

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, JUNE 7, 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 given by **Reverend Maggie Burbank, Monte Vista Unitarian Universalist Congregation.**

III. PLEDGE OF ALLEGIANCE

Council Member/Director Lopez 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 Human Services Richter; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. **Proclamation Declaring June 2021 as Pride Month in the City of Montclair**

Mayor Dutrey presented a proclamation declaring June 2021 as Pride Month in the City of Montclair to **Reverend Maggie Burbank, Monte Vista Unitarian Universalist Congregation.**

VI. PUBLIC COMMENT

A. **Ash Tandoc**, student and President of the **Lavender Coalition at Chaffey College**, stated they were invited to accept the proclamation this evening but could not in good conscience do so after learning about the troubling statements made by Council Member Lopez in the past about the LGBTQ+ community and his lobbying actions against AB 1266. They urged Council Member Lopez to rescind his statements otherwise the proclamation would be recognized only as a performative action with no meaning behind it.

B. **Mr. Thuan Nguyen**, resident, stated while he is thankful for the City's decision to issue the proclamation, he struggles to accept it due to a lack of public apology from Council Member Lopez to the LGBTQ+ community. He noted without an apology from or resignation of Council Member Lopez, the proclamation is a shallow and symbolic gesture with no action behind it. He further encouraged Mayor Dutrey and Council Member Ruh to rescind their prior endorsements of Council Member Lopez during his election campaign.

C. City Clerk Myrick read a comment submitted by **Priya V.** who introduced themselves as a queer-identifying student who does not condone Council Member Lopez's public anti-LGBTQ+ statements and his advocacy against AB 1266, a bill which affirmed equal opportunity protections for transgender students. They demanded an apology for Mr. Lopez's history of anti-LGBTQ+ rhetoric and called for his immediate resignation from the City Council.

D. **Micah Cooper, Associated Students of Merritt College (ASMC)** President, spoke in support of the **Lavender Coalition** and echoed prior speakers' sentiments against Council Member Lopez.

- E. **Mr. Jordan Rinker**, resident, stated he was displeased to see the Council Chambers lit up in rainbow colors, which prompted him to attend tonight’s meeting to speak against the City’s proclamation for Pride Month and the proliferation of public recognition and support of the LGBTQ+ community. While insisting he treats all people with respect as individuals, he indicated he does not accept or recognize homosexuality as normal and knows many residents who feel the same way as him. He stated he does not think the City should promote alternative lifestyles and force acceptance onto people.
- F. **Mr. Bruce Culp**, resident, welcomed City Manager Starr back and congratulated City Clerk Myrick on her recent nuptials. He noted his excitement to tour the new **Omnitrans** electric bus that was parked outside the Council Chambers prior to tonight’s meeting and noted he hopes to see a bus stop added around City Hall or **Alma Hofman Park**, where he feels one is sorely needed. He spoke in full support of the City’s Pride Month proclamation and recognized the struggles, of the LGBTQ+ community, noting he has met so many wonderful people who are part of that community since moving to Montclair and has so much love for them.

Council Member Ruh left the meeting.

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**

City Manager Starr advised staff is requesting this item be continued to the next regular meeting on June 21, 2021.

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

Moved by Council Member Johnson, seconded by Council Member Lopez, and carried 4-0 by the following vote, the City Council continued this item to a public hearing on Monday, June 21, 2021, at 7:00 p.m. in the City Council Chambers:

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

VIII. CONSENT CALENDAR

Council Member Ruh returned to the meeting.

Council Member Johnson requested to pull Item D-1 for a question.

Council Member Lopez requested Items C-1, C-4, and C-5 be pulled for a question related to the proposed contracted services.

City Manager Starr requested Item C-5 be continued to a future meeting.

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Lopez, 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 — May 17, 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 May 17, 2021 regular joint meeting.

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

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.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated June 7, 2021, totaling \$2,048,586.25; and the Payroll Documentation dated May 9, 2021, amounting to \$608,823.43 gross, with \$420,035.17 net being the total cash disbursement.

3. Authorizing A \$1,150 Appropriation from the Prop 30/AB 109 Fund to Purchase Two Updated Trackers and Pay the Annual Usage Fee for Two Electronic Stakeout Tracker Systems

The City Council authorized a \$1,150 appropriation from the Prop 30/AB 109 Fund to purchase two updated trackers and pay the annual usage fee for two Electronic Stakeout Tracker Systems.

4. Authorizing a \$985 Appropriation from the Prop 30/AB 109 Fund to Pay the Annual Usage Fee for the Police Department's Two LiveView GPS Tracking Units

The City Council authorized a \$985 appropriation from the Prop 30/AB 109 Fund to pay the annual usage fee for the Police Department's two LiveView GPS tracking units.

