



AGENDA NO: Public Comment

MEETING DATE: April 28, 2020

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

[REDACTED]

From: Aaron Ochs [REDACTED]
Sent: Saturday, April 25, 2020 3:37 PM
To: CityClerk
Subject: Agenda Correspondence for 4/28/20 Meeting - Public Comment

Council and staff,

I reviewed some of the proposed fee increases that would become effective in July. I'm not going to debate the arithmetic behind those proposed increases, but I am concerned about the rollout of consumer rate increases for our Water Reclamation Facility, especially in light of COVID-19.

While a majority of residents did not raise objections to rate increases -- and I consider that matter settled -- our community is unquestionably facing an economic hardship. Here are the numbers. Our national unemployment rate has just soared past 20%, wiping out all the job gains we made since the 2008 economic recession. More than 19,000 SLO County residents are out of work. Morro Bay is not exempt from this hardship.

Not every resident is living comfortably in retirement. Not every resident is gainfully employed with an essential job. Given our community thrives primarily on a strong tourism economy, we can reasonably presume we won't be in pre-coronavirus fiscal shape any time soon, especially when we don't have a measurable timetable for reopening our county safely. Though Morro Bay has remained at six positive cases for the past few weeks, we should not give in to complacency.

Here's a hard and unfortunate truth: we cannot reasonably and consistently invest in the \$126 million Water Reclamation Facility at this time. And while I'm in no way encouraging our city to reinvent the wheel and stymie progress, I am encouraging our City officials to communicate with both the California Coastal Commission and Water Board to suggest relaxing their deadlines for compliance. Our regulatory agency needs to understand that our intentions as a City remain absolutely clear as far as meeting the standards they expect of us. But even with the financing we were able to secure with the WIFIA/EPA loan, we will remain impacted due to COVID-19.

I also support agendizing a discussion on the feasibility of ratepayer financing options. Do we stay the course and continue as planned or should be set up a reduced or deferred payment plan? Would it be feasible to support a community fund (maybe in the spirit of Morro Bay Cares) that residents can chip into that will ease the financial strain of our working-class residents and seniors? While we have a Rock Solid Together plan in place for city finances, we also need to replicate cost-saving measures for our ratepayers with a similar initiative with the same level of urgency.

If we don't engage in this conversation, I assure you that future proposed Prop. 218 hearings will not be as successful as we've seen in the past. The rate of success for increasing rates will experience a downcurve as long as we remain in economic uncertainty.

Aaron Ochs



Virus-free. www.avast.com

From: Sean Green [REDACTED]
Sent: Wednesday, April 22, 2020 10:08 AM
To: Council; Scott Collins
Cc: Jennifer Callaway; Scot Graham; Erica Crawford; Dana Swanson
Subject: 4/28/20 Council Meeting - Public Comment re: Economic Recovery

Morro Bay Council and Staff,

First, I want to thank our department heads (and Council members) for saving the City some money with your recent pay cuts. I know it's tough to strike a balance regarding shared burdens, and this move hopefully allows Morro Bay to hold on to some talented folks while also saving a few bucks in the process.

Second, I want to thank Council and City leadership for handling the Covid-19 crisis about as well as it can be handled at the small community level thus far. Keep up the good work.

And third, because it wouldn't be a Sean Green public comment without actionable suggestions, my main reason for writing is to share some ideas for consideration at your April 2020 Council budget sessions. WARNING: these ideas are not small, nor are they consistent with prevailing Morro Bay philosophy, but I really believe a splashy public announcement is both necessary to instill confidence in our city's ability to remain solvent and a unique opportunity to actually move the budgetary and philosophical needles in the right direction.

Here are my thoughts:

1. Morro Bay is (objectively) desperate for funding
2. Morro Bay is (subjectively) desperate for a boost of energy

Why not combine and spin these perceived truths into Morro Bay's very own version of The New Deal beginning July 1, 2020? I know, I know, our little city hasn't the ability to spend money we don't have (like the federal government can and has) to spur growth, but what our city CAN do is incentivize others to do it FOR us.

Let me explain:

1. Morro Bay is (objectively) hurting for commercial development
2. Morro Bay is (subjectively) considered an unwelcome place for commercial development

However, if City leadership were to publicly announce a FY 2020-21 "push" or "invitation" or "open call" for commercial development that was backed by temporary fee reductions, streamlined planning and approvals, and a genuinely business-friendly attitude from each and every City leader and staff member FOR ONE YEAR ONLY, then my honest-to-goodness feeling is that businesses would come, vacant lots would fill, and vibrancy not seen in some time would return to Morro Bay. No policy change would be permanent, I should add. Like many Covid-related programs, the one I'm proposing would be signed in May, publicized in June, begin in July, and expire on June 30, 2021.

