

MINUTES OF THE REGULAR JOINT MEETING OF
THE MONTCLAIR CITY COUNCIL AND SUCCESSOR
AGENCY, MONTCLAIR HOUSING CORPORATION,
AND MONTCLAIR COMMUNITY FOUNDATION
BOARDS HELD ON MONDAY, OCTOBER 1, 2012,
AT 6:59 P.M. IN THE CITY COUNCIL CHAMBERS,
5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 6:59 p.m. and asked that everyone please silence their cell phones, pagers, and other electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Josh Matlock, Bethany Baptist Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Dutrey led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Paulitz, Dutrey, and Ruh; City Manager/Executive Director Starr; Deputy City Manager/Executive Director of Economic Development Staats; Director of Community Development Lustro; City Engineer Hudson; City Attorney Robbins; Deputy City Clerk Smith

V. PRESENTATIONS - None

VI. PUBLIC COMMENT

A. **Mr. Mat Holton**, Superintendent, **Chaffey Joint Union High School District (CJUHSD)**, 211 West Fifth Street, Ontario, commented as follows:

1. He noted **CJUHSD** is the fourth largest school district in the state and is comprised of 25,000 students from the cities of Montclair, Rancho Cucamonga, Ontario, parts of Fontana, and a small portion of Upland.
2. He noted the **District's** pride that its students outperform all students in the largest high school districts in the state and

attributed their success to its recent direction of creating advantages for its students once they graduate. He stated that four years ago, 24 percent of graduating seniors qualified to attend a four-year college in California; this year, that number increased to 40 percent.

3. He noted **Montclair High School (MHS)** was recently named one of the best high schools in the United States by **U.S. News and World Reports** and advised that **MHS** students experienced the most growth in achievement tests of any other school in the **District**. He introduced **MHS** Principal **Martin Alvarado**.

Mayor Eaton welcomed **Mr. Alvarado** to the meeting.

4. He noted the **District's** strong commitment to creating student advantage programs needs assistance from the community. He noted **MHS** was built in the 1950s and the classrooms lack the technology to prepare students for 21st century careers.
5. He noted **CJUHSD** has received support from member school boards and cities for the **CJUHSD Measure P** bond.

Mr. Holton introduced **Mr. Charles Uhalley**, who at 36 years and counting, is the longest serving Member of the **CJUHSD** Board of Trustees:

Mr. Uhalley congratulated the City Council for being proactive on relevant state issues. Noting the **CJUHSD** Board of Trustees and administration has long considered how the **District** could positively influence our environment locally by effectively educating our students to increase their employment opportunities upon graduation, he made the following observations:

- 19 percent of the population over the age of 25 in San Bernardino County has a bachelor's degree compared with 29 percent of the same age bracket in Los Angeles County and 35 percent in Orange County.
- The 15 fastest-growing occupations in the state require a bachelor's degree.
- If one possesses a bachelor's degree in this recession, one's unemployment rate is 4 percent as compared to 18 percent or higher for those having a high school diploma or less.

Mr. Uhalley stated that the **District** Board made a conscious decision to raise the bar in preparing our students for the 21st century job market because classrooms lack the educational

technology needed to prepare students for the rigors of the college curriculum. He advised that the **District** decided to place **CJUHSD Measure P**, a general obligation bond, on the November 2012 General Municipal Election ballot, which will raise money for the following:

- Improved education for all high school students in the **District**
- Cleaner and safer schools
- The ability to attract and retain quality teachers through campus and classroom upgrades
- Fund repair of classrooms, restrooms, roofs, heating and air conditioning systems, and plumbing
- Provide fire alarm, smoke detector, and school security system upgrades
- Asbestos removal and earthquake retrofitting

Mr. Uhalley noted **Measure P** requires published financial audits and review by an Independent Citizens Oversight Committee to ensure that only projects listed in the bond measure are funded.

Mr. Uhalley appealed to the City Council to support **Measure P** to improve educational opportunities for our students and thanked the Council for giving him an opportunity to speak.

Mayor Eaton thanked **Mr. Holton** and **Mr. Uhalley** for their comments.

Council Member Dutrey inquired as follows:

1. How much would **Measure P** provide for **MHS** improvements?

Mr. Uhalley stated that **MHS** would receive between \$80 and \$100 million over 20 years from **Measure P** bond proceeds. He advised that approval of **Measure P** would raise \$848 million in general obligation bonds over a period of 15 to 20 years and would annually cost \$19.90 per \$100,000 of assessed valuation. He noted the average assessed valuation of homes in the **District** is approximately \$250,000, which would annually average \$50 or less per household. He advised that proceeds from the bond issue would pay for the complete revamping of the **MHS** heating and air conditioning system, complete restructuring of campus classrooms, and the addition of new education technology. He noted the City Council will be invited to a grand opening of the new state-of-the-art building at **MHS** that the **District** hopes to use as a prototype to restructure all **CJUHSD** high school classrooms.

