

# The Manhattan Beach Observer

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## *Special Seasons's Greetings*

### **City Council Majority Ignores Planning Commission and Residents**

*By VB Neumann*

It is difficult to be courteous and objective toward the Majority City Council and City Staff while reporting on the December 2nd meeting and its 3-2 final vote on the Mall Expansion project. It is difficult because the Majority Council (Powell, Lesser, Howorth) along with the City Staff showed no courtesies to the residents of Manhattan Beach by ignoring them and the City's own Planning Commission's findings. Council members Burton and D'Errico did their best to serve the residents and seek the truth, but once again, the majority "block of three" would not listen.

The City Council missed a ONCE in 40-year opportunity to reshape the corner of Sepulveda & Rosecrans. RREEF asked the City and its residents for a favor to increase the value of RREEF's property—and the Majority City Council, without proper due diligence, gave it to them. In return, the City not only let RREEF off the hook from the most important (and expensive) Phase of the project, but also got no guarantees from RREEF that other important aspects will be completed.

- Throughout the meeting Powell, Lesser, Howorth and members of City Staff made misstatements, showed a lack of understanding of key issues and ignored factual evidence.

### **Precarious Positions**

*By Gary Osterhout*

Most now know that new City Manager Mark Danaj has decided not to fill four new management positions he requested and were approved by the City Council at their October 7 meeting. Those looking a bit closer know that it is unlikely that this means that the positions will never be filled, and in fact City Council direction from the November 6 meeting still stands that the City Manager report at the mid-year budget review how to fund these new positions.

Most know that the salary and benefits total of these positions (not including indirect costs, such as office space), was estimated by City Hall at \$847,700 (using each position's salary range midpoint for the computation). Acknowledged by the council, though, was that the amount could be higher, if the person was hired in excess of the midpoint, nor would the salary remain fixed beyond one year.

Most should know that at the October meeting David Lesser was the only Council "No" vote, although his opposition seemed not so much for the positions, but to trickle out the positions one at a time so that each could be more carefully reviewed with a better case prepared for the community, including with developed analytics such as expected efficiencies and why the positions are needed.

Many community members are, of course, understandably concerned about both the cost

## City Unwilling to Address Traffic Safety Problems in Neighborhood

By Steve Yi

The residents of Oak Avenue between 19th St and Marine face increased traffic safety problems that the City has been unwilling to address.

Speeding is a known issue as Oak Ave is used as a cut through street to avoid traffic on Sepulveda. But additional business occupancy in the strip mall located on the south west corner of Marine and Sepulveda have made the traffic safety issues intolerable.

This strip mall is now home to three fitness studios and a dance studio, all of whom attract significant customer traffic at the same peak times. During these peak times, the 62 available parking spaces for the three fitness studios plus five other businesses and 30 available parking spaces for the dance studio are woefully insufficient to meet the customer parking demand.

So the customers spill over onto Oak Ave in a mad rush to find a parking spot so they can make their fitness classes. Many of these customers are in a hurry, adding to the speeding problem. They park along the street, which is legal, creating chokepoints for passing traffic. They park in the street, which is illegal, blocking traffic altogether. And some of them even park in residents' grass lawns in a last gasp effort to park their car somewhere so that they can make their fitness classes. In addition, the entrance to the strip mall is on Oak Ave if the cars are coming from Marine Ave. This creates serious traffic congestion at the corner of Marine and Sepulveda.

Pedestrians and local traffic using this stretch of Oak Ave face serious traffic safety problems.

The affected residents of Oak Ave have contacted City of Manhattan Beach officials, including Erik Zandvliet who is the City's Traffic Engineer. Mr. Zandvliet responded with "the residential streets will be part of an upcoming Oak Avenue traffic study to be funded by the Manhattan Village Shopping Center Project." Reportedly this study is on hold. Mr. Zandvliet offered no action steps to address these traffic safety issues.

Nhung Madrid, the City's Community Development Senior Management Analyst, responded that "the police department has also been requested to perform targeted enforcement in the surrounding area." This has not happened.

Ms. Madrid also responded that "staff is in the process of contacting the affected businesses to have them remind their clients to use the available

## The Turkey Mall Massacre

By Michelle Murphy

On Tuesday December 2 the City Council voted 3 to 2 to allow Deutsche Bank to redo our Village Mall into a much denser, bigger regional attraction for shoppers. Opponents of the planned supersizing of the mall objected not just to the approval but to its method which was characterized as "sneaky" by some. Mayor Wayne Powell and Councilmembers David Lesser and Amy Howorth saw no problem with the procedure while dissenters Mark Burton and Tony D'Errico expressed serious reservations about the timing of this decision.

Pro-giant mall voices stress how long the process has been for (presumably) poor, poor Deutsche Bank. Such sympathy is badly misplaced. The process began in 2006 but most of the delays have been due to Deutsche Bank's choices after the 2008 economic crisis and not to bureaucratic slowness.

Deutsche Bank complaining about how long this process took is like the joke about the Menendez brothers throwing themselves on the mercy of the court because they're orphans. Deutsche Bank is one of the world's largest banks so presumably the financial crisis of 2008 was a bit their own fault. I seem to recall greedy banks had something to do with it. So this process was overlong because of the financial crisis and their own decision not to redo the mall while the economy was in collapse.

In fact it is easier to argue that this process has been rushed instead of too lengthy. It wasn't until the summer of 2012 that a draft Environmental Impact Report was presented to the public and those plans were much different than the present plan. According the Beach Reporter of 9/04/13.."The Manhattan Beach City Council got its first look at the Manhattan Village mall redevelopment this week during the first of at least three public hearings scheduled to air out the plans..." And it wasn't until 2014 that most folks in town started to notice what was being planned. And when they noticed many residents got involved. Over a thousand folks signed a petition declaring that the planned development..." is excessive and should be scaled back to maintain the character, bulk, mass, scale, density and aesthetics of the Manhattan Beach community..." Many usually uninvolved citizens went to Council meetings and expressed their opinions.

