

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, MAY 3, 2021 AT 7:03 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chair Dutrey called the meeting to order at 7:03 p.m.

II. INVOCATION

The invocation was provided by **Pastor Josh Matlock, Bethany Baptist Church.**

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chair Ruh 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; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Phillips

V. PRESENTATIONS

A. COVID-19 Community Recognition Award

Mayor Dutrey announced tonight's award recipient is **Principal Waylynn Senn of Our Lady of Lourdes School**, who was nominated by **Ms. Jessica Pleitez**. He described **Mr. Senn's** efforts in his first year as Principal to ensure each student had a device for remote learning and developed a strong online curriculum that included physical education, music, Spanish, art, and free tutoring during the pandemic. He presented **Mr. Senn** with the COVID-19 Community Recognition Award Certificate and a City pin.

VI. PUBLIC COMMENT

A. A resident whose name was not provided congratulated Council Members Lopez, Johnson, and Martinez on their successful elections and stated she is happy to be able to "raise her hand" in person at the meeting.

B. **Mrs. Carolyn Raft**, resident and former Council Member, stated she is glad to see everyone at the dais again and requested remote participation remain a part of meetings going forward. She also advised the **West Valley Mosquito and Vector Control District** can provide mosquito traps to residents upon request.

C. **Mr. Robert Pipersky, Montclair City Confidential Employees Association (MCCEA)** member, stated he will be the negotiator on behalf of MCCEA and intends to work with the City's other labor groups to seek wage parity to other cities for all classifications, noting most positions in Montclair are currently 10 to 20 percent below the average pay compared to surrounding cities. He stated the City's recently passed Measure L sales tax provides a new funding source for those costs and there is also a potential to issue bonds for these costs.

D. **Mr. Bruce Culp**, resident, stated he supports keeping the Zoom format while conducting in-person meetings. He also expressed his support for Montclair employees and commended City Manager Starr for keeping the City stable.

VII. PUBLIC HEARINGS

A. Consider Adoption of Resolution No. 21-3310 Authorizing the Issuance of Bonds to Refund Certain Pension Obligations of the City; Approving the Form and Authorizing the Execution of a Trust Agreement and Bond Purchase Agreement; Authorizing Judicial Validation Proceedings Relating to the Issuance of Such Bonds; Authorizing Retention of Bond Counsel, Bond Disclosure Counsel, Municipal Advisor, Underwriter, and Trustee; Authorizing the City Manager to Execute All Agreements and Retention Contracts; and Approving Additional Actions Related Thereto

Mayor Dutrey declared it the time and place for a public hearing related to Resolution No. 21-3310 and invited members of the audience to provide comments.

Mr. Culp spoke in support of the bond issuance to fund pension obligations and asked if the bonds only cover prior pension obligations, how does the City plan to reduce future liability? He added the City needs to also look at additional revenue sources and urged the Council to consider allowing and regulating commercial cannabis.

Mr. Pipersky spoke in support of the bond issuance to cover pension obligations and clarified that he was not implying in his earlier comments that this bond issue could also cover wage increases.

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.

City Manager Starr advised no Measure L funds have been committed to unfunded accrued pension liability (UAL) costs, and advised this is simply a transfer of an existing debt to issuing bonds with a more favorable repayment schedule and lower interest rate than what the City has been paying directly to **CalPERS**.

Council Member Lopez stated his concerns going with the Scenario 3 repayment structure versus Scenario 2, noting Scenario 2 would achieve greater savings than Scenario 3 in less time.

City Manager Starr advised staff prefers Scenario 3 simply due to the facts that it would provide the City with additional savings up front, allowing those immediate funds to be deposited into a Pension Obligation Bond Amortization Account to cover any increases in the UAL from **CalPERS**, and would also provide a lower and more consistent payment schedule for the bonds year-to-year.

Mayor Dutrey stated his understanding that the repayment scenario could be decided at a later date.

City Manager Starr stated that is correct, noting staff would present the scenarios in August with the final numbers and locked in rates for a better comparison.

Council Member Johnson asked if the bonds could be refinanced in the future.

City Manager Starr stated after 10 years, the bonds can be recalled or refinanced.

Mayor Pro Tem Ruh stated while he does not agree with **CalPERS'** methods, he feels it is important that the City keep its promises to past, present, and future employees.

Council Member Lopez asked if staff prefers Scenario 3 due to the ability to create an amortization account, whether that could also be incorporated into Scenario 2, and if money in that account could be used for any other purposes besides paying UAL increases.

