

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, MARCH 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 given by **Pastor Donald Rucker, Christian Development Center.**

III. PLEDGE OF ALLEGIANCE

Council Member/Director Martinez 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. COVID-19 Community Recognition Award

Mayor Dutrey presented the COVID-19 Community Recognition Award to **Love for Humanity**, which was accepted by **Mr. William Lurette**, co-founder of the nonprofit.

Mayor Dutrey stated that **Love for Humanity** partners with local churches to stock food pantries and has shifted its distribution protocols since the beginning of the pandemic due to increased demand by partnering with **Our Lady of Lourdes Catholic Church** in Montclair as a distribution center for other local churches to improve its ability to deliver food to a wider network of pantries.

Mr. Lurette stated he is grateful for the recognition and noted the organization started in Montclair in 2013 and has expanded to Ontario and Riverside. He advised **Love for Humanity** also provides school supplies to schools including three in Montclair.

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

VI. PUBLIC COMMENT

A. **Mrs. Carolyn Raft**, resident, thanked City Manager Starr for his excellent job handling the COVID-19 crisis over the past year and stated while it is unfortunate the businesses in Montclair have had to suffer through the pandemic, the City will also feel the effects through lost tax revenues.

She stated Council Member Lopez needs to get used to criticism, noting she was the target of many unpleasant comments from residents including him. She questioned his "no" vote to adopt the City Manager's recommended budget adjustments at last week's

Midyear Budget Review meeting, and advised him it is his responsibility to explain his reasons for opposing staff's recommendations to his constituents and his Council colleagues. She stated all departments are important and Council Members should not favor or make promises to one. She added Council actions require consensus from at least three members of the Council, not a single person.

- B. **Mr. Robert Pipersky**, resident, stated he has been a City employee for 41 years and, despite his unsuccessful bid for Council this past election, intends to retire and is contemplating running for Mayor in 2022. He stated he is excited for the passage of Measure L and while he supports the City using a portion of the revenues to pay for a bond to fund infrastructure projects, he expressed his support for some of those funds to be used to improve employee wages so they are comparable to surrounding cities. He noted improving wages is something he would continue to support should he make it on the Council, pointing out he would be retired and would not receive the benefits as an employee.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Council Member Lopez requested Item B-2 be removed from the consent calendar.

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 (with discussion on Item C-1):

A. Approval of Minutes

1. Regular Joint Meeting — February 16, 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 February 16, 2021 regular joint meeting.

B. Administrative Reports

1. Authorizing a \$51,716.12 Appropriation from the COVID-19 Fund to Purchase a Replacement Hardwired Uninterruptible Power Supply for the Police Department Server Room, Dispatch, Radio, and 9-1-1 System

The City Council authorized a \$51,716.12 appropriation from the COVID-19 Fund to purchase a replacement hardwired uninterruptible power supply for the Police Department server room, Dispatch, radio, and 9-1-1 system.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated March 1, 2021, totaling \$1,076,290.86; and the Payroll Documentation dated January 31, 2021, amounting to \$707,145.82 gross, with \$486,234.94 net being the total cash disbursement.

C. Agreements

1. Approval of Agreement Nos. 21-08, 21-09, and 21-10 with Montclair Little League and Golden Girls Softball League for Use of Ball Field Facilities

Mayor Dutrey advised the Governor has now updated guidelines for youth sports and if the Leagues meet the requirements outlined in these agreements, they can move forward with their activities using the City's parks based on the current tier of the County in the state's reopening blueprint. He stated he is

excited for outdoor youth activities to be starting up again after being shut down for a year.

Council Member Martinez commended staff's ability to draft this agreement in a two-week period and thanked the **Montclair Little League** for its understanding, patience, and cooperation.

Council Member Lopez stated many of the COVID-19 safety provisions contained in the agreements come from the California Department of Public Health. He stated he is glad to see that testing is encouraged and voluntary and not mandated for coaches and players.

The City Council approved *Agreement Nos. 21-08, 21-09, and 21-10* with Montclair Little League and Golden Girls Softball League for use of ball field facilities.

2. Approval of Agreement No. 21-11 with Van Lant & Fankhanel, LLP to Provide Accounting and Auditing Services to the City of Montclair and its Related Entities

The City Council approved *Agreement No. 21-11* with Van Lant & Fankhanel, LLP to provide accounting and auditing services to the City of Montclair and its related entities.

