



AGENDA NO: A-3

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL
FOLLOWING POSTING OF THE AGENDA IS ATTACHED
FOR PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: Meredith Bates <[REDACTED]>
Sent: Saturday, November 09, 2019 8:00 AM
To: John Heading; Jeff Heller; Marlys McPherson; Robert Davis; Dana Swanson; Dawn Addis
Cc: Nancy Ballinger
Subject: Hospice Declaration

Dear Council,

I fully support the resolution about November as Hospice month. Hospice provides a valuable service to those in need. At the upcoming council meeting, the Reverend Nancy Ballinger wishes to present you with a children's book about grief. I wanted to give you a heads up about this matter. There are very few books for children about the sensitive topic of death & dying.

Respectfully,

Meredith Bates [REDACTED]

--

Meredith Bates, Volunteer, Senior Outreach, Los Osos Cares



AGENDA NO: A-4

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL
FOLLOWING POSTING OF THE AGENDA IS ATTACHED
FOR PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, November 12, 2019 7:39 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Scott Collins
Subject: a-4

Dear City Council:

I have 8 questions regarding this item. Since direct quotes are from the staff report in normal font, my questions are in italics.

Sincerely,
Betty Winholtz

The term "motorbus" as used here implies a mobile home or recreational vehicle. Is that the intent?

104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies. Any person who intends to bring into the City or otherwise use, alter or relocate within the City any cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate the proposed use, occupancy, structure, construction, and alteration will conform to the provisions of this title.

Why isn't the "board of appeals" the same body as the planning commission?

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business. The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

Why is 4 feet the magic number; why wouldn't any retaining wall be inspected?

E.Amend Section R105.2 (Work exempt from permit), No. 3, to read as follows:3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or a sloping backfill. Retaining walls supporting a surcharge or a sloping backfill exceeding 20%,require calculations and plans signed by a registered civil or structural engineer.

Does this eliminate the required distance in feet a vehicle must be parked from a fire hydrant?

507.5.4 Obstruction.Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Does this eliminate the fire pits at the Rock?

Ordinance No. 625 Page 17 of 275.Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.

Does this apply to vacation rentals?

SECTION 101.2.1-SCOPE 101.2.1 Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.101.2.2 Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for structures..

Does this mean every house has to put in a sidewalk?

EXCEPTION: The installation of frontage improvements shall be required where the street(s) adjoining the property is being developed or redeveloped or has been designated as a pedestrian route, an arterial street, or collector street by the city council.

This exception should be made by the planning commission, not the public works director. It's not a minor item.

14.44.040 -Exceptions. The requirement for construction of new frontage improvements may be waived, deferred or modified by the director of public

works in cases where they determine that existing nonstandard frontage improvements do not create potential safety hazards for pedestrians or motorists, cause a liability for the city, result in drainage problems, or compromise handicapped accessibility requirements. In granting such waivers, the director of public works may require any degree of corrective work to existing frontage improvements they deem necessary.



AGENDA NO: A-5

MEETING DATE: November 12, 2019

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Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, November 12, 2019 7:47 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Scott Collins
Subject: agenda item a-5

Dear City Council:

I have 3 questions regarding this item:

Can you identify what the \$450,000 for improvements are in the Vets Hall (Council Chambers); or is the Council Chambers the room in City Hall?

Why are Street Fees of \$120,250 for handicap access instead of for street repair?

The Housing Element Implementation of \$225,000 is consuming money that should be going toward low income housing. Is there that much difference between the current Housing Element, written 5 years ago, and the one for this year?

Sincerely,
Betty Winholtz



AGENDA NO: A-6

MEETING DATE: November 12, 2019

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Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, November 12, 2019 7:55 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Scott Collins
Subject: agenda item a-6

Dear City Council:

The implication in the following recommendation is that Staff will decide what to ask for, not come back to City Council and the Recreation and Parks Commission for either consent or advice. The public, that uses and pays for the parks, should have a say in this matter directly through public comment and through public representatives, i.e.the city council and recreation/parks commission.

"Staff recommends the Council adopt Resolution No. 92-19 authorizing Staff to submit a grant application(s)to the State of California Department of Parks and Recreation for the Per Capita Program requesting funds which are made available to support efforts to rehabilitate existing infrastructure and to address deficiencies in parks within the City of Morro Bay."

