

Jackie Henderson

11
4-16-16

From: Joanna Anderson
Sent: Friday, April 15, 2016 9:33 AM
To: Jackie Henderson
Subject: FW: Statement by the Institute for Justice Re: Public Property Food Truck Vending Proposal
Attachments: Alexandria Letter.pdf

I think this should be included in the record also.

Joanna C. Anderson, Deputy City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
Office: 703.746.3750 Cell: 703.615.5223

From: Justin Wilson
Sent: Friday, April 15, 2016 9:14 AM
To: James Banks <James.Banks@alexandriava.gov>; Mark Jinks <Mark.Jinks@alexandriava.gov>
Cc: Joanna Anderson <Joanna.Anderson@alexandriava.gov>
Subject: Fw: Statement by the Institute for Justice Re: Public Property Food Truck Vending Proposal

FYI

Justin M. Wilson, Vice Mayor
Alexandria City Council
Office: 703.746.4500
Home: 703.299.1576
justin.wilson@alexandriava.gov

From: Garrett Atherton <gatherton@ij.org>
Sent: Friday, April 15, 2016 9:00 AM
To: Allison Silberberg; Justin Wilson; Willie Bailey; John Chapman; Timothy Lovain; Del Pepper; Paul Smedberg
Subject: Statement by the Institute for Justice Re: Public Property Food Truck Vending Proposal

Mayor and Council,

Please find the attached statement from the Institute for Justice concerning your public property food truck vending proposal. Please do not hesitate to contact us if you have any comments or questions.

Best,

Garrett Atherton
Outreach Coordinator
Institute for Justice
901 N. Glebe Road, Suite 900

Arlington, VA 22203
(703) 682-9320
(703)-682-9321 (fax)
www.ij.org

The Institute for Justice

www.ij.org

NPR's Marketplace aired a segment on Wednesday about the return of the U.S. Department of Justice's (DOJ) "equitable sharing" asset forfeiture program.



INSTITUTE FOR JUSTICE

April 15, 2016

Alexandria City Council
VIA E-MAIL

Re: Public Property Food Truck Vending Proposal

Dear Mayor and City Council,

As you know, the Institute for Justice (“IJ”) is a public interest, civil liberties law firm that promotes entrepreneurs’ right to earn an honest living. IJ has published extensively on the benefits that street vendors provide, the barriers that too often stand in their way, and how cities can cultivate vibrant food-truck scenes.¹ It also works with city councils and food-truck operators nationwide to reform local laws, including the DC, Maryland Virginia Food Truck Association, whose members vend in Alexandria.

The Institute for Justice is aware that the Council is considering authorizing several fixed locations at which the city’s food trucks may vend. Although the Institute applauds the fact that Alexandria is moving towards permitting some degree of vending on public property, it must point out two separate issues with the City’s proposed approach. First, rather than identifying a few specific locations on public property where vending may legally take place, the Council should instead permit food trucks to vend wherever such vending would not raise specific and objective health and safety concerns.

Like all businesses, food trucks must innovate to stay competitive. The innovative genius that makes food trucks popular and competitive is their mobility. By frequently changing their itineraries, they have the ability to market themselves to new communities, surprise fans when they visit their neighborhood, and keep the culinary scene as fresh and un-stale as the food they serve. This is how food trucks, many of which are startup businesses, widen their customer base, grow, create jobs, and thrive. By allowing roaming, the Council would both expand opportunity for mobile food vendors and encourage greater variety and convenience for customers. And, through simple and clear rules regarding pedestrian congestion and other matters, it can protect public health and safety in a smart, targeted manner.

¹ See, e.g., *Upwardly Mobile: Street Vending and the American Dream*; *Street Eats, Safe Eats: How Food Trucks and Carts Stack Up to Restaurants on Sanitation*; *Streets of Dreams: How Cities Can Create Economic Opportunity by Knocking Down Protectionist Barriers to Street Vending*; *Seven Myths and Realities About Food Trucks: Why the Facts Support Food-Truck Freedom*; and *Food Truck Freedom: How to Build Better Food-Truck Laws in Your City*, all available at www.ij.org/vending.

Even if the City chooses to continue to pursue its plan of fixed vending locations, it must take care to ensure that the process of identifying and selecting those locations turns on objective health and safety criteria. It is the Institute's experience that whenever a city proposes fixed and finite vending sites, some brick-and-mortar restaurants will attempt to use the political process to disadvantage what they perceive as their mobile competitors.

But rather than resist that temptation, the City seems to be encouraging it. On an Alexandria.gov webpage entitled "On-Street Food Truck FAQs," one question asks "[w]hat criteria does the City use to evaluate the potential on-street food truck locations?" The answer lists several permissible restrictions on where food trucks may operate, such as near intersections, fire hydrants, or in parking spaces for people with disabilities. But it also states that the proposed locations "are not located near . . . multiple restaurants."²

Such favoritism is wholly inappropriate. An inventory of vending locations that consistently locates food trucks away from brick-and-mortar establishments in order to protect those establishments from competition verges on naked economic protectionism. Courts across the country have consistently struck down government policies that are meant to prefer certain businesses at the expense of competitors.³ This applies, as well, to the regulation of mobile vendors.⁴ The government's purpose is to protect the public's health and safety, not to pick and choose winners and losers in the marketplace. That is the job of consumers.

The City Council should seize the exciting opportunity and unleash entrepreneurship, economic growth, and customer satisfaction in Alexandria by letting food trucks roam within your borders. The current proposal, albeit a laudable first step, falls short of that worthwhile goal.

Please do not hesitate to contact me at (703) 682-9320 or rfrommer@ij.org. We look forward to working with you to ensure that *all* of Alexandria's entrepreneurs are allowed the opportunity to succeed. Thank you.

Best,



Robert Frommer
Attorney

² City of Alexandria, Virginia, On-Street Food Truck FAQs, <https://www.alexandriava.gov/manager/info/default.aspx?id=90461#question2>.

³ *Craigsmiles v. Giles*, 312 F.3d 220, 224 (6th Cir. 2002); *Merrifield v. Lockyer*, 547 F.3d 978, 991 n.15 (9th Cir. 2008); *St. Joseph Abbey v. Castille*, 712 F.3d 215 (5th Cir. 2013).

⁴ *Thunderbird Catering Co. v. City of Chicago*, No. 83L52921 (Cook Cty. Cir. Ct. Oct. 15, 1986); *People v. Ala Carte Catering*, 98 Cal. App. 3d Supp. 1 (App. Dep't Super. Ct. 1979); *Duchain v. Lindsay*, 345 N.Y.S.2d 53, 55-58 (N.Y. App. Div. 1973); *Mister Softee v. Hoboken*, 186 A.2d 513 (N.J. Super. Ct. Law Div. 1962).

Jackie Henderson

11
4-16-16

From: Joanna Anderson
Sent: Thursday, April 14, 2016 9:22 AM
To: Jackie Henderson
Cc: Emily Baker
Subject: FW: Food Truck Survey Fiasco
Attachments: Food Truck Survey Graph.pdf; Food Truck Survey Comp - Eisenhower Ave..pdf; Food Truck Survey Comparison - N. West St..pdf; Food Truck Survey Comp - N. Fairfax St..pdf; Food Truck Survey Results.pdf

Jackie – since this was sent to City Council it should probably be part of the record for the food truck matter as well. Let me know if you have any questions.

