

From: [Charles Lynn Bragg](#)
To: [City Clerk](#)
Subject: [EXTERNAL] CHARLES BRAGG, CITY COUNCIL MEETING MURAL PROPOSALS, SEPTEMBER 19, 2023
Date: Tuesday, September 19, 2023 10:54:26 AM

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BRIEF HISTORY AND QUALIFICATIONS

CITY OF MB AGREEMENT, JULY 24, 2019

FOR MURAL ON JOSLYN COMMUNITY CENTER

I BOUGHT LIABILITY INSURANCE, WORKERS COMP.
DELAYS, MARTIN BETZ RETIRES, EILEN STEWART
REMODEL JOSLYN? MORE DELAYS...THEN COVID!
NO MURAL. NO TERMINATION LETTER SENT TO ME

LOCATION 2 MBAC

LOCAL PARROTS AND TREES TO
BLEND WITH LANDSCAPING THERE

LOCATION 4 PIER RESTROOM

AT A PREVIOUS CITY COUNCIL MEETING, A MEMBER
DIDN'T WANT A MURAL TO "DISTRACT" FROM NATURAL
BEAUTY OF BEACH...WITH THAT IN MIND, SOFT FOCUS
SAND, WATER, SKY TRANSITIONS,
WATER COLOR RELATES TO GREEN BUILDING TRIM,
SKY POWDER BLUE,
PELICAN SQUADRON, ABOUT 20 BIRDS

LOCATION 5 STAIRS TO BIKE PATH

ROSECRANS SOUTH TO 34TH IS WHERE I SURF,
SEAL OR PELICAN! PEOPLE ALWAYS PAINT DOLPHINS,
PIER, SURFERS, VOLLEY BALL ETC.
THOSE IMAGES ARE ALL OVER SOUTH BAY

I'M READY, BEEN READY SINCE 2019
I WILL MAKE CHANGES TO DESIGN AS DIRECTED
I'M OBSESSED WITH PAINT QUALITY AND DETAIL,
MAKE MY PAINTINGS TO LAST DECADES, CENTURIES
REALISM, ANIMATED, NATURAL

I HAVE COMPLETED DOZENS OF COMMISSIONS FOR THE
WWF, NATURE CONSERVANCY, NATURE CO., THE COUSTEAU SOCIETY
USPS, 4 COMMEMORATIVE STAMPS, 1994
MY BOOK *WILD LIVES, THE ANIMAL KINGDOM OF CLB* 1994
MB HONORED ME WITH CERTIFICATE OF MERIT 2019!?
100,000s POSTERS, PUZZLES, ETC.OF MY WORK PUBLISHED

CHARLES LYNN BRAGG
ragingartman@yahoo.com
502 Rosecrans ave. Unit A
MB, CA 90266

From: [Mike Faiola](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Weinstein Mural Endorsement for Tuesday Meeting
Date: Monday, September 18, 2023 12:13:29 PM

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

To whom it may concern,

My name is Mike Faiola, and I am a long time resident and property owner in Manhattan Beach. It was recently brought to my attention that Alex Weinstein has proposed to paint two murals in our community, and I do not hesitate endorse both his work and his character as being emblematic of Manhattan Beach's spirit. Subtle and understated while revealing nuance and depth at closer look, Alex's work is not unlike Manhattan Beach itself. In our singular city, one of the few "authentic" beach towns in Los Angeles county, an influx of money and development has obscured our ocean-loving roots. Alex's work will be a welcome reminder of Manhattan Beach's history while fitting in gracefully with its progress.

Thank you.
Mike Faiola
312 18th Street
323-365-7673

From: [Bill Fournell](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Public Comments regarding URGENCY ORDINANCE NO. 23-0008-U relating to bicycles and ebikes
Date: Sunday, September 17, 2023 11:02:55 PM
Attachments: [Concerns with MB Urgency Ordinance.docx](#)

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Liza

I hope you are doing well. Could you please submit the attached for public comments to the city council for the upcoming council meeting on the 19th?

Sincerely,
Bill Fournell

Dear MB Council Members

Concerns with MB Urgency Ordinance NO. 23-0008-U and Resolution NO. 23-0120

I completely support the equal enforcement of applicable state vehicle code with respect to cars, trucks, pedestrians, bicycles, electric bicycles, or motorized bicycles. Citations and fines are completely warranted for failure to stop at stop signs, obey the speed limit, or other violations.

