



“Accountability”
Glendale’s Watchdog

No Council Meetings
Merry Christmas
Happy Hanukah

Vanguard
Weekly News Vol IV
Week of December 21, 2008
City of Glendale, CA Edition
www.vanguardians.org
818 745 6770

City Loses another Roots Suit

The four stages of Vanguardians “**First they ignore you, then they laugh at you, then they fight you, then you win.**” Mahatma Gandhi describing the stages of establishment resistance to a winning strategy of nonviolent advocacy

When WE, the people, are complacent THEY win!



THIS JUST IN: In clear violation of Proposition 13’s requirement that new state taxes be approved by a two-thirds vote of both houses of the Legislature, a simple majority of scofflaw lawmakers has voted to approve new taxes and send them on to the governor for his signature.

If the governor does not veto these new taxes, HJTA will go to court. But before we can get a court ruling the state may begin to collect a three-quarter-cent sales tax increase, a 2.5% income tax surcharge, and another 13 cents on a gallon of gasoline. Please call the Governor immediately and let him know that you oppose these illegal taxes, and tell him he must veto this end-run around Proposition 13’s taxpayer protections:

Governor Arnold Schwarzenegger

Sacramento Office: 916-445-2841

Fresno: 559-445-5295

Los Angeles: 213-397-0322

Riverside: 951-680-6860

San Diego: 619-525-4641

San Francisco: 415-703-2218

The governor has announced he will veto the package of taxing and spending bills. He is rejecting them because of policy disagreements and has not acknowledged the illegality of raising taxes without the two-thirds vote required by Proposition 13.

City Hall all but closes down until January 7 when the Council returns on a WEDNESDAY due to Orthodox Christmas. Meanwhile the State cut infrastructure payments that affect Glendale. More hits will be coming to the revenue meanwhile instead of addressing the potential of a major financial disaster, Glendale City Council says, “Let’s take a few weeks off.” The Los Angeles City Council and their Mayor are acting quickly and decisively to immediately cut expenses. **COMMENT:** Unfortunately our Council reacts like deer in the headlights. The staff they direct looks to them for direction. There is none. This Council has presided over a \$200,000,000 drop in our reserves even after significantly raising the Water and Power rates; even after raising the fees for services; they still spend more than they bring in. The City Manager, the person they hired, gloats over borrowing yet has been an integral part of the mismanagement. He says the City has to pay \$332,000,000 principal for the bonds plus interest while the property owner has another \$191,000,000 directly billed to their property tax bill. If the public is to believe the error ridden CAFR (Comprehensive Annual Financial Report) the City has almost 2600 employees (P. 143) more than **ANY OTHER EMPLOYER** in Glendale!! When you go to the polls in April take the CAFR with you as a reminder.

More California Towns Face Bankruptcy This is serious stuff. Glendale has less than \$430,000,000 in the bank, more claims that it can pay off in a year, \$332,000,000 of bonded debt and interest in about the same amount, a substantial reduction in State funding, reduced sales tax revenue and increases in contract expenses. Our Council says, “It’s time for a City Hall vacation.”

A special note to all the friends of Vanguardians and the readers of Vanguard Weekly News

The City Council directed the City Attorney to appeal a ‘root suit’ to the California Supreme Court following the 2nd Ct of Appeals supporting the judgment of the Trial Court in granting the Plaintiff, a business on Riverside Drive, \$31,000. Basically the City has an obligation to keep sewers clean from debris and roots. This is the second case

of this type, of which we are aware, the City lost this year. **COMMENT:** The City has an aging infrastructure that requires considerable maintenance. Earlier Councils didn't drain the treasury for everyday expenses such as payroll. They had their priorities straight. [Jump](#)

Weaver Watch: My favorite CCM Weaver leaves the Council meeting early. Where does he go? [ED We often find him feeding at Conrad's.]

SAVVY CONSUMER



Jeff Green is our savvy consumer reporter says that there aren't too many days left in 2008 to take advantage of a charitable donation of your car, truck, RV or motorcycle in running condition to Vanguardians. They will handle all the details. Call Barry Allen at 818 745 6770.

All that is necessary for the triumph of evil is for good women & men to do nothing

**A once in a lifetime offer from Vanguardians – Vanguard will be sent to over 50,000 Glendalians...Your web site link or message can be included.
Call Barry Allen 818 745 6770.**

If you have issues with the City and fear retaliation, send them to Vanguardians and we'll share them with the appropriate department assuring your anonymity.

City Council

Council	12-16	Annualized	Contact info
Drayman	C-	B-	jdrayman@ci.glendale.ca.us;
Najarian	B+	B	anajarian@ci.glendale.ca.us;
Quintero	C+	B-	fquintero@ci.glendale.ca.us;
Weaver	D	C-	dweaver@ci.glendale.ca.us;
Yousefian	A+	B+	byousefian@ci.glendale.ca.us;



Drayman - for producing a free TV commercial spot advertising a local restaurant during the council meeting
 Najarian - for forgiving KFI AM 640. They are now best friends and amigos again! Thank you AJN. for being able to forgive especially as you ripped apart John & Ken. Election season.

Quintero - for having a 'deep concern and regard' over the cell phone tower issue during election season

Weaver - for publically making rude comments-yet again-mocking public speakers during the joint meeting with the GCC and GUSD session.

Yousefian - for digging into the numbers and expenditures. Yousefian constantly demonstrates a concern over spending and budgets that others bypass.

