



November 7, 2013

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager 

SUBJECT: CITY MANAGER'S WEEKLY REPORT: November 1-7, 2013

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

- Yesterday, Administrative Analyst Mikey Fuentes and I attended the League of Cities' 2013 End of the Year Legislative Briefings. The focus was on key legislative developments for the current calendar year and the effects of the statewide November 2012 Election.

Effects of November 2012:

The November 2012 elections produced the first class of legislators subject to independent redistricting, the top-two primary system, and longer term limits. While it is too early to fully assess the results of these reforms, the following observations can be made:

The theory behind redistricting reform was that having an independent commission, instead of politicians, draw district boundaries would ensure balance and produce representatives more focused on solving problems than partisan battles. These new legislators, however, have not yet fully made their mark. They voted with their predecessors to reelect the Senate and Assembly leadership previously in place and, with few exceptions, followed it. Their actions in 2014 will be more revealing when legislators decide on replacements for the current term-limited Assembly Speaker and Senate Pro Tem who will exit the Legislature.

In addition, a visible change occurred with the prospect of being able to serve up to 12 years in one legislative house. Unlike their predecessors, the new class of legislators appeared less in a rush to introduce legislation and run for the next office. Many seem genuinely interested in taking the time to develop policy expertise and build relations with each other, including across party lines. If this trend continues, a more policy-focused and deliberative mindset among legislators should improve receptiveness for issues raised by cities and other groups with a stake in policy matters.

As the session began, political observers speculated about what the Democrats would do with their new supermajority. Prop. 25 of 2010 had already addressed budget delays by reducing the vote threshold to a majority and cutting legislative pay for missed deadlines, so two-thirds control meant less than in past years. Still, a supermajority cemented the Democrats' control in the Capitol, relegating republicans to the role of political bystanders. Urgency measures could be adopted and procedural rules waived. Gutting and amending bills in the final hours of a session could reign unchecked. But for democrats, the real question was whether they would assert their authority as a counterweight to the Governor's power. They could place constitutional amendments on the state ballot without the Governor's signature and override vetoes.

Democrats, however, have done little yet to exercise their newly acquired powers. They have introduced several constitutional amendments, including proposals to lower local vote thresholds and change to the initiative process, but little action has resulted. This could simply be a matter of timing. The real deadlines to place measures on the November ballot come in mid-2014. As for an override, there would have to be a significant level of tension and much to consider before any serious attempt would be initiated.

The presence of a supermajority has not fundamentally altered the relationship between democrats and the Governor. During the first two years of his term, the Governor led the state out of a \$26 billion fiscal hole by first convincing the Legislature to accept significant cuts to social programs, eliminate redevelopment agencies, and enact prison realignment; and then persuading voters to approve billions of dollars in additional temporary taxes with Prop. 30. The Governor's dominance continued in 2013. Employing wily experience accumulated from years in politics, he continued to set the agenda, shifting nearly \$2 billion per year in additional funds for impoverished schools, borrowing cap-and-trade funds, eliminating enterprise zones, and securing an appropriation to house thousands of state prisoners rather than agree to federal court-ordered reduction programs.

Legislative and Executive Priorities for 2014:

Next year should bring new opportunities. Barring an unforeseen reversal, the state budget should remain balanced, and the economy will continue to slowly improve. State legislators have already put forward many ideas for tools to invest in infrastructure, transportation, and affordable housing that can be pursued in the second year of the two-year legislative session. Discussions about a revised water bond and a new school bond are anticipated, along with potential revisions to local vote thresholds.

Employee Relations

- ✓ Pension Reform Regulations and Possible Legislative Cleanup
- ✓ Additional Policy Changes at CalPERS
- ✓ Collective Bargaining
- ✓ Possible Brown Act Cleanup

Environmental Regulation

- ✓ Water Bond–Storm Water
- ✓ Single-Use Carryout Bags
- ✓ Cap-and-Trade Auction Revenue
- ✓ California Safe Drinking Water Act
- ✓ Mandatory Commercial Organics Recycling

Housing, Community, and Economic Development

- ✓ Regulation of Sober-Living Homes
- ✓ Regulation of Massage Establishments
- ✓ CEQA Reform

Public Safety

- ✓ Medical Marijuana
- ✓ Gun Control
- ✓ Corrections–Prison Population Management
- ✓ Identity Theft

Transportation

- ✓ Transportation Funding
- ✓ Overweight Buses
- ✓ Online Transportation Companies
- ✓ Disabled Parking Placards
- ✓ Electric Vehicles

- The Federal Communications Commission (FCC) is considering adopting new rules that could limit local governments' zoning authority and allow wireless-service providers to add facilities to existing buildings, towers, and other structures in public rights-of-way and elsewhere with little or no oversight.

