

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, DECEMBER 20, 2021, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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I. CALL TO ORDER

Because Mayor/Chair Dutrey was out of town and participating remotely, he requested that Mayor Pro Tem/Vice Chair Ruh presides over the meeting this evening.

Mayor Pro Tem/Vice Chair Ruh called the meeting to order at 7:00 p.m.

II. INVOCATION

**Pastor Donald Rucker, Christian Development Center**, provided the invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Johnson 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 Community Development Diaz; Director of Human Services Richter; Finance Manager Kulbeck; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. **Community Activities Commission Presentation of 2021 Holiday Home Decoration Contest Winners**

Community Activities Commission (CAC) Member Rangel announced the winners of the City of Montclair's 23rd Annual Holiday Home Decoration Contest. Of the 26 nominations received, the CAC selected three winners, as follows:

- *Holiday Light Extravaganza* Award: Leslie Heiden, 4832 Rodeo St.
- *Simply Christmas* Award: The Flores Family, 9917 Pradera Ave.
- *Merry & Bright* Award: The Arreola Family, 4352 San Bernardino St.

Mayor Pro Tem Ruh and the City Council presented the winning families with Award Certificates and gift cards to Montclair restaurants.

VI. PUBLIC COMMENT

- A. **Mr. Bruce Culp**, resident, expressed his gratitude to **San Bernardino County Transportation Authority** for contributing over \$300,000 to the City for the Pacific Electric Trail Bridge Replacement Project.

VII. PUBLIC HEARINGS

A. **Consider Adoption of Resolution No. 21-3329 Making Findings Pursuant to CEQA and Approving a Conditional Use Permit and Precise Plan of Design to Allow the Establishment of a 9,360 Sq. Ft. Full-Service Restaurant with Drive-Thru Service and Outdoor Dining (Panera Bread Café) Within the Boundaries of the North Montclair Downtown Specific Plan Located at 9052 Central Avenue and 5220 Moreno Street**

Mayor Pro Tem Ruh declared it the time and place for a public hearing related to Resolution No. 21-3329 and invited audience members to provide comments.

**Ms. Nina Raey**, Vice President, **RSI Group**, speaking on behalf of **Panera Bread Café**, thanked City staff for their due diligence throughout this process and indicated the developer's acceptance of the Conditions of Approval, including those proposed by staff since the Planning Commission's approval.

**Mr. Culp** stated he is happy to see **Panera Bread** finally coming to Montclair and asked when construction will begin.

**Ms. Raey** stated that construction would begin as soon as possible after the City's approval.

Since no one else in the audience wished to speak and no written comments were submitted concerning this item, Mayor Pro Tem Ruh closed the public hearing and returned the matter to the City Council for consideration.

Council Member Johnson expressed her excitement for this project.

Mayor Dutrey stated the City has long anticipated this restaurant's arrival and is happy to make it happen.

Moved by Council Member Johnson, seconded by Council Member Lopez, and carried 5-0, the City Council adopted Resolution No. 21-3329 by the following roll call vote:

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

## **VIII. CONSENT CALENDAR**

Council Member/Director Johnson requested to pull Item C-2 from the Consent Calendar and discuss Items C-4 and C-8.

Council Member Lopez requested to comment on Items B-16, C-5, C-9, C-12, and C-13.

City Clerk Myrick indicated there are requests from the public to speak on Items C-2 and C-9.

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

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

#### **1. Regular Joint Meeting — November 15, 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 November 15, 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 November 30, 2021.

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

The City Council approved the City Warrant Register dated December 6, 2021, totaling \$2,216,458.35 and December 20, 2021 totaling 1,323,645.63; and the Payroll Documentation dated November 7, 2021, amounting to \$661,627.00 gross, with \$459,833.71 net being the total cash disbursement; and November 21, 2021 amounting to \$634,674.75 gross, with \$436,931.96 net being the total cash disbursement.