C. Agreements

2. Approval of Agreement No. 21-30 with the San Bernardino County Fire Protection District Authorizing the Receipt of \$14,576.57 from the FY2019 State Homeland Security Grant Program

Authorizing a \$14,576.57 Appropriation from the Public Safety Grant Fund to Purchase One Hurst E-Draulic Cutter Tool, Spreader Stability Plate Kit, and Chain Set With Lock/Hook from L.N. Curtis

The City Council took the following actions:

- (a) Approved *Agreement No. 21-30* with the San Bernardino County Fire Protection District authorizing the receipt of \$14,576.57 from the FY2019 State Homeland Security Grant Program.
- (b) Authorized a \$14,576.57 appropriation from the Public Safety Grant Fund to purchase one Hurst E-Draulic cutter tool, spreader stability plate kit, and chain set with lock/hook from L.N. Curtis.

3. Approval of Agreement No. 21-31 with Ontario-Montclair School District for Utilization of the Family Resource Center for Case Management Services and to Support Operating Costs of the Facility

The City Council approved *Agreement No. 21-31* with Ontario-Montclair School District for utilization of the Family Resource Center for case management services and to support operating costs of the facility.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

1. **Approval of Agreement No. 21-26 with AppleOne Employment Services to Provide Staffing Services for the Montclair After-School Program**

Council Member Lopez asked what kind of background checks the individuals assigned to work for the City via contract are subject to by these private companies, especially with regard to the hiring service being used for staff who work with children.

City Manager Starr advised for cleaning services the City is obligated to go with the lowest bid, and that contracted agencies utilize their own hiring processes that the City is not involved with. He noted liability for the actions of employees providing services to or on behalf of the City are shared with the contracted agency; however, the City has verified that the proposed agencies have solid reputations for the quality of their work and employees.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried unanimously 5-0, the City Council approved *Agreement No. 21-26* with AppleOne Employment Services to provide staffing services for the Montclair After-School Program.

4. **Approval of Agreement No. 21-32 with ServiceMaster 360 Premier Cleaning to Provide Custodial Services at the Family Resource Center**

See relevant discussion on Item C-1.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried unanimously 5-0, the City Council approved *Agreement No. 21-32* with ServiceMaster 360 Premier Cleaning to provide custodial services at the Family Resource Center.

5. **Approval of Agreement No. 21-33 Amending Agreement No. 18-23 with All City Management Services, Inc. for School Crossing Guard Services**

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried unanimously 5-0, the City Council continued this item to a future meeting.

D. Resolutions

1. **Adoption of Resolution No. 21-3312 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

Council Member Johnson pointed out the "senior" category on Exhibit A to Resolution No. 21-3312 and asked if there are programs available to assist seniors with their utility bills.

City Manager Starr advised qualifying seniors do receive a discount to their trash and sewer bills; however, he noted many prefer to defer their trash and sewer payments through this process and pay them off when they are added to their tax bill through the lien process. He noted if the property is sold, any outstanding liens since those paid by the prior property tax bill are paid at the time of sale.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Lopez, and carried unanimously 5-0, the City Council City Council adopted Resolution No. 21-3312 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

X. COMMUNICATIONS

A. Department Reports

1. Police Department — Firework Enforcement Update

Executive Director of Public Safety/Police Chief Avels provided a review of the City's past and current firework reporting patterns and response efforts, which currently including providing notices in the following manners:

- Providing notices to all residents with their trash and sewer bills by mail two to three months prior to the month of July.
- Mounting large banners on City facilities.
- Posting magnetic signs on all City vehicles.
- Developing an extensive social media campaign to educate the public.
- Designing a notice to display on the **Montclair Place** digital freeway sign.
- Creating yard signs to post in prominent areas around the City and to provide to interested residents for placing in their yards.
- Sending targeted formal warning letters to residences suspected of firework activity.

He further advised there will be increased deployment of police and code enforcement officers on July 4th, and the Police Department is working to improve future enforcement by developing an internal investigative system and implementing an online citizen firework reporting system, which may be available before the holiday.

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 54956.9(d)(1) Regarding Pending Litigation

Montclair v. Southern California Edison

3. 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.

City Attorney Robbins stated she is pulling the following closed session item from the agenda, and that the City Council will not discuss it in closed session this evening:

2. Closed Session Pursuant to Government Code Section 54956.9(d)(4) Regarding Potential Litigation

1 Potential Case

C. City Manager/Executive Director

City Manager/Executive Director Starr thanked Director of Human Services Richter and Senior Management Analyst Fuentes for taking on the roles of Acting City Manager and Acting Deputy City Manager, respectively, for doing an excellent job while he continues to recover from surgery.

