



AGENDA NO: A-4

MEETING DATE: January 14, 2020

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

From: betty winholtz
Sent: Monday, January 13, 2020 3:20 AM
To: John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Dana Swanson; Heather Goodwin
Subject: agenda a-4

Dear City Council:

I want to express my appreciation to the mayor for including Council Member Heller equitably in the county appointments this year.

However, Council Member McPherson has only one assignment and Council Member Addis zero assignments. The latter may be due to Ms. Addis running for higher office at this time. Nonetheless, her first responsibility is to the electorate of Morro Bay. If running for office is not the reason, why are these two women not in positions of representation? In addition, why does the SLO County Housing Trust Fund and CMC Advisory Committee have no council representation?

This disproportionate distribution is concerning for two reasons. First, the burden of carrying county representation is on the 3 rather than equitably dispensed to the 5. Second, the gender imbalance in representation is 1 out of 9 positions, yet there are 2 females on the council. Are the women being excluded, or are they refusing to represent?

Why does Council Member Addis have no liaison assignment to one of the 6 citizen standing committees?

Similarly, unequal representation is just as dramatic for appointments within the city. There are 12 committees with 24 assignments for council members to carry equal responsibility. Council Member Heller has only 1 appointment and Council Member Addis has only 3 appointments. Council Member Davis has the average number of appointments at 5. However, Council Member McPherson and Mayor Headding are dominating over 1/2 the city committees each with 8 and 7 appointments respectively. Why?

Morro Bay voters have not elected to have a strong-mayor form of government. Rather we have a 5-member board, all equal in weight or vote. Committee assignments should reflect this equity. Please adjust both county and city appointments accordingly.

Sincerely,
Betty Winholtz



AGENDA NO: A-5

MEETING DATE: January 14, 2020

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From: Primo J. Castro <primo.castro@cancer.org>
Sent: Monday, January 13, 2020 12:46 PM
To: Council
Subject: Agenda - 1/14/2020
Attachments: 01142020 - Morro Bay LON - MUH and Ecig without TRL and Flavor Ban.pdf

Dear Council,

We would like to enter this letter into the record re an agenda item in tomorrow's council meeting.

Best,

Primo

Primo J. Castro, MPA

Los Angeles Government Relations Director
626.243.5614 | m: 909.677.0600 | f: 626.568.2888

American Cancer Society Cancer Action Network, Inc.
99 S Lake Ave Suite 400
Pasadena, CA 91101
fightcancer.org | 1.800.227.2345



**Cancer prevention starts with healthy lifestyle choices.
Reduces your risk of cancer by eating healthy, staying active, not
smoking, and following screening and excision guidelines.**

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January 10, 2020

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

RE: # Ordinance # 627

Dear Mayor Headding and Councilmembers:

The American Cancer Society Cancer Action Network (ACS CAN) is supportive of your efforts to protect the health of Morro Bay residents through a smoke-free multi-unit housing policy and reducing youth access to tobacco through tobacco retail licensing. However, **we strongly oppose the council's action to remove the prohibition on flavored tobacco sales, and we ask this council to include eliminating the sale of all flavored tobacco products, including menthol cigarettes, without exemptions, as an effective way to reduce sale of tobacco products to youth.** We also ask that little cigars, which are being limited to a minimum pack sized of five, have a minimum price of \$5, as you have established for regular cigars.

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 or small packs of little 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.

We appreciate the Smoke-Free protections council has proposed, and tobacco retail licensing is an important step to help protect youth. However, removing youth access to flavored tobacco products is essential to stemming the youth epidemic of tobacco use. We look forward to working with you to continue reduce youth access to the flavored products that are luring a new generation to a deadly addiction.

Sincerely,



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

American Cancer Society Cancer Action Network
99 S. Lake Avenue, Suite 400 • Pasadena, CA 91101
626.243.5614 • FAX: 626.568.2888 • Primo.Castro@Cancer.org



AGENDA NO: B-1

MEETING DATE: January 14, 2020

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL
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From: betty winholtz
Sent: Monday, January 13, 2020 1:24 AM
To: Heather Goodwin
Subject: Fw: agenda item b-1

Ms. Goodwin:

I am forwarding this email to you for posting as city council agenda correspondence for this Tuesday's city council meeting since Ms. Swanson is out of the office.

