

Submitted by: Gary Osterhout
Position: Neutral
Received: 07-17-2017 02:36 PM

Agenda Item:

5. RES 17-0088 Resolution Approving the Side Letter Agreement with the Manhattan Beach Police Officers' Association Regarding Dog Handler Assignments (Human Resources Director Zadroga-Haase).
ADOPT RESOLUTION NO. 17-0088

Comment:

Still another side letter.

**City Council Meeting, July 18, 2017
Public Comments, Agenda Item No. 7**

**Submitted by: Gary Osterhout
Position: Neutral
Received: 07-17-2017 02:38 PM**

Agenda Item:

7. 17-0314 Approval of Annual Commission Work Plans (Parks and Recreation Director Leyman and Community Development Director McIntosh). APPROVE

Comment:

PPIC needs to be assigned more, especially in the area of environmental oversight and objectives, and general standard development. This group can do much more than bikes and traffic. In fact, they should have been resourced on the Downtowner proposal.

**City Council Meeting, July 18, 2017
Public Comments, Agenda Item No. 8**

**Submitted by: Jim Burton
Position: Neutral
Received: 07-13-2017 12:03 PM**

Agenda Item:

8. ORD 17-0011 Conduct Second Reading and Consider Adopting Ordinance No. 17-0011 Amending the Local Coastal Program regarding Appeals and Council Review of Decisions (City Clerk Tamura and Community Development McIntosh). ADOPTION OF ORDINANCE NO. 17-0011

Comment:

Add a single word "DAY" to A.1. Appeals Paragraph(C) for clarification. "c. The appeal period ends at the close of the business day for City Hall on the 15th following the decision". Please clarify that this is in fact the 15th DAY following the decision and not the 15th of the month following the decision. I would suggest the new language read "The appeal period ends at the close of the business day for City Hall on the 15th day following the decision".Consistent w/ the remaining ordinance.

**City Council Meeting, July 18, 2017
Public Comments, Agenda Item No. 14**

**Submitted by: Gary Osterhout
Position: Oppose
Received: 07-17-2017 02:50 PM**

Agenda Item:

14. RES 17-0105 Update on Downtowner Pilot Program and Request for Program Extension (Economic Vitality Manager). ADOPT RESOLUTION NO. 17-0105 AND PROVIDE DIRECTION

Comment:

Oppose based on current proposal but would like to see a better intracity transit program. No alcohol advertising and prefer limited other advertising. Would appreciate removing rooftop sign. Need better analytics. Please see attached.

(See attachment below)

July 17, 2017

Comments on Downtowner Program

Gary Osterhout; garyosterhout@verizon.net

Councilmembers:

I am a long-time vocal proponent of an intra-city transit system. I have often found that the results of a study done a decade or so ago for Hermosa Beach holds true, that a city is generally loved that has trails, trees and transit. That said, I do not believe the Downtowner program, by itself at least, is the answer to the transit component.

Along with the “three “T’s” above, I also have frequently advocated that the visual pollution of forced viewing of advertising and unnecessary signage is directionally away from a scenic, liveable city. We also must be aware of the negative aspects of light pollution.

I have also advanced that the preservation of a small-town, family-friendly community is not dependent on bold moves, but in analyzing each event as to whether the proposal is directionally toward or away from those definitions. Paraphrasing T.S. Eliot, our small-town, family-friendly atmosphere would more likely die not with a bang, but with a whimper. It is the death by 1,000 cuts that will kill it.

I have also advocated that our staff reports do not contain the necessary analysis for good decision-making or developing accountability points.

