



## Additional Documents List City Council Meeting April 6, 2022

Item No.	Agenda Item Description	Distributor	Document
12	Approval of Reorganization of the Public Works Department	H. Ted Gerber, Public Works Director	Memo provides clarification.
19	Direction on Citywide Commissions	Mary Jerejian, Management Analyst	Memo provides revision.
	Written Public Comment Item #2, #10, #18, #19	Christina Muñoz, Deputy City Clerk	Emailed Public Comment.



**City of South Pasadena**  
**Public Works Department**

# Memo

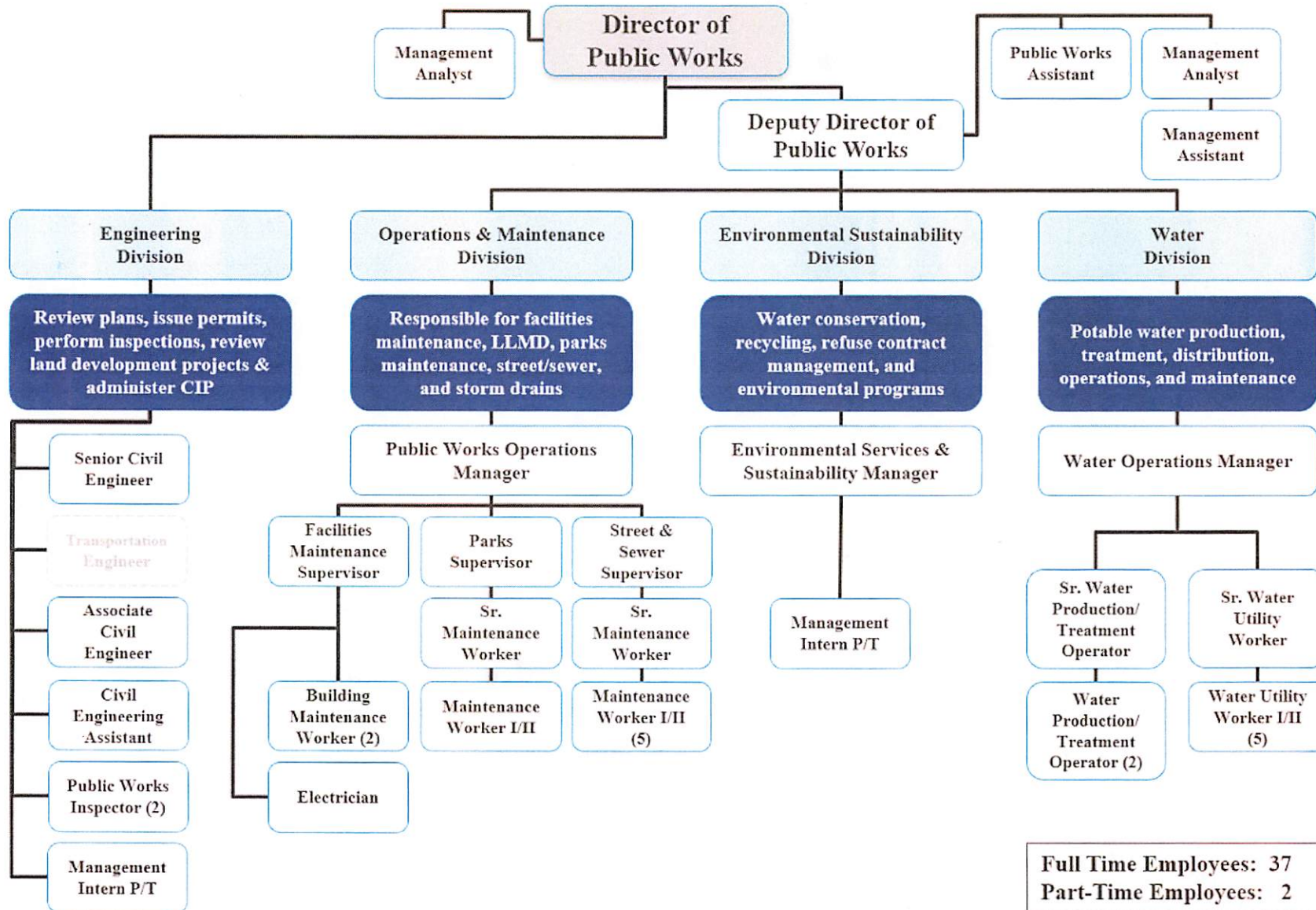
**Date:** April 6, 2022  
**To:** The Honorable City Council  
**Via:** Arminé Chaparyan, City Manager  
**From:** H. Ted Gerber, Public Works Director  
**Re:** April 6, 2022 City Council Meeting Item No. 12 Additional Document- Approval of Reorganization of the Public Works Department

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Attached is a revised organization chart for the Public Works Department. The changes reflected herein are placement of the Engineering division under the purview of the Public Works Director, and the placement of a Transportation Engineer, funded in FY 22-23.

