

The Manhattan Beach Observer

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P.O.Box 1149 Manhattan Beach, CA 90266
(310) 379-3277

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MBRA to HOLD MALL DISCUSSION

Manhattan Beach Residents Association, in response to the many city residents who have either belatedly heard that renovations at the Manhattan Mall are planned, or who have views and concerns which need to be air'd, has arranged for an Informational meeting. Scheduled for Wednesday, May 15, 2013, at 7:00 p.m. and held in the library meeting room, Manhattan Beach residents are invited to attend, to voice their opinion and ask their questions.

Present to respond, with assurances to try to Tell It Like It Really Will Be, are resident Diane Wallace, who has been active and involved since the project's EIR was first debated, Manhattan Mall Mgr. Liz Griggs, and others.

Mark the date and plan to attend. It may well be one of the last opportunities for an open discussion. For information, email to: YourMBRA@gmail.com or Phone (310) 379-3277

Veterans Parkway Master Plan(ts)

By Gary Osterhout

The City of Manhattan Beach is currently developing a Master Plan for Veterans Parkway. After two public meetings (with the third scheduled for May 2), my impression is either that no good deed goes unpunished, or that there is nothing simple and easy that City Staff and their consultants cannot make complex, merely due to lack of trying.

I am a firm proponent of a Veterans Parkway Master Plan—any plan. I take some responsibility for this process, as about two years ago I had used some current events concerning Veterans Parkway as an example to a councilperson of bad civic planning and process. My assertion was that recent plantings done on a voluntary basis by some residents—while commendable and done with the permission of Public Works—was contradictory to good budgeting and open government participation.

I opened that if such plantings were desired by the City, the City should budget such plantings themselves (it's not like we are broke). Or, if the City could not afford such an amenity, why that lack had not been discussed, and what were the funding trade-offs for something residents obviously found important. Further, why were certain residents being allowed to select what was planted and, most importantly, were the locations of the plantings compatible with future unexpressed plans for Parkway. Certainly, the location of foliage funded and planted by the sole efforts of

CITY PULLED SWITCHEROO ON SHADE HOTEL USE PERMITS

By Don McPherson

During 2009-2010, the City conducted six planning commission hearings and a city council appeal on the Shade Hotel use permit, for an amendment that primarily addresses noise-ordinance violations in the adjoining residential area, across from Valley-Ardmore.

Soon after approval of the amendment in September 2010, city staff unilaterally decided that the new Conditional Use Permit (CUP) would not take effect, until Shade implemented the noise-mitigation requirements.

By doing so, the City ignored sections in the 2010 CUP that state it took effect immediately, as well as repealing the former use permit, the 2005 CUP. Furthermore, staff chose not to inform councilmembers that the new 2010 CUP would languish on the shelf, until its approval lapsed in September of this year.

Prior to the 2009-2010 hearings, during the first four years of its existence, Shade averaged two calls a month to the police for creating disturbances. At the July 2009 hearing on the Shade use permit, then planning-commissioner Mayor David Lesser characterized the noise impacts as, "...clearly, residents are traumatized..."

Since approval of the 2010 CUP, complaints to MBPD have continued sporadically. At a February 2013 city council meeting, Shade neighborhood residents demanded a solution to the ongoing disturbances.

Sidewalk Solution Still Sought

Noble Ford

SEC 7-401 of Chapter 4, Title 7 of the Manhattan Beach Municipal Code Amendment was passed and approved April, 1990, by the then presiding City Council.

When I requested in March, 2013, the justification for the City billing me for sidewalk repair, I was sent a copy of Ordinance 1820; this Ordinance raises many questions and concerns:

WHY? Is the budget in the red? What right does the City Council have to make private property owners responsible for the public right of way?

Why is it being used now to harass the residents? Not everyone has deep pockets. Shouldn't the City's budget support the public works?

What is in the budget for street repair/sidewalk repair?

Did the City Council get public input and get the public to buy-in before this ordinance was effected..which was like taxing the public. Can a bond be used to finance sidewalk repairs?

Sidewalk and street pavement problems are not only annoying and dangerous, they can cause vehicle damage. They also are symbols of a city's fiscal dysfunction. The City is over 30 years behind in sidewalk, walk street and driving street repairs, and has miles of streets in need of repairs. Are the residents willing to pay more for what most see as a core function of city government already paid for with existing property taxes? Does Ordinance 1820 sidestep or circumvent the responsibility of the City?

This Ordinance puts the burden on the residents for repairs to a public right of way. It also seems to put residents at risk for liability when "the public" is injured on a public right of way... ..Failure of an abutting owner to maintain the sidewalk....said abutting owner shall be liable to such member of the public."

Neighborhood kids use walk street as playgrounds. Kids are literally bussed into these areas to use walk streets for safe trick or treating on Hallowe'en. Workmen, gardeners, movers, delivery people and mail carriers access walk streets and sidewalks to do their jobs.

The City of Manhattan Beach should be servicing the residents and our tax dollars support this service. Instead, they pass an ordinance that works against the interests of the people they are supposed to serve by, in effect, taxing them.

Manhattan Beach is a regional draw, not some quiet, small, low-activity beach town. Visitors, including children and adults of all ages frequent the area. These visitors park their cars all over town, and use the walk streets and sidewalks to get to the beach, They carry kids, toys, blankets, towels, chairs, cold-cases and return to their cars the same way.

Will subsequent utility repairs on the walk streets cause the recent piecemeal patching to have been done for naught? Any

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Small-Town Character & The Preservation of Our Walkstreet Patios and Landscaping

Martha Andreani

Walkstreet residents look up! A proposed amendment to encroachment development standards will likely come before City Council in June. The amendment relates to the private use of public property such as walk street encroachments, and undeveloped areas next to vehicular streets.

Walkstreets are part of our City's small-town charm. They nurture a sense of residential community and small-town ambiance. Neighbors chat and children play in walkstreet patios and on the walkstreets. Indeed, our walkstreets are supported by many of our City's General Plan goals. Residents who live in walkstreet homes have enjoyed use of attractive "private" patios adjacent to the walkstreets, and pedestrians enjoy a stroll along them. The walkstreets provide a great pathway between the beach and the greenbelt. General Plan Policy LU-3.6 states that the City will "Encourage the beautification of the walkstreets, particularly through the use of landscaping."

A proposed amendment to Title 7.36 of the Manhattan Beach Municipal Code, however, may threaten the beauty and charm of our walkstreets. As part of the City's Strategic Plan, City Council requested that Staff review the tree regulations for walkstreets; specifically, the Council requested review of the regulations related to view obstruction and the "grandfathering" of trees. The amendments to Title 7 will clarify the City's right to remove existing improvements, landscaping, or trees in public encroachment areas. It also attempts to provide more specificity on "scenic views" and landscaping height, as well as adding more information on how planter grades are measured.

Suggested amendments (additions) to encroachment standards include:

7.36.150 A.1. If the owner of adjoining property does not have a valid encroachment permit, the City may remove the encroachment at any time, at the owner's expense. [Many of our walkstreet residents DO have encroachment permits. Many long-time residents with walkstreet patios have patios that were established prior to the encroachment permitting process. It is hoped that the City will give walkstreet property owners who purchased their properties prior to the permitting process the opportunity to retain their landscaping and purchase an encroachment permit.]

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Editor's Column

A new council has been seated and its composition brings promise of needed change and leadership. The more jaded amongst us might reflect that something often happens when the newly seated settle comfortably into their council chairs, are enveloped in the old mantle, and in the process adapt rather than adopt. This time, we have reason to hope, will be different.

