

CITY OF MONTCLAIR

Montclair Civic Center
5111 Benito Street
Montclair, CA 91763

September 12, 2013

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager

SUBJECT: CITY MANAGER'S WEEKLY REPORT: August 30-September 12, 2013

➤ **CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS**

- Last month, in response to demands of the Amalgamated Transit Union—the nation's largest mass transit union, whose local chapters represent Omnitrans, Foothill Transit, and Riverside Transit Agency employees—federal officials threatened to withhold approximately \$1.6 billion in grants for transit-related projects, services, and activities in California. Officials with the U.S. Department of Labor (DOL) promised to halt federal dollars for the state, alleging that California's Public Employee Pension Reform Act of 2013 (PEPRA) violated Section 13(c) of the Federal Transit Act governing the collective bargaining rights of mass transit employees. Transit union leaders argue the mandated changes to the pension benefits of transit employees should have been bargained.

The Federal Transit Act's Section 13(c) came about in 1964 when governments around the nation were taking over struggling, privately held transit companies. Federal lawmakers and unions worried that transit workers needed their bargaining rights protected when they became government employees—at the time, most state and local civil servants were not unionized and did not have bargaining rights. The Brown administration now argues Section 13(c) was not intended to inhibit states from introducing legislation imposing reasonable restraints on pension-related costs.

The DOL delayed issuing a final ruling on the matter while negotiations occurred with Governor Brown and his administration on ways to address union challenges. Last week, the Governor announced negotiations have resulted in a multi-level strategy that will combine both a legal and

legislative response to allow grant funds to flow to transit operators. The determination by DOL does not affect other public employee groups in California.

Governor Brown signed PEPRA into law last year. PEPRA raised retirement ages and rolled back pension formulas for public employees hired on or after January 1, 2013; capped the amount of salary that can be used to calculate pensions; eliminated the purchase of air time; required public employees to pay a share of pension costs; and imposed other minor reforms for classic members.

The legislative remedy includes proposed legislation by Governor Brown that would temporarily exempt transit workers from PEPRA, but preserve the state's ability to fight for the pension reform law in court. The legislation would also create a \$26 million state loan program to assist transit operators that are at risk of losing federal grants.

The bill, AB 1222, would spare transit agencies statewide from making severe service cuts and would temporarily remove approximately 20,000 transit workers from PEPRA coverage. Without the legislation, transit agencies would be forced to lay off thousands of transit union employees. AB 1222 would also provide transit union employees a 15-month grace period from PEPRA and is expected to clear the Legislature before lawmakers adjourn for the year next week.

Several transit agencies across the state, including the Riverside Transit Agency and Omnitrans, have begun preparing for service cuts that would translate to reduced operating hours and longer waits for mass transit riders. The Riverside Transit Agency faced a loss of \$31 million, more than a third of its combined \$79 million operating and capital budgets, if federal grants were withheld. Omnitrans could lose almost \$30 million, which would mean a 40 percent cut to service and the possible layoffs of 200 of its 650 employees. Both agencies will continue drafting layoff plans and service reductions until the legislation is final. Omnitrans has scheduled public hearings for early October to discuss possible service cuts.

Governor Brown's legislative remedy announcement came within hours after the U.S. Department of Labor advised the Sacramento Regional Transit District (Sac RT) they would lose transit grants because PEPRA violates the 1964 Federal Transit Act's Section 13(c). The DOL decision grants Sac RT legal standing to challenge the PEPRA/13 (c) question in federal court. The Brown administration will support Sac RT in challenging the DOL decision. If the DOL prevails, AB 1222 would extend the exemption until pension reform measures can be collectively bargained. If California and Sac RT prevail, the PEPRA exemption will sunset January 1, 2015.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- Staff met this morning with a prospective buyer of the vacant, two-acre site on the east side of Central Avenue across from Costco. In a previous meeting, staff discussed potential site layouts and vehicular circulation with the buyer's architect and engineer. The purpose of this morning's meeting was to nail down a conceptual site plan that staff would support so the buyer can "shop" the project to potential tenants at the International Council of Shopping Centers (ICSC) Western Division Conference in San Diego next week. Given the site's prominent location, staff has communicated to the buyer that a quality design and site layout will be critical to the City supporting the project.

➤ **FIRE DEPARTMENT**

- There is no new information to report this week.

➤ **HUMAN SERVICES DEPARTMENT**

- The City of Montclair, in partnership with the nonprofit Incredible Edible Community Garden, will be planting a community fruit park at Sunset Park, located 4351 Orchard Street. This will be the first fruit park in San Bernardino County.

Residents attended a community discussion and planning meeting last night in the Senior Center, to learn about the fruit park, share their input, and volunteer to help make the park a success. Next, the group plans to survey the park on Saturday, September 21 to determine tree locations. The fruit trees will be planted on Saturday, October 26 at 10 a.m. in honor of *Make a Difference Day*.

For more information call Eleanor Torres at (909) 499-9733 or email etorres@3i-s.com. Watch future issues of this report for additional information on this exciting new project in Montclair.

- Montclair Day at the Fair on Wednesday, September 4 included a parade of Montclair groups, including the Fire Department, Police Department, Senior Center, and Youth Center; and a special ceremony for Montclair's Community Heroes. With awards presented by Mayor Pro Tem Bill Ruh on behalf of the City, Montclair Chamber of Commerce Board president Dan Neale and representatives from Senator Norma Torres and County Supervisor Gary Ovitt, the L.A. County Fair honored heroes Vicki Brobeck, from Montclair Police Department, and Walter Askier, from Habitat for Humanity's ReStore.

