

A Publication of
MANHATTAN BEACH RESIDENTS ASSOCIATION
An All-Volunteer Organization
P.O.Box 1149 Manhattan Beach, CA 90266
(310) 379-3277

June 2006

Volume 6 No. 3

Manhattan Beach Utility Undergrounding Survey

...by Sharon Bush

The City plans to send out a Survey to Districts 7-14 to see if Residents are in favor or opposed to Undergrounding at the current estimated costs.

Survey should be sent to all Residents of Manhattan Beach. The City's argument is that they don't have estimated costs for the other areas of the city. That didn't stop the City when they had Petitions signed for Districts 1-14 without any estimated costs on the Petition.

With a signed Petition, the City can fund Edison for Design and Engineering and this taxpayer money can only be recovered if Residents vote for Assessment Costs.

Utility Undergrounding Survey in 1999 stated that Manhattan Beach Voters (not just a couple of districts, but the whole city) are opposed to Undergrounding if property owners are required to pay for it.

Official City of Manhattan Beach Survey should contain the following items: (These items should be on the Survey that the Resident signs, therefore no need to refer to the Fact Booklet.)

1. Estimated Assessment Range (in Today's Dollars) – at time of Survey.
2. Estimated Connection (hook-up) Range (in Today's Dollars – at time of Survey.
3. Projected Voting Date: Districts 7-10 Spring 2008
.....Districts 11-14 Summer 2009
4. Assessment Deferral Program should state that the Residents will pay compounded interest (interest on interest) on the assessment.

The assessment and connection (hook-up) costs listed next to each other allows the Resident to know exactly what costs are involved with Undergrounding and also sees that it will be higher because the vote will be in another two or three years.

Official Property Owner Ballot for the Proposed Total Underground Utility Assessment should also include estimated connection (hook-up) costs (in Today's Dollars) so the Resident will have an idea of the total cost. A postcard should be sent to

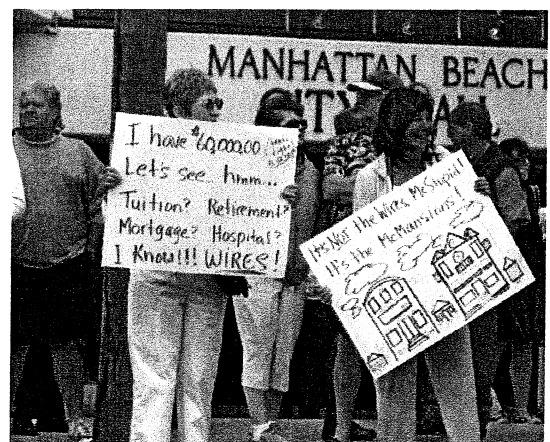
Continue page 2

Residents' Rally Rejects Undergrounding

What began as a spontaneous rally to express opposition to undergrounding grew to a gathering of more than 150 residents with one voice. On Tuesday, June 6, they came, many carrying signs they had hand printed, each conveying a personal message. The words varied: "Bury Me Not"; "Reverse Mortgage Yourself"; "No Plunder Down Under" ----but the theme was uniform. They wanted Council to recognize the strength of their rejection of the costly utility undergrounding process.

Many residents stood near the entrance to City Hall, while others joined those standing along Highland on both sides of the road. People in cars driving north and south frequently sounded their automobile horns to indicate their support of the expressed sentiments.

When council's meeting began at 6:30 P.M., a number of residents came into chambers, lined the walls at the back, and left soon after. Council, they felt, saw their message.



Manhattan Undergrounding No Joke

...by Jane Porter

Yikes! Pay for the undergrounding, pay for the hook-up, and also pay for the maintenance ?!? Tell me this is a bad joke. That is more than many people paid for their clothes, furniture, and cars over the past 40 years.

Does anyone know the meaning of common sense and plain old compassion for those less fortunate or are these terms unknown in this day and age. We are talking about hurting peoples' lives, many who are elderly and in bad health, just so those bothered by the wires will not have to look at them.