However, I feel there are aspects of the new ordinance and associated resolution that are problematic and excessively punitive towards cyclists. These reinforce the belief of many drivers that cyclists are second class users of our roadways who are solely responsible for their own safety and get what they deserve when they are hit by drivers. It also appears that several articles of the new ordinance directly conflict with our CA State Vehicle Code. I am not a lawyer, and google is no substitute, but my understanding is that local ordinances do not supersede state law when they are in direct conflict. This seems to be the case in a number of instances in the new ordinance.

#1 - Where am I allowed to ride my bicycle or ebike?

Section F – “Each person riding or operating a bicycle, electric bicycle, or motorized bicycle on a highway or street shall keep such bicycle, electric bicycle, or motorized bicycle in marked bike lanes. On streets without bike lanes, such person shall keep the bicycle, electric bicycle, or motorized bicycle as close to the right-hand curb or edge of the roadway as possible”.

While the requirement to always ride in an available bike lane is consistent with our state vehicle code, many bike lanes can be very dangerous for drivers, pedestrians, and cyclists depending on the bike lane design. For example, the bike lane on Manhattan Avenue between 9th and 1st streets. I appreciate having the lane and I use it on a regular basis. However, that lane as designed provides a false sense of security and can be very dangerous. It is painted so that the right side of the lane is right up against all the parked cars. This is what is referred to as the “door zone” in cycling safety discussions. A driver’s door opens just as a cyclist passes, often results in the door hitting the cyclist causing serious accidents and injuries. Keep in mind the injuries are often to the driver as well as the cyclist. Often the bike (regular or ebike) and rider enter the driver compartment at 10-20 mph. It’s also important to note that the vehicle’s driver is usually at fault for not checking their mirror before opening the door.

But my greater concern is with the wording related to riding as “close to the right-hand curb or edge of the roadway as possible”. This significantly contradicts the language in the state vehicle code below regarding the use of the term **possible vs. practicable** that is used in the CA vehicle code.

Possible refers to something that can be done or achieved, regardless of whether it is realistic or feasible. Practicable, on the other hand, refers to something that is not only possible, but also practical and achievable within the given circumstances. *In other words, **practicable** takes into account the limitations and constraints of a situation, while **possible** does not.*

Especially given that the new ordinance makes no mention of such limitations and constraints listed in sub-section #3 in the state vehicle code (see below). Given that oversight, it seems a police officer could cite a cyclist for not riding in the gutter even though it might require him/her to ride through a large pothole, broken glass, or close to a dog.

More importantly, that subsection of the vehicle code has been interpreted many times to allow a cyclist to “take the lane” when it is a “substandard width lane”. That is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane. This type of lane exists all over our town and the South Bay. It is all too common and extremely dangerous when a cyclist is pinned in the gutter and still a driver presses forward to unsafely pass often with less than the required 3 foot passing space.

I can’t imagine this was the council’s intent. So why is this section of the ordinance necessary when it is already well covered in the state vehicle code (which likely supersedes our ordinance anyway)?

Excerpt - Calif Vehicle Code - ARTICLE 4. Operation of Bicycles - Veh Code 21202:

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride ***as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:***

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a “substandard width lane” is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) When approaching a place where a right turn is authorized.

What this section of the California vehicle code means is:

#1 - If as a cyclist you’re moving as fast as traffic, you can ride fully in the lane as any other moving vehicle.

#2 - If you’re moving slower than traffic, you can “take the lane” if it’s not wide enough for a bike and a vehicle to safely share side-by-side. As noted above, the law says that people who ride bikes must ride as close to the right side of the road as practicable except under the following conditions: when passing, preparing for a left turn, avoiding hazards, if the lane is too narrow to share, or if approaching a place where a right turn is authorized. Unfortunately, some motorists and even police don’t understand cyclists’ right to “take the lane.”

#2 - How fast am I allowed to ride my bicycle or eBike?

Section O - No person shall ride or operate a bicycle, electric bicycle, or motorized bicycle ***faster than is reasonable and proper***, having due regard for weather, visibility, pedestrian and vehicular traffic, and the surface and width of the sidewalk, and in no event at a speed that endangers the safety of any person or property.

What does this reasonable and proper in this section mean? How is it supposed to be interpreted and enforced? Can cyclists be cited for speeding while riding 15 mph in a 25 mph zone? Shouldn’t we just say that “all posted speed limits will be enforced”?