Joanna

Joanna C. Anderson, Deputy City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
Office: 703.746.3750 Cell: 703.615.5223

From: darrel drury [mailto:drury.darrel@gmail.com]
Sent: Saturday, April 09, 2016 6:47 PM
To: Joanna Anderson <Joanna.Anderson@alexandriava.gov>
Cc: Karl Moritz <Karl.Moritz@alexandriava.gov>; Gerry Dineros <Gerry.Dineros@alexandriava.gov>; Alex Dambach <alex.dambach@alexandriava.gov>; robhines@peakdemocracy.com; Allison Silberberg <allison.silberberg@alexandriava.gov>; John Chapman <john.taylor.chapman@alexandriava.gov>; Paul Smedberg <Paul.Smedberg@alexandriava.gov>; Del Pepper <Del.Pepper@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>; Willie Bailey <willie.bailey@alexandriava.gov>; Timothy Lovain <timothy.lovain@alexandriava.gov>
Subject: Re: Food Truck Survey Fiasco

Ms. Anderson,

I received your email after the close of business Thursday and had several appointments to attend to on Friday, so I'm just now getting around to responding to your comments. I find it very disconcerting that the report forwarded to City Council included two "versions" of the Food Truck Survey results -- one including ALL respondents, the other EXCLUDING more than 80% of respondents who opposed food trucks, apparently on the grounds that Peak Democracy had expressed "suspicion" about these responses. There is no credible evidence -- at least of which I am aware -- that the survey results are anything but valid. To report the findings of the survey in this manner, calling attention to unfounded suspicions of impropriety, can only serve to undermine the credibility of the survey, making it highly probable that Council members will discount these findings when rendering their decision. This is an especially important matter because the Food Truck Survey deals with an issue that has clearly touched a nerve, producing the single greatest response rate of any City-sponsored survey to date. Some 2,375 people responded to the Food Truck Survey. If one assumes that each survey took about 3 minutes to complete, that translates into 120 hours, or five full days of citizen engagement. No other poll has come close to that kind of response. In fact, the average response rate for the 21 other closed polls listed on the AlexEngage website is just 145. The second largest response rate was 758 for the King Street Complete Streets Project and the third largest response rate was 663 for the 2016 Budget Prioritization poll. I point this out to emphasize the significance of the food truck issue to our citizens and to

underscore the absolute necessity of handling this matter in a way that promotes trust in our City's administration -- and in the democratic process.

It appears that the three bases for Peak Democracy's concern were: (1) many survey submissions were clustered over a short period of time; (2) many responses expressed consistent, across-the-board disagreement with the food truck option; and (3) many submissions emanated from the same source (which I take to mean "from the same IP address"). In my email to Mr. Moritz, copying you, I had explained that the organization I head, called VISION, had emailed its newsletter to our 1,500+ members at 1:00 p.m. on March 31, with a link to the poll. In the three hours that followed the newsletter's release, many of our members accessed the survey and provided their input at a remarkable rate -- in all, 141 respondents completed the survey in just the first three hours following the release of the newsletter, approaching a submission rate of about 1 survey per minute. That could easily explain Peak Democracy's finding that many survey submissions were clustered over a short period of time (see attached line graph entitled "Impact of Newsletter on Survey Results"). Further, because VISION took a position against food trucks in our Old Town North neighborhood -- based on our concern about the potential for trash being left behind in the adjacent park, the proximity of the trucks to residential areas, and the elimination of up to six parking spaces between 7:00 a.m. and 8:00 p.m. seven days per week -- it should not be surprising that many of these survey respondents rejected food trucks across the board. Finally, in my email to Mr. Moritz, I called attention to the fact that the owners of the dozen or so restaurants within a two block radius of the proposed food truck site were alarmed by the prospect of facing additional competition during a period when small businesses are struggling and had mounted their own campaign to defeat this proposal. It is my understanding that at least one restaurant owner had considered setting up a dedicated laptop station that guests could use to complete the survey while waiting to be served. That, of course, could easily explain the fact that several respondents seem to have used the same IP address.

I reached out to you on Monday morning in the hope that we could discuss and, ultimately, resolve this matter. Above all, I wanted to make sure that the many hours of citizen engagement that this survey represents were not squandered due to baseless suggestions of "suspicious" behavior. At the same time, if there was evidence of suspicious behavior on the part of some respondents, I wanted to get to the bottom of it. Throughout my career in the field of policy research, I have always subscribed to the highest standards, and I would certainly not tolerate anything that undercut the validity of this or any other survey. Unfortunately, by the time you got back to me on Thursday evening, the staff report -- including the two "versions" of the survey results -- had already been uploaded to the docket of the City Council's April 12 meeting. It seemed a *fait accompli* -- the Council would see the survey results as tainted and discount them. But things only got worse from there. I immediately realized that the graphs presented in the staff report were incorrect. To illustrate this, I have developed three graphs -- one for each potential Food Truck location -- that compare the results presented in the staff report to those summarized on AlexEngage at the close of the poll on the evening of April 3rd (see three attached bar graphs entitled "Comparison of Food Truck Survey Results"). These graphs are based on ALL respondents, with no cases eliminated. (NOTE: This morning, I shared my original copy of the final results of the survey, which I printed out at 11:59 p.m. on April 3, with Mr. Moritz and Councilman Chapman.) As you can see, the data drawn from the staff report (represented by green bars) suggest that, in the case of Eisenhower Ave., a substantially greater proportion of respondents "Strongly Agree" with the placement of food trucks at that location than the proportion who "Strongly Disagree." But, in fact, the opposite is true. Based on the survey results that I documented on the evening of April 3, a substantially *greater* proportion of respondents actually "Strongly Disagree" (see red bars). In the cases of N. Fairfax St. and N. West St., a similar pattern emerges. Although the staff report suggests that the proportion of respondents who "Strongly Disagree" with the placement of food trucks at these two locations is only marginally greater than the proportion who "Strongly Agree" (see green bars), in reality, the proportion who "Strongly Disagree" is about *twice* the proportion who "Strongly Agree" (see red bars).

So, how do we resolve this? The City Council has been given the impression that the data from the Food Truck survey are somehow tainted, though no hard evidence has been offered to substantiate this suggestion.

Moreover, the findings presented in the staff report have been found to be completely at odds with the data reported on the AlexEngage site at the closing of the poll on April 3. This, I believe, represents a defining moment for the City of Alexandria. As we seek to lead the nation in ethical standards and transparency, it is critical that this matter be addressed with utmost care. I believe that, in the absence of any direct evidence of impropriety, the Council should be advised to simply disregard the graphs prepared by staff and accept the findings presented in the attached summary graph entitled "Food Truck Survey Results," which presents the combined findings for all three proposed food truck locations. As I previously mentioned, this and other bar graphs prepared by me are based on data derived from the final poll results reported on AlexEngage at the close of the poll on April 3, and the source data has been independently verified by Mr. Moritz and Mr. Chapman. I will, of course, provide my original printout of these results for the inspection and verification of staff as well.