Adding to the many issues which will be brought to council in the ensuing months, are the resignations in key positions which will require time and effort to get up to speed: Parks and Recreation Director Richard Gill and Public Works Director Jim Arndt will leave difficult to fill vacancies; The closing of the library in a very few months and still to be addressed is a comprehensive plan which will accommodate residents seeking continued library access; Once again there has been a change in the Traffic Engineer: the return of former engineer Eric Zandvliet is welcome news but it entails previous overview and catch-up.

The Manhattan Mall construction still has open ended questions relating to the impact to residents during the construction period and beyond, and how well the Mall will reflect the image and needs preferred by the citizens of Manhattan Beach.

Still not addressed but issues which will appear on future agendas or requested by residents are those which require discussion: how many more bars/restaurants (with emphasis on bars) can/should this city sustain; Something definitive about the Shade Hotel Conditional Use Permit which was changed without notifying the neighboring residents; The promise of the Ad Hoc committee and whether it will be brought back has still not been assured; the few resolute residents who made valiant efforts to maintain the dialogue left the most recent meeting puzzled, frustrated, saddened.

Transparency and Open Government were welcome terms suggested by the previous council—but the questions remain and this council will be

City Council Report Card					
	Burton	D'Errico	Howorth	Lesser	Powell
Approve preliminary Library Plan	Abstain	Abstain			
Approve: Information System Master Plan					
Approve: Non profit Special Events fee waiver			Absent		



Vote: **YES**



Vote: **NO**

challenged to shed some light where transparency is promised.

The manner in which the Work Plan lists were eliminated into the Strategic Plan remains an open wound for some...now known as the Strategic Plan, the Work Plan as we knew it is forever gone...but the items remain viable for many residents.

A prevailing question is what happens to the requests made by residents during the allocated time at the beginning of each council meeting when a resident may speak on any topic not on that evening's agenda. The Brown Act prohibits council from engaging in a non-agendized discussion, but one subject could be brought back during the end of meeting Other Council Business portion, or a list maintained and during a later staff meeting the issues brought up and a topic selected and placed on a subsequent agenda. A statement made by City Manager Carmany, while perhaps referring to items brought up during an Ad Hoc meeting, said "Staff.. make a list of items that come up during a meeting that need follow-up and/or need to be placed on a future agenda. Those lists will be reviewed at the department head meetings....to ensure it is placed in the future agenda list..."

Application of this to the residents' comments during the Audience Participation segment would give meaning to their presentation, eliminate repeat appearances and give credibility to Open Government.

At one time a former councilperson suggested that a phone call or email to a member would result in a response; but this would be ineffective and non productive: the request by the resident might reflect what others think and it

is important that any resolution be one discussed in public.

There will be issues which will come before council which have been ongoing. It will be most helpful if councilmembers were more familiar with the history of some of the items. Undergrounding and the Refuse City Recovery Cost are just two examples of issues which should be fully understood in order to make a fair decision. Fortunately, all of the foregoing will filter through council meetings during the next months, perhaps years.

The intent here started as a reflection of what we might anticipate as councilmembers take note of resident concerns and some of the issues involved. As initially stated, there is reason to believe this may be a council working on behalf of the residents. This may be a council whose members will express and vote their firm convictions. This may be a council whose majority vote, even if one with which some of us disagree, still is, unquestionably, the best decision to be made. This may be a council for whom transparency and openness are more than words---they are what motivates them. And this will be a council which can lead.

Perhaps we may have one this time.

E.B



MBRA's treasury extends special thanks to the renewal responses sent by members. A special note of appreciation to those who were able to enclose generous additions. You have all helped immeasurably.

Ed note: MBRA member Ed Caprielian submitted a series of articles taken from the Institute for Local Government. We are excerpting one of the articles and will print the others in subsequent Observer issues.

Why Engage the Public?

Cities and counties throughout California are...discovering a number of benefits that can result from the successful engagement of their residents in local decision making.

- **Better identification of the public's values, ideas and recommendations.**

Elections help identify voter preferences, and communication with individual constituents provide additional information to local officials about resident views on various topics....Good public engagement can provide more nuanced and collective views about an issue by a broader spectrum of residents.

- **More informed residents** – about issues and about local agencies

Most residents do not regularly follow local policy matters carefully. While a relatively small number do, most community members are not familiar, for instance, knowledgeable about planning for a new general plan, open space use, or affordable housing. Good public engagement can present opportunities for residents to better understand an issue and its impacts.

- **Improved local agency decision-making and actions,** with better impacts and outcomes

Members of the public...have a sense of the kind of place where they and their families want to live. They can add new voices and new ideas to enrich thinking and planning on topics that concern them.

This kind of knowledge helps ensure that public decisions are optimal for the community...

- **More community buy-in support,** with less contentiousness

Participation helps generate ownership. Involved residents who have helped to shape a proposed policy...will better understand the issue and the reasons for the decisions that are made.

- **More trust- in each other and in local government**

Many forms of public engagement provide opportunity to get behind peoples' statements and understand the reasons for what they think and say. This helps enhance understanding and respect

among the participants. It also inspires confidence that problems can be solved.

- **Higher rates of community participation** and leadership development

Engaging the public in new ways offers additional opportunities for people to take part in the civic and political life of their community....These are avenues for not only contributing to local decisions but for residents to gain knowledge, experience and confidence in the workings of their local government.... In whatever role they choose, these are individuals who will be more prepared and more qualified as informed residents, involved citizens and future leaders.



Wondering About a Work Plan?

If you have been searching for the Work Plan, go no further. The Work Plan, and the quarterly review for updates, no longer exist.

Over the years, possibly commencing in 2008, items of interest to the city and its residents were listed for discussion and eventual implementation. It was a To Do list. But just as the Sorcerer's Apprentice was overwhelmed by a continuing onset, so, too, did the city find there were so many items that kept piling up they could not get through them.

The 2011-2012 Work Plan listed 35 items to consider and an additional list of 2009-2010 carry-over as well as the previous year were also listed. And so a Strategic Plan evolved; this was based on a concept initially conceived by residents Ed Caprielian and Gerry O'Connor who suggested a plan with a broader perspective policy focus'd plan. It was never intended to replace the Work Plan, but there was an unintended outcome:

A concept that was put forth by the facilitator hired to do the Strategic Plan. To his credit, Councilman Powell objected at the time, but other council members, perhaps paying minimal attention, gave approval to the facilitator's proposal.

A previous council decided what items to carry into the new plan and a number of the original items did not make the list. Some assurances have been given that the Work Plan items are not lost, but are still on the work plan web site. Some have been transitioned into the Strategic Plan; for example, the former pedestrian study is now part of the larger Mobility Element. The Matrix informs that the city adopted a Strategic Plan and no longer utilizes the quarterly work plan concept. We now have twice-yearly Strategic Plan meetings.

It should be noted that councils change and recently elected members have not participated in previous Work Plan additions or deletions; their priorities might change. Still to be determined is the list of items deemed to be completed and anything that was still in process.

Management Analyst Clay Curtin, as always informed and patiently helpful, suggested residents who have a work plan item of interest to them could introduce it to council to bring back the issue. Asked about the process during which City Manager and some Council members arbitrarily selected what they thought were or were not significant items, Curtin replied, "They did not decide which items to drop. They decided which items to keep.".....Curtin say he definitely is not a politician, but his response is worthy of the best of them---

Meanwhile, perhaps there would be merit in compiling a comprehensive list of those former Work Plan items which have been combined into a larger category and added to the list of Strategic objectives.