#3 – Fines outlined by Resolution NO. 23-0120

Violations of Urgency Ordinance No. 23-0008-U, shall be treated as a misdemeanor punishable by: (1) a fine not exceeding \$500 for the first violation; (2) a fine not exceeding \$750 for the second violation within one year; and (3) a fine not exceeding \$1,000 for each additional violation within one year of the first violation.

These seem way out of line with the rest of the fines associated with the California vehicle code. If this ordinance is truly about the public safety of children, pedestrians, cyclists, and drivers, we should at least align our punishments for vehicle code violations that kill and injure many, many more people each year on our roads.

Distracted Driving

Let's start with this one. Statistically a much greater threat to everyone's safety than the risk from bicycle and ebike violations. Cell phone use while driving is covered under 23123.5(a) Vehicle Code, more commonly called California's distracted driving law.

The law states, "A person shall not drive a motor vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner while driving."

As a cyclist and driver, I see these violations by our residents every day I am using our roads. But here's the kicker. The punishment is nowhere close to matching the risk to our public safety.

The base fine is \$20 for a first offense and \$50 for a second or subsequent offense – penalty assessments and fees increase the cost of a ticket. A texting while driving ticket in California is at least \$162 for a first citation and at least \$285 for a second offense.

It's currently the lowest base fine of any violation of the California Vehicle Code! If we are going to deviate from our State Vehicle Code in the name of keeping our children safe, we should start here!

Safe Passing Distance

Vehicle Code 21760 - Three Feet for Safety Act was signed by Gov. Jerry Brown in 2013 and took effect on Tuesday, Sept. 16, 2014.

The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the highway.

A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. The driver of a motor vehicle overtaking or passing a bicycle shall, if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane before overtaking or passing the bicycle.

If the driver of a motor vehicle is unable to comply, due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

You should ask MBPD how often this code is enforced in Manhattan Beach as well as in our other South Bay communities. I suspect those citations are rare. However, this is all too common an occurrence. Intentional close passes by drivers are so common, that road cyclists have a name for it - a punishment pass. We see them look directly at us through their rear-view mirror after passing. Often accompanied by a middle finger salute. Sadly, when this occurs, it is more about the power differential between the driver in a car and the cyclist on a bike. Speaking from experience, most of the drivers I see exhibiting this kind of dangerous behavior would never consider threatening that same person if they passed them walking on the sidewalk.

Clearly the punishment for this dangerous behavior will not deter most people. For violations not resulting in an injury, the base fine is \$35, which becomes a \$233 fine once court and administrative fees are added. For violations resulting in a collision injuring a bicyclist, the base fine is \$220, which becomes \$959 with fees.

I know all of you personally. I know that you are all serious, thoughtful, and reasonable people who are serving our community and looking out for our best interests and our safety. I would encourage you to take another look at this ordinance. Determine where and why we would really consider superseding what is already the law in California. If we feel additional punishment is warranted for cyclists violating those laws, go ahead with the additional fines. However, you should also consider the bigger picture and where enforcement of more dangerous vehicle code violations exists, also increase those fines. Enforcement of distracted driving and safe passing distance codes can have the most positive impact on the public safety of children, cyclists, pedestrians and drivers.

Thank you again for taking the time to read this and consider these recommendations.

Sincerely

Bill Fournell

From: [Mimi Toberman](#)
To: [List - City Council](#)
Subject: [EXTERNAL] Mural project
Date: Wednesday, August 9, 2023 3:05:51 PM

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Hello Honorable Council Members!

I am reaching out to recommend awarding the mural concessions to artist Alex Weinstein.

I have seen the proposed murals he submitted to you and can only say "WOW."

Just my opinion! But heartfelt.

Margaret (Mimi) Toberman
461 31st St, Manhattan Beach, Ca 90266
(310) 418-1424

From: [Tom mortimer, jr](mailto:Tom.mortimer jr)
To: [List - City Council](#)
Subject: [EXTERNAL] Alex Weinstein Proposal for Manhattan Beach public Art
Date: Wednesday, August 9, 2023 2:38:41 PM

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Dear City Council:

I want to convey my recommendation that the City of Manhattan Beach retain Alex Weinstein to provide art murals for the City's expanded public art program. As a long time resident and both a close friend and collector of Alex's art, I can wholeheartedly endorse Alex.

Alex is an incredible artist with immense talent and vision as evidenced by his submissions. He is highly educated from Brown University and Rhode Island School of Design. More importantly, he is a very decent, good member of our community as a long time resident of Manhattan Beach.

