



# From the City Manager's Desk

a weekly report from Scott Ochoa, City of Monrovia



February 2, 2007

## ***Conflict with Congressman Miller***

No doubt you have read the recent spate of news articles on Congressman Gary Miller's land deals, including his sale of 165 acres of land in Monrovia to the City for inclusion in the Monrovia Wilderness Preserve. If this all sounds familiar, it's because much of it was discussed last August.

As I wrote in my August 18 Weekly Report, in 2002 the City of Monrovia purchased Miller's property for \$11.77 million. This was the culmination of an extended process that stretched back to the early 1990s. In the early '90s, the Hillside Advisory Committee (HAC) was formed to work with property owners in the Madison and Cloverleaf Specific Plan areas to develop reasonable zoning standards for their land. Over the next 10 years, there were study sessions, public hearings and hours and hours of testimony on this issue. Basically, the City had a legal obligation to allow a reasonable development density on the properties; but many local residents wanted no development in this area at all. The resulting community compromise was for the City Council to adopt land use zoning, but give the community the opportunity to tax itself to purchase the land.

This became Measures A (ratification of the land use plan) & B (special tax to generate \$9.5 million in proceeds to purchase property). Obviously, the City would need to secure some sort of state or regional grant funding to augment the local funds.

The purchase price for the Miller property was a combination of local funds generated by the passage of Measure B, the hillside preservation tax, and funding from the Governor's Challenge Grant which was awarded by the State Wildlife Conservation Board.

The negotiation was tense, as there was a significant discrepancy between the City's appraisal of the land and the Millers' valuation. Ultimately, the State Department of General Services (DGS) reconciled the difference through a review appraisal that settled on a valuation of \$11.77 million. Yet because the purchase price was so much lower than the Millers' price, the public record indicates that there was a discussion that eminent domain might be used by the City to secure the property. The term "eminent domain" refers to a legal process whereby a government agency converts private property into a public use and pays the property owner a value determined by a court of law. This process, as it should be, is quite arduous and time-consuming and contains many steps and procedures. Eminent domain generally acts as a check-and-balance for both buyers and sellers – because the court is essentially cast in the role of arbitrator, the process helps ensure that private property owners receive full compensation for their land, but that the government does not over-pay for the land or otherwise waste taxpayer dollars.

Ultimately, the terms of the Miller acquisition were successfully negotiated and the transaction was characterized by the parties as a "friendly condemnation." The WCB grant requirements, however, forbade the use of such language in the purchase agreement. The WCB would only fund transactions between willing buyers and willing sellers. Thus, the purchase agreement was amended to remove the "friendly condemnation" language. Yet although this term was removed, its removal could not

erase the fact that the possibility of eminent domain had been a part of the discussions that precipitated the transaction. The record accurately reflects that the Millers were willing sellers – eminent domain was not invoked; yet the record also demonstrates that the threat of condemnation was a tangible issue if the City was unable to secure matching grant funds from the State.

This important yet subtle detail is what the media has heretofore not understood or appreciated (in Saturday's Star News article, the light finally seemed to go on) – that the threat of condemnation and the willingness of the sellers were not mutually exclusive. Eminent domain could have been part of the negotiation (as evidenced in the public record) and the Millers were willing sellers (they sold the property, there was no Resolution of Necessity, no right-to-take hearing, etc.).

There have been plenty of sideshow issues along the way – the notoriety of a federal probe into a member of congress's business dealings, video tapes of public meetings being requested, anonymous sources describing congressional office politics, an alleged attempt to appoint a local official to a national parks board that never took place. Unfortunately, when an issue this complex gets this much media attention, sometimes the sidebar stories take on a life of their own.

Based on Sunday's article in the SGV Newspapers, it appears that the focus going forward will be on what happened *after* the Monrovia transaction. And as I have stated previously, what happened with Mr. Miller after Monrovia purchased the property is not a matter for the City.

As always, if you have questions about the City of Monrovia's transaction, please feel free to contact me directly.

## **February 6 City Council Meeting Preview**

Tuesday's meeting will be quite a full agenda.