In response to public input in May, 2014 Council placed five conditions on approval of the plans including no 3 story garages and a requirement to reveal the plans for the whole mall including the Fry's area before approval was granted. This wasn't a huge victory for those of us who wanted a smaller mall but it was something. Deutsche Bank took six months to respond to those conditions and in mid-November



## Editor's Column

In a period of change and anxiety and threatening and intrusive issues, it is reassuring to review Manhattan Beach Resident Association's community participation and find that its goals remain ever-constant. They are our *raison d'être*; they are the foundation upon which MBRA has worked, responded and grown.

The goals are: To maintain Manhattan Beach as a residential community; To preserve the residential character and quality of its neighborhoods and local businesses; To provide information and education to the residents of the community; To encourage broader participation in city government; To support candidates and efforts to further the objectives of the organization.

In this space through the years, we wrote that we hoped the Observer will help raise the level of awareness in all of us so that Will Roger's wry comment that "WE have the best government money can buy" will never apply to this city when we can state with conviction that "We have the best city government no money can buy".

But it needs the involvement of the residents.

We have written of the need to understand the General Plan, to be aware of changes in various Ordinances and in the city's future. And now, as we enter into a plan to discuss the vision for revitalizing the Downtown area, we restate what we said earlier: The future is beyond our vision; it is not beyond our control.

Attention to this and seeking information about proposed changes and possible impacts to the downtown businesses and

City Council Report Card					
	Burton	D'Errico	Howorth	Lesser	Powell
Approve Ma. Mall Project					
Approve Contract with ULI/PMC					
App. Sepul. Bridge widening Project					
App. Nuisance Abatement Prog.					

Vote: YES

Vote: NO

residents, will require continued efforts by MBRA; it will require participation by all residents.

In this space we have written of a wise man in the East whose constant prayer was that he might see to-day with the eyes of tomorrow. Vision of such dimension may be unattainable, but we can, by lending our participation, expressing our concerns, raising the issues which reflect the kind of city we want most to see tomorrow, be able to see today with greater clarity and foresight---and plan for a better tomorrow. But it will take the concerted effort by residents who care about what is happening to our city.

In a 3-2 vote, Council approved the long discussed mall renovation, a move which will please some and continue to trouble other residents. Unresolved issues remain, and one can only speculate about the ensuing congestion and parking problems and construction trucks and business impacts.

In addition to issues with which we lent our expertise and support, are items which we are still pursuing for action and resolution by council. Among these are:

.. The ongoing problems still current in the lives of residents adjacent to the Shade Hotel;

.. We recognize some of Staff's attempts to mitigate construction problems impacting neighborhoods throughout the City but there remain issues which demand redress

without delay;

.. We continue to ask for full disclosure and discussion about the City Recovery Cost and the \$640,000., about which, during prolonged months of discussion, statements were made about 'sharpening the pencil' so that each item is explained, approved or eliminated.

..Add to this the need to pursue sidewalk repairs and determine responsibility for repair costs;

..A view ordinance because we, alone, may be the only coastal city which does not have one, yet view is frequently referred to in related disputes.

..Perhaps a review of all the items listed in previous years' Work Plan but which suddenly morphed into an unresolved Strategic Plan.

In all this we shall continue to implement our goals, to extend our assistance and any possible expertise. We are determined to keep informed, to share information, and work with the residents in our common objective to retain the beauty, charm and dignity which have not yet been lost to this city.

There has been an ongoing reference by our officials to truth and transparency and we cannot accept anything less than a fully responsive and representative city council, commissions and staff.

When you settle for less...less is what you get.

E.B

onsite parking located behind the strip mall.” This does not address the core problem at all. There is insufficient parking on the business property to accommodate customer parking demand.

The residents inquired about obtaining residential parking passes but were notified that such permits are rare; there are currently only two neighborhoods in Manhattan Beach with residential parking passes. The application process can take up to two years.

The traffic safety problems are a clear and present danger. Unfortunately, the City has done nothing to address these safety problems. The residents fear it is just a matter of time until a serious traffic incident occurs. We'd like the City's help to prevent this from happening.

*Turkey Mall Massacre...cont' d p. 2*

their answer was “No, No, No, No.” They claimed to acquiesce to three of the conditions but actually they only promised to comply with just one condition—putting a stairway and elevator on the on the Tin Roof side of a 3 story parking structure. We still don't know where Macy's stands despite Macy's owning their portion of the Mall and not participating in any negotiations. And the owners of the Tin Roof section of the Mall were treated with disdain.

Deutsche Bank flat out refused to make smaller parking structures or give a hint as to what they would do with the Fry's part of the property.

Deutsche Bank caused this 6 month delay as well as the earlier multi-year delay. If they had responded back in May with the same answer, one wonders if the majority of Council would have replied, as they did in December, that the conditions weren't important and we were only fooling.

It's a little unclear how without reopening the hearings, Council

*Continue page 7*

## Nuisance Abatement Procedures Restated

‘Nuisance’ is now a word featured in Manhattan Beach Municipal Code and its provisions are consistent with adopted State laws. Defining what constitutes a public nuisance which affects private property, including residential, commercial and industrial properties, was a subject of prolonged discussion during a recent Council meeting. Nuisance abatement procedures were included in Staff ordinance No. 14-0017.

In general, anything injurious to health, offenses to the senses, or an obstruction to the free use of property constitutes a public nuisance. Substandard or dangerous property conditions apply. The big D's: Dilapidated, Deteriorated, Defective wiring, Dismantled or Discarded materials apply; Parking lots with cracks that are a safety hazard to the public, partially constructed buildings – in fact, any condition which affects the public health, welfare and safety.

When a nuisance, as defined by Manhattan Beach Municipal Codes, is determined by the Community Development Director to exist on any City property, notification to the responsible party is issued; this requires abatement within 30 days from date of notice. If the nuisance is not abated, administrative costs, including attorney's fees are then attached.

Still to be determined is a resolution which could arise when there is no agreement between what the Community Director labels a Nuisance as opposed to what the property owner sees with a different view of what is beautiful. That scenario is not to be found in any of the Codes.

## When Vision Needs Defining

A key component of what makes Manhattan Beach so desirable a place to live is its Downtown: outstanding year-round weather, unique shopping and dining experiences, ocean and beach within a few steps, excellent opportunities for biking and jogging,-all this and more contributing to a vibrant, dynamic and popular area in which to make your home, conduct business, or make periodic visits.

