

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, FEBRUARY 1, 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

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

Council Member Lopez 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 — None

VI. PUBLIC COMMENT

- A. **Ms. Felicia Alcaez**, resident, called for the City Council to take action to improve the safety at the intersection of Ramona Avenue and Howard Street, noting there was a fatal accident that occurred there last year and that she herself was recently in an accident at that intersection. She requested the Council take immediate action to implement the recommendations contained in the Systemic Safety Analysis Report Program to improve safety for pedestrians, motorists, and cyclists at the intersection.
- B. **Ms. Alma Trejo**, resident, expressed dissatisfaction at the response Council Member Lopez provided at the last meeting regarding his past political activism against LGBTQ policies, and requested he make a clear statement denouncing such policies and make an effort to engage with and be accountable to his constituents.
- C. **Mr. Thuan Nguyen**, resident, cited several news articles and quotes attributed to Mr. Lopez related to his past lobbying efforts against LGBTQ policies, and referenced testimonial videos from the state legislature wherein Mr. Lopez advocated against LGBTQ curriculum being taught in schools. He called for a definitive statement from Council Member Lopez rejecting anti-LGBTQ rhetoric and policies.

VII. PUBLIC HEARINGS

A. Consider Projects and Prioritization of Funding for the Fiscal Year 2021-2022 Community Development Block Grant Program

Mayor Dutrey declared it the time and place set for public hearing to consider projects and prioritization of funding for the Fiscal Year 2021-2022 Community Development Block Grant (CDBG) Program, and invited comments from the audience.

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

Council Member Lopez asked whether the graffiti abatement allocation could be increased if funds increase.

City Manager Starr advised the City is limited by federal law to spend \$45,000 of CDBG funds on public service-related activities, which has already been allocated amongst both the Code Enforcement and Graffiti Abatement Programs.

Mayor Dutrey asked whether future improvements to the Reeder Property will be necessary after this allocation.

City Manager Starr advised the City has just about spent all of the allowable CDBG funds toward the Reeder Property improvements, as regular maintenance activities and interior upgrades are not eligible expenses.

Moved by Mayor Pro Tem Ruh and seconded by Council Member Lopez, and carried unanimously 5-0 that the City Council approve the projects and prioritization of funding for the Fiscal Year 2021-2022 CDBG Program, as follows:

Code Enforcement Program	63,797
Historic Preservation of the Reeder Ranch — Exterior House Preservation Construction Project	120,000
Graffiti Abatement	30,062
Senior Transportation Services (Golden Express Transportation)	15,000
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TOTAL	<u>\$228,859</u>

VIII. CONSENT CALENDAR

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Johnson, 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. Regular Joint Meeting — December 7, 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 December 7, 2020 regular joint meeting.

2. Regular Joint Meeting — January 19, 2021

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 January 19, 2021 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 1, 2021, totaling \$2,386,929.06; and the Payroll Documentations dated December 20, 2020, amounting to \$601,135.97 gross, with \$411,186.26 net being the total cash disbursement; and January 3, 2021 amounting \$607,376.65 gross, with \$409,738.56 net being the total cash disbursement.

2. **Acceptance of Grant Deed Nos. 1681 and 1682, Grants of Easement for Construction, Maintenance, and Use of Sidewalks and Appurtenances Located on Moreno Street at APNs 1008-211-06 and 1008-211-07 to Allow for the Construction of ADA Sidewalk and Driveway Improvements**

Authorizing Staff to Record Grant Deed Nos. 1681 and 1682 with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Accepted Grant Deed Nos. 1681 and 1682, Grants of Easement for construction, maintenance, and use of sidewalks and appurtenances located on Moreno Street at APNs 1008-211-06 and 1008-211-07 to allow for the construction of ADA sidewalk and driveway improvements.
- (b) Authorized staff to record Grant Deed Nos. 1681 and 1682 with the Office of the San Bernardino County Recorder.

C. Agreements

1. **Approval of Agreement No. 21-02 with Willdan Corporation to Perform Building Construction Plan Review and Consultation Services**

The City Council approved *Agreement No. 21-02* with Willdan Corporation to perform building construction plan review and consultation services.

2. **Approval of Agreement No. 21-03 with 5060 Montclair Plaza Lane Owner, LLC (Grant Deed No. 1679), a Grant of Easement for Construction, Maintenance, and Use of Secondary Tenant Identification Signs Located Along the Freeway Frontage at Montclair Place (APN 1008-191-05)**

Authorizing Staff to Record Grant Deed No. 1679 with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Approved *Agreement No. 21-03* with 5060 Montclair Plaza Lane Owner, LLC (Grant Deed No. 1679), a Grant of Easement for construction, maintenance, and use of secondary tenant identification signs located along the freeway frontage at Montclair Place (APN 1008-191-05).
- (b) Authorized staff to record Grant Deed No. 1679 with the Office of the San Bernardino County Recorder.