Sincerely,
Betty Winholtz



AGENDA NO: A-7

MEETING DATE: November 12, 2019

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Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, November 12, 2019 8:00 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Scott Collins
Subject: agenda item a-7

Dear City Council:

How is it that plans were approved by the Planning Commission on September 17, 2019, before the property owner had control of the property?

Is an Accessory Dwelling Unit (ADU) allowed under the CC&Rs for the Atascadero Beach Tract?

Sincerely,
Betty Winholtz



AGENDA NO: B-1

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
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10/2/2019

RECEIVED
City of Morro Bay

OCT 3 2019

City Clerk

City of Morro Bay
595 HARBOR ST.
Morro Bay CA 93442

RE: WRITTEN PROTEST "NO" VOTE
PENDING "T BID" 3% TAX LEVY.

BARROW ALESKIRE
2958 CEDAR AVE
MORRO BAY CA 93442
PERMIT # 102766 (SEE BACK ATTACHED)

ILL RESPONSE TO NOTICE OF PENDING
MORRO BAY "VACATION RENTAL TAX LEVY"
"NO VOTE" AS THE USE
OF FUNDS ARE NOT IDENTIFIED

RESIGNED

BARROW ALESKIRE
PERMIT # 102766

RECEIVED
City of Morro Bay

OCT 14 2019

City Clerk

Wilma M. Stephens
[REDACTED]

Oroville, CA 95966
[REDACTED]

October 4, 2019

City Council
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Dear Honorable Council Members,

I must strenuously object to the proposal to levy a 3% tax against vacation rentals in the City of Morro Bay. Our family has owned a small cottage at 1275 Morro Avenue, for many years. It continues to be more and more costly for our family to maintain the house, and the only way we can hope to offset the costs are to occasionally rent it out. We do this through a local property management company, Seaside Realty and Property Management. Just this year alone, we have put a new roof on the house, we have had a new fence built in the back yard, we have re-paved the driveway, we have carpeted the small bedrooms, and my son-in-law installed sprinklers in the front yard. We pay for a local yard service to come to the house every other week, to mow and maintain the yard, and a local cleaning service cleans the home after every stay. I feel that we do our best to maintain an attractive and safe home for our family to use, and for occasional renters to enjoy the wonderful town of Morro Bay and the surrounding area. All of these projects and services are performed by local Morro Bay businesses, or with materials purchased locally.

We have a visitor's book in the home, which everyone writes in after their stay, and I cannot tell you the number of people who were visiting Morro Bay for the first time, and intended to come back every year! Like our family, everyone falls in love with Morro Bay, and wants to be able to keep returning. When we are in Morro Bay, we eat out a lot, we shop in the local shops and businesses, and enjoy the surrounding area with wine tasting, golfing, and bike riding.

If maintaining the cottage in Morro Bay becomes more and more expensive, as with adding this new tax, eventually it will reach a tipping point, and our family will no longer be able to retain the home, which is enjoyed by my children, grandchildren, great grandchildren, friends and neighbors.

Please accept this letter as a strong objection to increasing the costs of maintaining our lovely little cottage in Morro Bay!

Thank you,



Wilma M. Stephens

10-12-19

RECEIVED
City of Morro Bay

OCT 16 2019

City Clerk

City of Morro Bay
attn: City Clerk
595 Harbor Street
Morro Bay, CA 93442

We have our home at 395 Avalon St.
Morro Bay as a single 1 family Vacation
Rental and are protesting against the
3% Tax increase on rent collected. We
are already paying 11% Occupancy tax.
We all have had our water bills
increased \$41.00 a month, which
makes a burden for a lot of people.
We have available at our home
3 parking spaces and protect charging
3% more on rent for our guest to
park their cars, plus we have
to charge 11% on rent already.
Our house is only rented approximately
80 to 100 days a year.

Please add this to the
protest list as we are unable to
attend the meeting.

Virginia Bailey et al



Ms Virginia Bailey
Tulare, CA 93274

311

RECEIVED
City of Morro Bay

OCT 21 2019

City Clerk

10/17/19

City of Morro Bay
Attn: City Clerk
595 Harbor Street
Morro Bay CA, 93442

Dear City of Morro Bay,

We are opposed to the proposed 3% assessment on Vacation Rentals. We would be happy to pay something along the lines of 1.5 - 2%. It seems the hotels are larger operations that focus solely on tourism and are located in the tourist oriented areas of Morro Bay. Please consider this letter as an opposition letter.

Thank you for ALL your public service!