In order to ensure the Downtown area maintains its unique character and adds to or increases its business success, Council has embarked on a far reaching project which will evaluate the downtown area and decide on a Downtown Specific Plan which will move the City forward. To this end, they have engaged the services of the Urban Land Institute (ULI) whose experts will conduct a five-day Advisory Panel whose goal is to develop a comprehensive plan for the Downtown area. Interviews will be conducted with more than 100 stakeholders representing various affiliations; their responses will be evaluated to help frame the desired direction.

In discussing the hiring of ULI, Council emphasized that what is needed is a specific plan to actively preserve the character of downtown. Residents respond that what is also needed is for council to define ‘character’ more precisely.

In a 4-1 vote (Lesser ), Council approved a contract with ULI for \$125,000.00 Please see article on page 8 which presents some of the concerns and still to be defined issues in this pre-engagement process. The schedule for the ULI Panel runs from January 11 to 16, 2015. The final day, Friday, will be devoted to a public presentation of the panel's findings. The scoping questions put to the participants will possibly involve Vision, Market Potential, Development Strategies and Implementation. A sample question of much interest would be a description of one's vision for the future of Downtown Manhattan Beach ... and presented in 4 sentences or less.

## City Hall Update Strand Rehabilitation Project

We appreciate Public Works Director Tony Olmos' prompt and generous response to the information we sought regarding the Strand Stairs Rehabilitation Project. He explained there are two projects: one is called the Strand Reconstruction Project and includes a majority of the staircases along the Strand coastline: twenty-four require repair or replacement. The second project is the Strand Wall Repair and Enhancement Project which has identified five locations in need of repair to the concrete retaining walls.

These went out to bid and both came in high; even the low bid, Osmos stated, was still too high. City Council accepted his recommendation that they be rejected and gave direction to re-advertise. The current schedule for the bigger project, with its many stairs, is for bid to go out in the spring so that construction can start just after Labor Day. Because the Wall Enhancement Project is much smaller, and if the bid is low enough and accepted, Osmos anticipates he will then bring it before council and construction can begin immediately. The hope is that there will be more bidders and the right prices is amongst at least one of them.

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### Move to Preserve a Legacy

To more recently arrived Manhattan Beach residents, the name 'Peck' is a familiar reference to the south to north-bound street east of Sepulveda Blvd. To those more familiar with Manhattan Beach history, Peck is synonymous with the city's new settler, the founder who helped develop the north end of Manhattan Beach from the Strand to the Grandview dunes. A move to preserve the Peck legacy and increase community awareness has been proposed.

The original 1922 Peck home on Alma Ave. has been sold, its destination is that of a condominium complex. Originally used as a family summer home, Peck's family made its move in 1938 when an additional wing was built and where it became the family's primary

*(An article written by Mira Costa student Jacob Hands and printed in a recent Observer elicited more favorable comments than any other articles in previous issues. The following was submitted by this accomplished student)*

## Fairness In Name Only

*by Jacob Hands*

In the modern age, there has been a tremendous emphasis placed on "fairness" in the world of High School Sports.

Whether it be the integration of Co-Ed Athletics, or the addition of an Independent P.E., in the last two decades High Schools across America have touted the diversity and quality of their athletic programs. Yet, in many of these schools, their lurks a misleading caveat- Funding.

For instance, let's examine Mira Costa High School. In addition to its stellar academic rapport, Mira Costa excels in the realm of athletics. With nearly 28 different sports teams, Costa does in fact allot its student a variety of options. That being said, not every sport is given the same funding.

Each year, the school asks from its parents, a \$500 donation that will (like taxes) contribute to the various aspects of the school that need to be maintained, renovated, or altered in some form or fashion. Also embedded within that donation, is an amount allocated towards the athletic department that is intended to maintain the School's exceptional athletic character. The dilemma is, that allocation is not always shared equally.

Now, let's not be unreasonable. Of course certain sports are going to generate more money and have more people, thus garner a greater percentage of the donation. In theory, the practice makes sense and is justified when conducted in a manner that does not lead to the detriment of another athletic program. Unfortunately, Mira Costa's Athletic Department and I differ on what is considered a "detriment."

At Mira Costa, Football is big. In fact, it is the most heavily funded activity at the school and likewise has the largest funding base both private and public. In addition to the generous donations the program receives, it has access to its own private gym! This leaves the 27 other teams to share an antiquated weight room!

At the opposite end of the spectrum lies many of the School's other teams including the Wrestling Department which derives almost the entirety of its funds from a paucity of donations generated by its loyal parents.

## How Sure a Surety Bond

During City Council's recent agenda'd 'Status Report on Construction Rules' implementation of surety bonds was discussed; the issue was reviewed during a previous meeting when City Attorney Barrow noted that surety bonds involved public and that staff would conduct further research.

Staff evaluated the implications of establishing a surety bond requirement which would serve as protective measures for properties adjacent to construction sites. The 2013 California Building Code states: "Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work."

It was learned that only in one city, Beverly Hills, is a surety bond required prior to issuance of a permit, and only Hermosa Beach crafted additional construction guidelines for the building Official.

Concern that Manhattan Beach might encounter some problems with a surety bond requirement was emphasized that: a) The City may not accurately estimate the dollar amount for a surety bond to offset the actual repairs of damaged property.

b) The City may become engaged in private disputes between property owners.

Staff also emphasized that Manhattan Beach regulations have tools which similarly protect the safety of properties adjacent to a construction site. Amongst these are a CAL-OSHA Permit which is required for any excavation that is five or more feet, with contractors obliged to carry a one million dollar liability policy and that the building Official can withhold a Certificate of Occupancy for properties that caused damage to adjacent properties.

Staff's recommendation not to require a surety bond was reflected in a similar council unanimous vote. Continuing to work with city attorney to further explore mitigating construction impacts was an additional recommendation.

Residents who have been following the construction discussions agreed these were incremental steps overall in the growing need to address the concerns voiced by residents whose lives have been disrupted by the considerable noise, dirt, parking congestion and countless problems which impact their daily lives. Staff's perception that the modified Construction Parking Program has effectively diminished residents' complaints and minimized construction impacts is only slightly reassuring; attention must be paid to each construction site and to the adjacent neighbors.