Under Reports of Council Members, Mayor Hammond has a few items to discuss and introduce: an update on the first meeting of the Ad Hoc Parking Committee made up of Monrovia residents; a brief overview of the State of the City; and also a discussion of an interesting environmental preservation effort presented by the US Conference of Mayors. Mayor Pro Tem Lutz will give the community an overview the City of Sierra Madre's 100<sup>th</sup> Anniversary event. Councilman Adams will discuss an important grant that the Monrovia Fire Department secured for the purchase of interoperable radio equipment. Mr. Adams will also discuss questions from the community regarding the new handicapped access ramps in Old Town, particularly their color. I, too, have heard one or two questions from folks about the bright yellow color. Basically, there are six colors that are allowed under law. "Safety Yellow" is standard for caution signs and curb paintings, which is why we've used it downtown on the ramps. Still, we will present the other five colors to the Council for their consideration.

Under Administrative Reports, we have six key items for Council consideration.

AR-1 is a Council initiated effort to raise revenue by advertising and selling sponsorships on City transit vehicles. Staff believes this will be a great addition to the entrepreneurial sponsorships offered by the Department of Community Services for their events, as well help raise community awareness of important City programs.

AR-2 is the mid-year budget review. I am pleased to say that Monrovia continues to see significant investment in the community, which translates into a stable property tax revenue base. All of our revenues and expenditures are tracking, and we expect to end the fiscal year with a positive fund balance.

AR-3 is another Council initiated endeavor – the provision of “bear proof” containers to Monrovia residents who are experiencing problems in keeping local wildlife from making a huge mess on trash pickup day. The Council requested that we look into these containers last fall. Staff investigated the matter, gauged neighbors’ interest and negotiated the requisite contract amendment with our trash hauler, Athens Services.

AR-4 is proof that success begets success. For the last several years, Monrovia Reads has been providing books and story-time programs for under-served populations in our community. Monrovia Reads is a partnership between the City of Monrovia and the MUSD that received funding from a grant by First 5 LA. The grant was, of course, a great kick-start for the program; but it also came with certain restrictions about what the Monrovia Reads van could do. Now that the grant has expired and the Monrovia Reads organization is well-rooted in the community, the question has become “what do we do with the Monrovia Reads van?” The answer is Monrovia Reads & Plays.

Monrovia Reads & Plays builds on the successful formula of the previous program, but adds in a recreation element through the Department of Community Services. Collaborating with the Neighborhood Preservation Division, Monrovia Reads & Plays will have a major role in the Monrovia Area Partnership, which focuses on improving the quality of life in the southeast quadrant of town. Thus, in neighborhoods where there is not a nearby park, Monrovia Reads & Plays will bring the park to the neighborhood. Additionally, the literacy component will be maintained and even enhanced through the efforts of the Monrovia Public Library. Obviously, we are very excited about this win-win-win opportunity.

Speaking of the Library, AR-5 is the consideration of an amendment to our agreement with Gonzales Goodale, our library architects, for the completion of schematic designs for the proposed new building. Obviously, this March 6<sup>th</sup>’s Measure L will determine whether or not a new Library gets built. However, carving out the schematic designs is a way to keep the project moving forward without committing to the entire architectural drawing program. If Measure L passes, taking this step now will help ensure that we begin the project in fall 2007.

Lastly, AR-6 is the introduction and first reading of a proposed ordinance relating to automobiles for hire. Essentially, the Police Department is requesting greater authority in the regulation of autos for hire – i.e., taxi cabs. The issue is that we have identified unlicensed taxi cabs as vehicles (no pun intended) for any number of illicit activities, especially the transport of prostitutes and narcotics. This ordinance would add another layer of scrutiny and regulation to this problematic issue.

As always, if you have any questions about matters on the agenda please feel free to contact me directly.

### **Old Town Construction Update**

Although I am generally not someone who counts his chickens before they hatch, I feel quite confident that we will make our February 28 deadline for the Old Town Improvement Project. In fact, our project staff believes that major construction will be completed shortly after Valentine’s Day. This will give a full two weeks for “mop up” operations and clean up prior to the “Grand Re-Opening” of Myrtle Avenue, scheduled for Friday March 2.

Naturally, all of this relies upon the weather holding out. As we discussed early on in the project, the decision to begin in September 2006 was a function of minimizing the impact of the heavy El Nino rains that were supposed to fall in January and February. Obviously, February is barely underway, so we will keep our fingers crossed. Based on the weather reports I have seen, this unusually dry winter may culminate in a particularly soggy spring. Thus, when the project is done and we are **not** faced

with merchants and businesses looking out their front doors at moats where sidewalks used to be, I think everyone will be able to give a heavy sigh of relief.

