

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, NOVEMBER 2, 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 by **Pastor Josh Matlock, Bethany Baptist Church.**

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem 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; Senior Management Analyst Fuentes; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

A. **Mr. Bruce Culp**, resident, thanked Mayor Pro Tem Raft for her many years of service on the City Council.

VII. PUBLIC HEARINGS

A. **Setting a Public Hearing for Monday, November 16, 2020, and Continuing the Review 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 to Said Public Hearing**

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

Mr. Bruce Culp, resident, stated he is in agreement and support of staff's position to require retail tenants on ground floor flex units for the initial 12 months after construction and issuance of the certificate of occupancy, noting that while he understands the pandemic has changed things, he feels strongly that retail will want to return as soon as the pandemic subsides.

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 Johnson stated she supports the initial vision of the plan and while the pandemic will pass, the vision should remain in place.

Mayor Pro Tem Raft stated she had technical difficulties at the last meeting and stated she would have voted not to approve the changes at the last meeting had the opportunity come up while she was still connected. She noted the neighboring city of Claremont is considering a similar plan on Arrow Highway to the west. She stated she would not support changes at this point.

Mayor Dutrey stated this is a complex issue and staff and the developer would like to continue discussing potential solutions, and have requested the item again be continued.

Moved by Council Member Ruh, seconded by Council Member Martinez, and carried 4-1 with Mayor Pro Tem Raft dissenting, the City Council set a public hearing for Monday, November 16, 2020, at 7:00 p.m. and continued the review 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 to said public hearing.

VIII. CONSENT CALENDAR

Mayor Dutrey pulled Item B-9 for discussion.

Moved by Council Member/Director Johnson, seconded by Mayor Pro Tem/Vice Chair Raft, and carried 5-0, the City Council approved the remainder of the Consent Calendar as presented:

A. Approval of Minutes

1. Regular Joint Meeting — October 5, 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 October 5, 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 September 30, 2020.

2. Approval of City Warrant Registers and Payroll Documentations

The City Council approved the City Warrant Register dated October 19, 2020, totaling \$821,133.42; and the Payroll Documentation dated September 13, 2020, amounting to \$624,216.51 gross, with \$430,750.15 net being the total cash disbursement; and the Payroll Documentation dated September 27, 2020, amounting to \$626,727.75 gross, with \$416,890.88 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 September 30, 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 09.01.20-09.30.20 in the

amounts of \$2,148,956.79 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 September 30, 2020.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 09.01.20-09.30.20 in the amount of \$41,488.00.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending September 30, 2020.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 09.01.20-09.31.20 in the amount of \$0.00.

10. Authorizing the Receipt of \$6,501.60 from the Fiscal Year 2020 Patrick Leahy Bulletproof Vest Partnership Program to Assist with the Cost of Ballistic Vests

The City Council authorized the receipt of \$6,501.60 from the Fiscal Year 2020 Patrick Leahy Bulletproof Vest Partnership Program to assist with the cost of ballistic vests.

11. Authorizing the Receipt of \$90,909 from the Fiscal Year 2019 Assistance to Firefighters Grant to Purchase Source Capture Exhaust Extraction Systems for Both Fire Stations

Authorizing a \$25,547 Appropriation from the Contingency Fund to Pay the 10 Percent Required Match and Cover the Remaining Balance of the Exhaust Extraction Systems

The City Council took the following actions:

- (a) Authorized the receipt of \$90,909 from the Fiscal Year 2019 Assistance to Firefighters Grant to purchase source capture exhaust extraction systems for both fire stations.
- (b) Authorized a \$25,547 appropriation from the Contingency Fund to pay the 10 percent required match and cover the remaining balance of the exhaust extraction systems.

12. Authorizing Staff to Advertise for Bid Proposals for Construction of the Electric Vehicle Charging Stations Project

The City Council authorized staff to advertise for bid proposals for construction of the Electric Vehicle Charging Stations Project.

13. Approving the Purchase of Whole Turkeys and Other Assorted Food Items for the Montclair Holiday Food and Toy Basket Program

The Montclair Community Foundation Board of Directors approved the purchase of whole turkeys and other assorted food items for the Montclair Holiday Food and Toy Basket Program.

C. Agreements

1. Approval of Amendment No. 1 to *Agreement No. 20-22* with the State of California Natural Resources Agency Department of Parks and Recreation to Extend the Grant Performance Period for the Statewide Park Development and Community Revitalization Program Grant to Develop Reeder Ranch Park

Authorizing the City Manager to Execute Amendment No. 1 to Agreement No. 20-22 and All Subsequent Grant-Related Documents

The City Council took the following actions:

- (a) Approved Amendment No. 1 to *Agreement No. 20-22* with the State of California Natural Resources Agency Department of Parks and Recreation to extend the grant performance period for the Statewide Park Development and Community Revitalization Program Grant to develop Reeder Ranch Park.
- (b) Authorized the City Manager to execute Amendment No. 1 to *Agreement No. 20-22* and all subsequent grant-related documents.