At least two sections of the FCC's notice of proposed rules directly address local government zoning authority and right-of-way control: The FCC is proposing to implement Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which states "a state or local government may not deny, and shall approve" particular requests to collocate, remove, or replace transmission equipment on an "existing wireless tower or base station" if the request would not "substantially change the physical dimensions of such tower or base station."

Adopting rules to implement Section 6409(a) could affect local government authority to review changes to existing facilities on private property or in the rights-of-way, and affect local authority to enforce conditions limiting the size of an already approved wireless facility. In the past, the wireless industry has asked the FCC to adopt a rule that would require local authorities to authorize extensions of 20 feet without condition. State laws governing collocation in California and elsewhere could be significantly affected.

In addition, the FCC is considering refining its "shot clock" rules—defining how long a local government has to act on an application. Failure to act within a proscribed time frame would deem an application automatically granted. Specifically, the FCC is contemplating a rule change that starts the clock at the time an application is filed, with disregard for any local moratorium on applications. The rule change may also restrict local governments from demonstrating a preference for siting on government property. The FCC indicates such preference is a form of "unreasonable discrimination."

The FCC's actions on the above issues could significantly limit local authority to address complex wireless siting issues.

- We received sad news last week: Lou Marchio passed away on October 18 from pulmonary and heart disease. He was 75. Our condolences go out to the Marchio family.

Lou was well known in the community. Some of the local organizations he contributed to include Pomona Valley Workshop where he served as Executive Director for 29 years, the Elks Lodge, Kiwanis of Montclair and Ontario, Montclair Chamber of Commerce, and Ontario YMCA. He leaves behind his wife, Carol, five children, seven grandchildren, and six great grandchildren.

Services will be held on Friday, November 15 at 11:30 a.m. at Todd Memorial Chapel, 570 North Gary Avenue in Pomona. In lieu of flowers, the family asked that donations be made to the American Heart Association.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- Leasing has begun at The Paseos with staffing of the office and expansion of the development's website (www.paseosliving.com). The first phase, which is expected to be ready for occupancy in December, is leasing up quickly. Rents range from approximately \$1,300 for a studio unit to \$2,550 for the priciest two-bedroom townhome. It is reported that many prospective residents currently reside outside of Montclair and are interested in living in a quality development with convenient access to Metrolink. Construction activity is continuing at a brisk pace on the residential buildings and the public park.

Below are photos of the residential building nearing completion and the park.





- A total of 187 residents obtained permits last week for the City's final yard sale weekend of 2013, which rewarded sellers and buyers with three days of comfortable weather. According to Code Enforcement staff, residents seem to have become accustomed to and compliant with the revised Yard Sale regulations that have been in place for 15 months now. Only a minimal number of unpermitted sales were noted; and the now-familiar, City-issued directional signs were generally posted in compliance with the Yard Sale Ordinance.

The next opportunity for residents to conduct yard sales will be the weekend of February 7-9, 2014.

➤ **FIRE DEPARTMENT**

- In conjunction with the *2013 Great California Shake Out*, City employees participated in fire extinguisher trainings held on October 22, October 29, and November 5. The sub-theme of *Shake Out* was "Fire Following an Earthquake." These training sessions provided opportunities for City employees to learn how to address small fires. Topics discussed during the training were the different types of fire extinguishers and how to properly operate these devices. Deputy Fire Marshal Scott Sherwood gets the credit for instructing these training sessions.

Photos are shared on Page 11.

➤ **HUMAN SERVICES DEPARTMENT**

- It was fun and only a bit frightful at the City's Annual Children's Halloween Party last Thursday. Mayor Pro Tem Bill Ruh, Council Members Leonard Paulitz and Carolyn Raft, and I joined 400 children and their families at the Community Center for the monster bash (there were some outstanding costumes this year!).