Susan Callado

Owner of:

471 Mindoro

Morro Bay, CA 93442

Protest

Oct. 23rd 2019

RECEIVED
City of Morro Bay

OCT 22 2019

City Clerk

City of Morro Bay
attn: city clerk
595 Harbor Street
Morro Bay, Calif.
93442

595
Harbor
Street

We have a small vacation rental and wish to strongly protest your desired attempt to raise taxes on such "business".

We rent this only occasionally, & never to the annoyance to any neighbor.

We feel Morro Bay should be primarily for the people who live here, and tourists should go to hotels, motels which are zoned and responsible on-site for guests.

You have made these protests difficult to give you. (The City manager is not in town till Oct 23rd,?) and even with protests, you will bring it up again next year. Guess that's why people are leaving California.

Sincerely

See Ann Perrey
William O. Perrey

Rental address
235 Piney Way
Morro Bay, Calif.

OCT 28 2019

Diem-Chau Le and Benjamin Sztajnkrzyer
[REDACTED]
Glendale, CA 91205

City Clerk

October 24, 2019

City of Morro Bay
ATTN: City Clerk
595 Harbor Street
Morro Bay, CA 93442

Re: Proposed 3% tax increase to short-term rentals

Ladies and Gentlemen:

Several years ago, we made our dream come true: we bought a home to retire in, in Morro Bay.

We aren't able to retire yet; we will need to work another 10 – 15 years to take that step. Our primary residence is in Los Angeles, and we cannot afford the mortgage on our property in Morro Bay unless we rent it out to defray our costs.

We opted to provide short-term rentals (as opposed to engaging in a lease with a long-term renter) for several reasons. First and foremost, we want to stay at the house for at least a few weekends throughout the year, as we love spending time in Morro Bay. But we also want to give back to our community: our short-term rental guests contribute substantially to the economy of Morro Bay, helping out local small business owners such as restaurants, tourist venues, and shops.

Keeping rental costs reasonable is important to us — we want to make sure our home is accessible to working families. Adding another 3% tax to the 11% tax rate we already pay would result in the highest taxes for travelers in SLO county. The impact would be significant to the guests considering Morro Bay, and would drive them to other towns.

In addition to resulting in fewer affordable vacation options for families, the proposed reasons for the additional tax revenues are questionable. Short-term rentals do not compete with hotels, as has been suggested; large conventions and industry events typically utilize the services of hotels, while families may opt to stay at short-term rentals instead. These are two entirely different segments of travelers.

It's important for Morro Bay to provide competitive vacation lodging options to meet the needs of different travelers. Making short term rentals more expensive will drive a large segment away.

We are 100% against this tax increase. We Vote NO!

Sincerely,



Diem Chau Le and Benjamin Sztajnkrzyer
Morro Bay Vacation Rental Owner
Permit #102715

OCT 28 2019

City Clerk

Teresa & James Shea
Vacation Rental Owner
290 Terra Street
Morro Bay, CA 93442
Permit # 101835

October 22, 2019

City of Morro Bay
ATTN: City Clerk
595 Harbor Street
Morro Bay, CA 93442

Dear Sirs and Madams,

My husband and I live in Los Angeles and have worked our entire lives saving for our retirement. Our retirement will consist of leaving LA to live in our modest 1400 s. f. home in Morro Bay to live out our remaining years relaxing and enjoying the beauty that Morro Bay offers with our kids and grandchildren.

In order to fulfill this dream, we purchased our Morro Bay home a few years ago. The mortgage payment is steep. In order for us to afford this home we need to rent it out as a vacation rental to help subsidize the cost and pay down the mortgage before we move there full time.

Having yet another tax added to the cost of renting out our home puts us at a disadvantage to the competing hotels. This proposed 3% hike added to the 11% tax rate (making it 14% - the highest tax in the county) that the guests already pay makes renting the home out of reach for many guests.

In addition, the proposed uses of these additional funds according to your notice of public hearing include:

- 1.) General promotion of tourism within the district is to include costs as specified in the business plan to be adopted annually;
- 2.) The marketing of conference, group and film business that benefits local tourism and the local hotel industry in the district; and
- 3.) The marketing of the district to the travel industry in order to benefit local tourism and the local hotel industry in the district.

My questions are:

- 1.) How will this benefit the small Vacation Rental (VR) business owner?
- 2.) How will the small Vacation Rental business be promoted with these funds? On a new listing within the city website? Why should we pay to promote hotels?
- 3.) Conference, groups and film business are not who rent VRs. Will the city be equally marketing to groups, families and target audiences that will benefit VR owners?