2. Approval of Agreement No. 20-86 with Graffiti Tracker Inc. for Continued Use of Its Database to Track and Analyze Graffiti

Authorizing a \$3,330 Appropriation from the Prop 30/AB 109 Fund to Pay the Costs Associated with Agreement No. 20-86

The City Council took the following actions:

- (a) Approved *Agreement No. 20-86* with Graffiti Tracker Inc. for continued use of its database to track and analyze graffiti.
- (b) Authorized a \$3,330 appropriation from the Prop 30/AB 109 Fund to pay the costs associated with *Agreement No. 20-86*.

3. Approval of Agreement No. 20-87 with Twinning, Inc. and Agreement No. 20-88 with Ninyo & Moore for On-Call Geotechnical Engineering, Materials Testing, and Inspection Services for City Capital Improvement Projects

The City Council approved *Agreement No. 20-87* with Twinning, Inc. and *Agreement No. 20-88* with Ninyo & Moore for on-call geotechnical engineering, materials testing, and inspection services for City Capital Improvement Projects.

4. Approval of Agreement No. 20-89 with San Bernardino County for Ada Avenue and Howard Street Rehabilitation Project

The City Council approved *Agreement No. 20-89* with San Bernardino County for Ada Avenue and Howard Street Rehabilitation Project.

5. Approval of Agreement No. 20-90 with San Bernardino County Transportation Authority for the West Valley Connector Project

The City Council approved of *Agreement No. 20-90* with San Bernardino County Transportation Authority for the West Valley Connector Project.

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

9. Lifting the Temporary Suspension of Parking Restrictions on Scheduled Street Sweeping Days and Resume Parking Enforcement

City Clerk Phillips read a public comment from **Mr. Oscar Miranda**, resident, in opposition of reinstating the street sweeping parking restrictions due to the pandemic and the

hardships families continue to face in relation to job losses, work situations moving to the home, and a lack of available parking for apartments. He stated he would support the issuance of warnings over citations and urged a greater education effort that includes social media and mailers, should enforcement resume.

Mr. Bruce Culp, resident, stated he supports street sweeping; however, he feels separate consideration should be given to those living in apartments because he believes the complex managers are resorting to towing vehicles in violation of the parking management plan while evictions are suspended as a way to harass residents and force them to leave on their own. He stated if residents cannot park on the street, they would need to decide between a \$40 citation or a risk of being towed. He urged the City to contact apartment complex management companies to discuss this issue.

Council Member Johnson stated she is concerned that many residents are still out of work and need to park their cars at home all day, but feels some action is required to clean up the streets. She asked the following questions:

- (a) Why is parking restricted for seven hours when the street sweeping should be completed in much less time for designated tracts?
- (b) Can multifamily residents be permitted to park in other locations such as the Police Department on street sweeping days?

City Manager Starr advised the street sweeping route can and does take the entire seven-hour allotted time depending on factors including removal of obstacles, returning to the City Yard to refill the water tank; and working with the Police Department to cite vehicles blocking the curbs. He advised that due to a court case, residents are allowed to park on the street as soon as the sweeper has passed. He noted the routes cannot be broken down and signs changed to smaller intervals due to the cost to do so and situations that may alter the schedule. He advised street sweeping is designated on alternate sides of the street to allow residents to park near their homes on street sweeping days.

Council Member Ruh noted many are home now due to job losses and work-from-home situations. He added many families now have adult children and extended family members living with them in their homes, with multiple cars to park. He emphasized the need to find a solution for those families. He suggested the City talk to the property management companies to relax their own parking restrictions on street sweeping days. He stated he would like to delay making a decision on this issue until the next meeting, after staff has had a chance to reach out to neighbors and property managers.

Mayor Pro Tem Raft stated the proposed warning period from November 9 through 22 seems adequate, and stated she feels the streets are littered with trash and debris and are posing a danger to flooding if it rains.

Council Member Martinez asked if the federal National Pollutant Discharge Elimination System (NPDES) requirements could be suspended in light of the pandemic.

City Manager Starr advised the current administration has not relaxed any regulations in relation to NPDES requirements, and advised if a complaint is filed the City could face a fine of \$10,000 per day.

Council Member Martinez asked if it is possible to reduce the frequency of street sweeping to provide some relief, or to provide hardship waivers for families that cannot afford the

finest if cited.

City Manager Starr stated staff could explore a revised sweeping schedule. He advised sweeping still takes place; however, the curbs where cars are parked are not being cleaned. He advised residents who receive citations can appeal citations to a hearing officer, and could use financial hardship to request dismissal; however, the City cannot influence the decision of the hearing officer.

Council Member Ruh suggested perhaps only modifying the sweeping schedule for areas with heavily impacted parking, and recommended surveying neighborhoods about available alternate parking during street sweeping days.

Moved by Mayor Dutrey, seconded by Council Member Johnson, and carried unanimously, the City Council took the following actions:

- (a) Extend the warning and education period through December 7, 2020 for street sweeping parking enforcement to begin December 8, 2020, pending City Council approval at its regular meeting on December 7, 2020;
- (b) Direct staff to prepare a printed and electronic survey for residents, including those that receive warnings, to submit comments or complaints for consideration; and
- (c) Direct staff to explore instating a revised street sweeping schedule occurring every other week and bring its findings and recommendation to the City Council at its regular meeting on December 7, 2020.