Finally, one last matter must be addressed. The staff report includes maps identifying two potential food truck locations that had not been previously discussed with the community and were not included in the survey -- one in the 300 block of Madison St. between N. Royal St. and N. Fairfax St. (about 1 1/2 blocks from the N. Fairfax St. location), the other in the 700 block of King St. adjacent to King Street Gardens. Having discussed the food truck issue with literally hundreds of residents and business owners in Old Town North, I am certain that the proposal to locate food trucks at the Madison St. location would meet with even greater resistance than the proposal to locate trucks at the N. Fairfax St. site and, therefore, should be abandoned. However, I have no knowledge of how food trucks might be received at the King St. location, and, therefore, City staff may want to conduct a separate survey to gauge that community's preference.

Sincerely,

Darrel Drury

Darrel W. Drury, Ph.D.
1030 North Royal Street
Alexandria, Virginia 22314

(703) 683-3999 (Home)
(202) 550-6098 (Cell)
(703) 683-3999 (Fax)

On Thu, Apr 7, 2016 at 6:08 PM, Joanna Anderson <Joanna.Anderson@alexandriava.gov> wrote:

Hello Dr. Drury – thank you for copying me on your email to Mr. Moritz and for letting us know about your concerns. Please understand that all of the poll information, including the 504 responses that triggered a concern from the vendor who performed the poll for the City, are being reported to City Council. Also please note that the poll is intended just to give City Council an idea of what the community is saying on this issue. This not intended to be definitive on this issue.

City Council will be considering an ordinance change that will adopt regulations for the standards and minimum requirements for On-Street food truck vending on Tuesday, April 12, 2016 for introduction of the ordinance at their legislative meeting and Saturday, April 16, 2016 for a public hearing and final action. The staff report and ordinance language are now posted on the city's website for your information. Here is the link to that agenda for your convenience: http://alexandria.granicus.com/ViewPublisher.php?view_id=57

The actual locations will not be approved by City Council at that time. Staff is proposing to discuss the potential locations with Council at the April 12 and 16th meetings, bring the locations to the Traffic and Parking Board on Monday, April 25 for a public hearing and then bring the locations to a legislative meeting of the City Council in May for final adoption. Therefore, there will be more time to discuss the locations before they are adopted.

Please let me know if you have additional questions.

Joanna C. Anderson, Deputy City Attorney

301 King Street, Suite 1300

Alexandria, VA 22314

Office: 703.746.3750 Cell: 703.615.5223

From: darrel drury [mailto:drury.darrel@gmail.com]

Sent: Thursday, April 07, 2016 5:37 PM

To: Karl Moritz <Karl.Moritz@alexandriava.gov>

Cc: Gerry Dineros <Gerry.Dineros@alexandriava.gov>; Alex Dambach <alex.dambach@alexandriava.gov>; Joanna Anderson <Joanna.Anderson@alexandriava.gov>; robhines@peakdemocracy.com

Subject: Food Truck Survey Fiasco

Karl,

First, let me thank you for taking my call during your busy day. As I mentioned, I had previously spoken with Gerry Dineros on Monday morning and he had referred me to Joanna Anderson. I called Joanna on Monday and left a message requesting a call back, but as of now, she hasn't returned my call. I also reached out to Rob Hines of Peak Democracy on Monday and left him a message requesting a call back --- again, no response.

So, just to recap, here's what I know:

- Toward the end of March, I learned about the food truck survey for the first time from some local restaurateurs. When I initially checked the "real time" results on the website, it was evident that those who wanted food trucks at N. Fairfax St. had a substantial lead in the poll. The restaurant owners I had spoken with then independently mounted a campaign to defeat the proposal by enlisting the support of the owners of the dozen or so restaurants located within 2 blocks of the proposed food truck site. When I checked the poll results a couple of days later, I found that the proportion of "Agree/Strongly Agree" and "Disagree/Strongly Disagree" survey responses were about evenly split and remained as such for the next few days.

- Meanwhile, word was getting out to residents that there was a poll online re: food trucks and several came to me, as the president of VISION, and asked me to make other residents aware of the poll through VISION's newsletter. I told them that I would do so, but that the newsletter would not be emailed until the afternoon of March 31, which would leave only three days for people to go online and complete the survey.
- On the morning of March 31, I again checked the poll results and found that the "Agree/Strongly Agree" and "Disagree/Strongly Disagree" votes were still about equally split at approximately 41% each. It was 10:00 a.m. in the morning, and I planned to send out the newsletter at 1:00 p.m., so it occurred to me that I could use this opportunity to gauge the impact of VISION's communications vehicle if I checked the summary poll results at 3 hour intervals and graphed the results. At 1:00 p.m., I checked the poll results and they were still evenly split at 41% in favor of food trucks on N. Fairfax St. and 41% against. I emailed the newsletter at 1:00 p.m., and, when I checked the poll results again at 4:00 p.m., just three hours later, I had clear evidence of the impact of our newsletter: the proportion who agreed with the food proposal had dropped to just 36% while those who disagreed had risen to 47%. The percentage difference continued to grow throughout the remainder of the day and, by 10:00 p.m., only 34% supported food trucks while 50% did not -- a 16% difference. (See attached graph.) In presidential elections, a 16% difference would be called a "landslide"! Naturally, as people became aware of the results -- by checking the polling site's "real time" poll results -- they stopped telling their neighbors about the poll and moved on to other matters.
- On the evening of April 3, I went online to check the final tally. It was 33% in favor of food trucks on N. Fairfax St. and 51% against -- an 18% difference. (Fortunately, I also printed out a copy of the results for my records.)
- The next day, I received messages from some very upset folks who had gone online and discovered that the results had changed and were reported as 56% in favor and 17% against, and that 504 respondents, fully 41%, had been removed from the count.
- Of course, the folks who reported this to me had no way of knowing which respondents were removed from the tally, but I DID, since I had maintained careful records as the poll had progressed. Hence, I was able to verify that ALL 504 missing respondents had voted "Disagree/Strongly Disagree" and not ONE had voted "Agree/Strongly Agree." At that point, I made the calls to Gerry, Joanna, and Rob that I referenced earlier, but, as I said, Gerry had little information (he indicated that several respondents had used the same IP address, which seemed suspicious) and Joanna and Rob didn't call back.
- This week, I began hearing from people that they had received emails from Peak Democracy stating that they had detected "suspicious activity" in some responses to the food truck poll with a request to call back within just ONE DAY so that "we can verify your identity." Many called, but after six rings the phone went dead. Others called and, after 7 rings, they heard a voicemail message from Rob Hines. However, since Rob's email had suggested that Peak Democracy would need to verify respondents' identity, and since they had no idea what that meant, several did not leave a message.
- So, we have a situation where only those who disagreed with the food truck proposal were checked for "suspicious activity." Worse yet, those who don't typically check their email on a daily basis, those who called and got a dead phone after 6 rings, and those who called and got a voice mail message but didn't know what kind of message to leave to "verify" their identity were all disenfranchised. And, remember, ONLY those who voted AGAINST food trucks were put through all of this -- four out of five respondents voting "Disagree/Strongly Disagree" were checked for suspicious activity and exactly 0 respondents voting "Agree/Strongly Disagree" were checked.

The bottom line is that, in all my years of conducting surveys, I have never encountered anything as ridiculous as this appears on its face. But I am not privy to all of the evidence, so I reserve judgment. Rather, I am requesting the opportunity to meet with staff and work jointly with them to come to terms with what is going on here. I believe that the City's credibility could be damaged if this isn't handled correctly, and, as an expert in survey design and analysis, I believe that I can help avoid that.

