

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, JULY 20, 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

In lieu of an invocation, a moment of silence was held in honor of the late Mayor Paul M. Eaton, who passed away on July 21, 2018.

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 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; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

- A. **Mr. Bruce Culp**, resident, shared his sincere appreciation for Mayor Paul Eaton's many years of service to the City, and commended all those who dedicate themselves to serving the public, including City staff.
- B. **Mr. Benjamin Lopez**, resident, argued the survey that was conducted by FM3, the results of which were presented at a workshop held earlier this evening, used misleading statements exaggerating the City's role of protecting local drinking water sources. He contended that that, while he understands the City's utilization of reclaimed and recycled water and enforcement of storm water runoff regulations, he feels it is the sole responsibility and jurisdiction of the **Monte Vista Water District** to provide clean drinking water to residents.
- C. **Mr. Thuàn Nguyen**, resident, expressed his desire to learn more about future planning and development, especially related to the north Montclair downtown area. He stated he will be speaking with residents and hopes to speak with City officials to get different perspectives and experiences about the development of the City, noting he plans to incorporate what he learns into an empirical paper he is writing about the subject.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

Mayor Dutrey stated in relation to Item B-10 that the ballot language for Ordinance No. 20-989 is being drafted for adoption by resolution at the August 3rd meeting. He suggested the final ballot language omit any reference to the City's role to protect local water sources, and recommended that a citizen advisory committee be established to determine how the new tax funds could be allocated.

City Manager Starr advised a general tax, which would go directly to the General Fund to be used for general government purposes, cannot be pre-designated for specific purposes, and cautioned the City Council to not abrogate its fiduciary responsibilities related to approval of the City's annual budget. He noted he would discuss the issue with the City Attorney.

Mayor Dutrey contended the committee would serve only in an advisory capacity and the City Council would maintain the authority to adopt the budget and to approve and allocate funds.

Moved by Mayor/Chair Dutrey, seconded by Council Member/Director Ruh, and carried unanimously by the following roll call vote for approval of the Consent Calendar as presented:

AYES: Martinez, Johnson, Ruh, Raft, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None

A. Approval of Minutes

1. Adjourned Regular Meeting — June 29, 2020

The City Council and Montclair Housing Corporation Board of Directors approved the minutes of the June 29, 2020, adjourned regular meeting.

2. Regular Joint Meeting — July 6, 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 July 6, 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 June 30, 2020.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated July 20, 2020, totaling \$7,224,149.90; and the Payroll Documentation dated June 21, 2020, amounting to \$746,376.93 gross, with \$501,573.45 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 June 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 06.01.20-06.30.20 in the amounts of \$2,417.13 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 June 30, 2020.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 06.01.20-06.30.20 in the amount of \$57,740.27.

7. Receiving and Filing of MHA Treasurer's Report

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

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 06.01.20-06.30.20 in the amount of \$0.00.

9. Setting a Public Hearing for Monday, August 3, 2020, at 7:00 p.m. to Consider Adoption of Resolution No. 20-3281 Adopting Vehicle Miles Traveled (VMT) Thresholds for the Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act in Accordance with the Requirements of Senate Bill 743

The City Council set a public hearing for Monday, August 3, 2020, at 7:00 p.m. to consider adoption of Resolution No. 20-3281 to adopt Vehicle Miles Traveled (VMT) thresholds for the purposes of analyzing transportation impacts under the California Environmental Quality Act in accordance with the requirements of Senate Bill 743.

10. Setting a Public Hearing for Monday, August 3, 2020, at 7:00 p.m. to Consider First Reading of Ordinance No. 20-989 Related to Imposing a One Percent District No. 2 Transactions and Use Tax to be Administered by the State Board of Equalization if Approved by the Voters at the November 3, 2020 General Municipal Election

The City Council set a public hearing for Monday, August 3, 2020, at 7:00 p.m. to consider first reading of Ordinance No. 20-989 related to imposing a one percent District No. 2 Transactions and Use Tax to be administered by the State Board of Equalization if approved by the voters at the November 3, 2020 General Municipal Election.