If it is to succeed, Morro Bay's FY 2020-21 new commercial development offer cannot be underwhelming. A 10% reduction in plan check fees will not move the needle. I'm talking 50%. I'm talking 100% for items not requiring significant staff time. I'm talking Parking In Lieu Fee waivers of \$5k per space. I'm talking expedited Planning approvals even if it means minor details on smaller projects go unchecked. I'm talking explicit guidance to Planning Commission that stresses expediency and flexibility. I'm talking explicit guidance to ALL City departments and commissions to think "yes" instead of "no." I'm talking about scaling back every built-in barrier to commercial entry that currently exists in Morro Bay—and there are many—FOR ONE YEAR ONLY.

Yes, there will be resistance. Maybe from some of you. Certainly from residents. We hear it every single meeting of every single board. "We are a small beach community blah blah blah..." I know we are a small beach community. Everyone knows it. We have been for decades, and we will remain one for decades more. One year of inspired commercial development should not be looked at as threatening that fact, but as an opportunity to preserve it. I'll be the first to admit that widespread commercial incentives are, under normal conditions, generally unpopular here in Morro Bay. In fact, I myself regularly attend Planning and Council meetings for the specific purpose of preventing commercial developers and businesses from taking liberties in our City. But the current state of Morro Bay's budget as a direct result of the total collapse of our chief industry for what will likely be the majority of CY 2020 leaves you, me, our entire community with little room to remained saddled up on our ideological high horses.

Still, for doubters who feel threatened by a temporary burst of commercial development, perhaps folks would feel more comfortable if any fee reductions were to be made contingent upon developers meeting specifically targeted City needs. To me, doing so would render meaningful development much less likely, and, in turn, would push balanced budgets that much further into the future, but if you must, you must. Tie cost savings to job creation by reducing commercial development fees by 10% for each full-time employee added to the Morro Bay workforce. Tie cost savings for all newly opened retailers and restaurants to mandatory Chamber of Commerce membership or a new 1% BID assessment to fund visitor-facing infrastructure improvements like wayfinding signage and public bathrooms. Tie cost savings for mixed-use developments to the addition of affordable housing units somewhere on the property. Any of these suggestions, if implemented, would benefit both City and developer in ways few Morro Bay stakeholders could reasonably refute.

Further, if gaining support for this pro-business endeavor requires additional homeowner buy-in, which it might, why not reduce residential development costs by a lesser 25% during FY 2020-21 to show homeowners they, too, are part of Morro Bay's New Deal solution? At the very least, streamline and discount the development of much needed ADUs, embrace and fast-track more experimental housing projects like San

Luis Obispo did with its 2018 tiny house ordinance, and reduce approval timelines for a wider range of low impact projects like small additions, decks, and encroachments. Without a doubt, homeowners would take this opportunity to build new affordable units, provide housing for dozens of new workforce participants, infuse energy into the community, pay much needed (albeit discounted) fees, and inspire confidence in this City's ability to remain solvent for years to come.

Simply announcing to the public and dictating to City staff that Morro Bay's New Deal is an opportunity for everyone—commercial and residential—would do wonders for citywide morale. And though "desperate times call for desperate measures" may seem like the tone of this letter, these suggestions should hardly be considered desperate. Even before Covid-19, staff and Council struggled to find ways for Morro Bay to remain a city that meets basic residential needs and expectations. Now with Covid-19 wreaking total havoc on the tourism industry—an industry we must attempt to diversify out of—finding creative ways for Morro Bay to remain a serviceable city is now more important than ever.

Please do what must be done, and what some Morro Bay residents will inevitably resist: release a public statement that openly invites outsiders and insiders alike to bring fresh ideas into a struggling town, and to bring their much needed energy and dollars with them.

Respectfully submitted,

Sean Green
Morro Bay, CA



AGENDA NO: A-2

MEETING DATE: April 28, 2020

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

From: kewal apca.us <kewal@apca.us>
Sent: Monday, April 27, 2020 3:34 PM
To: John Heading
Cc: Marlys McPherson; Dawn Addis; Jeffrey Heller; Robert Davis; CityClerk
Subject: FW: URGENT - Prohibition on E-Cigarettes sale
Attachments: APCA Letter City of Morro Bay.pdf; APCA Letter City of Morro Bay (02).pdf

Respected Mayor John Heading and City Councilors

Further to the letter submitted earlier on April 13th by our Chairman Jivtesh Gill, please find attached another letter (02) requesting you all to oppose adoption of Ordinance no. 632 on ban on sale of E-cigarettes.

Your decision in favor of retailer's community will be highly appreciated.

Feel free to reach out in case of any questions. Thank you in advance.