The Full Time Equivalent (FTE) number on the organization chart, attached, does not include the proposed Transportation Engineer position.

# Public Works Department







**City of South Pasadena  
City Manager's Office**

# Memo

**Date:** April 6, 2022

**To:** The Honorable City Council

**Via:** Arminé Chaparyan, City Manager

**From:** Mary Jerejian, Management Analyst

**Re:** Item 19 Additional Document—Direction on Citywide Commissions

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Please note:

- Attachments 1 and 2 have been switched in sequence, and as such, Attachment 1 is the Commission Study Session agenda item from February 23, 2022, and Attachment 2 is the additional community survey responses from the online survey from March 2022.
- The Finance Ad Hoc Committee will be dissolved when a final report is submitted to the City Manager, expected Spring 2022.
- In light of the public comments received on recommendation #3 in the item, staff suggests that City Council consider the following change:
  - Direct the City Manager and staff to solicit interest and implement an annual Animal Events Advisory or Ad Hoc Committee to focus on animal-related programming and items “Doggy Days” and “Be Kind to Animals Day” and other programming; that meets on an as-needed basis
- In light of the public comments received on recommendation #5 in the item, staff suggests that City Council consider keeping the frequency of the Public Safety Commission as-is.
- The following corrections to the Council and staff liaisons, and to the Public Works Department ad hoc committee listings:



## City Council Ad Hoc Committees Liaison Assignments

**January 2021 to December 2021**

City Ad Hoc Committees	Appointed Liaison(s)	Staff Liaison
Ad Hoc Committee: City Council and South Pasadena Unified School District	Primuth and Zneimer	Arminè Chaparyan, City Manager
Ad Hoc Committee: Finance	Primuth and Donovan	Ken Louie, Interim Finance Director
Ad Hoc Committee: Mission-Meridian Village Subcommittee (08/14/2013)	Donovan and <del>Zneimer</del> Mahmud	<u>VACANT</u> , Deputy Director of Community Development (Interim: Angelica Frausto-Lupo, Community Development Director)
Ad Hoc Committee: Implementation, Caltrans Surplus Properties Disposition Replaced “Leg” & “non-leg” committees by council action on Dec, 1, 2021	Donovan and Primuth	Angelica Frausto-Lupo, Director of Community Development, <u>VACANT</u> , Deputy Director of Community Development

Department	Commissions	Committees	# of Commissions/Boards
Police Department	Animal Commission, Public Safety Commission	None.	2 Commissions
Fire Department	Public Safety Commission	None.	1 Commission
Community Development Department	Cultural Heritage Commission, Design and Review Board, Planning Commission, Public Arts Commission	Ad Hoc Committee: Mission-Meridian Village Subcommittee, Ad Hoc Committee: Implementation, Caltrans Surplus Properties	4 Commissions, 2 Ad Hoc Committees
Public Works Department	Mobility and Transportation Infrastructure Commission, Natural Resources and Environmental Commission, Public Works Commission	<del>None</del> -Athens Ad Hoc Committee	3 Commissions
Community Services Department	Parks and Recreation Commission, Youth Commission, Senior Citizen Commission	Ad Hoc Committee: Recreation leased facilities	3 Commissions, 1 Ad Hoc Committee
Library	Library Board of Trustees	None.	1 Commission
Finance Department	Finance Commission	Ad Hoc Committee: Finance	1 Commission, 1 Ad Hoc Committee

**Public Comment  
Item #2**

## Christina Munoz

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**From:** Chris Bray <chrisabray@yahoo.com>  
**Sent:** Saturday, April 2, 2022 12:41 PM  
**To:** City Council Public Comment  
**Cc:** Armine Chaparyan  
**Subject:** General Public Comment, April 6

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Councilmembers,

When it was windy in South Pasadena, it was also windy in our neighboring communities. Yet the prolonged closure of the city-owned Arroyo Seco Golf Course wasn't matched by extended golf course closures in Pasadena, Altadena, Alhambra, or Monterey Park. Consistently, a city government that focuses on national and global political activism, with a city council that spends its meetings talking about climate change and Big Tobacco, is a city government that neglects *city government*. It takes you weeks to repair wind damage at our local golf course, but you're in direct control of the climate of the planet. You can't consistently and effectively do simple things that are directly in front of you, but you have total confidence that you have hands-on control of complex global systems. It's fascinating to watch.

