



**Public Comments**  
**City Council Meeting**  
**October 28, 2020**

**Email** [debra.kelley0903@gmail.com](mailto:debra.kelley0903@gmail.com)

**Council Meeting Date** 10/28/2020

**Agenda #** 8

**Subject** Read Out Loud

**Position** In Favor

**First and Last Name** Debra Kelley

**Escondido Resident** False

**Street Address** 11764 Mira Lago Way

**City** San Diego

**State** CA

**Zip** 92131

**Comments** The Campaign for Tobacco-Free Kids supports strong tobacco retailer licensing (TRL) ordinances that hold store owners accountable for complying with all tobacco control laws. We applaud the proposed ordinance, but after grant funding runs out, we encourage you to revisit the fee structure to ensure that retailers, not taxpayers, pay for the program. The licensing program is a great step forward, but we urge you to do more to protect children by prohibiting the sale of all flavored tobacco products. Flavors hook kids. Flavors alter the taste and reduce the harshness of tobacco products, so they are more appealing and easier to inhale. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from candy displays. Nationally, seven out of ten of current youth tobacco users have used a flavored tobacco product in the past month. The California legislature recently passed SB 793 which eliminates the sale of all flavored tobacco products, except for hookah, premium cigars, and pipe tobacco. History shows that these loopholes can and will be manipulated by the tobacco industry to continue to prey on children. And tobacco companies are collecting signatures for a referendum to overturn the law. If the measure qualifies for the ballot, SB 793 will not go into effect until Californians vote in the next general election in 2022. That gives the industry nearly two years to ramp up profits and addict as many children as possible. Given the many uncertainties surrounding SB 793, including how local communities are supposed to enforce it, we urge Escondido to join over 100 California communities that have enacted comprehensive flavored tobacco sales restrictions with no loopholes. We believe Escondido kids deserve these same protections from nicotine addiction and tobacco-related death and disease. We respectfully urge Escondido to move forward with these vital public health policies.

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<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5168&pageid=3094&rid=b08c4768-8faf-453d-8316-22261af23766>

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From IP Address: 184.185.153.130

**Email** [garci567@cougars.csusm.edu](mailto:garci567@cougars.csusm.edu)

**Council Meeting Date** 10/28/2020

**Agenda #** 8

**Subject** READ OUT LOUD

**Position** In Favor

**First and Last Name** Enrique Garcia

**Escondido Resident** False

**Street Address**

**City**

**State**

**Zip**

**Comments** Good Afternoon City Council, My name is Enrique Garcia. I am a student at Cal State San Marcos. I volunteered with Vista Community Clinic during their tobacco purchase survey for Escondido when I was under 21. It was an experience that taught me a lot about how easy it is for underage individuals to get ahold of tobacco products at local stores. As someone who plans on being a High School Teacher, this was INVALUABLE information, not only for me, but for my future students. I am in support of a policy that would protect kids from getting these products. I'd like to thank the city of Escondido and VCC for the opportunity to be apart of this and be apart of the change, not only for the city, but for our youth. Thank you

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**Council Meeting Date** 10/28/2020

**Agenda #** 8

**Subject** Tobacco Retail Licensing

**Position** In Favor

**First and Last Name** Gena Knutson

**Escondido Resident** False

**Street Address** 2010 Vintage Pl

**City** Escondido

**State** CA

**Zip** 92027

**Comments** Read Out Loud Gena Knutson, Program Manager for Vista Community Clinic, and an Escondido resident for 21 years. Thank you for bringing forward this important public health measure. Before COVID-19 hit the US, we were facing a different public health crisis, a youth vaping epidemic. While the use of traditional combustible cigarettes has been on the decline among teens, vaping has sharply increased. Although we have seen a decrease in youth vaping this past year, still 1 in 5 high school students and 1 in 20 middle school students report e-cigarette use in the past 30 days. Additionally, 85% of high school students and 74% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time. Creating protections for youth to prevent the initiation of tobacco use, including flavored and unflavored e-cigarettes or vaping products, is one the most important actions we can do reduce their access to tobacco products and to delay or stop their initiation of becoming addicted to nicotine. A Tobacco Retail Licensing policy is a cost-efficient way to achieve this. A Tobacco Retail Licensing Program gives local governments the resources and structure to ensure tobacco product sales laws are being upheld. An effective program has 4 key components: 1. All retailers obtain a license and that it is renewed annually. 2. A fee set high enough to sufficiently fund the administration and enforcement of the program with scheduled annual compliance checks of all retailers. 3. A financial deterrent to the retailer through fines and penalties including the suspension and revocation of the license. 4. Ensure a violation of any existing local, state, or federal tobacco regulation violates the license. The Tobacco Industry spends \$1 million an hour to market their product, including Tobacco company incentive programs such as point-of-sale marketing. I mention this as it is important that the program requires an annual license fee from the retailer to cover all costs. If a retailer wants to sell tobacco products, then they must pay towards the program as a financial incentive to comply with the regulations. Relying on grant-funding to conduct compliance checks is not a reliable way to fund a program as there is no long-term guarantee this funding will always be available to do so. A self-sufficient program, which includes a license fee paid by the retailer that is high enough to cover the administration and enforcement is a must and will ensure the intent of the TRL is upheld. I would encourage the city to re-assess the license fee amount and program effectiveness at minimum annually and report the results back to the community. Thank you.