Perhaps the "suspicious activity" was largely due to the surge in "Disagree/Strongly Disagree" votes on March 31st. If so, I have explained that. Or, perhaps some of the restaurateurs set up laptops in their establishments to provide "polling stations" for patrons to use. If so, that would explain why several respondents may have used the same IP address. But, whatever is going on, it should be handled transparently, not behind closed doors, if the credibility of the City and future polls are going to be preserved going forward.

Best,

Darrel

Darrel W. Drury, Ph.D.

1030 North Royal Street

Alexandria, Virginia 22314

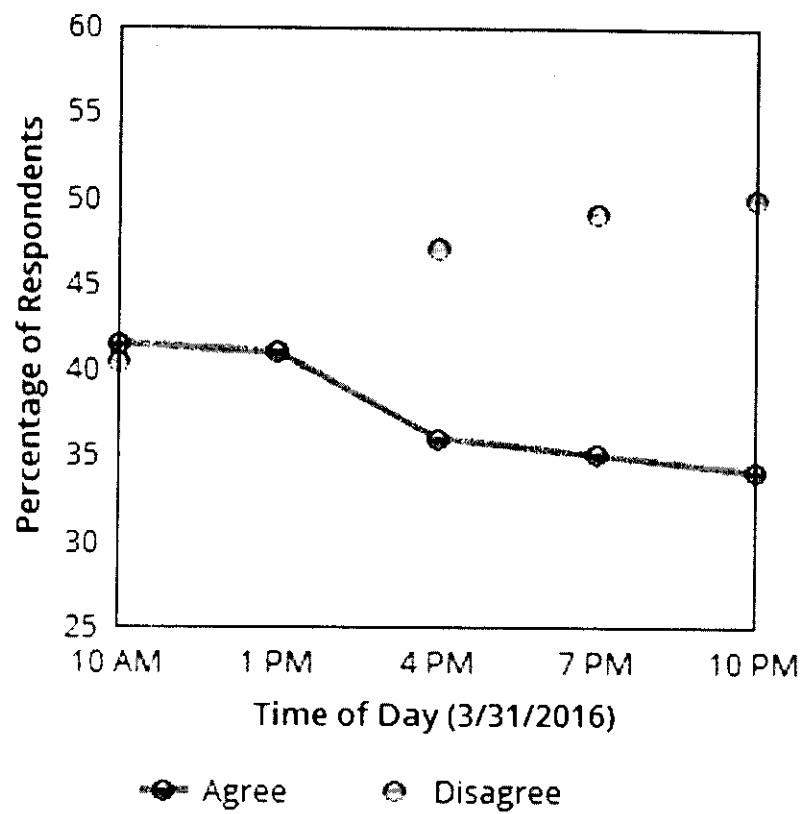
~~(703) 683-3999~~ (Home)

~~(202) 550-6098~~ (Cell)

~~(703) 683-3999~~ (Fax)

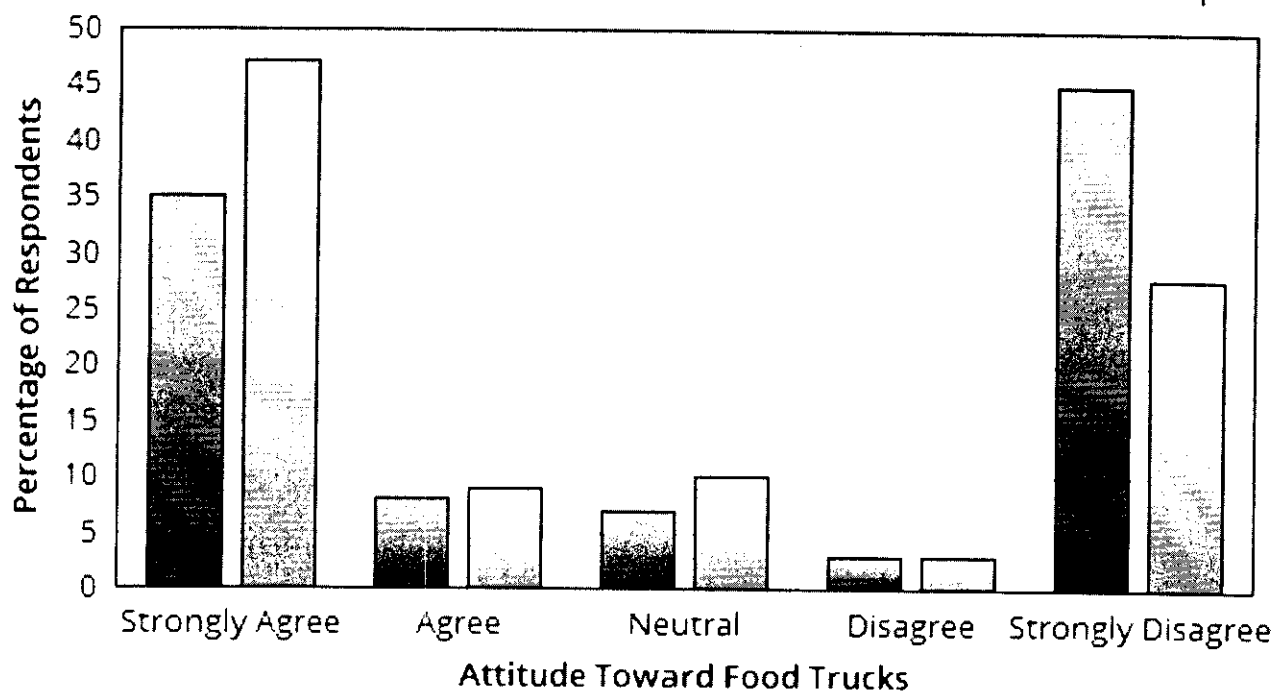
Impact of Newsletter on Survey Results

Agree or Disagree with Food Trucks at N. Fairfax St.?



NOTE: Newsletter emailed at 1 p.m. on March 31, 2016.