Chris Bray  
South Pasadena resident



## Christina Munoz

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**From:** johnorcutt40@yahoo.com  
**Sent:** Monday, April 4, 2022 7:52 PM  
**To:** City Council Public Comment  
**Cc:** Michael Cacciotti; Diana Mahmud; Evelyn Zneimer; Jon Primuth; Jack Donovan  
**Subject:** Agenda Item 15 - Please use Measure M MSP to fund South Pasadena climate and bike plan implementation

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm Dear members of the South Pasadena City Council,

As a local constituent who cares about street safety, clean air, and the future of our climate, I urge you to improve the City's current Measure M Sub-Regional project list.

Several of the projects on the City's current list for the AVCJPA Measure M Multi-year Subregional Program are inconsistent with the City's adopted Climate Action Plan and commitment to public safety and public health. These include the proposed widening of Orange Grove Boulevard (\$500,000) to two lanes which would require the removal of the landscaped parkway between Columbia and Arroyo Parkway, and the proposed Garfield Ave / Monterey Road traffic signal (\$400,000), which would encourage more traffic and speeding along this corridor. Traffic studies have not been completed for these projects to understand safety impacts, and there has been limited to no outreach conducted to inform their development.

At the same time there are a number of projects that the City has formally studied and vetted with the community, yet remain unrealized. Only a few miles of dedicated bikeways have been implemented since the City adopted its bike plan in 2011 after a comprehensive, year-long community planning process. Investing in safer streets for walking and bicycling is also strongly supported by local residents, as made clear by a student-led petition that garnered over 500 signatures in 2020.

The City has full discretion to utilize Measure M sub-regional funds to implement long-awaited safety improvements including those listed below. Each of these projects can be installed without removing street parking or travel lanes for vehicles, and would connect the City to existing regional facilities.

Fair Oaks Class II (bike lane): Monterey Road to Huntington Drive  
Monterey Class II (bike lane): West City Limit to Pasadena Avenue  
Arroyo Drive Class II (bike lane): Northern City Limit to Pasadena Ave  
Garfield Class II (bike lane): Mission Street to Oak Street  
Orange Grove Class II (bike lane): Grevelia to Mission St.  
Oak Street Class III (bike route): Meridian Avenue to Garfield Avenue

The above-listed public safety projects can also be implemented quickly and at relatively low-cost, providing immediate benefits. The City's existing bike lanes are disjointed and provide limited utility to people who are concerned about safety but interested in bicycling.

There's no time like the present to invest in safer, healthier streets. Cities and counties around the region, United States and world have accelerated investments to help address dangerous street design, air pollution, and the climate crisis over the past two years. The City of Arcadia installed over 9 miles of bikeways in June 2020 despite having never adopted a local bike plan.

This agenda item is an opportunity for the City Council to advance the City's 2021 Climate Action Plan and 2011 Bike Plan in one fell swoop. As a local resident who strongly supports a more sustainable, pedestrian and bicycle-friendly South Pasadena, I urge you to please reconsider the current Measure M Sub-Regional project list and include the implementation of the City's 2011 bike plan.

Thank you for your service to the South Pasadena community,

Sent from my iPhone

**Christina Munoz**

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**From:** James RE Cheung <James@agiohome.com>  
**Sent:** Wednesday, April 6, 2022 10:27 AM  
**To:** City Council Public Comment  
**Subject:** Council Meeting today at 7pm  
**Attachments:** Letter to South Pasadena City Council-City-signed.pdf; neighbor.pdf

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi  
I plan to read out the body of this attached letter today at the Open Session. Thank you

James Cheung  
626-262-1211 (Mobile)  
email: James@AgioHome.com



**JAMES CHEUNG**  
**1635 Via Del Rey**  
**South Pasadena, California 91030**  
**Phone: (626) 262-1211**

April 06, 2022

Honorable City Council Member  
1414 Mission Street  
South Pasadena, California 91030