With that, I have the following comments:

1. I am appalled that we would consider alcohol advertising. More especially because I see the service frequently used by teenagers, often without an accompanying adult to monitor. This proposal is obviously directionally away from a small-town, family-friendly atmosphere.
2. I am appalled that vendor and staff would even propose liquor advertising, indicating they have no awareness of the number of times residents advocate against liquor on the beach, alcohol advertising or excessive liquor licenses. It is even more disturbing that staff would actually recommend this approach.
3. The council has already weighed-in against alcohol and tobacco advertising for this program.
4. Although I am totally against alcohol advertising regardless of benefit, there is no information provided on the revenue benefit of alcohol advertising. Nor does any such revenue seem material given the remaining subsidy needed (I assume, for clarity, “Option 1” corresponds to the staff report’s “Alternative 1”). Note the staff report comment that “it would be able to fill much of its available advertising space if alcohol content were permitted.” Given there is hardly other advertising (besides the City), that likely means almost 100% alcohol-related.
5. Staff comments that if alcohol content is permitted, it would enhance the viability of the business model. To me, there is no viability of the business model, if it loses \$444K per year (under “Option 1”). “Enhance the viability” sounds like one of those City Hall-speak expressions that has little to no meaning, and zero accountability.
6. Allowing alcohol advertising to fund a public program is dangerous from a precedential perspective. As money is fungible, there is no logical reason why the city would not allow paid

alcohol advertising on any public building, fence, or city council blazers, if the money could then offset any compelling public benefit.

7. I would prefer that this be a totally publicly funded program without any advertising. If it is worth it, then we morally should fund it from our own pockets.
8. By allowing advertising outside the vehicle, you are making people “pay” for the service that they do not necessarily use.
9. As David Lesser said in June 2016, this program is a “moving billboard.” Billboards should not be in our neighborhoods. That is directionally away from a small-town, family-friendly atmosphere.
10. The currently allowed signage, to my reading, is prohibited by the MuniCode (see excerpts at the end of this correspondence). Note prohibitions against movable signs, any portable sign, three-dimensional signs [i.e., the rooftop sign], signs on public property [i.e., the roadway], outdoor advertising display signs, off-premises signs and moving signs. That a vehicle-affixed sign falls into the category of portable sign is evidenced by the exception reference to “business identification signs affixed flat on the body of a vehicle which provides services to said business other than identification or advertising.” The Downtowner sign does not fall into this exception particularly in that the vehicle does not provide services to the business other than advertising. Nor are the rooftop signs “flat” on the body of the vehicle. I would like the council to formally address these concerns and identify why these rules would not apply if the program is to continue in current form.
11. Most egregious in respect to visual offence is the rooftop sign. This triangle configuration was never identified in the proposals. Its size is beyond necessary (especially given that the vendor could not sell the space), and blocks the vision of trailing vehicles of potential upcoming hazards.
12. The rooftop sign is also worse in that this sign is lighted, bringing in light pollution into our neighborhoods. This sign is higher than the headlights of any truck and higher, larger and brighter than any pizza delivery vehicle or taxi. My house is on Blanche Road, and as I sit in my living room the Downtowner is a frequent night-time distraction, as the sign is higher than my 6-foot fence. The rooftop sign does not need to be lighted, nor to the degree that it is. Note, again, that I am opposed to the three-D, lighted sign regardless of mitigation.
13. The “benefits” to a subsidized program for Downtowner should be weighed against a fixed-route system—which would be considerably cheaper. If nothing else, we see there is a demand for more intra-city public transit.
14. Council should consider whether to remove the “free” transit arrangement and ask for a \$5 charge per passenger.
15. The City should not advertise on these vehicles. Not only does that take up commercial space, but the services advertised really don’t need advertising. The City does not need to be compensated for the space utilized (I understand this was fallow space).
16. I would caution any viability of expanding the service using the Chevy Bolt. Not only does that begin to invade other commercial enterprises (e.g., taxis/Uber/Lyft), but the city has heard in respect to the fixed-route system that the type vehicle used (e.g., a trolley-look) actually increases the experience and usage.
17. In respect to analyzing other possible funding sources, I have often commented that the City needs to have a comprehensive review of all transportation-related funding sources and the current activities funded by those programs. The City also needs to get off of the premise that

only transportation funds can be used for transportation-related programming (note that other cities in fact use general funds in part for street and sidewalk paving).

