



September 11, 2014

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** WEEKLY REPORT: August 29-September 11, 2014

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➤ **CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS**

- Lawmakers spent the hectic final weeks of August whipping votes, accepting amendments, and negotiating with interest groups in an effort to get their bills passed. The 768 bills that survived now face their final test with Governor Jerry Brown. The following are bills currently awaiting Governor Brown's signature:

**Groundwater Package (SB 1168, SB 1319, AB 1739):** With a historic drought prodding them into action, lawmakers passed legislation that could make California the final western state to oversee how much water is pumped out of the ground.

**Analysis:** The Governor's office spotlighted groundwater early this year, setting aside money in his January budget proposal to formulate a management plan. Talks between Governor Brown and lawmakers produced the third bill in the package late in August. Given the extent of the Governor's involvement on the issue, his signature seems like a safe bet.

**Paid Sick Leave (AB 1522):** Would require almost all employers to provide a minimum of three paid sick days to workers who accrue enough hours.

**Analysis:** Governor Brown secured amendments to the bill exempting health aides who care for disabled and elderly Californians through the state's In-Home Supportive Services Program. Unions furiously fought the change, but it cemented the Governor's support.

**Plastic Bag Ban (SB 270):** One of the most contentious bills of 2014 would prohibit the use of single-use plastic bags in the name of environmental protection, allowing grocers to instead offer paper or reusable bags for a fee.

Analysis: During a gubernatorial debate, Brown said he "probably" would sign the bill. Despite plastic industry warnings that this bill would cut jobs, the California Chamber of Commerce has not adopted a position.

**Ridesharing Regulation (AB 2293):** Burgeoning ridesharing start-up companies like Uber and Lyft have become a popular alternative to taxi cabs. This bill would require them to carry more insurance.

Analysis: Uber and Lyft vociferously opposed this bill until the dwindling hours of the legislative session. But after the bill's author hammered out a deal lowering a minimum liability insurance requirement to \$200,000, saying Brown was on board as a result, the industry dropped its opposition.

**Film Tax Credit (AB 1839):** Arresting the departure of film production from its former California epicenter was a priority for Los Angeles-area lawmakers, who hope to keep cameras rolling here by offering nearly \$330 million in tax breaks.

Analysis: With much fanfare, Governor Brown and legislative leaders unveiled the \$330 million deal in the last week of the session.

**Ethics Package (SB 1443):** Part of a group of ethics bills, this measure reduces the permissible value of gifts lawmakers can accept and banishes popular freebies like tickets to concerts and baseball games.

Analysis: Senate leaders unveiled this bill as part of an ethics package, along with measures banning fundraisers at lobbyists' homes (SB 1441) and compelling more frequent campaign disclosures (SB 1442). A separate measure, SB 831, requires interest groups to offer more information on the free trips they sponsor for lawmakers every year.

### **Gun Restraining Orders (AB 1014):**

The Legislature's response to the lethal shooting in Isla Vista, this bill would allow police officers or immediate family members to get restraining orders blocking mentally troubled individuals from owning a gun.

Analysis: When the Legislature sent Governor Brown a wave of post-Sandy Hook gun control bills last year, the Governor vetoed some of the farthest-reaching measures. He has not weighed in publicly on this bill.

**Homemade Guns (SB 808):** Alarmed by the availability of homemade guns, including those produced by 3-D printers, legislators sent Governor Brown this bill requiring Californians to register do-it-yourself firearms with the Department of Justice.

Analysis: Reviled by gun groups, this bill did win the support of some key law enforcement entities, like the Peace Officers Research Association of California.

**Toy Guns (SB 199):** Toy guns would need to be brightly colored so they are not mistaken for the real thing under this bill spurred by an incident in which Sonoma County police officers killed a boy wielding a toy gun.

Analysis: While the Los Angeles Police Department backs this legislation, critics say it might end up breeding more uncertainty for cops.

**Subcontractors (AB 1897):** Companies that use third-party contractors could be held liable if those contractors withhold wages or fail to cover workers' compensation under this bill.

