



**REGULAR JOINT MEETING OF THE
CITY COUNCIL, SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION,
MONTCLAIR HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY FOUNDATION**

AGENDA

Monday, April 5, 2021
7:00 p.m.

Zoom Link: <https://zoom.us/j/93717150550>

Dial Number: 1-(669)-900-6833

Meeting ID: 937-1715-0550

*As a courtesy, please place yourself on mute while the meeting is in session, unless speaking (Dial *6 on the phone to toggle mute), and turn off/mute/disable all video/web cameras.*

*Persons wishing to make a public comment or speak on an agenda item, including public hearing and closed session items, are requested to complete a Virtual Speaker Card (VSC) at <https://www.cityofmontclair.org/public-comment/>. The Mayor/Chair (or the meeting's Presiding Officer) will recognize those who have submitted a VSC at the time of the item's consideration and invite those individuals to provide comments on the item at that time. Those who did not fill out a VSC will have an opportunity to speak after by using the "raise hand" function on the Zoom meeting platform or over the phone by dialing *9. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) and requests to speak may instead be emailed to cityclerk@cityofmontclair.org.*

Audio recordings of Council meetings are available on the City's website at <https://www.cityofmontclair.org/departments/public-meetings/> and can be accessed by the end of the next business day following the meeting.

- I. CALL TO ORDER** City Council [CC], Successor Agency Board [SA],
Montclair Housing Corporation Board [MHC],
Montclair Housing Authority Commission [MHA],
Montclair Community Foundation Board [MCF]

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded up to five minutes to address the City Council/Boards of Directors/Commissioners. (Government Code Section 54954.3).

If you did not submit a Virtual Speaker Card and would like to speak on an item that is on the agenda, please request to speak during Public Comment to announce the agenda item on which you would like to comment so you may be called on to provide your comments at the time of that item's consideration.

Under the provisions of the Brown Act, the meeting bodies are prohibited from participating in substantial discussion of or taking action on items not listed on the agenda.

VII. PUBLIC HEARINGS

- A. First Reading — Consider Ordinance No. 21-995 Amending Section 8.36.090 of the Montclair Municipal Code to Eliminate Commercial Truck Parking on Brooks Street and Palo Verde Street [CC]**

Consider Setting a Public Hearing to Consider Adoption of Ordinance No. 21-995 on Monday, April 19, 2021, at 7:00 p.m. [CC]

- B. Second Reading — Consider Adoption of 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 [CC] 9

VIII. CONSENT CALENDAR

A. Approval of Minutes

- 1. Regular Joint Meeting — March 15, 2021 [CC/SA/MHC/MHA/MCF]

B. Administrative Reports

- 1. Consider Authorizing the City Manager to Execute a Conflict Waiver Providing that Best Best & Kreiger May Represent the City of Montclair on Various Special Counsel Matters, Including a Legal Matter Involving the City of Upland Basin Dam, While Concurrently Representing the City of Upland on Various Matters as Upland City Attorney Excluding the Upland Basin Dam Matter [CC] 13

- 2. Consider Authorizing the City Manager to Execute a Conflict Waiver Providing that Best Best & Kreiger May Represent the City of Montclair on Various Special Counsel Matters While Concurrently Representing the Local Agency Formation Commission (LAFCO) for San Bernardino County as General Counsel on a Variety of Legal Matters Including Representation of LAFCO on a Matter Involving an Application by the Monte Vista Water District on Activation of Wastewater Collection and Transmission Services That, Due to Overlapping Territory, May Involve the City of Montclair [CC] 18

- 3. Consider Approval of Warrant Register & Payroll Documentation [CC] 23

C. Agreements

- 1. Consider Approval of Agreement No. 21-16 with David Turch and Associates for Federal Legislative Advocacy and Consulting Services [CC] 24

- 2. Consider Approval of Agreement No. 21-17 with the Retail Drinking Water, Wastewater Collection, and Recycled Water Collection Service Providers within the Inland Empire Utilities Agency Service Area for the Wastewater and Recycled Water Regulatory Compliance Review Project [CC] 30
Authorize a \$3,345 Appropriation from the Contingency Fund for Agreement No. 21-17 [CC]

- 3. Consider Approval of Agreement No. 21-18 with Fehr & Peers for the Preparation of a Local Roads Safety Plan [CC] 36
Consider Authorizing a \$4,339 Appropriation from the Gas Tax Fund to Cover the 10 Percent Local Match Required in Addition to the \$40,000 Grant Award Received from the State to Fund the Agreement [CC]

- 4. Consider Approval of Agreement No. 21-19-I-104 Amending Agreement No. 20-06-I-104, an Irrevocable Annexation Agreement with Mission 42 LLC for a Multi-Unit Residential Development Project at 5553 West Mission Boulevard, Ontario (APN 1011-351-02-0000) [CC] 56

D. Resolutions

1. Consider Adoption of Resolution No. 21-3305 Denouncing Racism, Xenophobia, Violence, and Intolerance Against Members of the Asian American and Pacific Islander Communities in the United States, and Affirming the City of Montclair's Commitment to the Well-Being and Safety of Residents Regardless of Race, Religion, National Origin, Disability, Sex, Gender Expression, Age, Sexual Orientation, or Military/Veteran Status [CC] 69
2. Consider Adoption of Resolution No. 21-3306 Continuing to Declare that a Local Public Health Emergency Exists in the City of Montclair, Updating Provisions of the Declaration in Relation to COVID-19 Paid Leave and Provision of Employee Vaccination Incentives, and Continuing to Establish City Eligibility for Federal and State Funding Assistance [CC] 75

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE

- A. Consider Receiving and Filing the Response to Council Inquiry Regarding the Reopening of City Facilities [CC]

Consider Taking One of the Following Actions:

Adopt City Facilities Reopening Protocols and Practices as Provided for Herein and in Compliance with the City Facilities Reopening, Health and Safety Plan; or

as Requested by President Biden, Delay the Reopening of City Facilities to Thursday, April 29, 2021, or the Day After the Nation Achieves the Biden-Harris Administration's Objective to Fully Vaccinate 200 Million Americans [CC] 96

XI. COUNCIL WORKSHOP

- A. Presentation on Potential Pension and Infrastructure Bonds

(The City Council may consider continuing this item to an adjourned meeting on Monday, April 19, 2021, at 5:45 p.m.)