3. **Receiving and Filing of Successor Agency Treasurer's Report**  
The Successor Agency Board received and filed the Successor to the Redevelopment Agency Treasurer's Report for the month ending November 30, 2021.
4. **Approval of Successor Agency Warrant Register**  
The Successor Agency Board approved the Successor to the Redevelopment Agency Warrant Register dated 11.01.21-11.30.21 in the amounts of \$5,823.85 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 November 30, 2021.
6. **Approval of MHC Warrant Register**  
The MHC Board approved the MHC Warrant Register dated 11.01.21-11.30.21 in the amount of \$37,599.86.
7. **Receiving and Filing of MHA Treasurer's Report**  
The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending November 30, 2021.
8. **Approval of MHA Warrant Register**  
The MHA Commissioners approved the MHA Warrant Register dated 11.01.21-11.30.21 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 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. **Amending the 2019-2024 Capital Improvement Program to Add the Zone 5 and 6 Street Rehabilitation Project**  
**Authorizing a \$4,000,000 Appropriation from 2021 Lease Revenue Bond Funds for Costs Related to the Zone 5 and 6 Street Rehabilitation Project**  
**Authorizing Staff to Advertise for Bid Proposals for Construction of the Zone 5 and 6 Street Rehabilitation Project**  
The City Council took the following actions in relation to the Zone 5 and 6 Street Rehabilitation Project:
  - (a) Amended the 2019-2024 Capital Improvement Program to add the Project.
  - (b) Authorized a \$4,000,000 appropriation from 2021 Lease Revenue Bond funds for costs related to the Project.
  - (c) Authorized staff to advertise for bid proposals for construction of the Project.
11. **Authorizing the Purchase of Three 2022 Ford Explorer Interceptor Utility Vehicles from Fritts Ford in the Total Amount of \$116,793.90**  
**Declaring Two (Model Years 2008 & 2011) Ford Crown Victoria Police Interceptor Vehicles and One 2019 Ford Explorer Interceptor Utility Vehicle as Surplus and Available for Parts or for Sale at Auction**

The City Council took the following actions:

- (a) Authorized the purchase of three 2022 Ford Explorer Interceptor utility vehicles from Fritts Ford in the total amount of \$116,793.90.
- (b) Declared two (model years 2008 & 2011) Ford Crown Victoria Police Interceptor vehicles and one 2019 Ford Explorer Interceptor utility vehicle as surplus and available for parts or sale at auction.

**12. Authorizing a \$94,846.03 Allocation from the Equipment Replacement Fund for the Purchase of Two Vehicles for Use by the Code Enforcement Division**

**Authorizing the Purchase of Two 2022 Ford Explorer Interceptor Utility Vehicles from Fritts Ford in the Total Amount of \$94,846.03**

**Declaring One 2005 Ford Taurus Vehicle and One 2006 Ford Crown Victoria Interceptor Vehicle as Surplus and Available for Parts or for Sale at Auction**

The City Council took the following actions:

- (a) Authorized a \$94,846.03 allocation from the Equipment Replacement Fund for the purchase of two vehicles for use by the Code Enforcement Division.
- (b) Authorized the purchase of two 2022 Ford Explorer Interceptor Utility Vehicles from Fritts Ford in the total amount of \$94,846.03.
- (c) Declared one 2005 Ford Taurus vehicle and one 2006 Ford Crown Victoria Interceptor vehicle as surplus and available for parts or sale at auction.

**13. Authorizing the Purchase of a 2022 Ford Super Duty F-250 Pickup Truck from National Fleet Auto Group for \$44,674.16**

**Authorizing a \$4,674.16 Allocation from the Equipment Replacement Fund for the Purchase and Installation of Beacon Lights and Strobes for the Vehicle**

**Declaring One 2003 Ford F-250 Pickup Truck as Surplus and Available for Parts or for Sale at Auction**

The City Council took the following actions:

- (a) Authorized the purchase of a 2022 Ford Super Duty F-250 pickup truck from National Fleet Auto Group for \$44,674.16.
- (b) Authorized a \$4,674.16 allocation from the Equipment Replacement Fund for the purchase and installation of beacon lights and strobes for the vehicle.
- (c) Declared one 2003 Ford F-250 pickup truck as surplus and available for parts or sale at auction.