A photo collage of the day is shared on Page 9.

- On Thursday, August 29, over 45 senior citizens attended a presentation taught by Assistant Director of Housing Christine Caldwell on "How to Make Holiday Brie." Christine also demonstrated how to make a non-alcoholic beverage to compliment the brie.

A photo collage of the demonstration can be found on Page 10.

➤ **POLICE DEPARTMENT**

- Yesterday, personnel from the Police and Fire Departments visited Ramona Elementary School for a Patriots Days event, where students presented them with cards, letters, and sweet treats. This event honored police and firefighters in observance of 9/11.





- Also yesterday, Chief Mike deMoet and Lieutenants Jason Reed and Brian Ventura attended Fontana Police Department's 9/11 Remembrance Ceremony and Expansion Dedication. Fontana Police Department recently added 36,000 square feet to its existing building with office space, evidence storage, forensics area, and shooting range.
 - The Police Department welcomed another new Officer, Andrew Schwab, on Monday. He was sworn in to duty by Chief Mike deMoet on Tuesday.
- Please join me in welcoming Officer Schwab to the Montclair City family.

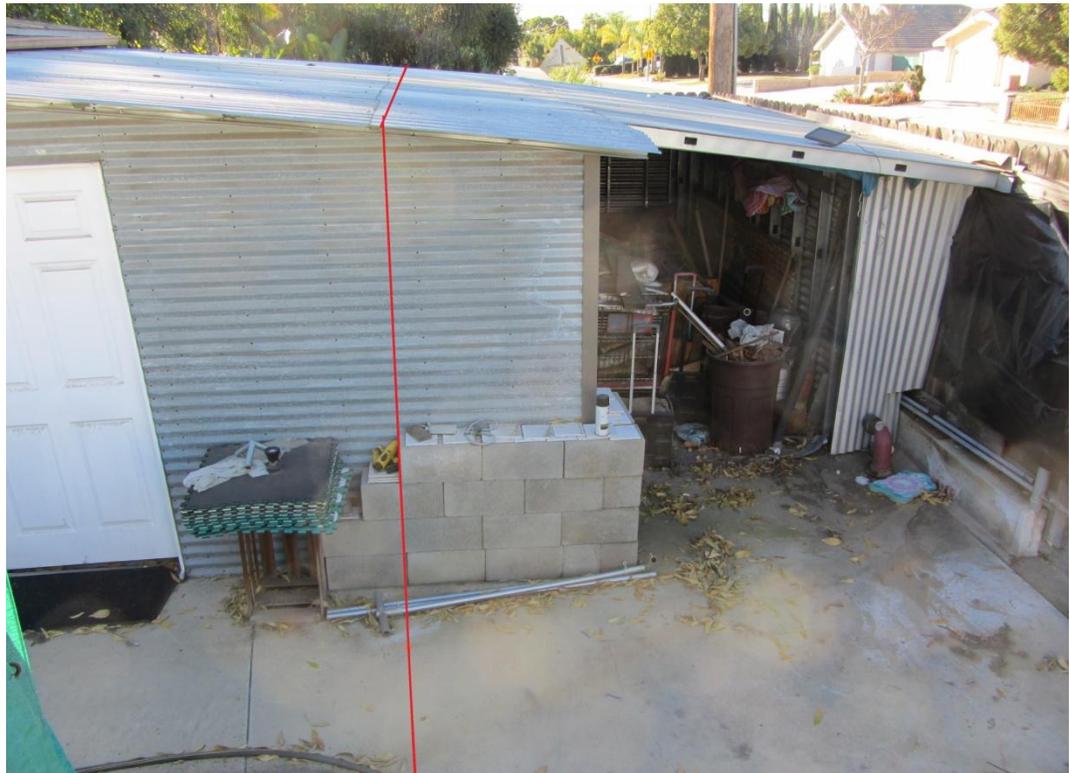
➤ **PUBLIC WORKS DEPARTMENT**

- In May 2013, the California Transportation Commission allocated \$180,000 in funding for the Monte Vista Avenue Roadway Widening Project. The street improvement project will widen Monte Vista Avenue from Howard Street to Mission Boulevard. Street improvements will result in the construction of one additional northbound lane, street lighting, curb, gutter, sidewalk, and new asphalt paving.

Following some preliminary design work, it was discovered that one residential property had constructed a storage structure and fencing within the public right-of-way. The property, which was previously under the jurisdiction of San Bernardino County, was annexed into the City on October 24, 2006.

In an effort to have the project under construction before year's end, the City has been working with the property owner to remove or modify the structure. This past week, the storage shed was modified, allowing construction of the new curb, gutter, and sidewalk.

In the image below, the red line indicates the alignment of the City right-of-way. The street widening project will relocate the new fence line and sidewalk just to the right of that line.





➤ **SUCCESSOR REDEVELOPMENT AGENCY/MONTCLAIR HOUSING CORPORATION**

- There is no new information to report this week.

ECS:spa

"People can be more forgiving than you can imagine. But you have to forgive yourself. Let go of what's bitter and move on."

~ Bill Cosby

SEPTEMBER 2013



16	Code Enforcement Committee Meeting City Hall Conference Room	6:00 p.m.
16	City Council Meeting Council Chambers	7:00 p.m.
19	Safety Committee Meeting City Hall Conference Room	9:00 a.m.
19	Public Safety Committee Meeting City Hall Conference Room	2:00 p.m.
23	Planning Commission Meeting - Canceled	

Montclair Day at the Fair



September 4, 2013



Senior Center Demonstration

How to Make Delicious Holiday Brie