D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:
 - (a) Tonight's meeting will be adjourned in memory of **San Bernardino County Sheriff's Sergeant Dominic Vaca**.
 - (b) He is looking forward to movies in the park and **National Night Out** this year.
 - (c) He will not be in attendance at the next City Council meeting.
 - (d) He advised the City Council will hold its preliminary budget review workshop as a special meeting on Monday, June 28, at 6:00 p.m.
 - (e) He expressed his appreciation for those who showed up before the meeting to tour the new **Omnitrans** bus.

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 **Omnitrans** for its move toward an electric fleet noting an increase in electric vehicles is increasing demand for electric charging stations.
 - (b) He noted there was a *Los Angeles Times* article on May 30th about **U.S. Representative Norma Torres'** life growing up in the "killing fields" during the Guatemalan genocide.
 - (c) He thanked all involved with the Volunteer of the Year Award event, including the Community Activities Commissioners and staff, noting the City greatly appreciates its volunteers.
 - (d) He encouraged everyone to watch this year's Memorial Day presentation video that is available on the City's website.
 - (e) He announced the grand opening of **Inland Physicians Medical Group's** new office at 9525 Monte Vista Avenue, noting he, along with Mayor Dutrey and Council Members Ruh and Johnson, attended the ribbon cutting event.
 - (f) He thanked Chief Avels for his presentation, noting fireworks are a threat to public safety.
 - (g) He advised most vaccine centers are offering walk-ins for COVID-19 inoculations and encouraged everyone to get vaccinated if they still need to.
 - (h) He stated the **Gold Line** remains a top priority for the City of Montclair, noting it is essential for moving people through this region.
 - (i) He noted yesterday marks the 75-year anniversary of D-Day, the allied forces' invasion of Normandy during World War II on June 6, 1944, and encouraged everyone to make an effort to visit the D-Day exhibit at the **World War II Museum**.
2. Council Member/Director Lopez made the following comments:
 - (a) He noted he also attended the volunteer awards ceremony and event along with Mayor Dutrey and Mayor Pro Tem Ruh and congratulated **Tammy Schmidt** for being named 2020 Volunteer of the Year along with all of the wonderful volunteers who were recognized at the event.
 - (b) He advised the **West Valley Mosquito and Vector Control District** has identified several cases of green pools throughout the community and urged everyone to clean

their pools and dump standing water in anticipation of the upcoming summer mosquito season.

- (c) He stated his appreciation to **San Bernardino County Transportation Authority** staff for addressing signage and congestion issues related to the I-10 construction work.
 - (d) He provided several freeway and road closure notices from **SBCTA** noting road work will continue on Monte Vista Avenue for three years, on Central Avenue for 18 months, and on Benson Avenue for two years including upcoming weeknight underpass closures.
 - (e) He thanked staff for addressing the littering issue at **Alma Hofman Park** by adding more trash cans.
 - (f) He urged residents to report any suspicious activity or crimes they witness to the Police Department, especially in relation to the ongoing illegal fireworks activity.
 - (g) He thanked Code Enforcement staff for addressing a graffiti issue and providing assistance to a homeless individual at his requests.
 - (h) He thanked Director of Human Services Richter for being so responsive to him while serving as Acting City Manager.
- 3. Council Member/Director Johnson stated she is looking forward to the end of the pandemic and is excited for all of the City events that will be happening this summer.
 - 4. Council Member/Director Martinez stated comments about LGBTQ+ individuals made by **Mr. Rinker** earlier this evening show just how much the LGBTQ+ community is “othered” and how much the proclamation is needed. She thanked those who spoke in support of the LGBTQ+ community and of the City’s LGBTQ+ residents.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of March 15, 2021

The City Council received and filed the minutes of the Real Estate Committee meeting of March 15, 2021, for informational purposes.

2. Minutes of Public Works Committee Meeting of March 18, 2021

The City Council received and filed the minutes of the Public Works Committee meeting of March 18, 2021, for informational purposes.

3. Minutes of Personnel Committee Meeting of May 17, 2021

The City Council received and filed the minutes of the Personnel Committee meeting of May 17, 2021, for informational purposes.

XI. CLOSED SESSION

At 8:18 p.m., the City Council went into closed session to discuss labor negotiations and pending litigation.

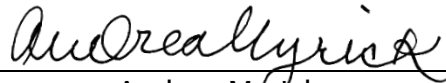
XII. CLOSED SESSION ANNOUNCEMENTS

At 8:35 p.m., the City Council returned from closed session. Mayor Dutrey announced the City Council met in closed session to discuss labor negotiations and pending litigation; information was received and direction given to staff; and no further announcements would be made at this time.

XIII. ADJOURNMENT

At 8:37 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 **San Bernardino County Sheriff's Sergeant Dominic Vaca**.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commission/Montclair Community Foundation Board approval,



Andrea Myrick
City Clerk