18. It is not informationally useful for the staff report to merely comment that "Prop A/C funds are already fully allocated" without identification of the activities those funds are currently allocated to. Nowhere in the budget or CAFR is there a break-down of what specific programs, by activity, Prop A/C funds are being used for. If, for instance, they are being used to transport teens to ski resorts by Park and Rec, perhaps the Downtowner is a better use of those funds.
19. It is interesting that the staff report says "the final guidelines for Measure M have not been released and thus not included as a source of funds," but the Council just approved the use of Measure M funds to build a sidewalk on Aviation. Let's get consistent in the communication.
20. It is interesting that the Tampa and Aspen satisfaction pages in the current Downtowner proposal are from cities that fund this service 100%--especially when in June 2016 it was represented by staff that in other cities "the service is paid for by advertisers."
21. Perhaps it is time to allow the other potential vendor, The Free Ride, to get a trial program. At least their presentation in June 2016 showed real numbers. Not only did their presentation show no loss, it reflected a \$18K potential monthly profit.
22. The currently provided "analytics" are wanting. The benefits are supposed to be reduced demand for parking spaces, and fewer vehicles on the road. But given that the service area is generally walk-able or bike-able, or that the service stimulates demand, it is likely that such benefits do not exist to any meaningful extent. The value would be more in respect to people across Sepulveda (which could be served by Uber/Lyft or taxi vouchers). Again, the Volt option does not seem to me to be particularly inviting.
23. There is no real breakdown of how the various "options" are computed. It appears that the amounts calculate that a new vehicle is immediately expensed, indicating a one-year life.
24. There is no data as to age of the rider, nor if the service is used to go to the "Library, City Hall, North End, or parks" (as indicated in the DBPA letter of 5/31/16).
25. In June 2016, council asked for data on "how many parking spaces this program would eliminate the need for in Downtown. That data seems to be missing from the current report.
26. I am getting weary of staff reports to support from the DBPA and Downtown BID, when such groups stand to benefit the most yet sacrifice nothing. Similar to their efforts to reduce parking fees during the "recession" at a cost of \$350K, bagging meters during December, or compelling the investment in the ill-conceived "cash key" meter program. No wonder, as the staff report says, "Manhattan Beach's existing parking funds are insufficient to meet existing operational and capital needs." Same in respect to Ocean Express that carries no resident (yet uses Prop A/C money). That the North End BID hasn't weighed in is interesting in its absence, suggesting little to no application in that regard.
27. Notwithstanding the above on parking funds, I could see perhaps generating additional funds by instituting "demand pricing" for downtown meters, or automatically re-setting meters when a vehicle exists the space. Please do not fall for any argument that this service appreciably increases sales tax revenue as an offset.
28. Given the number of "yup carts," hybrids and electric cars already used by M.B. residents, it is nice that these vehicles are electric, but again likely not that significant in carbon reduction especially given the miles driven.

29. Reduction in on-street vehicles will only occur if there are efficiencies in pickups and deliveries. Currently, it seems that there is more traffic created as the vehicle goes from downtown to the neighborhood for pickup (i.e., 2 trips), where someone going from the neighborhood to downtown would be only one trip. I note that the current vendor proposal says that “but stimulating past ridership with new algorithms we are finding even smarter ways to move riders. **Combo rides will launch later this year.**” Yet the June 2016 proposal says that the vendor has “comprehensive technology” with an “algorithm that continuously optimizes ride queue handling high-paced demand and multiple rides per driver.” It doesn’t seem that this has been deployed and, frankly, at a maximum of 31 riders per hour I really doubt that any benefit from grouping would be significant or meaningful (there is just not that many riders that would conceivably be in the same area the same time).
30. Wait time will increase (and thus usage decrease) as you cross Sepulveda.
31. I am very concerned that there was no transparency in respect to the expected public financing cost for this program back in June 2016. Given the numbers shown now in Option 1 alone, there is no way that there was any expectation from this vendor that advertising revenue alone would cover costs. The vendor provided no financial projections in June 2016. Staff made representations that lead to the conclusion that the service was 100% supported by ad revenue.
32. I am disturbed by a quote from Sam Knapp (Downtown’s head of California operations) in a March 2017 article about Corona del Mar’s review of the program (google it). He is quoted as saying “Selling advertising is a lot of work and takes focus away from operating the transportation service. We can’t count on advertising as our only source of funding.” Sounds pretty self-serving, and more along the lines of “why work when you can get the city to pay for it.”
33. The costs quoted to Corona del Mar (with less economies of scale) and operating costs of \$200K to \$275K for 3 to 4 shuttles is about “\$3 to \$4 per passenger.” This figure doesn’t seem in congruence with the numbers provided in the current options.
34. The last trolley/shuttle service in Manhattan Beach a few decades ago fell apart because the vendor was overextended, expanded too fast, and ended up in bankruptcy. The service at the end was being provided in a modified school bus. The City did not do their due diligence in investigating the integrity and solvency of the vendor.
35. It will be sooner rather than later that such a service will be available by autonomous vehicles. Any planning should take that into consideration.