11. Approval of the Purchase of a One-Year Subscription Renewal of Zengine Software Through Wizehive, Inc. to Provide Cloud Application Software for the Montclair to College Program

The City Council acting as successor to the Montclair Community Foundation Board of Directors approved the purchase of a one-year subscription renewal of Zengine Software through Wizehive, Inc. to provide cloud application software for the Montclair to College program.

C. Agreements

1. Approval of Agreement No. 20-61 with Misha L. Penn to Provide Grant Management and Fiscal Compliance Services for the Human Services Department

The City Council approved *Agreement No. 20-61* with Misha L. Penn to provide grant management and fiscal compliance services for the Human Services Department.

2. Approval of Agreement No. 20-65 with Civic Publications, Inc., to Provide Public Education and Community Outreach Services

The City Council approved *Agreement No. 20-65* with Civic Publications, Inc., to provide public education and community outreach services.

D. Resolutions

1. Adoption of Resolution No. 20-3280 for the Collection of Sewer Standby Assessment Fees on Vacant Properties

The City Council adopted Resolution No. 20-3280 for the collection of sewer standby assessment fees on vacant properties.

2. Adoption of Resolution No. 20-3282 Approving Agreement No. 20-66, the First Amendment to Amended and Restated Cooperation Agreement No. 14-21 with the County of San Bernardino for the Continued Administration of Community Development Block Grant Funds

Authorizing the City Manager to Execute Agreement No. 20-66 and all Subsequent Related Documents Including any Necessary Amendments to Comply with and Implement Federal Requirements

The City Council took the following actions:

- (a) Adopted Resolution No. 20-3282 approving *Agreement No. 20-66*, the first amendment to amended and restated *Cooperation Agreement No. 14-21* with the County of San Bernardino for the continued administration of Community Development Block Grant Funds.
- (b) Authorized the City Manager to execute *Agreement No. 20-66* and all subsequent related documents including any necessary amendments to comply with and implement federal requirements.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. COMMUNICATIONS

A. Department Reports — None

B. City Attorney — None

C. City Manager/Executive Director

1. COVID-19 Update

City Manager Starr reported San Bernardino County has a total of 25,000 active COVID-19 cases recorded, with 519 confirmed cases in Montclair. He advised there have been 329 deaths countywide, and 8 in Montclair. He noted the level of testing has increased but the County is still having trouble receiving an adequate supply of tests, and the 7-day positivity rate for testing is currently at 20 percent, which is far above the 8 percent threshold established by the state to be put on its "watch list." He added the lack of testing capacity artificially inflates the rate of positive cases because those showing symptoms will be more likely to seek out a test, and those without symptoms won't bother unless tests are readily available. He advised that although many other countries where the virus is mostly under control have found reduced costs by pooling samples and then testing all individuals in pools that test positive, the approach would not work in this country despite the Trump administration's assertion it would due to the fact that the outbreak is so out of control here, it is likely every pool would test positive. He noted the Trump administration has directed all hospitals to now report all COVID-19 case information to the **U.S. Department of Health** rather than the **Centers for Disease Control (CDC)**, which has impacted the rate data and statistical information is reported to the public.

Senior Management Analyst Fuentes reported on recent developments related to the business community's response to the state's guidelines, noting the **National Retail Federation** is

encouraging its members to enforce the wearing of masks and other safety guidelines. He reported that **Governor Gavin Newsom** today announced new guidelines for personal service industries like salons and massage parlors, which require that services be provided outdoors. He advised the City is working with the City's local **Chamber of Commerce** to get the information out to our local businesses.

City Manager Starr reiterated the City is being very accommodating to businesses and is currently working with **Montclair Place** to migrate some retail businesses outside onto the parking deck, and establish protocols for some businesses to escort a limited number of customers into their stores.