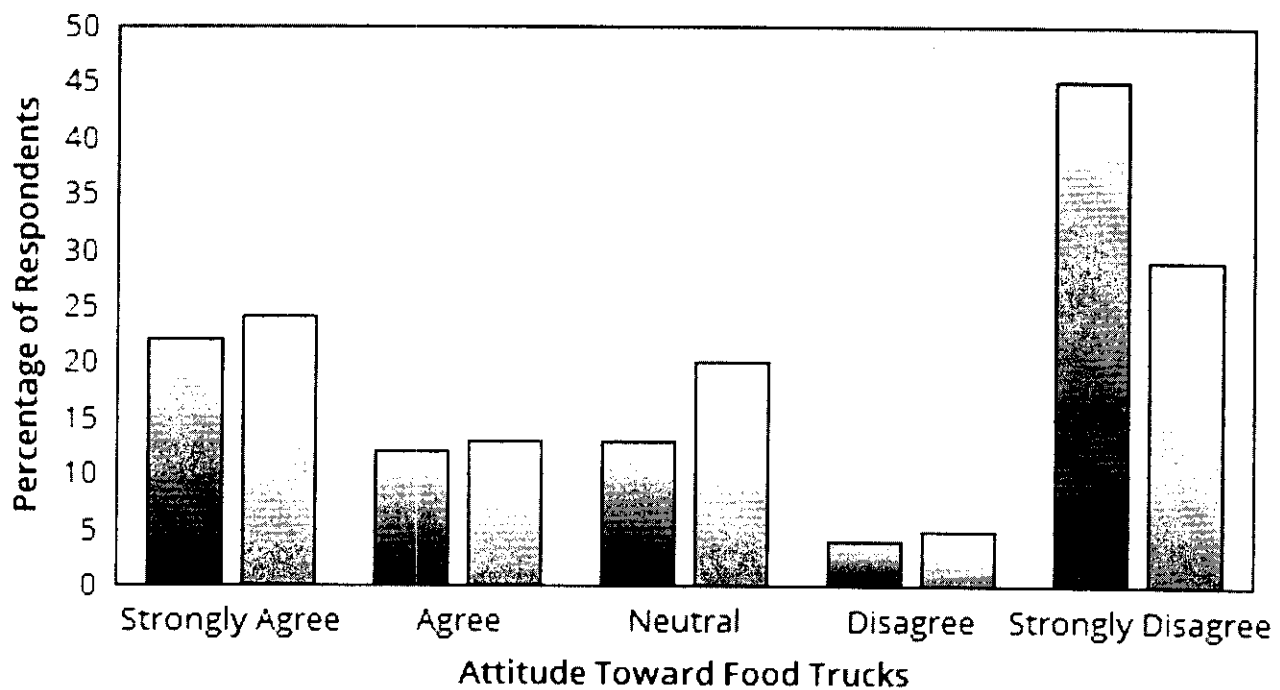
Comparison of Food Truck Survey Results: Eisenhower Ave. Results as Shown at Close of Survey vs. Results as Presented in Staff Report



- Survey Results as Reported at Close of Poll
- Survey Results as Presented in Staff Report

Comparison of Food Truck Survey Results: N. West St.

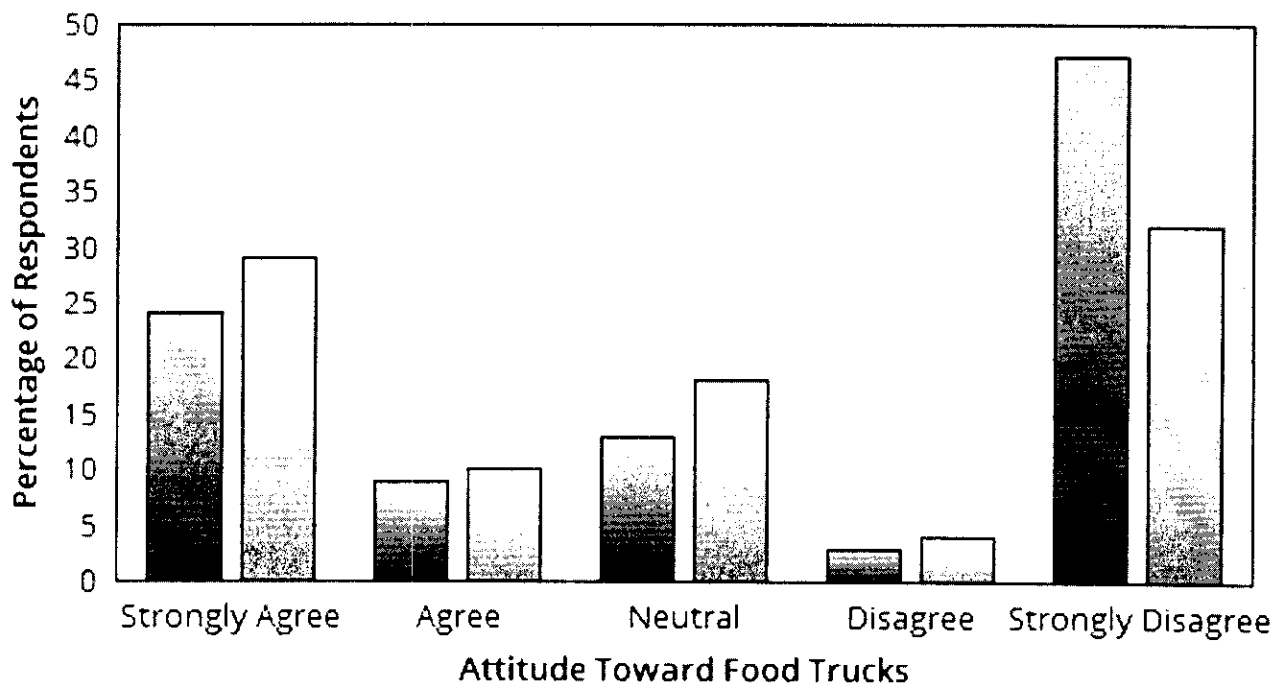
Results as Shown at Close of Survey vs. Results as Presented in Staff Report



- Survey Results as Reported at Close of Poll
- Survey Results as Presented in Staff Report

Comparison of Food Truck Survey Results: N. Fairfax St.

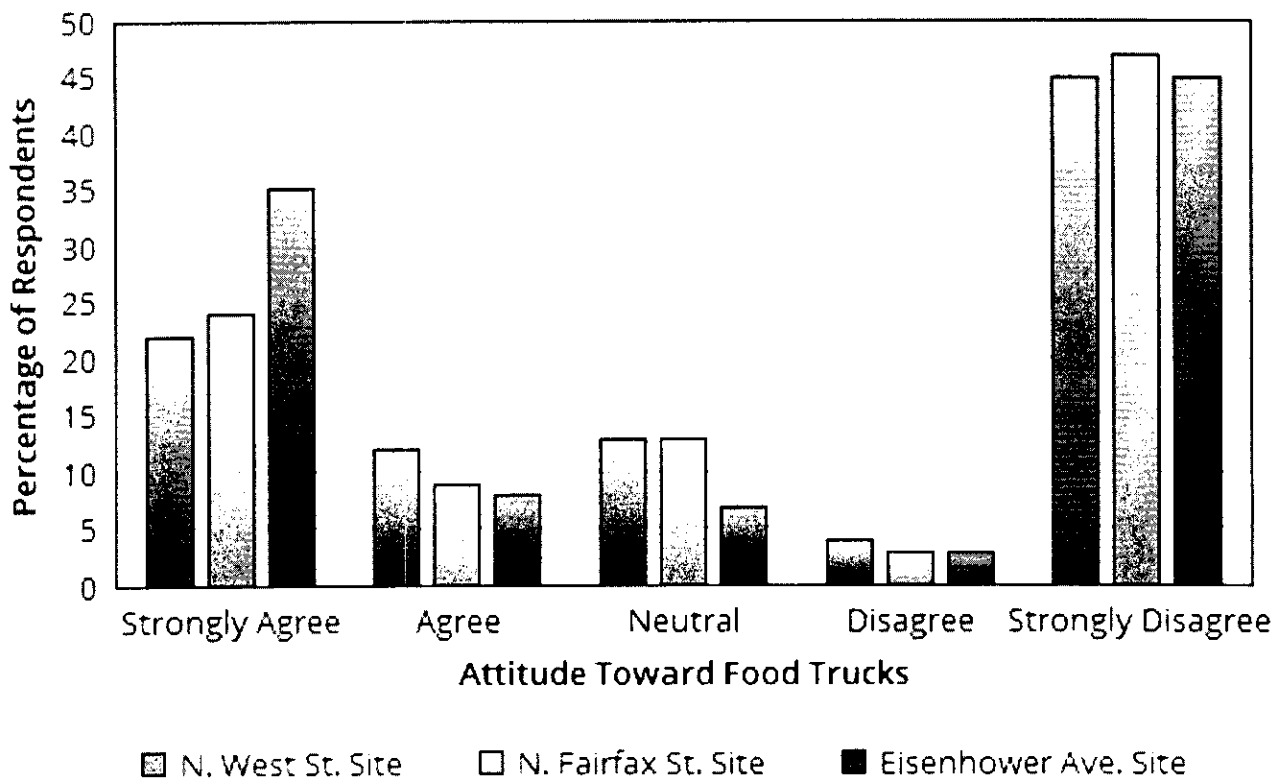
Results as Shown at Close of Survey vs. Results as Presented in Staff Report



- Survey Results as Reported at Close of Poll
- Survey Results as Presented in Staff Report

Food Truck Survey Results

Based on Summary Results Presented on AlexEngage at Close of Survey



NOTE: Graph uses all response data, with the exception of unclaimed and unverified responses.