## Six Month Construction Data Presented

Following a March, 2014 presentation by Building Official Sal Kaddorah addressing major projects under construction and the added new construction rules, council voted for staff to return with a report within six months. Included in the report would be information regarding enforcement of construction rules, a list of frequent violators, possible elimination of parking permits. The status report was listed on the November 5, 2014 agenda.

A number of residents voiced concern that Comm. Dev. Director Thompson would be involved in the proceedings; their question was based on the fact that Thompson's retirement was scheduled for November (now changed to December) and that the following Director should be an active participant in a discussion of such significance. They suggested the item be rescheduled and held when the newly arrived Director has had sufficient time to better understand the issues which most directly impact the residents.

This request was stated by Mayor pro Tem Burton; the brief discussion which followed left a number in the audience to understand that it would be decided at a more appropriate time; a number of residents, under the impression the item would be delayed, subsequently left council chambers; other residents did not attend, also thinking, now mistakenly, that the item would be agenda'd at a later date.

In his opening remarks, Kaddorah presented a number of measures to mitigate resident's construction concerns. He cited construction violations, as detailed by statistical data gathered for a six-month period and emphasized that Parking was the source of a majority of complaints. Sandbags, trash and working without permits were violations cited in descending order. He also stated that 8 Stop Work orders were issued when warranted.

Surety bonds were discussed (see article in this Observer issue) and the results of several meetings held by Police, Parking Control and Building and Safety staff were detailed. The meetings were designed to discuss the impacts of construction parking and mitigation measures; these led to modifying the construction parking permit program, with zone designations evaluated on a case-by-case basis.

Mr. Kaddorah's presentation was replete with issues which will require more discussion and resident participation. The subject will be brought back at a later date.



was empowered to do anything but certify whether their May conditions had been met, but instead on Thanksgiving Eve (Wednesday Nov 26 late afternoon) staff put the Deutsche Bank response on the agenda and staff recommended that the city approve the mall unconditionally if they wished. The public was told they couldn't testify anymore because the public hearings had been closed. Two minutes of comment each were allowed to the small number of people that waited out the lengthy presentation by Deutsche Bank but nothing we said could be considered as evidence. Deutsche Bank, in contrast had been meeting with staff and changing up the terms (30 new parking spaces in the ditch area for example) with seeming impunity for months

D'Errico and Burton were upset by these shenanigans but Mayor Powell, Amy Howorth and David Lesser saw no problem with sliding this by the people of Manhattan Beach over Thanksgiving. This could have been postponed until next year. If time was of the essence Deutsche Bank could have said no any time during the last six months.

Both Howorth and Lesser are running for reelection to Council this spring and they must believe that no one will care about this.

Manhattan Beach has a mission statement that includes the goal of "preserving our small beach town character." When Mayor Powell was running for office in 2009 he said "...as a City Council member, I will continue to work hard to preserve our small-town atmosphere and safe way of life {and} reduce traffic congestion..." There are many reasons this action by Council is the opposite of those goals—increased traffic, possibly increased crime, decreased light and air, increased pollution, but to my mind the worst part of this decision was the contempt for the people of Manhattan Beach.

## Our MB City Council Missed “our point” – by Aiming at “The Point”.

*By Jon Chaykowski*

At the Manhattan Beach City Council meeting a number of Hermosa Beach residents actually came and requested the MB City Council to support the Keep Hermosa (Beautiful) campaign to limit oil drilling. That was interesting. Next, many Manhattan Beach residents requested the MB City Council keep MB beautiful and limit the “re-development” of the MB Mall. It appears that the City Council does not get the point. We, the residents of MB, like those in HB, want to keep our downsized, beautiful towns downsized and beautiful.

Three of our MB Council members, seemed to miss our point. Their focus seemed to be on “The Point” being built in El Segundo. These councilmembers seem to want MB to compete commercially with El Segundo. Don't they realize that El Segundo is about 90% commercial/industrial and only 10% residential? Don't they realize that our beautiful town of MB is about 90% residential and only 10% commercial/industrial? El Segundo has acres and acres of undeveloped commercial property. They have a huge industrial oil factory. They have about 100,000 people drive into work in their town of about 15,000 population. They have a large and loud airport next door. Manhattan Beach, on the other hand, has a beautiful beach, a strong residential based town with multi-million dollar homes and the finest schools in the state/country. We don't want nor need to have a large shopping center to survive nor flourish. We flourish on being one off the most beautiful and desirable cities in the state/America/world. We can upgrade our MB mall and make it attractive and successful without “large” size.

Our MB City Council missed our point when we, the residents, stated they did not want “large” and specifically when we stated we don't want 3-story parking structures. They also missed our point when we stated the MB mall upgrade would be best by addressing one overall enhancement effort that incorporated improvements at the “Fry's” corner.

So, what happened?

After sitting through the City Council meeting until 1:00 AM Wednesday morning (when the Tuesday night meeting ended), I came away with the opinion that our City Council got blinded by their focus on “The Point” shopping center being built in El Segundo and fooled by slick maneuvers by RREEF. And, the powerful mall owners, RREEF, got basically what they wanted while we, the Manhattan Beach residents, were ignored or, at best, got a crumb



Because the Program lacks even basic funding, the Wrestling Department has not been able to afford to have the “wrestling mats” replaced for almost 8 years. Consequently, infectious diseases like, Impetigo and MRSA are allowed to proliferate. This year twenty-five of the team’s wrestlers have fallen victim to these skin infections and have been forced to endure and treat the condition themselves. For many of the teams’ members, it seems absurd that the administration has not volunteered to help subsidize the purchase of new mats to stem this outbreak, but can spend an undisclosed amount on iPads or \$2 million on Wi-Fi.

Although recent efforts have been made by the school’s new Athletic Director and Vice Principal, the problem continues to fester. It is important to note, that the contrast is not present in just the Wrestling Program.

Several years ago, Water Polo was forced to hire a pool man in order to ameliorate the School’s “unsanitary pool.” Similarly, the CIF Qualifying Cross Country Team cannot afford to send their entire team to their various meets. Not to mention, the school’s track team runs on a platform that has not been repaved for several years.

So, what’s to be done? If the Athletic Department and School itself were to truly provide an equally congenial experience for the other 27 sports at our school then that would certainly help. Whether that means allocating funds away from the school’s perceived magnates, towards the other teams, or better maintaining existing conditions, it should be the School’s responsibility to engender a more equitable environment. After all, “What’s fair is fair.”