2. Will the new construction take place within the next five to six years?

Mr. Uhalley stated that the **District** has created an online long-range Facilities Master Plan detailing the start date and construction date at each of the high schools. He advised that there would be immediate educational technology improvements in each **MHS** classroom upon approval of the bond measure.

3. There was an unfortunate accident last Wednesday in which a young student was struck by a vehicle while crossing Orchard Street. Could bond proceeds be used in a joint venture with the **District** to install flashing in-pavement lights at the intersection to alert motorists when pedestrians are using the crosswalk?

Mr. Uhalley noted the **District** has been following the very sad incident and expressed his hope to work with the City in a joint venture to improve the safety at that intersection.

Council Member Dutrey thanked **Mr. Uhalley**.

Council Member Paulitz commented as follows:

1. Noting the City has a requirement that air conditioning units be shielded from public view, he suggested the **District** do so at **MHS** with some of the proceeds from the bond issue.
2. He suggested the **District** consider including a student drop-off/pick-up zone on Benito Street—similar to the one at **Monte Vista Elementary School** on Orchard Street—in the **CJUHS** Facilities Master Plan.
3. He expressed his agreement with Inland Empire economists' opinions regarding the deficiency in the educational requirements for the San Bernardino County employment base and with the **District's** position of preparing students capable of being educated at the college level. He stated, however, that there is a great need for occupational training for vocations such as welder and vehicle mechanic. He noted a large majority of our students will not attend college and will be unable to have a professional career, so vocational training would be more suitable for their needs. He advised that vocational training has been sorely lacking in the educational system for the last 20 years.

Mr. Uhalley concurred. He stated that we need a highly qualified workforce in terms of attracting employment opportunities, but we also need skilled technical vocations. He noted the intent of the "**a-g**" **Subject Area Requirements**" ensure that students can participate fully in the first-year program at a university as well as provide the education for those students desiring to work in a technical vocation.

In response to Council Member Paulitz's request regarding shielding the air conditioning unit from view, **Mr. Uhalley** advised that all repairs and maintenance to the heating/air conditioning system would be made to code and would follow aesthetic norms. In addition, student drop-off/pick-up protocols would be studied to improve the traffic on Benito Street during peak times of the day.

Council Member Paulitz thanked **Mr. Uhalley**.

Mr. Holten noted part of the technology that will be implemented will be for career technical educational purposes. He stated that unique to the proposed bond issue, the **District** will set aside a fund over the next 20 years for updates to technology in career technical education and in the classroom so as not to rely on the state to fund technology updates.

Mr. Holton provided the City Council with **Measure P** literature and endorsement forms.

Council Member Ruh inquired as follows:

1. Is it true that the **Measure P** general obligation bond issue would amount to nothing more than a parcel tax?

Mr. Holton answered, "It is not a parcel tax, no."

2. How is the bond issue being secured?

Mr. Holton answered, "It is a school bond and is basically a long-term bond that will be sold in separate timeframes throughout and will be paid off in the next 20-plus years or so."

Council Member Ruh noted **Mr. Uhalley** stated that the proposed bond issue would annually cost \$19.90 per \$100,000 of assessed valuation. He stated, "Essentially, it becomes a parcel tax at that point. Not everybody who is

registered to vote within **CJUHSD** owns property, so they can vote for those who do own property."

Mr. Holton stated, "That is correct."

Council Member Ruh noted the larger issue is there is a fair amount of commercial properties within **CJUHSD**, the owners of which do not reside in the **District** and, therefore, are unable to vote, though nonowner residents could vote for them and decide what is done with their property.

Mr. Holton agreed that they could.

Council Member Ruh asked if **CJUHSD** considered a more equitable solution, which would have been to do a mail ballot to every registered property owner, whether they live within or outside **CJUHSD**, so all property owners could then have a say on what is done with their property. Otherwise, he advised, it becomes a situation in which registered voters within the District who do not own property make the decision on behalf of out-of-town property owners and who end up not having to pay the tax. He asked about the equity and fairness of such process.

Mr. Uhalley stated that only registered voters residing within the **District** will be able to vote on the bond. He expressed his belief in maximum transparency when engaging in public debate as to whether spending public money to improve anything within the community is a good idea. He expressed his opinion that a mail ballot vote of just property owners limits the public discourse as to whether or not the proposed bond issue is a good idea.

Council Member Ruh stated that allowing registered voters who are not property owners to vote on such a measure results in their not having to pay the tax while they make a decision affecting nonresident property owners. He stated, "I do not think that is fair. I also do not think it is fair that someone may own property within the **District** and because they live outside the **District's** boundaries, they have absolutely no say as to what happens to their own property. They essentially become a victim to the whims to the decisions of voters who do not own property. Would it not have been better for the **District** to simply mail ballots to every property owner to decide on the proposed bond issue? That has been done in many cases."

