

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, MARCH 7, 2022 AT 7:00 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 7:00 p.m.

II. INVOCATION

Mayor/Chair Dutrey asked those in attendance to stand for a moment of silence in support of the people of Ukraine.

Elder Ray Ramirez, Montclair Christian Church, gave 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; Executive Director of Public Safety/Police Chief Avels; Director of Public Works/City Engineer Heredia; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS

A. Proclamation Declaring March 29, 2022 as “Vietnam War Veterans Day” in the City of Montclair

Mayor Dutrey declared March 29, 2022 as *Vietnam War Veterans Day* in the City of Montclair to commemorate its 50th anniversary. He read an excerpt from the proclamation and stated it would be mailed to the **California Department of Veterans Affairs** to be displayed at the **Barstow Veterans Home** during a commemorative ceremony for its residents on March 29th.

VI. PUBLIC COMMENT

A. Ms. Ruby Long, Field Representative for **San Bernardino County Fourth District Supervisor Curt Hagman**, announced **Supervisor Hagman** will host the next “Coffee with Curt” event on Saturday, March 19th from 9:00 to 10:30 a.m. at the Chino Police Department.

B. Mrs. Carolyn Raft, resident, expressed her appreciation of the Montclair Police Department in its response to two recent incidents involving her family, and complimented the officers on their courtesy and professionalism.

C. Mr. Bruce Culp, resident, stated his excitement to see the old fire-damaged **Pacific Electric Trail** bridge being demolished and construction beginning on the **Village at Montclair** this week. He stated he is also happy to hear about the future park improvements including development of the San Antonio Creek Trail.

VII. PUBLIC HEARINGS

A. First Reading — Consider Ordinance No. 22-1000 Adopting a Policy for the Use of Military Equipment by the Montclair Police Department

Consider Setting a Public Hearing for Monday, March 21, 2022, at 7:00 p.m. in the City Council Chambers to Consider Second Reading and Adoption of Ordinance No. 22-1000

Council Member Lopez expressed his opposition to all unfunded state mandates based on principle, although he knows the City's hands are tied in this instance.

City Manager Starr advised this mandate encourages transparency and will open more opportunities for grants to the City.

Chief Avels advised the Department currently does not possess any equipment that was sourced from the military.

Council Member Johnson expressed her trust in our City's police force and noted she does have concerns with certain types of equipment, such as battering rams, which she has seen destroy the fronts of homes when all that was needed was door access.

Chief Avels noted the Department does not have a battering ram nor does it have any intention to acquire one, but other agencies that provide mutual aid may have and use them when assisting with barricade incidents.

Mayor Dutrey declared it the time and place set for public hearing to consider first reading of Ordinance No. 22-1000 and invited comments from the public.

Mr. Culp stated he understands the reason for the state mandate to implement this policy due to excessive force used in other police departments throughout the state. He added he believes the Montclair Police Department performs with the highest level of integrity and professionalism and uses the least force necessary in each situation. He asked if there is any idea how many hours the reporting would take, how many times the Peacekeeper has been used outside of public display at events, and if there will be an external independent audit of these reports.

There being no one else in the audience wishing to speak, Mayor Dutrey closed the public hearing and returned the matter to the City Council for its consideration.

Executive Director of Public Safety/Police Chief Avels stated there is no estimate for how much time the additional reporting would take, but so far extensive time has been used by Department staff to develop reporting methods and log deployments. He stated the Peacekeeper has been used in several incidents as a safe point and rallying zone for officers during dangerous incidents. He recalled several years ago the Peacekeeper was used in a rescue mission when providing mutual aid to the San Bernardino County Sheriff's Office for officers injured during an active shooter incident. As for the audit, he noted there is no requirement nor does the City have any outside body or commission to review the reports. He noted the reports will be provided to the state, and also posted publicly on the City's website for public inspection.

Mayor Dutrey opined this bill directly provides information to criminals about what equipment Police Departments have available for use in stopping and preventing crimes.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried that Ordinance No. 22-1000 be read by number and title only, further reading be waived, and this be declared its first reading; and that the City Council set a public hearing for Monday, March 21, 2022, at 7:00 p.m. to consider second reading and adoption of Ordinance No. 22-1000.

First reading of Ordinance No. 22-1000 was approved, and public hearing for second reading was set, by the following 4-1 vote:

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

VIII. CONSENT CALENDAR

Council Member Lopez stated he had some short questions and comments for Items C-1 and C-3.

Mayor Dutrey requested discussion on Items C-1 and C-3 be provided prior to the vote on the Consent Calendar.

Moved by Council Member/Director Lopez, seconded by Council Member/Director Martinez, and carried unanimously 5-0, the City Council approved the Consent Calendar with discussion on Items C-1 and C-3:

A. Approval of Minutes

1. Adjourned Meeting — February 16, 2022

The City Council approved the minutes of the February 16, 2022 adjourned meeting.