From Url: <https://www.escondido.org/public-comment.aspx>

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Council Meeting Date 10/28/2020

Agenda # #8

Subject Please Read out Loud

Position In Favor

First and Last Name Herminia Ledesma

Escondido Resident True

Street Address 2334 Walton Way

City Escondido

State California

Zip 92027

**Comments** Good evening, my name is Herminia Ledesma I have been an Escondido resident for 25 years. I am the mother and caregiver to two nine year-olds. As a parent, active community member, and public health professional, I am committed to creating a healthy environment not only for my family, but also for my friends and neighbors here in the great city of Escondido. Being a mom to young children, I know policies implemented now have an effect on our future, and I would like to see Escondido work towards including policies that promote health for our future. The use of tobacco products, including e-cigarettes, has skyrocketed over the past few years among middle and high school students. In fact, about 30% of high school students have reported using tobacco products regularly and have shared how easy it is to get them from the retail environment. I am in strong support of a Tobacco Retail License Program for Escondido. Having a law that provides local control and oversight of the sale of these harmful products is important. The strong penalty schedule also lets the business that sell these product know that there are consequences for their actions. Thank you for your bold and proactive approach to protecting the public's health and future generation of Escondido residents.

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Mike,

I wanted to follow up on the draft TRL policy on the agenda for this week's city council meeting. We were able to send it over to our partners at Public Health Law Center for a quick review. Please see attached with their feedback and recommendations. If you have further questions, you can reach out to Kyra Hill, one of their Staff Attorneys that reviewed it, see contact card below.

We did have 3 questions/comments.

First, in prior conversation there was discussion about adding in a prohibition on the sale of flavored tobacco products. We see that did not make the final draft. If there a rational for that? As you may or may not know, the Tobacco Industry filed a referendum on SB793 (flavor bill) which was signed into law this summer. With the direction things are going, we anticipate the implementation of the bill will be on hold until the next CA General Election (November 2022), therefore local communities are encouraged to move forward their own regulations.

Second, it is a different approach to have the EPD administer the TRL program, but understand that works best with your structure. It is concerning that the annual license fee does not include funds to cover compliance checks, and rather you will be using grant funds to cover those costs. As grant-funded is never reliable, we would want it to be clear that the fee to the retailer would be increased if those funds were to go away.

Third and last, in regards to enforcement in sec 16-212 (a) it states "any person violating any provision of this division shall be guilty of a misdemeanor for each day a violations continues". Does this mean the City plans to penalize the clerk, retailer or both? A TRL is designed to be punitive to the retailer, as they are the ones profiting off the sale of tobacco products.

Kyra Hill

Staff Attorney

Public Health Law Center

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Email [lynda.barbour@cancer.org](mailto:lynda.barbour@cancer.org)