Alex has previously supplied work for the City of Manhattan Beach and should be retained again to provide our city with insightful, beautiful art that would enhance our City and the lives of residents and visitors alike.

Thank you and please do not hesitate to contact me should you have any questions or comments regarding Alex and his art.

Best regards,
Tom Mortimer
(310) 406-5804

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Thomas F. Mortimer, Jr.
Mortimer Law Firm
1108 Sartori Avenue, Suite 320
Torrance, California 90501
Telephone: (310) 212-7673
Facsimile: (310) 218-4964
Email: tfmortimer@gmail.com

From: [Mike Faiola](#)
To: [List - City Council](#)
Subject: [EXTERNAL] Alex Weinstein Mural Endorsement
Date: Saturday, August 5, 2023 8:06:32 PM

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To whom it may concern,

My name is Mike Faiola, and I am a long time resident and property owner in Manhattan Beach. It was recently brought to my attention that Alex Weinstein has proposed to paint two murals in our community, and I do not hesitate endorse both his work and his character as being emblematic of Manhattan Beach's spirit. Subtle and understated while revealing nuance and depth at closer look, Alex's work is not unlike Manhattan Beach itself. In our singular city, one of the few "authentic" beach towns in Los Angeles county, an influx of money and development has obscured our ocean-loving roots. Alex's work will be a welcome reminder of Manhattan Beach's history while fitting in gracefully with its progress.

Thank you.

Mike Faiola
312 18th Street
323-365-7673

From: [Mimi Toberman](#)
To: [List - City Council](#)
Subject: [EXTERNAL] Mural projects
Date: Monday, July 24, 2023 11:16:00 AM

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Esteemed Mayor and Council Members,

First and foremost! Thank you for your tireless duty and hard work!

My name is Margaret (Mimi) Toberman. I have been a resident of this fine city for 41 years, all of them on 31st Street in the Sand Section.

And I was fortunate to have Alex and Sabrina Weinstein as my neighbors for many of those years. To know them is to love them. They are kind, caring and friendly.

Alex is an artist of uncompromising quality, extremely acute vision and unbridled talent.

His milieu has always been the ocean. (He would qualify as a merman if there was such a thing).

Alex has an almost mystical connection to the ocean and his artwork reflects that unbreakable bond.

I was lucky enough to see his proposed murals for the city and read his accompanying essay. How could anyone else top either of those?

Please consider this letter as a heartfelt recommendation that Alex be awarded the commission for the murals. His art and the city mesh perfectly.

Thank you for your time!

Sincerely,

Mimi Toberman
461 31st Street
Manhattan Beach
(310) 418-1424

From: [Ann Pitts1](#)
To: [List - City Council](#)
Cc: [Bruce Moe](#); [Sue Grubman](#)
Subject: [EXTERNAL] Support of artist A. Weinstein mural proposals
Date: Tuesday, July 18, 2023 1:35:48 PM

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor Montgomery and esteemed Councilmembers, Greetings, and happy summer. Thanks for your service to our town. Sue Grubman and I are writing in support of the mural proposals submitted by Alexander Weinstein attached below for your convenience. We met Alex 7 years ago when he offered painting classes through Manhattan Beach Parks and Recreation. Sue and I studied with him for a few years until Covid put the brakes on. He is a kind and generous instructor who deftly pulls you through whatever corner you paint yourself into. His work is layered and complex despite its simple composition as he infuses the surface with light through careful application of many different colors. The result - a glowing continuum of sky and sea. His work hangs on walls all over the world and in many private collections right here in MB.

Before buying a home in Redondo he lived on 31st and Highland for about 15 years, surfing and painting and helping out his neighbors. He and his wife Sabrina helped several of the local kids both land their first (and ensuing) jobs in Hollywood and get into the best Art Schools in the US with letters of support. His inspiration and success comes from living here and surfing our waters. Now he wants to give back.

When I read his proposal for the fire station adjacent to the 9/11 Memorial, I was touched. His work acknowledges the tragedy and pain of that event but at the same time transcends it. Flight attendants and pilots that live here were in the air that day. It cut us deeply. I like seeing a beautiful abstract of the fade from sky to ocean that can be enjoyed on many levels on its own. But if you're aware of the 9/11 Memorial, it also references that with somber dignity and humility. His piece, titled Hope, seems like a perfect match for this location. It's not a site for emojis and cartoony images in our humble opinions. We'd prefer to see the universality of our humanity and nature. Also I kind of like the depiction of unlimited water extending to the horizon, water for the firemen to use in saving lives. It's the only element they have, which makes this mural most appropriate for a fire station.

