



CITY OF MONTCLAIR

Montclair Civic Center
5111 Benito Street
Montclair, CA 91763

November 1, 2012

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager

SUBJECT: CITY MANAGER'S WEEKLY REPORT: October 26-November 1, 2012

➤ ***CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS***

- No items to report.

➤ ***COMMUNITY DEVELOPMENT DEPARTMENT***

- In early 2003, the County of San Bernardino entered into a Settlement Agreement with the owners of Déjà Vu Showgirls at the northwest corner of Central Avenue and Mission Boulevard, in which the owners agreed to cease all adult-oriented business activity at the location no later than today. In February of this year, legal counsel representing the club owners contacted Community Development staff to discuss the owners' plans for converting the existing business to a nightclub/sports bar/comedy club with live music and entertainment, including the introduction of the on-premises sale of beer, wine, and distilled spirits. City staff made it clear at the February meeting that it would likely not support the proposed uses. Staff does not believe a bar is the highest and best use for the 1.2-acre property, given its prominent location at a major intersection. Further, staff pointed out to the owners' counsel the City's \$11 million investment in infrastructure improvements along Mission Boulevard since 1998 has resulted in significant private investment, which has helped upgrade the negative image of the corridor, including the construction of four neighborhood retail developments; a six-building business park; a 135,000 square-foot, climate-controlled, self-storage facility; and over 50 new single-family homes. In addition, several developed properties have been renovated and a number of undesirable uses, such as two adult bookstores, an outdoor thrift store, and an abandoned motel, have closed, moved, or been demolished.

The owners of Déjà Vu chose to move forward with the proposal and submitted a Minor Use Permit (MUP) application to the County of San Bernardino to allow the proposed uses. Subsequent to the City submitting a letter of objection related to the proposed uses, the County "upgraded" the application to a Conditional Use Permit (CUP), requiring consideration and action by the County Planning Commission. On October 18, the Commission conducted a public hearing on the application. Although Community Development Director Steve Lustro presented arguments as to why the Commission should not make two of the required findings to grant the CUP, the Commission voted 4-0 to approve the request. While the City Council discussed the possibility of appealing the approval to the Board of Supervisors, it decided during a special Council meeting on October 23 not to pursue an appeal. However, staff was notified yesterday the owners of the club have submitted an appeal; not on the decision itself, but to object to approximately 18 of the conditions of the approval, including items such as hours of operation, a requirement to provide video surveillance and licensed and bonded on-site security, and modification of signs and site lighting. While staff does not believe the owners' appeal of the Planning Commission decision should have any bearing on the terms of the nearly ten-year-old Settlement Agreement, it is not expected that the adult business will close its doors permanently at close of business today. Staff will follow the appeal process as it works its way toward consideration by the Board of Supervisors.

- In a nearly two-year process that culminated in September 2011, staff worked with RBF Consulting of Irvine to update the City's General Plan Housing Element for the 2006-2014 housing cycle as mandated by state law. That effort resulted in the City's first Housing Element to be certified by the state Department of Housing and Community Development. On Tuesday, the process was begun anew with the mailing of a Request for Proposal to six consultants for the Housing Element update for the 2014-2021 cycle. Staff expects the process to be less onerous than the one completed last year, as the adopted Housing Element addresses the majority of more recent legislation governing mandated components of the document.

The submittal deadline for proposals is December 17. It is staff's goal to make a recommendation to City Council for selection of a consultant by early February. The City is required to submit its updated Housing Element to the state for review by October 2013.

The City's currently adopted Housing Element can be viewed by visiting the Planning Division home page on the City website and clicking on the "General Plan" tab in the Navigation Menu. A hyperlink to the Housing Element is available on that page.

- Last week, Community Development Director Steve Lustro and Assistant Planner Silvia Gutiérrez attended the annual conference of the California Chapter of the American Planning Association (APA) in Rancho Mirage. The annual conference is an opportunity for planners to network and share ideas and experiences from their respective communities and hear presentations from experts on a wide variety of topics related to planning. Silvia and Steve attended sessions on a range of topics of interest, including current state legislation as it relates to planning; information on the California Environmental Quality Act; information and applications created and offered on other cities' websites; constructive ideas for updating General Plans at an "affordable" cost; methods for being business-friendly in a struggling economy; ideas for implementing "healthy communities" strategies; revisiting parking standards for affordable housing developments; and how cities are dealing with the loss of Redevelopment.

