

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 19, 2021 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:00 p.m.

II. INVOCATION

The invocation was given by **Minister Jimmy Crowell, Calvary Montclair.**

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Ruh led meeting participants in the Pledge.

Mayor/Chair Dutrey requested a moment of silence in memory of former Mayor **Paul M. Eaton**, who passed away three years ago.

IV. ROLL CALL

Present: Mayor/Chair Dutrey; Mayor Pro Tem/Vice Chair Ruh; Council Members/Directors Johnson and Martinez

City Manager/Executive Director Starr; Director of Human Services Richter; Executive Director of Public Safety/Police Chief Avels; Finance Manager Kulbeck; Senior Management Analyst Fuentes; City Attorney Robbins; City Clerk Myrick

Absent: Council Member/Director Lopez (arrived at 7:25 p.m.)

V. PRESENTATIONS

A. **Community Activities Commission Presentation of 2021 Home Beautification Awards**

Community Activities Commissioner Darlene Ferraro stated the CAC has sponsored the *Home Beautification Awards* program over the past 26 years to recognize Montclair residents who demonstrate community pride by attractively maintaining their homes. She noted this year the CAC selected two winners, who should be proud of the work they have done to maintain their homes. She thanked all residents who help make Montclair a beautiful community.

A brief PowerPoint presentation showcased photos of the finalists' residences. The **Ramirez** Family, 4882 Olive Street, was praised for its beautiful traditional landscaping including miniature palm trees, a red brick and stone fence lined with flower beds, and a private front garden oasis with benches and a three-tiered water fountain; and **Mr. Javier Alvarez**, 5449 Granada Street, was commended for his drought-tolerant landscaping. The winners were presented with *Home of the Year Award* certificates and gift certificates to **Los Portales Mexican Grille Restaurant**.

Mayor Dutrey congratulated the winners and thanked all residents who have contributed to the beautification of Montclair. He thanked the CAC for organizing and facilitating the program.

VI. PUBLIC COMMENT

- A. **Mr. Bruce Culp**, resident, expressed his support for the Pacific Electric Trail bridge replacement, noting the trail is important to the region. He also offered his support to the unvaccinated, thanked those who have been vaccinated, and urged those who are unsure to talk to their doctors about the vaccine.

## **VII. PUBLIC HEARINGS**

### **A. Consider Adoption of Resolution No. 21-3311 Approving Tentative Tract Map No. 20384 to Create 20 Industrial Condominiums at 10680 Silicon Avenue within the “M-1” Limited Manufacturing Zone**

Mayor Dutrey declared it the time and place for a public hearing related to Resolution No. 21-3311 and invited members of the audience to provide comments.

**Mr. Richard Held** stated he lives next door to the subject property and supports approval of the project, noting it has been a vacant lot for a very long time.

**Mr. Bruce Culp** spoke in support of the project.

There being no more members of the audience requesting to speak, Mayor Dutrey closed the public hearing.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried 4-0-1 (Lopez absent), the City Council adopted Resolution No. 21-3311 approving Tentative Tract Map No. 20384 to create 20 industrial condominiums at 10680 Silicon Avenue within the “M-1” Limited Manufacturing Zone.

Council Member/Director Lopez arrived at 7:25 p.m.

## **VIII. CONSENT CALENDAR**

Council Member Johnson pulled Item B-10 and noted her abstention on Items C-8 and C-9 due to a conflict of interest.

Mayor Dutrey stated he would like to abstain on the vote for Item A-1 because he was not in attendance at the meeting.

Mayor Pro Tem Ruh requested to abstain from voting on Item A-3, also due to his absence from the meeting.

Moved by Mayor/Chair Dutrey, seconded by Council Member/Director Johnson, and carried unanimously 5-0, the City Council approved the remainder of the Consent Calendar as presented:

### **A. Approval of Minutes**

#### **1. Regular Joint Meeting — June 21, 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 June 21, 2021 regular joint meeting by a 4-0-1 vote (Dutrey abstained).

#### **2. Adjourned Joint Meeting — June 28, 2021**

The City Council and Montclair Housing Corporation Board of Directors approved the minutes of the June 28, 2021 adjourned joint meeting.

Council Member Lopez pointed out he has still not received a list of all part-time benefitted employees that he had requested during this meeting, as noted in the minutes.