The obligations of an elected official paraphrased from *Bill Kovach and Tom Rosenstiel from The Elements of Journalism*:
 To

1. Support the 1st Amendment.
2. Acknowledge that Councils first obligation is to the people.
3. Have its first loyalty to the public.
4. Acknowledge a discipline of verification of reports.
5. Recognize that its practitioners must maintain an independence from those they legislate.
6. Understand it must serve as an independent monitor of power.
7. Provide a forum for public criticism and compromise.
8. Strive to make the significant interesting and relevant.
9. Keep the information and actions comprehensive and proportional.
10. Allow its practitioners to exercise their personal conscience.
11. Separate facts from opinions.
12. Agree to provide clarification when questions arise about issues and resolutions.
13. Provide full disclosure on conflicts where and when appropriate.
14. Maintain an open and transparent government without excessive closed sessions.
15. Abide by the mandatory provisions of the Ralph M Brown Act and lean toward public openness in the permissive or interpretive sections of the Brown Act.
16. Direct staff to honor the broad interpretation of the Public Records Act.
17. Abide by the Political Reform Act

Drayman Steers a Wayward Ship



One of the most interesting agenda items was the city attorney's response to the request to formalize the process of putting agenda items on the agenda. In a somewhat spirited back and forth, the council analyzed what it means to question an already working system and the importance of the minority.

This issue has been in discussion since October, but City Attorney Mike Garcia was looking to add formal language to a somewhat murky process. (It's surprising there hasn't been more formality to the way agenda items are handled, this being a legit governmental body).

The practice has always been to put anything on the agenda requested by a council member, regardless of any quiet disinterest on the topic by other council members. After all, these are elected officials who are supposed to channel the public's interests, not worry about the popularity of a proposal.

Council member Weaver argued vehemently that the language currently written on the matter needed revision – instead of “the Mayor may, or shall” seek consensus on an item going on the agenda, it should be a “shall” issue, meaning that the Mayor would have to take a vote on every proposed item to see if enough members supported it being placed on the agenda. His concern was that with bogus agenda items comes extra work on top of an already pressed city staff. His argument wasn't backed up with any examples, but he did argue that a four to one majority should not be enough to quash a proposed item, which was a notion everyone seemed to support.

Najarian suggested a solution: a consensus of two members should be strong enough to make something move into discussion, minority or not. Weaver shot back asking how would anyone know there was enough support if the mayor didn't take a preliminary vote.

In stepped Mayor Drayman who took a moment to point out the discussion had gone wildly off topic as the item proposed was merely a call for clarity in the current process, not an actual change to it. Drayman was quick to say he didn't mind the discussion, but council should be aware they were straying from the point. And that currently, the system they had wasn't flawed aside from an occasional political move to tie up the floor, which usually didn't go very far anyways and that this was the way the public got their issues resolved. You don't throw the baby out with the bath water, essentially. He argued further, that having to vote on every proposed item would be just as time consuming as hearing out an unfavorable item.

When Bob Yousefian argued that 90% of the items put on the agenda do get solved, and demanded someone tell him when one was discussed in vain, Drayman frankly stated one, though still supported Yousefian's point. Drayman's even-handedness and blunt honesty were refreshing and his no nonsense handling of a somewhat dramatic council made him fitting of his title.

The unanimous final outcome was that if two people are interested enough to put an item on the agenda then it merits discussion. **LAUREL MILLER**

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I met the Assistant Village Manager of a Chicago area 'village'. We shared stories about fire departments. When I told him about the Glendale \$100K Club he said that he knew the California Sun has caused our brains to fry but he didn't think it made us so stupid that our officials would agree to pay such outrageous salaries, benefits and overtime. He was also amazed that our City Council would approve paying overtime to managers. Maybe we could get him to come here and take the City Manager's job and bring some good Midwestern commonsense to Glendale. [MORE](#) Also see Public Records.



2009 – Planning In Chaotic Times

Ready! Set! Design Yourself a Great 2009!



Too busy to plan? Hate to plan? In these chaotic economic times it is even more essential to be in the driver's seat of your business.

In just one focused morning you can take the steering wheel and create your roadmap for the year.

Don't let the year just happen - set it up for success.

Dates: Tuesday, December 30, 2008 **OR** Wednesday, January 7th, 2009
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Location: Acapulco Restaurant, 722 N. Pacific Ave, Glendale, CA 91203
Fee: \$250. Group Discount available
Includes: **FREE** Workbook OR CD if you prefer to bring your computer
FREE Lunch

[Email info@fieldworks.net](mailto:info@fieldworks.net) or call 818.243.4864

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A great holiday gift for those on your list – they will remember you all year long!!!

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Vanguard is published independently by Vanguardians, Inc. Advocating for Accountability– Our vision is to live in a community where all people, regardless of geography, background or economic status, can enjoy accountability, integrity, effectiveness and responsiveness from our elected officials and each of the city's departments, through grass roots involvement, engagement and advocacy.

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1 You may agree or disagree with the views below. Feel free to comment on them.



Let's start by excising the budget by eliminating the low hanging fruit. The beloved Alex Theater should be sold to an outside private source doing two things, reducing the annual \$500,000 drain on the budget and providing the revenue from the sale or better yet the leasing of the venue.



Next eliminate the Employee Health Services so the City can chop off another \$1,000,000 with the same services provided 24/7 by any of the hospitals in Glendale. We have three. All the employees have insurance and would only have to pay the co-pay or save money by using a Medical Savings Account (MSA).

\$120,000 can be saved by using a \$10 per hour Glendale Youth Alliance person to be the CityViews reporter allowing the 42 city employees to spend their time doing the jobs they were hired to do.