Muni Code References that would seem to prohibit Downtowner signage

10.72.020 - General provisions.

- A. Permits are required for all temporary and permanent signs except for those specified as exempt herein.
- D. No sign shall move, have visible moving parts, or simulate movement by means of fluttering, spinning, or reflective devices.
- F.

Portable signs are prohibited, except as permitted or exempted in this chapter.

10.72.070 - Prohibited signs.

- A. Off-site or off-premises signs;
- B. Outdoor advertising display signs (billboards);
- C. Signs on public property, unless otherwise permitted by this chapter;
- D. Portable, A-frame, or sidewalk signs, excluding business identification signs affixed flat on the body of a vehicle which provides services to said business other than identification or advertising;
- E. Three-dimensional objects or statutes including air or gas-filled objects greater than eighteen inches (18") in diameter each, and located, attached or tethered to the group site, merchandise, structure or roof and used to attract attention or as a sign as defined herein;
- J. Signs other than those permitted by this chapter;

- **0.72.030 - Definitions.**

"Billboard" means any outdoor, off-site sign or advertising device.

"Off-premises sign" means any sign identifying a name, product or service which is not located up on the site that it occupies.

"Portable sign" means any unattached sign which can be readily moved or relocated.

"Sign" means any media, device, graphic depiction, illumination or display for the purpose of identifying, or attracting attention to business establishments or services, or promoting products, goods, services, or items for sale, rent or lease. Registered trademarks, with or without written text, shall be included in the definition of signage and shall be counted in the determination of total sign area. Should any uncertainty exist as to what elements constitute sign area, the determination shall be made by the Director of Community Development. The determination of the Director is appealable to the Planning Commission consistent with [Section 10.01.070](#) (D).

"Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a temporary period.

(§ 2, Ord. 1951, eff. July 4, 1996, as amended by § 4, Ord. 2007, eff. November 18, 1999, § 2, Ord. 2013, eff. June 15, 2000, § 2 (part), Ord. 2022, eff. February 16, 2001, § 2 (part), Ord. 2027, eff. May 3, 2001)

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**City Council Meeting, July 18, 2017
Public Comments, Agenda Item No. 17**

**Submitted by: Gary Osterhout
Position: Neutral
Received: 07-17-2017 02:47 PM**

Agenda Item:

**17. 17-0295 Solid Waste Franchise Agreement Status Update (Public Works Director Katsouleas).
ACCEPT REPORT AND PROVIDE DIRECTION**

Comment:

Three comments: (1) The City should comment on the current tiered-rate structure given the decision in Capistrano Taxpayers Ass'n, Inc. v. City of San Juan Capistrano. That decision stated that a tiered rate structure unsupported by actual cost of service calculations for each tier is unconstitutional; (2) many of the cited programs (shoes/costumes) should be dropped in respect to cost/benefit; (3) we need a polystyrene, and plastic bag (food/clothing/newspaper wrappers) recycling program.