Analysis: One of organized labor's priorities for 2014, this legislation sits firmly in the California Chamber of Commerce's crosshairs. Signing the bill could open Governor Brown to criticism from those who believe over regulation has hindered California's economy.

**Private Contractors (SB 556):** This union-backed bill would bar private ambulance workers and other contractors from displaying the logos of public agencies they work for, unless they also make clear they are private contractors.

Analysis: Local government groups, like the League of California Cities, strongly oppose this bill, depicting it as a union ploy to discourage cities from contracting out services.

**Campus Sexual Assault (SB 967):** California colleges would need to adopt an "affirmative consent" standard for sexual assault, meaning students attending orientation lectures and investigators looking into rape claims would learn what matters is not whether a student says "no" to sex, but whether he or she indicates "yes."

Analysis: With lax or uneven campus responses to sexual violence drawing criticism across the country, this bill has received national attention. It passed both houses of the Legislature with strong support.

**Bilingual Education (SB 1174):** A decade and a half after California voters restricted bilingual instruction by passing Proposition 227, this bill would let voters undo those prohibitions by placing a repeal measure on the 2016 ballot.

Analysis: While the Proposition 227 rollback would not go on the ballot until after the Governor's current campaign has concluded, it could still provoke powerful reactions and raw emotions.

**Audrie's Law (SB 838):** Juveniles who sexually assault unconscious or disabled victims would face tougher penalties under this bill.

Analysis: This bill was pushed by the Santa Clara County District Attorney's Office in response to 15-year-old Audrie Pott's suicide after she was assaulted while unconscious. It is less stringent than in its original form, mandating rehabilitation rather than incarceration.

**Childhood Sex Abuse (SB 924, SB 926):** This pair of bills would extend the statute of limitations for victims seeking redress for past abuse, allowing them to bring civil cases or seek criminal charges until they are 40.

Analysis: The Governor vetoed a bill last year opening a one-year window for childhood sex abuse victims to take legal action. Governor Brown wrote an unusually lengthy veto message invoking concepts of fairness and arguing that, at some point, the threat of lawsuits for past violations must dissipate.

**Seafood Labeling (SB 1138):** Responding to a report finding widespread fish mislabeling, this bill imposes a \$1,000 fine or a year in jail for misrepresenting seafood's type or origin.

Analysis: While environmental groups backed this bill, industry groups like the California Fisheries Institute and the West Coast Seafood Processors Association argued it would impose a costly burden that would likely confuse customers.

**Drug Sentencing (SB 1010):** This bill would eliminate sentencing disparities for crack and powder cocaine, erasing a distinction that advocates call wrongheaded and racially tinged.

Analysis: Governor Brown has moved cautiously on bills easing drug penalties, last year vetoing a measure allowing simple possession to be charged as a misdemeanor.

**Farm Labor (SB 25):** Farm management would find it harder to stall new labor contracts under this bill, which allows the Agriculture Labor Relations Board to implement farm labor contracts secured through mandatory mediation even if employers appeal.

Analysis: This bill would bolster a labor body Governor Brown helped create during his first administration.

**Rape Kits (AB 1517):** This bill would impose a timeline for the kits to be tested and entered into a national database.

Analysis: Not a single lawmaker voted against this bill. But the Department of Finance dissented, arguing there is not enough money in the budget to support the increased workload.

**Drone Surveillance (AB 1327):** This bill would limit when law enforcement agencies can use drones without obtaining warrants and would require most data collected to be destroyed within a year.

Analysis: As unmanned aerial vehicles become increasingly common, civil liberties advocates are questioning the privacy implications of hovering eyes in the sky. While this legislation drew bipartisan support in the Legislature, it continues to be a nonstarter for arms of the law like the California Police Chiefs Association and the Los Angeles County district attorney.

**Initiative Changes (SB 1253):** The bill allots more time to collect signatures and would allow ballot measure proponents to pull their initiatives or add amendments, among other changes.