EB



Make a Citizen's Request. Get an unexpected window into how our City Administration and City Government works.

by Peter Goodwin & Mary Anderson

We'll start by telling you the end of our story — the result of our 10-month journey. On March 6th the City Council unanimously voted to grant our Citizens' Request to remove a public parking place abutting the front of our home. We fought City Hall and won. We should be happy. Mission accomplished, right? So, why write about it now? Because for nearly a year this trying, time-consuming, emotional and often nonsensical process had surprising twists and turns with absolutely no management of our expectations by the City at any time along the way. We could write a book, or even a screenplay, about our experience. An exaggeration? Only slightly.

About Us. We purchased our home in 2006 — with the parking space. We didn't know the nuisance it would quickly, and repeatedly, become. We love Manhattan Beach and feel fortunate to live here. We're newbies at engaging City Hall. We both have careers in brand marketing, heavy on creating exceptional customer service experiences. We were extremely naïve about our City's concept of "customer service." We actually thought it probably patterned the increasing democratization of customer service.

History Lesson. Through painstaking investigation into the parking space's origin — often resisted, delayed or dismissed by the City Administration — we discovered it was created in 2004, just as the new home construction was completed. It was positioned at the very front of this uniquely designed and significantly higher than before tax-base home. The architectural plans were approved by the City's Planning Commission — without a parking space. It was installed without warning — before the original owners moved in. It reversed at least a two-decade "no parking" precedent. Dubious origins to say the least.

Our Citizens' Request. Remove the 18-foot parking space abutting the front of our 30-foot wide corner lot Sand Section home

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PARKING STRUGGLES AT JOSLYN COMMUNITY CENTER

by Madonna Newburg, MBRA Senior Liaison

The ongoing struggle to find a parking space near the Joslyn Center seems to be getting worse, especially as the summer approaches. The parking lots and the parking spaces along Valley Blvd. are full nearly 24 hours. During the peak hours of youth and senior activities in that area, a parking space is almost impossible to find.

What is the solution to this problem? There seems to be no ready answer but the City Council and the community need to put effort into addressing the issue.

The MB Senior Advisory Committee at its March meeting with Parks and Rec. discussed the issue and voted a Resolution to present to the Parks and Recreation Commission on April 1, 2013. The Resolution stated, "The Senior Advisory

Committee urges the City to explore parking options around the Joslyn Center on Mondays through Fridays from 8AM to 5PM to accommodate a growing number of older adults who are attending classes, activities and special events." Public input suggested solutions such as limiting hours of parking, designating more spaces as "Senior Parking Only" at certain times and urging the Parking Commission, the Traffic Engineer/Public Parking Dept. to get involved in solutions to the problem.

The parking problem has been referred to the Traffic Engineering/Public Parking Dept. for a parking study. If it is deemed that the situation needs changing, it will be referred to the Parking Commission for public hearings and to the City Council for decisions.

It seems like a long process but a necessary one. In the meantime, many older adults are discouraged from trying to attend programs. Car pooling and the Dial-A-Ride service help in some situations. Seniors will help to do what is necessary to get possible solutions but we do want the problem worked on and resolved in a timely manner. Senior activities will increase as our older population increases and Manhattan Beach needs to be ready for that.



Questionable Switch Revealed

Ten years and problems remain. Residents whose homes face the Shade Hotel continue to ask 'When' and 'How much longer...'

Noise responsible for sleep deprivation for some and inadequate enforcement by the city contribute to the ongoing Shade Hotel saga.

The current controversy resulted from a switch from an approved 2010 conditional Use Permit to a less restrictive 2005 version. The draconian change in the Use Permit requires a public hearing---which did not happen. Asked why there was no notice to residents of the proposed change, a Community Development Planner's astonishing reply was "It's not required".

Resident Steve Wible stated that the 2010 CUP required Mr. Zislis to modify his building, cut the noise level and then the additional hour he requested would kick in. "We had to approve that after the work was done, but it wasn't even started," Wible explained, "and he is staying open an hour later anyway".

Asked how long the residents had been beleaguered by noise from the Shade, Wible replied that there were disturbances from the day the project broke ground, perhaps in 2003-4, when workers started their work at 6:00 a.m...."and when the doors opened in 2005, we noticed the noise immediately".

There were numerous public hearings before the Planning Commission and an appeal to the City Council to obtain a Use Permit which would abate noise in the adjoining residents' neighborhood; some positive changes were effected, but noise annoyances remain and with them the attending quality of life disturbances.

It was in 2010, when Council approved the new Conditional Use Permit; this ;physical noise mitigation, residents thought, would now bring desired relief. However, the Zislis group did not comply with the recommended contingency and city staff returned to the 2005 version...which is not enforceable.

"I wish," Wible reflected, "some of the council people could realize the kind of impact the Shade Hotel has had on us. Even though they live in Manhattan Beach, they don't live across the street from it."

Now, once again, the residents hope there will be a council agenda item which will address issues of the 2010 and 2005 CUP switch, and assure a previous noise element abatement as well as trusted enforcement.

"Enforcement," Wible emphasized, "is the key...of five years have been thrown down the drain.---Zislis," he added, "wants the extended hour and we want the noise reduced."

(Note: See detailed article by Don McPherson, Page 1, this issue)



City Hall Update

What may be the final word on the Manhattan Beach library closing: it will close in June and construction will start in the Fall. During the library's lot line council discussion, some residents asked whether the library's glass walls would make for additional sun glare. Responding to a similar question during a December,2010 Planning Commission meeting, library architect Mr. Favaro commented that the library in Lawndale had been built with all glass and does have issues regarding sunlight coming into the library... and that Manhattan Beach can learn from the project. The question remains: What has been learned and how does it apply to our projected glass walls..

We commend Councilman Burton and Councilman D'Errico for abstaining from voting on the library issue; as newly elected council members, they did not want to take action when they were not fully informed on the issues... A refreshing., perhaps innovative, approach....

Former Traffic Engineer Eric Zandvliet has once again accepted the role he previously held...and the Ordinance amending speed limits was on the April 16 agenda. Speed zones are primarily established to protect the public from unreasonable behavior of reckless drivers. Speed limits at or near the 85th percentile are defined as the speed at or below which 85 percent of traffic is moving. In the recent traffic study, five street segments with special conditions were surveyed and found to be eligible for a proposed speed limit below that of the 85th percentile. The posted speed limit for those streets will read 25mph. Drivers..take note.

The City's proposed new Information Systems Master Plan was discussed at length during the April 16 City Council meeting, during which approval of the plan as a guide was made in a 4-1 vote. No specific project funding was approved; if the plan calls for a specific project to be done fiscal year 2013-14, which starts in July, those will be included in the upcoming budget discussion. One staff proponent thought this was a project now overdue.. and while some of the things may change as technology changes, he felt it was a good road map. The estimated cost for five years will require substantial resident discussion. The budget meetings are scheduled for May 9, 14, 16.

A special tribute to City Finance Controller Henry Mizner whose 40 years working in Manhattan Beach cover a legacy of commitment and dedicated service.



Users Guide to the Upcoming Budget

By Gary Osterhout

The City's development of next fiscal year's city budget starts in May, with finalization in June. The City has never tried to make this process user-friendly to the residents, and this year is not expected to be an exception. The chosen format is merely to tie nicely into the City's accounting system, not to educate or to express what we find important and why. Remember from the recent Beach Reporter article that the current City Controller, who is largely responsible for the budget, has been here 40 years and works with the budget on a daily basis. Do not try to duplicate his knowledge or try to unravel the Gordian Knot 40 years in the making.