To me this is nothing more than a ploy for the hotels to find a way to increase their revenues while having the small Vacation Rental homeowner pay for it.

We are 100% against this increase in the TBID. It's is a shake down of the small vacation rental business owner by the City of Morro Bay and the Hotel operators.

We Vote NO!

Sincerely,



Teresa Shea
Morro Bay Vacation Rental Owner
Permit #101835

JAMES P. SHEA

NOV 1 2019

City Clerk

City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

October 4, 2019

To the City of Morro Bay,

I am the owner of a residence at 449 Panay Street in Morro Bay. The house has a studio apartment on the ground floor and a two-bedroom apartment on the second story. The two-bedroom apartment is currently available for rent through Airbnb.

I am writing to protest the addition of short-term rentals to the Morro Bay Tourism Business Improvement District (TBID). The August 28, 2019 edition of the CalCoastNews.com stated: *According to a city staff report, Morro Bay is the only jurisdiction in San Luis Obispo County that does not levy transient occupancy tax on vacation rentals, such as Airbnbs.* All short-term rentals are, in fact, currently paying a Transient Occupancy Tax of 11% of the current rent charged. Perhaps instead of levying us with an additional 3%, the money could come out of that fund.

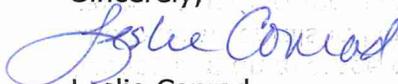
As a short-term renter in good standing, I currently pay \$151.36 per year for a business license and an average of \$5000 per year in occupancy taxes. With approximately 200 short-term rentals in Morro Bay, that equates to \$1,000,000 each year. I claim and pay taxes on my income, pay home owner's taxes to the city, purchase goods that are taxed, and buy from local vendors, stores and contractors, which also helps Morro Bay's economy. I invest in my home and make my neighborhood a more pleasant place to live, as is authenticated by the reviews on Airbnb. Renters who come to stay in my home also inject money into the local economy by purchasing groceries, frequenting restaurants and shops, and visiting local points of interest.

I would urge the City of Morro Bay to think about the potential negative effects of adding another tax to short-term rentals. Short-term renters now pay service fees to the rental site (Airbnb, VRBO, etc.), cleaning charges, transient occupancy taxes, and any additional charges the city has. It can make what appeared to be an affordable stay become unaffordable. Morro Bay sits in an area populated by many lovely small towns. If our rents go up another 3%, people will choose to stay in an area where the fees don't bankrupt their stay.

Including residential areas in the TBID could also be opening the door to problems in the future for both the city and its residents. For example, could the tourism tax be applied to any and all home businesses the TBID deems serve the tourist industry?

In closing, I would request that the city think twice about adding a tax that could easily backfire by turning potential visitors to Morro Bay away.

Sincerely,


Leslie Conrad

November 4, 2019

RECEIVED
City of Morro Bay

NOV 4 2019

Dear Council Members:

City Clerk

We are writing in regard to the proposed occupancy tax increase as it will have a negative impact on Morro Bay vacation homeowners.

We have owned our Airbnb home in Morro Bay for over five years. During this time we experienced a 1% increase in our TOT and now we fear another increase in on the horizon.

We manage our property in a way that guests from all over the world can stay in an affordable, comfortable and clean home in a nice family oriented neighborhood. Our goal is for others to be able to take their families/friends on vacation without breaking the bank. We provide our guests with local information and recommendations for Morro Bay restaurants, shopping and leisure activities. Our guests spend a good portion of their time and money in Morro Bay. We know this because we get a lot of feedback about our little town! You are welcome to read our reviews.

Because our rates are kept affordable (anywhere between \$100 - \$200 per night for our 2 bedroom/2bath home) our occupancy rate has been consistent.

Here's the point. Each and every month we fill out our TOT and mail a check to the city of Morro Bay. A couple months of the year we are paying between \$200 - \$300. High season \$400 - \$600+. Add to that our monthly utilities (which have gone up significantly in five years), gardener, pest control, occasional handyman, business license and housekeeper. It is costly to maintain a home and to keep it in top shape so that guests will want to continue to book stays in our Morro Bay home. We take great pride in our home and our reviews speak volumes. We want to be able to continue to offer competitive rates and have high occupancy. If the additional tax goes into effect, we will:

1. Raise our rates (this will affect our occupancy rate). We know from experience that rates must be competitive. When we first purchased our home we utilized a property management company. The daily rate they set for our home was too high and our occupancy was low. Once we took over managing it ourselves occupancy has been consistent, which is a direct reflection of the rates we offer. It is also a steady stream of occupancy tax remitted to the City of Morro Bay.
2. Choose to book long term guests (over 1 month) where the TOT does not apply.
3. Decide to use our home for personal use.

