

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 21, 2021 AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Mayor Pro Tem/Vice Chair Ruh called the meeting to order at 7:01 p.m.

II. INVOCATION

The invocation was given by **Sri Charana, Nithyananda Vedic Temple.**

III. PLEDGE OF ALLEGIANCE

Council Member/Director Lopez led meeting participants in the Pledge.

IV. ROLL CALL

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

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

Absent: Mayor/Chair Dutrey (excused)

V. PRESENTATIONS

A. **Chamber of Commerce Presentation of Police Officer of the Year and Annual Achievement Awards**

**Mr. Tim Walborn**, Past Chair of the **Montclair Chamber of Commerce** Board of Directors, stated the Chamber annually holds a luncheon at which members of the Police Department are recognized for their hard work and dedication to the community and the Officer of the Year and Annual Achievement Awards are presented; however, due to the pandemic he noted last year the event was cancelled and this year the Chamber decided to make a Council Meeting presentation. He asked Executive Director of Public Safety/Police Chief Avels to introduce this evening's honorees.

Chief Avels presented the 2020 Officer of the Year Award to Officer Miguel Huerta, and the Annual Achievement Award to Officer Mark Robles and discussed accomplishments that earned them this honor.

**Past Chair Walborn** presented both officers with crystal trophies on behalf of the **Montclair Chamber of Commerce.**

Mayor Pro Tem Ruh presented the honorees with Certificates of Recognition from the City. Certificates were also presented on behalf of **Fourth District County Supervisor Curt Hagman, Assembly Member Freddie Rodriguez, and Senator Connie Leyva.**

VI. PUBLIC COMMENT

- A. **Mr. Matt Muncy**, resident, expressed his support and appreciation for the City's Pride Month proclamation and the rainbow lights in the Council Chambers. He stated he was offended by the anti-LGBTQ+ words spoken by a resident at the last Council meeting, and that such hateful rhetoric is harmful to the community; however, attitudes from those in power is even more harmful, referencing a Council Member's past remarks in front of the California legislature and on social media, and declared that elected officials who cannot commit to words and actions to protect all community members, especially those who have faced historic oppression, should not hold office.

- B. **Ms. Gina Howerton**, resident, raised a complaint about the traffic light on Kingsley Street and Monte Vista Avenue, noting the red light for cars waiting on Kingsley Street is extremely long even when there is no traffic on Monte Vista Avenue. She also noted that during the election, she made a comment on social media about the LGBTQ+ community and Council Member Martinez replied accusing her of not being a resident, and of being a homophobic, outside instigator. She stated she has, in fact, resided in Montclair for 35 years.

**VII. PUBLIC HEARINGS**

- A. **Consider Setting a Public Hearing for Monday, July 19, 2021, at 7:00 p.m. in the City Council Chambers and Continuing Review and Consideration 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 to Said Public Hearing**

City Manager Starr advised staff is requesting this item be continued to the next regular meeting on July 19, 2021, so the property owner has more time to resolve an easement issue.

Mayor Pro Tem Ruh 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 Pro Tem Ruh closed the public hearing.

Moved by Council Member Johnson, seconded by Council Member Lopez, and carried 4-0-1 by the following vote, the City Council continued this item to a public hearing on Monday, July 19, 2021, at 7:00 p.m. in the City Council Chambers:

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

**VIII. CONSENT CALENDAR**

Council Member Johnson pulled Items B-11 and C-1.

Council Member Lopez pulled Items C-4, C-7, and C-8.

Moved by Council Member/Director Lopez, seconded by Council Member/Director Johnson, and carried unanimously 4-0-1 (Dutrey absent), the City Council approved the remainder of the Consent Calendar as presented:

- A. **Approval of Minutes**

- 1. **Regular Joint Meeting — June 7, 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 7, 2021 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 May 31, 2021.

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

- The City Council approved the City Warrant Register dated June 21, 2021, totaling \$590,118.94; and the Payroll Documentation dated May 23, 2021, amounting to \$629,988.76 gross, with \$418,573.19 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 May 31, 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 05.01.21-05.31.21 in the amounts of \$7,779.34 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 May 31, 2021.

**6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 05.01.21-05.31.21 in the amount of \$37,781.83.

**7. Receiving and Filing of MHA Treasurer's Report**

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending May 31, 2021.

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 05.01.21-05.31.21 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 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.