Analysis: The breadth of organizations supporting this measure, from California Common Cause to the California Chamber of Commerce to the California Democratic Party, should help its odds, although the California Teachers Association remains in opposition.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- Staff from various City departments met this week with representatives from Crestwood Communities, a Glendora-based residential developer that has opened escrow to purchase a 4.6-acre site on Mission Boulevard, east of Monte Vista Avenue. Crestwood, which constructed 130 single-family homes in Montclair in the mid-2000s, proposes to subdivide the property and construct 20 single-family, detached homes ranging from 2,032 square feet to just over 2,500 square feet. While some minor details of the project still need to be resolved, most of the conversation at the meeting centered on addressing surface water runoff and providing adequate access to satisfy the Fire Department.

The subject property was developed nearly 50 years ago with a grocery store and associated parking lot, but did not become a part of Montclair until October 2006. Although the building has gone unoccupied during most of the eight years since annexation, staff has fielded numerous inquiries and proposals for occupying the building or redeveloping the property. For various reasons, none of the proposals has panned out thus far. Staff is optimistic the latest proposal, which will require a General Plan amendment and zone change, will move forward. It is anticipated that Crestwood's

proposal may be ready for Planning Commission and City Council consideration by year's end.

➤ **HUMAN SERVICES DEPARTMENT**

- Yesterday was Montclair Day at the L.A. County Fair, a day Montclair shared with the cities of Ontario and West Covina. The day's activities included a parade that our city participated in with representation from the Fire and Police Departments and the Senior and Youth Centers. A special ceremony for Montclair's Community Heroes had awards presented by Council Member John Dutrey on behalf of the City, County Supervisor Gary Ovitt, Montclair Chamber of Commerce Board president Dan Neale, and representatives from the offices of Senator Norma Torres and Assembly Member Freddie Rodriguez. The three community heroes were Dee Connelly (senior category), who volunteers at the Senior Nutrition Program and other City-sponsored events; Ruth Bonillas (adult category), who was instrumental in helping the Police Department track down the suspect in a fatal hit-and-run accident in Montclair last spring; and Leonardo Benitez (youth category), who designed the tree layout for the Montclair Fruit Park and helped plant the trees. He is part of a team of youths that learned about tree irrigation and also assists with the ongoing maintenance of the park.

A photo collage of the day's highlights is shown on Page 12.

City employees and the community may again purchase discounted Fair tickets from the Recreation and Senior Centers. Tickets are good for any day the Fair is open. Adult tickets are \$11 and child tickets (6 to 12 years old) are \$6. Children 5 and under are free. Tickets must be purchased with cash only. The Fair runs until Sunday, September 28, and is closed on Mondays and Tuesdays.

- Last Wednesday, Linda Watson, former owner of Watson's Florist, demonstrated the art of corsage-making. The participants were thrilled to learn something new and enjoyed the refreshments.

A photo collage is included on Page 13.

**POLICE DEPARTMENT**

- On Monday, September 8, the Police Department welcomed Police Officer Miguel Lozano as its newest member of the force during a general assembly/swearing-in ceremony. Miguel was hired as a Police Officer Trainee back in July while he was in the Riverside County Sheriff's Academy. He graduated from the academy on August 28.



Officer Lozano surrounded by the important women in his life!

Also during the general assembly, Chief Mike deMoet announced the promotion of Police Services Specialist Christine Wolfe to the position of Police Services Supervisor, also effective September 8. Christine competed in a closed, in-house recruitment and testing process for the position and placed in the top tier.

Please join me in welcoming Miguel and congratulating Christine!

➤ ***PUBLIC WORKS DEPARTMENT***

- On April 7, 2014, the Montclair City Council awarded a construction contract to Hillcrest Contracting, Inc. for the Monte Vista Avenue Widening Project. The improvements included new curb, gutter, and sidewalk; new asphalt concrete pavement; fencing; and street lighting. Work on Monte Vista Avenue is complete with minor drainage items remaining at the corner of Howard Street and Monte Vista Avenue.

The final construction cost is approximately \$430,000, paid for with a combination of local transportation development impact fees and matching state funds.