With Warm Regards

Kewal Krishan

Executive Director

Dir. 916-627-1170



Email: admin@apca.us

Web: www.apca.us

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From: kewal apca.us
Sent: Monday, April 13, 2020 2:38 PM
To: jheading@morrobayca.gov
Cc: mmcpherson@morrobayca.gov; daddis@morrobayca.gov; jheller@morrobayca.gov; rdavis@morrobayca.gov; cityclerk@morrobayca.gov
Subject: URGENT - Flavor Ban

Respected Mayor John Heading and City Councilors

Please find attached a letter from our Chairman Jivtesh Gill, on behalf of American Petroleum and Convenience Store Association (APCA), urging you all to oppose the ban on sale of flavored tobacco products. Your decision in favor of retailer's community will be highly appreciated.

Feel free to reach out to me in case of any questions.

Thanks & with Best Regards

Kewal Krishan

Executive Director

Dir. 916-627-1170



Email: admin@apca.us

Web: www.apca.us

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

April 13, 2020

Re: Flavor Tobacco Ban/ E-Cigarettes/Vaping Products

Dear Mayor and Council Members:

I write on behalf of the American Petroleum and Convenience Store Association (APCA) representing licensed tobacco retailers in Davis. Our members include convenience stores, gas stations and liquor stores located throughout the City.

APCA oppose a ban on the sale of flavored tobacco products. The sale of flavored tobacco products are an important part of a retailer's business model. Tobacco sales drive ancillary sales of gas, food, snacks and other items sold at our stores and gas stations. If we lose the ability to sell flavored tobacco products, our customers will go elsewhere. If this ban is adopted, customers will simply turn to ordering flavored tobacco products over the Internet or traveling a short distance to another city that allows the sale of all tobacco products.

We oppose this sweeping sales ban as it eliminates an entire category of products from our stores despite the fact that flavored traditional tobacco products (cigarettes, chewing tobacco and cigars) are not attractive to youth.

Banning legal products at licensed retail locations would undermine the city's and the state's tobacco retail licensing program which has successfully limited youth access to tobacco, protected consumers from adulterated products, and given government enforcement tools.

During the current national emergency caused by the Coronavirus pandemic, we believe that it is very inappropriate for a local government to move forward on significant legislation that would severely restrict the sale of legal products at one kind of business establishment.

We appreciate your consideration of our comments on this important issue and urge you to oppose the ban on the sale of flavored tobacco products

Should you have questions or require additional information, please do not hesitate to contact us at 916.627.1170.

Sincerely

A handwritten signature in black ink, appearing to read 'Jivtesh Gill', is written over a faint, light-colored signature line.

Jivtesh Gill
Chairman, APCA

cc: City Clerk cityclerk@morrobayca.gov



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

April 27, 2020

Re: Flavor Tobacco Ban/ E-Cigarettes/Vaping Products

Dear Mayor and Council Members:

I write on behalf of the American Petroleum and Convenience Store Association (APCA) representing licensed tobacco retailers in Davis. Our members include convenience stores, gas stations and liquor stores located throughout the City.

APCA oppose a ban on the sale of flavored tobacco/E-Cigarettes/Vaping products. The sale of these products is an important part of a retailer's business model. Tobacco sales drive ancillary sales of gas, food, snacks and other items sold at our stores and gas stations. If we lose the ability to sell these products, our customers will go elsewhere. If this ban is adopted, customers will simply turn to ordering flavored tobacco and vaping products over the Internet or traveling a short distance to another city that allows the sale of all tobacco products.

We oppose this sweeping sales ban as it eliminates an entire category of products from our stores .

Banning legal products at licensed retail locations would undermine the city's and the state's tobacco retail licensing program which has successfully limited youth access to tobacco, protected consumers from adulterated products, and given government enforcement tools.

During the current national emergency caused by the Coronavirus pandemic, we believe that it is very inappropriate for a local government to move forward on significant legislation that would severely restrict the sale of legal products at one kind of business establishment.

We appreciate your consideration of our comments on this important issue and urge you to oppose the ban on the sale of flavored tobacco products

Should you have questions or require additional information, please do not hesitate to contact us at 916.627.1170.

Sincerely

A handwritten signature in black ink, appearing to read 'Jivtesh Gill', is written over a light gray rectangular background.

Jivtesh Gill
Chairman, APCA
cc: City Clerk cityclerk@morrobayca.gov

From: James Allison <james@cfca.energy>
Sent: Monday, April 27, 2020 4:30 PM
To: Council
Subject: April 28 City Council Meeting Agenda Item A-2
Attachments: Morro Bay TRL Letter 4.27.docx

Morro Bay City Council Members,

In response to a proposal on tomorrow's agenda, the California Fuels & Convenience Alliance would like to take this opportunity to provide a written statement regarding the impacts of this proposal.

