



July 2, 2014

**TO:** Honorable Mayor and City Council

**FROM:** Edward C. Starr, City Manager 

**SUBJECT:** WEEKLY REPORT: June 27-July 2, 2014

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

- In a major reversal from what has been called one of Los Angeles County Metropolitan Transportation Authority's (Metro) worst public transit mistakes, Los Angeles International Airport (LAX) will apparently be the region's first recipient of a train station intended to provide a light-rail connection directly to a major Southern California airport. The decision comes approximately two decades after a comparable proposal was rejected by Metro.

In a unanimous vote, the Metro Board agreed to proceed with further study of a proposed \$200 million light-rail station that will terminate approximately 1.5 miles east of the central terminal area, with direct connection to LAX terminals, car rental facilities, and a ground transportation hub via an aerial monorail/people-mover system. The 96th Street rail station would be a stop along Metro's Crenshaw Line (Green Line), now under construction.

Measure R, Los Angeles County's half-cent transportation sales tax approved by county voters five years ago, includes \$330 million for the project. Los Angeles World Airports (LAWA) will pay for the connecting monorail loop into LAX's terminals, currently projected to cost \$1.5 billion.

Today, passengers and LAX employees who take rail to the airport exit at the Green Line's Aviation/LAX station south of the airport and transfer to shuttle buses. The existing connection is underused and considered by users to be extraordinarily inconvenient—travelers have to walk from train platforms to curbside bus service where they board overcrowded buses while carrying heavy pieces of luggage.

Metro officials believe the connector train will speed up airport access for travelers by including check-in counters, baggage check facilities, flight information boards, vendors, and currency exchange locations. The 96th Street Station will now go through design, environmental review, and cost analysis before construction begins. Service is expected to start in 2022, when the Crenshaw Line is scheduled for completion.

Many of the nation's international airports already have shuttle systems transporting travelers between terminals, car rental hubs, and public transit. The failure to plan for similar airport transit connections is considered one of Southern California's great public transit embarrassments.

Earlier this year, Assembly Member Freddy Rodriguez introduced AB 2574, a bill supporting extension of the Gold Line light-rail system from Montclair to Los Angeles-Ontario International Airport (ONT); however, the bill was withdrawn after it failed to gain support from the San Bernardino Associated Governments (SANBAG) Board of Directors. SANBAG is San Bernardino County's transportation authority.

Curiously, ONT is struggling to regain relevance as a major international airport. Construction of the Gold Line to San Bernardino County is seen by many policy leaders as a positive step for promoting economic recovery in the County's west end and promoting passenger traffic increases for ONT. Over the next decade, San Bernardino County's failure to support light rail to ONT may be considered a mirror of Metro's failure two decades ago to bring public transit to LAX.

Assembly Member Rodriguez withdrew AB 2574, in part, to maintain SANBAG's commitment to construct the Gold Line from the Los Angeles-San Bernardino County Line to the Montclair Transcenter. SANBAG had indicated it would not participate in extension of the Gold Line unless and until AB 2574 was withdrawn. Montclair supports the vision of AB 2574; however, recognizing the obstacles created by the bill, Montclair officials engaged Assembly Member Rodriguez' office to encourage withdrawal of AB 2574.

Last week, Montclair hosted a meeting with representatives from the Gold Line Foothill Extension Construction Authority and SANBAG to discuss funding construction of the Gold Line to the Montclair Transcenter. City and Gold Line representatives were dismayed to learn that SANBAG is unable to commit funding for the project until 2023—and only with the infusion of federal grants—with construction completed in 2026. The revised SANBAG position appears to conflict with past assumptions that SANBAG had secured funding for construction, but was struggling to develop funding for operations and maintenance. SANBAG now indicates construction funding will have to come from federal and/or state sources.

The Gold Line Construction Authority is currently working on a timetable that would bring the Gold Line to Montclair in 2022. To stay near that target date for light-rail service to the Montclair Transcenter, SANBAG officials have committed to work with Senator Norma Torres' office to secure future Cap-and-Trade auction dollars to complete construction of the Gold Line to Montclair by 2022 or 2023. Governor Brown's Fiscal Year 2014-15 State Budget includes approximately \$330 million in cap-and-trade revenue for high-speed rail and other transit programs.

