

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 15, 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

A moment of silence was held for victims of COVID-19 since the pandemic began one year ago.

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. COVID-19 Community Recognition Award

Mayor Dutrey presented the COVID-19 Community Recognition Award to **Mr. Daniel Burkholder**, a Montclair resident, who elaborately decorated his family's home with lights and distributed holiday goody bags to neighbors with his four-year-old son to spread holiday cheer during the pandemic. **Mr. Burkholder** also performed CPR in an attempt to save his neighbor's life during a tragic choking incident until the paramedics arrived.

Mayor Dutrey thanked **Mr. Burkholder** for his giving spirit and his heroic efforts, and advised he would arrange to personally present him with a Certificate of Recognition and a City pin.

VI. PUBLIC COMMENT

A. **Mr. Bruce Culp**, resident, acknowledged a year since the pandemic began and commended the City for keeping its mask mandate in place. He urged a cautious approach to reopening in the coming months and suggested keeping the mask mandate until at least the yellow tier.

B. **Mr. Gian Paul Lincoln** introduced himself as a Montclair resident of two years and a current **California Polytechnic University, Pomona** student, and stated he is pleased to have the opportunity to participate in a Council meeting.

VII. PUBLIC HEARINGS

A. **First Reading — Consider Ordinance No. 21-997 Amending Section 2.12.020 of the Montclair Municipal Code Related to Campaign Contribution Limits in Accordance with Assembly Bill 571**

Consider Setting a Public Hearing to Consider Adoption of Ordinance No. 21-997 on Monday, April 5, 2021, at 7:00 p.m.

Mayor Dutrey declared it the time and place for a public hearing related to Ordinance No. 20-997 and invited members of the audience to provide comments.

Mr. Bruce Culp, resident, expressed his opposition to campaign contributions generally, noting they make elected officials beholden to their donors, and used the example of Council Members accepting contributions from and advocating for the interests of public employee labor unions.

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 Lopez stated he would like the Ordinance to clarify that the City maintains its policy of requiring full disclosure of all contributions over \$99.

City Manager Starr advised that the reporting of contributions in excess of \$99 is already required under state law.

Council Member Lopez stated he is content with the Ordinance as long as the record shows the City Council's intent to maintain transparency.

Mayor Dutrey added that any contribution of \$1,000 or greater is required to be reported within 24 hours.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried that Ordinance No. 20-997 be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing for Monday, April 5, 2021, at 7:00 p.m. to consider second reading and adoption of Ordinance No. 20-997.

First reading of Ordinance No. 20-997 was approved, and public hearing for second reading was set 4-1 by the following roll call vote:

| | |
|----------|-----------------------------|
| AYES: | Lopez, Johnson, Ruh, Dutrey |
| NOES: | Martinez |
| ABSTAIN: | None |
| ABSENT: | None |

VIII. CONSENT CALENDAR

Mayor Dutrey requested Item C-1 be pulled for a separate vote, and that public comments and discussion be recorded for Item C-2.

Council Member Lopez noted he would like to make comments and request clarification on Items B-9, B-10, and C-1.

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 Consent Calendar as presented with the exception of Item C-1 and with comments and discussion on Items C-2, B-9, and B-10:

A. Approval of Minutes

1. Adjourned Meeting — February 24, 2021

The City Council approved the minutes of the February 24, 2021 adjourned meeting.

2. Regular Joint Meeting — March 1, 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 March 1, 2021 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 February 28, 2021.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated March 15, 2021, totaling \$757,848.95; and the Payroll Documentation dated February 14, 2021, amounting to \$585,400.67 gross, with \$405,467.00 net being the total cash disbursement.

3. Receiving and Filing of Successor Agency Treasurer's Report

The Successor Agency Board received and filed the Successor Agency Treasurer's Report for the month ending February 28, 2021.

4. Approval of Successor Agency Warrant Register

The Successor Agency Board approved the Successor Agency Warrant Register dated 02.01.21-02.28.21 in the amounts of \$32,801.74 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 February 28, 2021.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 02.01.21-02.28.21 in the amount of \$96,117.29.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending February 28, 2021.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 02.01.21-02.28.21 in the amount of \$0.00.