D. Resolutions

1. **Adoption of Resolution No. 21-3300 Affirming Support for the Democratic Process and the United States Constitution**

The City Council adopted Resolution No. 21-3300 affirming support for the democratic process and the United States Constitution.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. BUSINESS ITEMS — None

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. **Closed Session Pursuant to Government Code Section 54957.6 Regarding Conference with City's Designated Labor Negotiator Edward C. Starr**

Agency: City of Montclair

*Employee Management, Montclair City Confidential
Organizations: Employees' Assoc., Montclair General Employees' Assoc., Montclair Fire Fighters' Assoc., and Montclair Police Officers' Assoc.*

C. City Manager/Executive Director

City Manager Starr addressed the comments made regarding the Ramona Avenue and Howard Street intersection, noting there is an ongoing investigation into the most recent accident limiting his ability to comment on specifics; however, he noted the City is currently looking into a potential bond for public improvement projects including streets and intersections that are considered priorities in the SSARP. He added the City has also had good success with grants in the past and anticipates to secure funding for these improvement projects soon.

He provided an update on the pandemic, noting deaths from COVID-19 nationwide have reached 450,000 and that number is expected to reach 500,000 in the next ten days, which was initially projected to happen by the end of February. He advised the United States currently make up a quarter of the world's cases, and that one person in the United States dies every 28 seconds from COVID-19. He noted the number of cases attributed to Montclair according to the County's online dashboard appear to be erroneously higher than other cities in the County because people who live in surrounding communities are testing at Montclair testing sites, and it is possible that positive tests are being recorded as Montclair cases.

He reported the governor has lifted the stay-at-home order, which reinstates the color-coded tier system that was put in place in August. He advised San Bernardino County, along with most other counties in the state, is in the purple tier, where restaurants and gyms can operate outdoors, and salons can operate indoors with modifications.

He reported the state has issued an order for all Counties to allow adults age 65 and over to receive the vaccine as well as certain occupations including teachers, farmers, and first responders. He advised the Biden Administration has vowed to have 300 million Americans vaccinated within the first 100 days of his administration. He noted a third single-dose vaccine developed by Johnson & Johnson is anticipated to receive emergency approval by the U.S. Food and Drug Administration in the coming weeks.

He advised the County has designated the **Auto Club Speedway** in Fontana as a mass vaccination site, and will begin administering vaccines tomorrow. The **Ontario Convention Center** has been designated as a second site, and is accepting appointments for Thursday and will operate Mondays through Fridays from 10:00 a.m. to 6:00 p.m. He advised appointments can be made at sbccovid19.com/vaccine.

He advised the eviction ban has been extended through June 30, and tenants cannot be evicted if they pay 25 percent of their rent.

D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:

- (a) He requested a workshop to update the Council on the City's foundation areas.
- (b) He stated he would like to discuss the possibility of opening City parks at the first Council Meeting in March, as well as when the Council could start holding its meetings in the Council Chambers.

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 expressed his frustration with anti-vaccine protests over the weekend interfering with the operation of the Dodger Stadium vaccination site. He stated while protesters have a right to protest, they do not have a right to infringe on others' rights to get vaccinated.
 - (b) He advised recent state legislation will forgive fees and penalties for late payment of property taxes if the delay was related to the stay-at-home order.
 - (c) He urged the public to be careful when loading and unloading their vehicle, and to only do so curbside.
2. Council Member/Director Johnson made the following comments:
 - (a) She commended Public Works staff for some graffiti abatement performed over the weekend, and Human Services staff for continuing to do all they can to serve seniors through the lunch and monthly food distribution programs.
 - (b) She cautioned that while the stay-at-home order has been lifted, everyone should still exercise extreme caution out in public by wearing masks, social distancing, and washing their hands. She also urged the public to patronize local restaurants that offer outdoor dining, which is likely needed by many after being cooped up for so long.
3. Council Member/Director Martinez thanked the residents who spoke during public comment at tonight's meeting, stating she knows how difficult it can be to bring their issues to the Council and that she appreciates hearing from the community.
4. Council Member/Director Lopez stated that while he felt he addressed the comments directed at him at prior meetings, he would attempt to do so more succinctly. He advised he worked as a lobbyist from his early twenties until about six years ago, and that he has represented various groups and issues ranging from foster care to Mexican rodeos. He advised that some of his work addressed anti-discrimination in housing and anti-bullying laws that protect the LGBTQ community. He advised he is always willing to meet with residents and discuss their concerns about him. He stated his role as a Council Member is to ensure the City spends money wisely, maintains adequate police and fire protection, and continues to serve seniors, youth, and veterans as well as policies that benefit all residents, without singling out the demographics within those groups whether they be gender, sexual orientation, or religious convictions.

F. Committee Meeting Minutes — None

XII. CLOSED SESSION

At 7:57 p.m., the City Council went into closed session to discuss labor negotiations.

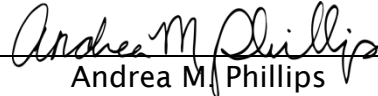
XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:05 p.m., the City Council returned from closed session. Mayor Dutrey announced that information was received regarding labor negotiations; and no further announcements would be made at this time.

XIV. ADJOURNMENT

At 8:05 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