**14. Authorizing the Purchase of a John Deere 1600 Turbo Series III Commercial Wide-Area Mower from Stotz Equipment for \$82,789.58 for Turf Maintenance at City Parks**

**Authorizing a \$2,789.58 Appropriation from the Equipment Replacement Fund for Use toward the Purchase of the Mower**

The City Council took the following actions:

- (a) Authorized the purchase of a John Deere 1600 Turbo Series III commercial wide-area mower from Stotz Equipment for \$82,789.58 for turf maintenance at City parks.
- (b) Authorized a \$2,789.58 appropriation from the Equipment Replacement Fund for use toward purchasing the mower.

**15. Authorizing City Manager Edward C. Starr to Sign a Joint 12-Month Notification Letter to the Inland Empire Utilities Agency for the Chino Basin Regional Sewage Service Contract – Exercise of Option for Continued Service**

The City Council authorized City Manager Edward C. Starr to sign a joint 12-month notification letter to the Inland Empire Utilities Agency for the Chino Basin Regional Sewage Service Contract – Exercise of Option for Continued Service.

**17. Approval of the Montclair Housing Authority Annual Report Pursuant to Section 3416.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2020-21**

The Montclair Housing Authority Commissioners approved the Montclair Housing Authority Annual Report pursuant to Section 3416.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2020-21.

**18. Review and Acceptance of the Montclair Housing Authority Annual Report for Fiscal Year 2020-21**

The Montclair Housing Authority Commissioners reviewed and accepted the Montclair Housing Authority Annual Report for Fiscal Year 2020-21.

**C. Agreements**

**1. Approval of *Agreement No. 21-04-I-106* (Case No. 2021-06), an Irrevocable Annexation Agreement with Jose A. Palma for 4168 Howard Street, Montclair, CA 91763 (APN 1012-241-04-0-000)**

The City Council approved *Agreement No. 21-04-I-106* (Case No. 2021-06), an Irrevocable Annexation Agreement with Jose A. Palma for 4168 Howard Street, Montclair, CA 91763 (APN 1012-241-04-0-000).

**3. Approval of *Agreement No. 21-79* with Barbara Pennell, a Purchase and Sale Agreement for Property Located at the Northwest Corner of Central Avenue and Richton Street**

**Authorizing a \$1,550,000 Appropriation from the Economic Development Fund for Acquisition and Closing Costs Associated with *Agreement No. 21-79***

**Authorizing City Manager Edward C. Starr to Sign *Agreement No. 21-79* and All Other Documents Related to Acquisition of the Property**

The City Council took the following actions:

- (a) Approved *Agreement No. 21-79* with Barbara Pennell, a Purchase and Sale Agreement for property located at the Northwest Corner of Central Avenue and Richton Street.
- (b) Authorized a \$1,550,000 appropriation from the Economic Development Fund for acquisition and closing costs associated with *Agreement No. 21-79*.
- (c) Authorized City Manager Edward C. Starr to sign *Agreement No. 21-79* and all other documents related to acquisition of the property.

**6. Approval of *Agreement No. 21-82* with Kaiser Foundation Hospitals to Award a Grant in the Amount of \$10,000 to Support the Montclair to College Program**

**Authorizing Executive Director Edward C. Starr to Sign *Agreement No. 21-82***

The City Council took the following actions:

- (a) Approved *Agreement No. 21-82* with Kaiser Foundation Hospitals to award a grant in the amount of \$10,000 to support the Montclair to College Program.
- (b) Authorizing Executive Director Edward C. Starr to sign *Agreement No. 21-82*.

**7. Approval of *Agreement No. 21-83* with CSG Advisors for Municipal Advisory Services to Evaluate Augusta Communities LLC's Proposed 2022 Indenture of Trust to Refinance its Series 2012A Mobile Home Park Revenue Refunding Bonds and Series 2012B Mobile Home Park Subordinate Revenue Refunding Bonds Issued by the Independent Cities Finance Authority**

**Authorizing City Manager Edward C. Starr to Sign *Agreement No. 21-83* with CSG Advisors**

The City Council took the following actions:

- (a) Approved *Agreement No. 21-83* with CSG Advisors for Municipal Advisory Services to evaluate Augusta Communities LLC's proposed 2022 Indenture of Trust to refinance its Series 2012A Mobile Home Park Revenue Refunding Bonds and Series 2012B Mobile Home Park Subordinate Revenue Refunding Bonds issued by the Independent Cities Finance Authority.
- (b) Authorized City Manager Edward C. Starr to sign *Agreement No. 21-83* with CSG Advisors.