Passport and Livescan services cost about \$683,000 and brought in insufficient income of \$420,000, an amount that didn't include capital outlay or the use of the old police facility. There was a \$100,000 loss in 2007. The elimination of this unprofitable enterprise business would free up staff and the old police building.

The City outsources the Beeline and the traffic signal repair. How about outsourcing the trash collection and cutting by 1/2 the collection schedule as was mentioned on the Larry Zarian Forum?

A \$10,000,000 savings can be made just by changing the present staffing in the GFD from 60 Firefighters a day to 47 without degrading service. With the 39 Firefighters freed up and assigned to cover for days off, vacations, sick time, overtime can be eliminated without layoffs or pay cuts. Thus the savings. We can also look at changing the present Paramedic system to a different model. For instance privatize the Paramedics with a multi-year contract for 20% below the current expenditures fixed for five years and then open competition with private companies thereafter.

Cut out the take home vehicles and require all but police undercover units to carry visible City markings with an 800 number to be called whenever the vehicle seems to be misused.

Combining the GFD human resources department with the City HR department would cut another \$1M.

By combining Police Dispatch, Verdugo Dispatch and GWP Dispatch we could save an untold amount while totally eliminating overtime. 911 calls presently are answered by police dispatch and then transferred to Verdugo dispatch if there is a fire component.

The City Clerk, the Police Department and the Transportation Department are all engaged with the Taxi Cab licensing and driver licensing. Put those services under one department and count the savings.

Say goodbye to Beeline Route 13 and a whole bunch of extra managers. The Beeline used to provide ridership information from the farebox system. Today the City hires a consultant to do that work. Say goodbye to the cash draining Nextbus system and replace it with cost effective AVL equipment on which I have provided information to city staff.

Unlike the City Council demanding that staff look for more revenues I am suggesting cutting the expenses that will not impact the quality of life, just provide more accountability.

NEXT WEEK Flaws in the Award Winning Annual Financial Report

That Silver tongued Jim Starbird could almost convince the Devil that his halo was on straight. Speakers talked about debt and that the City has substantial debt and that it is good according to CM Starbird. He stressed the way-over-budget Police Facility and the fact that the variable rate bonds are saving lots of interest. He did not talk about the other bonds with fixed interest rates. We pay high utility bills to build GWP reserves that the City takes for the General Fund. Then we bond to fix the infrastructure and pay interest that generally doubles the payback. Had the Council left the GWP reserves alone and not paid the outrageously exorbitant salaries there would have been no need to draw down the reserves. Bottom line is that the investment portfolio has fallen from \$600,000,000 to \$430,000,000. Put any spin on it, that is the fact. Our Council continues to pander to the City Manager.

I spoke to the Council about embracing and bringing to Glendale, with incentives, a business that converts gasoline powered cars to electric. The company, located on the California coast, already has a backlog of 300 cars at a cost of \$25,000. It would create jobs, tax revenues and big spenders to Glendale. Unfortunately as an economic engine Council thinks it just doesn't beat another restaurant. I'll keep you posted when a responsible City official calls about a connection. I usually don't bet. This time I will bet that the remarks fell on deaf ears.

\$

Yes, Alyssa, there is a Santa Claus



Yes, Alyssa, there is a Santa Claus. He is there in the spirit of giving. He is the mindset that gives us the opportunity to think of others first and practice some empathy more frequently. What would grandma want? What would the grandkids want? How can we make others happier and safe?

Alyssa, sometimes in our own pursuit to keep a roof over our head, food on the table, and gas in our cars, we forget to think of others. That is why Christmas lists were invented. Before the PDAs with the electronic reminders and memory in the giga-whatever, we put pen to paper. Here is my list for Glendale:

From **Public Works**: Safer streets for seniors and school children. Less traffic congestion at peak hours. Sidewalks that are safe to walk on. Ten miles of newer streets every year. Ten miles of overhead power lines going underground. A place on the street where guests can park.

From **Parks and Recreation**: A three-acre park for the public in the heart of the city. Gardens and walkways in which to take a walk with the little ones without having to drive to get there. An aquatic facility where seniors and children can have some fun.

From **Community Development and Housing**: Non-profit organizations that are financially stable. Five hundred renter families owning their own condominiums. Jobs for all the youth-at-risk that need one. No families with children at temporary shelters.

From the **School District**: Zero drop outs from the ninth grade. A student choice award given to the top 100 teachers who are the most inspiring. A year-round academic decathlon in which all students have a chance to participate. Giving the pink slip to Agatha Trunchbull and others like her who terrorize kids under the protection of tenure. Opening the R.D. White playground for local children who have no parkland.

From the **Police Department**: Some real analytics on youth crime, domestic violence and aggravated assault. A year without a police employee lawsuit against the City. An additional 1000 drivers ticketed for speeding on residential streets. A monthly report on effectiveness before the city council.

From the **Fire Department**: Twenty fire fighters who will live in Glendale, and real prudence with our hard earned tax dollars. Increase the number of heart attack victims who arrive at the hospital with a heartbeat.

From **Human Resources**: An open list of project managers with adequate certifications. A PMO office where best project management practices can be promoted and projects evaluated. A project that doesn't go over budget.

From **Civil Service**: A new policy to dismiss anyone whose negligence causes the city to lose an amount equivalent to the culprit's yearly pay. A six-year evaluation of performance where a manager can be summarily terminated for weak performance.

From **Finance**: Some truly relevant performance objectives in the budget and a meaningful evaluation of performance results on the CAFR – the annual financial reports.

From **GWP**: Effective policies and accountability to reduce both water and electrical use by residents and commercial establishments.