## How Vital is the Revitalization

The incentive to boost the attractiveness of the Downtown for local residents and visitors alike has long motivated the City in this pursuit. It should be noted that at one time it was stated: “The primary purpose of the Downtown Specific Plan will be to preserve the small town feel and village atmosphere of the district.” Some residents believe there has been an erosion in the true value of that sentiment: much of the small town concept has been lost to change, some of it inevitable, and much which has been swept away with what those changes have brought.

Today, as plans have been initiated to develop a vision for the downtown, some residents are asking for specific clarification to explain exactly what problem the city is trying to solve. Their questions are now surfacing: what is council’s vision; how will they reconcile the varying visions of the residents; how will the decided-upon work disrupt an already traffic-congested business area and the neighboring residences; what will be the cost: what mistakes of Streetscape will not be repeated; how much time will be involved; will there be construction issues.

Perhaps reassurance that none of the problems residents and businesses endured during the Streetscape saga will even remotely be associated with this Downtown effort must be an irrevocable fact. Certainly, Councilman Lesser raised some substantive questions when he asked for ‘more robust presentation on certain issues’ and for a better understanding of the total budget, with more information needed to be flushed out.

Bringing in the former Streetscape issue is inevitable; while the past is just that, it still serves to be cognizant of the ‘what if’s’, to remain vigilant and informed. It is 25 years since Streetscape business owners decried “Lost revenue”; since the businesses had been reassured by the City and the contractors that there would be minimal interruption of business, with advance notice of any street closings, or when cement would be poured. And none of that happened

Then, too, some store owners stated new life should be injected into the downtown, to make it an exciting place to shop. But in assessing the impact on their businesses during the renovation period, one store owner cited a 24% loss in sales, finally having to give away thousands of dollars of merchandise. There were complaints about the timing: the project was started the week before Christmas; 9 businesses either changed hands or went out of business since Streetscape construction started.

This is a brief recap of what was then; we do not anticipate a repeat of any of this. What we should want is comprehensive understanding of the specific plans; what if any, construction is involved; some knowledge of the contract and the contractor; the start timing and reasonable adherence to its stated conclusion. It would be good to know that the businesses, the residents, the City will all benefit from a vision proudly realized.

E.B



- Powell found it important to interrupt residents during their Public Comment 2-minute speeches to insist that he was fair.
- Howorth publicly thanked Powell for “sticking up for City Staff”, yet she ignored the fact that for over a year Staff has not answered a host of Residents and Council’s questions.
- Lesser voted to proceed with the Agenda item despite the holiday timing.
- The list of misdeeds goes on, but below are some of the major items that Powell, Howorth and Lesser ignored:

1. Planning Commission Resolution 13-10 - IGNORED

The City Council’s 3-2 vote approved a project that does NOT include Phase 3—exactly what the Planning Commission REJECTED.

Prior to the Council process, the Planning Commission held some 8 meetings that examined the EIR and its Phasing 1, 2 & 3 scenarios. The Planning Commission made recommendations and conditions. One of the Planning Commission’s most important conditions was the INSISTANCE that the Fry’s Corner (PHASE 3) be completed because it was ESSENTIAL to the project. In fact the Commission went so far as to declare in the final Resolution 13-10 that the Planning Commission would reject any project or phasing option that does not include the integration of the FRY’s Parcel (PHASE 3).

2. The City-hired Economic Consultant - IGNORED

The City Council’s 3-2 vote approved Phase 1 & 2 but does not include any way to enforce that Phase 2 be completed.

City Staff hired Larry Kosmont, an Economic consultant for about \$200,000 who advised them repeatedly that the Macy’s Consolidation (Phase 2) is essential to the financial success of the mall. RREEF is on record that they do NOT guarantee the Phase 2 completion.

3. Lower Parking Ratios=More difficult Parking - IGNORED

RREEF’s own parking presentations to Council show that the large increase in Shops and less added parking spaces will result in LOWER Parking Ratios than what currently exists. Simply

What did RREEF get? They got two key “gifts”. (1) They got the 3-story parking structure that the residents spoke repeatedly against and that the City Council earlier instructed RREEF to remove from the plans. Wow! (2) RREEF also got to defer incorporating an upgrade of the “Fry’s” corner. It is now in a Phase 3, which may never occur and at best will be many, many years away. That delay will leave the entire “Fry’s” corner parcel in an outdated and unattractive look. Oh, I must remember to note that RREEF’s architect stated this plan is in the interests of the MB residents. They, too, missed the point of our beautiful, small, residential community.

Further, since the “Fry’s” corner will not be upgraded for years to come, or ever, the current, unsafe driveway entrance on Sepulveda to “Fry’s” corner will get ONLY an uncertain improvement with the bridge expansion. There can be NO optimal design because no one knows what structure(s) will be a part of Phase 3 – nor when or if it will occur.

So, what “plus” did we, the residents, get? Be sure to sit down before you read this. We got one concession “outside” the mall following the serious concern and comments by residents and a couple of City Council members regarding safety along Sepulveda Blvd. Coupled with the widening of the Sepulveda Blvd bridge to four northbound lanes, the mall owners have agreed that they would provide one turnout lane approaching 33rd Street to provide safety for those entering the mall at that location. Wow again! That means ONE safe entrance. Forget, the other two mall entrances at 27th and 30th Streets. They will have no safe turnout lanes. That’s it. Enjoy your “crumb”!



**Very special warm welcome is extended to Marisa Lundstedt, new Community Development Director, whose first day on the job was ‘trial by fire’ introduction to the Village Mall Construction prolonged discussion.**

put: It will be more difficult to find a parking space AFTER the expansion.

