

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, JANUARY 19, 2021 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 Joe McTarsney, Calvary Montclair.**

**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 Ruh; Council Members/Directors Johnson, Martinez, and Lopez

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

**V. PRESENTATIONS**

**A. Community Activities Commission Military Banner Presentation**

Community Activities Commission (CAC) Vice Chair Richard Escalante stated that thirteen years ago, the CAC began sponsoring a military street banner program to recognize Montclair residents currently serving in the **U.S. Armed Forces**. He advised that in 2020, 53 military banners and two banners honoring all Veterans were proudly displayed throughout Montclair.

CAC Vice Chair Escalante introduced and summarized the service of each military veteran. The five honorees were:

- **John Paul Pulido**, Army, 1989-2020
- **Salvador G. Valle**, Army, 2015-2019
- **Jorge Magaña**, Army, 2000-2020
- **Christian Louis Godinez**, Marine Corps, 2014-2018
- **Casara L. Sanchez**, Army, 2013-2019

Mayor Dutrey thanked CAC Vice Chair Escalante for his presentation, and thanked the honorees for their service.

**B. COVID-19 Community Recognition Award**

Mayor Dutrey announced the City's new COVID-19 Community Recognition Award program to monthly recognize residents, businesses and organizations for their outstanding efforts in the community during the unprecedented and challenging COVID-19 pandemic. He advised nomination forms are available on the City's website and asked Human Services Director Richter to introduce the first recipient.

Human Services Director Richter introduced **Mr. Gregory Puente** who contacted the **Meals on Wheels** program in April 2020 to offer his assistance to deliver meals to senior citizens in Montclair during the pandemic. She advised that many of the **Meals on Wheels** volunteers who delivered in Montclair were also over age 65 and were not able to continue doing their volunteer work with the Governor's stay at home order. She noted **Gregory's** call to offer his assistance came at the perfect time, when the program was struggling to continue getting the meals out to clients here in Montclair, and the program has been able to continue thanks to volunteers like **Gregory** offering to help during the pandemic. She added that when he called to volunteer, he had originally agreed to helping one day a week; however, by the next day, he had committed to helping two days a week. Recently one of the other volunteers unfortunately became ill and **Gregory** stepped up to also cover their day of the program so he was delivering meals to our Montclair residents on **the Meals on Wheels** program three days a week. **Gregory** is the first one to offer to help if one of the volunteers has an emergency or for some reason can't make their assigned day. **Gregory** has been an outstanding volunteer during this pandemic and the City wants to recognize him for his dedication and service to the Montclair community.

Mayor Dutrey thanked **Mr. Puente** for his dedication and service and advised he would arrange to personally present him with a Certificate of Recognition and a City pin.

**Mr. Puente** stated he is very honored by this recognition and that helping others in need is its own reward for him. He thanked the Mayor and City Council.

#### VI. PUBLIC COMMENT

- A. City Clerk Phillips read a public comment from **Ms. Virna Ruiz**, resident, pleading the City Council to allow the re-opening of the City's parks for the mental and physical health of residents and children in the community.
- B. City Clerk Phillips read a public comment from **Ms. Alma Trejo**, resident, expressing concern regarding Council Member Lopez's election to the City Council after discovering his past actions lobbying for what she referred to as "discriminatory policies and legislation against the LGBTQ+ community." She claimed that when confronted on social media, Council Member Lopez avoided answering or blocked the individuals. She requested that Council Member Lopez make a public statement denouncing such policies and rhetoric.
- C. **Mr. Bruce Culp**, resident, expressed his gratitude for the inauguration to swear **President-elect Biden** and **Vice President-elect Harris** into office tomorrow, and commended the beautiful COVID-19 memorial display this evening at the Capitol put in place by the incoming administration, and the memorial displays by cities around the nation including Montclair. He stated he is happy there will be a federal mask mandate and commended the City of Montclair for upholding mandate within its boundaries when the **County of San Bernardino** suspended it countywide. He expressed his disappointment in the County for pushing to relax the health guidelines and for suing the state.