In re: Notice of Filing of Civil Rights Complaint in United States District Court  
Case No. 22 – 1756 – SVW– GJS

(A True and Correct File Stamped Copy of Civil Rights Complaint is attached to this e-mail)

Dear City Council Member:

I am writing you this letter and am intending to read the body of this letter as a Public Agenda Item at the City of South Pasadena City Council Meeting on April 6, 2022 at 7:00 P.M. {I do not understand why you are discussing my litigation matter in CLOSED SESSION on March 28, 2022 when there is nothing CONFIDENTIAL about what has transpired in these circumstances because the City of South Pasadena has permitted my neighbors TO DECIMATE AND REMOVE AN ENTIRE HILLSIDE without a legitimate permit}.

The purpose of my public statement is to ask for your assistance in protecting my Constitutional Rights as well as the safety and public interest of five (5) families that are affected by this project. We discovered in 2021 that our neighbors at 1627 Via Del Rey were constructing an elaborate backyard project immediately adjacent to our property boundary. This elaborate project involved the complete excavation of the hillside and removal of 30 huge dump truckloads of the entire hillside adjacent to our backyard, and build a 6 foot retaining wall, without conducting a soil report. As you all know, an unstable slope exposes all five (5) families to possible landslide and collapse of the retaining wall in heavy rain or earthquake.

I am respectfully requesting that you take the time to review carefully the Complaint attached and then reach out to me individually so that we may schedule a meeting to discuss an efficient and humble resolution of this matter so that the best interests of South Pasadena and its citizens are upheld and preserved.

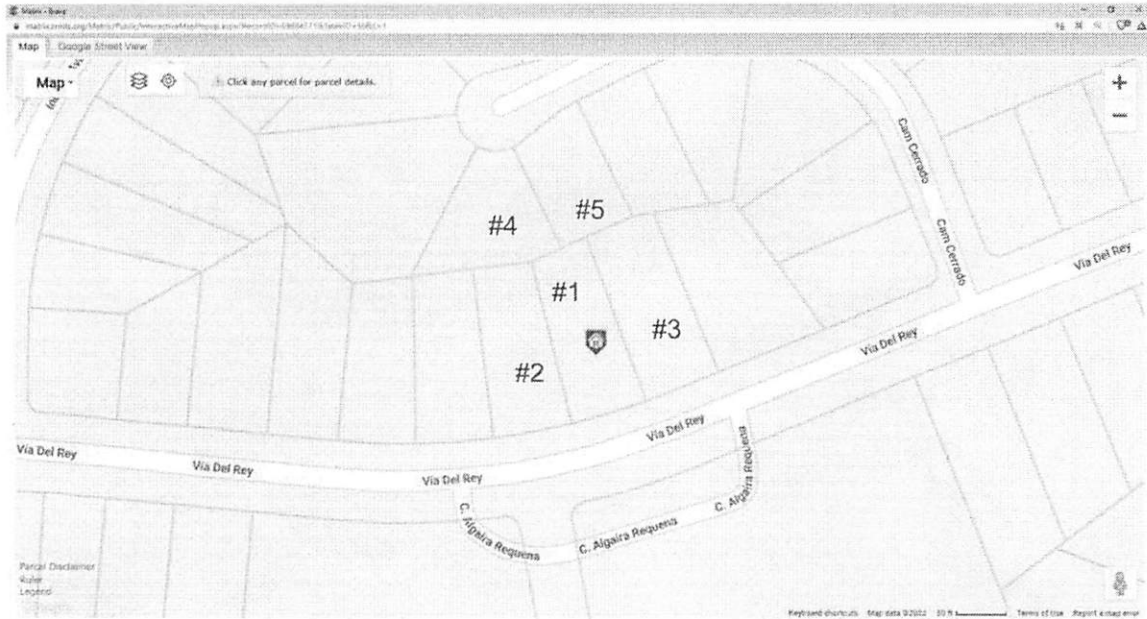
I am hoping that my request inspires you to make things better. Thank you for providing a public forum during which I can speak directly to you and our community.