My approach to the budget is first to read the City Manager's Budget Message. Most of this is rehash of material discussed for the past ten years, and much is hyperbole, but if there is any significant change anticipated, or anything residents and the Council should be attentive to, its generally in there.

Next, review the Schedule of Reserved and Designated Fund Balances. This is basically a placemat of where our money flows, and where it is tied up in reserves. If you do not understand this schedule, it is likely that you are not going to understand the budget. But, do not give up. You are not the one to blame for not understanding your own City's budget.

If you do understand the Fund Balances schedule, then you might proceed to determine if we are spending money in the right categories based on what you think the City's priorities should be. If you do not understand the Schedule, then pick any category of spending of interest, and try to trace throughout the budget to where it is discussed. If you cannot find the information, ask any councilperson where that information is. However, expect your question to be turned over to Bruce Moe, as I have found that generally a councilperson does not understand the budget, either. If you want some tangible exercises to practice, consider the following:

I. What's Going on with the City Recovery Fee?

A long-standing topic of concern to many MBRAers is the "City Recovery Fee" (or whatever the City is calling it these days) added on to the trash fee that is supposed to compensate the General Fund (the basic of all funds) for internal work done or cost incurred by City Hall in the conduct of the Trash Fund (a separate fund supported directly by the trash fees). This fee allows City Hall to "charge" the Trash Fund for such services. The Mayor recently said the support for the Recovery Fee will be reviewed this August, when the City will again engage a firm to do a "cost study" to determine the pool of costs that can be recovered through this fee.

The trouble many of us have with this cost pool study is the exaggerated extent the consultant is asked to develop costs. Many of us would be fine with the direct costs, but this cost pool approach goes to five iterations of indirect costs, so that even City Hall lighting costs go into the fee. This unsettles many residents because it represents an overaggressive approach that ultimately results in more money from our pockets to pay for costs that would continue to exist and be paid through the General Fund

even if we did not have a trash function. And that also smacks of a tax increase (so raise an eyebrow next time a councilmember says they balanced the budget without raising taxes).

Council has at least paid lip service to resident concerns about the fee. But knowing the mechanics behind the fee helps to understand why an August cost review will not be resident-friendly. This same shell-game occurred the last time the fee was to be set.

This is how it works: Staff incorporates the aggressive General Fund "cost savings" throughout the budget and the Council passes the budget. A few months later, Council is asked to set the fee for the "Cost Recovery." Residents protest that the fee is too high. Council pretends to agree with the residents, but then Staff tells Council that if the fee is reduced then Council will need to go back into the budget to reallocate the "lost" savings—a herculean effort since the cost pool is pervasive throughout the budget. So Council "regretfully" passes the fee to generate revenue sufficient to cover the previously budgeted savings, residents forget they have been scammed again, and the kabuki continues for another year.

II. What's With City Employee Salaries?

Typically around budget time, we hear that cost savings is difficult because "70% of the budget is city employee compensation costs" as if that figure forecloses any debate. This statement, however, rings to me in two ways:

First, that if this is the largest component of the city budget, then that would seem to be the place where we need to look for savings or unnecessary spending.

Second, if this is the largest component of the city budget, why is there so little information provided for that category. In that regard, the only information in the budget or on the City's website is some rather useless salary ranges by classification. There are no names associated with each class, nor definitive salaries by person. There is no information as to how much vacation the person earns or cashed-in the previous year, or the amount of that person's projected annual retirement benefit. One cannot easily determine how many holidays per year an employee gets. One has to be very conversant with City policies to know that City Hall management non-union staff automatically get certain benefits negotiated by the union employees.

If the City was seriously intent on providing residents information, all such information would be gathered and appropriately aggregated in one place for comprehensive evaluation. It is all public information that is currently so dispersed that it is functionally inaccessible to the average resident.

As an example where the City already publishes much more useful information on our City employees, see the California State Controller's website feature at <http://publicpay.ca.gov/>. You can then navigate to Manhattan Beach (or practically any other locality in California) to see what people are getting paid. Of course, in respect to current retirees, access this database for those retirees from Manhattan Beach getting over \$100,000 per year: <http://www.fixpensionsfirst.com/calpers-database/>.

III. What's with the Strand Mess?

As I stated earlier, even if you do not understand the totality of the budget, there is no reason to feel uncomfortable in participating

Undergrounding Update

by Michelle Murphy

Rumors of the death of the undergrounding of utilities in Manhattan Beach have been greatly exaggerated. In 2010, City Council approved further work on 3 districts. As of April 2013 those three districts are still in the utility pricing stage with Edison having finished with districts 12 and 14 (so now it's back to Verizon and other utilities) and District 15 being a bit farther behind in the process. It's not clear how soon the utility pricing stage will be finished. Whenever this stage does end, the property owners in the districts will vote yes or no on undergrounding at a cost almost sure to be more than double original predictions. Everything about undergrounding takes longer and costs more than any predictions.

MBRA has heard that three new areas of town have approached the city about their interest in forming undergrounding districts. City Council has declared a moratorium on new districts, but because of this "demand," the city has just scheduled the issue to be discussed at July 10th's Strategic Planning meeting.

Even though recently elected council members all indicated during their campaigns that they thought undergrounding is too expensive and divisive, residents need to be ready for a possible new round of undergrounding fights. If the future looks like the past, and it often does, the issue will pit richer, often newer, residents against poorer, often older, residents over spending a chunk of residents' money to create better views for some.



(Ed note: An excellent and informative article about the Ad Hoc proceedings, written by Gary Osterhout, was printed in the September, 2012 Observer. A copy is available if requested. The following is a brief overview of what appears to be an open-ended issue)

Is the Ad Hoc Now Ad Referendum

In 2001 an Ad Hoc Open Government subcommittee was formed to make recommendations to the City Council regarding open government initiatives. Its formation followed the March, 2011 Richard McGee settlement regarding alleged City violations of the State Brown Act and the California Public Records Act. The settlement required the City Manager to develop and adopt a protocol for responding to public records requests. This was itemized in a Matrix drawn up stating "...develop an administrative policy setting Public Records Act procedures ensuring compliance with the law..."

Two councilmembers, Mayor Lesser and Mayor Pro Tem Howorth were appointed to head the subcommittee which subsequently held a number of meetings to receive public input and develop initiatives to address the open government concept. The most recent meeting was held March 12, 2013; comments by the residents who have been closely monitoring the meetings will follow this brief explanation of some terms:

Sunshine Ordinance: To protect transparency in government, every state has some type of law mandating that government business be conducted in open to which the public has access—sometimes referred to as "sunshine laws". In California, the Brown Act is California's sunshine law.

The Brown Act: In 1953, the California Legislature passed the Ralph M. Brown Act, California's "Open Meeting Law" which required all local government boards to post agendas and meet in public.

The Matrix: refers to compartmentalized items to be effected, with the description, manner of accomplishment, challenges, and current status.

The California Public Records Act: Establishes and guides the public's right to access records concerning the conduct of the people's business. The McKee settlement agreement delegated

the authority to the city manager to develop and adopt a Public Records Act protocol.

Transparency: Defined as "fine or sheer enough to be seen through"---more than the explanation given by the attending attorney who referred to it as "allowing residents to participate in government."

The few residents who attended every Ad Hoc meeting engaged the Subcommittee in discussions, questioned and made suggestions and voiced the concerns which were stated because they recognized the need for true exploration. At one meeting there was a prolonged and unresolved discussion about the meaning and purpose of the Sunshine Ordinance.