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

- Millions of Americans are abandoning brick-and-mortar stores faster than retail executives predicted, pushing the industry to a precipice. Traditional retailers, for the first time ever in 2014, will generate half their sales growth on the Web, according to Stifel Financial Corp. That means about \$18 billion in new revenue generated this year will come from online purchases, an analysis of U.S. Census data shows.

The online stampede will only accelerate as 80 million U.S. millennials start families, buying homes and filling them. Mobile shopping is giving e-commerce another boost. It is widely accepted that traditional chains must mesh physical and online stores into a seamless shopping experience, but "nobody is doing it well," said Anne Zybowski, vice president for retail insights at Kantar Retail in Boston. "There isn't any best-in-class because nobody is there yet."

The Standard & Poor's 500 Retailing Index fell 5.6 percent this year through yesterday, compared with a 5.5 percent gain for the broader S&P 500.

E-commerce has been doubling in size about every five years, a pace that's likely to accelerate. While the Web accounts for only 10 percent of total U.S. retail sales, in such categories as computers, online sales have reached more than a third of the total. Products once deemed relatively Web-proof, such as furniture and daily necessities, are moving online. "There's been a lot of discussion over the years on *where does e-commerce top out?*" said Andrew Lipsman, a Chicago-based analyst for researcher ComScore. "We haven't seen any evidence of it slowing down yet."

Millennials, the second-largest U.S. generation after their baby boomer parents, will only make life harder for traditional retailers.

While economically challenged Americans in their 20's and 30's are off to a slow start, their spending will more than double to \$1.2 trillion by 2020 and account for a third of all U.S. purchases, according to Accenture plc. In about a decade, people born between the early 1980s and just past the millennium will make up 75 percent of the workforce, according to the Brookings Institution. In a study from ad agency DDB Worldwide, 40 percent of men and 33 percent of women in the age group say buying everything online would be ideal.

More than a third of millennials already say they rarely or never go to an enclosed mall, according to a study last year by the Urban Land Institute, a nonprofit focused on responsible land use. As many as 60 percent seldom visit apparel-focused department store chains. Meanwhile, about half spend an hour or more a day shopping or browsing online, the group said.

A decade ago, Nordstrom topped the National Retail Federation's customer-service rankings. By 2011, the onetime champ of making customers feel special, had sunk to 10th place—behind Amazon, Zappos, and Overstock. "It used to be a high-touch, personalized thing, one person to another," Peter Nordstrom, the chain's merchandising chief, told students in April at the Fashion Institute of Technology in New York. "Now customers value speed and convenience. That never used to be part of the equation. It was a giant

wake-up call for us. That if we didn't make that part of our core competency, we were doomed."

Yet many retailers are simply playing defense. One of their biggest innovations is price-matching, increasingly vital given Amazon's plan to use the new Fire Phone to lock customers into its ecosystem. Best Buy and Target Corp. match prices at any competitor, including Amazon.

Only a handful of retailers—Best Buy, Home Depot Inc., Nordstrom—have invested enough to merge their physical and online stores. Their efforts have centered mostly on improving online shopping, in-store pick up being the most obvious example.

"Retail will change more in the next 5 years than it has in the last 50," said Chris Donnelly, who runs Accenture's global retail practice in London. That doesn't bode well for chains that have been "staying the course."

ECS:spa

*When you confront a problem, you begin to solve it.*

~ Rudy Guiliani

# SEPTEMBER 2014



15	Code Enforcement Committee Meeting City Hall Conference Room	6:00 p.m.
15	City Council Meeting Council Chambers	7:00 p.m.
18	Safety Committee Meeting City Hall Conference Room	9:00 a.m.
18	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
22	Planning Commission Meeting Council Chambers	7:00 p.m.
23	Autumn Begins	
30	City Manager's Staff Meeting City Hall Conference Room	9:00 a.m.



# Montclair Day at the Fair

September 10, 2014

Bingo    Trips & Tours    Scrapbooking  
 Transportation Program    Dancing  
**Montclair Senior Center**  
 Nutrition Program    Card Games  
 Presentations    Needle Craft

**MONTCLAIR**  
**YOUTH**  
**CENTER**

# Senior Center Corsage Making Presentation