Thank you,
Betty Winholtz

----- Forwarded Message -----

From: betty winholtz
To: John Headding <jheadding@morrobayca.gov>; Robert Davis <rdavis@morrobayca.gov>; Marlys McPherson <mmcpherson@morrobayca.gov>; Jeffery Heller <jheller@morrobayca.gov>; Dawn Addis <daddis@morrobayca.gov>
Cc: Dana Swanson <dswanson@morrobayca.gov>; Janeen Burlingame <jburlingame@morrobayca.gov>
Sent: Monday, January 13, 2020, 01:06:18 AM PST
Subject: agenda item b-1

Dear City Council:

While the staff report has more information than the flyer sent to garbage ratepayers, there is still information not offered. Please answer these questions in the public hearing.

- 1.) Why is our rate increase (20%) double that of Grover Beach (10%) when we are of comparable population size?
- 2.) Why is our rate increase (20%) higher than SLO's (14%)?
- 3.) 40% of our rate increase is do to co-mingling recyclables. What is the garbage company doing to reduce co-mingling costs of recycled material? Besides hiring more staff to sort, why not, for example, have consumers sort, i.e. separate the paper from the cans and bottles that soil the paper?
- 4.) It is stated that 2 trucks that service Morro Bay will shortly need replacing; it is not stated by what date. Rather than factor the cost of 2 trucks at one time, why not stagger this cost to the year 2021 or 2022?
- 5.) The garbage company states in their letter, "Had we been using the local CPI which has been running from 3 to 4% annually, this request for increase would have been substantially lower." Why is the City using the "Consumer Price Index (CPI) for Bureau of Labor Statistics' Consumer Price Index for Urban Consumers based on the All U.S. City Average" rather than the lesser, local CPI?
- 6.) Who in the City approved delaying this contract? As reported by the garbage company in its letter, the City intentionally delayed the garbage rate process. This has caused rates to be almost 1% higher per month for the next 3 years to make up the loss to the company. Also, because of this action, we ratepayers are now subject to the increased tipping fees, that could have been delayed. I surmise that due to the timing of the garbage company's request, August 2019, when new sewer/water rates just went into effect, and when the city was contemplating out loud raising the sales tax, these considerations played into the city council allowing the delay. If it wasn't the city council's decision to delay, then it would have been the mayor's and city manager's who set the agenda. If the mayor claims no responsibility, then city council is being managed by staff, rather than as it should be: council directing staff.

Sincerely,
Betty Winholtz



AGENDA NO: C-1

MEETING DATE: January 14, 2020

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From: betty winholtz
Sent: Monday, January 13, 2020 4:50 AM
To: John Heading; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Subject: c-1

Dear City Council:

Please explain the discrepancy between the water numbers in these two sentences.

"The maximum loan amounts authorized by Resolution No. 04-20 is \$26 Million for the wastewater portion and **\$37** Million for the water portion." (paragraph one under Discussion)

"Wells estimated the approximate amount of \$26.4 million for wastewater and the water **\$22.1** million, if the City were to choose to use the full amount of accumulated cash identified in the 2018 rate analysis." (paragraph 2 under Discussion)

Sincerely,
Betty Winholtz



AGENDA NO: C-2

MEETING DATE: January 14, 2020

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From: betty winholtz
Sent: Monday, January 13, 2020 4:50 AM
To: Dana Swanson; Heather Goodwin
Subject: Fw: agenda item c-2

Please post. I forgot to copy you when I sent to council.
Thank you,
Betty Winholtz

----- Forwarded Message -----

From: betty winholtz
To: John Headding <jheadding@morrobayca.gov>; Robert Davis <rdavis@morrobayca.gov>; Marlys McPherson <mmcpherson@morrobayca.gov>; Jeffery Heller <jheller@morrobayca.gov>; Dawn Addis <daddis@morrobayca.gov>
Sent: Monday, January 13, 2020, 04:46:10 AM PST
Subject: agenda item c-2

Dear City Council:

In #9 of the recitals, was the "vote by the people" intentional left out?

It doesn't matter who owns the 2 sections of dog beach as referred to in this staff report. The public has prescriptive rights for decades of use. To connect dog beach acquisition to Chevron annexation has no nexus.

Sincerely,
Betty Winholtz