Mr. Uhalley stated, "Exactly, and I would disagree with that as being a fair proposition in terms of engaging in public discourse [on the proposed bond measure]. It is an

interesting proposition, and I would give you that it is not fair for someone who owns property in the **District** but lives elsewhere. In this particular issue in which it is going to be decided by people who own property in this community, how could it not be fair?"

Mayor Eaton noted he has completed his endorsement of **Measure P** and thanked Mr. Holton and Mr. Uhalley for their presentations.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Paulitz, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MCF Board Meeting of October 1, 2012

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, and Montclair Community Foundation Board of Directors approved the minutes of the October 1, 2012 regular joint meeting.

B. Administrative Reports

1. Approval of Memorandum of Understanding Between the City of Montclair and San Bernardino Public Employees Association

The City Council approved a Memorandum of Understanding between the City of Montclair and the San Bernardino Public Employees Association.

2. Authorization to Purchase One Toro Groundsmaster 4000-D Mower From Turf Star

The City Council authorized the purchase of one Toro Groundsmaster 4000-D mower from Turf Star.

3. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated October 1, 2012, totaling \$1,125,665.44, and the

Payroll Documentation dated August 12, 2012, amounting to \$577,846.70, with \$407,294.39 being the total cash disbursement.

C. Agreements - None

D. Resolutions

1. Adoption of Resolution No. 12-2967 Declaring the Need for Emergency Contracting Procedures and Authorizing Performance Related to Certain Repairs at Kingsley Park

The City Council adopted Resolution No. 12-2967 declaring the need for emergency contracting procedures and authorizing performance related to repair of the Kingsley Park electrical systems recently damaged by vandals.

2. Adoption of Resolution No. 12-2968 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges

The City Council adopted Resolution No. 12-2968 authorizing placement of liens on the 215 properties listed on Exhibit A of the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney

1. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator Edward C. Starr

Agency: City of Montclair

*Employee Organizations: Management
Montclair Fire Fighters Association
Montclair Police Officers Association
San Bernardino Public Employees Association*

City Attorney Robbins requested a Closed Session regarding the above matter.

B. City Manager/Executive Director

1. City Manager Starr stated that in follow-up to discussion this evening on Measure P, the City remains committed to its

Online to College Program. He advised that the City contributes \$80,000 to the program as its sole sponsor and anticipates continuing to do so as long as possible. In addition, he noted the City sponsors the **Promise Scholars** Program begun last year in cooperation with the **Ontario-Montclair School District**; the **City of Ontario**; **Chaffey Joint Union High School District**; **Chaffey Community College**; **California State University, San Bernardino**; **Community Foundation**; **Alliance for Education**; and **Inland Empire United Way**. He noted **Promise Scholars** received a \$25,000 donation last year from **James M. Lally, DO, MMM**, President and Chief Medical Officer, **Chino Valley Medical Center**. He stated that **Dr. Lally** would be invited to a future City Council meeting to be recognized for his generous donation.

C. Mayor/Chairman

1. Announcement of Vacancy on West Valley Mosquito and Vector Control District Board

Mayor Eaton announced that Mayor Pro Tem Raft has been appointed to serve on the **West Valley Mosquito and Vector Control District** Board of Directors for a four-year term to expire January 2016. He thanked Mayor Pro Tem Raft for taking on this additional responsibility.

D. City Council/Successor Agency Board/MHC Board/MCF Board - No comments

E. Committee Meeting Minutes

1. Minutes of Public Works Committee Meeting of August 16, 2012

The City Council received and filed the Public Works Committee meeting minutes of August 16, 2012, for informational purposes.

2. Minutes of Safety Committee Meeting of August 16, 2012

The City Council received and filed the Safety Committee meeting minutes of August 16, 2012, for informational purposes.

3. Minutes of Code Enforcement Committee Meeting of August 20, 2012

The City Council received and filed the Code Enforcement Committee meeting minutes of August 20, 2012, for informational purposes.

4. Minutes of Personnel Committee Meeting of September 17, 2012

The City Council received and filed the Personnel Committee meeting minutes of September 17, 2012, for informational purposes.

5. Minutes of Real Estate Committee Meeting of September 19, 2012

The City Council received and filed the Real Estate Committee meeting minutes of September 19, 2012, for informational purposes.

6. Minutes of Safety Committee Meeting of September 20, 2012

The City Council received and filed the Safety Committee meeting minutes of September 20, 2012, for informational purposes.

XII. ADJOURNMENT OF SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION, AND MONTCLAIR COMMUNITY FOUNDATION BOARDS OF DIRECTORS

At 7:24 p.m., Chairman Eaton adjourned the Successor Agency, Montclair Housing Corporation, and Montclair Community Foundation Boards of Directors.

At 7:24 p.m., the City Council went into Closed Session regarding labor negotiations pursuant to Government Code Section 54957.6.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 7:43 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 7:44 p.m., Mayor Eaton adjourned the City Council.

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

Yvonne L. Smith, Deputy City Clerk