Sincerely,

*James Cheung*

James Cheung

Attachment: 1) Civil Rights Complaint  
2) Location of the five (5) families



#1: 1627 Via Del Rey, LOUIE/KOTANI

#2: 1635 Via Del Rey, CHEUNG

#3: 1621 Via Del Rey, Lloyd Owens,

#4: 609 Camino Cerrado, Calvin Cheng & Linda Tieu

#5: 615 Camino Cerrado, Terence McHale

**Public Comment  
Item #10**



## Christina Munoz

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**From:** Care First South Pasadena <carefirstsouthpas@gmail.com>  
**Sent:** Wednesday, April 6, 2022 10:50 AM  
**To:** City Council Public Comment  
**Subject:** Public Comment Re: Agenda Item 10, Legislative Platform  
**Attachments:** 2022-04-06 legislative platform comment.pdf

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the attached comment in the agenda packet for tonight regarding item 10, 2022 Legislative Platform.

Thanks.

Care First South Pasadena



April 6, 2022

Public Comment

Re: Agenda Item 10, South Pasadena 2022 Legislative Platform

Just two months ago, the City committed to “review state and county legislation, budget proposals, and policies that would reverse past racist policies and reduce racial disparities..., and actively oppose state and county legislation, budget proposals, and policies that would impede the goals of this Resolution[.]” Yet the City’s proposed 2022 legislative platform does not include any of the goals it set forth in the Sundown Town resolution.

The City's commitment to racial justice should be reflected in its legislative platform. Each section of the platform should be reviewed with a careful eye toward policies and programs that reverse past racism and reduce racial disparities. For example, the land use section makes no reference to removing racially restrictive covenants, or taking steps to support fair housing practices in South Pasadena.

The public safety section does not mention elimination of racial bias in policing. The platform says the city will “[o]ppose efforts to reprioritize public safety funding and programs without proper procedural or stakeholder engagement that would result in decreased public safety services and increased crime.” Blanket opposition to efforts that realign funding away from law enforcement and toward community services runs contrary to the City’s goals of reversing the effects of past racism and eliminating racial disparities.

We ask that the City revisit the 2022 legislative platform with its recent commitment to racial justice in mind, and seek community input, before voting on the platform tonight.

**Public Comment  
Item #18**



**Christina Munoz**

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**From:** Tucker Nelson <tkrnelson@earthlink.net>  
**Sent:** Wednesday, April 6, 2022 12:00 PM  
**To:** City Council Public Comment; Michael Cacciotti  
**Subject:** Public Comment for 4-6-2022 Meeting Item 18 Tobacco Ordinance

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Public Comment on Item 18 re Ordinance prohibiting tobacco

I know I am coming late to the discussion but there are two points I want to comment on.

1) From the previous comments made by others, a major goal is to prevent children from getting cigarettes to smoke. The retailers assert and the police records show that children do not buy cigarettes from stores in South Pasadena. Also, I did not read any research asking children where they obtain cigarettes. Until that is done, this ordinance will probably not reach this goal of cutting off the supply to children.

2) According to retailers, in response to questions from the city, they will lose 20% of their revenue. This is not insignificant as is asserted in the executive summary. This percentage is supported by a public comment from a retailer from a city where a similar ordinance is already in place. The retailer pointed out that cigarette buyers also buy other products at the same time. If the shoppers cannot buy cigarettes, they buy nothing at all.

I feel that it is unfair for the financial burden from the lost revenue to fall solely on the retailers. Therefore, I propose that those who are in favor of the ordinance make up the lost revenue to the businesses, lasting until the businesses make as much money as they did before the ordinance. The financial burden would be on those residents & non-residents who are most interested & supportive of the tobacco ban. This seems the most fair to me.

It also seems unfair for the retailers to take their time to consult with the SBDC on how to make up their revenue. Again, the time & effort burden should be on the ordinance supporters.

Sincerely,

Tucker Nelson

Resident

## Christina Munoz

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**From:** Thomas Lawton <Thomas.L@fumari.com>  
**Sent:** Monday, April 4, 2022 10:05 AM  
**To:** City Council Public Comment  
**Subject:** Agenda Item #18 - Public Comment

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon honorable Mayor and City Council,

My name is Thomas Lawton and I am the government affairs representative for hookah manufacturer Fumari, as well as a member of the National Hookah Community Association. Thank you for giving me the opportunity to submit my testimony on agenda item #18: ordinance amending chapter 18 article VI of the South Pasadena municipal code.

We strongly support your goals of ending teen nicotine addiction and protecting minority communities in South Pasadena. With youth hookah use at 0.8% nationally, the lowest it's ever been as reported by the FDA, I would like to ensure that the rich cultural tradition of hookah does not become collateral damage in the battle against big tobacco. Since youth usage of hookah is not the problem and hookah has been mixed with molasses since its inception over 500 years ago, **a ban on hookah would be an unnecessary and discriminatory attack on a tradition practiced by many minority communities ranging from Armenians, Persians, Middle Easterners, Turks, North Africans, and Indians.**

The federal government is addressing the youth access issue and also providing legislation across the board, eliminating the patchwork of laws from city to city and closing loop holes used by bad actors to skirt the law.