I am ashamed of this attitude. There are few benefits from this project. Undergrounding is not for the welfare of the residents. It will be a hardship to many and the cost is a major rip-off as far as I can see, and I can see in spite of the wires !



Manhattan Beach Utility....cont' d p. 1

alert you about the vote, the ballot is sent out and any nonresponders contacted. Survey is not a bill – Assessment Costs are a bill. (due in 30 days)

Lawsuit by residents Districts 2, 4 & 6 based on flawed assessments, notification and methodology was denied by Superior Court Judge who said it was Vague. City Attorney said that it is Frivolous. Does a Resident think that it is Vague and Frivolous when he receives his bill for Assessment Costs (due in 30 days) and he hasn't signed a petition or even knew he was in a district and hasn't received a Assessment Cost Ballot? Is this the democratic process in action?



Council approves a 34-unit office/condo building in Downtown Manhattan Beach

...by Martha Andreani

Councilmember Fahey said on May 16th, "I think this is a terrific project, very consistent with a village atmosphere." Councilmember Aldinger (clear as a bell as usual) said, "A bold step for Manhattan Beach. I hope it's as successful as you guys [the developers] think it will be. It's gonna be fun." Mayor Ward stated, "I would have liked to see what could be put on a true footprint of the lot...I'm operating here blindly [regarding parking]..." Councilmember Montgomery said, "I'm okay with over-subscription [of merchant parking permits]." Councilmember Tell, the only Councilmember who appeared genuinely concerned with the viability of the project, and who wanted to impose a requirement for ground-floor retail for a period of time (but didn't get an agreement from the developer), made it a unanimous vote in favor of this project on the corner of Highland and 13th Street.

Pardon me?

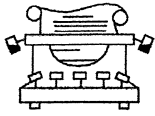
This project is not compatible with either the Downtown Strategic Plan or the Updated General Plan. How can this project possibly be seen as in accord with "a small-town downtown", a primary goal of our General Plan? How do office condos "encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity"? How does a building with 34 office/condos and 15 parking spaces meet the goals of reduced bulk/density and increased off-street parking?

Although the developer said ground floor offices on Highland would be dedicated to retail, they would not commit to Councilmember Tell's attempt also to have offices fronting 13th Street dedicated to retail. The developer said that would be difficult, since the units will probably all be pre-sold. Come again? Why is it the architect and developer are able to dedicate offices fronting Highland to retail, but not be able to dedicate space to retail on 13th Street?

How do only 15 parking spaces for 34 office/condos meet the demand for parking within the building, as well as in the Downtown area?! The property owners are "giving" 10 feet of their property to the City, thereby reducing the maximum square footage allowed on the property and reducing the number of parking places that are required. The developers also want 38 "Merchant Parking Permits." Even with the additional parking at the Metlox Plaza, the Downtown Business & Professional Association and the Downtown Business Improvement District were concerned about the number of "Merchant Parking Permits" that must be provided on the bottom level of the Metlox parking structure to meet the parking demands of this new project. Parking is a huge problem in the downtown area, and it is short-sighted of our Council to think that Metlox can handle the shortages that exist for both commercial and beach parking.

The parking study used to lay a foundation for approval of this project was done in September 2005, a date prior to the opening of Metlox. Why didn't our Council require a more current parking study, and perhaps a study that forecasts parking usage once the retail space within Metlox is fully occupied? Why didn't Council recognize that the architect and developers were "giving" land (10 feet) so that they could "take"

Continue page 6



Editor's Column

If you have attended or watched recent City Council meetings, or been present at any of the individual resident meetings to which Councilmembers have been invited to provide information and answer questions, you have heard references to misinformation and factual errors being circulated and frightening residents. The implication of this seems to imply that what is being disseminated would ill serve the residents who might then reject utility undergrounding.

What is particularly discomfiting about these allegations is that they never accompany specific refutation of any fact or assertion.