Greetings,

11
4-16-16

My name is John Eberhardt and I am the co-owner of the Jimmy John's sandwich shop franchise located on John Carlyle Street. I am here today representing my business investment in the City of Alexandria, and the 25 payroll employees that I employ here in your city.

I am here to ask the city council members to attest to how they plan to monitor and control the roach coaches, also known as "food trucks." By monitor and control, I mean ensuring the roach coaches are not parked in "designated" parking spots prior to the "4-hour" service window. The miniscule fines the city has included in the ordinance proposal is irrelevant towards the gross sales the roach coaches will bring-in; meaning, the \$500 fine is worth the price of admission. I see it in Rosslyn and in DC all the time. These guys show up before daybreak to secure a parking spot all morning; then roll out after they take the lunch business. To curtail this potential activity before it becomes an issue, I propose raising the fine amount to \$5,000 each and every occurrence.

Secondly, I'd like to ask the council to explain why brick-n-mortar tenants who pay enormous rent and taxes into the city coffers are subject to a different set of comprehensive and expensive architectural standards than the roach coaches. These food trucks can show up with the paint peeling and hub caps falling off, handwritten menu's and minimal sanitation standards, yet I have costly interior and exterior architectural standards to maintain; for example, I cannot use "outdoor" umbrellas, show pictures of food items on my menu boards, etc, etc, yet, the food trucks can "handwrite" their menu's and post them on the back of a paper plate...now that's not what I presumed the city would call "acceptable."

Furthermore, I'd like to understand how the council plans to enforce accurate sales reporting, sales and use tax, property and equipment, and BPOL taxes w/the cash-n-carry roach coach trucks. Where's the auditability and integrity in the system when those truck role on back to Maryland, or Woodbridge?

Lastly, the council needs to hold-off on their motion to consider the inclusion of food trucks in the city limits, and dedicate a bit more consideration towards the questions I just presented, as well as, the impact of laid-off restaurant employees as a result of their decision.

Jackie Henderson

11
4-16-16

From: John Eberhardt via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Saturday, April 16, 2016 5:55 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #94475: Mayor, Vice Mayor, City Council I attended the city council session toda

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 94475.

Request Details:

- Name: John Eberhardt
- Approximate Address: No Address Specified
- Phone Number: 540.446.9592
- Email: jimmyjohnsnorthernva@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I attended the city council session today, 4/16, for an opportunity to speak on behalf of the Alexandria businesses and the impact of the "Food Truck" ordinance. I registered to speak at 9:05am w/the clerk and waiting 4 hours for an opportunity to speak - which did not occur. What I did witness was a PATHETIC showing of speakers who whined to the council for 4 hours upon different subjects, all of which, focused upon spending the city's budget on "special interest" initiatives and programs. My question to each of you is when does this city council hold hearings to make informed business decisions?

As a business owner in your city, I was thoroughly disgusted as to how the entire session was conducted. A total inefficient session of whining. I left my speaking points w/the clerk to be included as part of the official record.

John Eberhardt
Owner/Operator Jimmy John's Gourmet Sandwiches
Madelines Business Group
540.446.9592

- Attachment: [Agenda Item 14-5155 Jimmy John%27s.docx](#)
- Expected Response Date: Monday, April 25

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Issues Concerning the Reporting of Food Truck Survey Results

Daryl Drury
11
4-16-16

Methodological Issues Re: Online Surveys

- Self-selection bias (can be mitigated in future surveys)
- Potential for abuse due to multiple responses per respondent
 - ✓ Peak Democracy's (PD) mission: "To build public trust in government."
 - ✓ Key to accomplishing mission:
 - PD makes "poll responses available for the community to review in real time" (PD Website);
 - PD displays only those responses that have been verified – i.e., after completing the survey, each respondent must verify his or her email address by clicking on a confirmation link provided in an email from PD (AlexEngage Site);
 - PD employs "in-house software and staff to authenticate every participant and restrict each participant to only one" completed survey per topic (PD Website); and
 - PD never "edits or deletes" survey response information (Terms of Use, AlexEngage).

Problems with Staff Report Graphs

- Contrary to PD's usual practice of (a) reporting only those responses that have been verified and (b) never editing or deleting survey response data, the staff report presents just two graphs, each equally flawed:
 - ✓ Figure A co-mingles valid responses from all authenticated respondents with the questionable responses of more than 1000 unauthenticated respondents; or
 - ✓ Figure B omits the responses of more than 500 authenticated respondents, all of whom oppose food trucks, thus biasing the staff report in favor of food trucks.
- Rationale for omitting the 500+ cases:
 - ✓ Many were clustered over a short period of time;
 - ✓ Most displayed consistent disagreement with the food truck option; and
 - ✓ In some cases, several respondents used the same computer or other device to complete the survey (although each used his/her own personal, authenticated email address)

FIGURE A

WITH the 504 submissions from the same source

This location is appropriate for food truck vending because it has an adequate concentration of employees/residents and would have low impacts on city streets, parking, circulation, safety and quality of life