2. Special Meeting — March 1, 2022

The City Council approved the minutes of the March 1, 2022 special meeting.

3. Regular Joint Meeting — February 22, 2022

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 February 22, 2022 regular joint meeting.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated February 22, 2022, totaling \$1,476,638.17; and the Payroll Documentation dated January 30, 2022, amounting to \$628,596.13 gross, with \$450,199.99 net being the total cash disbursement.

2. 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.

C. Agreements

1. Approval of *Agreement No. 22-15 with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) for Educational Outreach and Polling Services Subject to Any Revisions Deemed Necessary by the City Attorney*

Council Member Lopez asked how the City can be expected to not use information gathered from a survey about taxing marijuana when trying to place a marijuana tax on the ballot, seeing as the Fair Political Practices Commission forbids it.

City Manager Starr advised the City is allowed to use the information to educate about facts but not to advocate for the passage of the measure. He conceded it is a fine line.

Council Member Lopez asked if the questions are specific as to the types of licenses or amount of taxes to be levied, and if it offers competing versions of ordinances to gauge support for different types of regulations.

City Manager Starr stated the survey is used to determine whether a general basis of support exists for such a tax, which

the City Council can use to determine whether to place it on the ballot, in addition to any additional questions they may want to place on the ballot. For instance, the question would be whether they support a tax, yes or no, and if yes if they would support a tax rate of five to ten percent on sales. The examination of policy and specifics within the regulatory ordinances would be up to the City Council.

Mr. Culp stated the ship has sailed to be competitive in the cannabis industry at this point, as most people he knows who indulge use delivery services rather than seeking out stores. He further noted edibles have become increasingly popular for medical reasons to manage conditions such as anxiety rather than taking mood-regulating pharmaceuticals.

The City Council approved *Agreement No. 22-15* with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) for educational outreach and polling services subject to any revisions deemed necessary by the City Attorney.

2. Approval of *Agreement No. 22-16* with Springbrook Software for Migration to the Latest Cloud-Based Solution

Authorizing a \$60,103.80 Appropriation from the Technology Reserve Fund for Costs Associated with *Agreement No. 22-16*

The City Council took the following actions:

- (a) Approved *Agreement No. 22-16* with Springbrook Software for migration to the latest cloud-based solution.
- (b) Authorized a \$60,103.80 appropriation from the Technology Reserve Fund for costs associated with *Agreement No. 22-16*.

3. Approval of *Agreement No. 22-17* with KTU&A to Develop the Parks and Recreation Master Plan Subject to Any Revisions Deemed Necessary by the City Attorney

Authorizing a \$200,000 Appropriation from 2021 Lease Revenue Bond Funds to Cover the Contract Amount and Reimbursable Expenses

Council Member Lopez complimented KTU&A for their extensive proposal including detailed timelines and deliverables. He stated it appears KTU&A has also come in under budget for the other agencies for whom they have completed similar projects.

Mayor Dutrey advised the City Council has authorized up to \$200,000 for the Master Plan, and could ask KTU&A for additional work up to that amount. He advised last week, staff met with **Montclair Little League** to discuss future improvements at Saratoga Park and invited them to be involved with KTU&A's process.

The City Council took the following actions:

- (a) Approved *Agreement No. 22-17* with KTU&A to develop the Parks and Recreation Master Plan subject to any revisions deemed necessary by the City Attorney.
- (b) Authorized a \$200,000 appropriation from 2021 Lease Revenue Bond funds to cover the contract amount and reimbursable expenses.

D. Resolutions

1. Adoption of Resolution No. 22-3337 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 22-3337 authorizing placement of liens on certain properties for delinquent sewer and trash charges.

2. Adoption of Resolution No. 22-3338 Making Factual Findings in Compliance with AB 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of March 7, 2022, through April 6, 2022

The City Council adopted Resolution No. 22-3338 making factual findings in compliance with AB 361 for the continuation of public meeting teleconferencing during public health emergencies for the period of March 7, 2022, through April 6, 2022.

IX. PULLED CONSENT CALENDAR ITEMS — None

X. COMMUNICATIONS

A. Department Reports

1. Public Works Department — Announcement of San Antonio Creek Trail Community Meeting #3

Director of Public Works/City Engineer Heredia announced and invited the public to attend a virtual community workshop to receive an update on the development of the San Antonio Creek Trail. She advised the meeting will be at 6:00 p.m. on March 16, and the public can RSVP by visiting the events calendar on the City's website and clicking on the meeting link.

B. City Attorney — No Comments

C. City Manager/Executive Director

City Manager Starr reported the City of Montclair was one of two San Bernardino County cities to receive a **Caltrans** grant of \$4.2 million toward Sunset Park improvements, which will include development of the pilot segment of the San Antonio Creek Trail, adjacent to Sunset Park. He advised the San Antonio Creek Trail will provide a bicycle and pedestrian pathway and serve as an example of what the full trail will be to solicit future grant funds, of which the project will require \$112 million total. He added work should begin next year.