City Manager Starr advised that is the main advantage, and while the same thing could be worked into Scenario 2, there would not be any

money to start the fund and it would require new money to be allocated from other sources. He noted the use of money in that account would be up to the City Council, although staff's intent would be to only use it on UAL.

Mayor Dutrey stated he supports the City going this route to address the out-of-control UAL increases.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried by the following vote that the City Council adopt Resolution No. 21-3310:

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

VIII. CONSENT CALENDAR

Council Member Lopez requested Items B-1 and B-3 be pulled from the Consent Calendar.

Mayor Dutrey requested his abstention from the vote be noted on Item A-1.

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Johnson, and carried unanimously 5-0, the City Council approved the remainder of the Consent Calendar as presented, with the exception of Item A-1 with Mayor Dutrey's abstention noted:

A. Approval of Minutes

1. Regular Joint Meeting — April 19, 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 April 19, 2021 regular joint meeting by a 4-0-1 vote, with Mayor Dutrey abstaining.

2. Adjourned Meeting — April 20, 2021

The City Council approved the minutes of the April 20, 2021 adjourned meeting.

B. Administrative Reports

2. Approval of the Filing of a Notice of Completion of Contract with Gentry Brothers, Inc., for Construction of the Holt Boulevard Pavement Rehabilitation Project

Release of Retention of Payment Bond 30 Days After Recordation of Notice Of Completion

The City Council took the following actions:

- (a) Approved of the filing of a Notice of Completion of contract with Gentry Brothers, Inc., for construction of the Holt Boulevard Pavement Rehabilitation Project.
- (b) Released Retention of Payment Bond 30 Days after recordation of Notice of Completion.

4. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated May 3, 2021, totaling \$1,672,017.28; and the Payroll Documentation dated March 28, 2021, amounting to \$604,079.59 gross, with \$419,633.44 net being the total cash disbursement.

C. Agreements — None

D. Resolutions — None

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

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

Mr. Culp reiterated his support for replacing the bridge and suggested looking ahead to ensure the successful joining of the **Pacific Electric Trail** with the future **San Antonio Creek Trail**.

Council Member Lopez expressed concern over the use of the word *“hopeful”* in the staff report in reference to **San Bernardino County Transportation Authority’s** dedication of funds for this project, for an amount *“up to”* \$100,000.

Mayor Dutrey stated he is on the **SBCTA Board** and it is his understanding that **SBCTA** staff will be recommending Board approval of that amount; however, he intends to advocate for a greater contribution.

City Manager Starr advised the \$100,000 would not be a reimbursement but should be considered more as an obligation, as the **Pacific Electric Trail** was a regional project for which **SBCTA** is the lead agency.

Council Member Martinez expressed her appreciation for **SBCTA’s** support and willingness to provide assistance.

Moved by Council Member Lopez, seconded by Mayor Pro Tem Ruh, and carried unanimously 5-0, 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.

3. Authorizing the Submission of a Letter of Opposition to the Senate Appropriations Committee for Senate Bill 210 (Weiner) Automated License Plate Recognition Systems

Mr. Culp expressed concerns regarding the invasion of residents’ privacy, noting he sees no need for the storage of so much license plate information. He urged the City Council to stay neutral in this matter and not submit a letter.

Council Member Lopez stated he would like for the letter to not simply be sent to the Appropriations Committee, but to follow the bill through the legislative process to the Senate and Assembly should it get out of Committee.

Moved by Council Member Lopez, seconded by Mayor Pro Tem Ruh, and carried unanimously 5-0 that the City Council authorize the submission of a letter of opposition to the Senate Appropriations Committee, and all successive state legislative bodies, for Senate Bill 210 (Weiner) Automated License Plate Recognition Systems.

At 8:29 p.m., Mayor Pro Tem Ruh left the dais.

X. BUSINESS ITEM

A. Consider Adoption of Resolution No. 21-3309

Moved by Council Member Lopez, seconded by Council Member Johnson, and carried by the following vote that the City Council adopt Resolution No. 21-3309:

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

At 8:32 p.m., Mayor Pro Tem Ruh returned to the dais.

XI. COMMUNICATIONS

A. Department Reports — None

B. City Attorney

City Attorney Robbins stated she is pulling the closed session item from the agenda, and that the City Council will not meet in closed session this evening.