- Earlier this week, the U.S. Supreme Court issued a narrow decision that does little more than provide insight on the Court's current perception and disfavor toward agency shops. In *Harris v. Quinn*, the Court held that in-home service providers in Illinois who are not union members cannot be required to pay the union an agency fee. For public agencies, however, the bottom line is that existing agency shop arrangements continue as usual, for now.

Like in many states, Illinois has a program designed to assist individuals who, due to age or medical condition, are unable to live in their own homes without assistance, but are also unable to afford the expenses of in-home care. Under state law, the state provides in-home service providers who are jointly employed by the state who compensates the personal assistants and the "customers" who are the individuals receiving the care. Illinois law provides that the personal assistants are "public employees" of the state but solely for the purposes of coverage under the state's public labor law.

Service Employees International Union (SEIU) was the exclusive representative for the personal assistants for purposes of collective bargaining. The SEIU and the state negotiated an agency shop provision into the collective bargaining agreement requiring all personal assistants who are not union members to pay a "fair share" of the union dues. Three of the personal assistants objected to this agency fee and sued the state and SEIU, alleging the agency shop violated their First Amendment rights because they were required to pay a fee to a union that they do not wish to support. The trial court and Seventh Circuit Court of Appeals found in favor of the state and SEIU..

In its decision to reverse, the Court heavily criticized its prior decision in *Abood v. Detroit Board of Education*. In *Abood*, the Court held that public employees who choose not to join a public-sector union may nevertheless be compelled to pay an agency fee to support union work that is related to collective bargaining, contract administration, and grievance adjustments, but not for the union's political or ideological purposes. Although the *Abood* case came under heavy fire, the Court did not overturn it. Consequently, current agency shop arrangements in collective bargaining agreements remain valid.

The Court distinguished the personal assistants from "full-fledged public employees" by arguing personal assistants are almost entirely answerable to the customers; therefore, the Court found the scope of collective bargaining on their behalf is sharply limited. The Court also found, because the State requires personal assistants to receive the same pay rate and must forego union representation in grievances against customers, they could not be compelled to pay agency shop fees.

Ultimately, the Court narrowly held that an agency shop is not constitutional for the personal assistants in Illinois because it infringes on their First Amendment rights of speech. The Court did not, however, find the agency shops are unconstitutional for "full-fledged public employees."

- Effective on or about September 9, 2014, Time Warner Cable (TWC) will take another important step toward improving video quality and increasing internet speeds by providing video programming in a digital-only format. In order to provide customers the advanced services they expect, TWC is continuing its efforts to manage bandwidth more efficiently. Since analog channels require up to 14 times more bandwidth than channels in digital format, TWC began the process several years ago of converting analog channels to digital-only format.

As part of this ongoing initiative, TWC will be converting its analog channels to digital-only format effective on or about September 9, 2014. TWC channels will continue to be carried on the Starter TV Tier (formerly Broadcast Service Tier) and/or the Standard TV tier. Channels will remain on their pre-existing channel numbers when accessed through a TWC-supplied digital set top box, a digital adapter, or a CableCARD-equipped Unidirectional Digital Cable Product (UDCP).

A majority of TWC customers have been supplied with TWC-supplied digital equipment. Those customers not subscribing to digital services will need digital equipment—for example, a digital set top box, digital adapter, or a CableCARD-equipped UDCP—to view these channels.

For customers who do not already have digital equipment or need additional digital adapters, TWC will, upon request, provide digital adapters and remote controls free for a period of time so those customers may continue to have access to TWC channels. Customers who have TWC-supplied digital equipment or subscribe to Standard or Preferred Tiers of service are eligible for free digital adapters until December 31, 2015. Customers who subscribe to the Starter TV Tier and have no TWC supplied equipment are eligible for free digital adapters until December 31, 2016. Medicaid customers may qualify for an extended period of time. Customers can order digital adapters via the TWC web site or by phone, and TWC will ship the devices at no charge.

At the expiration of the free period, each digital adapter will cost \$1.50 per month. No customer will be required to subscribe to a tier higher than the current one in order to continue to view channels they have been enjoying. TWC will provide customers with at least 30-days advance notice to make this change as seamless as possible. Please contact TWC for any further questions regarding the move to a digital-only format.