**10. Approval of *Agreement No. 21-86-I-107* (Case No. 2021-40), an Irrevocable Annexation Agreement with Pomona Hershey Properties, LLC for 11185 Roswell Avenue, Pomona, CA 91766 (APN 1012-411-51-0000)**

The City Council Approval of *Agreement No. 21-86-I-107* (Case No. 2021-40), an Irrevocable Annexation Agreement with Pomona Hershey Properties, LLC for 11185 Roswell Avenue, Pomona, CA 91766 (APN 1012-411-51-0000).

**11. Approval of *Agreement No. 21-87* with HDR Environmental, Operations and Construction, Inc. for the Preparation of a Spill Prevention Control and Countermeasure Plan for the Police Facility**

**Authorizing a \$14,200 Appropriation from the Contingency Fund for Costs Associated With *Agreement No. 21-87***

The City Council took the following actions:

- (a) Approved *Agreement No. 21-87* with HDR Environmental, Operations and Construction, Inc. to prepare a Spill Prevention Control and Countermeasure Plan for the police facility.
- (b) Authorized a \$14,200 appropriation from the Contingency Fund for costs associated With *Agreement No. 21-87*.

**12. Approval of *Agreement No. 21-88* with San Bernardino County Fire Protection District, a Memorandum of Understanding for Participation in a 2021 Regional Assistance to Firefighters Grant Opportunity**

**Authorizing City Manager Edward C. Starr to Sign *Agreement No. 21-88***

The City Council took the following actions:

- (a) Approved *Agreement No. 21-88* with San Bernardino County Fire Protection District, a Memorandum of Understanding for participation in a 2021 regional Assistance to Firefighters Grant opportunity.

- (b) Authorized City Manager Edward C. Starr to Sign *Agreement No. 21-88*.

#### D. Resolutions

1. **Approval of Resolution No. 21-3328 Reaffirming the Payment and Reporting the Value of Employer-Paid Member Contributions to the California Public Employees' Retirement System as of July 15, 2002**

The City Council approved Resolution No. 21-3328 reaffirming the payment and reporting the value of Employer-Paid Member Contributions to the California Public Employees' Retirement System as of July 15, 2002.

2. **Adoption of Resolution No. 21-3331 Making Factual Findings in Compliance with AB 361 and Establishing Procedures for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies, Including the COVID-19 Public Health Emergency, for the Period of December 20, 2021 through January 19, 2022**

The City Council adopted Resolution No. 21-3331 making factual findings in compliance with AB 361 and establishing procedures for the continuation of public meeting teleconferencing during public health emergencies, including the COVID-19 public health emergency, for the period of December 20, 2021 through January 19, 2022.

3. **Adoption of Resolution No. 21-3332 Authorizing Submittal of a Claim to the San Bernardino County Transportation Authority for Transportation Development Act Article 3 Funds for the Pacific Electric Trail Bridge Replacement Project**

The City Council adopted Resolution No. 21-3332 authorizing submittal of a claim to the San Bernardino County Transportation Authority for Transportation Development Act Article 3 funds for the Pacific Electric Trail Bridge Replacement Project.

#### IX. PULLED CONSENT CALENDAR ITEMS

##### C. Agreements

2. **Approval of *Agreement No. 21-66* with Greyhound Lines, Inc. for Shared Use of a Single Bus Bay for Daily Commercial Bus Passenger Service and Ground Space for an Employee-Operated Ticket Vending and Customer Service Kiosk at the Montclair Transcenter**

**Mr. Robert Pipersky**, resident, stated Montclair is a safe community and **Greyhound's** services are sorely needed for the City's population of predominantly Hispanic and low-income residents. He criticized Council Member Lopez's critical statements and implications about **Greyhound's** clientele at the last meeting, and the City Council's decision to delay this item.