#### **3. Special Joint Meeting — June 30, 2021**

The City Council and Montclair Housing Corporation Board of Directors approved the minutes of the June 30, 2021 special joint meeting by a 4-0-1 vote (Ruh abstained).

### **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, 2021.

**2. Approval of City Warrant Register and Payroll Documentation**

The City Council approved the City Warrant Register dated July 5, 2021, totaling \$991,964.40 and July 19, 2021 totaling 620,232.35; and the Payroll Documentation dated June 6, 2021, amounting to \$589,092.40 gross, with \$406,902.66 net being the total cash disbursement; and June 20, 2021 amounting to \$731,544.63 gross, with \$488,562.86 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, 2021.

**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 06.01.21–06.30.21 in the amounts of \$7,299.49 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, 2021.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 06.01.21–06.30.21 in the amount of \$43,486.07.

**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, 2021.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 06.01.21–06.30.21 in the amount of \$0.00.

**9. Receiving and Filing a Status Report on Emergency Contracting Procedures for the Pacific Electric Trail Bridge Replacement Project Determining There is a Need to Continue the Action**

The City Council received and filed a status report on emergency contracting procedures for the Pacific Electric Trail Bridge Replacement Project and determined there is a need to continue the action.

**C. Agreements**

**1. Approval of Agreement No. 21–37 with Atkinson, Andelson, Loya, Ruud & Romo to Provide Legal and Consulting Services Related to Litigation and Employee Relations Matters, and Authorizing City Manager Edward C. Starr to Sign Said Agreement**

The City Council approved *Agreement No. 21–37* with Atkinson, Andelson, Loya, Ruud & Romo to provide legal and consulting services related to litigation and employee relations matters, and authorized City Manager Edward C. Starr to sign said agreement.

**2. Approval of Agreement No. 21–39 with Misha L. Penn to Provide Grant Management and Fiscal Compliance Services for the Human Services Department**

The City Council approved *Agreement No. 21–39* with Misha L. Penn to provide grant management and fiscal compliance services for the Human Services Department.

3. **Approval of Agreement No. 21-40 with Suzanne Yoakum to Provide Case Management Services for the Senior Center**

The City Council approved *Agreement No. 21-40* with Suzanne Yoakum to provide case management services for the Senior Center.

4. **Approval of Agreement No. 21-41 with Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program**

The City Council approved *Agreement No. 21-41* with Ontario-Montclair School District to provide a Licensed Clinical Social Worker for the case management program.

5. **Approval of Agreement No. 21-42 with the San Bernardino County Department of Aging and Adult Services to Support Senior Center Activities and the Senior Transportation Program**

The City Council approved *Agreement No. 21-42* with the San Bernardino County Department of Aging and Adult Services to support Senior Center activities and the Senior Transportation Program.

6. **Approval of Agreement No. 21-46 with the Montclair Chamber of Commerce to Provide Services to Promote Local Economic Development**

The City Council approved *Agreement No. 21-46* with the Montclair Chamber of Commerce to provide services to promote local economic development.

7. **Approval of Agreement No. 21-48 with AARP to Accept an Award for the 2021 Community Challenge Grant to Enhance the Montclair Community Garden**

The City Council approved *Agreement No. 21-48* with AARP to accept an award for the 2021 Community Challenge Grant to enhance the Montclair Community Garden.

8. **Approval of Agreement No. 21-49 with Ontario-Montclair School District to Support the Montclair After-School Program**

The City Council approved *Agreement No. 21-49* with Ontario-Montclair School District to support the Montclair After-School Program by a 4-0-1 vote (Johnson abstained).

9. **Approval of Agreement No. 21-50 with Ontario-Montclair School District to Support the Montclair After-School Summer Expanded Learning Program**

The City Council approved *Agreement No. 21-50* with Ontario-Montclair School District to support the Montclair After-School Summer Expanded Learning Program by a 4-0-1 vote (Johnson abstained).

10. **Approval of Agreement No. 20-51 with Civic Publications, Inc., to Provide Public Education and Community Outreach Services**

The City Council approved *Agreement No. 20-51* with Civic Publications, Inc., to provide public education and community outreach services.

