

MINUTES OF THE SPECIAL MEETING OF THE MONTCLAIR
CITY COUNCIL HELD ON MONDAY, DECEMBER 10, 2018, AT
6:03 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Eaton called the meeting to order at 6:03 p.m.

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

Mayor Eaton led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor Eaton; Mayor Pro Tem Raft; Council Member/Mayor-Elect Dutrey; Council Members Ruh and Martinez;

City Manager Starr; Director of Administrative Services and Human Resources Hamilton; City Planner/Planning Manager Diaz; Assistant Director of Housing/Planning Manager Caldwell; Finance Director Parker; Public Works Director/City Engineer Castillo; City Attorney Robbins; City Clerk Phillips

V. PUBLIC COMMENT

- A. **Assembly Member Freddie Rodriguez** presented outgoing Mayor Eaton with an *Assembly Certificate of Recognition*.
- B. **Mr. Rob Pipersky**, 4319 Orchard Street, Montclair, stated he feels that Council Member/Mayor-Elect Dutrey should not be sworn in as Mayor until the results of the District Attorney's investigation of Mr. Dutrey for alleged voter intimidation are released. He stated that during the election, comments were [allegedly] made by Mr. Dutrey suggesting that due to **Mrs. Ester Vargas-Pipersky's** support of his opponent Carolyn Raft, he would not support Senior Center or Human Services Department programs, and that Mr. Dutrey implied he had an expectation of loyalty from **Mrs. Vargas-Pipersky** after making a \$500 donation to the *Holiday Food and Toy Basket Program*. **Mr. Pipersky** advised that the **Fair Political Practices Commission** and the **San Bernardino County Grand Jury** have also been requested to investigate this matter. He expressed his belief that Mr. Dutrey is not fit for public office and instructed him to resign.
- C. **Mr. Edmund Garcia Jr.**, 4529 Benito Street, Montclair, declared that he is a 14-year resident of Montclair, a 2012 graduate of **Montclair High School**, a 2014 graduate of **Chaffey College** through the *Montclair to College* program, and an employee of the City of Montclair since 2014. He stated that on October 23, 2018, Mr. Dutrey threatened **Mr. Garcia's** employment with the City for making a public comment on Facebook in support of another candidate for Mayor. He referred to Mr. Dutrey's alleged voter intimidation as an act of bullying, stated he would pursue a recall against Mr. Dutrey if he is seated as Mayor, and called for Mr. Dutrey to resign his position on the Council.
- D. **Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, stated that 60 percent of Montclair voters are registered as mail-in voters, and that he believes the City Council should call a mail ballot only election.

VI. DECLARATION OF ELECTION RESULTS

A. Consider Adoption of Resolution No. 18-3221 Reciting the Fact of the General Municipal Election Held on Tuesday, November 6, 2018, Declaring the Results and Such Other Matters as Provided by Law

Moved by Council Member Ruh, seconded by Council Member/Mayor-Elect Dutrey, and carried that Resolution No. 18-3221, entitled, “**A Resolution of the City Council of the City of Montclair Reciting the Fact of the General Municipal Election Held on Tuesday, November 6, 2018, Declaring the Results and Such Other Matters as Provided by Law,**” be adopted.

Resolution No. 18-3221 was adopted by the following ROLL CALL vote:

AYES: Dutrey, Ruh, Martinez, Raft, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

VII. SWEARING IN OF ELECTED MAYOR AND RE-ELECTED MEMBERS OF THE CITY COUNCIL

Mr. G. Michael Milhiser, former City Manager of Montclair (1978-1992), with the help of Mr. Dutrey’s daughter **Janine**, administered the Oath of Office to Council Member/Mayor-Elect Dutrey.

Assembly Member Freddie Rodriguez administered the Oath of Office to re-elected Member of the City Council Bill Ruh.

Mrs. Ginger Eaton and Mayor Pro Tem Raft administered the Oath of Office to re-elected Member of the City Council Trisha Martinez, using the same bible upon which the late former Mayor **Paul M. Eaton** recited the oath throughout his service in public office.

Council Member Ruh thanked **Assembly Member Freddie Rodriguez** and his family, friends, and supporters in the audience.

Mayor Dutrey recognized **Mrs. Eaton** for her service to the City of Montclair as Mayor. He recognized his family for their support throughout his campaign and thanked the residents for putting their trust in him to lead this great City. He thanked the City Manager and City employees for their hard work. He vowed to engage more with residents, see through the revitalization of **Montclair Place**, continue efforts to improve and beautify the City of Montclair such as street paving projects, as well as maintain the City’s dedication to transform north Montclair in to a transit-oriented district and efforts to bring the **Gold Line** to the Montclair Transit Center.

Mr. Mario Ramos presented Mayor Dutrey and Council Members Ruh and Martinez with *Certificates of Congressional Recognition* on behalf of **U.S. Representative Norma Torres**.