CFCA represents California's fuel retailers and over half of all gas stations and convenience stores. These businesses are largely small, family-owned stores. Our members would be disproportionately affected as a result of this proposal. The products named in your proposed ordinance make up a substantial revenue category for these stores, and their loss would be significantly impactful, even during normal circumstances. That said, they present markedly greater detriment under the current circumstances facing all businesses during the COVID-19 crisis.

These stores serve as essential businesses, as classified by Governor Newsom's Executive Order N-33-20. These businesses are doing everything they can during these turbulent times to help their communities and making available the goods families need, providing groceries, fuel, and other necessities that larger, overwhelmed grocers simply cannot. Moreover, especially during this critical situation, store owners and employees are disadvantaged from participating in the virtual civic process.

We implore you to dedicate this time to focusing on COVID-19 crisis relief and not enacting harmful policy towards small businesses.

Attached is a formal letter opposing the proposed ordinance. We greatly appreciate your consideration, and if you have any questions or concerns at all, please do not hesitate to reach out.

Thank you,

James Allison

Public Affairs

California Fuels & Convenience Alliance

2520 Venture Oaks Way, Suite 100 | Sacramento, CA 95833

Main: (916) 646-5999 ext 990 | Fax: (916) 646-5985 | www.cfca.energy



Statement of Confidentiality: The information in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify James Allison immediately at james@cfca.energy and destroy all copies of this message and any attachments. Thank you for your cooperation.



California Fuels and Convenience Alliance

2520 Venture Oaks Way, Suite 100

Sacramento, CA 95833

916.646.5999

April 27, 2020

Morro Bay City Council
Veteran's Memorial Building
209 Surf Street
Morro Bay, CA 93442

Re: Proposed Ordinance to Implement a Tobacco Retail License and Ban the Sale of Flavored Products

To:

Mayor John Headding
Councilmember Marlys McPherson
Councilmember Dawn Addis
Councilmember Jeff Heller
Councilmember Robert Davis

The California Fuels and Convenience Alliance (CFCA) represents about 300 members, including nearly 90% of all the independent petroleum marketers in the state and more than one half of the state's 12,000 convenience retailers. Our members are small, family- and minority-owned businesses that provide services to nearly every family in California. Additionally, CFCA members fuel local governments, law enforcement, city and county fire departments, ambulances/emergency vehicles, school district bus fleets, construction firms, marinas, public and private transit companies, hospital emergency generators, trucking fleets, independent fuel retailers (small chains and mom-and-pop gas stations) and California agriculture, among many others. CFCA appreciates the opportunity to provide comment on this proposed ordinance.

The retailers represented by CFCA are mostly small, family, and/or immigrant owned businesses that would be crippled by regulations banning legally sold and manufactured products. They have been heavily involved in keeping age restricted products out of the hands of youth, including the recent change to California's age of sale from 18 to 21 years of age. Not only does our industry comply with federal and rapidly changing state and local laws, but they also conduct internal sting operations and build their own successful prevention policies, such as the WeCard Program. The ability to sell age restricted products, including tobacco, is part of the financial stability of these community convenience stores. Through the support of CFCA, the State of California recently passed a resolution declaring September "WeCard Awareness Month", in order to promote the safe and legal sale of age restricted products.

Implementation of a Tobacco Retail License

CFCA is a dedicated advocate for safe and responsible retail of age-restricted products. That stated, we ask that you please consider the increasing burden of cost of doing business in California and set the TRL price fairly as to not impact small businesses. For many of these stores, even what may be perceived as slight setbacks can be crippling to family operation that depends on store revenues for groceries and school supplies. We ask that you consider these elements and not unfairly burden these small businesses.

Sale of Current Stock

If this ordinance passes, it is imperative to allow enough time for retailers to sell their current stock, as most purchase products in bulk from distributors. **The Morro Bay City Council should include a provision allowing retailers to sell the rest of the products they currently own or purchase prior to commencement of any ban ordinance in order to ease**

the burden of this ordinance. San Francisco allowed for this in an ordinance placing similar restrictions on flavored products to assist the small business owners that will be affected.

Youth Sales

The illegal sale of tobacco and nicotine products is not a common occurrence at convenience stores. **In 2005, the California Tobacco Survey found that 82% of adolescent smokers obtained the products from “social sources”, mainly older friends and family members.**¹

Furthermore, 2016 research from the California Department of Public Health showing they are the number one retail source of youth tobacco. **Convenience stores were found to be much less likely to be a source of illegal sales, below the state average.**²

Identification Requirement and Online Sales

Given the rise of online purchases of all goods, and the government’s complicity in encouraging this - including age restricted products, the City should be more focused on the modern ways youth are obtaining these otherwise legal products. A short exploration of the ordering process for major manufacturers shows the ease with which youth can obtain these products. **Many companies do not require adult signatures for these products and they can be delivered to the user’s door with no identification verifying their legal age.**

Convenience stores and other brick-and-mortar locations are perfectly situated to adhere to federal, state, and local laws by checking a physical identification card and following the guidelines created and followed by the industry, such as the WeCard program. WeCard is a non-profit organization that provides training and materials such as age-of-purchase calendars that make it simple for an employee to ensure the purchaser is of legal age. They also have an e-cigarette specific webpage and materials.³ WeCard ensures the correct materials and standards are being used in those locations and provides an invaluable service to small businesses that sell age restricted products.