**Mrs. Carolyn Raft**, resident, spoke in support of allowing **Greyhound** to operate at the Montclair Transcenter, noting the differences in security levels and business activities from its current location in Claremont.

**Mr. Culp** stated that, as a resident of the **Paseos at Montclair North** apartments located near the Transcenter, he supports the **Greyhound** operating as an affordable transportation option for residents. He indicated his disappointment with comments made by a Council Member portraying **Greyhound** riders as criminals.

Council Member Johnson indicated she had supported the contract until negative information was presented by Council

Member Lopez at the prior meeting, and she would still like to hear more from staff about the information received from Claremont Police Department.

Mayor Pro Tem Ruh advised the decision of the City Council to delay this item was a precautionary measure so that staff could investigate the allegations and further analyze whether the concerns are warranted.

City Manager Starr explained that, while it is not inherently wrong for Council Members to perform independent research, it is essential that new data be shared with staff to analyze and vet. He confirmed that the Council had no choice but to continue the item when presented with information about the Claremont Police Department call log from Council Member Lopez. Staff has since determined that Council Member Lopez did not correctly interpret the data and drew false conclusions based on that information. Of the over-200 calls for service associated with the Claremont **Greyhound** station, fewer than ten could be attributed to the station directly.

Executive Director of Public Safety/Police Chief Avels stated he received a copy of the report and discussed it with Claremont's Chief of Police. He confirmed that the area has a high activity rate, and many calls for service or incident reports reference the **Greyhound** station; however, the station is merely used as a location reference point for many of those calls. He confirmed that only eight calls in a 22-month period were attributed directly to the station, which included several mental health evaluations, trespassing, a report of graffiti, public intoxication, a courtesy Grand Theft Auto (GTA) report, and refusal to pay for a ticket. While the courtesy GTA report was taken by an officer at the **Greyhound** station, the crime itself occurred in another jurisdiction.

Council Member Martinez thanked City Manager Starr and Chief Avels for taking the allegations seriously and cautioned that Council Members bringing unvetted information to meetings could negatively impact future contract negotiations.

Council Member Lopez asked Chief Avels the following questions:

- (a) Did Claremont share circumstances about the incident involving the **7-Eleven** [at Indian Hill Boulevard and San Bernardino Street]?

Chief Avels stated an individual who was released from jail purchased alcohol from the **7-Eleven** and was arrested for intoxication at the **Greyhound** station.

- (b) Did any of the eight relevant calls relate to serious crimes such as harm to individuals or property, or involve hostile people?

Chief Avels advised one call was for graffiti, but there was not enough detail on the report to ascertain the nature of the other calls.

- (c) What constitutes a call for service? Is it only 9-1-1 calls, or would calls directly to the dispatch center line also count?

Chief Avels advised that any incident entered into the call log would constitute a call regardless of the contact method or who called it in.

Council Member Lopez thanked Chief Avels for answering his questions. He stated he had no racial motivation or intent behind his concerns—only public safety and crime. He noted it is common for prisoners who are released to use **Greyhound** transportation and he has heard the **7-Eleven** in Pomona on Indian Hill Boulevard and San Bernardino Street is a common source for purchasing alcohol nearby. He stated he feels other



businesses near the Transcenter, such as a nearby liquor store on Monte Vista Avenue and fast-food restaurants that are open late, would attract illicit activities that strain the City's Police and Fire resources.

Mayor Dutrey emphasized the importance of Council Members working and communicating with staff when concerned about issues. He noted statements about other cities' personnel could create problems with those cities. He stressed it is essential to maintain positive relationships with neighboring cities. As a multimodal transportation hub, he asserted that the Montclair Transcenter must offer various transportation options, and it currently lacks this type of bus service.

Mayor Pro Tem Ruh added **Greyhound** buses travel further to where no other local trains or buses go.

Moved by Council Member Johnson, seconded by Mayor Dutrey, and carried 4-1 (Lopez dissenting), the City Council approved *Agreement No. 21-66* with Greyhound Lines, Inc. for shared use of a single bus bay for daily commercial bus passenger service and ground space for an employee-operated ticket vending and customer service kiosk at the Montclair Transcenter.