Hotels charge the occupancy tax in addition to the nightly rate, so taxes are passed on to the consumer. To be competitive, vacation rentals include the occupancy tax in the nightly rate. This occupancy tax creates an advantage for hotels and hurts small business owners.

With vacation rentals the owners absorb the tax increase and either choose to pass it on to the guests which in turn will lower occupancy or the owner will pay higher taxes....again.

Vacation homes bring a lot tourism to Morro Bay! If taxes increase, and vacation rental rates increase in step, this will have an impact on all vacation home rentals and may decrease overall TOT revenue.

Please take this into consideration when voting on this matter.

Respectfully,

Cathy & Doug Loop

[REDACTED]
Morro Bay, Ca. 93442
[REDACTED]



AGENDA NO: C-1

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
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Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, November 12, 2019 8:21 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Scott Collins
Subject: agenda item c-1

Dear City Council:

The City should not participate in and therefore should not contribute \$300,000 toward the Delta Project.

The intent of the project, "to restore lost delivery capacity" is unnecessary for the allotment that Morro Bay pays. The City already pays double plus extra for our allotment. We already get more than a "67%" guarantee because of how we have already bought into State Water. As a "non-participant", "around 48%" is not us. Do not waste our ratepayer money on this project and burden us even further.

In addition, this statement, "Water provided through the DCP will be relatively low-cost and provides great value compared with other options for developing new local supplies" completely contradicts the reason for building the reclamation part of the new sewer plant. You can't have it both ways.

Please identify when there has been "unused State Water allocation"? We live in a drought driven area. If there is extra water it is stored in the San Luis Reservoir for drought years. There is not such thing as "unused State Water".

Finally, there are no potential benefits. Do not make a deal with CalPoly.

Sincerely,
Betty Winholtz

Dana Swanson

From: Mark Low [REDACTED]
Sent: Sunday, November 10, 2019 11:13 AM
To: Council; Dana Swanson; Scott Collins; Jennifer Callaway; Rob Livick
Cc: citizensforaffordableliving; PWAB; CFAC; WRFCAC; JJacobus; Harvey Packard; nwilson; asheeler
Subject: No Public Hearing regarding this extremely valuable public property

November 10, 2019
mb business owner

we can all thank christine johnson, jamie irons and noah smuckler for this incredible mess. ironically, none of those individuals are even seen in mb any longer and not involved in government – hopefully they know they have irreparably damaged the city of morro bay . their “vision” was so myopic and folks bought into that. millions of dollars later and no progress, make sure to thank them – if you can find them!

<https://calcoastnews.com/2019/11/red-legged-frog-concerns-delay-controversial-morro-bay-sewer-project/>

CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: Chris F. Neumeyer, City Attorney Unrepresented employee, as defined by Government Code subdivision 54957.6(b): City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION Conduct an employee evaluation of City Manager pursuant to Government Code section 54957

<https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5184>

C. Business Item

C-1 PARTICIPATION IN THE DELTA CONVEYANCE PROJECT, AND NEGOTIATIONS WITH CALIFORNIA POLYTECHNIC STATE UNIVERSITY (CAL POLY) REGARDING ADDITIONAL WATER SUPPLY FOR THE UNIVERSITY;(PUBLIC WORKS)

RECOMMENDATION: Staff recommends the City Council provide the following direction:

- 1. Authorize the Public Works Director, acting as the appointed representative to State Water Subcontractors Advisory Committee (SWSAC) to the San Luis Obispo County Flood Control and Water Conservation District (District) , to vote in favor of recommending the District sign the Agreement in Principle (AIP) for the Delta Conveyance Project (DCP); and**
- 2. Authorize staff to continue discussions with Cal Poly for the potential transfer of a portion of the City's State Water Allocation to the University.**

<https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5183>

Councilpersons All,

It appears that the city's employees do not have the citizen's best interests in mind when they write the agendas and in particular wrote the recommendations above.

There has been little to no discussion at any city council meetings regarding any Agreement in Principle (AIP) for the Delta Conveyance Project (DCP). Why is that?

This surprise agenda item so neatly and sneakily inserted by the agenda writers does confirm that the City of Morro Bay's interests are *not* being well served, or worse.