From the City **Council and the City Manager's office**: Monthly performance measures in public from each department. Ten public speakers who can address public concerns at 7:00 PM each Tuesday during council sessions. A yearly report on Quality of Life measures that are truly meaningful and reported in the State of the City luncheon.

Yes Alyssa, even for you I have a wish. That you can invite a neighbor of another ethnicity for dinner and that they in turn can do likewise in a true Christmas spirit of diversity that we can practice all year long. Merry Christmas. **Herbert Molano**

I am the Banks Best Friend



Reader's Question: I recently received a letter from the LA County Tax Collector and it frightens me. I have not paid my taxes in 2 years. The letter stated that I am in default and that they would foreclose on me. I've read your thought provoking column in Vanguard for the past few weeks and wasn't sure if you'll take property tax questions. Could you help me?

Christian's Response: Reader - of course. Our focus is foreclosure prevention and homeowner retention so I'll be glad to respond as it does relate. In fact your email is definitely of interest to us because it states their intent of a possible foreclosure action of your property.

Let me highlight a few important details according to Christian Arbid, the banks best friend. Allow me to arm you with knowledge. Some of the folks at the county tax assessor's office are as bright as the customer service reps hired by the banks and instructed to call defaulted homeowners 20 times a day and verbally beat them up. At my firm, we love hearing from the bottom feeders. It gives us great pleasure and makes for wonderful entertainment!



First and foremost, there is no way around it. A homeowner must pay the property taxes due on their home. It's that simple. But here's the flip side of the story: The tax assessor is not telling you the entire truth. One would have to have defaulted and not paid their property taxes for 5 consecutive years for them to foreclose on you. Even thereafter, there is a redemption period where a homeowner could re-pay the delinquent tax amount and rightfully regain possession of your property.

If you haven't paid in two years, they cannot foreclose on you even if their letter stated so. It's just pure nonsense. Try and work it out with the tax assessor's office. Call them and work out a payment plan. Do not stress yourself out with the empty threat of foreclosure. If that letter angers you that much, use it as fireplace material. Yes, you do have to pay your taxes and you are responsible for it but feel free to corner the tax assessor with your new found foreclosure and right of redemption knowledge. Play nice with the county. You get more bees with honey than you do with vinegar.

Reader's Question: I heard that I have to be late on my mortgage payments in order to get a loan modification. Is that true?

Christian's Response: Unfortunately, that *may* be correct. Not always and it's *not* a blanket rule but, for the most part, I would have to agree overall. I never advise clients on whether they should or should not make payments. That is a personal choice and only they know their financial situation. Many lenders today won't take your request to heart (if they had one) unless you are behind and delinquent. They claim it is difficult for them to validate homeowners that truly need a "work out" / loan modification versus homeowners that are trying to take advantage of a down market. In order to complete a successful loan modification, the homeowner must demonstrate a financial hardship to the lender. If your payments are current and on time, that demonstrates the contrary. Many would say that the system is crooked. I would say, 'forget crooked'. The system is flat out broken and is in ruins. In my opinion and professional experience, bankers within the foreclosure department (loss mitigation) are for the most part disorganized, mismanaged, and many have the attitude that they are as holy as Christ himself. It's not all that bad. They do change face and become tolerable once you establish to them that you know the game and that you have figured them out. Then again, who am I? Just the banks best friend!

Holiday Bonus: Want to understand why this market sucks and why this market will *continue* to suck for the next few years ????. [Check out this insightful and honest report produced by CBS's 60 Minutes.](#) After watching this report, you'll have plenty to discuss with family and friends over Christmas dinner. You'll understand the facts and many might believe you're the next loss mitigator/foreclosure expert! Check it out. You'll be glad you did!

Christian Arbid is a Glendale Resident, Real Estate Broker and Loss Mitigator. Dedicated to Assisting Homeowners and Saving Glendale Families with an Iron Fist www.ThisMarketSucks.com 818.232.7899 Questions Relating to Foreclosures, Short Sales, Saving Your Home, Loan Modifications.....Email Christian at christianarbid@gmail.com and your question will be answered in the next edition of Vanguard.

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THE END OF THE YEAR APPROACHES – DON'T MISS YOUR CHANCE FOR A TAX DEDUCTION – SEND YOUR DONATIONS TO VANGUARDIANS TODAY

The only way to make sure people you agree with can speak is to support the rights of people you don't agree with.

[ELEANOR HOLMES NORTON](#)

TAKE ACTION – GET INVOLVED – BE INFORMED – SHARE VANGUARD – VOLUNTEER

Washington has been all abuzz with the phrase of the day: "stimulus package". As a web concierge, I know that having a web presence can be valuable but expensive. That is why I have decided to extend a very special offer. **From now thru Dec. 31**, all Concierge web hosting packages will be offered at **50% off!** That means for **as little as \$60/yr you can have business-class web hosting until 2010**. To take advantage of this special offer, contact me on the [Web Concierge Services](#) website. Fill in all the information requested, and mention **PROMO CODE: ONGUARD2009** in your comment section. I will call you to confirm your hosting requirements.

You don't have to be a Vanguard subscriber to take advantage of this offer. So, let your family, friends, and business associates know that *the cost of doing business just went down!* BONUS: A portion of the fee will go to support future Vanguardians.org web development costs. *Conditions: 1 YR. Prepaid Hosting. No Refunds. Domain name registrations not included.*

Moral cowardice that keeps us from speaking our minds is as dangerous to this country as irresponsible talk. The right way is not always the popular and easy way. Standing for right when it is unpopular is a true test of moral character. [Margaret Chase Smith](#)

2 Potpourri ED – Letters published do not necessarily express the opinion of Vanguardians, this publication, the organization or Barry Allen.