Moved by Mayor/Chair Dutrey, seconded by Council Member/Director Lopez, and carried unanimously 5-0, the City Council approved Consent Calendar Items B-16, C-4, C-5, C-8, C-9, C-12, and C-13 after additional comments and discussion as follows:

## B. Administrative Reports

### 16. Approval of the Hiring of Retired Annuitant Rosemary Hoerning as a City Engineering Consultant and Authorization to Pay Wages with Lease Revenue Bond Funds Allocated for Consulting Fees

Council Member Lopez stated he is pleased to see the City is bringing **Mrs. Hoerning** on board, noting he has worked with her and feels her expertise would be a great benefit to Montclair.

The City Council approved the hiring of Retired Annuitant Rosemary Hoerning as a City Engineering Consultant and authorized to pay wages with Lease Revenue Bond funds allocated for consulting fees.

## C. Agreements

### 4. Approval of *Agreement No. 21-80* with Flock Group Inc. for a 2-Year Lease for 40 Automated License Plate Reader Cameras

**Authorizing a \$110,000 Appropriation from the Federal Asset Forfeiture Fund to Pay Costs Associated with *Agreement No. 21-80***

Council Member Johnson asked if this system would be able to communicate with the Vigilant system that was approved earlier this year.

Chief Avels advised the two programs are not compatible in that way, but they can be used as separate tools for investigations.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-80* with Flock Group Inc. for a 2-Year Lease for 40 automated license plate reader cameras.
- (b) Authorized a \$110,000 appropriation from the Federal Asset Forfeiture Fund to pay costs associated with *Agreement No. 21-80*.

5. **Approval of *Agreement No. 21-81* with Willdan Engineering, Inc., for Electrical Engineering and Design Services for the Electric Vehicle Charging Station Project**

**Authorizing the City Manager to Amend the Scope of Services as Necessary for a Contingency Amount Not to Exceed \$5,000**

Council Member Lopez asked if this project will impact the commercial vehicle charging facility that will be opening at Moreno Street and Benson Avenue.

City Manager Starr indicated this project involves the construction of electric vehicle charging stations at City facilities.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-81* with Willdan Engineering, Inc., for electrical engineering and design services for the Electric Vehicle Charging Station Project.
- (b) Authorized the City Manager to amend the Scope of Services as necessary for a contingency amount not to exceed \$5,000.

8. **Approval of *Agreement No. 21-84* with Loma Linda University Children's Hospital, a Memorandum of Understanding for the Montclair Police Department's Use of the Children's Assessment Center**

**Authorizing Executive Director of Public Safety/Police Chief Robert Avels to Sign *Agreement No. 21-84***

Council Member Johnson asked for clarification about how children are treated at Loma Linda.

Chief Avels stated children are interviewed by psychologists or are given physical assessments in abuse cases.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-84* with Loma Linda University Children's Hospital, a Memorandum of Understanding for the Montclair Police Department's use of the Children's Assessment Center.
- (b) Authorizing Executive Director of Public Safety/Police Chief Robert Avels to sign *Agreement No. 21-84*.

9. **Approval of *Agreement No. 21-85* with Transtech to Prepare a School Area Signage Plan for Vernon Middle School**

Council Member Lopez stated his understanding this would be the pilot project for the safety measures recommended by the Safe Routes to School Plan.

**Mr. Jose Perez**, resident, advised he lives across the street from **Vernon Middle School**. He requested the City consider incorporating paving the dirt plots between the sidewalk and roadway, which he feels pose a tripping hazard to students due to uneven surfaces.

The City Council approval *Agreement No. 21-85* with Transtech to prepare a school area signage plan for Vernon Middle School.

13. **Approval of *Agreement No. 21-90* with San Bernardino County Sheriff's Department, a Memorandum of Agreement to Conduct Investigations of Officer-Involved Shootings and In-Custody Deaths**

**Authorizing Executive Director of Public Safety/Police Chief Robert Avels to Sign *Agreement No. 21-90***

Council Member Lopez expressed his hesitance to enter into a contract in perpetuity that gives the Sheriff's Office the right to release records involving the City's internal investigations, noting the political nature of that office.