VIII. CONSIDER MAKING AN APPOINTMENT TO FILL THE VACANCY ON THE CITY COUNCIL FOR A TERM ENDING IN DECEMBER 2020

Members of the public made the following comments:

- A. Ms. Valerie Ogden**, 10186 Amherst Avenue, Montclair, stated it would only be fair that there should either be a new election for the vacancy, or that the Council candidate who received the third-highest number of votes, **Mr. Benjamin Lopez**, should be appointed to the vacancy.
- B. Mr. Rob Pipersky**, 4319 Orchard Street, Montclair, stated that **Mrs. Ginger Eaton** is the best choice to fill the vacant Council seat and the City should not be forced into paying over \$100,000 to hold a new election because the Council is divided on the person to appoint. He indicated that if **Mrs. Eaton** is not selected, he intends to pursue a recall election to replace Mr. Dutrey with **Mrs. Eaton**.
- C. Ms. Ida Allen**, resident, stated she is a 30-year resident of the City and feels the third runner-up should be considered for appointment.

- D. **Ms. Juliet Orozco**, 5182 Orchard Street, Montclair, stated she is an 18-year resident and was a candidate for City Council in the past two elections. She stated she also supports the appointment of the person who received the next-highest number of votes, and therefore believes the Council should appoint **Mr. Lopez**.
- E. **Mr. Benjamin Lopez**, resident, thanked those in the audience who spoke in support of him being appointed to fill the vacancy. He stated his involvement with Montclair politics since he was young, and also served on the **West Valley Mosquito and Vector Control Board** on behalf of the County. He requested the City Council give strong consideration to the candidates who put forward the time, effort, and cost of running a campaign during the last election.

Council Member Martinez stated at the December 3rd meeting the Council voted on the method of appointment and that a special election is off the table.

Mayor Pro Tem Raft concurred, noting the vote to make an at-large appointment to fill the vacancy passed 3 to 2.

Council Member Ruh expressed support for holding an election. He stated that he believes a full election that includes in-person and mail-in ballot voting should be held in November 2019 to ensure more participation. He stated that he would prefer to leave the seat vacant and continue with a four-person City Council until the next regular election than fill the vacancy by appointment. He noted there have been several points in the United States' history where there was no sitting Vice President, and the country continued to run just fine.

Mayor Dutrey stated he would be in support of either an election or an application and interview process in order to facilitate a fair procedure allowing any interested resident who is eligible to serve to apply.

Mayor Pro Tem Raft nominated **Mrs. Ginger Eaton** to be appointed to fill the vacancy on the City Council for a term ending in December 2020. She noted she appreciates the comments brought forward by residents in support of **Mr. Lopez**, but alluded to having reason to believe he would not be a good option. She stated **Mrs. Eaton** served for 30 years as a staff member for the **Wignall Museum of Contemporary Art at Chaffey College**, and was integral to the creation of the *Montclair Community Collaborative*, the **Reeder Heritage Foundation**, the *Montclair to College* program, and has served on several committees to select artwork and other features to be installed in City parks and the future Montclair **Gold Line** station.

Council Member Martinez seconded the nomination of **Mrs. Eaton**, adding that **Mrs. Eaton** also served on the board for the **Ontario Museum of History and Art**. She stated that **Mrs. Eaton** is an individual apart from her husband and should not be viewed as "more of the same." She added that **Mr. Lopez** has run for a seat on the City Council eight times unsuccessfully.

The nomination of **Mrs. Eaton** to be appointed fill the vacancy on the City Council was voted upon as follows:

AYES: Martinez, Raft
NOES: Ruh, Dutrey
ABSTAIN: None
ABSENT: None

Mrs. Eaton's nomination was defeated by a tie vote of 2-2.

Mayor Dutrey asked if there were any further nominations. Hearing none, Mayor Dutrey closed the nominations.

Mayor Pro Tem Raft made a motion that this item be carried forward for consideration at the next regular City Council meeting.

Mayor Dutrey stated his preference would be that the motion include all

options available to the Council to fill the vacancy including calling a special election. He restated Mayor Pro Tem Raft's motion to carry over this item to the next Council meeting on December 17, 2018. Council Member Ruh seconded the motion. There were no objections to the motion and it passed unanimously.

Council Member Ruh noted, in reference to **Mrs. Eaton**, that he is not opposed to the person, but the process.

Mayor Pro Tem Raft stated a special election held in November of 2019 would only allow a person to serve for fewer than twelve months, which she feels would be a waste of the City's money.

IX. SELECTION OF MAYOR PRO TEM

Mayor Dutrey nominated Mayor Pro Tem Raft to continue serving as Mayor Pro Tem for a renewed two-year term. Council Member Ruh seconded the nomination.

There being no further nominations, the nominations were closed.

The nomination of Mayor Pro Tem Raft to continue to serve as Mayor Pro Tem through December 2020 was unanimously approved as follows:

AYES: Martinez, Raft, Ruh, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None

X. ADJOURNMENT

At 7:02 p.m., Mayor Dutrey adjourned the City Council.

Submitted for City Council approval,


Andrea M. Phillips
City Clerk