

**City Council Meeting, December 5, 2017
Public Comments, Agenda Item No. 1**

**Submitted by: Gary Osterhout
Position: (Not provided)
Received: 12-04-2017 1:36 PM**

Agenda Item:

1. 17-0509 Presentation of a Plaque to Principal John Jackson of Robinson Elementary School on the Occasion of His Retirement. PRESENT

Comment:

Congratulations John Jackson. Your leadership at MBMS meant a lot to our family.

**City Council Meeting, December 5, 2017
Public Comments, Agenda Item No. 8**

**Submitted by: Gary Osterhout
Position: (Not provided)
Received: 12-04-2017 1:35 PM**

Agenda Item:

8. ORD 17-0022 Introduction of Ordinance No. 17-0022 Authorizing the Implementation of a Community Choice Aggregation (CCA) Program in the City; Adoption of a Resolution Approving the Execution of a Joint Powers Agreement (JPA) to Establish the Los Angeles Community Choice Energy (LACCE) Program Within the City; and Appointing a City Director and Alternate Director to Represent the City (Community Development Director McIntosh). INTRODUCE ORDINANCE NO. 17-0022 (PLEASE NOTE THAT THE APPOINTMENTS TO THIS BOARD WILL BE CONSIDERED DURING AGENDA ITEM NO. 14)

Comment:

I hardly think "tabling at the Farmer's Market" and a forum in 2014" meets the spirit of this motion (fr. 10/3/17):

"[D]irect Staff to come up with a public outreach plan very quickly, to let people know that the City Council is considering joining the County Plan, and that the City Council wants to have their input, their awareness of the program, want the peoples feedback with a clear understanding of what it means before the City Council makes a final decision in November."

**City Council Meeting, December 5, 2017
Public Comments, Agenda Item No. 13**

**Submitted by: Gary Osterhout
Position: Neutral
Received: 12-04-2017 1:28 PM**

Agenda Item:

**13. RES 17-0134 Adopt Resolution No. 17-0134 Authorizing the City Manager to Reimburse South Bay Regional Public Communications Authority for Purchase of Mobile and Portable Radios in an Amount Not-to-Exceed \$1,673,894.56 (Police Chief Irvine, Fire Chief Espinosa and Finance Director Moe).
WAIVE FORMAL BIDDING; ADOPT RESOLUTION NO. 17-0134**

Comment:

I would be in favor except to the extent pushing additional expense into the year then requires a pro rata increase to the reserves, as in the financial policy viz: "the General Fund Unassigned Fund Balance will be maintained in an amount equal to at least 20 percent of the annual General Fund expenditure budget." I would also suggest you consider making this reserve a percentage of revenues instead of expenditures (as well as decreasing the unnecessary 20% as well).

**City Council Meeting, December 5, 2017
Public Comments, Agenda Item No. 15**

**Submitted by: Gary Osterhout
Position: Oppose
Received: 12-04-2017 1:23 PM**

Agenda Item:

15. 17-0466 Results of On-Demand Electric Vehicle Shuttle RFP and Downtowner Program Update (Economic Vitality Manager Sywak). RECEIVE REPORT (UPDATE) AND PROVIDE DIRECTION

Comment:

The three-sided lighted roof sign allowed is a visual blight. It is higher than any truck headlight, and is a distraction whenever it flashes by my residence at night. I asked the vendor to turn it off in my area, with no success. I believe this sign is contrary to the MBMC, but the city attorney conveys that the council approving the service tacitly overrides the MBMC, and implies the benefit of the service outweighs the quiet enjoyment of my property in a welfare scenario (see more attached).

(See attached documents below)

City of Manhattan Beach: Increased Mobility Options in Manhattan Beach with Free Electric Vehicle Pilot Program

From: City of Manhattan Beach <CityOfManhattanBeach@citymb.info>

To: garyosterhout <garyosterhout@verizon.net>

Date: Mon, Jan 30, 2017 3:10 pm

Increased Mobility Options in Manhattan Beach with Free Electric Vehicle Pilot Program

Post Date: 01/30/2017 2:43 PM

Download the [Increased Mobility Options in Manhattan Beach with Free Electric Vehicle Pilot Program](#) (PDF) press release.