A recent requested response from City Engineer Stephanie Katsouleas to MBRA's Frequently Asked Question sheet cited one "entirely incorrect" fact and others that "would suggest". —"Suggest" is troubling because it stems from one's subjective perspective and response and does not validate the assertion.

As for the "incorrect" reference, it dealt with the matter of boundary lines which, Katsouleas states, "are determined by the residents that propose the district." She then goes on to say "The boundaries are adjusted by the utilities (if needed based on their network) and approved by the City engineering staff."

This fine distinction was emphasized at the October 15, 2005 City Council meeting when who determined boundaries was an obvious revelation to some Councilmembers. Fahey is quoted as saying "I thought that the residents defined the boundaries." At this point resident Jon Chaykowski, referring to the person responsible for his district's petition, stated she had told him "The City gave the district."

City Council Report Card					
	Aldinger	Fahey	Montgomery	Tell	Ward
Appr. 34 Unit Comm. Project Use Permit					
Appr. Cap. Improvement Project for 2006-2007					
Vote: YES Vote: NO					

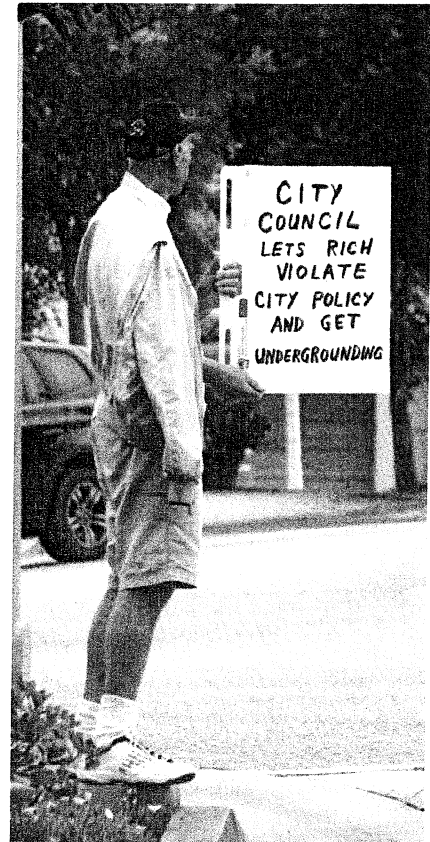
City Manager Dolan then said "If someone comes in representing a general area, they sit down with Mike (of City Staff) and look at the actual distribution lines and they create a logical convenient area....Mike helps define a logical area that works where the lines are...."

Fahey stated "From Day One I told people, until this very minute, that the districts were formed by the residents who defined the districts. Now we're hearing it was the City who designed the district..." This was then followed by Council discussing reasons why the process could not be started again—but nothing further about district formation specifics.

The relevance of this may be of minor importance other than to bury—not the utility wires—but the undermining of our support for keeping everything, including facts, above ground.

...On another subject: Why is the City survey not being mailed to Districts 2, 4 and 6? If the purpose is to determine the response of every resident, then going back to those who did not have the advantage of the City's Fact sheet and information meetings with Councilmembers, is certainly a significant step in the direction of fairness. Fahey said it well: "What makes sense and what is required are two different things."

EB



**Join us at a
Rally AGAINST
Undergrounding.
Meet in front
Of City Hall,
1400 Highland Ave.
On Tuesday, June 20,
at 6:00 P.M.
Tell your friends.
Make your own sign.
Show your support**

Parks and Recreation Commission Recommends Changing Park Name

...by Michelle Murphy

On a vote of 4 to 2 the MB Parks and Recreation Commission has recommended that the City council change the name of Parque Culiacan to Bruce's Beach to reflect the early, sometimes shameful, history of the Manhattan Beach site. The City Council will consider the issue at its July 5 meeting.

Hopefully you know the story of Bruce's Beach but it bears repeating.

In 1912 Willa and Charles Bruce bought a lot on the Strand in northern Manhattan Beach from Henry Willard for \$1,225. Over the next few years they purchased three more lots and built and operated a resort for African Americans on the property. There were three buildings including a two-story structure that had room for dancing upstairs and a café downstairs. African Americans would take the Pacific Electric train to the beach and spend the day or even lodge for a night at the only beach in the area that was open to them.