At this point, we will pour the remainder of the standard concrete on the east-side of the 300 block this Monday, the 5<sup>th</sup>. At the same time, the contractor will work on demolishing and pouring the new, cobblestone, stamped concrete crosswalks on Myrtle Avenue. This work will require closure of the 300 and 400 blocks of Myrtle from Monday, February 5 and reopened on Thursday afternoon, February 8. The following week, February 12, the contractor will complete work on the remaining crosswalk sections.

I know folks' patience is fraying, but the finish line is just a few days away.

### **Fire Station No. 1 Renovation Well Underway**

Just in case you haven't noticed, the Fire Department is now fully relocated to its temporary station at the corner of Olive and Ivy Avenues. The work on Station No. 1 is moving forward expeditiously, with much of the interior demolition already completed. We anticipate this project to be completed by fall 2007.

Similarly, work at the Corporate Yard on Mountain Avenue is also well underway. The existing building has been gutted and work should begin next week on the installation of several of the building systems (electrical, plumbing, etc.). Just a reminder that the Yard has been temporarily relocated to the corner of Magnolia and Pomona Avenues, just south of the freeway. We anticipate that this project will also be completed this fall.

### **Boys & Girls Club Honors Gary & Karen Sutherland**

On Saturday, February 3, the Boys & Girls Club of the Foothills will honor Gary and Karen Sutherland with the Mary Wilcox Youth Advocacy Award at the annual "For Love of Youth" dinner. I cannot think of two better examples of Monrovia's community spirit and civic volunteerism. This is a special recognition from the City's perspective because Karen is also one of our Community Services Commissioners.

Congratulations and huge "Thank You" to Gary and Karen!

## **COMMUNITY DEVELOPMENT UPDATE**

### Filming

Second Degree Productions will be filming scenes for a feature film titled, "Shattered Glass" at Mt. Sierra College on Saturday, February 17 and Sunday, February 18, 2007 from 7 a.m. to 7 p.m. on each day. They will be filming interior and exterior at the location all contained on private property.

### Colorado Commons

The building inspectors are busy with daily inspection Monday-Friday at Colorado Commons. The podium is already being constructed. Below are some great pictures of the progress.



**Grading**



**Foundation Footings of the Podium Structure**

## **COMMUNITY SERVICES HAPPENINGS**

### **RECREATION DIVISION**

**Monrovia Seniors are Being Counted!** Monrovia senior club members are participating in an Assessment Needs Survey sponsored by Los Angeles County and City Area Agencies on Aging. Staff has collected more than 50 surveys from seniors who participate in programs at the Monrovia Community Center. The surveys will provide critical information concerning high priority needs of seniors in areas such as home-based care, health care, nutrition and transportation. State and Federal funds are available for services to seniors 60 years and older. The results of the survey will have an impact on the type and degree of services to be offered in the future. Monrovia seniors count!

**Monrovia Appointed to the Los Angeles Commission on Aging** On January 16, Supervisor Michael D. Antonovich formally appointed Monrovia Lisa Magno as a member of the Los Angeles County Commission on Aging. Lisa Magno's outreach in the community and concern for seniors is represented through her involvement with the Monrovia Providers Group, Foothill Healthy Agency Network and Elder Abuse Prevention Task Force. Her appointment to this commission will ensure Monrovia are kept up to date on services and funding available to the senior community.

### **FROM THE FIRE DEPARTMENT**

Personnel responded to 73 emergency calls from January 26 at 0800 hours, to February 1 at 0800 hours.

### **TRAINING AND EMERGENCY PREPAREDNESS**

This week all personnel attended commuter bus/fuel emergencies training. The training was held at the Foothill Transit Bus facility on Myrtle Avenue. The need for training was identified by recent incidents involving commuter buses in and around the City of Monrovia. The Monrovia Fire Department acted as the sponsoring agency for this class. The Pasadena Fire Department, Arcadia Fire Department, and Los Angeles County Fire Departments were all in attendance.

The training focused on the safe procedures for dealing with alternative fuel and diesel fuel vehicles. The most important aspects of this class provided information on the Compressed Natural Gas vehicles, forced entry and passenger evacuation procedures. Special thanks to Firefighter Mike Bailey, Engineer Chris Mellinger and Captain Ron Pelham (Truck 101, B-Shift) for spearheading this training opportunity. Firefighter Bailey volunteered to organize the training and offer it to surrounding agencies. Thanks to FF Bailey and Truck 101. This program proved to be extremely helpful and informative.