Harm Reduction through Vapes/ENDS

ENDS offer an option to adult consumers that can serve as a tool for smoking cessation and harm reduction that adds to the small list of methods available. Nicotine gum and patches are listed as smoking cessation methods, but they are not intended to get a user to zero nicotine. They are a way to alleviate the withdrawal symptoms that are commonly experienced by nicotine users moving away from nicotine products. ENDS are often used the same way, but also allow a wider variety of flavors and nicotine percentages, *including zero nicotine*. Allowing smokers to work their way to nicotine free solutions means they can reduce their risk of harm from nicotine. More flavor options and styles of ENDS increase the amount of consumer freedom and may lead to more traditional cigarette users to switch to a less harmful method.

In 2016, the Royal College of Physicians released a report concluding that e-cigarettes and ENDS are beneficial to public health as they decrease the rate of traditional cigarette use. **The study found that long term use of ENDS is unlikely to exceed 5% of the harm from traditional cigarettes. Furthermore, they found ENDS to not be a “gateway to smoking”, do not result in a “normalization of smoking”, and provide a first step to smoking cessation for many users.**⁴ Professor John Britton, chair of the Royal College of Physicians Tobacco Advisory Group, stated their report “lays to rest almost all of the concerns over these products, and concludes that, with sensible regulation, electronic cigarettes have the potential to make a major contribution towards preventing the premature death, disease, and social inequalities in health that smoking currently causes in the UK.” **Morro Bay will not be able to take advantage of these benefits if it continues down this path of overregulation that curtails healthier choices for adult users.**

¹ <https://www.tobaccofreekids.org/assets/factsheets/0073.pdf>

²

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/YouthTobaccoPurchaseSurveyYTPSHistoricalSalesChart2016.pdf>

³ <http://www.wecard.org/e-cig-and-vapor-central>

⁴ <https://www.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report>

Often overlooked in these studies and rulemakings is the importance of reducing the harm from second-hand and third-hand smoke. ENDS reduce the possibly harmful smoke that can be breathed in or contaminate surfaces indoors, reducing incidental risk to children, the elderly, the infirm, and those who do not use nicotine products. By promoting the use of ENDS over traditional cigarettes, we can protect the most vulnerable populations from the environmental hazards associated with second-hand and third-hand smoke. **Research shows the biomarkers for second hand smoke are 5.7 times higher in homes using traditional cigarettes than those of ENDS users.**⁵

Furthermore, smoking amongst adults and youth is at an all-time low. Fourteen percent of adults smoke, down from 16% the year prior and teen smoking has sunk to 9%, a record low.⁶ The level of smoking in the United States continues to decline while health concerns such as obesity and heart disease continue to climb at an alarming rate. **Morro Bay should focus on effective implementation of existing policies, supporting the businesses that work hard to keep age restricted products out of the wrong hands, and address the online sales that allow these products to be delivered directly to those under the legal age.**

Another study published by the New England Journal of Medicine in January 2019 shows e-cigarettes are more effective at helping smokers quit than other nicotine-replacement therapy. **Smokers in the study were twice as likely to quit using e-cigarettes than those using nicotine patches or gum.**⁷

Conclusion

CFCA urges the Morro Bay City Council to examine the methods by which youth are obtaining these age restricted products, including cigarettes and vapes or ENDS. We encourage the City to work with the California Department of Public Health, the FDA, and others to do the necessary research in order to effectively limit youth access to tobacco while acknowledging the hard work by convenience stores and others to achieve the same goal. The fuels and convenience industry is willing to do its part to prevent youth access to age-restricted products, especially to find a manner to do it without the harm and negative impacts that ordinances such as this will bring onto small, family- and minority-owned businesses.

Please contact James Allison at james@cfca.energy or (916) 646-5999 with any further questions or comments.

⁷ <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

⁵ <https://www.ncbi.nlm.nih.gov/pubmed/25262078>

⁶ <https://apnews.com/f24650f675704019b0093e3cce23d020>

Dana Swanson

From: Benan Akkare [REDACTED]
Sent: Tuesday, April 28, 2020 7:53 AM
To: Council
Subject: Tobacco ban

Dear city council members

As a small business owner in our Morro Bay community, I am disheartened that you all are considering a ban on vaping products among other things. This proposal has the ability to significantly hurt my business and our local economy.