- California's Low Carbon Fuel Standard, one of the centerpieces of the state's fight against global warming, survived a significant legal challenge Monday when the U.S. Supreme Court declined to hear a lawsuit brought by oil industry and out-of-state farm groups.

The court let stand a 2013 decision by the 9th U.S. Circuit Court of Appeals upholding the state's low-carbon fuel standard. But opponents of the law said there will be more litigation against the standard under different legal theories.

The standard became law in 2007 by executive order of by former Governor Arnold Schwarzenegger. The law requires fuel producers to reduce the "carbon intensity" of their products by 10 percent by the year 2020.

The fuel standard is one of the two key components of California's effort to curtail greenhouse gases. The other is AB 32, Global Warming Solutions Act, signed into law by former Governor Arnold Schwarzenegger in 2006, which established a cap-and-trade program requiring hundreds of big industrial firms to purchase credits in order to release carbon into the air. Refineries have been exempt from the requirement so far, but their emissions will come under the program's regulations beginning next January. Analysts have said it could mean gas prices at the pump could rise 10 to 20 cents.

The Low Carbon Fuel Standard takes the issue one step further. It doesn't just measure the carbon in tailpipe emissions; it takes into account the entire process of creating the fuel and bringing it to market. That includes everything from shipping fuel to California to the process of growing corn for ethanol.

Environmentalists hailed the Supreme Court's decision to keep the fuel standard in place. "It is welcome news for the millions of Californians at risk from the clear and present danger of climate change," said Tim O'Connor of the Environmental Defense Fund in a prepared statement. The standard "will protect the health of Californians while strengthening our clean energy economy."

Mary Nichols, chairwoman of the California Air Resources Board, issued a statement calling the Supreme Court decision "a victory for everyone committed to taking meaningful action to tackle climate change."

Besides the oil industry, the standard was also contested in court by Midwest farmers and ethanol producers. They argued the standard discriminated against their corn-based ethanol because they had to transport their product into California. The process of shipping raised their ethanol's "carbon intensity," which they said represented unconstitutional discrimination against products made out of state.

"California's efforts to dictate how fuel is produced outside of its borders ignores constitutional safeguards that have long protected against one state controlling the conduct of private parties beyond their borders," said Richard Moskowitz of the American Fuel & Petrol Chemical Manufacturers. The trade association fought to have the California standard struck down.

➤ **FIRE DEPARTMENT**

- The Fire Department is proud of its new 2014 KME fire engine and wants to share it with City employees and the community at an Apparatus Dedication Ceremony on Monday, July 7. The ceremony will be held at 5:45 p.m., just prior to the 7 p.m. City Council meeting, at the Civic Center's Memorial Garden. There will be an apparatus christening, remarks by local officials, and refreshments. Please attend and share in this special event!



**SAVE THE DATE**

**Montclair Fire Department**



**Apparatus Dedication Ceremony**

You are invited to a dedication ceremony for the Fire Department's new 2014 KME fire engine

**Monday, July 7, 2014**  
**5:45 p.m.**

**City Hall ♦ Memorial Garden**  
**5111 Benito Street, Montclair**

➤ **HUMAN SERVICES DEPARTMENT**

- Tuesday night at Alma Hofman Park featured a performance by *Suave*, the first of five free concerts in the park. The band delighted the crowd of more than 300 people with a variety of Latin songs, and had a large crowd dancing to the music. In the kids craft area, children made maracas that they used while dancing. A photo collage of the concert is included on Page 11.

Join us next Tuesday at 7 p.m. for a performance by *Silverados* (country music). Bring your friends and family, blankets, lawn chairs, and a picnic dinner for a fun evening of music and dancing. Refreshments will be for sale, and there will be free western-themed activities for kids.