**Council Meeting Date** 10/28/2020

**Agenda #** 8

**Subject** READ OUT LOUD- Tobacco Retail License

**Position** In Favor

**First and Last Name** Lynda Barbour

**Escondido Resident** False

**Street Address** 5333 Mission Center Rd Ste 105

**City** San Diego

**State** CA

**Zip** 92108

**Comments** American Cancer Society Cancer Action Network supports strong comprehensive tobacco retail licensing policies that include a fee that covers the cost of administration and enforcement and compliance checks annually, to find bad actors who continue to sell illegally to youth. Strong penalties levied on the retailer will effectively dissuade bad actors once they are caught and their license is suspended. We understand that council will use part of the grant you received from the Dept of Justice to fund enforcement; we respectfully urge you to ensure that when these funds are no longer available, that you review your fee schedule so that the enforcement is sustainable. We also urge this council to adopt a local flavored tobacco ordinance, to prevent the initiation of tobacco use, by reducing easy access to flavored tobacco products that are luring our youth into a lifetime of addiction. SB793 the states flavored tobacco sales prohibition may not be enacted in 2021 due to Big Tobacco's efforts to delay implementation through a referendum and lawsuits. Local control is needed, and a flavored tobacco ordinance with a Tobacco Retail Licensing policy is a cost-efficient and effective way to do this. Finally, we strongly urge this council to reconsider the purchase, use and possession (PUP) policy enacted earlier this year. PUP laws shift the blame away from the industry's irresponsible marketing, to its victims and minimize the responsibility of the retailer. Penalizing children is not an effective strategy for reducing youth smoking. When youth are specifically targeted by a policy it is disproportionately applied to black and brown youth, and can be dangerous and unnecessary. The Public Health Law Center has language in its Model TRL policy that can support enforcement without a PUP. Thank you for your consideration

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## ORAL COMMUNICATION

My mother graduated from Escondido Union High School in 1937 and I did so in 1959. My grandparents owned a small ranch in the eastern part of the valley, from which they also protected workers who came their way.

My grandparents' property is now owned by the city and was sold for the express purpose of becoming a park. It is next to Mountain View Park.

I find the comment in the San Diego Union -Tribune in an article on Sunday, October 25th disturbing. In an article about a fee for developers, it was noted that only one comment was made about the small increase in a fee for developers after much outcry from developers et al a study will determine what the increase should be. The Escondido Chamber of Citizens should be commended for paying attention.

I read 5 newspapers a day, including the LATimes, which I read as a child, the UT, Washington Post and New York Times among others. Many of us remember the TA, but we now lack a local paper. I try to survey small presses to get even a smattering of local events, but none of those would give me information about the fee and the machinations of developers.

How are we to know what is going on? I can scrutinize the meeting agenda more carefully, but even that would not give me any advance notice.

It is up to the present and future city council to find a better way to keep city news available to residents.

I wrote a letter supporting the Paxton adobe being maintained which apparently did not get to the city clerk, somehow. I am not trained in historic preservation, but I do have a Phd in European History. The historic nature of this valley cannot be symbolized by the hills surrounding the valley, which some natives know by name.

We need an effort in historic preservation by private groups as well as by a devoted city commission, not one intent on progress, which is usually another word for more roads and pell-mell development.

The Class of 1959 was housed in rooms and tents at the site of the old high school and watched wrecking balls demolish it. The stone commemorating its existence is outdated and inadequate.

Monuments to our past are not just about removing offensive Confederate memorials and installing more suitable memorials to the tragedy of slavery in the American south.

Guess what folks? Escondido does have a history.

Katherine Barber Fromm

Class of 59 and assorted degrees

**Email** [earthlover@sbcglobal.net](mailto:earthlover@sbcglobal.net)

**Council Meeting Date** 10/28/2020

**Agenda #** Oral Communication

**Subject** Please read out loud

**Position** No Position

**First and Last Name** Laura Hunter

**Escondido Resident** False

**Street Address** 744 Quiet Hills Farm Road

**City** Escondido

**State** CA

**Zip** 92029

**Comments** Dear Mayor and Council, I finally had an opportunity to view last week's discussion on campaign contribution ordinance amendments. I want to commend the Council for significantly lowering the maximum campaign limits, as well as for addressing the unfairness of the war chest issue. At a time when citizens are understandably shaken and seeking to restore trust in their governments, the changes you've implemented will definitely help in this regard. However, I do believe that the issue of the limitation on the timing of donations, such as the Coastal Commission and San Marcos have, is still not well understood. Also, since the name of Sierra Club was invoked, I would like to respond. The difference of interests misses the salient point. Using Mr. Morasco's example of a developer who wants a project, say Concordia, and the Sierra Club who might oppose if it is say Harvest Hills, the interests of these two stances are NOT the same. The difference is MONETARY GAIN. More specifically, money and a profit to be gained from a Council decision on behalf of the developer in this particular case. As defined by its articles of incorporation, Sierra Club is a nonprofit public benefit corporation and is not organized for the private gain of any person or entity. Therefore, Sierra Club does NOT have any vested financial interest in the outcome, and Sierra Club does NOT monetarily profit from any decision that the Council makes. Sierra Club advocates on various issues because we want to ensure a safe environment for all. We advocate because we want to stop climate change from destroying any chance future generations might have to enjoy life on this planet in the way that we all have. To repeat, Sierra Club North County Group is all FOR sustainable & transit-oriented development, green jobs, & sustainable business growth. Again, we appreciate the Mayor and Council members who voted on these amendments. We also appreciate the interest in getting more information on the time restrictions issue, and we will bring more information forward in the near future. Thank you

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