Asked about the most recent Ad Hoc March 12 meeting, and whether there would be any further meetings, the dedicated Gerry O'Connor told the Observer that he felt the councilpersons were avoiding the question, and thought that the fact they were not going to have any more meetings was an admission of failure because they really "haven't accomplished anything of substance".

Dr. Ed Caprielian, whose advocacy of open government has been long established, commented after the last meeting that "It was a charade". He felt no actions whatsoever had been taken based on the recommendations made by the attending residents, but had been listened to with a response of "OK", and we are going back to Council with all this..."

....The April 16 City Council agenda stated a Report from the Ad Hoc Open Government Subcommittee. The Background information listed what was referred to as "many helpful suggestions" from the public, including the ones listed in the Matrix...but none of the more substantive comments which the same helpful residents presented for discussion, were noted or included for the hoped for discussion.

The direction pointing to future open government initiatives and whether the Ad Hoc Subcommittee would continue was not resolved at the agendized meeting. Council decided that, because of other protracted agenda items discussed, the hour was too late to introduce the Ad Hoc issue. It was determined that the Report would be postponed, probably to return in May.



What Makes a Good Councilmember

By Gary Osterhout

Last Observer issue I listed those qualities I would be looking for in selecting a councilmember to vote for. Recently (as I suppose others might have been), I was asked "what makes a good councilmember"

The following was my reply:

What I believe is a "good" councilmember is manifold but simple. Simply, "make it make sense."

No doubt this means developing and adhering to master plans and timetables, developing a unified concept of where we are heading as a community, offering empirical analysis to support your decisions, enforcing the rules we have on the books, developing rules where there are currently tacit policies, supplying information beyond the superficial, making complex information understandable, eschewing bathos, and empathizing with those on the "other side of the dais." So, a simple concept that takes a bit of work--but none that would not be expected of someone who wants to be a good councilmember.

But here are a few specific thoughts for consideration on how to be a good councilmember:

- Continually solicit answers to this question, and perform frequent self-evaluations.
- Realize that you are a member of a council of a small town. No matter how others try to elevate you, keep remembering that..
- You will be re-elected no matter what you do; but community consensus is critical if you want to do something meaningful and significant beyond that. As you noticed by the last election, few people turn out to vote for council and most are

City Hall supporters by default. Anything meaningful would likely take some voted indebtedness, like a tax increase/bond issue. The school district construction bond notwithstanding, no one has been able to achieve such for the City, despite surveys showing tremendous resident satisfaction with City Hall. City Hall has even shied away with raising taxes for the special districts. So conduct your business to that end, not just to be re-elected.

- Be an advocate for the residents. Your position is not to be an advocate for City Hall staff to the residents. Nor are you there merely as intercession between those parties.
- Employ independent intelligence. You do not have "cover" for your decisions because there are "4 other councilmembers" involved in the decision. There is nothing wrong with being the sole "no" vote.
- You are not there to achieve a 100% consensus vote on every issue. A reasoned opposition is healthy, and consensus often leads to dilution of the effectiveness of a decision.
- Be truly passionate about one or two tangible issues, and let people know what those passions are.
- Walk or drive around town and ask yourself "how would I improve that." Then advance that thought. Don't take "no" or "later" for an answer. Have high standards.
- Do not let the inmates run the asylum.
- Do not let the City Manager become a surrogate mayor or central figurehead. The city manager is an administrator; his deputies are administrators. They are not policymakers. That's your job.
- Recognize that we are a very wealthy city. Without a focus toward future needs or desires, it is easy to not intensely scrutinize what you are spending money on. Embargoing money in unnecessary reserves is not a surrogate for actual planning for the future.
- As a friend once said in respect to measured frugality: "Government will never run out of good things to fund." There will be frequent great causes to back and programs to fund. We cannot do everything. We do not have to be in the vanguard of

Continue page 13

All the facts are not yet known or substantiated so details will be omitted to avoid speculation. The following is a brief outline of what we have been told by the person involved:

An Ardmore Ave. resident's daughter looked out her bedroom window and noticed something hovering outside and which then crashed into the bushes in the family's side yard. When she reached for the object, it took off again, the propellers cutting her finger, and it continued hovering. A towel was produced and thrown on top of what is called 'Telecopter' or as referred by the police, who were called to the home, as a 'toy telecopter'.

The Ardmore resident referred to this as a drone because it is pilotless driven, remote controlled,

about 15 inches tall and one-and-a-half to two feet wide. It has four propellers, a battery pack and cameras and lights. Its costs is \$3800.00. The Ardmore father stated he has seen some of these with the ability to shoot overhead, used by land surveyors.

The serial number was traced by the police to a hobby shop and the name of the item's purchaser is known, To date, despite medical expenses for the daughter's injured finger, there appears to have been no word from the object's owner. Not yet known also, is why and how the item (aka toy, instrument, drone, telecopter) hovered outside the young resident's window at night.



residents would be more difficult to remove if needed in the future than those funded and planted by City efforts.

Having a Master Plan where everyone is referencing the same plans and procedures, with common knowledge of the objectives, makes for better decision-making and community relations.

The current Veterans Parkway Master Plan initiative (and a variety of similar initiatives) is to address just those principles. The City Council engaged a consulting company, Mia Lehrer & Associates, to develop such a plan and lead the public involvement component of the project. The consultant's fee is \$37,230, approved back in December 2012, from funds budget in June (for the current fiscal year).

The Consultant has been asked to address (per the City's press release):

- Site Analysis and Assessment
- Development of Community Outreach, Public Input Process, and Consensus Building
- Parkway Master Plan Schematics and Plant Palette;
- Cost Estimates and Maintenance Plan;
- Policy for Donations and Volunteers; and a
- Presentation to City Council for Action

The first two meetings have basically been a presentation of what could be done under the parameters provided by the Council, with input primarily received from the public by individual meeting participants writing their comments on a map placed on the meeting room wall.

The premise of this article, though, is the apparent lack of real community decision-making, when there is so much opportunity for residents to come together on a topic all have a pretty good idea about. While the Consultant's proposal calls for a "Community Outreach effort," and "to build resident support for the project," and "solicit community comment on the parkway design," what really seems to be happening is that the consultant is advancing their own "off-the-shelf" design concepts, merely paying lip-service to resident participation, and soliciting community comments merely as window-dressing without substance. There has been no effort even approaching the City's press release objective of "consensus building."

If you wish an example, navigate the City's website to the "Going Green" page, and click on the "Community Workshop Details" under Veterans Parkway. The only "Recommended Concepts" are some randomized participating jottings, with little context and especially no feel for how pervasive the sentiments are. As someone pointed out at the second meeting, the responses are merely the responses of those who came to the first meeting, and then only those that cared to write something on the wall.

Frankly, I like the proposals advanced by the Consultants, but in terms of good process that means nothing. What is important is that residents feel they have been heard, and that there has been a robust discussion of the issues.

What would make this process go all the better would have been for City Staff to really address the purpose of the Master Plan and other questions advanced by residents, even if City Staff did not want to address those questions at the time. Our City Staff never seems to learn that it is the unaddressed issues that create animosity, resentment, and opposition.

Thus, since outside of the process I like most of the landscape concepts presented, I am going to give a few of these questions a try, based on my personal thoughts.

Why do we need to Master Plan. I hope I addressed this above. In short, in a community of 32,000 opinions, it is important to plan and come to a central agreement. One man's meat is another man's poison. People cannot use city property just because they have the best of intentions. Those who fail to plan, plan to fail. Proper planning prevents poor performance.