When Manhattan Beach was incorporated in 1912 George Peck, bucking the then current practice of racial exclusion, opened up 2 blocks of land on the beach for African Americans to purchase. George Peck is remembered as a generous businessman who helped his black neighbors build a fishing pier (Peck's Pier) near the resort, which was the only pier open to African Americans in the area.

As Los Angeles's population soared and Manhattan Beach began its first real estate bubble, pressure grew to shut down the black beach community. Other black families built summer places near Bruce's Beach and the KKK organized a campaign of harassment with the aim of driving Manhattan Beach's earliest African American families out of town. California did have civil rights laws on its books but they weren't used to prevent fire slashing, cross burning, anonymous phone intimidation, "10 minute parking only" signs placed near the homes and nearby white landowners roping off "their" beach from the area in front of Bruce's Beach.

Parks and Rec. Commissioner Ted Lamb told a story that his 92-year-old uncle told him of coming home from a Boy Scout meeting and seeing flames "leaping to the sky" as one of the homes was burned down. Reportedly the Fire Department stood by and did not attempt to extinguish the fire.

In 1924 various citizens of Manhattan Beach, including real estate agents, petitioned the city to condemn Bruce's Beach and create a park. The Bruces and other black families sued to keep their property but they lost and the city paid \$75,000 to all (black and white) property owners of the condemned property to end the litigation. In 1927 the buildings were razed and the city rented the beach for \$1 a year to Oscar Bassonette, a popular owner of a bait shop on the downtown pier, who then posted signs excluding blacks.

An African American UCLA student, 19-year-old Elizabeth Cately, decided to test the law and take a swim at the former Bruce's Beach. She refused a policeman's request to leave and was arrested and thrown into jail still wearing her bathing suit.

Continue page 6

A Thing of the Past

...by John S. Scott

Days of jack hammering, trenching, street closure and street parking of heavy machinery were endured. After all, the utility eyesores would soon be a thing of the past in section 1,3 and 5. Man-deep trenching split our narrow streets. Periodic excavation sites saw cranes lowering prefab bunker-like vaults into the depths of our ancient sand dune foundation. It had to be. Those ugly utility poles would soon be a thing of the past.

This ample conduit would accommodate our electricity, our telephone, our television, right? And our street's visual pollution would soon be a thing of the past.

This was the conventional assumption (if not wisdom) that made it all worthwhile until casual conversation with friendly workmen began to paint a different scenario. No sir, no wiring could be pulled through until your property was prepared for hook-up. Of course, I knew that! Find an electrician. \$4000 bucks? Modernize the meters? Oh, well, it'll be worth it as our "alley" would soon be a thing of the past. No ma'am, we won't be pulling any wires through until every property in this section is properly prepared. Hey, look, that shouldn't be forever and they've now finished the center conduit so our cars can finally get to their garages without dodging the barricades. The neighborhood is quiet again. Hurry up folks let's all get our hook-ups. HOLD IT! Notice received. Verizon apologizes for not being able to coordinate their timing with SCE. More trenching and conduit-laying coming to your neighborhood street soon. Gee, our phones will operate through Fiber Optics. Space age stuff. The sound of jackhammers and the smell of diesel and hot paving assail our senses once again. So be it. This, too, shall pass, but what about the T.V cable? Is there more to come? Excuse me fellow. When do you think they'll be taking down the poles? A YEAR or so?? I turn to a neighborhood kid that's watching the workmen with me. You know, just think, when you're much, much older all these ugly poles and wires will then be a thing of the past.



City Hall Watch

The resignation this July of Senior Planner Rosemary Lackow from the Community Development Department will leave a vacancy which will be difficult to replace. During her 26 years with the Dept., Lackow's competence, dedication and reliability have reflected the best in a sometimes difficult role. Her decision to leave because of family demands is one we respect even while we know we shall miss her perseverance in researching an issue and making information available when requested. With our best wishes go a wistful thought that perhaps Senior Planner Lackow will leave open the door for a later return.