## FIRE PREVENTION AND NEW CONSTRUCTION

The Firewise Fuel Reduction Grant proposal for the chipper program and the Firewise Goat Assisted Fuel Reduction Grant proposal were completed on Monday, January 29. They will be submitted to the Fire Safe Council Clearinghouse for consideration by Federal Agencies. The request for the chipper program was increased to \$75,000. The goat assisted program was increased to \$65,000. Special thanks to Captain Patrick and Deputy Fire Marshal Robin for preparing the request.

## ON THE POLICE BLOTTER

During the last seven day period, the Police Department handled 524 calls for service resulting in 135 investigations. Following are this week's highlighted issues and events:

Shots Fired. On January 25 at 2:04 p.m., Monrovia Police Department received a call of shots fired in the 600 block of Monterey. Officers arrived on scene and were told that a female subject in a black SUV was yelling that someone was shot, but she left the area before police units arrived. Residents of the area told officers that shots were heard, but no other information was available. Shell casings and impacts were found and recovered. No victims, suspects, or reliable witnesses were located. Investigation continuing.

Armed Robbery. On January 25 at 10:25 p.m., callers reported a robbery that had just occurred in the 900 block of W. Foothill. The suspects were described as male subjects wearing bandanas to cover their faces and hooded sweat shirts to make identification difficult. The suspects robbed a business and took cash. At least one of the suspects was armed. The suspects fled in a vehicle that was driven by a third suspect. Investigation continuing.

Assault with a Deadly Weapon. On January 26 at 10:15 p.m., two male subjects in a vehicle drove up along side a man who was on a bicycle, words were exchanged between them, and one of the subjects fired shots at the man on the bike. The victim ran into a business in the 300 block of West Huntington, claiming he had been shot, and the police were called. Officers responded and found evidence of a shooting at the scene; however, the victim was not injured. Investigation continuing.

Warrant Arrest. On January 28 at 5:31 p.m., officers were dispatched to a residence in the 400 block of Monrovia regarding a disturbing subject refusing to leave. The suspect fled on foot when the officers arrived. They located the suspect exiting the rear door of a residence. The suspect was arrested for a parole violation.

Warrant Arrest / Possession of an Illegal Substance / Immigration Hold. On January 28 at 9:37 p.m., officers conducted a traffic stop on a subject at California and Almond, as he was leaving a local restaurant. A license plate check had revealed he had an outstanding warrant and was unlicensed. The suspect was found to be in possession of cocaine which was in his wallet, and was also found to be illegally in the United States. The jailer notified Immigration and Customs Enforcement that we had a criminal alien in our custody and the jailer obtained an Immigration hold.

Driving Under the Influence. On January 28 at 11:47 p.m., an officer stopped a vehicle and determined the 20 year old female driver was driving under the influence of alcohol. Her vehicle was stored, and she was issued a citation for the violations. Later that same evening during another random traffic stop in a different part of town, the same officer stopped another driver who was driving under the influence and arrested him. The officer was surprised to discover the second driver arrested was the father of the driver he had arrested earlier.

Commercial Robbery. On January 30 at approximately noon, a business in the 400 block of East Duarte Road was robbed. The suspect was male, approximately 18 to 20 years old, and dressed in all black clothing. The suspect used a handgun to rob the business and took cash. Officers conducted an area check for the suspect, but he was not located.

Grand Theft Auto. On January 30 at 7:19 p.m., an officer went to a local business in the 500 block of South Mountain regarding a vehicle theft. On arrival, he contacted the victim, who told him he had parked his truck at about 6:05 p.m. on the north side of the business parking lot and went inside. He came out at about 7 p.m. and his vehicle was missing. There was no glass on the ground where the truck had been parked. Investigation continuing.



## **ENGINEERING:**

Colorado Commons Update: The project is coming out of the ground with the construction of parking structure block walls. Concrete block deliveries and concrete trucks will be continuing their processions as the walls are constructed. Next will be the interior structural column supports and water proofing of the exterior block walls. Once the waterproofing is complete, the walls will be backfilled with dirt from the large pile on Lemon.

539 Cloverleaf – Update: Staff met with the owners on January 25, and the meeting resulted in the owner agreeing to complete site brush clean-up, installation of erosion control devices and preparation of a restoration plan. The City's arborist is completing a tree/site survey prior to issuance of permits for the brush clean-up and installation of erosion control. The preparation of the restoration plan will follow.

Grading Permits - Project Updates: Staff reviewed 14 grading permits for various projects from single family homes to multi-unit tracts, and completed inspections and finalized six projects as of January 31, 2007 and is currently plan checking three new grading permit projects.