As is customary, we would like to thank our sponsors: Montclair Plaza, Montclair-Ontario Junior Women's Club, and the City of Montclair for donating candy and prizes for the costume contest. Recognition also goes to our volunteers, the Community Action Committee members who judged the costume contest, and Fire and Police staff for dropping by as their schedules permitted.

A photo collage is included on Page 12.

➤ **POLICE DEPARTMENT**

- On Friday, November 1, the Montclair Police Department hosted a San Bernardino County Movement Against Street Hoodlums (S.M.A.S.H.) operation. S.M.A.S.H provides a resource of specifically trained law enforcement personnel from agencies in San Bernardino County to combat street gang violence and criminal activity. Intelligence information is gathered about street gang members and their activities and disseminated to law enforcement agencies. S.M.A.S.H. operations promote a coordinated effort throughout San Bernardino County, encouraging cooperation between all law enforcement and prosecutorial agencies.

The operation consisted of approximately 100 personnel from 12 different San Bernardino County law enforcement agencies. Officers netted 36 arrests, several of which were felonies, and seized over 2 ounces of narcotics, \$2,000 in cash, a suspected stolen vehicle, and a handgun.

➤ **PUBLIC WORKS DEPARTMENT**

- In observation of the Veterans Day holiday on Monday, here is a brief history lesson about how the holiday came to be in the United States. World War I (known at the time as "The Great War" or "The War to End All Wars") officially ended when the Treaty of Versailles was signed on June 28, 1919, in the Palace of Versailles in France. However, fighting had stopped seven months earlier when a cease-fire armistice between the Allied Nations and Germany went into effect on the eleventh hour of the eleventh day of the eleventh month. In November 1919, President Wilson proclaimed November 11th as the first commemoration of Armistice Day with the following words: "To us in America, the reflections

of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations."

On May 13, 1938, President Roosevelt signed into law an Act making the 11th of November of each year a legal holiday—a day to be dedicated to the cause of world peace and to be thereafter celebrated and known as "Armistice Day." Armistice Day was primarily a day set aside to honor veterans of World War I; but in 1954, after World War II had required the greatest mobilization of soldiers, sailors, Marines, and airmen in the Nation's history, and after American forces had fought in Korea stopping the North Korean invasion of South Korea, the 83rd Congress, at the urging of the veterans service organizations, amended the 1938 Act by striking out the word "Armistice" and inserting in its place the word "veterans." With the approval of this legislation on June 1, 1954, November 11th became a day to honor American veterans of all wars.

In honor of the observation of Veterans Day next Monday, Public Works crews set out flags on Central Avenue today. Please join me in giving thanks to all those veterans who have served our country in both war and peace.

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

- A study was conducted by the Georgia Planning Association and presented on May 1, 2013, regarding the future of residential development. The main components of the research in the study reached the following conclusions:

People's attitudes about how they want to live are changing

Communities that can create mixed-use walkable places will have a competitive advantage over those places that cannot

Opportunities to create walkable mixed-use areas are **not** limited to larger cities; suburban areas can contain these mixed-use areas successfully, depending on the manner in which the projects are carried out

Changing demographics and consumer preferences are fueling the growth of mixed-use walkable communities. Baby boomers are redefining what retirement will mean; this group will have changing housing needs over the next decade. Baby boomers will not need large suburban

houses; they want maintenance-free living, and are seeking out new and different lifestyles

Those born between 1977 and 1994 are looking for sustainable, walkable, living environments

Because of the elements listed above, there will be a boom in "for sale" and "for lease" housing in mixed-use walkable areas in the next seven years that will rival post-war suburban development.

Given the findings in this study and initial success of leasing at The Paseos project, it appears the North Montclair Downtown Specific Plan has situated the City in the market to capture this evolving lifestyle.