Names are used only when requested. Initials are used as there are people, believe it or not, who are concerned with retaliation or have issues before a legislative body. Letters will be published that are signed and are not hate oriented.



ED – We had more letters, having to do with the GNP Commentary's by Bruce Philpott and Laura Friedman, both challengers for City Council, and about CCM Ara Najarian's appearance on the Larry Zarian Forum, than we had space. Look for them in the next Vanguard,



Here are pictures of the indoor plug strips on Brand Blvd. **KG** [ED Still haven't heard from Mr. Engel. I brought it up and passed the pictures to the Council. During the rain storm on Wednesday the strips were wrapped in white plastic with a red ribbon.(See #3) Maybe the message got to the right person.]

I have to say the City blew it again. My neighbors and I attended the Tuba Christmas for the first time in the 33 year history of this event. We arrived just after 6 pm thinking there would be a line in front for the free performance. Three of us got out and went in the theater to secure seats and I went back to the lobby to wait for my neighbor after he parked the car. I noticed several people coming to a machine in the lobby to "validate" their parking ticket. I suggested that to my friend when he arrived then we took our seats. It seemed like the Alex Theater was full capacity when the performance started. It turned out to be a very entertaining evening as the audience participated with singing Christmas carols. The 200 tubas were able to create sounds that none of us were able to believe.

We waited to leave the theater until nearly everyone had cleared the aisles. There were groups gathering around several tuba players in the lobby area and we dropped a donation in a sack as a token of our appreciation.

The first thing to go wrong was immediately out of the theater where we needed to cross Brand, we pushed the button to activate the crosswalk signal lights only to find there was no sign on the other side of the street to tell us when to start.

Despite the blinking lights working to stop traffic there was no signal for the pedestrian and we were not able to see the blinking lights from the sidewalk. Of course when we saw cars stopping, we started across the street. We walked through the Chess Park to find it very clean. Then into the Orange Street garage where my friend had parked on the far side of the building and on the first level. That by itself turned out to be good for us because something had gone wrong at the attendants' gate. First, the worst thing was that the City did not contemplate the need for more than one exit after a sell-out event across the street. After many attempts, a couple of phone calls on his cell phone and several drivers walking to the gate and yelling "let us out" he did open the gate and allowed those parked in the building to leave without paying. Everybody loses in this kind of snafu. **Carl, the HubCap Kid**

It's only a hunch as I have not reviewed any budget docs, but I bet the only thing fatter and more bloated than Sam Engel himself is his Neighborhood Services department budget. I bet it's got more fat than Kobe beef and is just as unhealthy for the taxpayers of Glendale. It seems that whenever I turn on Channel 6 there is one of his filmed puff pieces featuring another member of his obviously large staff engaged in some extravagant, over-produced simpleton time-waster program. His specialty seems to be blatant self-promotion and stating the obvious in an over-the-top saccharin style characterized by a general talking-down to his audience.

That his fiefdom is called Neighborhood SERVICES is a misnomer. I recall contacting his department once to report repeated vandalism and graffiti tagging at my business location in the Montrose Shopping Park, only to be threatened myself with punitive action if I didn't immediately correct the problem. No help at all for a small business faced with the cost of replacing expensive storefront windows that had been acid-etched by vandals.

I'm sure he draws a huge salary and commands a massive budget--for what? His operation needs to be put under the microscope as we are not getting our money's worth from this pompous ignoramus. His days of flying under the radar of public scrutiny and performance measures need to be brought to a swift conclusion. Just a montage of his video puff pieces would clearly illustrate the point that this is one area of Glendale government that we could do without. **NAJ**

That Sharon Weisman is something else. She stood before the Council and presented her resume. It looks like she wants Imelda Bickham's job or a place on the dais. She praised the employees and worried over the pittance they are being paid. Meanwhile her husband was admirably reappointed to the Transportation and Parking Commission. He has no credentials for the TPC. John Drayman didn't question Weisman's qualifications the way he did Al Hofmann when Hofmann was up for the Arts & Culture Commission. The Mayor certainly is inconsistent. He definitely needs to support Quintero. Words to the wise...stay out of the actor's way especially when he believes he is right. **GS**

Didn't Ara James Najarian have phone calls made to support Weaver in the 2007 election? Does that mean that Najarian supports Weaver who took City resources for Miss Asia and for his charity? **CG** [ED It certainly does give cause for one to wonder.]



We get calls: I am an attorney and was following the Linda Vista saga. I know that CCM Najarian was concerned about lawsuits if there was a collision in front of the Linda Vista home upon the barricade removal. My concern, not considering immunity, would be that a collision occurred where there was no mitigation. Basically I would call what was done to the owners a miscarriage of municipal might.

I did some research on the Ara Najarian, "Vultures". They don't destroy or kill, they clean the environment. I guess a Thank You is due to the Vultures that go to City Council and speak out without fear of retribution. Thanks, Barry

Can Vanguardians pass through a contribution to a council candidate so that it is tax deductible? [ED The IRS doesn't allow charitable non-profits to endorse or oppose a candidate. However you can get a tax deduction for supporting the Vanguardians Candidates' Forum and /or our expanded emailing. The cut-off for tax deduction is 12-31-2008 for the 2008 tax year. We will provide supporting documents.]



What do you know about a 2006 case where the City lost a lawsuit against the GPD for almost \$2,000,000? [ED A Sherman Oaks couple whose home was raided by a Glendale Police Department SWAT team in a [misguided insurance fraud investigation](#) has won a \$1.8 million settlement, officials said.