Cost of the current project. As indicated earlier, the Consultants fee at this point is about \$40,000.

What will be the total cost of the proposed landscaping project. Certainly the Consultant could come up with an estimate of total costs, and certainly it will be sizable, but it is very unlikely that the project would be done at one time, or even over a relatively short time. While I generally do not believe that volunteer funding of city amenities is good in the long run, nor any other involvement of residents such that participants begin to feel they have a proprietary interest in public property, if properly managed I could see us landscaping the entire parkway with efforts similar to Leadership Manhattan Beach's development of the sustainable plantings at the Post Office.

What process will be used to determine what specifically goes where. Currently the Consultant is advancing a concept where there will be "microcommunities" of plants which go together and grow together. And in addition to plants, there are concepts of passive use areas (for activities such as yoga, or kicking a ball back and forth or playing catch). The Consultant stated that City Staff will make sure people are involved in such decisions. In my opinion, that is not something our current City Staff is likely to do. As such, the City Council has to make it quite clear and specific what process WILL be used.

What is the issue with Ice Plant. The ice plant we have on the parkway is (i) costly to maintain; (ii) is damaging to slopes (see the hill on the west side of Bell on the south side of the Sand Dune Park greenbelt as an example); (iii) makes the ground impermeable to water absorption; (iv) is non-native and thus incompatible with some objectives of attracting native flora and fauna; and (v) chokes other growth. The ice plant was planted in the early part of the 20th Century for sand stabilization due to its fast growth. There are other more beneficial alternatives.

Current plantings keep down noise. This is good comment that needs addressed especially to residents along Valley Drive from Blanche to Flournoy. Perhaps they are correct, and no other

Veterans Parkwaycont' d p. 10

alternative will serve as well as the current plantings—but they need to have some good outreach to their group outside the general community meetings in order for them to be comfortable with the project. Frankly, I would think that the area adjacent to their properties would be one of the last touched, if at all. But they rightfully need some assurances.

The chip surface needs improved. There are likely a number of opinions on this topic, but Council has never arranged for a good discussion of why we use, what we use. Personally, as a Parkway runner, I like the smallest practical woodchips that are currently being used. I understand that much of this material is recycled wood. I find the more “natural” leaves and branches lacking in that the leaves quickly breakdown to dust, and the branches are often too long.

The new amenities will just attract more people and more noise. I personally doubt this will happen, but if it does any “nuisance” could be quickly re-designed or eliminated. But any of the “amenities” such as a place to play catch, or to sit on a

group of rocks, seem benign at best. And I have to submit that given that the entire Los Angeles area is “park poor” in respect to our population, we have to make sure that we are getting the most optimum usage out of our available spaces. I wonder about the many times it seems we deny ourselves some nice amenities out of concern people will use them. Most of us have insufficient backyards, and basic planning suggests we need to address this necessary space with alternative locations.

What is wrong with the current Parkway? Maybe the answer is that there is so much more we can do with this space to make our lives more enriched. I like the proposals of plantings to encourage birds and butterflies, and a variety of neighborhood-serving and neighborhood-friendly amenities. But even looking at all the current grassy areas not used for anything, or the lack of shrubs where obviously shrubs are meant to grow, or the preponderance of oleander and ice plant seems to argue itself that some change could not be all bad.

City Pulledcont' d p. 1

Subsequently, Public Record Act (PRA) requests have exposed a years-long documented trail of misrepresentation by city staff regarding enforcement of the use permit, starting shortly after its 2010 approval and continuing to present.

The City CUP Shell Game. The 2010 CUP at Section 5 states, “This resolution shall take effect immediately.” Additionally, Finding Y in the use permit unequivocally repealed the previous 2005 CUP, as of the new use permit approval on September 7, 2010.

In an internal memo sent to the police, also dated September 2010, the city Planning Department misstated the above plain-English requirements, to wit, that the 2005 CUP will remain in effect, until the Zislis Group implemented the noise mitigation measures.

This led to confusion, as caused by staff, that the police enforced the old repealed use permit, while residents correctly believed the new use permit had taken effect.

The most apparent disconnect relates to closing time, which the 2010 CUP defines as all glasses, bottles, cans and drinks picked up from hotel guests and public alike. Residents frequently observe bar patrons being carded and entering Shade well after the 11 PM closing time, blatant violations that they complained about in emails to city officials.

Unaware of requirements in the 2010 CUP, however, the police followed staff’s direction to enforce the previous repealed 2005 CUP, which does not define closing time. Furthermore, the hotel operates 24 hours a day, so the MBPD had no way to differentiate hotel guests from the public, which makes enforcement impossible.

The planning commission had specifically solved this very problem that the hotel runs 24/7, by defining closing in the 2010 CUP, as all drinks picked up from both guests and public.

Newly-appointed Police Chief Eve Irvine expressed

her frustration over the situation in a November 2011 email to City Manager David Carmany, stating, “I’m not sure if either side of this issue is forthcoming with the real CUP restrictions and requirements. I am certainly confused...” Chief Irvine requested a meeting with staff to resolve the imbroglio.

In response to a PRA request, the city provided no records from the ensuing meeting of the police chief with the city manager and community development director, other than confirmation the MBPD should continue to enforce the old repealed 2005 CUP.

Now, fast-forward more than a year, through continuing Shade noise and neighborhood complaints, to the recent February 19 meeting of the city council, at which residents demanded a stop to the disturbances.

Immediately following that Public Participation agenda item, Planning Manager Laurie Jester testified the Zislis Group and its architect had worked with the Building Department “many, many months,” but building-code issues had prevented implementation of the noise mitigation measures required by the 2010 CUP. Therefore it could not take effect.

As result of a PRA request on the alleged code matter, the city clerk office responded that no records exist regarding interactions between Shade and the Building Department on proposed implementation of noise abatement structures. A second PRA request asked for all communications since 2010, between Shade representatives and the City, but Community Development failed to provide any. The “many, many months” of design analysis did not result in a single email, drawing, or memo, not even a sketch on a Shade Zinc-Bar cocktail napkin.

City staff therefore relegated the Shade 2010 CUP to the trash, without any evidence to substantiate and memorialize their decision.

For example, at the October 26, 2011 planning

City Pulledcont' d p. 11

commission meeting, Community Development Director Richard Thompson testified to commissioners that problems with fire access prevented implementation of noise mitigation enclosures required by the 2010 CUP. Likewise, prior to the Shade neighbors' testimony at the recent February 19 council meeting, City Manager Carmany emailed a resident, that Shade "ran into building & safety issues when designing the patio enclosure."

During the years since the 2010 CUP approval, city officials have consistently claimed that building codes prevent implementation of noise mitigation measures required for Shade, but in response to PRA requests, they have not provided any evidence to prove their case.

In a follow-up report to the city council at the March 6 meeting, Mr. Carmany testified that under state law, "...use permits are not operative until all conditions satisfied."

A Public Records Act request demanded the identity of the alleged 'state law', but the City took refuge from responding, by pleading attorney-client privilege. Staff could resolve this issue of their Shade CUP switcheroo in one fell swoop, by disclosing the state statute on which the City argument depends. By hiding behind a legal technicality, however, they obviously have no confidence in their case for having junked the 2010 CUP, in favor of its repealed predecessor, the 2005 CUP.

What to Do? Public presentations at the February 19 and March 6 council meetings destroyed the staff argument that building codes prevent the 2010 CUP from taking effect. More importantly, staff cannot provide a single document that supports their case. At the March 6 meeting, the city manager made the pitiful argument that 'state law' keeps the old repealed 2005 CUP in effect, but the City refuses to disclose the statutes on which they rely.