ECS:spa

*"Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties."
~ Abraham Lincoln*

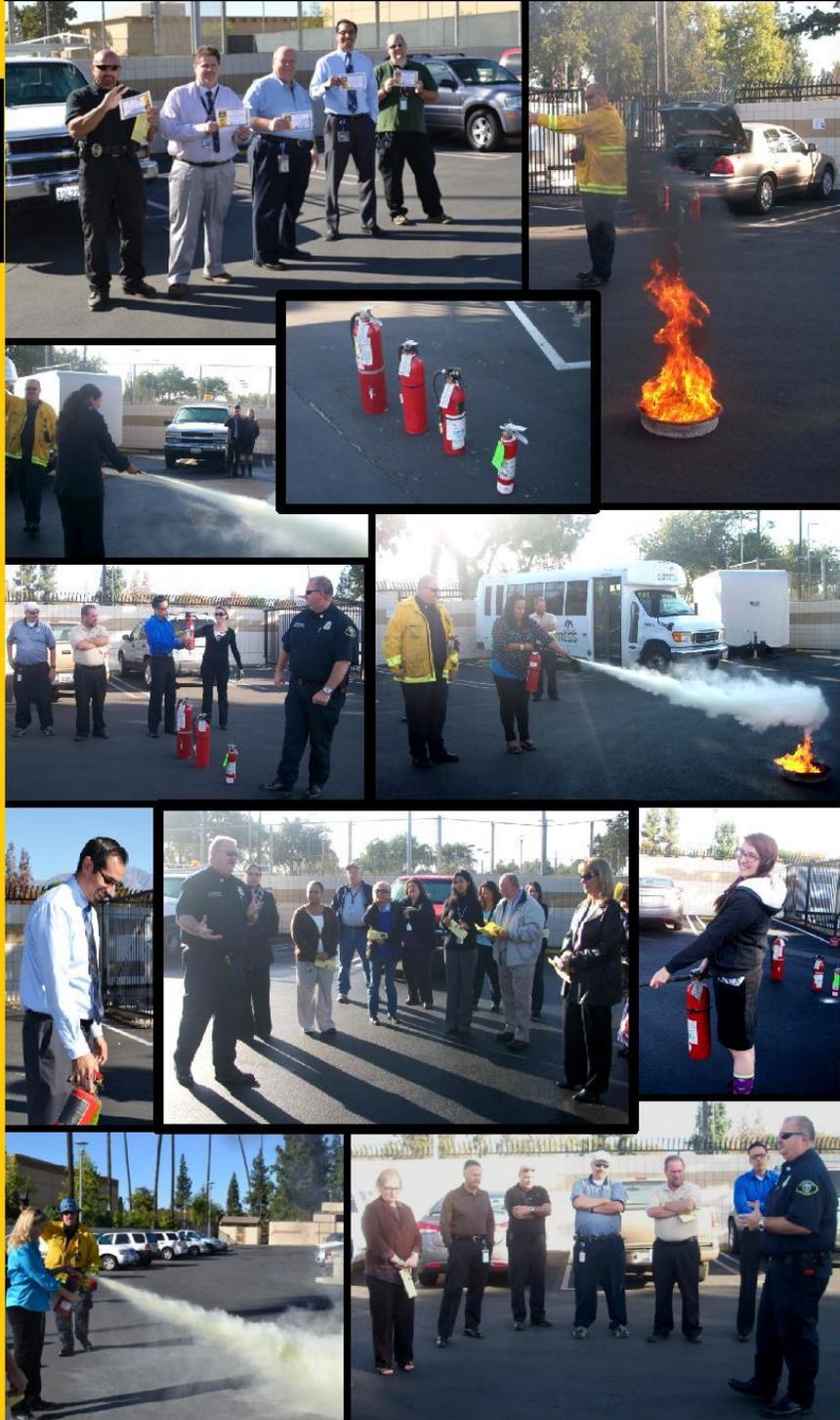
NOVEMBER 2013

		
11	Veterans Day – City Hall Closed	
12	City Manager's Staff Meeting City Hall Conference Room	9:00 a.m.
12	Planning Commission Meeting – Canceled	
13	Oversight Board Meeting Council Chambers	6:00 p.m.
14	League of California Cities Inland Empire Division Dinner and 11th Annual James S. Thalman Memorial Service Award Presentation The Event Center at San Manuel Village 27923 Highland Avenue, Highland	6:00 p.m.
18	City Council Workshop – R-3 Development Standards Related to Implementation of Housing Element Council Chambers	5:45 p.m.
18	Code Enforcement Committee Meeting - Canceled	
18	City Council Meeting Council Chambers	7:00 p.m.
19	Montclair Fire Fighters Recognition Breakfast Dolce Bistro & Bakery	7:30 a.m.
25	Planning Commission Meeting Council Chambers	7:00 p.m.
28	Thanksgiving Day – City Hall Closed	

FIRE EXTINGUISHER TRAINING



The Great California
Shake OutTM





MONTCLAIR'S

HALLOWEEN PARTY

OCTOBER 31, 2013