#### 4. The Residents' Input - IGNORED

At the May 20th meeting, Council gave clear direction to Staff to return with a Resolution that included specific conditions that took some of the Residents' input into account. The May Resolution was a compromise that both Lesser and Powell voted for. Instead Staff returned with a report that ignored the Council's instructions, yet added NEW options based on a private meeting with only one of the three Applicants. Staff and Council placed Residents' concerns over the desire of Deutsche Bank/RREEF:

a. 6-month Silence – Even after RREEF ignored City Staff's calls and emails, City Staff met secretly with RREEF on October 8th without inviting or even notifying the other Applicants. Based on that meeting RREEF issued their demands to Staff in a "proposal pamphlet" on October 28th. Three weeks later, the City Manager released it to the public on November 17th via informational memo.

b. Holiday Staff Report – While the November 17th informational memo mentioned the 12/2/14 Council Meeting, there was no way of knowing to what extent the item would be presented until the Staff Report was issued on Thanksgiving Eve. Wayne Powell boasted that the Staff Report "was issued early", but neglected to state that the fact that the City was closed on Thursday and Friday, so it HAD to be issued on Wednesday.

c. Agenda Item – The combination of Holiday Staff Report and Holiday Agenda Placement upset many residents who wrote emails, made calls and attended the meeting asking for it to be postponed. Both Powell and Howorth dismissed the residents concerns as invalid. Powell went so far as to state in an email that the December 2nd date was agreed to by ALL parties—which is FALSE. Burton and D'Errico voted that the timing of the Agenda was not fair to the Residents, but the "block of three" voted it down.

d. No 3-Story Garages - Despite Wayne Powell's and David Lesser's May vote to restrict the North Parking structure to 2 stories as a compromise to the residents' concerns, both

and an unnecessary expanding city government both in respect to salaries, benefits and the number of positions. There are concerns that spending trade-offs are not discussed, such as why anything City Hall-related seems to always attract funding to the detriment of recreational facilities improvements. The City Council still has not shown why city employee salaries and pensions are now deemed "sustainable" when no more than two elections ago the same councilmembers were claiming those costs unsustainable. The only recent change is that the council required certain employees to pick up more of their health costs, but then bumped their salaries to accommodate the extra amount.

But of more concern is the manner and environment in which this position request arose and was presented, especially the disturbing lack of any definite, objective analytics to support what existing conditions existed that these positions were necessary, no mention of how the council would hold up the positions to any accountability, and the non-existent time frame in which that accountability would be evaluated. Much of the councilmember remarks from the dais seemed to be in the nature of trying every way to retroactively find some justification for these positions to try to persuade an obviously upset community (as well as David Lesser's evaluation), instead of defining policy, presenting a coherent vision, or discussing analysis of serious service gaps that could only be filled by creating more bureaucracy.

**Deeper Implications.** Most might be tempted to treat this event as just a single issue, perhaps a positive one if one thinks the Council and City Manager "were responsive to the wishes of the people." I am not so charitable. I believe this event illustrates much that is wrong with our City Hall culture and is a very disturbing start for our City Manager, especially one whose hiring included no vetting by regular residents. And as this is a template for what needs to be changed, I seek the reader's indulgence in reading through this article at length.

The limits to the presented rationale for these positions during the October 7th meeting seemed to be Mr. Danaj stating that in his professional opinion these positions were needed to address the topic areas he was asked to deliver on during his

recruitment and hiring. In turn, Council members argued that it should be enough for residents to know that they trust the City Manager, and that these positions were necessary to get the city to some undefined “next level” or “Manhattan Beach Government 2.0.”

**Closed Sessions and “Culture Change.”** And though these criteria and an alluded “culture change” seemed to be the impetus behind these requested positions, as of today, neither the councilmembers nor the City Manager have disclosed the contours of these changes or criteria--although Tony D’errico mentioned particular City Manager performances “asked for in closed session.” Oddly, one of the items on the same agenda for the October 7 meeting included a report from an August 14/15 City Council Retreat Outcomes, including a listing of “City Council’s Expectations and Obligations of the City Manager,” and there was nothing in those materials to suggest such performance expectations or cultural changes.

Similarly opaque, the position ranges were justified as comparable to similar positions in other cities, yet the comparable cities were not named, nor were those ranges presented, nor were those comparables evaluated to ensure there was a “like-to-like” comparison in city structure and support.

**Numbers Don’t Jibe.** It is remarkable that the total salary and benefit costs of the Civic Engagement Manager, Economic Development Manager, and Assistant Finance Director were estimated at the October 7 meeting at an equal \$201,900 per position (the I.T. Director’s was \$242,000), yet when the salary portion alone was presented at the November 6 meeting materials, the Assistant Finance Director’s midpoint salary was shown \$14,772 higher than the other two positions (\$152,160 to \$137,388)—which of course could not result in the equal \$201,900 estimates presented in October and throws further doubt on any of the computations.

Could more detailed presentation and separation of salary, benefits, and comparables lead to more clarity? Certainly, but that does not seem to be City Hall’s preference.

Notably, there was no representation that these salary levels would remain the same over the

foreseeable future, or that the person hired would not be hired in significantly over the midpoint estimate. Interestingly, as these positions have been approved, the salary ranges are available on the City’s website. That listing, curiously, shows no “midpoint,” but only a minimum and maximum limit such that the “midpoint” seems a fiction purely for argumentation purposes. Additionally noteworthy is that in May, the Council approved a salary increase for the current Revenue Service Manager to the maximum limit—an immediate annual salary increase of \$23,856, suggesting again that quick raises—whether step or grade—are not uncommon in our City Hall and in fact can happen at the drop of the hat.

**False Flag.** Frankly, if City Hall wants to “engage” residents, the types of information outlined cannot be hidden or ignored. In any decision there will be justifiable differences in philosophies and approaches, or interpretation of information, but critical pieces of information necessary to understand, debate or discuss a proposed action must be available if City Hall really wants to be fair, accountable and transparent and have residents involved. Residents should not be sophomorically lectured, as they were October 7th by Mark Burton, in inference that the Council is the sole repository of knowledge and that residents just need to have “trust and faith.” That is the opposite of engagement with the community. It is both autocratic and demeaning.

And as subjective and unsophisticated as the various councilmember’s justification for these positions were, such justifications only arose AFTER the public comment period. Even the job descriptions recited by Mr. Danaj prior to public comment (see the October 7 staff report) was more a demonstration that he can wax volubly in ‘corporate-speak’ with the best, but remiss of any actual take-away content.

**Council Conjuring.** Nor were the assenting councilmembers together with the City Manager in their reasons for support, and appeared make-up justifications out of whole cloth. Some argued that the new positions would provide cost-efficiencies—yet no one even hinted where such efficiencies would be created and to what degree. Amy Howorth, however, asserted that additional positions would likely be more inefficient in the

respect that there were more positions and more people that need to be managed. Howorth's opinion was that increased services were more important, not cost-efficiencies, and the positions justified given that the world is changing and she perceives that people want information "right now."