The time has come for the city council to schedule an agenda business item and resolve the question. Which Shade use permit rules, the 2010 version, or the old repealed 2005 CUP?

Sidewalk Solutions...cont' d p. 2

piecemeal patching should be coordinated with any future/planned pipe (utility) work.

Previous utility patches that go the length of the walk street, where pipes were located, should be the responsibility of the City and the Utility, to correct any problems that have arisen.

Walk streets should not be considered sidewalks. They are a different animal. Walk streets are not sidewalks: wedding and parties are conducted with DJ's, inflatable toys/jumping jacks, games, rented tables and chairs, catered food, etc.

This Ordinance will not make residents feel very generous toward contributions to: police, fire department, schools, fireworks or any of the many other City contributions asking for money.

What are the steps necessary to remove Ordinance 1820 from the Manhattan Beach Municipal Code?

Ed. Note: During the Other Council business report at the conclusion of the April 2, City Council meeting, Mayor Lesser, referring to the resident's discussion during the earlier Audience Participation segment, inquired whether there was support from council colleagues to agendaize a sidewalk discussion. It was approved and may be on the July 2, 2013 council agenda. Residents are urged to attend this meeting which has been a source of long concern to residents.



Note: Views expressed in Observer articles reflect only those of the author.

Smalltown Charact...cont' d p. 2

7.36.151 A.2 The owner of the adjoining property does not have any rights to existing improvements, landscaping, or trees located in the public right of way, whether or not an encroachment permit was obtained or required. This includes improvements, landscaping, or trees installed prior to the City's adoption of encroachment standards. [Why have a permitting process – an expensive one at that! – if the permit provides no proprietary rights? Certainly at a minimum, a "grandfather clause" is justified to protect the property owner's investment and community beautification of the walkstreet homes.]

7.36.152 A.3 As noted in Section 7.36.030, a permit is required for all encroachments. The issuance of a permit does not confer any proprietary interest in the City's public property. [See above.]

With respect to "views", the proposed amendment suggests that the words "neighboring resident's" be deleted. The reason for the deletion is "for clarification purposes".

7.36.150 A.9 Obstructions to neighboring resident's scenic views shall be avoided. [Eliminating the words "neighboring resident's" opens the door for anyone to complain...a disgruntled neighbor from another neighborhood, a disgruntled passer-by. This statement doesn't clarify anything. Manhattan Beach does NOT have a view ordinance. Maybe we need one....But tree removal to enhance a view?!? I think I shall never see a 2- or 3-story concrete wall that is as pretty as a tree.]

Protect our residential neighborhoods. Protect our environment with trees and landscaping. It is anticipated that the matter of walkstreet encroachment permits may come before City Council on JUNE 18. Watch for public notices and City Council Agendas for the exact date. Be involved in protecting and beautifying our walkstreets. Be involved in protecting our small-town charm.



What Makes a Good Council....cont' d

every issue. Be selective, focused, and prudent. "Be not the first by whom the new are tried, Nor yet the last to lay the old aside."

- In respect to "economic development," the real engine is attracting wealthy people to your community. Maintaining the city to high standards in respect to the "police powers," including the schools, is the best way to do this. A travel/vacation bureau is another. All business can otherwise ask is for good police/fire services, good road maintenance, and efficient City Hall permitting and review. Recognize the businesses are there at our pleasure; residents and businesses are not co-equal partners.
- Consider the following poignant thought: "What would our cities look like if they were not designed for the chief purpose of raising our children?"
- Another thought I've found poignant: "A councilmember is only as good as their last decision; they have to prove their worth every day." Don't rest on your laurels.
- Actively research issues and approaches. Most Staff reports are just "mailed in" without effort. The Internet, and a lot of websites, provide more insight than our Staff seeks to provide.
- Recognize that others understand that the best route to self-promotion is to get the City to endorse their project or product. Be cautious.
- Demand standards be set. That is essential for accountability.
- The worse thing coming out of the Dolan administration was the apparent edict that all staff communications must, first, promote for City Hall. This has distorted the way we evaluate

things. It has actually reinforced the first rule of managerial self-preservation: "The way to personal success is to create more programs under your management."

- Tread lightly on promoting programs designed to foster a "behavioral change" in residents.
 - Beware programs foisted on us by the South Bay COG. Our needs are often not congruent with other South Bay cities. Our affinity is more with El Segundo and Hermosa than PV or Torrance. I'm all for regional cooperation, but I'm often concerned that the other cities see us as a pocketbook or a source of customers.
 - Recognize that City budgets are not complex. Someone good with budgets and numbers can easily make them understood by the average resident--if they want to.
 - Reach out to small groups of concerned citizens to discuss the city in general terms (not their pet projects)--and not the same people all the time. Seek out and form those groups if needed.
 - Recognize that a dynamic government embraces a lot of informed people with divergent ideas and, more particularly, vision. Make such selections for your Commissions, and empower them to be more than City Hall cheerleaders or sycophants.
 - Avoid "squeaky wheel" decisions or politics.
 - A good political decision is not when everyone is equally dissatisfied.
 - Do not operate on decisions based on the ends justifying the means.
-

Make a Citizens Request... cont' d from p5

on a non-standard (no curbs or sidewalks, narrow and sloped) "Place" street. Return this location to its historical "no parking" status. Why? Because over the years, cars parking in the space regularly hit and caused costly damage to the wall at the corner — and thousands of dollars damage to the cars themselves. It blocked 5 feet of an 8-foot wide main entrance walkway while also blocking the only ground level open space. The walkway was often fully restricted by drivers not parking within the pavement markings. The space was just 3 feet from our next-door neighbor's carport making entry and exit difficult.

Frivolous and Ridiculous for Asking. Yes, we know what you're thinking. Parking is at a premium in here. Trying to remove even one space, you're going to have the fight of your life. We knew we would meet resistance — which is why we endured the parking space as long as we. But we had no idea at the outset the dedication and commitment the process would entail and require.

Highlights, Insights, Sentiments & Observations

- This was a ten-month, multi-step process — from the filing of the Citizens' Request to the end when a "No Parking Within 25 Feet of Sign" posting was installed. Oh, wait. We just used the word "end." Truth be told, we're not certain it's over. As of the writing of this article, we have not received an answer from the City Council

or City Attorney if it is over, or, in fact, if this issue can be re-opened or re-considered as requested by some neighbors.

- The "no parking" precedent was called into question a few times and still is by some. Complicating this is the City's complacent stance on enforcing some no-parking zones, especially if there are de facto agreements between residents to allow parking in such areas.
- The City Administration can only say "no." They're very effective at putting up walls or creating hurdles designed to make residents give up and go away. We were actually told by a City representative that they could not have said yes to our request. Yet the very nature of the process leads you to believe they can.
- The PPIC (Public and Parking Improvements Commission) serves only in a consultancy role with no decision making-power.
- Filing an appeal can cost a resident \$500.
- The City Manager seems primarily interested in what you think of his staff versus showing interest in the concerns of taxpaying residents.
- The Community Development Department at times seems devoid of "community development."
- Records get lost, discarded or conveniently can't be found when requested by a resident.
- The entire process is adversarial. The City Administration

versus the Citizen. The City Administration acts as judge and jury and guides every step of the process.

- The Citizen's Request process flies in the face of the often-stated desire by the Mayor and City Council members to deliver open and transparent government.
- There is no "advocate" for the taxpaying resident.