Contact:

Andy Sywak, Economic Vitality Manager

City of Manhattan Beach

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www.citymb.info

Increased Mobility Options in Manhattan Beach with Free Electric Vehicle Pilot Program

Manhattan Beach, CA (January 30, 2017) – The City of Manhattan Beach welcomes the electric vehicle shuttle service, the Downtowner, to its streets in a public-private partnership to increase mobility and alleviate parking congestion within the City. Beginning February 1, 2017, anyone can download the mobile app and utilize this free service to get around a roughly three mile area of Manhattan Beach extending north to El Segundo and south to Hermosa Beach and as far east as Pacific Avenue. This restricted service area was chosen to decrease the wait time for Downtowner vehicles and will be reassessed soon after the launch based on community demand. Shuttles will be available from 11 AM to 11 PM daily and will be parked at the City's Metlox Garage.



This new mode of transportation represents the City's dedication to increasing mobility options for short trips around Downtown and North Manhattan Beach, where it can be extremely difficult to park. The Downtowner currently offers its advertisement-based services in Tampa and Del Ray, FL; Aspen, CO; and Newport Beach, CA. Here in Manhattan Beach, those who need a ride will be able to use a mobile app to call any of the Downtowner's six electric shuttles, similar to services like Uber or Lyft, with the option of tipping the driver afterwards. The six-seater shuttles will operate within the specific service area described above as a six-month pilot program with the potential for a city-wide.

City Council gave support to this pilot program at their [June 21, 2016](#) meeting and directed staff to evaluate proposals and select a vendor. After careful consideration, the Downtowner was chosen.

"This is a program that needs to go city-wide as soon as possible," says Mayor D'Errico, "Free, environmentally-friendly electric vehicles are an excellent resource for all our residents to get around our city. Plus, the benefits are numerous: reducing the number of cars on our roads, helping to relieve parking congestion on our neighborhood streets, reducing our carbon footprint and increasing mobility." Community members are invited to attend a ribbon cutting on Thursday, February 2 from 4 – 5 PM in the parking lot in front of City Hall to see this new initiative in action.

Those interested in downloading the app can find links on the Downtowner website, www.ridedowntowner.com, and are available at the respective App stores for both Apple and Android users.

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Gary Osterhout
Public Comment 12/5/17
Downtowner

Interestingly, all agreements and staff reports make no mention of the rooftop signage, and only refer to the wrapped vehicle. Note, for instance, the accompanying attachment where the rollout was broadcast without a roof sign (much less a lighted roof sign). As such, I do not believe the Council has made the consideration implied by the City Attorney. Regardless, it would seem that if the Council is 100% behind such light/advertising/signage intrusion into my neighborhood, that approval would be more specific. I encourage you to do so now, so I can tell which councilmembers really understand environmental impacts and whether impacts to the environment are subject to such a trade-off.

Personally, I think this service has benefit and should be funded by the general fund (without advertising) if staff cannot find a more direct funding source. I do not think that the Council should be selling off resident eyeballs (especially from those who do not use the service) as a trade-off for other financial goals (see, Downtown meter bagging; excessive reserves).

Please also consider the following:

- 1) I would not doubt a court would rule that the Council can allow advertising in exchange for free shuttle service as the City Attorney has implied. But that is not the current agreement. The current agreement is for the city to provide parking and charging station, and for the Downtowner to provide advertising on one car for the City through a car wrap. One might say there is tacit agreement for the other advertising, but I would assert that clarity and transparency would dictate more explicit terms--particularly to alert folks that the Downtowner is getting special treatment in respect to sign code waivers.
2. There is no provision or mention of any type of advertising in the City's agreement other than the car wrap. This is particularly important in respect to my largest complaint about the rooftop lighted sign.
3. It makes no sense to me that the city would otherwise prohibit the following sign usages, then allowing such prohibitions to be easily circumvented by paying a third party that merely has to come up with a service deemed worthy by the council:

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.

In summary, I ask you to either (1) require removal of the rooftop sign in total; (2) require turning off the lighted sign except in commercial areas and at the direct pickup spot; or (3) formally declare that the

public benefit of the lighted sign outweighs the environmental impact that necessitates overriding the principles of the MBMC. You might consider in your deliberations evaluating the foregone revenues from the rooftop sign in both lighted and non-lighted conditions, so to “buy-off” this aspect of the service.