From her we learn that City Attorney Wadden is trying to put an Historical Preservation Ordinance together; this may come before the Planning Commission on July 12.



American Martyrs' sign request has been denied by the Planning Commission. However, Associate Planner Eric Haaland reports, this has been appealed and will be going to Council on July 5.



In response to a question about the ongoing Neighborhood Traffic Study, Management Analyst Robert Osborne replied that a study around Grandview School and the old Ladera School site has been ongoing; some of the research has just been presented to the Parking and Public Improvements Commission. A number of recommended mitigation measures will go on to City Council within the next two months. Some of the measures are things the City can do, such as added parking and police enforcement; looking at loading zones and turn restrictions

Continue page 7

Precedence. It's a Matter of Decree

(Part one of a two part article)

...by Bev Morse

A small group of concerned homeowners canvassed its own District 10 recently, bringing to other areas' and the city council its discovery that the majority of homeowners in D10 do not want undergrounding although the majority of the district, petitioners would have us believe, do. Or did...

The swing could be the result of many things, not least of which is the publicity engendered by the recent lawsuit against the City's flawed methodology of undergrounding, at last making made it a 'news' item throughout the city: articles and letters to editors, and people flooding city council meetings; growing awareness of the horrendous, tripled costs, and the hardships, so wide-spread and deep.

Perhaps, the dulling of the initial, exciting wires-free vision, was the dawning that our neighbors, to the left and to the right, and perhaps we inbetween, were taxpayers who, if we couldn't pay for UGH up front, the \$40K, \$50K, \$65K, the so-called total assessment (NOT!) which appeared on November's ballots, and which could quite likely appear on your own, would double over the twenty years loan. Or lien.

Assessments: Neither Total nor Tax-Deductible

Perhaps it was that these huge debts are *not* tax deductible even though the ballots stated the liens will show up on your annual property tax bill.

Perhaps it is finding out that the house-to-street hookup fees are several more thousands of dollars, to be paid up front, as observed aloud out at the City Council Meeting of Nov 21: "*Mayor Fahey pointed out that information (on the ballot) provided by the City states, '...proposed total underground utility assessment, does not include the hook-up fee.' She commented on the possible confusion that could have been created by the hook-up fee having been excluded from this amount.*"¹ Another \$5, \$10 or \$14K is not chump change to most Americans. And certainly not our neighbors on fixed incomes. A lot of neighbors!

Maybe it is discovering that property owners are responsible for conduit failure and repairs and re-landscaping on their private property (\$1,000 minimum, a utilities spokesperson stated) should there be any problems due to watering, or earthquake, on our property... and it being a *free* service call and repair now... for *working* utilities. But, whatever.

The majority of homeowners in D10, and numbers of caring, growingly concerned homeowners, neighbors and friends throughout the city, do not want undergrounding, and certainly not forced-hardship undergrounding, and it's the feeling of many that some neighbors in all the upcoming districts who originally signed the petitions at much lesser estimated, not true costs, would now, if brought to a second vote, vote against it. They had no idea. Or did they?

I mention the D10 volunteer survey above, for a couple of reasons.

In my opinion, the City over-valued and trusted earlier, ca. 2000, district organizers and petitioners desire or concern to follow *to the letter of the law* City policies and Prop 218 rules of special assessments.

Prop 218 Petition Violations

The City likewise failed in its prescribed oversight, as admitted by city engineer Stephanie Katsoulas on Nov 21, in that she "*...does not know if District leaders went to every property in their District, but would like to think they did;...*"²

We know they didn't. I'm one they missed. For five years, up to and including a ballot. Conversely, the City under-valued and trusted the recent D10 volunteer group efforts to actually assist in clearing the air, to help the City with some legwork on this expensive pre-UGH behalf. There is a cost involved, after all. Staff time, for example, and overtime. Not for opponents, mind you, but for proponents only.

