

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, APRIL 4, 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

Father Clarence Saldua, Our Lady of Lourdes Catholic Church gave the invocation.

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 Community Development Diaz; Director of Human Services Richter; Finance Manager Kulbeck; Executive Director of Public Safety/Police Chief Avels; City Attorney Robbins; City Clerk Myrick

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

- A. **Mr. Rob Pipersky**, resident, voiced his disapproval of the City being forced to use new funds from Measure L, which were intended for new equipment, salaries, parks, and streets, on potentially astronomical legal costs related to two lawsuits brought against the City for Council Member Lopez's behavior. He disagreed with those who spoke in support of "Coach Ben" and who refused to believe he could have committed such acts based on their own personal interactions with him, warning trusted community members commit heinous acts all the time.

VII. PUBLIC HEARINGS

- A. **Adoption of Resolution No. 22-3341 Approving the Issuance by the Independent Cities Finance Authority of Taxable Mobile Home Park Revenue Refunding Bonds and Tax-Exempt Mobile Home Park Revenue Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$30,000,000 for Hacienda Mobile Home Park, Monterey Manor Mobile Home Estates, and Villa Montclair Mobile Home Park, Each Located in the City of Montclair**

Mayor Dutrey declared it the time and place set for public hearing to consider Resolution No. 22-3341 and invited comments from the public.

Mr. Lee McDougal, Board Member, **Augusta Communities**, shared the history of the nonprofit organization in Montclair. He stated over two decades ago, while he was City Manager in Montclair, mobile the home residents were very unhappy with their mobile home park management companies and rent increases, constantly attending council meetings to voice their dissatisfaction. He said the nonprofit **Augusta Communities (Augusta)**, with loan assistance from the Montclair Redevelopment Agency, purchased all three Montclair mobile home parks with affordability covenants and worked with the City to enact a mobile home park rent control ordinance. **Augusta** also ensured the properties were well-maintained and managed, and the City has never had complaints from those residents since.

Mr. McDougal added that, as City Manager of Montclair, he required to be given a seat on the nonprofit's board to ensure the interests of the City's residents were represented. He stated he is still on the board today because he believes in **Augusta's** mission and saw how much it improved the lives of the Montclair's mobile home residents. He discussed the current capital improvement needs at Montclair's mobile home parks, including the installation of fire hydrants and amenity repairs and renovations. He expressed disappointment that the City was approached by **Augusta** in the fall of 2021 with the proposal when interest rates were at a historic low; however, with the recent interest rate hikes, the board may need to reevaluate the feasibility of moving forward with the refinancing.

Ms. Suzanne Taylor, Executive Director, **Augusta Communities**, reported that the organization has invested \$6.5 million in additional improvements to the Montclair mobile home parks since the original improvements were made after acquiring them. She stated **Augusta** had planned to repay the loan in full to the Montclair Housing Authority, which formerly would have been made to the Redevelopment Agency until its dissolution. However, the original amount estimated to be generated from the bonds was \$7.5 million had they been generated between September and December, and the estimate is now between \$3 and 3.5 million with the change in interest rates during the first quarter of 2022. She emphasized that the \$30 million stated in the City Council's resolution is nowhere near what they could hope to get, but is a maximum legal threshold. She noted with the projected reduction in revenues, the MHA could be paid back for the loan but capital projects such as the fire hydrants and street improvements would need to come out of cash flow revenues rather than being funded by bonds.

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.

Council Member Johnson asked what would happen if they wait and interest rates don't go down.

Ms. Taylor emphasized the City Council's holding of this Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing, the board has up to 12 months to approve the issuance of bonds. She added **Augusta** is committed to at least trying to pay the City's Housing Authority back for the loans issued by the Redevelopment Agency. She explained the City Council's approval of this resolution will allow **Augusta's** board to make the choice of whether to move forward or not.

Council Member Johnson thanked **Ms. Taylor** and complimented her on the well-maintained parks, noting the residents seemed very happy when she visited.

Council Member Lopez asked if there is an itemized list of capital projects to complete using bond funds.

Ms. Taylor advised a list is developed with capital improvement needs projected over a 40-year period, which combines the input of a professional firm, residents, and the board. She added there is a concern about keeping the mobile homes affordable, noting the rent control only applies to the rental of plots, but the price of mobile homes has skyrocketed like all real estate and they cannot control those values.