➤ **POLICE DEPARTMENT**

- Last week, the Police Department received word from the California Office of Traffic Safety that its application for the funding of a traffic safety program was approved. The grant will provide up to \$145,000 of additional funding to be allocated towards public education and enforcement programs. The grant is fully reimbursable, requiring the City to pay the initial costs for personnel overtime and equipment. The Department intends to utilize a portion of the funds to purchase a police motorcycle and equipment to outfit a Motor Officer. One of the Motor Officer's primary duties will be administration of the grant program. The performance period for the program is October 1, 2014, through September 30, 2015. In the near future, the Department will begin enforcement and education campaigns designed to address the following areas:

- ✓ Alcohol-Impaired Driving
- ✓ Distracted Driving
- ✓ Drug-Impaired Driving
- ✓ Occupant Protection
- ✓ Pedestrian and Bicycle Safety
- ✓ Police Traffic Services
- ✓ Motorcycle Safety

- The Police Department recently held a selection process for Motor Officer and Officer Michael Lang has been selected for the assignment, which is typically a five-year period. On Monday, July 7, Officer Lang will begin three weeks of motorcycle training at the San Bernardino County Sheriff's Department Emergency Vehicle Operations Center.

The Police Department is excited about the revival of its Motor/Traffic Safety Program.

➤ **PUBLIC WORKS DEPARTMENT**

Two City Yard employees recently experienced life-changing events.

Part-time Maintenance Worker Fred Garcia and his wife, Breana, welcomed the birth of their first child, a boy, on June 16. Fred Daniel Garcia weighed 8 lbs 6 oz and measured 21 inches long. Both mom and child are doing great. In celebration, the proud dad treated his City Yard coworkers to tacos and all the fixings.

On May 23, Maintenance Worker Eddie Chavez married his girlfriend of three years, Vanessa Reyes, in beautiful Cabo San Lucas, Mexico. Although the newlyweds do plan on starting a family, they are not in a hurry to do so.

Congratulations to all!

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

- Job growth in much of California has outpaced the national average over the last year, signaling a continued economic rebound for the state in the coming years, according to the quarterly UCLA Anderson Forecast released on June 12.

Economists with UCLA's Anderson School of Management found Silicon Valley had the highest rate of job growth in the state during the last year, at 4 percent—more than double the national average. Employment numbers in Los Angeles, the Inland Empire, Ventura County, and Orange County also outperformed the national average, according to the analysis.

Employment numbers in the Inland Empire and Los Angeles are still below the pre-recession peak; while San Francisco, Silicon Valley, and San Diego have regained the job losses in the wake of the foreclosure crisis. The East Bay, the San Joaquin Valley, and counties near the Oregon border were the only regions that experienced job growth slower than the U.S. average.

"California really is bucking the trend of what's happening in the rest of the U.S.," said Jerry Nickelsburg, a senior economist with the UCLA Anderson Forecast who focuses on state economic trends.

UCLA economists also projected a continuing decline in California's unemployment rate over the next two years, dropping from an average of 7.7 percent this year to 5.9 percent in 2016. Those rates are still expected to be higher than the national average, but Nickelsburg pointed to data showing continued growth in California's labor force. Unemployment rates can be imprecise statistics as the numbers do not reflect workers who have dropped out of the labor force and have given up on finding work.

In general, data showing a growing labor force in California, along with higher employment numbers, indicates a strengthening economy, Nickelsburg said. "The whole reason you talk about discouraged workers is that people drop out of the labor force to do something else, because the markets aren't providing them with good enough options," he said. "We have just the opposite. We have people coming into the labor force—hundreds of thousands of them since the recession."

ECS:spa

"May the sun in his course visit no land more  
free, more happy, more lovely, than this our  
own country!" ~ Daniel Webster

# JULY 2014



3	City Hall Closed in Observance of Independence Day	
4	Independence Day	
7	Fire Department Apparatus Dedication Ceremony Montclair Civic Center – Memorial Garden	5:45 p.m.
7	City Council Meeting Council Chambers	7:00 p.m.
9	Oversight Board Meeting Council Chambers	6:00 p.m.
14	Planning Commission Meeting Council Chambers	7:00 p.m.
15	City Manager’s Staff Meeting City Hall Conference Room	9:00 a.m.
17	Safety Committee Meeting City Hall Conference Room	9:00 a.m.
17	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
19	Police Department Open House 4870 Arrow Highway	10:00 a.m. - 2:00 p.m.
21	Code Enforcement Committee Meeting City Hall Conference Room	6:00 p.m.
28	Planning Commission Meeting Council Chambers	7:00 p.m.
29	City Manager’s Staff Meeting City Hall Conference Room	9:00 a.m.



# Summer Concert Series

## *Suave*



07/01/2014