**10. Authorizing a \$651,000 Transfer from the Park Development Fund in the Amounts of \$569,077.58 to the 2014 Lease Revenue Bond Fund to Cover the Purchase of Park Properties and \$81,922.42 to the Infrastructure Fund to Cover Unanticipated Current Project Costs and to Provide Funding for Future Infrastructure Improvements**

The City Council authorized a \$651,000 transfer from the Park Development Fund in the amounts of \$569,077.58 to the 2014 Lease Revenue Bond Fund to cover the purchase of park properties and \$81,922.42 to the Infrastructure Fund to cover unanticipated current project costs and to provide funding for future infrastructure improvements.

**12. Concluding the Memorandum of Understanding with Inland Empire Utilities Agency (IEUA) for Participation in the Development of the Chino Basin Program**

**Authorizing the City Manager to Provide Formal Notification of the Action to the IEUA Board of Directors and General Manager**

The City Council took the following actions:

- (a) Concluded the Memorandum of Understanding with Inland Empire Utilities Agency (IEUA) for participation in the development of the Chino Basin Program.
- (b) Authorized the City Manager to provide formal notification of the action to the IEUA Board of Directors and General Manager.

**13. Approval of the Payment for a One-Year Subscription Renewal of Zengine Application Software for the Montclair to College Program Through Wizehive, Inc. in the Amount of \$7,350**

The City Council acting as successor to the Montclair Community Foundation Board approved the payment for a one-year subscription renewal of Zengine application software for the Montclair to College Program through Wizehive, Inc. in the amount of \$7,350.

**C. Agreements**

**2. Approval of Agreement No. 21-27 with Catering Systems, Inc. to Provide Meals for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 21-27* with Catering Systems, Inc. to provide meals for the City's Senior Citizen Nutrition program.

**3. Approval of Agreement No. 21-28 with Nutrition Ink to Provide Nutrition Education Services for the City's Senior Citizen Nutrition Program**

The City Council approved *Agreement No. 21-28* with Nutrition Ink to provide nutrition education services for the City's Senior Citizen Nutrition Program.

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

The City Council approved *Agreement No. 21-33* with All City Management Services, Inc. for school crossing guard services.

**6. Approval of Agreement No. 20-34 with LAE Associates, Inc. for Program Management Assistance for the Highway Safety Improvement Program (HSIP) for the Ramona Avenue/Howard Street Roundabout Project**

The City Council approved *Agreement No. 20-34* with LAE Associates, Inc. for Program Management Assistance for the Highway Safety Improvement Program (HSIP) for the Ramona Avenue/Howard Street Roundabout Project.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**11. Authorizing the Use of \$5,500 in State Asset Forfeiture Funds to Host the 2021 National Night Out Event**

Mayor Pro Tem Ruh requested clarification on the date and time of the event.

Chief Avels advised the national event is always held on the first Tuesday in August and this year it will be on Tuesday, August 3, 2021, beginning at 6:30 p.m.

Council Member Johnson asked if Police and Fire vehicles would be available for children to explore.

Chief Avels confirmed the vehicles will be at the event.

Moved by Council Member Lopez, seconded by Council Member Martinez, and carried unanimously 4-0-1 (Dutrey absent), the City Council authorized the use of \$5,500 in State Asset Forfeiture funds to host the 2021 National Night Out Event.

**C. Agreements**

**1. Approval of Agreement No. 21-22 with Consolidated Fire Agencies of San Bernardino County (CONFIRE) for Continued Dispatch and Communication Services**

Council Member Johnson asked what dispatch center gets 9-1-1 calls in Montclair first.

Chief Avels advised the calls are first directed to the Montclair Police Department, and then are routed to CONFIRE if fire, rescue, or ambulatory services are needed; however, typically an officer would also be dispatched to assist.

Moved by Council Member Johnson, seconded by Council Member Martinez, and carried unanimously 4-0-1 (Dutrey absent), the City Council approved *Agreement No. 21-22* with Consolidated Fire Agencies of San Bernardino County (CONFIRE) for continued dispatch and communication services.

**4. Approval of *Agreement No. 21-29*, a Memorandum of Understanding with the Montclair Firefighters' Association for the Period of July 1, 2021 to June 30, 2026**

**Approving the Transfer of the Appropriate Additional Compensation from the Personnel Adjustment Reserve Fund to the General Operating Fund**

Council Member Lopez stated he is mostly pleased with the contract, noting he feels a longer term contract serves employees better than annual contracts. He stated he feels this will help reduce the number of firefighters leaving for the County. He noted with the federal government's recent adoption of Juneteenth as a federal holiday, he would like to see that holiday added into the MOU and made a motion to approve the MOU with that amendment.\*

City Manager Starr advised federal holidays are not typically something that is automatically granted to employees, and that new holidays must be negotiated for. He noted staff would not recommend providing that holiday to MFFA, which would likely then need to be offered to the other employee bargaining units at great additional expense to the City with nothing in return from the employees to offset the cost.