Mayor Pro Tem Ruh stated the residents appear to appreciate all the amenities provided including a "little library." He stated bonds are very complex and asked if **Augusta** discussed their request with City staff.

Ms. Taylor indicated the City generally communicated with **Augusta** through bond counsel.

Mayor Pro Tem Ruh recommended **Augusta** seek grants and other funding opportunities that are available for projects that the bond funds will not cover. He stated since the mobile home parks provide affordable housing, there are likely several they could qualify for. He offered to research and provide that information to **Ms. Taylor**. He added these homes count toward the City's Regional Housing Needs Analysis requirements for low-income housing and emphasized there are 441 mobile home spaces in these parks containing an estimated population of 1,490 residents with a median income of \$38,595. He stated the low rent for each space is very helpful for low-income families.

Mayor Dutrey pointed out that if the bonds generate only \$3.5 million, Augusta will only realize \$400,000 for projects after paying the City's loan of \$3.1 million.

Council Member Lopez asked if **Augusta** is comfortable with this item, considering they have not held discussion with staff.

Ms. Taylor indicated they are generally comfortable with it.

Moved by Mayor Pro Tem Ruh, seconded by Council Member Johnson, and carried unanimously 5-0, the City Council adopted Resolution No. 22-3341 approving the issuance by the Independent Cities Finance Authority of Taxable Mobile Home Park Revenue Refunding Bonds and Tax-Exempt Mobile Home Park Revenue Refunding Bonds in an aggregate principal amount not to exceed \$30,000,000 for Hacienda Mobile Home Park, Monterey Manor Mobile Home Estates, and Villa Montclair Mobile Home Park, each located in the City of Montclair.

VIII. CONSENT CALENDAR

Item C-1 was removed from the Consent Calendar for separate vote.

Council Member Martinez stated she would like to comment on Item B-2.

Council Member Lopez requested discussion on Items B-4 and C-4.

Mayor Dutrey entertained discussion on Items B-2, B-4, and C-4 prior to the vote on the Consent Calendar, and pulled Item C-1 for separate discussion and vote.

Moved by Mayor Pro Tem/Vice Chair Ruh, seconded by Council Member/Director Johnson, and carried unanimously 5-0, the City Council pulled Item C-1 and approved the remainder of the Consent Calendar, with discussion held on Items B-2, B-4, and C-4:

A. Approval of Minutes

1. Special Meeting — March 21, 2022

The City Council approved the minutes of the March 21, 2022 special meeting.

2. Regular Joint Meeting — March 21, 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 March 21, 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 April 4, 2022, totaling \$1,148,842.63; and the Payroll Documentation dated March 13, 2022, amounting to \$671,955.22 gross, with \$466,820.22 net being the total cash disbursement.

2. Approval of the Sunset Park Beautification Project Associated with the Grant Award from the Clean California Local Grant Program

Authorizing the Filing of a California Environmental Quality Act Notice of Exemption for the Sunset Park Beautification Project

Council Member Martinez commended the City's efforts to obtain Clean California Local Grant program funding from Caltrans for this project.

The City Council took the following actions related to the Sunset Park Beautification Project:

- (a) Approved the Project associated with the grant award from the Clean California Local Grant Program.
- (b) Authorized the filing of a California Environmental Quality Act Notice of Exemption for the Project.

3. Receiving and Filing Annual Independent Audit Reports for the City of Montclair and the Successor Agency to the Montclair Redevelopment Agency and the Annual Measure I Compliance Audit

The City Council and Successor Agency Board of Directors received and filed annual independent audit reports for the City of Montclair and the Successor Agency to the Montclair Redevelopment Agency and the annual Measure I Compliance Audit.

4. Approval of the Purchase of Items for the 2022 Montclair to College Graduation Ceremony

Director Lopez asked what items are specifically being purchased for this event.

Human Services Director Richter stated costs covered would include dinner for the 62 program graduates and their guests at **The Canyon**, as well as ceremony production costs.

The Montclair Community Foundation Board of Directors approved the purchase of items for the 2022 Montclair to College Graduation ceremony.

C. Agreements

2. Approval of Agreement No. 22-23 with City of Hope to Accept Funding for Community Health Programs Through the Healthy Montclair Initiative

The Montclair Community Foundation Board of Directors approved *Agreement No. 22-23* with City of Hope to accept funding for community health programs through the Healthy Montclair Initiative.