Conclusion. The essence our frustration is summed up best in the questions and comments made by the City Council during the Public Hearing on March 6th. The unanimous vote by the City Council to remove the parking space means residents can make a compelling case. Proving how frustrated our elected officials are with this flawed process, they requested a complete review by the City Manager of the way the City identifies, installs and removes parking spaces throughout Manhattan Beach.

The installation of the parking space in front of our home didn't make sense in 2004. There's no municipal code governing what happened with the installation of the space. But there is plenty of questionable judgment in evidence. It leaves us feeling that some other "back-channel" method exists to get favors done in our city.

But with questions left unanswered by the City Council and City Attorney about the possibility of reopening this

issue, we are not letting our guard down. Maybe there's a screenplay here? The sequel to our story might be written behind closed doors at City Hall. Stay tuned!

Advice. In spite of our frustrations with this experience, our best advice is to fight for what you want. Know that it will take time, patience and preparedness. Ask lots of questions. More importantly, demand your questions be answered. Put your questions in writing. Document conversations. Treat your Citizens' Request like a court case even when the City tells you it's not a court of law. Make your case on facts, not conjecture. Appear repeatedly at City Council, Commission, even Subcommittee meetings. Speak up at every opportunity. Then speak up again. If things do go in your favor, don't think it'll feel like a victory because it won't. You'll simply have "lived" through a convoluted government process. "Living it" is something we believe our City Administration and City Government should consider when creating and imposing processes on resident taxpayers.

Okay, we concede, you'll feel grateful for a positive outcome. We do.



Some Things Never Change.....Jan Dennis

In December of 1921, this notice, written by its editor, appeared in the "Manhattan Beach News".

"I believe that the people of Manhattan Beach have seen enough of fighting and haggling. Internal strife has been largely responsible for Manhattan Beach failure to show natural progress up to this time. It will be my endorsement to keep the public closer to

city affairs or another subject of common interest. I believe correct information is the greatest fact towards finding the different ideas and opinions that may exist in the minds of people.

If we know the facts, we are able to form an accurate opinion; if we do not know the facts, we may listen to a fellow who thinks he is informed."

....Perhaps there is some value in paying attention to our history. Let us respect the past as we pursue a stable future for the generations to come.



A Date to Remember:

The calendar has confirmed it. This September MBRA will celebrate its 25th year. A review of our growing membership list contains the names of residents who have been members since the first months---a record to generate much pride. Plans for the event are in the initial stages; members will receive updates on what promises to be an exciting, fun-filled for MBRA members celebratory event!

Make a Citizens... cont' d from p14

the process—just pick something you think needs changed. One challenge I would throw out to the Council is why everyone believes that there is too much dog mess on the Strand and it would be great to have it cleaner. Our recent Strand construction was designed for uniformity so that a cleaning machine could easily traverse the course. The only issue standing in the way of a daily cleaning is a small amount of funding. We control our quality of life. Council needs to hear what we find important.



Welcome new members!

The Manhattan Beach Residents Association welcomes its new members. We take pride in our work and accomplishments over the past 25 years, and would like to take this opportunity to thank you for joining other residents throughout the city who are working toward preserving the qualities of life that make our city special. Residents working on behalf of residents is a major reason for our success!

To MBRA Members:

There are frequent Agenda items and other notices which, when previously emailed to members, were returned as undeliverable. Those email addresses probably have been changed.

To assure prompt notice of informational items, and with the firm assurance that the email address will be used ONLY to provide an update of pending issues, please help us update our email mailing list. Write: P.O. Box 1149, Manhattan Beach, CA 90266 \ or email: YourMBRA@gmail.com or phone: (310) 379-3277

Ed. Note: Recent discussion between Council and the School Board included the suggestion that the City pay for the use of Mira Costa High School swimming pool. This brought to mind an Observer article, dated April, 2007,. which read as follows:

Whatever Happened to:

A look back at a July 1, 1999 Breeze article validates some residents' recollection of an exchange between City Council and the Beach Cities Health District. The issue was the purchase by the City of the 7 acre TRW parking lot on Marine Avenue.

Health District officials urged City Council to partner with the project. The purpose, they said, was to develop a pool and a gym; the City, after providing the District with 2 or 3 acres, could then use the remaining acres for baseball and soccer fields. At the time, then Concilman Walt Dougher declared, "...People have wanted a pool; here's an opportunity". The Beach Cities Executive Director stated, "We're looking for a space large enough for an aquatic center and fitness center". The agency envisioned a 25,000 to 30,00 square foot pool, the article continued.

In the following months, City Council approved a sale and lease back agreement with BCHD, paying \$57,000 a year for 50 years with an option to buy back the property at any time.

In subsequent months a number of plans were changed. The City bought the site once again with the exception of one acre retained by the BCHD. Badly needed baseball and soccer fields were built and are in use. BCHD built an Adventure Plex. The aquatic center was not; the proposed swimming pool concept, anticipated by many, dried up.

One question still circulating amongst a number of residents is: Why doesn't the BCHD, to whom we have been paying taxes for many years, contribute towards some, if not all, of the cost of the Aquatic Center, considered a priority in the current Facilities Strategic Plan discussions. As stated in that initial 1999 proposal: "This could make everyone happy."

To Assure Observer Delivery

There have been numerous inquiries from residents who have received one or more copies of the Observer and who called to ask why they are not getting the paper regularly.

To explain: Only Manhattan Beach Residents Association members are on our mailing list. When a mailing goes out, everyone on the list receives a copy of the Observer. If, as sometimes happens, we have a large run or extra copies, these are mailed somewhat randomly to residents of the city.

An annual \$30,000 membership, which is applied to printing and mailing costs, will place you on the mailing list for the year commencing with the month you applied. More significantly, you join the many on behalf of whom MBRA works to achieve their goals, including the research, support, and effort required to assist each member with any issue of concern.

MBRA appreciates the interest shown and looks forward to having you fill out and return the form on the back page of this issue.

City Hall Calendar

April 30

**Joint City Council/Planning Com.:
Discuss Sepulveda Blvd./Mansionation**

May 2, 6:00 pm,

**City Council: Roundabout discussion,
cont'd previous Meeting**

May 9, 14, 16 6:00 pm

City Hall: Budget Meeting

May 15 MBRA 7:00 PM

Library Informational Meeting: Manhattan Mall Renewal

Note the Date:

May 15, in the library meeting room, at 7:00 pm. MBRA's Informational Meeting will focus on the Manhattan Mall project and provide a rare opportunity to present views and questions in an open forum.

MBRA Members:

Membership runs 12 months from the date of joining. This is to remind those for whom it is time for renewal. Your continued support is instrumental in maintaining this all-volunteer organization, its goals and efforts to preserve those qualities special to Manhattan Beach.

MBRA BOARD MEMBERS

President	Michelle Murphy
Treasurers:	Laura Cipollari Donna Scholtz
Membership:	Evelyn Fry
Publicity/Research:	Jackie May
City Watch	Gary Osterhout
Ways and Means:	Neil Boyer
Correspondence:	Phil Reimert
Liaison/Seniors:	Madonna Newburg
Observer Ed:	Esther Besbris
Members-at-large	Karol Goldsmith John Scott

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 (2013-2014) Membership Fee.

Yes, I (we) would like to assist.

- | | |
|--|--|
| <input type="checkbox"/> City Hall Watch | <input type="checkbox"/> Computer Assistance |
| <input type="checkbox"/> Fund Raising | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Telephoning |

Name(s) _____

Address _____ (Zip) _____

City _____ Phone(H) _____ B) _____

E-mail _____ Fax _____