In addition, Silvia attended a session regarding exam preparation for becoming a member of the American Institute of Certified Planners (AICP), a test that Silvia hopes to take and pass in 2013. Over the coming months, it is hoped at least some of the approaches used in other communities to deal with planning issues can be implemented as appropriate in Montclair.

- Since its adoption in early 2000, the City's General Plan has only been available to the public in a 471-page print version or on compact disc. Earlier this week, the original document in PDF format was obtained and placed on the City website for viewing by the general public. It is available by clicking on the "General Plan" tab on the Planning Division home page and then following the hyperlink. The document is nearly 55MB in size, so exercise patience while waiting for it to download and open.
- The City's Annual Children's Halloween Party held last night at the Community Center had a huge turnout with 400 children and their families. Joining in the festivities were Mayor Pro Tem Carolyn Raft and Council Members Leonard Paulitz, John Dutrey, and Bill Ruh.

We would like to recognize our generous sponsors—Montclair Plaza, Montclair-Ontario Junior Women's Club, and the City of Montclair for donating the candy and prizes for the costume contest. Recognition also goes to event volunteers, members of the Community Action Committee who served as costume contest judges, and the Montclair Fire Department for attending the event.

A photo collage is included on Page 8.

- The Community Action Committee is again sponsoring its Military Street Banner Programs in honor of Veteran's Day: one for residents currently serving in our armed forces (no fee); and one for residents who served in the armed forces and are now discharged (\$300 fee).

Banners currently displayed will come down in mid November; and the banners of those continuing to serve in the armed forces, plus all new banners, will be displayed starting in February 2013. Banners are only available for Montclair residents or for those who graduated from Montclair High School.

Family members of Montclair residents currently serving in the armed forces should contact Senior Human Services Supervisor Michelle Castillo at (909) 625-9451, or mcastillo@cityofmontclair.org, with the name, birth date, branch of service, and the contact name, address, and phone number of the person submitting the application. Applications are also available on the City's website at www.cityofmontclair.org. The deadline to submit a banner application is November 10.

➤ **POLICE DEPARTMENT**

- Montclair's Reserve Officers conducted a Traffic Enforcement Program on Saturday, October 27 which resulted in 80 issued citations and 5 impounded vehicles (drivers cited for driving without a license).

The next Traffic Enforcement Program is scheduled for Saturday, November 10.

Our appreciation goes to Reserve Captain Ron Foss; Reserve Sergeant Scott Stephenson; and Reserve Officers Randy Ortiz, Joe Kuskie, and Nicholas Lopez.

➤ **FIRE DEPARTMENT**

- Firefighters received training during the month of October with Res-Q-Jack (vehicle stabilization struts), the Department's newest edition of rescue equipment. This item was budgeted for and purchased this past fiscal year.

Firefighters often find themselves confronting extraordinary situations in major traffic collisions where vehicles may be on their side, upside down, or on top of another vehicle or guard rail on the freeway. Often the vehicle comes to rest in a position that makes it a major hazard to provide emergency medical services to vehicle occupants or to use the jaws-of-life for their removal from the vehicle.

Prior to purchasing the struts, Firefighters would use pieces of wood or plastic blocks to try to stabilize vehicles. This method provided minimal stability and the lowest level of safety for Fire personnel working on scene. Res-Q-Jack provides for greater stabilization capability and a safer work environment for Firefighters.

Pictures are featured on Page 9.

- Daylight Saving Time ends Sunday, November 4, and coincides with the 25th anniversary of the *Change Your Clock, Change Your Battery*® Program, sponsored by Energizer and the International Association of Fire Chiefs. This program reminds us to check the devices and change the batteries in our smoke and carbon monoxide detectors.

Communities nationwide repeatedly witness tragic residential fire deaths as a result of inoperable smoke and/or carbon monoxide detectors. Nonworking smoke detectors deny residents the benefits home fire safety devices are designed to provide. Checking the devices and changing the batteries is a simple and effective way to reduce tragic deaths and injuries. Having a working smoke detector in your home can give you the extra seconds you need to get out safely during a home fire.

Everyone is encouraged to use the extra hour they will "gain" on Sunday to change the batteries in their smoke and carbon monoxide detectors. Taking this simple step could form a lifesaving habit!