Councilwoman and Assemblywoman Candidate Addis, how does the transfer of ANY of the City's State Water Allocation to the University insure a secure water source, for the people you are now being paid to represent? It is unseemly for anyone claiming to be concerned with the city's future water supply to allow the thinking which permitted "staff" to believe that such serious matter could be slipped in under a Business Item without any real public input i. e. a Public Hearing regarding this extremely valuable public property. Why are you allowing it? I will recommend, again, that everyone spend the time to view "Investigating Shadiness | Water & Power: A California Heist" <https://www.youtube.com/watch?v=A4HekGORgZw>

With regards to the "CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: Chris F. Neumeyer, City Attorney Unrepresented employee, as defined by Government Code subdivision 54957.6(b): City Manager"

Is this meeting an attempt to immunize Chris F. Neumeyer, City Attorney & <http://www.awattorneys.com/our-team/attorneys/joseph-w-pannone> et al. and their malpractice insurance carrier against liability for certain advice which they have been paid to provide the city?

Your prompt response, ahead of the October 12, 2019 city council meeting may provide help to transparency, which is absent on these matters and will be legally appreciated, in your roll(s) as paid public servants.

Respectfully submitted,

Mark Low
Steadfast Concerned Citizen

Today, I got a kick out of this:

<https://abc30.com/politics/tulare-councilmember-sues-city-he-represents-/5685029/>



AGENDA NO: C-2

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
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Dana Swanson

From: Erica Crawford <erica@morrochamber.org>
Sent: Monday, November 11, 2019 12:35 PM
To: Scott Collins
Cc: Dana Swanson
Subject: Comments for Item C2
Attachments: Item C2 11.12.19.pdf

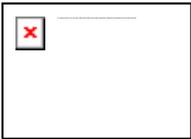
Hi Scott,

Please find a letter from the Chamber on Item C2 tomorrow attached to this email. Hoping it could be included in agenda correspondence.

Thank you,
Erica

--

Erica D. Crawford
President/CEO
w: 805.772.4467
m: 917.378.2454



Morro Bay Chamber of Commerce
695 Harbor Street
Morro Bay, CA 93442
November 11, 2019

Scott Collins
City Manager
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Dear Mr. Collins:

The Morro Bay Chamber of Commerce has reviewed the proposed referendum that has been submitted on the pre-zoning for the South Bay parcel intended to site the City's new WRF. It has reviewed the legal background, the practical effect of this action, the cost of the action (direct and indirect), and the practical options available to the City Council. The Chamber Board, assisted by its Governmental Affairs Committee, recommends that the City Council rescind the Ordinance 623 at its November 12th meeting. This recommendation is based on the following findings:

1. The rescission of the ordinance will not stop the implementation of the WRF at the South Bay site. The community has spent almost 20 years selecting this site from a number of imperfect options and it is the clearest, and at this point, the cheapest path forward.
2. There is limited or no cost to the rescission, while there is significant cost to any election, both for the election itself and for the time and effort that the community will spend on this issue.
3. The General Plan amendment and the Final EIR for the WRF have not been procedurally or technically challenged, nor have the Coastal Commission or County permits issued for the project. The various statutes of limitations to challenge these actions have passed.
4. We at the Chamber, and as business people who rely on visitors who come here for the community's natural beauty, do not take environmental impacts or potential degradation of our bay, estuary and natural areas lightly. The Final EIR covered these issues adequately, as evidenced by the lack of procedural or technical challenge to its findings. We also know that the implementation of the WRF will be overseen by an alphabet soup of regulatory agencies including the Regional Water Quality Control Board, State Department of Fish and Wildlife, Federal Department of Fish and

Wildlife, and others, and trust the rigorous standards imposed by these agencies.

5. The cost of any election is two to fifteen times the potential annual savings from having the ordinance upheld. As business people, and those that represent our member-investors, spending money on an election to get anything less than 100% back is not a good investment, especially considering the dire state of the City's 10 year budget forecast and since the Council could initiate another pre-zone and annexation in the near future.
6. An election would be a distraction and would require supporters and opponents alike to spend lots of time and money that could be better spent serving their customers, running their businesses, supporting community organizations, and supporting the community in general.
7. An election would continue the impression that nothing has changed in Morro Bay, that there is no "New Day in Morro Bay", and that those wishing to invest in our infrastructure improvement need not apply.