The City has consistently maintained since the mid nineties that "*homeowners are responsible for 100% of the undergrounding*" (contrary to our city attorney's recent, and startling contradictory statement in court), and that "*If the Districts are approved by the property owners via the mailed ballot vote, the City will be reimbursed for its costs,*

Continue page 7

advantage of a building code that would require fewer parking spaces? Mayor Ward was reasonable when he said that he'd like to see what could be built on a true foot-print of the lot. But he didn't require it, and he voted in favor of the project.

What study shows that Manhattan Beach residents want to move out of their home office and set up an office away from home in order to "own a piece of the downtown"? The architect and development team say that people with home offices need to get away from their kids and the other distractions of working at home. They also say that many people who purchase one of the offices won't need a parking space, since they will probably ride their bike or skateboard to work..... Hmmm, really? Will their clients do the same?

The revised General Plan also documents the importance of a "balanced mix of uses in Downtown Manhattan Beach, and maintaining a mix of residential and commercial." Why didn't our Council *require* the developers to put retail/commercial on the ground floor and residential on the second floor, thereby meeting a goal of both the Downtown Strategic Plan and the updated General Plan?

And then there's the "bulk and density" issue. The 34-unit office/condo building will replace a restaurant and open-area parking lot. Why would Council permit this bulk in new construction?

Two of our City Council (Ward and Tell) asked reasonable questions, but they didn't remain strong to their concerns. All five Councilmembers voted unanimously in favor of the project. Only two residents spoke in opposition to the project, but, really, were more residents required to speak out? The "voices" of the Downtown Strategic Plan and Updated General Plan and its Implementation Guide should be loud enough.

☐

In response the Los Angeles branch of the NAACP organized a swim-in. At least one white bystander who protested the authorities' actions was arrested and four NAACP demonstrators including the president of the LA Chapter, Henry Hudson, a Los Angeles dentist, were arrested. The defendants fought their charges and were vindicated when on August 15, 1927 Manhattan Beach city trustees announced they had revoked the lease to Bassonette. They declared that Manhattan Beach would "forever remain open and free of access to the general public without restriction."

After this victory racial restrictions on Los Angeles beaches generally and gradually disappeared, although racial covenants in housing and other Jim Crow treatment continued till the 60's. Some black leaders in L.A. at first thought the swim-in to be undignified but after the successful outcome, the NAACP's New York office heralded the "militant stand in behalf of Civil Rights." The LA Times raved that the new Manhattan Beach policy "sets an example in public spirit for the older beach communities in Southern California."

The property surrounding Bruce's Beach remained vacant and unimproved for over thirty years. In the late 1950's city officials began to worry that park, which was the ostensible reason for the condemnation, was never built and the city planted the vacant lot for the first time. The name "Parque Culiacan" was adopted in 1974 and refers to a Mexican town, which was, until 1989, Manhattan Beach's sister city.

Now that the Commission has made its recommendation, the matter goes before the Manhattan Beach City Council. Anyone interested in this issue should contact the City council before July 5 or should come to the City Council meeting on that date to share their opinions with the community.

☐

Historical Resources

...by Jan Dennis

Manhattan Beach once was under the rule of the City of Los Angeles, but the forefathers of this community had the vision and courage to want to be independent of others and to create their own life style, without outside pressure. Soon the little town found itself identified and promoted as one of the finest places in which to live. Now, like many other communities, we are fighting the 'Paving of Paradise', as well as losing our historical landmarks.

Historical preservation is a very important element in the retention of the character and soul of a community, not only for those residents presently living in the community, but also for future generations. Knowing and observing the heritage and the pride exemplified by others who came before, effects a sense of stability and continuity.

It is for this that a committee of residents was asked to evaluate the city's architecture as to its historical value. This group is now in the process of surveying possible locations. The City Council has also directed City Attorney Robert Wadden to draft an historical preservation ordinance.

If you are interested in additional information, please contact Jan at 372-8520.