How can I translate English to German and vice versa? [ED – Go to <http://www.google.com/webmasters/igoogle/translate.html>]

Is there a difference between the Downtown Strategic Plan and the Downtown Specific Plan? [ED Response from Planning Director Hassan Haghani...Yes, although they are related, there is an important distinction between the two documents. The Greater Downtown Strategic Plan was primarily a vision document adopted in 1996. The Downtown Specific Plan (sometimes referred to as the "DSP") is the actual plan that was adopted in 2006, with specific regulations

and implementation requirements that replaced the previous zoning and amended the City's General Plan policies for the area it encompasses. Of course you know the Downtown Specific Plan quite well, as you served on the Advisory Group for that plan. Although it was based on the vision and policies set by the Greater Downtown Strategic Plan, the Downtown Specific Plan is the official document that we are implementing today. As you know, the DSP has won several awards, including SCAG's Compass Award and local American Planning Association awards.]

Mayor Drayman has been dining at some trendy restaurants. Who picks up the bill? [ED – You will have to ask him. But if he is being wined (or whined) and dined and the portion of his meal exceeds a threshold amount established by the FPPC then he has to declare that on his [Statement of Economic Interest form 700](#). He is prohibited from accepting gifts from the same source for any amount in excess of \$390 (2008). The filed forms are available for you to view and get copies at the office of the City Clerk. Asking for money for a favorite cause triggers another requirement. If the amount contributed in behest of a request exceeds \$4999 the a statement on a form to meet the requirements of the Political Reform Act section 82015 must be filed. CCM Weaver is an expert at that.]



[Americans Claim to Like Diverse Communities but Do They Really?](#) A Pew Research Project

[\\$150M Transit-Oriented Adaptive Reuse Project Opens in California](#) Los Angeles–Milbank Real Estate, a Los Angeles-based developer and real estate investment firm, recently opened its newest condominium, The Roosevelt, a 222-unit adaptive reuse project. The transit-oriented development is situated directly above the Seventh Street Metro station.

[Multifamily Is Bright Spot, Will Continue to Be in 2009](#) Washington, D.C.--With the exception of the apartment rental market, which continues to benefit from weak home sales, all commercial real estate property types are showing grim results for 2008, with an equally grim forecast for 2009, according to the Commercial Real Estate Outlook of the National Association of Realtors (NAR).

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[The Glendale California 100K Club](#) [Vanguard Weekly News Archive](#)
["Glendale Mayor Drayman and his acolytes" by Vanguardians](#)



Click to view the agenda [City Council](#) [Housing Authority](#) [Redevelopment Agency](#)
No City meetings will be held the weeks of December 22 and December 29.

All City Offices will close at 12 noon on Wednesday, December 24 and will remain closed on Thursday, December 25. Offices will be open during regular business hours on Friday, December 26.

City Offices will be open regular business hours on Wednesday, December 31. City Offices will be closed on Thursday, January 1. All offices will be open during regular business hours on Friday, January 2.



Public Information

Club Members for an Honest Election v. Sierra Club, No. S143087

The public interest exception to the anti-SLAPP statute in Code of Civil Procedure section 425.17(b) applies only when an entire action is brought in the public interest, and if any part of a complaint seeks relief to directly benefit the plaintiff, by securing relief greater than or different from that sought on behalf of the general public, the section 425.17(b) exception does not apply. [Read more in DOC...](#) [Read more in PDF...](#)

Fire Department telestaff records as provided by the City Attorney's office indicate that on November 15th while 16 firefighters were assigned to fighting brush fires and the Americana had their fireworks display that two fire stations were not staffed, they being Station 27 and Station 28. During the Montrose Christmas Parade the GFD had one additional 4 man engine company available.

4 **Vanguardians**

Wanted: Young Volunteer Writers to interview candidates for elected office and write a series for Vanguard while working with a well-known news editor.

Become a critic...check out and report on our new website...a work in progress. Thanks to Diana Ringer. The best critique (good, bad, suggestions) will receive a gift from Vanguardians. www.vanguard-usa.org is the new site.

VANGUARDIANS

Please make checks payable to “**VANGUARDIANS**”
Mail to: POB 11202 Glendale, CA 91226
Contributions are tax deductible – You will receive a receipt for income tax purposes

info@vanguardians.org to subscribe to the Weekly News on issues that impact Glendale. **The media with a voice; the organization that gets results you want; we encourage and support advocacy, involvement and engagement with government.** © 2008 Vanguard is intended for personal use by recipient and forwarding without change to recipient's personal email list. Vanguardians is a 501C3 charitable non-profit corporation Contributions are tax deductible. Vanguardians does not use commercial fundraisers. To ensure you receive Vanguard, please add our email addresses info@vanguardians.org, and ba@fieldworks.net - to your address book or Internet Service Provider safe list. **Annual subscription for email \$50, by US Mail \$75, Newsstand \$2 per issue** Copyrighted materials used with permission.

Dear Friends, Fellow Vanguardians, Watchdogs and the few Vultures,

Our greatest accomplishments are the behind-the-scenes activities that keep us occupied day in and day out. They are the phone calls coming from people who have issues and want to know how they can get clarification, acknowledgement and resolution to their issue so that they can respond to officials with the confidence that comes with being informed. There is the Weekly Vanguard that we publish, which helps you keep abreast on what is going on around in Glendale and the region and prompt us to respond, when necessary. There are the meetings that we participate in with legislators, staff and residents to try to find ways to strengthen existing laws to provide you better means of enforcement when you are dealing with an entity that breaks the law (not everyone can afford the time or the attorney to go to court). You see, our greatest accomplishments aren't the ones that make the headlines. They are the ones that ensure that you have a place to go if you need help or support. They are the ones that quietly monitor the activities of your elected officials and their staff, and take action when action is required.