**D. Resolutions**

1. **Adoption of Resolution No. 21-3315 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 21-3315 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

## **IX. PULLED CONSENT CALENDAR ITEMS**

### **B. Administrative Reports**

#### **10. Authorizing the Destruction of Certain Obsolete Public Records Pursuant to the City of Montclair Records Retention Schedule**

Council Member Johnson asked if the City could store records electronically to eliminate the need to store paper records.

City Manager Starr advised the City is in the process of transitioning to mostly electronic records; however, the City does not have a dedicated staff member to digitize older records that are in storage.

Council Member Lopez stated Page 3 of the Finance Department records lists a box of credit card receipts that covers the period 2019 to 2020, but the listed retention period is noted as four years past audit. He stated he does not believe those records should be destroyed at this time.

Mayor Dutrey asked if receipts are duplicate records that can be obtained from the bank.

City Manager Starr indicated they are receipt copies.

Moved by Council Member Johnson, seconded by Mayor Dutrey, and carried by a 4-1 vote (Lopez in opposition), the City Council authorized the destruction of certain obsolete public records pursuant to the City of Montclair Records Retention Schedule.

## **X. COMMUNICATIONS**

### **A. Department Reports**

#### **1. Police — Firework Enforcement Detail & National Night Out**

Lieutenant Kumanski reported on the firework enforcement detail, which resulted in a significant reduction in firework incidents compared to 2019 and 2020. He advised the effort took a holistic approach that included advertisement of the City's ban on fireworks, warning notices, increased patrols leading up to and on the Independence Day holiday, and an online reporting tool for residents. He advised the effort was a collaboration between the Police and Fire Departments and the Code Enforcement Division.

Council Member Lopez stated he is happy to see the numbers are lower this year and commended Fire Department staff for patrolling as well, noting there were four to five fires resulting from fireworks. He thanked police officers for assisting with evacuations near those fires. He noted he is still interested in exploring increased fines and other measures against fireworks and possibly allowing safe-and-sane fireworks to allow sales as fundraising opportunities for nonprofits in the City.

Mayor Pro Tem Ruh thanked Police, Fire, Code Enforcement, and all staff involved in the firework patrols and other prevention efforts.

Council Member Johnson stated she was pleasantly surprised with how effective the detail was in suppressing firework activities, noting she did not think there would be much of a difference when it was first discussed a couple months ago.

Mayor Dutrey requested staff analyze this year's firework prevention and response efforts such as yard signs, warnings, and fines, and look at ways to improve or enhance measures for next year and perhaps consider updates to the City's firework ordinance for consideration by the City Council before the end of the year.

Lieutenant Kumanski announced that next week on Tuesday, August 3, 2021, from 6:30 to 9:30 p.m. at **Alma Hofman Park**, the Police Department would be hosting the National Night Out event after a one-year hiatus due to the pandemic. He noted there would be food sales, community partners, and a 7:30 p.m. showing of the **Disney** movie **Frozen II**.

**2. Human Services — Summer Concerts & Movies in the Park**

Director of Human Services Richter stated the summer concert and movie series got off to a great start last week with **Cold Duck**, a top 40s and old school classics cover band. She invited the community to join the City at Alma Hofman Park on Tuesday evenings this summer, noting tomorrow's event will feature the movie **Raya and the Last Dragon** at sunset.

She also announced the Senior Center will tentatively reopen on Monday, August 2, at 11:00 a.m. for in-person dining during the senior lunch, with vaccinated and unvaccinated seating areas and with all being required to wear a mask until their meal is served. She advised to-go meals are also available for those who are not comfortable with dining in just yet. She also stated the Senior Center is in need of vaccinated volunteers for the senior lunch program.

**B. City Attorney**

City Attorney Robbins requested the City Council meet in closed session for conference with legal counsel regarding the following matters:

**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.

**2. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations**

Property: 9143 Monte Vista Ave., Montclair (APNs 1008-171-04 and -05)  
City Negotiator: Edward C. Starr, City Manager  
Negotiating Parties: City of Montclair and Tan Family Living Trust  
Under Negotiations: Recommendations Regarding Purchase Price.

**C. City Manager/Executive Director**

City Manager/Executive Director Starr advised a \$540 million trailer bill is making its way to **Governor Newsom's** desk to fund **the Gold Line's** completion to Montclair. He noted funding must be secured before October 7th in order to remain a part of the current project; otherwise, the extension would need to be re-bid as a separate project at a significantly higher cost. He stated if the funding is approved in time, the Montclair segment could be completed as soon as 2026.