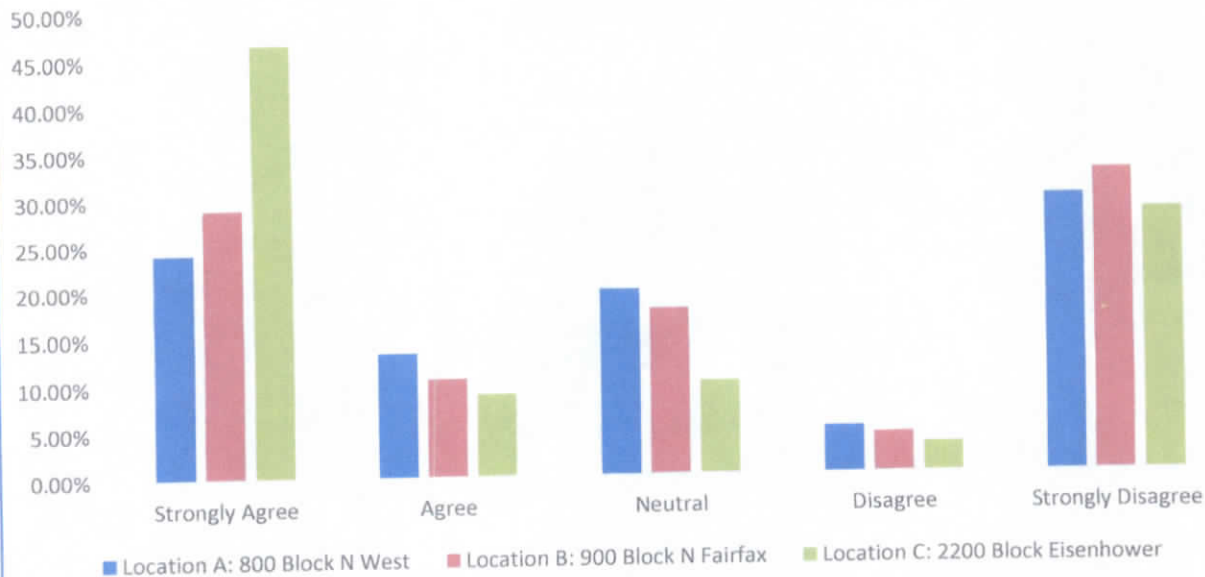


FIGURE B

WITHOUT the 504 submissions from the same source

This location is appropriate for food truck vending because it has an adequate concentration of employees/residents and would have low impacts on city streets, parking, circulation, safety and quality of life

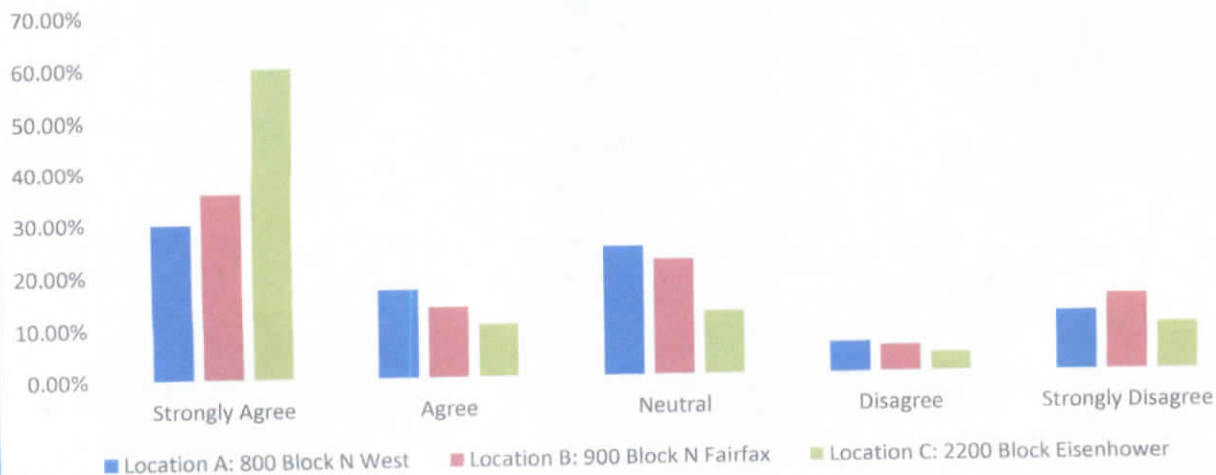


FIGURE 1

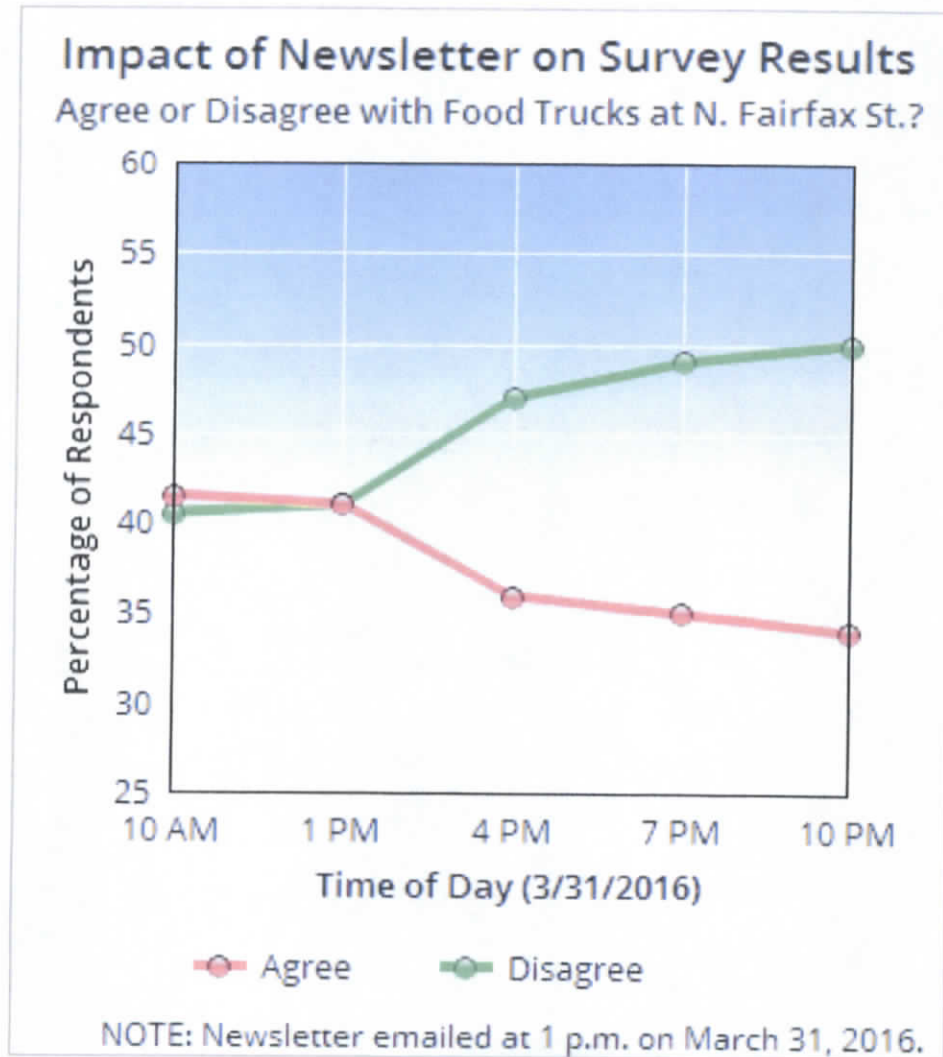


FIGURE 2-A

Comparison of Food Truck Survey Results: N. West St.