3. Amending the 2019-2024 Capital Improvement Program to Include the Public Works/Community Development Counter and Safety Glass Construction Project

Award of Contract to Rasmussen Brothers Construction, Inc. in the Amount of \$51,845 for Construction of the Public Works/Community Development Counter and Safety Glass Construction Project

Approval of Agreement No. 22-24 with Rasmussen Brothers Construction, Inc. for Construction of the Public Works/Community Development Counter and Safety Glass Construction Project

Authorizing a \$57,000 Appropriation from 2021 Lease Revenue Bond Proceeds for Construction of the Public Works/Community Development Counter and Safety Glass Construction Project

Authorizing a \$5,155 Construction Contingency for the Public Works/Community Development Counter and Safety Glass Construction Project

The City Council took the following actions in relation to the Public Works/Community Development Counter and Safety Glass Construction Project:

- (a) Amended the 2019–2024 Capital Improvement Program to include the Project.
- (b) Awarded a contract to Rasmussen Brothers Construction, Inc. in the amount of \$51,845 for construction of the Project.
- (c) Approved *Agreement No. 22–24* with Rasmussen Brothers Construction, Inc. for construction of the Project.
- (d) Authorized a \$57,000 appropriation from 2021 Lease Revenue Bond proceeds for construction of the Project.
- (e) Authorized a \$5,155 construction contingency for the Project.

4. Approval of *Agreement No. 22–25* with Inland Signs Inc. for Construction of the City Hall Monument Sign Replacement Project

Authorizing a \$60,000 Appropriation from 2021 Lease Revenue Bond Proceeds and \$35,000 from the Facility Maintenance Fund for Construction of the City Hall Monument Sign Replacement Project

Authorizing a \$5,000 Construction Contingency for the City Hall Monument Sign Replacement Project

Council Member Lopez asked if this sign is the new design instead of the billboard marquee sign that was originally planned.

City Manager Starr stated that is correct, noting it would also allow the City to keep and perhaps renovate the original Civic Center monument sign.

The City Council took the following actions:

- (a) Approved *Agreement No. 22–25* with Inland Signs Inc. for construction of the City Hall Monument Sign Replacement Project.
- (b) Authorized a \$60,000 appropriation from 2021 Lease Revenue Bond proceeds and \$35,000 from the Facility Maintenance Fund for construction of the City Hall Monument Sign Replacement Project.
- (c) Authorized a \$5,000 construction contingency for the City Hall Monument Sign Replacement Project.

5. Approval of *Agreement No. 22–28* with the San Joaquin County Office of Education’s Center for Educational Development and Research (SJCOE/CEDR) to Advertise Job Postings on EDJOIN.org for the Montclair After-School Program

Authorizing the Director of Human Services to Sign *Agreement No. 22–28* with SJCOE/CEDR

The City Council took the following actions:

- (a) Approved *Agreement No. 22–28* with the San Joaquin County Office of Education’s Center for Educational Development and Research (SJCOE/CEDR) to advertise job postings on EDJOIN.org for the Montclair After-School Program.
- (b) Authorized the Director of Human Services to sign *Agreement No. 22–28* with SJCOE/CEDR.

6. **Approval of *Agreement No. 22-29* with the County of San Bernardino Authorizing the County's Use of the Local Subdivisions' Allocations (Including Montclair's Allocation) of California Opioid Settlement Funds**

The City Council approved *Agreement No. 22-29* with the County of San Bernardino authorizing the County's use of the Local Subdivisions' Allocations (including Montclair's allocation) of California Opioid Settlement Funds.

D. **Resolutions**

1. **Adoption of Resolution No. 22-3339 Making Factual Findings in Compliance with AB 361 for the Continuation of Public Meeting Teleconferencing During Public Health Emergencies for the Period of April 4, 2022, through May 4, 2022**

The City Council adopted Resolution No. 22-3339 making factual findings in compliance with AB 361 for the continuation of public meeting teleconferencing during public health emergencies for the period of April 4, 2022, through May 4, 2022.

2. **Adoption of Resolution No. 22-3345 Approving the Tree City USA Application for 2022 and Authorizing the Director of Public Works to Sign the Application**

The City Council adopted Resolution No. 22-3345 approving the Tree City USA application for 2022 and authorizing the Director of Public Works to sign the application.

IX. **PULLED CONSENT CALENDAR ITEMS**

C. **Agreements**

1. **Approval of *Agreement No. 22-22* with Blais & Associates, Inc. for Grant Writing Services**

Authorizing a \$50,000 Appropriation from the Contingency Reserve Fund for Costs Related to *Agreement No. 22-22*

Council Member Lopez stated he would be recusing himself from voting on this item due to his own business involvement with a competitor of the firm.