**D. Mayor/Chair**

1. Mayor/Chair Dutrey made the following comments:
  - (a) He attended the installation of the new **Montclair Chamber of Commerce** Board of Directors and officers on July 8th.
  - (b) He attended the **Lucky Art Crayonology** grand opening event on Saturday, July 10th. He encouraged those with young children to visit, noting there are several fun activities and games for kids.

- (c) He boasted that 60 percent of adult Montclair residents have been vaccinated, and that 70 percent of individuals over age 60 have been vaccinated in the County.

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

1. Council Member/Director Martinez stated she is overjoyed that the concerts and movies in the park are happening this year, noting it is a great family event for all ages, and that even her teenage sister is excited to go.
2. Council Member/Director Johnson made the following comments:
  - (a) She stated she learned so much about crayons at the **Lucky Art Crayonology** grand opening event and noted even the adults were having a great time.
  - (b) She advised the Chamber would be holding a drive-thru e-waste event this coming weekend—Saturday and Sunday, July 24th and 25th, from 9:00 a.m. to 2:00 p.m. at the Chamber office, 8880 Benson Avenue, Suite 10.
3. Council Member/Director Lopez made the following comments:
  - (a) He thanked Code Enforcement, Police, and Fire for their work to make their combined firework enforcement efforts a success.
  - (b) He asked if the City is charged a fee for job postings on the **National Testing Network** website.

Director of Administrative Services and Human Resources Hamilton stated he would need to check the contract for the fee schedule.

He asked if the job postings could indicate whether they have closing deadlines or are ongoing recruitments.

Mayor Dutrey asked Council Member Lopez to discuss his concerns with staff privately regarding the recruitment process and if the issues cannot be resolved the City Council can put it on a future agenda for discussion.

- (c) He stated his concerns regarding a City policy requiring employees to reveal their vaccination status in order to obtain a sticker on their ID badge and be allowed to go maskless, noting he feels it is an invasion of privacy. He stated he would like to have the matter addressed tonight because there is a deadline of July 22nd for staff to get their stickers and he feels it could become a liability issue for the City.

Mayor Dutrey asked City Attorney Robbins whether this matter could be discussed during the meeting in open or closed session.

City Attorney Robbins indicated the matter being discussed does pertain to City business and should be on the agenda to hold further discussion.

Mayor Dutrey requested it be on the agenda at the next meeting during closed session as a matter of potential litigation. He added there is a grievance process staff and labor groups should use when they have issues with City policies or working conditions, and if the matter is urgent they could address a written memo to the City Council and City Manager stating their concerns.

4. Mayor Pro Tem/Vice Chair Ruh made the following comments:
  - (a) He thanked Code Enforcement, Police, and Fire personnel.
  - (b) He warned the Delta variant of the coronavirus is on the rise, and that the groups most affected are between the ages of 18 and 40.
  - (c) He congratulated returning Community Activities and Planning Commissioners, and welcomed the City's new Planning Commissioner, **Mr. Krishna Patel**.
  - (d) He noted the funding gap was discussed at the last Gold Line Joint Powers Authority meeting and emphasized the regional support for the funding bill's passage.
  - (e) He stated he regretfully could not attend the Chamber installation event and congratulated all new Board Members.
  - (f) He thanked all employees and departments for coming together during the pandemic to ensure City services continue for residents.

#### **F. Committee Meeting Minutes**

##### **1. Minutes of Personnel Committee Meeting of June 21, 2021**

The City Council received and filed the minutes of the Personnel Committee meeting of June 21, 2021, for informational purposes.

#### **XI. CLOSED SESSION**

At 8:25 p.m., the City Council went into closed session to discuss labor negotiations and real property negotiations.

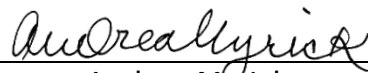
#### **XII. CLOSED SESSION ANNOUNCEMENTS**

At 9:15 p.m., the City Council returned from closed session. Mayor Dutrey announced the City Council met in closed session to discuss labor and real property negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

#### **XIII. ADJOURNMENT**

At 9:15 p.m., Mayor/Chair Dutrey adjourned the City Council, Successor Agency 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,



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Andrea Myrick  
City Clerk