D. Mayor/Chair

Mayor Dutrey made the following comments:

1. Mayor/Chair Dutrey stated he appreciates staff for working on the outdoor dining guidelines, noting he spoke to some restaurant owners recently about the City's efforts to assist.
2. He advised the governor recently announced schools will be required to implement distance learning this fall, and he believes the City will be developing an online after-school program.
3. He advised the federal government is currently negotiating the next stimulus bill, and noted he urged **Mayor Acquanetta Warren** of Fontana, who serves as a local representative for the **National League of Cities'** U.S. Conference of Mayors, to advocate for cities to receive assistance as well as extending the unemployment benefits.
4. He noted last Friday, the County newsletter reported that over a 28-day period, 71 percent of those infected with COVID-19 said they had attended a small family gathering within the past 14 days, revealing another common source of outbreaks. He urged everyone to wear masks and socially distance, even when visiting with friends and family.
5. He stated meetings will likely continue to take place over ZOOM and City Hall and parks will remain closed at least through August or until the County's numbers come down.
6. He advised the yard sale event will go forward as scheduled on the weekend of Friday August 7th through Sunday the 9th. He noted there is no permit required but safety guidelines must be followed.
7. He noted Public Works Committee has met several times over ZOOM during the shutdown, and he feels Real Estate Committee should be held in August to report on development activities.
8. He recalled reading a *Los Angeles Times* article recently that compared the virus to bombs being dropped on Europe during **World War II**, with the only difference being that the virus is an invisible enemy, and our best weapon against it is wearing a face covering. He stated his disappointment with many elected officials for not taking this threat seriously or setting an example to combat the virus to end this pandemic sooner and prevent further economic harm.
9. He stated Central Avenue is on track to be completed by July 31st and mentioned there is social media buzz to "free the rocks" in the new median island landscaping design.
10. He noted the eastbound I-10 ramp from Monte Vista Avenue will be closing for two years beginning July 24th, noting construction on Central should be mostly completed by then.
11. He advised the Montclair Place District Specific Plan has been published for the 45-day public comment period for the draft

environmental impact report and is available on the City's website.

12. He spoke in remembrance of the late **Mayor Eaton** noting he left a strong mark on the community. He offered his continued condolences to his wife, **Mrs. Ginger Eaton**, noting he is still dearly missed.
13. He also remarked on the loss of a great Civil Rights leader this past Friday, **Congressman John Lewis**, whom he fondly recalled encountering in an elevator along with Council Member Ruh during a trip to Washington, D.C. several years ago and discussing Montclair with him.

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

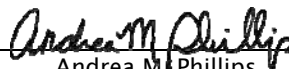
1. Council Member/Director Johnson made the following comments:
 - (a) She concurred that meeting should continue to take place via ZOOM for the foreseeable future for everyone's safety. She noted her preference for in-person meetings comes from feeling more connected to the community through the face-to-face interactions that take place before and after meetings, as well as the ability to see the faces and body language of the audience during meetings.
 - (b) She announced the **Montclair Chamber of Commerce** is holding an e-waste recycling event on Friday and Saturday from 9:00 a.m. to 3:00 p.m. both days at its office located at 8880 Benson Avenue. She advised there is no limit to the number of items, but a small fee may be associated with certain large items like refrigerators and televisions.
2. Council Member/Director Ruh made the following comments:
 - (a) He agreed ZOOM meetings are the safest option going forward, although he believes when meetings go back to being in-person, remote participation could somehow be incorporated.
 - (b) He lambasted **San Bernardino County's** leaders for not taking the virus seriously and allowing businesses to reopen without mask or daily employee testing requirements. He stated he feels the County has put profits over health.
 - (c) He discussed **Congressman John Lewis's** impact on civil rights in this country, noting despite the violence to which he was subjected, he found it in his heart to forgive his assailants.

F. Committee Meeting Minutes — None

XI. ADJOURNMENT

At 7:56 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 the **Honorable John Lewis**, U.S. Representative of the 5th Congressional District of the State of Georgia.

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