Chief Avels stated a new MOU would be signed for each new administration. Even with the MOU in place, he noted that the Police Department could elect to hold internal investigations. He added that most Police Departments enter into these MOUs to remain transparent and impartial.

The City Council took the following actions:

- (a) Approved *Agreement No. 21-90* with San Bernardino County Sheriff's Department, a Memorandum of Agreement to conduct investigations of officer-involved shootings and in-custody deaths.
- (b) Authorized Executive Director of Public Safety/Police Chief Robert Avels to sign *Agreement No. 21-90*.

## X. COUNCIL WORKSHOP

### A. Implementation of Residential and Commercial Organic Waste Recycling Programs in Compliance with SB 1383 — Burrtec & CalRecycle

Moved by Council Member Lopez, seconded by Council Member Johnson, and carried unanimously 5-0, the City Council continued this presentation to an adjourned meeting on Tuesday, January 18, 2022, at 5:45 p.m.

## XI. COMMUNICATIONS

### A. Department Reports — None

### B. City Attorney — No comments

### C. City Manager/Executive Director — No comments

### D. Mayor/Chair

#### 1. Cancellation of Monday, January 3, 2022 Regular Joint Meeting

Mayor/Chair Dutrey announced the cancellation of the next regular joint meeting scheduled for January 3, 2022, and stated the City Council would hold its next regular joint meeting on Tuesday, January 18, 2022.

#### 2. Mayor/Chair Dutrey made the following comments:

- (a) He wished everyone Happy Holidays.
- (b) He thanked and recognized the Police and Fire Departments for responding to a tragic incident this past weekend.
- (c) He stated the City is proud of the **Montclair High School (MHS) Cavaliers** for making it to the semifinals in the **California Interscholastic Federation (CIF) Football Championships**.

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

1. Council Member/Director Martinez thanked staff from the Montclair Police, Fire, and Human Services Departments and the **Montclair Chamber of Commerce** for running a successful Holiday Food and Toy Drive.
2. Council Member/Director Johnson wished a happy birthday to Jesus; a happy Hanukkah and Kwanzaa, a merry Christmas, and a prosperous New Year to all.

3. Council Member/Director Lopez made the following comments:
  - (a) He congratulated the **MHS** football team for becoming **CIF** finalists.
  - (b) He apologized for his absence from several events in the past few weeks, noting there was a death in his family and he was isolating in order to be safe before and after the funeral.
  - (c) He wished all a Merry Christmas, a blessed and prosperous New Year, and thanked all staff and his Council colleagues for all they do for this City.
4. Mayor Pro Tem/Vice Chair Ruh made the following comments:
  - (a) He announced he is honored to have been appointed Secretary-Treasurer of the **Gold Line Joint Powers Authority** Board last Thursday.
  - (b) He commended Montclair Police and Fire personnel for their response to a tragic car crash involving a drunk driver last week, noting there is only so much the City can do to improve safety and prevent accidents—individuals need to take responsibility for their own actions.
  - (c) He warned of a serious threat with the new Omicron variant and encouraged everyone to get inoculated and boosted.
  - (d) He reported a new mask mandate is in effect throughout the state between December 15 and January 15.
  - (e) He noted as we enter the holiday season, we must keep in mind “the last, the least, the lost, and the lonely.” He wished everyone a Merry Christmas and a Happy New Year.

**F. Committee Meeting Minutes**

**1. Minutes of Personnel Committee Meeting of November 15, 2021**

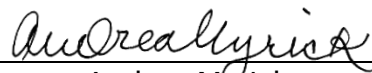
The City Council received and filed the minutes of the Personnel Committee meeting of November 15, 2021, for informational purposes.

**XII. ADJOURNMENT**

At 9:03 p.m., Vice Chair Ruh adjourned the Successor Agency Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board.

At 9:03 p.m., Mayor Pro Tem Ruh adjourned the City Council to Tuesday, January 18, 2022, at 5:45 p.m. in the City Council Chambers for a Council Workshop Presentation on the Implementation of Residential and Commercial Organic Waste Recycling Programs in Compliance with SB1383 by **Burrtec** and **CalRecycle**.

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