9. Approval of the Fiscal Year 2020-21 Schedule of Recommendations from the Community Activities Commission (CAC) for Community Benefits Funding

Council Member Lopez requested data about where the other 40% of families being assisted by the **Christian Development Center's (CDC)** program reside outside of Montclair.

City Manager Starr stated information about program participants is collected but the City does not have all of it.

Council Member Johnson added the **CDC** hosts monthly give-aways for needy families where they use a sign-in sheet to collect data on those they serve. She added when she served on the CAC, she was always so touched by the work these various organizations do for the community.

Mayor Pro Tem Ruh recommended anyone with questions about the **CDC's** program contact **Pastor Donald Rucker**. He advised the City only requires information about how much of these programs and services are provided to Montclair residents.

Council Member Martinez thanked the twelve organizations for providing invaluable assistance as community partners to the City's residents. She commended the Human Services Department and the CAC for coordinating the funding awards to these deserving organizations.

The City Council approved of the Fiscal Year 2020-21 schedule

of recommendations from the CAC for community benefits funding.

10. Authorizing the Receipt of a Second Allocation of Community Development Block Grant (CDBG-CV3) Funds in the Amount of \$210,620 to Continue to Respond to the COVID-19 Public Health Crisis

Council Member Lopez asked if the \$59,000 allocation is for personnel costs.

City Manager Starr advised it would cover costs of Code Enforcement personnel assigned to the program.

The City Council authorized the receipt of a second allocation of Community Development Block Grant (CDBG-CV3) funds in the amount of \$210,620 to continue to respond to the COVID-19 public health crisis.

11. Approval of Grant Deed No. 1683 Transferring a Remnant Parcel on Helena Avenue to the Adjacent Property Owners

Authorizing Staff to Record Grant Deed No. 1683 with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Approved Grant Deed No. 1683 transferring a remnant parcel on Helena Avenue to the adjacent property owners.
- (b) Authorized staff to record Grant Deed No. 1683 with the Office of the San Bernardino County Recorder.

12. Acceptance of Grant Deed No. 1684, an Easement for Construction, Maintenance, and Use of Sidewalks and Appurtenances Located at 4288 Holt Boulevard (APN 1009-514-06)

Authorizing Staff to Record Grant Deed No. 1684 with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Accepted Grant Deed No. 1684, an easement for construction, maintenance, and use of sidewalks and appurtenances located at 4288 Holt Boulevard (APN 1009-514-06).
- (b) Authorized staff to record Grant Deed No. 1684 with the Office of the San Bernardino County Recorder.

13. Authorizing Liberty Manufacturing, Inc. to Mine the Ballistic Rubber Bullet Trap in the Firearms Shooting Range to Remove Excess Debris and Recycle Recovered Metals

The City Council authorized Liberty Manufacturing, Inc. to mine the ballistic rubber bullet trap in the firearms shooting range to remove excess debris and recycle recovered metals.

14. Declaring a 2002 Dodge Dakota Cadet Truck and a 2006 Chevrolet Impala Administration Vehicle as Surplus and Available for Sale at Auction

The City Council declared a 2002 Dodge Dakota Cadet Truck and a 2006 Chevrolet Impala Administration Vehicle as surplus and available for sale at auction.

15. Declaring Certain City Property Surplus and Available for Auction or Destruction

The City Council declared certain City property surplus and available for auction or destruction.

C. Agreements

2. Approval of *Agreement No. 21-15* with Vigilant Solutions, LLC for Investigative Data Platform Access

Authorizing a \$3,500 Allocation from the SB 509 Public Safety Fund and a \$4,250 Appropriation from the Prop 30/AB 109 Fund for Costs Associated with *Agreement No. 21-15*

Mr. Culp stated concerns regarding the unwarranted surveillance of the public using automatic license plate readers (ALPRs), noting there is a danger of the information being shared with outside companies or used inappropriately for personal purposes by staff. He noted the language in the proposed contract does not address this issue and requested language be added to require public review.

