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Sent: Wednesday, May 20, 2020 6:27 PM
To: List - City Council
Subject: [EXTERNAL] May 21 Meeting: OTS / Business Re-opening

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Councilmembers:

Forgive the email, but I have too much to do to try to conform my correspondence to the Twitter-sized input you allow in e-comments.

I would like to comment on the OTS agreement and the process behind your "Advocating for Businesses to Re-open."

OTS Agreement

I am opposed to commercializing and monetizing our public spaces in general. Park and Rec is turning into a money-grab agency. I am particularly concerned when such spaces begin to become exclusionary or proprietary by either event cost, or other limitations or usages, that imply that the event is not available or accessible to the community at large. Over time, such events erode our "small town feel." When an event is held a beach or beach-adjacent location, such an event becomes even more exclusionary to what our community holds near and dear. The appropriation of the beach for "Outstanding in the Field" still leaves a bitter taste. Further, use of a public facility means that a private facility is not being used, and the city should not be putting itself in competition with the private sector.

I have particular concerns in the following provisions (if you would still go forward with this mess):

- 1) No need for a "trial period"--particularly when there is no stipulation what the trial period is supposed to measure. I still remember remarks from certain councilmembers about the "trial period" for the Outstanding in the Field event in that it didn't generate any problems, when no one ever expressed in advance that they thought it would. The objection was to the event itself and what that suggested in respect to changing the historical precedent of the use of the beach for private events. The "problems" of noise, crowds, etc. were strawman arguments set up by those wanting to deflect and detract from the central concern.
- 2) There is no need for the City to rake off 15% (and you know this is just going to lead to future requests for fee waivers).
- 3) There is no need for the City to claim the right to use 10 times per year or have first rights. Nor is there any policy in place that would govern how those uses would be determined or deployed.
- 4) There's a provision that says "no tents on the pier" but to my understanding there is no right granted for use of the pier outside the roundhouse itself. If such is contemplated, it s/b written.
- 5) There is a provision (#7) where it says the Pier should not be blocked off at any time without approval. That should read "should not be blocked off at any time." Period. If you still want an "approval" clause, then write policy to say who grants approval and on what specific basis.
- 6) Should be rules regarding no banners or other advertising of the event before or during. I don't want to see a Skechers banner over the Roundhouse during their corporate Holiday party during the Fireworks.
- 7) There should be certain days excluded, particular to make sure it doesn't become an adjunct location for Volleyball Tournaments, Fireworks, Friendship Walk etc.
- 8) There should be a limit to how many times per year there can be events, and how many times per year a particular group can sponsor an event.

Advocating for Business to Re-open

I don't care so much for what you do as how you are doing it.

1) There is no information about any restrictions, protocols, objectives, etc. There was no sharing of the protocols on Tuesday of what the business organizations proposed, nor even what I believe I read that Steve Napolitano put on his Facebook page (not being a Facebook subscriber, this resident is left out of that discussion).

2) Of course, I despise this new bent to polemic politics that's underlying the discussions. For so many years we have tried to keep partisan politics out of our council. This whole thing about Barbara Ferrer "bullying" Manhattan Beach? Or that she's just a "social worker?" You take exception to gaps in the results of emergency rules written on the fly that allow Target to open (because they have a grocery and pharmacy) but not small business (and in Michigan they got on the governor's case because gardening supplies were blocked off at Home Depot so just home essentials were available)--yet you don't hold yourself accountable for blocking off Sand Dune greenbelt when other cities had their entire parks open. Sophistry much?

And I lift my right eyebrow to those proclaiming this as a liberty threat for an temporary, emergency situation, when those same people are strong advocates for the government collecting unwarranted surveillance information on residents, available to employees like animal control and parking enforcement, without effective civilian oversight, through expensive license plate readers and Ring technology.

3) I particularly dislike the vagueness and lack of specifics in the discussion. I laugh at the Downtown Business/Chamber "survey" that asks "would you be in favor of opening businesses if we can do it safely?" The obvious answer to anyone is "yes," unless they have something against business. I'd be interested in hearing why anyone would say "no." The key point, of course, being how you define "safely."

4) To that end, if you are going to "advocate for business re-opening," then put some proposals on the table. What do you propose as far as controls? How are you going to measure compliance? Will you actually ask for empirical evidence, or will you just go with your usual subjective evaluation that leaves everyone else confused about criteria. Will you be able to scale up if all of a sudden unanticipated problems occur--how will you manage that?

What is interesting is that both the Chamber and the Downtown Association both say they have proposed protocols, but don't have anything involving protocols or cautions or guidance to visitors on their websites--that you subsidize.

5) I can't believe that you folks have to tell Public Works--at the meeting--to pick up trash better. This again goes to my recurring comment that your staff will not do anything extra or identify and solve a problem on their own unless you tell them specifically--and that doesn't generally come until people are getting pretty mad. And I'm still waiting for you to resume street sweeping on at least the no parking roadways, and to cut the foliage where it is impeding pedestrian access and social distancing.

Thank you for your consideration.

Gary Osterhout