## **OPERATIONS – Environmental Services – Facilities – Parks:**

### NPDES Violations:

- Staff received a call regarding concrete washout along the curb, gutter and street along Melrose Avenue. Staff worked with the site contractor to ensure cleanup of the material.
- Spilled motor oil on Huntington Drive. Streets crew quickly arrived to lay down an absorbent material to soak up and contain the oil and removed the spill to assure the spill did not reach a storm drain.

Fire Station #1 Renovation Project Update: Preliminary demolition began on Monday, January 29. All salvageable items have been removed from the station and the contractor will continue limited

demolition to improve access to all areas of the building until next Monday when the abatement contractor will start to remove the asbestos materials.

Corporate Yard Office Project Update: Major demolition continues with existing electrical, HVAC, and plumbing systems and interior walls being removed. The large amounts of construction debris from this project are being sorted and routed for recycling in accordance with the City requirements.

Monrovia Historical Museum. This week, the Parks staff gave a lot of extra attention to the Monrovia Historical Museum in preparation for the Boys' & Girls' Club special event on Saturday, February 3. Staff also managed to add a splash of seasonal color to the planters as a finishing touch.

## **STREETS:**

### 50/50 Driveway Approach Rehabilitation:

- 235 Stedman Place

### Concrete Rehabilitation Operations:

- 400 and 500 S. blocks Canyon Blvd. sidewalk rehabilitation

### Graffiti Removal from Traffic Signs:

- Northeast corner Olive and Shamrock
- Eastbound center median at Huntington Dr. and Shamrock
- Northeast and Southwest corners Greystone and Stedman
- Northeast, Northwest and Southwest corner California and Lime
- 1100, 1300 and 1400 S. block Magnolia
- Southwest corner Magnolia and Lime
- Northeast corner Evergreen and Magnolia
- Southwest corner Myrtle and Cherry
- Southeast corner Peck Rd. and El Norte
- Northwest corner Mayflower and Colorado
- Northwest and Southwest corners Monterey and Montana
- 856 E. Colorado

### Traffic Sign Installation and/or Replacement:

- Northeast and Southwest corner Greystone and Stedman (Cross Traffic Does Not Stop)
- Southeast corner Lime and Alta Vista (Stop Sign)
- 540&550 Fano relocated street sweeping sign to 530 Fano

### Traffic Painting:

- 603 Fano (painted 10 feet of red curb)

### Miscellaneous:

- Presentation and Demonstration to 3<sup>rd</sup> grade students from Mayflower Elementary School.

## **UTILITIES:**

### Customer Service:

- Read and recorded 1,534 water meters
- Completed 36 work orders
- Replaced 12 water meters
- Reactivated 3 water services
- Distributed 100 shut-off notices
- Sent out 26 backflow notices

Water Production: On January 31, 2007 the Department of Health Services made their first preliminary inspection of the new treatment facility. The inspection was favorable towards the final approval of the construction; upon the completion and approval of the construction, the next phase will be the operational testing phase of the treatment facility.

Water consumption is 44.0 millions gallons which is the average water usage at this time of the year.

Utility Maintenance:

- 15 new residential water services were installed.
- 1 new 6" fire service line was installed.
- 3 fire hydrants were upgraded at Lime Ave./Myrtle Ave., Palm Ave./Myrtle Ave. and Foothill Blvd./Myrtle Ave.
- 52 water main system valves were inspected and operated
- 25 underground service alert's utility location requests were completed.
- 13,700 feet of sewer mains were cleaned.

Water Supply Tour: On January 29, the Youth and Government Club of Monrovia High School were given a background review of the Monrovia water supply by Ron Bow, Utilities Division Manager. This was to help the students in presenting a "Conservation Bill" in Sacramento late in February.

Have a great weekend!

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**FOR YOUR CALENDARS:**

<b>Fri., Feb., 3, 5:30 p.m.</b>	<b>Boys &amp; Girls Club Annual for Love of Youth Dinner, Monrovia Historical Museum</b>
<b>Tues., Feb 6, 7:30 p.m.</b>	<b>Regular Council Meeting</b>
<b>Thurs., Feb 15, 5:30 p.m.</b>	<b>Chamber Mixer, Area 51</b>
<b><i>Monday, February 19</i></b>	<b><i>President's Day, City Hall Closed</i></b>
<b>Tues., Feb 20, 7:30 p.m.</b>	<b>Regular Council Meeting</b>
<b>Fri., March 2, 5:00 p.m.</b>	<b>Myrtle Avenue Grand Re-Opening Celebration, in front of Krikorian Theatre</b>