Our Chamber's 300 members, 12 Board Directors and 12 Governmental Affairs Committee members are all committed to building business and community in the City of Morro Bay. Thank you for sharing this recommendation with the City Council as it considers Item C-2 at the November 12th meeting.

Sincerely,



Erica D. Crawford
President/CEO





AGENDA NO: C-3

MEETING DATE: November 12, 2019

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL
FOLLOWING POSTING OF THE AGENDA IS ATTACHED
FOR PUBLIC REVIEW PRIOR TO THE MEETING**



November 8, 2019

The Honorable John Headding
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

RE: # Agenda Item C-3

Dear Mayor Headding and Councilmembers:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Morro Bay through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to reduce tobacco use, as approximately 30% of all cancers are related to tobacco use.

We are writing to encourage this council to consider creation and passage of a Smoke-Free multiunit housing policy that will protect all Morro Bay residents. We also urge passage of a tobacco retail license that also eliminates the sale of all flavored tobacco products, including menthol cigarettes, and without exemptions, as an effective way to reduce sale of tobacco products to youth.

Smoke-free Protections

According to numerous Surgeon General's reports, there is no safe level of exposure to secondhand smoke. Secondhand smoke contains at least 7,000 chemicals, including hundreds that are toxic, and about 70 that can cause cancer. Smoking is estimated to cause 480,000 deaths in the U.S. each year, including an estimated 42,000 from exposure to secondhand smoke. More than 80% of lung cancer deaths in men, and more than 90% in women, are attributable to smoking, but tobacco use also increases the risk for many other types of cancers. Even brief exposure to secondhand smoke has immediate adverse health effects in adults and children.

ACS CAN supports the prohibition of smoking in all multiunit housing (MUH). Smoking wherever others are in close proximity means that nonsmokers, including children, are unwillingly exposed to the carcinogens of secondhand smoke. This is of particular concern in MUH, where it has been estimated that 44-46% of MUH residents are involuntarily exposed to secondhand smoke in their homes. Those who spend the most time in their homes--the most

vulnerable populations, such as very young children, very elderly adults, and the disabled—are at the greatest risk.

In MUH, secondhand smoke can drift from neighboring units, neighboring patios and balconies, and from outdoor common areas into nonsmokers' units through open windows, open doors and shared ventilation systems. Secondhand smoke also travels from an individual housing unit or common area to infiltrate a non-smoking unit, similar to traveling from a smoking to a Smoke-Free section of a restaurant or bar. More than 80% of Californians completely prohibit smoking in their homes, and yet, in MUH, one smoking resident can expose the neighbors in all surrounding units. ACS CAN urges the City of Morro Bay to protect *all* residents of MUH by prohibiting smoking in all MUH of two or more units, whether units are rented, leased or individually owned.

Tobacco Retail Licensing and Elimination of Flavored Tobacco

Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. Adolescents are still going through critical periods of brain growth and development and are especially vulnerable to the toxic effects of nicotine. A study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit. Tobacco companies have a long history of marketing to vulnerable populations, including youth, and target youth with imagery and flavors preferred by young people.

For decades, the tobacco industry has worked to devise ways to get youth to start smoking, and they are well aware that a key way to lure youth is to mask the taste of tobacco with sweet flavors. Tobacco industry internal documents uncovered during litigation show that manufacturers have long regarded flavored tobacco as a starter product, from which teen experimenters will graduate to adult brands. Additionally, communities of color have been specifically targeted with menthol marketing.

While cigarette smoking has declined in the U.S., in recent years, sales of menthol cigarettes have steadily increased, especially among young people and new smokers. Menthol's cool flavor and anesthetizing effects help to mask the harshness of tobacco, making it more appealing to beginning smokers. Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke and can encourage those who do smoke to quit.

Prohibiting the sale of flavored products, including menthol, is not only a health issue; it is also a social justice issue. Targeted marketing to communities of color, low income communities and LGBTQ communities adds to the health disparities in populations already impacted by social inequities. In African American communities, the tobacco industry has aggressively marketed

menthol flavored tobacco products to youth. Approximately 85% of African American smokers now smoke menthol cigarettes, and consequently, African American men have the highest death rates from lung cancer, when compared to other demographic groups. In addition to menthol being more appealing to beginning smokers, those who use menthol products demonstrate greater dependence, and are less likely to quit.