Tourism is the number one industry in our city and right now the lack of tourism is killing our local economy. Hotels are empty. Attractions are closed. The city is going to have to bear a massive deficit due to the economic impact of COVID-19. Do you really think that the best way out of a deficit is to ban products that create sales tax revenue for our community? Further, adult vapor consumers buy a lot more in my store than vapor. They buy snacks, drinks, household essentials, lottery, and many other items. When you ban vapor, they'll take the short drive over to our neighboring towns and take their tax revenue with them, meaning our Morro Bay's economy will suffer greatly as a result.

I applaud the research the city council did that shows that menthol cigarette and moist snuff products are not attractive to youth. In fact, the number of youth using those products are at record lows. Further research would show that a majority of youth were using flavored vapor products such as Mango and Mint which are already banned. We ask that you take the same approach and study the economic impact and other impacts that banning vapor products would have on our local economy before you take up such an impactful proposal.

Please reconsider this overreaching proposal and side with Morro Bay's small business community.

Sincerely,

Thank you all . Ben Akkare
Sent from my iPhone



AGENDA NO: A-3

MEETING DATE: April 28, 2020

**AGENDA CORRESPONDENCE
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Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, April 28, 2020 2:15 AM
To: John Headding; Robert Davis; Marlys McPherson; Jeffrey Heller; Dawn Addis
Cc: Scot Graham; Dana Swanson; Scott Collins
Subject: agenda item a-3

Dear City Council:

I would like to bring to your attention two items in this report:

1. The following quote refers to a document not included in the staff report, the deed restriction required by the State Coastal Conservancy in order to receive this money. Sight unseen, neither the council nor the public knows what the restrictions are:

"The deed restriction requirement describes the nature of the open space use that would be allowed on the property, including protection of the following: open space, wildlife habitat, water quality, water supply, and public access."

It is unknown if there are potential conflicts between dog use and "wildlife habitat" or "water quality." For example, dogs got kicked off our beaches south if this area by State Parks to protect snowy plover habitat. Also, the local Audubon chapter received a State Coastal Conservancy grant that restricted Sweet Springs to protecting the Morro Shoulderband Snail in a bird habitat, a conflict because birds eat snails.

I hope you will read the restrictions before voting on accepting this money.

2. Not for action tonight, but the MOU is attached. I would bring to your attention seemingly contradictory requirements of the City:

Agreement #4 states, "The Parties understand that nothing in this MOU commits the City Council to approve the LAFCO application" while Agreement #5 states, "All Parties agree to make best effort to support the LAFCO Application." The former statement allows the City some independence, while the latter restricts the City's discretion. These statements need to align.

Sincerely,
Betty Winholtz



AGENDA NO: B-1

MEETING DATE: April 28, 2020

**AGENDA CORRESPONDENCE
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Dana Swanson

From: Craig <[REDACTED]>
Sent: Monday, April 27, 2020 6:11 PM
To: CityClerk
Subject: Re: Proposed Liveaboard Permit Administration - Monthly Fee

The email below is in regards to the Morro Bay City Council Regular Meeting Tuesday, April 28, 2020 – 5:30 P.M.

Agenda item B-1 Public Hearing and Adoption of Resolution No. 36-20, which Rescinds Resolution No. 88-19 and Amends and Adopts the Complete FY 2020/21 Master Fee Schedule

Regards,

Craig

-----Original Message-----

From: Craig [REDACTED]
To: cityclerk@morrobayca.gov <cityclerk@morrobayca.gov>
Sent: Mon, Apr 27, 2020 5:41 pm
Subject: Proposed Liveaboard Permit Administration - Monthly Fee

Honorable Mayor and City Council Members of Morro Bay,

I am Craig Kent. I have legal authority granted by the owner, James J, Kent Jr., for the vessel Helene which is moored in Morro Bay and which has an approved liveaboard permit.

With respect to the proposed liveaboard permit administration fee, I have reviewed, in detail, and commented on, the City's consultant report both verbally and in writing to the Harbor Director as well as attended several meetings to discuss the proposed fee chaired by the Harbor Director where I gave input.

During these meetings it was stated by the Harbor Director several different times that the administration fee primarily covers the code monitoring and enforcement of liveaboards. Importantly, no other specific costs to be covered by this fee have been identified after numerous detailed questions by the public attempting to discover and reveal other costs.

It is my perspective and the perspective of the other approved liveaboards on the Helene as well as by the owner of the Helene that the risk of living aboard in violation of the code is presented equally by every boat in the Harbor.

The Harbor Patrol is monitoring every boat in the Harbor for violations of the liveaboard code. Therefore, the labor and costs associated with the liveaboard code monitoring and enforcement, which according to the Harbor Director has been used to calculate the proposed fee, should be spread equally across all the 450 or so vessels in the bay.