3. Approval of Agreement No. 21-12 with Van Lant & Fankhanel, LLP to Provide Auditing Services to the Successor Agency Related to Bond Transactions

The Successor Agency Board approved *Agreement No. 21-12* with Van Lant & Fankhanel, LLP to provide auditing services to the Successor Agency related to bond transactions.

4. Approval of Agreement No. 21-13 with Anthesis to Provide Custodial Services for the Sports Field Restrooms

The City Council approved *Agreement No. 21-13* with Anthesis to provide custodial services for the sports field restrooms.

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS — None

B. Administrative Reports

2. Authorization to Create the Position of Assistant Engineer in the Public Works Department

Council Member Lopez asked how the base pay of \$6,777 for this position was determined and whether there is a current staff member in mind for the position or if it will be an open recruitment.

City Manager Starr stated there will be an open recruitment for this position and that while internal staff are welcome to apply, it is not believed that any currently meet the requirements. He advised a salary survey was conducted with surrounding cities to determine the appropriate salary range. He noted this position fits into a future reorganization of the Public Works Department that is being planned due to several recent retirements and resignations, and is also intended to prepare the department to successfully manage the anticipated influx of construction projects to be funded through a contemplated infrastructure bond. He stated the prospective candidate for the position will have an engineering degree and project management experience and will be able to assist the Public Works Director with these projects and could potentially be his successor when he retires in the next decade or so.

Council Member Lopez stated while he sees the need for the position, he takes issue with the starting salary being higher than the City's firefighters and mid-level police officers.

Moved by Mayor Pro Tem Ruh, seconded by Mayor Dutrey, and carried by a 4-1 roll call vote with Council Member Lopez dissenting, the City Council authorized creation of the position of Assistant Engineer in the Public Works Department.

X. BUSINESS ITEMS

A. Consider Providing Direction to Staff Related to Assembly Bill 571 (AB571) Imposing Local Campaign Contribution Limits

Mayor Pro Tem Ruh stated he feels the City's elections have been fine without implementing contribution limits.

Council Member Johnson agreed, and stated it may make sense to simply allow the state's limits to apply to avoid enforcement costs.

Council Member Lopez stated his belief that there is a danger with accepting the state's limits and that the authority would be removed from the City Clerk. He noted he reviewed campaign statements from the 2020 election and his campaign spent \$13,400; **Mrs. Juliet Orozco** spent \$1,502; **Mr. Pipersky** spent \$6,400; **Mr. Oscar Miranda** spent \$10,000 between his committees for his candidacy and opposing Measure L; and Council Member Johnson spent \$16,000. He stated there is not an influx of outside funds coming into Montclair politics and that he would support having no limits while following the current reporting requirements, which provide transparency.

Council Member Martinez stated she would support taking no action, noting the state's default limits would have little to no effects on how campaigns have been run in the past three decades and having the state remain the enforcer would serve as a protective measure for the City.

Mayor Pro Tem Ruh moved that the City Council direct staff to draft a resolution setting no limits on campaign contributions. The motion passed 4-1 with Council Member Martinez dissenting.

XI. COUNCIL WORKSHOP

A. Update on Housing Element of the General Plan

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried unanimously 5-0, the City Council continued this item to an adjourned meeting held as a joint workshop with the Planning Commission on Wednesday, March 3, 2021, at 6:00 p.m.

XII. 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 provided an update on COVID-19 statistics and vaccine availability, including a consistently decreasing case and death rate; the recent FDA emergency approval of the 84% efficacy-rate single-dose **Johnson & Johnson** vaccine; and the updated CDC

guidance that vaccinated individuals do not need to quarantine after exposure unless they develop symptoms. He reported the following:

The County could potentially migrate to the red tier in mid- to late-March, which would allow for more businesses including Montclair's new **AMC Theater** to open under modified operating guidelines and for indoor dining to resume.

The state has contracted with **Blue Shield** to oversee the vaccination programs throughout the state, including in San Bernardino County, and **OptumServe**, a healthcare operations firm, will assist with the vaccination program administration process. The program will follow the state's vaccination schedule in all counties to provide consistency and equity in vaccine distribution. Appointments will be managed through <https://myturn.ca.gov> or can be made by calling (833) 422-4255. Inoculation of teachers and education workers is an immediate focus of the state's vaccination program in anticipation of allowing schools to open at the end of March. Beginning March 15th, high-risk individuals ages 16-64 will be eligible to receive the vaccine as determined by the authorized healthcare providers administering vaccines through this program.

San Bernardino County was successful occupying 100% of the 427 rooms available under the state's Project Roomkey—and Montclair's Code Enforcement Division secured 10% of that allocation for homeless individuals in the community.