Council Member Martinez recognized **Blais & Associates** for its work since 2019 to obtain grants for the City, emphasizing the fact that the City's return on investment has been \$110 in grant funding received for every dollar spent on this firm.

Moved by Mayor Dutrey, seconded by Mayor Pro Tem Ruh, and carried that the City Council took the following actions:

- (a) Approved *Agreement No. 22-22* with Blais & Associates, Inc. for grant writing services subject to any revisions deemed necessary by the City Attorney.
- (b) Authorized a \$50,000 appropriation from the Contingency Reserve Fund for costs related to *Agreement No. 22-22*.

X. **BUSINESS ITEMS**

A. **Consider Adoption of Resolution No. 22-3344 Disapproving and Censuring Montclair City Council Member Benjamin Lopez and Ratifying Protective Actions Taken, and Recommended, by the City Manager**

Mayor Dutrey stated this is a somber moment for our community, noting it is the first time in the City's history that the City Council has found it necessary to consider censuring a Council Member, and went on to discuss the City Council's duty to protect the residents and employees of the City. He pointed out this resolution conveys the City Council's official disapproval of the acts of sexual harassment and discrimination carried out by Council Member Lopez. He

outlined the actions of the City Council taken up to this point including receiving an oral report in a closed session meeting from an official workplace investigator who determined, based on interviews and evidence, that the allegations by two employees of inappropriate interactions with Council Member Lopez did occur; and receiving a report from the City Manager at the March 21, 2022 regular meeting in open session about the reasons a legislative body may consider a censuring one of its members, and explaining the process of censuring a council member. At that time, the City Council directed staff to draft a resolution of censure for consideration at tonight's meeting, and also ratified actions taken by the City Manager, such as restricting Council Member Lopez's access to certain areas of the building, to protect the employees from future harm and distress.

Mayor Dutrey stated the consideration of Resolution No. 22-3344 does not constitute a judicial proceeding. He stated the City Council is not taking any actions at this time in relation to civil litigation filed by employees against Council Member Lopez and the City of Montclair, which are to be addressed in proceedings separate from this evening's process. He noted the consideration of this resolution is a public statement repudiating certain behavior of Council Member Lopez. He asserted the City Council is not weighing allegations or complaints made by employees of the City against statements made by Council Member Lopez. He stated the City Council's purpose this evening is to simply make a determination as to whether or not the findings made by the independent investigator and incorporated into Resolution No. 22-3344 constitute sufficient justification to censure Council Member Lopez.

Mayor Dutrey stated the City Attorney has advised the City Council that Council Member Lopez has due process rights in the City Council's consideration of this Resolution, and is free to make a statement on the matter this evening if he wishes. He noted City Attorney has also advised that the City Council has the legal right to censure or officially demonstrate disapproval of the actions of a sitting member of the City Council, but does not have the authority to remove a City Council Member from office.

City Manager Starr provided a PowerPoint-led presentation reviewing the investigation that took place into the alleged misconduct of Council Member Lopez, in which the investigator sustained the allegations; actions taken by the City in response to protect the rights and safety of the affected employees; a timeline of actions taken by the City Council so far, and the censure process.

Mayor Dutrey requested comments from the public.

Mr. Pipersky commended Council Member Martinez for her statements at the last meeting condemning the actions of Council Member Lopez and expressed his disappointment in Mayor Pro Tem Ruh for claiming only one side was heard when the investigator heard from both sides to come to a conclusion. He stated he feels a censure is not enough and that Council Member Lopez is bringing shame to his elective office and his family. He insisted every Council Member demand Council Member Lopez's resignation. He pointed out that while Council Member Lopez is being required to take harassment prevention training, employees would be fired for the same conduct.

Mayor Dutrey acknowledged that no additional audience members are requesting to speak, noting this does not indicate the level of importance of this matter to the community. He stated the City Council must ensure the City is run fairly and that the investigation into this matter was performed by a professional workplace investigator, just as the community expects criminal matters to be investigated by the police. He noted the investigator found the employees' accounts to be sincere and accurate. He stated the reason he feels the City Council must act is its duty to protect both the community and the employees of the City of Montclair.

Council Member Johnson expressed her gratitude for the privilege to serve as a Council Member and never thought she would be put in the position to censure another Council Member. She stated she is disappointed to be in this situation where the City must spend time and money on something that should never happen.