We understand that the City presently does not have an explicit mechanism in place to levy the fee

on all vessels because of the pre-existing Tidelands lease agreements. However, that does not diminish the fact that the cost of liveaboard monitoring and enforcement is created by every vessel in the harbor and therefore the cost of monitoring and enforcing the liveaboard code should be borne by every vessel in the harbor.

We think it is unfair to levy this cost of code monitoring and enforcement only on the very few liveaboard vessels, approximately 30 at present, whose owners must already apply and pay application and inspection fees for a liveaboard permit and who are already compliant with the ordinance and don't require any more (and probably less) monitoring for code compliance than any other vessel.

Respectfully,

Craig J. Kent

[REDACTED]

[REDACTED]

and for James J. Kent (owner), Baden L. Kent and Wendie Newby (who are permitted to liveaboard).

Vessel Helene CF 5125 TC, mooring A1-02-01

Dana Swanson

From: Phil Hill [REDACTED]
Sent: Tuesday, April 28, 2020 7:53 AM
To: CityClerk
Subject: Proposed live aboard fees

Honorable Mayor and City Council Members of Morro Bay,

I am Phil Hill and have been a Morro Bay liveaboard for almost 20 years and shared with you at the last publicly held City Council meeting.

With respect to the proposed liveaboard permit administration fee, I have reviewed, in detail, and commented on, the City's consultant report both verbally and in writing to the Harbor Director as well as attended several meetings to discuss the proposed fee chaired by the Harbor Director where I gave input.

During these meetings it was stated by the Harbor Director several different times that the administration fee primarily covers the code monitoring and enforcement of liveaboards. Importantly, no other specific costs to be covered by this fee have been identified after numerous detailed questions by the public attempting to discover and reveal other costs.

It is my perspective and the perspective of the other approved liveaboards on the Helene as well as by the owner of the Helene that the risk of living aboard in violation of the code is presented equally by every boat in the Harbor.

The Harbor Patrol is monitoring every boat in the Harbor for violations of the liveaboard code. Therefore, the labor and costs associated with the liveaboard code monitoring and enforcement, which according to the Harbor Director has been used to calculate the proposed fee, should be spread equally across all the 450 or so vessels in the bay.

We understand that the City presently does not have an explicit mechanism in place to levy the fee on all vessels because of the pre-existing Tidelands lease agreements. However, that does not diminish the fact that the cost of liveaboard monitoring and enforcement is created by every vessel in the harbor and therefore the cost of monitoring and enforcing the liveaboard code should be borne by every vessel in the harbor.

We think it is unfair to levy this cost of code monitoring and enforcement only on the very few liveaboard vessels, approximately 30 at present, whose owners must already apply and pay application and inspection fees for a liveaboard permit and who are already compliant with the ordinance and don't require any more (and probably less) monitoring for code compliance than any other vessel. In my case this constitutes an increase of over \$500 per year when I already pay in excess of \$8,000 per year for my slip at a private marina. All my utilities, water, electricity, sewage etc are paid by my landlord. All dock repairs etc. are also paid by my landlord. My landlord uses part of my \$8,000 to pay an annual \$22,000 lease fee. In my time on the water I have never asked for or received any assistance from the Harbor Department. The inspection and permitting fees more than amply cover any Harbor Department time. Again, almost 20 years on the water, 0 minutes of service from the Harbor Department other than inspections and issuance of permits.

Respectfully, Phil Hill
[REDACTED]

Dana Swanson

From: Lori Toft [REDACTED]
Sent: Monday, April 27, 2020 6:57 PM
To: CityClerk
Subject: Proposed administration fee for liveaboards

Honorable Mayor and City Council Members of Morro Bay,

Hello, my name is Lori Toft, I live full time aboard a sailboat moored in Morro Bay on a Morro Bay Yacht Club mooring. I have paid for a Harbor Patrol inspection of my vessel and also paid all fees and have been granted a legal liveaboard permit.

With respect to the ongoing discussion regarding the proposed liveaboard permit administration fee, I have reviewed, and commented on, the report verbally as well as attended several meetings to discuss the proposed fee chaired by the Harbor Director where I stood and gave input.

During these meetings as well as in written correspondence it has been stated that the administration fee primarily covers the code monitoring the liveaboards, and more specifically monitoring the vessels that have not been issued liveaboard permits.

The Harbor Patrol monitors every boat in the Harbor for violations of the liveaboard code. As a member of that community I very much appreciate the work done by the Harbor Patrol, but it seems to me, the labor and costs associated with the liveaboard code monitoring and enforcement, should be spread equally across all the 450 or so vessels in the bay.