#### VII. PUBLIC HEARINGS — None

#### VIII. CONSENT CALENDAR

Council Member/Director Lopez requested Item A-2 be pulled from the consent calendar for a correction to the minutes, and that his comments be noted under Items C-1 and D-3.

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

**A. Approval of Minutes**

**1. Special Meeting — December 7, 2020**

The City Council approved the minutes of the December 7, 2020 special meeting.

**B. Administrative Reports**

**1. Receiving and Filing of City Treasurer's Report**

The City Council received and filed the City Treasurer's Reports for the months ending November 30, 2020 and December 31, 2020.

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

The City Council approved the City Warrant Registers dated December 21, 2020, totaling \$1,149,103.88 and January 19, 2021, total \$1,819,525.59; and the Payroll Documentations dated November 22, 2020, amounting to \$574,054.63 gross, with \$393,503.10 net being the total cash disbursement; December 6, 2020, amounting to \$704,676.50 gross, with \$478,008.24 net being the total cash disbursement; and December 20, 2020, amounting to \$601,135.97 gross, with \$411,186.26 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 Reports for the months ending November 30, 2020 and December 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 Registers dated 11.01.20–11.30.20 in the amounts of \$11,576.17 for the Combined Operating Fund and \$0.00 for the Redevelopment Obligation Retirement Funds; and 12.01.20–12.31.20 in the amounts of \$8,555.06 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 Reports for the months ending November 30, 2020 and December 31, 2020.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Registers dated 11.01.20–11.30.20 in the amount of \$62,966.01, and 12.01.20–12.31.20 in the amount of \$40,714.03.

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

The MHA Commissioners received and filed the MHA Treasurer's Reports for the months ending November 30, 2020 and December 31, 2020.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Registers dated 11.01.20–11.30.20 in the amount of \$0.00, and 12.01.20–12.31.20 in the amount of \$0.00.

**9. Authorizing the Purchase of a Pressure Washer from Geyser Equipment**

The City Council authorized the purchase of a pressure washer from Geyser Equipment.

## C. Agreements

1. **Approval of *Agreement No. 21-01* with the San Bernardino County Office of Homeless Services to Accept an Award for the Homeless Housing, Assistance and Prevention Program (HHAP)**

### **Authorizing the City Manager to Sign *Agreement No. 21-01* and Any Other Documents to Effectuate Homeless Assistance Programs**

The City Council took the following actions:

- (a) Approved *Agreement No. 21-01* with the San Bernardino County Office of Homeless Services to accept an award for the Homeless Housing, Assistance and Prevention Program (HHAP).
- (b) Authorized the City Manager to sign *Agreement No. 21-01* and any other documents to effectuate homeless assistance programs.

Council Member Lopez pointed out that this grant provides \$115,000 in funds for eligible expenses to assist the homeless with housing, including rental assistance.

Mayor Dutrey added he would like to spend more time in the next budget process to address housing issues.

## D. Resolutions

1. **Adoption of Resolution No. 21-3294 Rescinding and Superseding Resolution No. 15-3073 Identifying and Correcting Updated Terms and Conditions for a Fire Department Response Away from its Official Duty Station when Assigned to a State or Federal Declared Emergency Incident**

The City Council adopted Resolution No. 21-3294 rescinding and superseding Resolution No. 15-3073 identifying and correcting updated terms and conditions for a Fire Department response away from its official duty station when assigned to a State or Federal declared emergency incident.

2. **Adoption of Resolution No. 21-3297 Authorizing Salaries and Classification Titles for City Employees on a Consolidated Salary Schedule**

The City Council adopted Resolution No. 21-3297 authorizing salaries and classification titles for City employees on a consolidated salary schedule.

3. **Adoption of Resolution No. 21-3299 Continuing to Declare that a Local Public Health Emergency Exists in the City of Montclair, Updating Provisions of the Original Declaration In Relation to COVID-19 Sick Leave, and Continuing to Establish City Eligibility for Federal and State Funding Assistance**

The City Council adopted Resolution No. 21-3299 continuing to declare that a local public health emergency exists in the City of Montclair, updating provisions of the original declaration in relation to COVID-19 sick leave, and continuing to establish City eligibility for federal and state funding assistance.