City Manager Starr advised the City already utilizes ALPR technology but the technology is outdated and does not currently communicate with other agencies. He also assured federal regulations prohibit sharing and usage of data collected outside the realm of police investigations and other legitimate activities, with the threat of serious discipline for violations.

Executive Director of Public Safety/Police Chief Avels stated ALPR cameras were mounted on three police vehicles that are currently out of service, and the City is not currently collecting ALPR data. He noted the contract would provide the City with access to data that is already in the system, and that the City will look to purchase upgraded equipment at a future date to contribute to the system and to assist the Department with its own investigations.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-15* with Vigilant Solutions, LLC for investigative data platform access.
- (b) Authorized a \$3,500 allocation from the SB 509 Public Safety Fund and a \$4,250 appropriation from the Prop 30/AB 109 Fund for costs associated with *Agreement No. 21-15*.

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. Approval of *Agreement No. 21-14, Amendment No. 2 to Agreement No. 18-34* with the San Bernardino County Department of Aging and Adult Services to Provide Additional Funding to Support the Senior Citizen Transportation Program

Mayor Dutrey recused himself from the vote on this item.

Moved by Council Member Johnson, seconded by Council Member Martinez, and carried by a 4-0 roll call vote (Mayor Dutrey recused), the City Council approved *Agreement No. 21-14, Amendment No. 2 to Agreement No. 18-34* with the San Bernardino County Department of Aging and Adult Services to provide additional funding to support the Senior Citizen Transportation Program.

X. COUNCIL WORKSHOP

A. Redevelopment Foundation Areas

Moved by Council Member Lopez, seconded by Council Member Johnson, and carried unanimously 5-0, the City Council continued this item to an adjourned meeting on Monday, April 5, 2021, at 5:45 p.m.

XI. COMMUNICATIONS

A. Department Reports — None

B. City Attorney — None

C. City Manager/Executive Director

City Manager Starr provided a COVID-19 statistics update including 288,688 cases and 3,512 deaths in San Bernardino County, with 648 cases and 98 deaths in Montclair. He advised that in addition to persons 65 years and older, all persons over the age of 16 with certain chronic illnesses are now eligible to receive the vaccine in California.

He advised the City Council Chambers may not be ready for in-person meetings until mid-April or May, noting the new technology equipment needs to be extensively tested before a meeting can be held. He noted Parks Division staff is preparing for parks to open April 19th; however, the Splash Pad will remain closed until summer of 2022. He advised the Youth Center is scheduled to open when the County enters the orange tier, and the Senior Center would open either in the yellow or a newly proposed green tier. He advised the **Ontario-Montclair School District** intends to open in-person classes on April 5th and **Montclair High School** may be considering opening soon as well.

He announced the Senior Center will be sponsoring a COVID-19 vaccination drive on March 22nd from 10:00 a.m. to 2:00 p.m. for seniors ages 65 and up who reside in San Bernardino County, and the second dose will be scheduled for April 12th. He advised sign up information would be made available on the City's website.

D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:

- (a) He requested a report or agenda item about reopening City parks and the Council Chambers at the April 5th City Council meeting.
- (b) He recognized the one year anniversary of the pandemic and urged everyone to remain disciplined with safety measures to continue progress. He noted tonight's meeting would be adjourned in memory of the 98 Montclair residents who passed away over the last year from the disease.
- (c) He noted at the last **Metrolink** board meeting, on which he serves as an alternate board member for the **San Bernardino County Transportation Authority (SBCTA)**, he learned that **Metrolink** has seen a 30-40% rise in ridership over the past month.
- (d) He noted as representative of the City of Montclair on the **Inland Empire Utilities Agency's (IEUA)** Regional Sewerage Program Policy Committee, he looks forward to collaborating with **IEUA** and the 7 other contracting cities over the next year on a new long-term sewer contract.
- (e) He advised the **Gold Line** Committee consisting of Mayor Pro Tem Ruh, City Manager Starr, and himself met with lobbyists to discuss seeking federal funds to close the funding gap for construction of the Los Angeles County portion of the **Gold Line** segment from Pomona to Montclair.