The cost of liveaboard monitoring and enforcement is created by EVERY vessel in the harbor and therefore the cost of monitoring and enforcing the liveaboard code should be borne by EVERY vessel in the harbor.

It is unfair to levy this cost only on the very few liveaboard vessels, (approximately 30 at present), whose owners must already apply and pay application and inspection fees for a liveaboard permit and who are already compliant with the ordinance and don't require any more (and probably less) monitoring for code compliance than any other vessel.

I ask that you please reconsider this fee structure to more fairly include ALL the boats on the Bay.

Thank you.

Lori Toft
P.O. Box 378
Morro Bay, CA 93443
Owner of Chrysalis



AGENDA NO: C-1

MEETING DATE: April 28, 2020

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

From: Dana Swanson
Sent: Monday, April 27, 2020 9:08 AM
To: Heather Goodwin
Subject: Fwd: city council agenda item c-1

Sent from my iPhone

Begin forwarded message:

From: betty winholtz [REDACTED]
Date: April 27, 2020 at 3:16:22 AM PDT
To: John Heading <jheading@morrobayca.gov>, Robert Davis <rdavis@morrobayca.gov>, Marlys McPherson <mmcpherson@morrobayca.gov>, Jeffrey Heller <jheller@morrobayca.gov>, Dawn Addis <daddis@morrobayca.gov>
Cc: Dana Swanson <dswanson@morrobayca.gov>, Scott Collins <scollins@morrobayca.gov>
Subject: city council agenda item c-1

Dear City Council:

There is relevant information omitted from the staff report. The following three quotes are from the Agenda, Minutes, and Youtube video of the Special City Council Meeting of July 11, 2017, respectively.

"FISCAL IMPACT

The City purchased the subject property for \$350,000, as authorized at the May 23, 2017, Council meeting, with funding sourced from the General Fund Emergency Reserve(GFER) and paid to the seller. However, at close of Escrow, \$85,000 was paid back to the City by the Seller for reimbursement of City legal expenses incurred as part of the litigation involving Save the Park, et al v. City of Morro Bay. Staff obtained a Brokers Price Opinion from Frankie Ciano, dated May 9, 2017, which sets value range for the property at \$650,000 to \$750,000 as bare dirt, without entitlement (see Attachment A). Staff recommends, if Council directs the sale of the property, then revenue proceeds from such a sale be placed in the GFER to replenish the fund." (July 11, 2017, Agenda of Special City Council Meeting, Item #1)

"There was consensus on a 3-year timeline to sell the property to any entity that would preserve it as open space available to the public. Staff will bring opportunities that might facilitate the sell for preservation to Council, and provide a status report every six months on the Consent Agenda....No further action was taken by the Council." (July 11, 2017, Minutes of Special City Council Meeting, Item #1)

<https://www.youtube.com/watch?v=8SSDhNnZc7U>

Brief minutes do not reflect comments made during the meeting. For example, when asked by Council Member Headding, Scott Graham stated he expected the starting point of price to be \$350,000. When Council Member McPherson raised the possibility that the full amount may not be raised in 3 years, City Manager Lomeli suggested one option could be a Deed of Trust allowing the City to accept a lower amount and the non-profit to continue payments up to the full amount. Graham stated that such arrangements would be part of the next discussion, which is this agenda item. Council Member Davis raised the possibility of the property being deeded back to City to operate. Council Member Davis further stated that he looked for the true purchase price, the full amount, \$350,000, and received confirmation that that was the true price. Mayor Irons raised the possibility of the access road being sold to cover the sale price. Council Member McPherson reiterated the point of deeding the property back to the City. Mayor Irons said that at a later point, liability and details would be discussed. (July 11, 2017, Video of Special City Council Meeting, Item #1)

The following quote is from the current staff report. The stated purchase amount does **not** match the above record:

"At the time of the purchase, the then City Council expressed its intent to find a non-profit organization that promotes open space to purchase Eagle Rock from the City for the net amount the City paid (\$265,000)."

Nor over the last 3 years have there been 6-month intervals on the Consent Agenda updating the City Council and Public concerning progress and other options as directed by Council. In addition, the questions raised publicly by city council members--and stated by the mayor and city planner would be discussed later--are **not** considered here. These items are:

1. whether to accept a low ball purchase price, and if so, with what options;
 2. pros/cons of deeding back to the City;
 3. legality of selling the access road to raise funds;
 4. other details;
- in addition,
5. why a 5-year cancellation clause in the MOU.

As a result of the City Council discussion on July 11, 2017, I expected that these questions would be addressed at a future city council meeting. Now, and only now, is that meeting.

Cerrito Peak/Eagle Rock has been a high-profile topic for years. The public deserves to here your thoughts regarding these details, and you deserve to hear ours.

Sincerely,
Betty Winholtz