Moved by Council Member Johnson, seconded by Council Member Martinez, and carried 4-1 (Lopez dissenting), the City Council adopted Resolution No. 22-3344 disapproving and censuring Montclair City Council Member Benjamin Lopez and ratifying protective actions taken, and recommended, by the City Manager.

Mayor Dutrey stated he is disturbed by the behavior of Council Member Lopez and apologized to the employees for what they have suffered. He noted that while he cannot rescind a past endorsement, he does not intend to endorse Council Member Lopez in the future due to several concerns including whether he will be a distraction, if he will obey the restrictions to protect the employees; if the employees will be traumatized or distressed by his presence on the City Council; and if it will continue to cost the City money. He stated he does feel the best course of action would be for Council Member Lopez to resign from the City Council.

Mayor Pro Tem Ruh stated his vote was based on information that was presented in closed session by the investigator. He asserted he has no other knowledge of this case other than what was presented to him by the investigator, and that his comment about hearing “one side” was meant to indicate hearing only the investigator’s point of view. He stated he took an oath to uphold the constitutions of the State of California and the United States of America, and that he firmly believes all are innocent until proven guilty in a court of law. He stated this continues to be a legal matter and he would like to allow the legal process to move forward.

Council Member Martinez stated Council Member Lopez is known to have made sexist, racist, and homophobic remarks in both public and in private, and that his behavior continued even after being elected. She noted what has been discussed in open session about this matter is a “PG” version of the events that were revealed in the report the City Council heard from the investigator. She stated she believes that as long as Mr. Lopez remains on the City Council, the employees will feel uncomfortable. She added the City continues to pay financially and with its reputation as long as he is on the City Council and demanded that he resign.

Council Member Lopez stated his accusers had months to bolster their case whereas he had 18 days to be legally informed and never received a copy of the report of the investigation despite his lawyers’ requests. He noted it is prudent to not comment on a report he has not seen, and he feels deliberately left in the dark and will not make any formal statement in relation to the report. He stated he intends to let this play out in court and asserted both sides should be heard, noting he agrees with Mayor Pro Tem Ruh that only one side was heard and that he only spoke to the investigator one time.

XI. COMMUNICATIONS

A. Department Reports

1. Human Services Department — Upcoming Events & Programs

Human Services Director Richter invited the community to attend the Outdoor Easter Eggstravaganza and To-Go Pancake Breakfast on Saturday, April 16th, from 9:00 to 11:00 a.m. at Alma Hofman Park. She stated the breakfast is sponsored by the **Ontario-Montclair Kiwanis Club** for \$3 per person and additional sponsors include the City of Montclair, **Women’s Club of Montclair**, **Montclair Police Officers’ Association**, and **Montclair Firefighters’ Association**.

B. City Attorney

City Attorney Robbins requested the City Council meet in closed session concerning the following:

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

1 Potential Case

C. City Manager/Executive Director

City Manager Starr invited Executive Director of Public Safety/Police Chief Avels to provide a verbal report on the catastrophic fire incident that took place last week, which prompted the City Manager as Director of Emergency Services to issue a proclamation declaring a state of emergency in the City of Montclair and evacuate the immediate area. He advised the incident resulted in a multi-agency response and the **Environmental Protection Agency** will be performing a cleanup at the site.

Chief Avels reported that at approximately 9:00 a.m. on Thursday, March 31, 2022, a series of explosions took place at a recycling facility at which a significant number of propane canisters, refrigerant bottles, and other highly pressurized containers were stored. He noted the incident was caused by five individuals working on the property who were trying to open some canisters to release the remaining gases in an unsafe manner, which caused a spark that resulted in continuous explosions at the site. He reported the **Los Angeles and San Bernardino County Fire Departments** responded along with several other surrounding fire agencies. He noted soon after the fire was under control it was discovered that there was a leak in one of the canisters that was releasing toxic chlorine gas, which prompted a hazardous material (HazMat) response. Additionally, it was determined that a failure of the leaking canister would result in a catastrophic event due to the release a large amount of toxic chlorine gas into the atmosphere at once. It was determined out of an abundance of caution to order an evacuation of the immediate area while monitoring the situation, and activate the City's and County's Emergency Operations Centers. The City hosted an emergency shelter for evacuated residents at the Community Center. He reported the **EPA and San Bernardino County Hazmat** were notified while the off-gassing was monitored, and the evacuation was lifted at 7:00 p.m. that evening. He reported cleanup of the street was taken care of first and the remainder of the debris was cleaned up the following day, completing at 10:00 a.m. on Friday. He stated fragments of the canisters were found as far as 750 feet away from the property, and thankfully nobody else in the area was injured.