\*With no second to the motion, the motion failed.

Moved by Lopez, seconded by Council Member Johnson, and carried unanimously 4-0-1 (Dutrey absent), the City Council took the following actions:

- (a) Approved *Agreement No. 21-29*, a Memorandum of Understanding with the Montclair Firefighters' Association for the period of July 1, 2021 to June 30, 2026.
- (b) Approved the transfer of the appropriate additional compensation from the Personnel Adjustment Reserve Fund to the General Operating Fund.

**7. Consider Approval of *Agreement No. 21-35* Amending *Agreement No. 20-79* with EPT Design for Design Services for the Reeder Ranch Park Project**

Council Member Lopez asked if there were increased costs or fees and if those were negotiated for this project.

City Manager Starr advised the increases relate to staff-requested items in order to make the project more comprehensive and better overall to serve the surrounding community.

*Action for this item was considered in conjunction with C-8.*

**8. Amending the 2019-2024 Capital Improvement Program Adding the Reeder Ranch Master Plan**

**Authorizing an \$8,500 Appropriation of Community Development Block Grant (CDBG) Funds for Design of the Reeder Ranch Master Plan**

**Approval of Agreement No. 21-36 with EPT Design for Design Services for the Reeder Ranch Master Plan**

Council Member Lopez stated he was under the impression that CDBG funds had already been exhausted for this project.

City Manager Starr noted the funds that were exhausted were for the improvements to the Reeder Ranch property itself, and not for the Foundation. He noted the County actually proposed the additional expenditure of funds for the development of a master plan incorporating the park with the adjacent property.

Moved by Council Member Lopez, seconded by Council Member Martinez, and unanimously approved 4-0-1 (Dutrey absent), the City Council approved *Agreement No. 21-35* amending *Agreement No. 20-79* with EPT Design for design services for the Reeder Ranch Park Project; and took the following actions:

- (a) Amended the 2019-2024 Capital Improvement Program adding the Reeder Ranch Master Plan.
- (b) Authorize an \$8,500 appropriation of Community Development Block Grant (CDBG) Funds for design of the Reeder Ranch Master Plan.
- (c) Approved *Agreement No. 21-36* with EPT Design for design services for the Reeder Ranch Master Plan.

**X. COUNCIL/MHC WORKSHOP**

**A. Fiscal Year 2021-22 Preliminary Budget Review**

The City Council/Montclair Housing Corporation Board of Directors continued the presentation to an adjourned meeting to be held on Monday, June 28, 2021, at 6:00 p.m.

**XI. COMMUNICATIONS**

**A. Department Reports — None**

**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 Organizations: Management, Montclair City Confidential 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**

Properties: 5050 E. Arrow Hwy., Montclair (APN 1007-701-01)  
City Negotiator: Edward C. Starr, City Manager  
Negotiating Parties: City of Montclair and Village Partners Ventures LLC  
Under Negotiations: Recommendations Regarding Purchase Price.

**C. City Manager/Executive Director**

City Manager/Executive Director Starr advised the vaccination clinic that was previously being conducted outside in the parking lot of the **Montclair Transcenter** has recently shut down due to the heat, and the City is trying to get them to open the vaccination clinic at the **Kids Station** where testing was previously held.