Council Member Lopez asked when the **AMC Theater** can open.

City Manager Starr advised the theater will be allowed to open while the County is in the red tier; however, **AMC** would still need to have the necessary personnel to open and provide theater services.

D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:

- (a) He stated tonight's meeting would be adjourned in memory of **Mr. Herbert Stanford Kerns**, who was a longtime Montclair resident, as well as a participant in and volunteer for many Montclair community programs.
- (b) He stated while it has been a long year, the vaccines are providing a light at the end of the tunnel. While things seem to be improving, there are many gathering events coming in the coming months like St. Patrick's Day, Easter, Cinco de Mayo, Mother's Day, and Memorial Day. He encouraged the community to continue to wear masks, socially distance, and get vaccinated.
- (c) He stated **Ontario-Montclair School District (OMSD)** will tentatively start hybrid online and in-person classes on April 5th. He advised last week **OMSD** teachers and staff were receiving vaccines at the Montclair Hospital Medical Center. He stated he is not aware of plans for **Chaffey Joint Union High School District's** to resume in-person classes at **Montclair High School**, but he suspects they are looking at it closely.

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 urged the community to continue with safety precautions, even with vaccines. He stated his concern that with kids returning to schools and restaurants reopening for indoor dining, there will be another surge with the new variants.

- (b) He encouraged everyone to reach out and help their neighbors who may be elderly or computer-illiterate to get vaccine appointments online.
 - (c) In honor of *Women's History Month*, he discussed the life and political advocacy of **Fannie Lou Hamer**, who fought for African Americans' voting rights throughout the 1960s and 1970s, co-founded the **Mississippi Freedom Democratic Party**, was a member of Mississippi's first integrated delegation, and suffered many injustices for being African American and a woman, and for her political activism throughout her lifetime. He added a local community member, **Pastor Donald Rucker**, is the nephew of **Mrs. Hamer**.
2. Council Member/Director Johnson echoed sentiments to continue to follow safety precautions taken throughout the pandemic, and noted her disbelief that some still doubt the severity of the virus. She stated she personally has lost four people to COVID-19 in the past two months.
 3. Council Member/Director Martinez thanked Mayor Pro Tem Ruh for sharing the story of **Mrs. Hamer**.
 4. Council Member/Director Lopez made the following comments.
 - (a) He stated he had intended to explain his vote at the Midyear Budget Review, especially after several inquiries from staff, residents, and the press. He stated he received a hard copy of the presentation just before the meeting and feels he was not given enough time to review the slides. He stated he disagreed with some cuts in the proposal and did not want to get into an argument over the bones of contention for departments' requested increases.
 - (b) He defended his position as an advocate for public safety, noting he is aware some are referring to him as "the fire guy." He stated he has been devoted to public safety for 20 years prior to his election, and he wants to see the City close the revolving door at the fire department and address the threat of the County program hiring lateral fire personnel. He noted he also concurs with **Mr. Pipersky** on the salary issue and believes it will resolve those issues.
 - (c) In response to comments directed at him by **Mrs. Raft**, he stated he has been taking criticism from residents at council meetings well, has been respectful toward those individuals, and has offered to have a dialogue with them outside of the meeting to address their concerns. He acknowledged that he has criticized **Mrs. Raft** while she served on the Council, but it was her actions he addressed and he did not make any personal attacks on her.
 - (d) He stated last month he also lost a relative to COVID-19 and understands the reality and severity of the virus. However, while he is not in favor of things like mandated vaccines, he believes those who want them should get them. He attributed his opinions to his libertarian beliefs.

F. Committee Meeting Minutes — None

Mayor Dutrey called for a brief recess at 8:29 p.m.

XIII. CLOSED SESSION

At 8:32 p.m., the City Council went into closed session to discuss labor negotiations.

XIV. CLOSED SESSION ANNOUNCEMENTS

At 9:21 p.m., the City Council returned from closed session. Mayor Dutrey announced that information was received related to labor negotiations, and no further announcements would be made at this time.

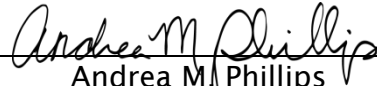
XV. ADJOURNMENT

At 9:22 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 9:12 p.m., Mayor Dutrey adjourned the City Council to the Update on Housing Element of the General Plan Workshop on Wednesday, March 3, 2021, at 6:00 p.m.

The meeting was adjourned in memory of **Mr. Herbert Stanford Kerns**, resident of Montclair since 1956, Senior Center volunteer, and cherished member of the 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