We all know that this economy has not been kind to Main Street, but it has been especially unkind to those of us who rely on you—you who are struggling to make ends meet—to keep our doors open. We know how hard it has become to give generously when you are likely making other financial sacrifices. But there has never been a time when our need has been greater. If you are not a subscriber, please show your support by subscribing today (for as little as \$25 or just \$5 a month). If you are already a subscriber, please tell your friends and family about us. Better yet, why not take advantage of our gift subscriptions? You can give the gift of access to our services while supporting us at the same time. It's a win-win for all involved.

We hope you and your loved ones are safe and sound this holiday season and always. Wishing you all the best, Barry Allen

5



the Insider is a digest of information from city employees that care about the way the City is run. As they are concerned about retaliation, their identities are kept confidential. Vanguard provides them the opportunity to have this forum. The comments are their own.

Overheard, at the well-attended-by-City-employees CCM Yousefian fundraiser for Glendale Healthy Kids, was Fire Chief Scoggins explaining his concern to a partygoer about overcrowding at the Caruso holiday tree lighting. Apparently the fire chief asked Caruso to 'close the gates' and not let any more people in. Caruso said, 'No'. If it was anyone else but Caruso he wouldn't have been asked. He would have been told that the grounds were past safe occupancy and closed.

Look for the City to develop a list of new fees for services to deal with the expected budget short fall. The community will now be paying for services that used to be free. Do not expect management to be reduced as the cuts are made to staff, that is the Glendale way.

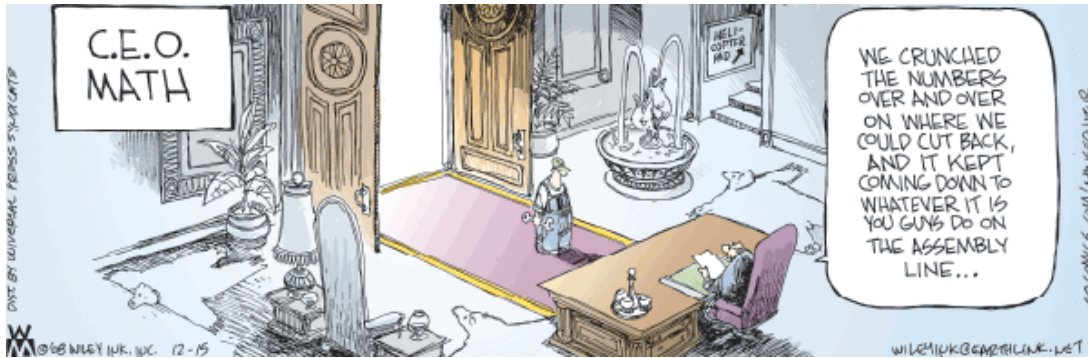
There are a lot of retirements occurring during December. So look for appointments to be made in January.

The case concerning the MSB retrofit, (DJM Construction vs. the City of Glendale) is scheduled to go to court in January unless common sense miraculously appears. Don't count on it!

Regarding City Hall vacation: So true. There are no discussions going on right now over the budget because, although it is dwindling, we still have a reserve fund. It's not all gone yet. Let me know if I read the financial report wrong, but when you look at the budget that was approved, expenses exceeded revenues by over \$80M to start with. This Council planned

from the beginning to use the reserves. Time for new members that will make some changes. [ED – City Insiders were sent a draft edition. This statement refers to that.]

6 Humor



City Manager looks at who to cut. Certainly not managers!

7 For Candidates Only: Send us your web site address, a current picture and your email address.

Notice: Starting January 8th Candidates will be able to pick up election materials from the City Clerk's office in City Hall. Petitions must be returned by January 29th. One hundred Glendale voters' signatures are required. You will be required to pay the City of Glendale \$25 when you pick up your packet. A deposit of \$1500 will be required if you want your ballot statement included with the voting materials.

Potential City Council candidates

Najarian
Quintero
Yousefian

Bertelson
Friedman
Gharpetian

Kazazian
Keuroghelian
Philpott

Solis
Teahan

Name	Phone	Email	Web
Bertelson			
Friedman			
Gharpetian			
Kazazian			
Keuroghelian			
Najarian			
Philpott			
Quintero			
Solis			
Teahan			
Yousefian			

Candidates...Please provide the missing data so that potential voters may contact you. Pictures would be nice to post as well. If your name is missing please contact Vanguard. Please provide this request to your favorite candidate. Thank you.

The FPPC is considering changes to Regulations 18402 and 18450.3 to increase the clarity of campaign committee names.

8 Jump

Appellate Court decision on Connect vs. CoG: By a parity of reasoning, the trial court's decision in this case rests upon solid ground. The evidence established that roots had invaded the sewer main, creating a blockage which backed up sewage into Connect's property.⁷ As the trial court found, the blockage caused by the roots (a factor entirely within the City's control) was a substantial cause of the blockage.⁸ Because the sewer system failed to function as intended, it was a substantial cause of Connect's injuries. To the extent the laminate board constituted an additional cause, its presence in the sewer main was not attributable to anything Connect had done. Further, the evidence excluded the probability that the laminate board by itself would have caused the blockage because without the presence of the roots, the board would not have been stuck in the sewer main.