Unfortunately, Howorth appeared to then grab at straws in defense of the positions, analogizing that the Communication Manager is needed because people want to immediately know the reason behind a hovering police helicopter. Yet this ignores that the Police has their own spokesperson and that the current Police Chief was expressly hired in part due to media relations capabilities. She also asserted that the Communications Manager could then arrange for more community meetings—like even more meetings for the skate park—without assessing if our current superfluity of meetings are even effective.

Mark Burton asserted that we can "assume efficiencies and cost savings" from the new positions (similar to the economist on a desert island assuming he has a can opener). Yet just to pay the position's own salary and benefits of \$202,000, the Economic Development Manager would need to annually produce \$20,200,000 of TAXABLE revenues (assuming a 1% city sales tax rate). Burton gave the example that this person could recruit businesses to fill vacancies at the Manhattan Towers, ignoring that such an activity is unlikely to produce all that much revenue for the city (figure that if one new person at the towers buys a taxable \$10 lunch each working day, then 7,769 people need to be recruited to reach a \$20.2M return).

This writer also recalls that the Cultural Arts Manager and Environmental Services Manager positions were justified based on the generation of grants received by the City due to the efforts of the employees hired to those positions. That revenue generation never happened.

Wayne Powell said that if these positions were created, we would not need to rely on consultants anymore (a rather broad statement) and in fact the City could then discontinue the \$100,000 contract with the Chamber of Commerce—ignoring that earlier in the meeting Mark Danaj had said that one of the duties of the Economic Development

Manager would be to manage the Chamber contract. This also ignores at the same meeting the Council approved a contract with Messina & Associates for \$55,000 for "Succession Planning Development, Team Building, Coaching and Career Counseling for multiple City Departments." Powell, the self-proclaimed "numbers guy" on the Council, provided no numbers of contracts, consultants, or dollars that would not be spent if new positions were created.

Tony D'errico analogized the situation to his private sector position where he was allowed to hire whomever he wanted to reach a certain goal—yet not only did not distinguish the differences between a city government and a private sector profit-making concern where valuation and stock price is relatively easy to determine, but that no doubt his goals were firmly and quantitatively established in advance.

**A Gap in Gap Analysis.** Observe that the entire discussion above spent little time evaluating the need for these positions. That likely would take another full article, but such discussion should wait for the Council to make the initial argument.

What is important at this juncture is to recognize that this very expensive proposition was presented without much respect toward the residents or even to sound business practice. We cannot allow forbearance now the City Manager decided to defer (not eliminate) filling these positions, for that permits City Hall to take the "act first, ask forgiveness later" position without accountability.

We do not have the scale in a town the size of Manhattan Beach, which wants to keep its "small town feel," for adding positions without clear demand, need or justification. There were a number of residents that have long been active with City Hall that expressed their reaction prior to this proposal as being "stunned" and "speechless." No action of City Hall should have that reaction from those that are already engaged.

More than anything else this event gives pause to determine how the City Council and the City Manager want to lead the city and engage the citizenry in the upcoming years. Reducing the discussion to whether we "trust" the council or city manager is the opposite of engagement. That is pure sophistry. As is the City Manager's overuse of corporate jargon, which sounds like it is being

used not for clarity, but for spin. The first thing any City Manager could do would be to further erase the Dolan-era management directive that all City Hall actions need to have a marketing component.

**Out of Control Spin.** Yet, even in his press release of November 17 notifying that the positions will not be filled, Danaj could not resist referring to the positions as “key investments” that he recommended “because of the value they would provide directly to the residents of Manhattan Beach.” In the October 7 Staff Report, the City Manager stated that “I take my responsibility of ensuring fiscal sustainability of city operations very seriously, so any recommendation to augment our staffing model will always be done judiciously.” Frankly, if there is going to be an adult conversation, a staff position is not an “investment.” If there is value, then given the scarcity of city resources and the fact that (quoting the late David Wachtfogel) the city will never run out of good things to fund, then quantitated value needs to be clear and not speculative. No councilmember or City Manager should make any sort of self-serving remark that they are working for our best interests, unless that is a parting remark as they leave office—because that should otherwise be a given.

In 1775, Samuel Johnson said that “Patriotism is the last refuge of a scoundrel.” I would not go so far to say that the above comments above rise to that level, but to me they come close and begin to cast doubt. If spin and jargon is deemed necessary to get an action passed instead of making the choices clear and understandable, then the action shouldn't be brought up at all. Otherwise, we will never have community concurrence of where we are going, and if we are going there together.



*City Council Majority Ignores.. cont' d from p10*

Powell and Lesser reversed their VOTE. The City's actions before and during the 12/2/14 meeting are an affront to the residents and to the public process. **REMEMBER WHICH COUNCIL MEMBERS LOOKED OUT FOR THE RESIDENTS AND WHICH ONES DID NOT!**



## New Positions = New Fees; New Fees = New Positions

*By Gary Osterhout*

The City Council represented that there would be no tax increase as a result of instituting any new positions (see related article this edition). This statement strains credulity and in fact is either false or the City Council does not understand their own funding mechanisms.

There are two ways this writer sees that additional positions would increase taxes and fees to residents: (1) in increasing the City's overhead costs charged to special assessment and proprietary enterprise revenue funds that would be covered by additional taxes and fees, and (2) in that resident vote to increase taxes and fees for the current overhead charges to these funds it allows City Hall the budget space to then provide the money to fund the positions that have already been approved (but not filled).

Begin with the fact that the City Manager's October 7 report on the new city positions included in the “Financial Implications” portion of the report that “City Council will need to take steps to correct the General Fund subsidies of Storm Water and Street Lighting in order to maintain the long term fiscal health of the General Fund and protect the reserves that have been established.” Obviously there is a crucial link in the City Manager's mind at least between these four positions and a fee increase. [Note: There was supposed to be a City Council review of this fee in November 2014 but that seems to be postponed likely due to resident pushback on the new positions.]