XII. COMMUNICATIONS

- A. Department Reports — None

- B. City Attorney

1. Request for City Council to Meet in Closed Session Pursuant to Government Code §54956.9(d)(4) Regarding Potential Litigation [CC]

Montclair v. Monte Vista Water District

- C. City Manager/Executive Director

- D. Mayor/Chairperson

1. Announcement of Vacancies on Planning Commission (2) and Community Activities Commission (3)

E. Council Members/Directors

F. Committee Meeting Minutes *(for informational purposes only)*

1. Personnel Committee Meeting — March 15, 2021 [CC]

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XIII. CLOSED SESSION

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. ADJOURNMENT

This meeting shall be adjourned in memory of Chino City Council Member Mark Hargrove.

The next regular joint meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board will be held on Monday, April 19, 2021, at 7:00 p.m.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Acting Bodies after publication of the Agenda packet are available for public inspection in the Office of the City Clerk between 7:00 a.m. and 6:00 p.m., Monday through Thursday. Pursuant to the Governor's Executive Orders in relation to the COVID-19 pandemic, please call the City Clerk's Office at (909) 625-9416 or send an e-mail to cityclerk@cityofmontclair.org to request such review of items via e-mail.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416 or e-mail cityclerk@cityofmontclair.org. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Phillips, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the City's website at <https://www.cityofmontclair.org/departments/public-meetings/> and on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on Thursday, April 1, 2021.

NOTICE

THIS MEETING WILL BE CONDUCTED VIA WEBINAR/TELECONFERENCE. THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC.

Pursuant to Executive Orders issued by Governor Newsom to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting will be conducted remotely via the ZOOM virtual meeting platform. In compliance with the Executive Orders, there will be no in-person meeting location, however the public may participate using any of the remote methods described below.

LISTEN TO THE MEETING LIVE VIA ZOOM

Members of the public may participate in this meeting by joining the ZOOM conference via PC, Mac, iPad, iPhone, or Android device using the URL:

<https://zoom.us/j/93717150550>

LISTEN TO THE MEETING LIVE VIA TELEPHONE

The public may participate via phone only (without a computer/smart device) by dialing the below numbers:

Dial Number: 1-669-900-6833

Meeting ID: 937 1715 0550

**ALL PARTICIPANTS WILL BE MUTED AUTOMATICALLY UPON ENTERING THE MEETING.
THE CITY CLERK WILL UNMUTE THOSE WHO WISH TO SPEAK AT THE APPROPRIATE TIME.
PLEASE KEEP YOURSELF ON MUTE WHEN NOT SPEAKING.**

VERBAL PARTICIPATION USING ZOOM

Please use the "Raise Hand" button to request to speak. Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda and when the Meeting's presiding officer requests comments from the public.

If you want to provide public comments and are using a computer or laptop without a microphone connected or built in, you will also need to call in using the Teleconference Number and Meeting ID highlighted below, and dial your Participant ID on the phone when prompted. Your Participant ID is found in the "Phone Call" tab of the "Join Audio" settings. This option will also switch your audio over to the phone. Please do not use speaker mode and turn off your computer audio when speaking to prevent audio feedback.

VERBAL PARTICIPATION OVER THE PHONE

Please dial *6 to mute and unmute yourself, and *9 to "raise your hand" to request to speak. Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda and when the Meeting's presiding officer requests comments from the public. Do not use speaker mode when speaking.

ADA COMPLIANCE INFORMATION

Meetings are accessible to people with disabilities. Requests in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the City Clerk at cityclerk@cityofmontclair.org or call (909) 625-9416. Every attempt will be made to swiftly address each request. (28 CFR 35.102-35.104 ADA Title II)

PUBLIC COMMENT PROCEDURES

MAKING VERBAL COMMENTS

To provide verbal comments during the meeting, please visit <https://www.cityofmontclair.org/public-comment/> to fill out a Virtual Speaker Card to request to speak in advance. You may also call the City Clerk in advance at (909) 625-9416 to fill out the Virtual Speaker Card over the phone or e-mail your name, phone number if calling in during the meeting, and subject of comment or agenda item to cityclerk@cityofmontclair.org with "[Meeting Date] Virtual Speaker Card" as the subject line.

Meeting attendees who did not fill out the Virtual Speaker Card in advance will be given an opportunity to speak after those who requested to speak in advance.

SUBMITTING WRITTEN COMMENTS

Written comments (250 word limit) may be submitted prior to the meeting by filling out the Virtual Speaker Card (<https://www.cityofmontclair.org/public-comment/>), via e-mail (cityclerk@cityofmontclair.org), or via U.S. Mail (Mailing Address: City of Montclair, Attn: City Clerk, Re: [Meeting Date] Public Comment, 5111 Benito Street, Montclair, CA 91763), and will be read aloud during the meeting by the City Clerk at the appropriate time.

Please submit all requests to speak or written comments at least one hour prior to the start of the meeting. The City cannot be held responsible for U.S. Mail that does not arrive on time prior to the subject meeting.