To defeat this conclusion, City argues that it cannot be liable because the blockage did not result from a deliberate act by the City relating to the design, construction or maintenance of the sewer system but, instead, was caused by the roots and laminate board, neither of which, according to the City, "constitute a municipal instrumentality." This approach misses the mark. "[T]he deliberateness requirement is satisfied by a public improvement that as designed and constructed presents inherent risks of damage to private property, and the inherent risks materialize and cause damage." (*Pacific Bell v. City of San Diego* (2000) 81 Cal.App.4th 596, 607.) As Connect's expert testified, an inherent risk of a sewer system is blockage caused by roots or other foreign material in the sewer main. That is exactly what happened here. Because of the roots, the City's sewer system did not take and dispose of waste material as it should have but, instead, caused the waste to backup and enter onto Connect's property. Thus, liability has been established because the public "improvement failed to function as it was intended." (*Belair, supra*, 47 Cal.3d at p. 560.)

Further, the City's argument, particularly its reliance upon the evidence about its maintenance of the sewer system, improperly suggests that, contrary to precedent, there must be some showing of fault by the City in regard to its design or maintenance of the sewer system before a property owner can recover. The opposite is true. Connect could not and did not claim that the City was liable for inverse condemnation because it had failed to exercise due care. (See, e.g., *Customer Co. v. City of Sacramento* (1995) 10 Cal.4th 368, 381-382 [inverse condemnation does not compensate for damages caused by negligent conduct of a public entity or its employees].) Instead, it properly proceeded on the theory that the "damaging of [its] property is sufficiently connected with 'public use' as required by the Constitution, if the injury is a result of dangers inherent in the construction of the public improvement as distinguished from dangers arising from the negligent operation of the improvement." (*House v. L. A. County Flood Control Dist.* (1944) 25 Cal.2d 384, 396.) Connect urged, and the trial court found, that a danger inherent to the construction of a sewer line is that the line will become clogged and blocked by roots or other foreign material (the exact situation which materialized and caused damage to Connect's property) and on that basis the City was liable to Connect for its damages. This conclusion is consistent with the fundamental policy underlying inverse condemnation of distributing the costs of the public improvement (the sewer system) among those who benefit from it rather than imposing a disproportionate burden upon the party (here, Connect) damaged by the public entity's operation of the improvement. (*Holtz v. Superior Court* (1970) 3 Cal.3d 296, 303; *Pacific Bell v. City of San Diego, supra*, 81 Cal.App.4th at p. 607.)

Connect vs. City of Glendale --- Notes:

2. In regard to the laminate board, Connect's expert testified that "frequently around construction sites things get left in sewers or somehow things get in there."
3. Connect's expert testified that not all of the roots which could have caused the stoppage would be present at the time of the inspection because the City's use of a high-power hose on the day of the stoppage to clear obstructions would have removed most of them.
4. The City's waste water maintenance superintendent agreed "that root intrusion can cause other material, the beaver dam effect . . . to collect on that root intrusion . . . and if material collects there, . . . that could slow the flow of the sewage." In addition, one of the City's waste water workers who had helped to break the stoppage on July 22 agreed that the presence of growing roots would narrow the sewer main, causing "things [to] collect there and buildup like a beaver dam."
5. This finding responded to the City's unsupported claim, made during its closing argument that the laminate was in the sewer main as result of "an illegal act . . . an act of vandalism." At that point, the trial court stated: "There is no proof of vandalism. No one was arrested for that. *There is no proof how that got in there.* You can assume it's a crime, but there was no perpetrator here. We don't know how that got there. [¶] . . . So I don't want the argument that someone threw it there. I disagree with the argument. We don't know that." (Italics added.) The City's counsel replied: "Right, Your Honor. It ended up there somehow."
6. In regard to the standard of review, the City urges that "in the instant case, wherein the decisive facts are largely undisputed, and the question on appeal involves the application [of] a constitutional provision to largely undisputed facts, deference to the trial court is not warranted and the appellate court can decide this matter de novo." We disagree. The parties' closing arguments to the trial court indicate that they sharply disputed the evidence about the cause of the blockage, each giving different weight to the root invasion and the laminate board. The trial court, as set forth in its statement of decision, resolved that issue in favor of Connect by finding that the roots were a substantial cause of the blockage. We therefore review the trial court's findings under the deferential substantial evidence standard of review. (*SFPP v. Burlington Northern & Santa Fe Ry. Co.* (2004) 121 Cal.App.4th 452, 462 ["The substantial evidence standard applies to both express and implied findings of fact made by the superior court in its statement of decision rendered after a nonjury trial."].)
7. Noting that Glendale Municipal Code section 13.40.040 provides that "[a]ll house connections, including the wye or saddle at the sewer main, shall be maintained at the expense of the property owner," the City urges that because the roots grew from the lateral line into the sewer main, it was not responsible for the blockage ultimately caused by that invasion. However, the City's waste water maintenance superintendent testified that this requirement was sometimes overlooked (the City had cleaned at least one lateral line connected to a private residence). Regardless, the City's argument falls short because it is undisputed that the City owns and controls the sewer main into which the roots intruded. Consequently, the origin of the roots (from the ground into the lateral line and then into the sewer main versus from the ground directly into the sewer main) is not particularly relevant.
8. To a large extent, the City ignores this finding by focusing on the laminate which it claims was placed in the sewer through an act of vandalism over which it (the City) had no control. This argument is not persuasive. The trial court found that the roots were a substantial cause of the blockage (a finding supported by substantial evidence) and that there was no evidence of vandalism (a finding likewise supported by the record).