Requiring a minimum pack size for small cigars and eliminating the sale of single cigars for less than \$5.00 makes these products less attractive to price sensitive youth who often experiment with low cost tobacco products. Similarly, studies have shown that youth are more likely to try tobacco products when they are sold near where they attend school. For this reason, we also encourage the future consideration and adoption of a zoning policy that would restrict the location of tobacco retailers near schools, parks and playgrounds, as was suggested in the staff report. Restricting their location now only removes convenient access, but it also reduces their exposure to onsite marketing.

Tobacco retail licensing (TRL) is a proven way to effectively reduce youth access to all tobacco products, and they can be used as an effective mechanism for enforcing the elimination of flavored tobacco sales. Effective TRLs include an annual fee that fully funds enforcement, as well as escalating fines and penalties that include the suspension or permanent revocation of the license for retailers who violate the terms of the license. The TRL prohibits the sale of all tobacco products to youth and can also be used to prohibit the sale of flavored tobacco products.

Creating a Smoke-Free MUH policy can help to assure that all residents are protected from the unintentional exposure to secondhand smoke, while passing a TRL that also prohibits the sale of all flavored tobacco products, including menthol cigarettes, can help to reduce the sale of tobacco products to youth—making it less likely that they will initiate a life-long deadly addiction. **ACS CAN urges this council to create both policies for the health of those who currently live in Morro Bay, as well as the next generation of Morro Bay residents.**

Sincerely,



Primo J. Castro
Director, Government Relations
American Cancer Society Cancer Action Network

Dana Swanson

From: Aaron Jackson [REDACTED]
Sent: Tuesday, November 12, 2019 1:00 PM
To: Council
Subject: Vaping Product Ban

To whomever this is relevant:

Please think of my money. Less sales (from vaping products) = less sales tax = new taxes in other areas to compensate for the sudden loss of AN ENTIRE INDUSTRY'S WORTH OF PRODUCT AND REVENUE. I spend good money to enjoy various forms of tobacco without bothering the public. As a smoker I won't spend my money in downtown SLO, Santa Barbara, Pismo, etc., because of their smoking/vaping bans. Now, why would a tourist town want to stop said tourists from buying their nicotine here? They're going to buy it, why not let that money support Morro Bay?

More importantly, I must ask: where the hell do you get the right to tell me what to do with my body, anyways? Until a higher governing body has made a ruling about vaping being illegal or immoral, you have no authority to tell my local shopkeeper what they can sell me. Why don't you try banning the prescriptions of opiates if you're so determined to be trendy? Honestly, you political types have the worst ideas.

Dana Swanson

From: Melinda Rice [REDACTED]
Sent: Tuesday, November 12, 2019 2:43 PM
To: Council
Cc: Melinda Rice
Subject: Vaping - Item C-3, proposed ordinance No. 627

Dear Mayor Headding and City Council Members,

****SEE NOTE**** 3 people helped through VAPING

Thoughtful research, with reliable scientific documentation, public input and Prudence on your part is essential before heaping more ordinances, fines, punishment on Morro Bay citizens as well as our valued tourism trade. Vaping is very, very new and all the positive or detrimental facts nationally are not as yet known and compiled. 40 deaths nationwide is not a crisis, and there are facts to support abuse, such as adding dangerous THC, and having other chronic health issues, in many of these cases.

*****Please NOTE*****

I have personal knowledge of success,,,in Northern CA., of two family members and one of their friends (all long time smokers) who have successfully kicked their cigarettes to the curb because of the weaning system of vaping. One is 74 a 50 year smoker who, after less than 2 MONTHS!!! is getting her health back, through the vaping weaning process.

Since there are plenty of laws on the books to protect teens from tobacco products, and they still “ use,” the problem lies with the parents and perhaps unscrupulous friends and shopkeepers. I have no idea! MB ordinances may not be the solution ?

I will say, in my opinion, legal vaping is appropriate, if used as directed, to kick the tobacco habit. However, regular use of cigarettes and THC products are dangerous to everyone, yet are sadly LEGAL

Regarding second hand smoke, I'd take the smell of a apple aroma over burning cigarettes or the disgusting putrid, gag worthy, stench of “ skunk!!!”

We are not San Francisco, a current “SEWER” in policies and cleanliness, we should STOP emulating anything that comes out of that place, just to be “ WOKE”!!!

Please represent all your constituents by not implementing “feel good banning”, of legal products, without adequate research.

There will always be the few, selfish, ignorant people, who abuse anything for pleasure. They do not speak for the majority of law abiding folks who are happy to follow the rules respectfully.

Very truly yours,

Melinda Rice

[REDACTED]
Morro Bay, CA



US *God Bless America* 