#### D. Mayor Pro Tem/Vice Chair

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:
  - (a) He announced the July 6, 2021 regular joint meeting of the City Council and other bodies is cancelled.
  - (b) He advised a special meeting of the City Council and Montclair Housing Corporation Board would be held on Wednesday, June 30, 2021, at 6:00 p.m. in the City Council Chambers to consider adoption of the City and MHC budgets and to consider appointments to the Planning and Community Activities Commissions.
  - (c) In honor Juneteenth being made a federal holiday, he suggested the City incorporate some kind of Juneteenth recognition into the Country Fair Jamboree in future years.
  - (d) He noted he attended the memorial service for **Hollis Judkins** last Thursday at **Bethany Baptist Church**, where many community members mourned the loss of a dedicated individual who gave so much of her time volunteering with the City.
  - (e) He thanked Chief Avels and commended the Police Department and partner agencies for their work addressing the car explosion on Kingsley Street.
  - (f) He stated his appreciation for the cooperative efforts of the **Orange, Riverside, Los Angeles, and San Bernardino County Sheriffs' Departments** to find the murder suspects in the recent freeway shooting that took the life of **Aiden Leos**, a six-year-old child.
  - (g) He stated his support for more affordable housing projects and condemned those who claim affordable housing projects are a drain on public services, noting the residents become contributing members of the community.
  - (h) He advised Senate Bill 519 related to legalizing the personal possession of certain psychedelic drugs was just passed by the State Senate and is now in the Assembly. He noted this issue may come to the voters and urged the community to consider that these are controlled substances that are prescribed by medical professionals and should stay that way as a matter of public safety.
  - (i) He emphasized the importance of inoculating as many people as possible against COVID-19 and encouraged the community to get vaccinated.
  - (j) He noted there was an incredible amount of support from legislators throughout the region for building the **Gold Line** to Montclair from what he heard at the last **Gold Line Joint Powers Authority** meeting.

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

1. Council Member/Director Lopez made the following comments:
  - (a) He provided construction road closure updates for Monte Vista Avenue and the I-10 freeway on- and off-ramps.
  - (b) He advised he participated in a Police and Code Enforcement ride-along and now has an even deeper understanding and respect for all that Police and Code Enforcement officers do.
  - (c) He requested staff provide a report after the Independence Day holiday regarding the result of firework enforcement efforts, as well as plans for future enforcement strategies and increased fines and penalties.

- (d) He noted with the City's recent implementation of an employee policy to require mask-wearing for unvaccinated individuals, he would like to state his opposition to requiring employees to reveal their vaccination status as a matter of privacy.
  - (e) He expressed his gratitude that the parks could be open for little league play this year.
  - (f) He noted he would like the meeting to be adjourned in memory of **Los Angeles County Firefighter Specialist Tory Carlton**, who was shot by an off-duty coworker at the fire station. He noted he is glad the state is now considering mental health relief days for firefighters.
  - (g) In response to those who continue to speak against his service on the City Council, he referenced a statement he issued after the election, noting he believes all residents, regardless of background, deserve access to City services.
2. Council Member/Director Johnson made the following comments:
- (a) She noted the masking issue is a continually moving target with the latest guidance being that those who are vaccinated do not need to wear a mask indoors. She noted she feels providing vaccination record to an employer is no different from what children must do in order to attend school.
  - (b) She advised the City would be opening a vaccination clinic in the Community Center on Thursdays and Fridays from 10:00 a.m. to 2:00 p.m. throughout the month of July and while appointments are preferred, they are not required.
  - (c) She stated **Southern California Gas Company (SCG)** is now providing nonessential and nonemergency services once again and encouraged residents to schedule delayed maintenance or inspections through **SCG's** website.
3. Council Member/Director Martinez made the following comments:
- (a) She recognized and commended all parties involved with the negotiation of the five-year contract for MFFA.
  - (b) She thanked Director of Human Services Richter for advocating for the City's senior citizens and keeping City services available for them.
  - (c) She noted she would be excited for the City to become more involved with celebrating Juneteenth.
  - (d) She congratulated Officers Robles and Huerta for their awards this evening.

## **F. Committee Meeting Minutes**

### **1. Minutes of Personnel Committee Meeting of June 7, 2021**

The City Council received and filed the minutes of the Personnel Committee meeting of June 7, 2021, for informational purposes.

## **XII. CLOSED SESSION**

At 8:50 p.m., the City Council went into closed session to discuss labor negotiations and real property negotiations.

## **XIII. CLOSED SESSION ANNOUNCEMENTS**

At 9:15 p.m., the City Council returned from closed session. Mayor Pro Tem Ruh 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.



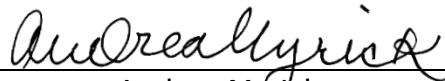
**XIV. ADJOURNMENT**

At 9:15 p.m., Vice Chair Ruh adjourned the Successor Agency Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 9:15 p.m., Mayor Pro Tem/Vice Chair Ruh adjourned the City Council and Montclair Housing Corporation Board of Directors to Monday, June 28, 2021, at 6:00 p.m. in the City Council Chambers.

The meeting was adjourned in memory of **Los Angeles County Firefighter Specialist Tory Carlon.**

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