☐

It is with considerable pride we note that Jan Dennis has added one more tribute to her many other accolades. She was awarded the Chamber of Commerce' Rose and Scroll, its annual recognition of its recipients' commitment and dedication to Manhattan Beach and its residents.

Residents Lose Undergrounding Lawsuit and Request Public Help

...by Michelle Murphy

On April 17 Los Angeles Judge David Yaffe denied a request for a writ of mandate filed on December 21, 2005 by residents in Districts 2 and 6. Plaintiffs Jon Chaykowski and Beverly Simons-Morse have decided not to appeal the decision. Chaykowski and Morse argued that the undergrounding decision was based on flawed assessments, faulty notification and an incorrect methodology. The court rejected their arguments.

They claimed that the undergrounding process creates general benefits for the City of Manhattan Beach and therefore must be paid for, in part, by city funds. The judge agreed that there were general benefits, but he found that Edison's contribution to costs was somehow the city's contribution. Edison is required to use the money they will save on decreased maintenance and the money they will make from recycling the old above ground equipment as a set off for the project. Manhattan Beach itself is contributing nothing towards the undergrounding of Districts 2, and 6.

The Judge dismissed the argument that individual assessments were unrelated to the benefits conferred upon each homeowner because, he said "...petitioners do not propose any method of spreading the assessment that would be more fair." He also ruled that petitioners failed to raise issues about the sufficiency of the ballot materials at the administrative level and so could not raise them now.

The lawsuit was expensive despite a discounted hourly rate offered by their lawyers. Plaintiffs are asking the public for donations to help them pay their still outstanding legal fees. They request that anyone wishing to help, mail \$10 or any level of support they can afford, in a check made out to Lagerlof, Senecal, et.al., LLP and send it to Bev Morse at 918 1st St. Manhattan Beach, CA 90266.

City Hall Update....cont' d p. 5

to improve traffic flow around Grandview School. Morning drop off and afternoon pickup times often create the problems which frustrate parents and nearby residents.

Osborne said they are also looking at the neighborhood near the old Ladera campus. Residents there are also impacted by parents coming to pick up and drop off. The school has leased out some vacant classrooms, one of which is a Mommy and Me program, which frustrates residents because the cars come throughout the day. One of the recommendations that came out of the PPIC meeting was for the school district to try to find a more appropriate place to conduct the Mommy and Me classes.

On the horizon also, Osborne stated, is the downtown traffic study; the collection of data has waited for the Civic Center completion.

Precedence. It's a....cont' d p. 5

*including Assessment Engineering fees, utility design fees, and staff time."*³ Our city attorney's out-of-the-blue never-before statement that our City is contributing 20% of the cost of undergrounding to homeowners, stunned us! Manhattan homeowners gasped! I blurted aloud, "What!?", and the judge and court clerks looked at me. As one, we leaned forward in our seats to hear better the startling statement's aftermath fumbblings by the City, just as did Council at the last May CC meeting when we brought Mr. Wadden's statement to the podium.

A City's own mini da Vinci

Just where was that 20% ever written, mentioned, shared, nay, *touted* in all the pain-filled outrage over the ludicrous 300% escalation of costs to homeowners - before or during our challenges to Council? Before we filed

Continue next column

Precedence. It's a....cont' d

a lawsuit? Why would the City keep it a secret? ... Or isn't it so at all? Why did our City spend all that time and money in a lawsuit instead of sharing that it was sharing? Hello? If I was on Council, I would have *shouted* it from the rooftops, even those overbuilt (and blocking my views of telephone poles)!

But, in truth, the city attorney's 20% statement directly contradicts the city engineer's statement before Council on Nov 21, testifying that *Edison was crediting homeowners for our used, recyclable materials (that it could sell, or use again, elsewhere): "Edison (not the City) provided an overhead credit in the amount of approximately \$500,000 for the civil work for each of the three units (Districts 2, 4, 6) (with Verizon next and Adelphia last)."*⁴ The 20% of which Mr. Wadden now speaks of is Edison's *credit* for our recycled wires, copper, etc.. It is *not* a contribution by the City. It is Edison's policy. Edison.