Council Member Lopez asked if an employee, through no fault of their own, contracts COVID-19 a second time and has already exhausted the 80 hours of sick leave provided for the first time, would be denied the ability to use sick leave for the second infection.

City Manager Starr advised most of the changes address the expiration of the Family First Coronavirus Response Act (FFCRA)

on December 31st, the provisions of which are not currently included in the City's prior resolution, which was adopted before FFCRA went into effect. He explained the presumption under FFCRA was that City governments are responsible and held accountable for employees who contract COVID-19; however, the City is adopting the FFCRA with the provision that the City may deny the use of paid sick leave if the employee is found to have participated in behaviors that are against the current public health guidance, such as attending a large gathering or traveling out of the country. He indicated the **Biden Administration** is expected to reinstate the FFCRA and if that happens, that provision of the City's resolution would become void.

## IX. PULLED CONSENT CALENDAR ITEMS

### A. Approval of Minutes

#### 1. Regular Joint Meeting — December 7, 2020

Council Member Lopez requested a correction to the minutes for the motion made for Item B-2 under Pulled Consent Calendar Items.

Mayor Dutrey advised the minutes would be corrected and presented at the next meeting for approval.

## X. BUSINESS ITEMS

### A. Consider Adoption of Resolution No. 21-3298 Making Certain Findings for an Exception to the 180-Day Wait Period Pursuant to Government Code Sections 7522.56 and 21221(H) Allowing Retired Deputy Fire Chief Jackson to be Hired for Temporary Part-Time Employment as Interim Deputy Fire Chief

Council Member Lopez stated he has known retired Deputy Fire Chief Jackson for a long time and welcomes his return as Interim Deputy Fire Chief. He encouraged the promotion from within when hiring the next Deputy Fire Chief, adding his hope that one day the Fire Chief position can be restored.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried 5-0 by roll call vote, the City Council adopted Resolution No. 21-3298 making certain findings for an exception to the 180-day wait period pursuant to Government Code Sections 7522.56 and 21221(H) allowing retired Deputy Fire Chief Jackson to be hired for temporary part-time employment as Interim Deputy Fire Chief.

## XI. COMMUNICATIONS

### A. Department Reports — None

### B. City Attorney

City Attorney Robbins requested the City Council meet in closed session for conference with legal counsel regarding the following matter:

#### 1. Pending Litigation Pursuant to Government Code Section 54956.9(d)(1)

*Torres v. Montclair*

### C. City Manager/Executive Director

City Manager Starr updated the City Council on the current COVID-19 pandemic situation including the post-holiday surge of cases, bringing the nation's total to 25 million confirmed cases and 405,000 deaths. He advised that while the state has received and distributed its allocation of vaccines, one specific batch of **Moderna** vaccine doses—which accounts for 10 percent of all vaccines allocated in the state and 20 percent of the County's allocation—was

put on hold due to allergic reactions experienced by some individuals who received the vaccine at one site, which is a major setback for the vaccination effort. The setback means that vaccines likely won't be administered to those in the 65+ age group as soon as initially reported, and many vaccination appointments have been cancelled due to the reduced supply.

As of this weekend, the state has administered 1.8 million doses of the vaccine; however, there are new more contagious variants of the virus linked to large outbreaks in northern California. He noted that while **President Biden** has announced a new rescue package, it is not expected to be considered by Congress until March.

Council Member Johnson asked if any locations in Montclair are being considered as vaccination sites, such as the **Transcenter** or **Montclair Place**.

City Manager Starr advised the County has not designated any vaccination supercenters as Los Angeles and Orange Counties have done, with Disneyland and Dodger Stadium being two of those designated. He advised the City is working with the County to propose **Montclair Place** as a regional vaccination center.

**D. Mayor/Chair**

**1. Reorganization of 2021-2022 Council Committee/Liaison Assignments [CC]**

Mayor Dutrey recommended eliminating the Education Committee, noting education issues can be discussed by the Human Services Committee.