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 agreed that even with the rollout of vaccinations ramping up, everyone should continue to wear masks and commended Montclair's pragmatic approach to requiring face masks early on, noting many businesses have appreciated having the City's authority to keep its employees safe. He condemned the idea that requiring people to wear a mask in public is infringing on personal freedoms or that wearing a mask should be a personal decision, noting if the same logic were applied to driving the speed limit, a person driving at a high speed they feel is safe for themselves puts others' lives at risk.
- (b) In honor of **International Women's Month**, he shared the story of **Deborah Sampson**, a Massachusetts woman who disguised herself as a man in order to serve in the Continental Army during the **Revolutionary War**.

2. Council Member/Director Johnson made the following comments:

- (a) She noted in a survey performed by FM3 over a year ago, residents supported increasing taxes to maintain services such as fire, police, and 9-1-1 emergency response as well as youth and senior programs and pothole repair. She noted there has been discussion about utilizing future tax revenues on infrastructure projects, and stated she would like for the conversation to include the aforementioned services in the future.

Mayor Dutrey requested staff schedule a workshop prior to the preliminary budget review for the Council to further discuss the allocation of increased revenues in anticipation of the Measure L tax going into effect.

City Manager Starr advised there may not be enough information to determine the extent of those revenues because several factors are delaying the City's access to information and estimates. He stated no information has been received from the fourth quarter of 2020 and the state is considering another business deferment of sales tax payments. He noted the timeline of an economic rebound is also uncertain. He assured that the City's Department heads are currently making appropriate requests for their needs and the needs of the community for the upcoming Fiscal Year which include many service enhancement measures.

- (b) She commended the Information Technology staff for launching the City's new website redesign, noting it looks fabulous.
- (c) She thanked City Manager Starr for working to make future council meetings accessible to those who wish to participate in-person, remotely, or however they feel safe.
- (d) She stated although many businesses have closed their doors permanently over the past year, a new business called **Paradise Nutrition** Center has just opened up in the **Stater Brothers** shopping center. She reported she stopped in for a healthy smoothie and a sugar-free cheesecake, both of which were delicious.
- (e) She promoted an e-waste drive being hosted by the Chamber of Commerce at its office at 8880 Benson Avenue on March 27 and 28 from 9:00 a.m. to 3:00 p.m.

3. Council Member/Director Lopez made the following comments:
 - (a) He encouraged residents who receive the \$1,400 stimulus allocation to spend it in the community to stimulate the local economy.
 - (b) He thanked the Montclair Police Officers who responded to the graffiti that vandalized the outdoor dining tents at **Los Portales**.
 - (c) He requested next month's Code Enforcement/Public Safety Committee meeting be held next month to discuss graffiti concerns.
 - (d) He concurred that Measure L is the new funding source the City has been waiting for to improve police and fire services.
 - (e) He noted **SBCTA** will be performing construction on the I-10 Corridor Project resulting in freeway segment closures. The first is the eastbound segment from Indian Hill to Monte Vista Avenue starting Friday, March 19 at 9:00 p.m. through Monday, March 22 at 5:00 a.m.; and the second is the eastbound segment from Monte Vista Avenue to Central Avenue beginning Friday, March 26 and ending Monday, March 29 at 5:00 p.m. He advised future overnight closures of Palo Verde Street and Monte Vista Avenue will be announced soon.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of March 2, 2020

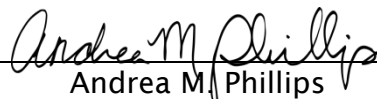
The City Council received and filed the minutes of the Personnel Committee meeting of March 2, 2020, for informational purposes.

XII. ADJOURNMENT

At 8:41 p.m., Chair Dutrey adjourned the Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 8:41 p.m., Mayor Dutrey adjourned the City Council to the Redevelopment Foundation Areas workshop on Monday, April 5, 2021, at 5:45 p.m.

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