**New Positions = New Fees.** Next, review the way these positions will or could raise taxes and fees. Focus on the Storm Water and Street Lighting Funds, since those were brought up by the City Manager. There is no secret that the City wants to increase the fees for various programs funded with their own tax and fee assessments, in particular the Storm Water fund and the Street Lighting and Landscape Funds. Those have been mentioned in City Manager budget reports for at least the last 10 years.

This fund pays for all costs associated with providing street lighting city-wide, and for the maintenance of Streetscape in the downtown district. This fund is supported by assessments which have not changed in 18 years (and cannot be adjusted without a Proposition 218 vote). The main funding source for this endeavor is the Storm Water Fund. Unfortunately, the

fund continues to absorb additional costs without the benefit of new revenues from assessments (any increase in assessments requires a successful Proposition 218 vote).. While the General Fund had received reimbursement in the past, the Storm Water Fund discontinued this transfer due to inadequate revenues, and the need for future capital projects.

Each of these funds are supposed to have their full costs covered by separate fees paid from residents as part of the utility bill paid to the city. There is no legal requirement that these services are paid from a separate fee stream and not from our regular General Fund, but somewhere back a decision was made to carve out these services. There are no dedicated employees to do the human services for these functions, so the City uses employees that are paid from the General Fund, but then the General Fund gets reimbursed by these special funds for the time the employees spend on special fund activities.

The amount of the charge is determined by a periodic review of employees' time spent on various activity, and the City is very aggressive in trying to identify as much activity associated with the special funds as possible, for then the City can use the "recovered" expenses for other City Hall activities. This cost study is so aggressive that an employee merely thinking about a special fund results in a billable instance. If that employee has a supervisor, a portion of the supervisor's time gets billed to the fund for the theorized time supervising that employee while the employee is thinking about the special fund.

It should be obvious that any of these four new positions will have overhead chargeable to the special funds, and the I.T. Director and Assistant Finance Director most of all, similar to the way other accounting and I.T. positions have been charged out. Even a portion of the Economic Development Manager's salary and benefits could be conceptually charged to the funds through tangential work related to Downtown Streetscape.

**New Fees = New Positions.** Thus, a portion of the salaries and benefits of these four positions will be charged to the overhead pool, a portion of the overhead pool will be charged to the Special Revenue Funds, the fees charged to residents will be set to cover those charges, and thus these new positions raise each resident's taxes.

The second way these new positions will be impacted by any increase in the Special Revenue Funds is a little less direct. But in this analysis, it is the increase in fees paid for the Special Revenue Funds that would create the positions.

Note the earlier reference to the increase in the Special Revenue Funds in the report for the new positions. It is obvious that new revenues are needed for these positions. Currently the General Fund's overhead pool is not being reimbursed by \$251,000 annually from the Street Lighting Fund, and over \$300,000 in costs purported to be related to the Storm Water Fund—without any costs related to the new positions. While the validity or justification of these overhead costs are deemed debatable by this writer, it is obvious that any increase in fees to cover these costs will make it a whole lot easier for the City Manager to fund his additional positions. Thus, any voted approval of an increase in fees to cover these "shortfalls" is in a sense a vote for the new positions.

And while slightly off-topic, the City Manager suggests that if residents do not increase these fees, he will pull money from a \$4 million reserve currently set up for "Economic Uncertainty." To this writer such a suggestion is either a red herring or incredibly bad policy (especially from such a new City Manager). This faux "reserve" has never been needed, and was just set up years ago when the City had an impressive surplus for a few years and did not want to follow its policies to divert any surpluses to Capital (Facilities) Improvement. So it made up a false need for a reserve (that was not even needed during the Great Recession). For the City Manager to then unilaterally divert this money to something having nothing to do with "Economic Uncertainty" would not only be abusive of his budgetary powers, but would also go against the reserve's origins.

Personally, until the City displays something more than ad hoc approval of expenditures seemingly as the mood strikes, instead of confronting our long-suffering list of facilities improvement needs or controlling city costs, approval of any increase in fees to improve the General Fund would seem to be enabling detrimental behavior.



residence. The home, at 2620 Alma (Peck named the street for one of his daughters), was originally built on a 30x90 foot lot. Resident Tim McGuire, a local realtor, is spearheading an effort to move the home----if not all, then at least the original small building—and preserve some of the history. McGuire has long admired the Alma home and he sees its preservation as a tribute to Peck.

McGuire’s suggestion that the ideal location for preserving the Peck home was unquestionably Bruce’s Beach. It was here that Peck, despite the prevailing racism at the time, stipulated into the city’s deed a clause which set aside two beach front city blocks for what was referred to as African-Americans to purchase. The Bruce’s bought three additional lots and built the first such beach area in Southern California.

Moving the Peck house on that site is more than symbolic; its historical significance includes a tribute to George Peck and his love for the Manhattan Beach community; it includes a fragile period in Manhattan Beach and the forward-thinking of Peck; it demonstrates the contribution made by McGuire, along with the Cultural Heritage Conservancy and their continued efforts to preserve the community’s history.

.....

Anticipation is high that the library's official opening is in sight. While we question the December date rumored, we are guessing at a 'not long after' time. Its welcoming open door cannot come soon enough for the many residents who long deplored the absence of Manhattan Beach alternate site



The original Peck house was built in 1922.  
Wings were added in 1935

***Ed. Note: Observer articles reflect the views of the writer and do not speak for those members with differing opinions. The Observer provides a voice to those who wish to express personal comments on local Manhattan Beach issues.***

**Year-round thanks to:  
The unsung special ones in the City Manager’s office: Liza, Marcus, Karen, Sandy and Matt:-- the incomparable group who spend more hours, exert more effort, give more graciously and about whom words of applause are inadequate.**

## City Hall Calendar

Dec 16	City Council	Historic Preservation Ordinance
Dec 16	City Council	Discuss Measure O/Hermosa Oil
January 6. 2015	City Council	Sepulveda Bridge Widening Project Design Update
January 6. 2015	City Council	Consider PPIC recommendation: water fountain Feature – continued

### MBRA BOARD MEMBERS

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**Manhattan Beach Residents Association**  
P.O.Box 1149  
Manhattan Beach, CA 90267-1149  
(310) 379-3277 Email: yourmbra@gmail.com

Enclosed is \$30.00 annual (2015-2016) Membership Fee.

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