➤ **PUBLIC WORKS/SUCCESSOR REDEVELOPMENT AGENCY**

- "Survival of the fittest" is playing out in the book stores, electronics, and home goods retail sectors. The online magazine, *Retail Traffic*, predicts the next retailers to experience economic Darwinism will be the office supply chain stores including Staples, Office Depot, and OfficeMax. Staples has recently announced its plans to close up to 290 stores in North America. In private conversations, many people in the retail industry have begun questioning the future of Office Depot and OfficeMax, according to *Retail Traffic*.

"Unlike other big box retailers, competition is only one of the challenges threatening office supplies sellers," says Doug Stephens, president of the consulting firm Retail Prophet. A bigger problem is the fact that today's consumers need less paper and paper-related products due to the emergence of new technology. This means even if office supplies retailers try to adapt to a new marketplace with smaller stores, they will still experience falling demand for their merchandise. "They have this issue of category obsolescence," Stephens says. "We are not going to need 40 percent of the stuff that gets sold at those stores. We probably have too many players in that market, and I think it will come down to at least one of those competitors leaving the market or consolidating."

Private equity firms have already been making phone calls to discuss potential mergers or acquisitions in the office supplies space, according to Ivan Friedman, the CEO of RCS Real Estate Advisors. Market analyst Liang Feng for the research firm Morningstar has determined Staples is the chain least likely to go under because Staples has the greatest number of stores of the major players in this retail category and tends to be in better

locations. Staples boasts higher profit margins than competitors and runs a very successful online business, Feng notes. In addition, Staples operates the second largest e-commerce site after Amazon.

While pressure from both online and bricks-and-mortar competitors, including Costco and Wal-Mart, could result in Staples closing more stores, Staples has unveiled an aggressive program to adapt its operations to the new retail environment, including reducing retail square footage and putting to work a multi-year, cost-cutting plan.

- Last December, Maintenance Worker Ruben Gutierrez passed his Backflow Prevention Device Certification and is now qualified to perform annual testing required for these devices. Backflow prevention devices provide protection to the public water system, preventing harmful substances from being siphoned back into the system in the event of a water line break or other incidents. Up until a few years ago, the City had been performing its own tests for more than 20 years. A previous employee who performed that work unexpectedly resigned, leaving the City without a qualified person to perform the tests. To be certified to test backflow prevention devices, a person must receive training and take two tests administered by San Bernardino County. The testing requirements are both written and hands-on.

Back in the '90s, the City had approximately 70 backflow devices. Today we have in excess of 130. The cost for an outside vendor to perform the annual tests is typically \$100 per backflow preventer, or more than \$13,000 per year. By doing the testing with our own personnel, the cost has been reduced to \$100 total—the cost for renewing Ruben's license on an annual basis.

This past week, Ruben began testing the City's 130-plus backflows for this year's annual requirement by the Monte Vista Water District, San Bernardino County Health Department, and the State of California Health Department.

I would like to thank and commend Ruben Gutierrez for his above and beyond work ethic and contributions.

ECS:spa

“Opportunity is missed by most people because it is dressed in overalls and looks like work.”

~ Thomas A. Edison

NOVEMBER 2012



4	Daylight Savings Time Ends – Sets Your Clocks Back One Hour	2:00 a.m.
5	City Council Workshop Council Chambers	5:45 p.m.
6	Election Day	
7	Community Action Committee Meeting Council Chambers	7:00 p.m.
8	League of California Cities General Membership Meeting and James Thalman Award Dinner Sierra Lakes Country Club, Fontana	6:30 p.m.
12	Veterans Day Observation – City Hall Closed	
13	City Manager's Staff Meeting City Hall Conference Room	9:00 a.m.
13	Planning Commission Meeting Council Chambers	7:00 p.m.
15	Safety Committee Meeting City Hall Conference Room	9:00 a.m.
15	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
19	Code Enforcement Committee Meeting City Hall Conference Room	6:00 p.m.
19	City Council Meeting Council Chambers	7:00 p.m.
22	Thanksgiving Day – City Hall Closed	
26	Planning Commission Meeting Council Chambers	7:00 p.m.
27	City Manager's Staff Meeting City Hall Conference Room	9:00 a.m.

Children's Halloween Party 2012



Happy Halloween



Rescue Struts In-Service Training