On the other hand, the mural proposal for the restroom building at the MB pier is joyful and bouyant with liltng waves in a delightful pattern. The warm colors remind the viewer of sunsets and It's such a cool graphic. Silver paint would make it dance. I also like how it's not intrusive but looks like part of the seascape. It integrates this blocky functional building into the natural surroundings and looks like fun. Manhattan Beach, where even the bathrooms are fun. People come to the ocean to gaze at the waves, and this refers to every kind of wave - light, ocean, joy. It would be another iconic background for selfies.

Both of these mural proposals give a sense of place and celebrate Manhattan Beach. We aren't surrounded by cornfields or forests. Our natural resources are sky and ocean. I love how these artworks are intrinsically us, and reflect our community, our unique location, as only a local artist could do.

Thanks for your consideration, ya'll.

Best wishes,

Ann & Sue

Ann Pitts
310/527-1473
Sue Grubman
310/503-9019

PROPOSALS From A. Weinstein:



Manhattan Beach Mural Proposal 1, 15th Street Fire Station, North Wall.

As the prospective mural location is a particularly sensitive one, due to its proximity to the September 11th Memorial, I have endeavored to bring a moving, gently optimistic and reverential sentiment to the project and community.

The twisted, charred and rusting I-beams from the World Trade Center site are at once violently frank in their presentation of the horrific violence of that day and an enduring reminder of the fragility of human life. The site resonates with the melancholy that accompanies such tragic loss. It is a powerful and deeply solemn site and death hangs over it.

How does one respond to such violence? To show the beauty, power and enduring life of sea and sky – the very environment that Manhattan Beach embodies – is my way of reminding us of the grace we see every day. Life fights back, as it always does.

My painting, *Hope*, is a semi-abstract image suggestive of the sea-horizon and the radiant sunlight that resides there. The work is made of deep cobalt and ultramarine hues, washed over with broadening, mist-like light strokes, sweeping from the center of the image upwards and downwards. The work is a meditative image

suggestive of nature's bounty; its undying serene power – our gift - is not only understood but felt and experienced by the viewer. It is an immersive painting and one consistent with others I have made and exhibited the world over. Like the City of Manhattan Beach itself, *Hope* places the viewer directly at the nexus of sea and sky, between the heavens and Earth. The picture is a bold claim to the transcendent potential of Art and a celebration of the spectacle of Nature itself. The light-filled center of the composition brings a sense of movement, growth and transcendent inspiration. It is both cathartic and palliative in its proximity to the 9/11 installation. As a seaside community, residents of Manhattan Beach are acutely aware of the restorative power of the Ocean and all of its citizens are intrinsically cued to the rhythms of the Pacific; its tides and tantrums, its languid beauty and inexhaustible power. The view to the West, with the entire continent at your back – the mythic posture of California itself - is as powerful a vista as one could ever hope to find. It is *potential* writ large, radiant with innumerable dreams, nuanced with countless memories and suggestive of a billion different futures. *Hope* takes its inspiration from these views and repositions them as a type of community portrait and an image for profound contemplation.



MB MURAL Proposal 2: Public Restrooms Manhattan Beach Pier

The top coat of the painting in the image is actually a bright silver, not gray, as it appears in the rendering. This silver could bring a dazzling esthetic to the site. I would encircle the entire building with the paintwork. The sunset colors and the silver paint are a nod towards the light reflecting off of the water in the evening and the graphic design of the wave lines, particularly in aggregate, actually animate the facade of an otherwise static building. The painting aspires to re-site the building as a geometric continuation of the dominant horizon-pattern that it currently obscures.

My proposal reimagines the building as a sculpture-painting and incorporates its form back *into* the landscape. As the viewer's eye moves across the undulating lines of my painting, an otherwise entirely inert wall comes to life. It is transformed into a living thing; rhyming with the sound, heat and oceanic waves all around. The building continues to serve its utilitarian function but it has been transformed into an attractive *participant* in the broader spectacle of the beach and its magnificent vista.

Alex Weinstein

vaguestudio inc. los angeles

www.vaguestudio.com

alex@vaguestudio.com

cell: 310-266-6379

Alex Weinstein