X. COMMUNICATIONS

A. Department Reports — None

B. City Attorney

City Attorney Robbins requested the City Council meet in closed session pursuant to Government Code Section 54956.9(d)(2) for conference with legal counsel regarding pending litigation - *Montclair v. Green Lotus / Secret Garden*.

C. City Manager/Executive Director

1. COVID-19 Update

City Manager Starr stated he would suspend tonight's update to let everyone get to bed earlier in consideration of tomorrow being Election Day.

D. Mayor/Chair

Mayor/Chair Dutrey made the following comments:

1. He reported COVID-19 case numbers are growing again throughout the nation and abroad at an alarming rate.
2. He commended staff for its response to last week's wind storm that downed several trees throughout the community.
3. He stated he heard great things from the community about Saturday's Halloween drive-thru event.
4. He noted this is a very important election. He stated he anticipates an 80 percent turnout of Montclair voters based on the 75 percent turnout in 2016. He noted mail ballots will likely represent at least 40 percent of the votes cast this election and the results of those votes may be released as early as 8:05 p.m. tomorrow night.
5. He stated he respects and appreciates the community's online presence on **Facebook** and addressed recent political discussions held relating to the City's stance on LGBTQ issues,

noting the City and City Council respect the LGBTQ community and do not condone discrimination on any level. He also condemned derogatory comments made about **Congresswoman Norma Torres**, who has been a great friend to Montclair by advocating for the City on many issues over the years including the **Gold Line**. He noted he was alarmed when he was directly asked by a resident on **Facebook** whether the City is prepared to respond to riots after the election. He stated the Police Department is always prepared to respond or provide aid to neighboring communities. He stated he does not feel there is anything to worry about, and believes in democratic principles instilled by the Constitution. He stated he is confident there will be a peaceful acceptance of the result of the presidential election.

6. He condemned a political campaign mailer disparaging and making false statements about Montclair that went out to Rancho Cucamonga voters. He advised the City of Rancho Cucamonga also condemned the statements on the mailer.
7. He wished luck to his colleagues who are on the ballot.
8. He stated tonight's meeting would be adjourned in memory of longtime Montclair resident and veteran, **Mr. John Mendez**.

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

1. Council Member/Director Martinez stated this has been a rough year, and encouraged everyone to go vote.
2. Council Member/Director Johnson made the following comments:
 - (a) She stated her hope for future changes in the Montclair Police Department, including partnerships with social and mental health organizations to provide on-call mental health or social worker assistance just as ambulances are called for medical assistance. She noted if Measure L passes this could also include hiring staff for this purpose and fully staffing the Police and Fire Departments.
 - (b) She stated **Tommy's Car Wash** is hosting a drive-through food and toy drive from November 15 through December 15, and will give free car washes to those who donate a toy or three canned goods.
 - (c) She stated she is praying for peace in the community no matter the outcome of tomorrow's election, noting we need to collaborate and move on.
3. Council Member/Director Ruh made the following comments:
 - (a) He commended staff and thanked Community Activities Commissioners for their work at the Halloween Drive Thru event.
 - (b) He emphasized his support for science, medicine, and statistics, and urged everyone to wear face coverings in public, keep separation, and wash and sanitize hands.
 - (c) He stated **Congresswoman Torres** is a friend of the community and a champion for Montclair.
 - (d) He cautioned those who walk outside noting it is now getting dark earlier. He urged pedestrians to wear reflective gear and carry flashlights, and drivers to be more cautious. He also stated all passengers should get out curbside.

- (e) He stated not all residents, including himself, are on social media and stated these residents need to get the same messages as everyone else.
 - (f) He encouraged everyone to go vote and be patient for results after the polls close.
4. Mayor Pro Tem/Vice Chair Raft made the following comments:
- (a) She stated her electricity was out for several hours after last week's windstorm and she observed many other cities had more fallen trees than Montclair.
 - (b) She urged everyone to stay calm and accept the outcome of tomorrow's election, and to be proud of our country.
 - (c) She wished Council Member Johnson luck on getting elected to her currently appointed seat tomorrow.
 - (d) She offered her condolences to the Mendez family on the passing of **Mr. John Mendez**.

Mayor Dutrey stated the City Council would like to recognize Mayor Pro Tem Raft's service at the regular meeting on December 7th, and proposed the meeting be held in-person in the Senior Center to celebrate her retirement from the City Council.

Mayor Pro Tem Raft stated she would very much appreciate that.

F. Committee Meeting Minutes — None

XI. CLOSED SESSION

At 8:36 p.m., the City Council went into closed session to discuss pending litigation.

XII. CLOSED SESSION ANNOUNCEMENTS

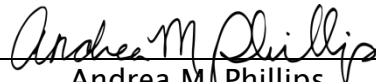
At 8:46 p.m., the City Council returned from closed session.

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 8:47 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