Council Members discussed changes to the committee/liaison assignments.

Moved by Council Member Martinez, seconded by Council Member Johnson, and carried unanimously that the City Council receive and file the 2021-2022 Council Committee/Liaison Assignments as follows:

<i>City Council Committees</i>	<i>Member</i>	<i>Member</i>
Code Enforcement/Public Safety	Lopez	Johnson
Community Activities Commission Interview Panel	Ruh	Martinez
Human Services	Ruh	Martinez
Legislative/Intergovernmental	Ruh	Dutrey
Personnel	Ruh	Johnson
Planning Commission Interview Panel	Johnson	Lopez
Public Works	Johnson	Lopez
Real Estate	Martinez	Dutrey
Tri-City Gold Line	Ruh	Dutrey

<i>City Council Liaisons</i>	<i>Member</i>	<i>Member</i>
Chamber of Commerce	Johnson	Martinez
Community Activities Commission	Ruh	Martinez
Planning Commission	Johnson	Lopez

<i>Interagency Committees</i>	<i>Member</i>	<i>Alternate</i>
Gold Line Phase II Joint Powers Authority Board	Ruh	Johnson
Omnitrans	Dutrey	Johnson
San Bernardino County Transportation Authority (SBCTA)	Dutrey	Johnson
IEUA Regional Sewerage Program Policy Committee	Dutrey	Lopez

<i>External Organizations</i>	<i>Member</i>	<i>Alternate</i>
City Selection Committee (San Bernardino County)	Mayor	<i>Appointee</i>
League of California Cities – Inland Empire Division	Johnson	Ruh
League of California Cities – State	Ruh	Martinez
National League of Cities	Ruh	Johnson
So. Cal. Assoc. of Governments – General Assembly	Dutrey	Ruh
West Valley Mosquito and Vector Control District	Carolyn Raft (exp. Jan 2024)	<i>None</i>

<i>External Committees</i>	<i>Member</i>	<i>Alternate</i>
Chamber of Commerce Legislative Committee	Ruh	Johnson
SBCTA Metro Valley Study Session	Dutrey	Johnson
SBC Mayors and City Managers Task Force	Dutrey	<i>Staff</i>
SBC Solid Waste Advisory Task Force (SWAT)	Johnson	<i>Staff</i>

*Note: Mayor or another Council Member designated by the Mayor may attend meetings in the absence of the assigned committee members.*

2. Mayor/Chair Dutrey made the following comments:

- (a) He made a statement condemning the violent actions that took place at the Capitol building on January 6, 2021, noting it is unfortunate that there will be 25,000 troops assigned to protect the capitol during tomorrow’s inauguration and that the current president will not be present to welcome his successor.

He noted the past year has been full of violence in relation to the Black Lives Matter protests and the spread of misinformation, as well as a gridlock on policy actions at the federal level. He acknowledged the division that exists in this country is much worse than it was four years ago, but the United States will get past this.

He advised the **City of Big Bear Lake** adopted a resolution for unity and peace, and the City Council would adopt the same at its next meeting.

- (b) He announced the devastating loss of a cherished member of the Community, **Mr. Donald Vodvarka**. **Mr. Vodvarka** was a staple of the community and helped found **Our Lady of Lourdes Church**. **Mr. Vodvarka** passed away from COVID-19 and was sadly preceded in death by his step-son by one week. He stated he is praying for his wife, **Diana**, who lost her husband and her son, and who is also sick in the hospital. He stated tonight’s meeting would be adjourned in **Mr. Vodvarka’s** memory.

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

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:

- (a) He stated in honor of Martin Luther King Jr. Day, Montclair High School students annually walk to raise money for homeless students in the community; however this year, because they could not hold the event due to the pandemic, he encouraged everyone to reach out to people and neighbors in their community to help others.
- (b) He noted he has known **Mr. Vodvarka** for many years and served with him on the Planning Commission, and stated he will be truly missed.
- (c) He noted there have been several other unfortunate losses of community members in the past year including **Mr. Jerry Laird of Laird Construction**, which was headquartered in Montclair and constructed many projects throughout the City; **Mr. Steve Flores**, past president of

**Chaffey College Foundation** who helped to advocate and fundraise for the City's Online to College program; and the father of **Ontario City Council Member Deborah Porada**, to whom he offered his condolences.