C. City Manager/Executive Director — No Comments

D. Mayor/Chair

1. Mayor Dutrey announced there are two vacancies on the Planning Commission and three vacancies on the Community Activities Commission, and encouraged residents to apply at www.cityofmontclair.org by the deadline at 5:30 p.m. on May 4, 2021.
2. Mayor/Chair Dutrey made the following comments:
 - (a) Tonight's meeting will be adjourned in memory of **Hollis Judkins**, who was a Community Activities Commissioner when it was called *Community Action Committee*, and was president of the Senior Club.
 - (b) He stated the Council is back to holding its meetings in the Chambers now that the county is in the yellow tier, and 48 percent of the adult population in the County is currently at least partially vaccinated. He expressed the importance to get vaccinated so that everything can go back to normal.
 - (c) He stated there is now a vaccination and testing site at **Montclair Place**.
 - (d) He expressed his appreciation for the opening of the **AMC Theatre** and the reopening of indoor dining.
 - (e) He apologized for his absence at the last meeting, noting he was touring colleges with his daughter, who has decided to attend **Loyola University Chicago**.

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 commended **San Bernardino County Sheriff John McMahon** on a recently solved cold case from 1980 and the arrest of the murder suspect thanks to recent advancements in DNA forensics.
 - (b) He reported that, as a result of the 2020 US Census, California will be losing one representative in the House. He noted while the population has grown over the past decade, it has not been growing as fast as other states.
 - (c) He urged all to get vaccinated if possible.
 - (d) He stated **Hollis Judkins** will be greatly missed by the community, noting she was at every City event.
 - (e) He expressed his pleasure of seeing everyone in-person and noted he agrees that the City should continue allowing remote public participation to accommodate busy working individuals.
2. Council Member/Director Johnson made the following comments:
 - (a) She reported the County is offering rent relief assistance and directed those interested to the County's website for an application.
 - (b) She expressed her sheer joy when witnessing, along with Mayor Dutrey, a homeless family receive keys to their new

mobile home, which was provided through a partnership between the City's Code Enforcement Division, **Metro Honda, Christian Development Center, and Bethany Baptist Church.**

- (c) She advised many businesses throughout the City are hiring, including **John's Incredible Pizza**. She noted **Montclair Place** also has a QR code on its website that lists all of the businesses in the mall that are hiring.
 - (d) She wished everyone a Happy Mother's Day this weekend.
3. Council Member/Director Martinez made the following comments:
- (a) She advised that starting tomorrow, vaccines will be available at **Montclair Place** at the former **New York & Co.** location.
 - (b) She happily reported receiving both doses of the vaccine and not experiencing any adverse effects.
4. Council Member/Director Lopez made the following comments:
- (a) He provided several freeway and road closure notices from **SBCTA** including overnight closures on Monte Vista Avenue under the freeway; and up to 2 lanes on the freeway in the daytime and up to 3 lanes overnight from Indian Hill Boulevard to Central Avenue through 2023.
 - (b) He advised the construction on the freeway sound wall at **MacArthur Park** is almost complete.
 - (c) He warned motorists to be careful when driving on southbound Monte Vista Avenue, noting there was just a major accident. He stated his belief that while residents tend to be aware of the road conditions, visitors are often confused and suggested adding more signage to provide ample warning well before arriving at the construction zones and lane closures.
 - (d) He thanked City Attorney Robbins for providing him with a memo discussing fines for fireworks and the limitations put on the City by the state, and requested a staff presentation on the issue of fireworks in light of the Ontario explosion, noting several residents have brought their firework safety concerns to him since the incident.
- Executive Director of Public Safety/Police Chief Avels advised it is likely much too late to make any changes to laws that will be enforceable in time for the upcoming Fourth of July holiday, noting the City provides the public with notices of the current laws and fines with utility bill mailings, which have already been sent. He added staff would continue looking into the matter for future changes to the way firework crimes are investigated and prosecuted.
- (e) He made staff aware that a street light wire fell on a resident's property and while fixing the issue, a **Southern California Edison** technician damaged one of the trees on his property, which is owned by the City. He advised staff the tree is now dying and he will pass along more information for staff to address the issue.
 - (f) He stated he is glad to be seated at the dais for the first time at an official City Council meeting since taking office, and honored to be occupying the seat that was formerly occupied by the City's first Hispanic Council Member, Dolly Lewman (née Lopez).

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of April 19, 2021

The City Council received and filed the minutes of the Personnel Committee meeting of April 19, 2021, for informational purposes.

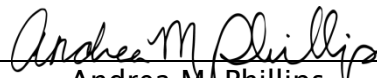
XII. CLOSED SESSION — None

XIII. CLOSED SESSION ANNOUNCEMENTS— None

XIV. ADJOURNMENT

At 9:00 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 former Community Action Committee Member **Hollis Judkins**.

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