When that astounding statement (which the judge bought) was brought to Council's attention, our Council, as one, nearly lifted itself out of *its* dais seats, as if electrocuted, as did spectators in court a month earlier. The video tape is a classic. Keep it.

Well, I don't believe it's true, or we would have known about it, heard, read, and talked about it before. At Council. **FACT: Undergrounding is 100% Homeowners Costs**

The City has consistently insisted it derives no 'general' benefits from residential area undergrounding which is why it wouldn't share costs with us, as if residential streets are not publicly accessed or traversed by cars and people, and school buses and fire and police emergency vehicles - to get to the 'other side'!

It was one of the reasons for our lawsuit: The City would not separate out benefits, general from special or one home from the other, insisting Manhattan Beach derives no general benefit from undergrounding (including getting to fires here, there or elsewhere, I guess). That special benefits are for homeowners and their own

Continue page 11

Precedence. It's a....cont' d p. 7

'neighborhood enhancement' districts.

Additionally, another lawsuit issues was that the City refused to individually assess each property's special (see the word 'special'?) benefits from undergrounding utilities, saying it was *too hard to do!*⁵ Again, a violation of Prop 18. But the judge bought Mr. Wadden's last-grasp-at- straws statement that the City was contributing \$500,000, or 20%. I need to see that in writing. The judge didn't. You know what? I'd like to be proven wrong. It would help knowing why we lost our writ of mandate against the City. I'd feel better about it if I was really wrong. (Of course, my husband wouldn't!)

Anyway, no one from the City has gotten back to me on it. I'd like them to prove it. To show me. Like Missouri does. Or is it time out while the Staff scrambles to find a way to put it together...

Opting Out. There is Precedent.

Another reason I mention D10's volunteer survey and its result above, is that the City has repeatedly maintained that there is no provision for opting out of undergrounding, that the city (I thought there was no 'general benefit' to the city?) couldn't have a messy 'patchwork quilt' look to it by some opting out, when in fact, and indeed, there is precedent.

Over twenty (yes, 20!) properties in District 4 alone were skipped over and around by D4 petitioners, not petitioned (others around them were), and did not vote (others around them did – and voted *for* undergrounding). Had these assorted, hop, skip and jumped-over properties been located in Districts 2 or 6, I think there would now be UGH (UnderGrounding hell) to pay. Maybe legal.

So yes, there *is* precedent. For opting out.

Over twenty D4 homes were excluded from the petition, and what is really important in addition to the opting out, approved by the City, is how *did* petitioners know which property owners to selectively seek out? Or avoid? Were those properties allowed to opt in? How did their neighbors get to opt in? Who was at the controls? And who was not?

End of part one



If you have inadvertently been mailed an extra Observer, please give it to a friend/neighbor.

City Hall Calendar



All meetings 6:30 pm

June 14. Pl. Comm. meeting Cancelled

June 20. City Council: Discuss implementing trolley shuttle service to downtown MB

July 5. City Council: Appeal Pl. Comm. denial of Amer. Martyrs Sign

MBRA Board of Directors

President	Martha Andreani
Secretary	Michelle Murphy
Treasurers	Laura Cipollari
	Donna Scholtz
Ex-Officia Member-Legal Council	Gil Archuletta
Reasearch	Jan Dennis
Publicity	Mary Morigaki
Membership	Kathy Clark
Correspondence	Neil Boyer
Ways & Means	Jackie May
Observer	Esther Besbris

Manhattan Beach Residents Association

P.O.Box 1149

Manhattan Beach, CA 90267-1149

(310) 379-3277

() Enclosed is \$30.00 annual (2006-2007) Membership Fee.

() Yes, I (we) would like to assist.

() City Hall Watch

() Computer Assistance

() Fund Raising

() Membership

() Communications

() Telephoning

Name(s) _____

Address _____ (Zip) _____

City _____ Phone(H) _____ (B) _____

E-mail _____ Fax _____