- (d) He stated he cancelled his trip to Washington D.C. to attend the Presidential Inauguration due to pandemic health and safety concerns, which would have been his seventh—noting he has attended three Democratic and three Republican Presidential Inauguration Ceremonies.
- (e) He expressed his disgust at the attack on the U.S. Capitol Building by domestic terrorists on January 6th and disagrees with calling them insurrectionists.

At 8:17 p.m., Mayor Dutrey excused himself from the meeting.

- 2. Council Member/Director Johnson made the following comments:
  - (a) She stated that while people have the right to speak their opinion, others also have the right to disagree, and should do so respectfully. She noted she is praying for the country, the state, and the City, that we can all move forward peacefully.
  - (b) She stated she met **Mr. Vodvarka** 30 years ago, when they both served on the board of the **Neighborhood Partnership of Montclair**. She referred to him as one of the most passionate people when it comes to this community, noting he would paint houses, served as a volunteer reserve Police Officer, and helped to build many of the early housing tracts in the City. She wished health and peace to his widow, **Diana**, and stated he would be dearly missed by all who knew him.

At 8:19 p.m., Mayor Dutrey returned to the meeting.

- 3. Council Member/Director Martinez made the following comments:
  - (a) She extended her heartfelt condolences to **Mr. Vodvarka's** family, noting he was very warm and welcoming when she first joined the City Council and she is very grateful to him for that.
  - (b) She commended the staff who run the City's social media pages for keeping the community informed of what has been going on in the community over the past year.
  - (c) She stated that while the chaos of the pandemic went on, the City has done a wonderful job of keeping everything going and ensuring essential services continue to be provided, and noted she appreciates all of the City's dedicated employees and volunteers.
- 4. Council Member/Director Lopez made the following comments:
  - (a) He reminisced about **Mr. Vodvarka** admonishing him many years ago as a young disrespectful rabble-rouser after he spoke at a City Council meeting, noting the two had butted heads over the years; however, when **Mr. Lopez** was appointed by **Fourth District County Supervisor Curt Hagman** to serve on the **West Valley Mosquito and Vector Control Board** four years ago, the two found a mutual respect for one another and spoke often. He offered condolences to **Mr. Vodvarka's** family and to his wife, **Diana**.
  - (b) He stated he does not personally blame the County for initiating a lawsuit against the state, noting the lawsuit is based on the state arbitrarily changing the metrics for counties to move out of the various lockdown tiers, adding that several Counties besides San Bernardino are involved in the lawsuit. He stated he does not blame the **San**



**Bernardino County Board of Supervisors or Supervisor Hagman**, who often takes the brunt of criticism as Chair.

- (c) He stated that he has request staff consider landscaping outside of Fire Station No. 2 and noted that while a family member was being assisted by a Montclair Firefighter/Paramedic, he observed the digital tablet being used to enter patient information was malfunctioning and was told it was a common issue and they sometimes had to create reports on paper when it happened.

City Manager Starr advised new tablets have already been ordered by the Information Technology Division for replacement.

- (d) He asked those with reservations about him serving on the City Council get to know him rather than believing what they hear or read about him. He stated he was a vastly different person in the past from the person he is today and has learned and matured over the years.

**F. Committee Meeting Minutes — None**

**XII. CLOSED SESSION**

At 8:34 p.m., the City Council went into closed session to discuss pending litigation.

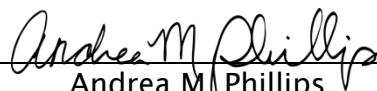
**XIII. CLOSED SESSION ANNOUNCEMENTS**

At 8:42 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.

**XIV. ADJOURNMENT**

At 8:42 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 in memory of Planning Commissioner Emeritus **Donald Vodvarka**, a cherished longtime resident of the Montclair community.

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