Mayor Dutrey recognized all departments involved in the response to this event including Human Services, Police, Fire, Public Works, and Community Development.

City Manager Starr advised the City will be considering the implementation of an enhanced investigation program for fire and building code violations at all recycling centers in the City to ensure this does not happen again.

Council Member Johnson expressed her appreciation to staff who set up the evacuation center, noting they were very considerate of families with small children and provided many fun activities for the kids to do so they were not so scared. She stated the videos she saw posted by residents near the explosion were horrifying.

Chief Avels advised that residents in the evacuation area were notified about the evacuation using a reverse 9-1-1 program offered through the **San Bernardino County Sheriff's Department**. In addition to that system, officers also went door-to-door to inform residents who did not evacuate.

Council Member Lopez thanked everyone for their collective efforts.

He added everyone who heard the explosions thought it was an illegal stash of fireworks going off.

D. Mayor/Chair

1. Consider Reorganization of City Council Committee/Liaison Assignments [CC]

Mayor Dutrey stated that, with the adoption of Resolution No. 22-3344, the City Council has endorsed the removal of Council Member Lopez from City Council committees and as liaison to other agencies.

Moved by Mayor Dutrey, seconded by Council Member Martinez, and carried 4-0 (Lopez abstained), the City Council removed Council Member Lopez from the following committees and assignments and creating vacancies as follows:

<i>City Council Committees</i>	<i>Member</i>	<i>Member</i>
Code Enforcement/Public Safety		Johnson
Planning Commission Interview Panel	Johnson	
Public Works	Johnson	

<i>City Council Liaisons</i>	<i>Member</i>	<i>Member</i>
Planning Commission	Johnson	

<i>Interagency Committees</i>	<i>Member</i>	<i>Alternate</i>
IEUA Regional Sewerage Program Policy Committee	Dutrey	

Mayor Dutrey stated he will consider appointments to these new vacancies at the next City Council meeting and asked Council Members to submit their requests to him before that time.

E. Council Members/Directors

1. Council Member/Director Lopez made the following comments:

- (a) He requested an update on the repair of the damaged wall on San Bernardino Street across from **Montclair Hospital Medical Center**.

City Manager Starr advised the City is in the process of hiring a consultant to design a new wall because it cannot repair or replace the damaged wall, which is located on private property. The City needs to place a new wall in the City’s right-of-way and will likely include a trellis.

He asked if the wall could be taller than the existing one.

City Manager Starr advised the code restricts walls taller than 6 feet; however, he believes the wall will be higher than the existing wall.

- (b) He asked for an update on the landscaping at Station No. 2, noting he was under the impression it was merged with the City Hall signage project that was originally to include newly designed landscaping at City Hall.

City Manager Starr advised the City’s Public Works Consultant is working on the design elements for the landscaping at the fire stations. He added a walk-through of the Fire Department was performed by staff where several additional issues were discovered that also will require remodeling and repairs, which is turning it into a larger project.

He asked if a flooding incident that took place at the station in January has been addressed.

City Manager Starr stated no toxic molds or chemicals were found under the sink and it was determined the damage was caused by human error rather than plumbing issues or mold.

2. Mayor Pro Tem/Vice Chair Ruh stated today marks 54 years since the assassination of **Martin Luther King, Jr.**, who was at an event to support sanitation workers and died at just 39 years old. He added **Mr. King's** assassinator was only 10 months older than him.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of March 21, 2022

The City Council received and filed the minutes of the Personnel Committee meeting of March 21, 2022, for informational purposes.

XII. CLOSED SESSION

At 9:16 p.m., the City Council went into closed session to discuss potential litigation.

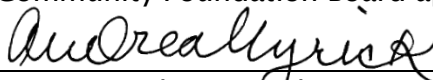
XIII. CLOSED SESSION ANNOUNCEMENTS

At 9:29 p.m., the City Council returned from closed session. Mayor Dutrey announced the City Council met in closed session to discuss potential litigation; information was received and direction given to staff; and no further announcements would be made at this time.

XIV. ADJOURNMENT

At 9:29 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.

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



Andrea Myrick
City Clerk