Results as Shown at Close of Survey vs. Results as Presented in Staff Report

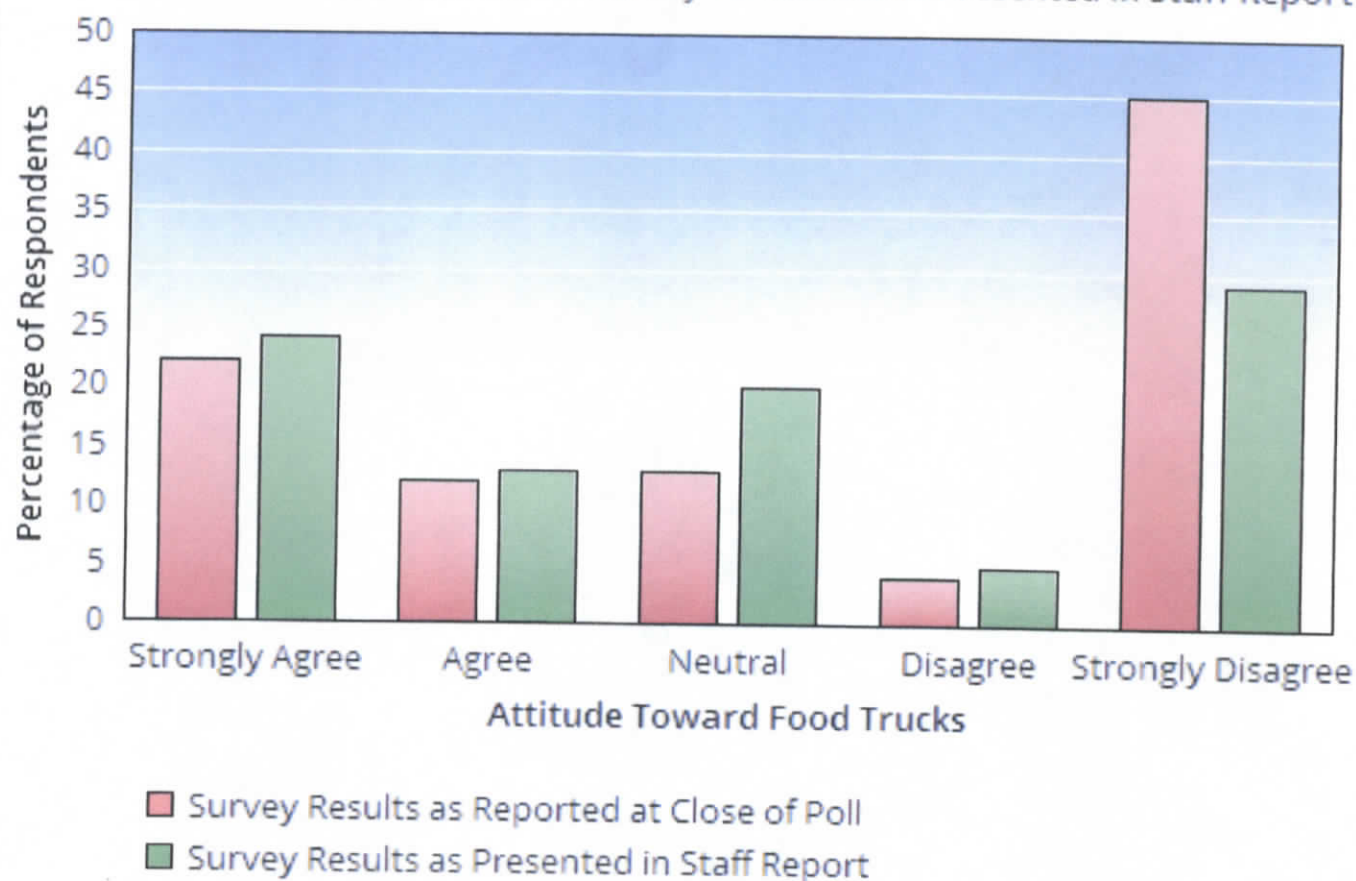


FIGURE 2-B

Comparison of Food Truck Survey Results: N. Fairfax St.

Results as Shown at Close of Survey vs. Results as Presented in Staff Report



■ Survey Results as Reported at Close of Poll

■ Survey Results as Presented in Staff Report

FIGURE 2-C

Comparison of Food Truck Survey Results: Eisenhower Ave.

Results as Shown at Close of Survey vs. Results as Presented in Staff Report

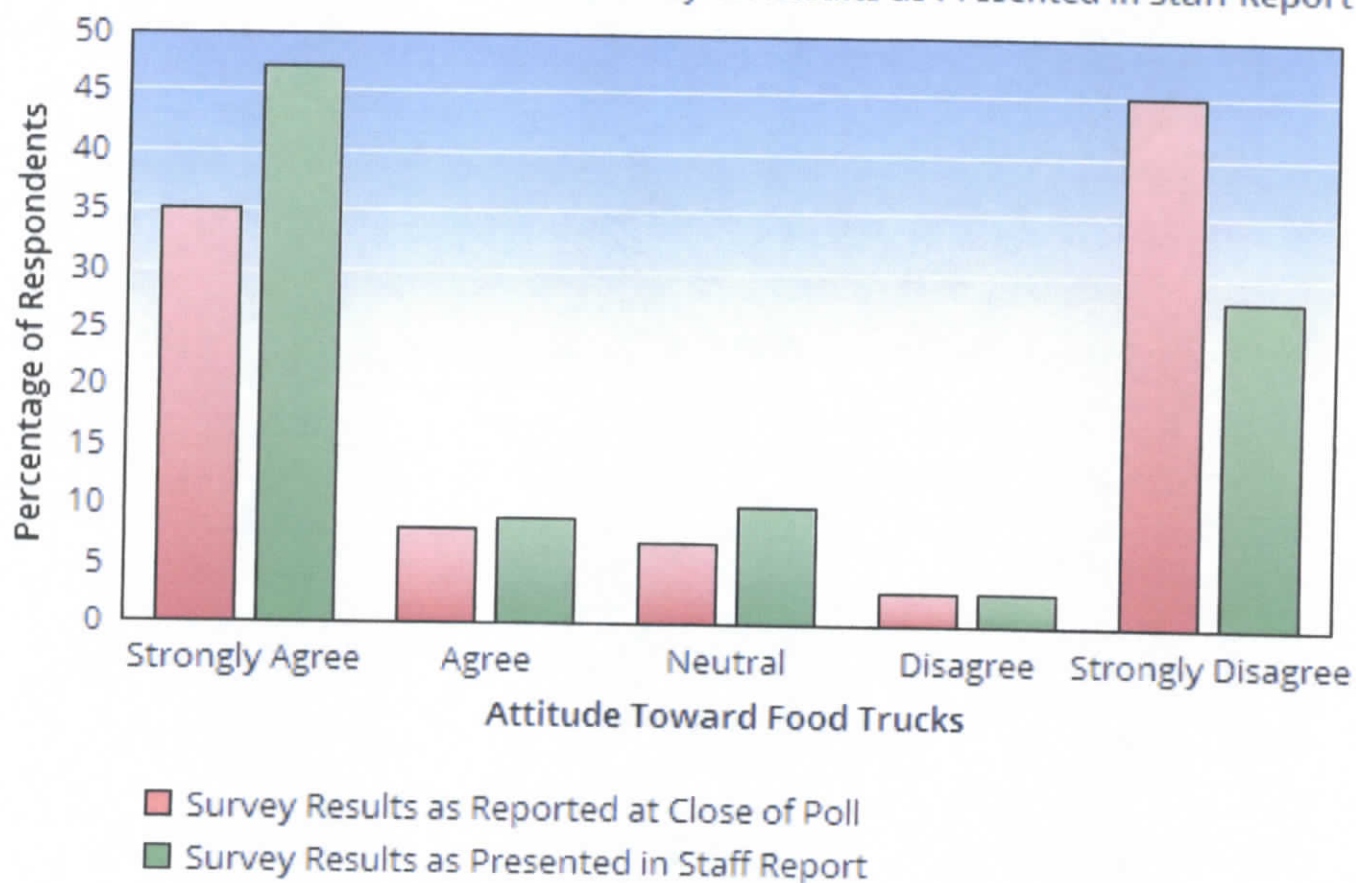


FIGURE 3