D. Mayor/Chair

1. Mayor/Chair Dutrey made the following comments:

- (a) He noted in addition to being adjourned in memory of **Donna James**, a former Montclair Community Action Committee member, tonight's meeting would also be adjourned in memory of former Upland City Council Member **Tom Thomas**, who tragically passed away after a bicycle accident in Montclair. He added **Mr. Thomas** was also president of the **San Antonio Water Company**.
- (b) He attended the opening ceremonies for the **Montclair Little League**, which has about 160 children in the program, on Saturday. He added **Golden Girls Softball** also had their opening day on Saturday, which consists of one team that competes in surrounding cities.

E. Council Members/Directors

1. Mayor Pro Tem/Vice Chair Ruh made the following comments:

- (a) He noted he was also at the **Montclair Little League's** opening day and reported **Congresswoman Norma Torres** was also in attendance. He thanked her for helping the City secure federal funds to improve Saratoga and other City parks.
- (b) He complimented the San Antonio Creek Trail project, stating it will be wonderful for residents.

- (c) In recognition of Women's History Month, he discussed women winning the right to vote in 1920 and the passage of the Fair Credit Opportunity Act in 1974, giving women the ability to secure credit and housing without a man's approval.
- (d) He shared that **Mrs. James** ran a business with her husband, **Montclair Automotive**, and was very involved with **Soroptimist International**—eventually becoming head of the regional chapter.
- (e) He added **Mr. Thomas** was also deeply devoted to several wonderful causes like **Foothill Family Shelter**, for which he served on the board.
- (f) He stated the Russian invasion of Ukraine is not about partisan politics, but about democracy. He shared the famous quote from **Martin Niemöller**, who was interned in Nazi concentration camps from 1938 to 1945:

First they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for the Jews, and I did not speak out—because I was not a Jew. Then they came for me—and there was no one left to speak for me.

2. Council Member/Director Lopez made the following comments:
 - (a) He thanked those who attended the last *Coffee with Curt* event on February 26th, including Planning Commissioner and **Monte Vista Water District** Board Member Manny Martinez.
 - (b) He reported Opening Day of **Montclair Little League** was well attended and he was happy that **Congresswoman Torres** was there to announce the \$2 million secured for park improvements.
 - (c) He stated he is looking forward to the Grand Opening event and ribbon-cutting at **Aqua Ridge Senior Living**.
 - (d) He mentioned a protected left-turn traffic light issue that was brought to his attention at the Monte Vista Avenue and San Bernardino Street intersection and requested staff investigate.
 - (e) He asked that a pothole in the alley behind his home be addressed, noting it was reported but still has not been filled.

3. Council Member/Director Johnson made the following comments:
 - (a) She apologized for missing the Opening Day festivities for **Montclair Little League**, noting she could not miss her granddaughters' first tee-ball games.
 - (b) She promoted a **Montclair Chamber of Commerce** Networking Breakfast event this Thursday, March 10th at 8:30 a.m. at Brandon's Diner in Upland, at which a guest speaker from **Soroptimist International Montclair/Inland Valley** would give a presentation for Women's History Month.
 - (c) She advised the **Chamber** would also be hosting the grand opening event for **Aqua Ridge Senior Living** later that same day at noon.
 - (d) She announced the **Chamber** will be holding another free e-waste drive-through collection event on Saturday and Sunday, March 26 and 27 from 9:00 a.m. to 2:00 p.m. at its office located at 8880 Benson Avenue.

4. Council Member/Director Martinez requested the City Council hold a discussion at its next regular meeting about censuring Council Member Lopez related to information received in the closed sessions held on March 1st and again earlier this evening.

Moved by Council Member Martinez, seconded by Mayor Dutrey, and carried 4-0-1 (Lopez abstained), the City Council directed staff to agendize a discussion for the March 21, 2022 meeting regarding the imposition of a censure on Council Member Lopez.

F. Committee Meeting Minutes

1. **Minutes of Public Works Committee Meeting of August 19, 2021**

The City Council received and filed the minutes of the Public Works Committee meeting of August 19, 2021, for informational purposes.

2. **Minutes of Public Works Committee Meeting of January 20, 2022**

The City Council received and filed the minutes of the Public Works Committee meeting of January 20, 2022, for informational purposes.

3. **Minutes of Personnel Committee Meeting of February 22, 2022**

The City Council received and filed the minutes of the Personnel Committee meeting of February 22, 2022, for informational purposes.

XI. ADJOURNMENT

At 8:14 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.

The meeting was adjourned in memory of **Mrs. Donna James**, former Montclair Community Action Committee Member, and **Mr. Tom Thomas**, former Upland City Council Member.

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



Andrea Myrick
City Clerk