San Bernardino County has increased beyond the maximum threshold for the red tier, keeping the county in the purple tier until at least October 27th if the County manages to achieve and maintain a rate below the red threshold for two consecutive weeks. He advised a new study in India has found that children of all ages are spreading the virus in significant numbers, and that school re-openings are likely to lead to new outbreaks.

He reported the federal legislature is no closer to approving another COVID relief package, and it does not appear that anything will be approved before the election.

**D. Mayor/Chair**

- 1. Mayor Dutrey announced the cancellation of the October 19, 2020 regular joint meeting due to lack of a quorum.

Mayor Dutrey made the following comments:

- 2. He stated he feels the City's streets are becoming littered due to the suspension of parking enforcement for street sweeping

days. He stated he would like the City Council to consider resuming parking enforcement on November 9th at the next regular meeting on November 2nd.

3. He recognized Montclair resident **Elvira Whitney** on her 100th birthday, stating she was presented with a certificate earlier today.

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

1. Council Member/Director Ruh made the following comments:
  - (a) He restated his belief that the County of San Bernardino elected officials are not taking the virus seriously and stated County residents need to hold these elected officials accountable.
  - (b) He reminisced about growing up in Montclair and spending time at Montclair Plaza and stated he is happy to see the City helping the mall to change with the times and reinvent itself.
2. Council Member/Director Johnson made the following comments:
  - (a) She stated there have been resident complaints about strange cars parking on their streets at night and encouraged anyone who sees suspicious activity such as this to call the Montclair Police Department.
  - (b) She announced Cardenas Market will be holding its grand opening on October 14th at 10:00 a.m. and encouraged the public to stop by.

**F. Committee Meeting Minutes**

**1. Minutes of Public Works Committee Meeting of August 20, 2020**

The City Council received and filed the minutes of the Public Works Committee meeting of August 20, 2020, for informational purposes.

**XI. CLOSED SESSION**

At 9:30 p.m., the City Council went into closed session to discuss anticipated litigation.

**XII. CLOSED SESSION ANNOUNCEMENTS**

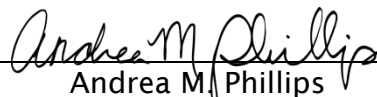
At 9:40 p.m., the City Council returned from closed session.

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

**XIII. ADJOURNMENT**

At 9:40 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