Moreover, Hookah has been exempted from the California State flavored tobacco ban, SB793, because of its cultural significance and that it is fundamentally different from vape. Senator Hill learned the difference between vape and hookah and understood that hookah was not the problem and took steps to exempt it due to its cultural significance. We ask that South Pasadena do the same.

Please see the hookah exemption language from SB793 below:

(c) Subdivision (b) does not apply to the sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met:

- (1) The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with Section 22971.7) of Division 8.6 of the Business and Professions Code.
- (2) The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the premises at any time.
- (3) The hookah tobacco retailer shall operate in accordance with all relevant state and local laws relating to the sale of tobacco products.
- (4) If consumption of tobacco products is allowed on the premises of the hookah tobacco retailer, the hookah tobacco retailer shall operate in accordance with all state and local laws relating to the consumption of tobacco products on the premises of a tobacco retailer, including, but not limited to, Section 6404.5 of the Labor Code.

Law makers can reach their regulatory goals without creating unintended consequences like eliminating the rich cultural tradition of hookah.

Please do not eliminate the rich cultural tradition of hookah without understanding what the real issues are. **There is a way to achieve regulatory goals while balancing the interests of minority communities that practice hookah.**

We respectfully request the City of South Pasadena to consider adopting the language of SB793 for their proposed tobacco ban just as State of Massachusetts and California, Washington D.C., Denver, CO; and the following California Cities: Los Angeles City, San Jose, Elk Grove, Walnut Creek, West Hollywood, Burbank, Glendale, Irvine, Long Beach, Encinitas, San Diego County, El Cajon, Ventura, Pleasant Hill, Redwood City and Culver City have done.

Thank you for your consideration, and please Save Hookah.



**THOMAS LAWTON**  
GOVERNMENT AFFAIRS  
OFFICE: (619) 331-3535 EXT. 708  
**FUMARI INC.**

## Christina Munoz


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**From:** Douglas Yokomizo <yokomizo@mmlawyers.com>  
**Sent:** Tuesday, April 5, 2022 8:37 AM  
**To:** City Council Public Comment  
**Cc:** Alison Wehrle; Angelica Frausto-Lupo; Fayez Karroum; Philip Putnam  
**Subject:** April 6, 2022 City Council Meeting. Agenda Item No. 18  
**Attachments:** Letter to City Council re Agenda Item 18 2022-04-05.pdf

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please include the attached letter in the Public Comments for Agenda Item No. 18. Thank you.

Doug Yokomizo, Esq.

 **Monteleone & McCrory, LLP**  
725 South Figueroa St., Suite 3200  
Los Angeles, CA 90017  
(213) 612-9900 Office  
(626) 500-8612 Cell

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STEPHEN MONTELEONE  
(1986-1962)

DARRELL P. MCCRORY  
(1922-2013)

Douglas Yokomizo  
Of Counsel  
yokomizo@mmlawyers.com

**MONTELEONE & McCRORY, LLP**

LAWYERS

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TELEPHONE (213) 612-9900  
FACSIMILE (213) 612-9930

April 5, 2022

OUR FILE NUMBER

18072

BY EMAIL—[ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov)

City Council  
City of South Pasadena  
1424 Mission Street  
South Pasadena, CA 91030

Re: Agenda Item No.18  
First Reading and Introduction of an Ordinance  
Amending Chapter 18, Article VI of the South Pasadena  
Municipal Code to Prohibit the Sale of All Tobacco  
Products and Electronic Smoking Devices

Dear Members of the City Council:

This firm has been retained by Karroum Brothers, Inc., doing business as Fair Oaks Cigars & Fine Spirits ("Fair Oaks Cigars"), in connection with the above-referenced matter. Fair Oaks Cigars, which has operated at 806 Fair Oaks Ave. since March 1997, holds a tobacco retailer permit issued by the City of South Pasadena and a Type 21 license issued by the California Department of Alcoholic Beverage Control. Fair Oaks Cigars is one of the oldest, continuously-operating independent businesses within the City. During its 25 years in business, Fair Oaks Cigars has developed a significant clientele and substantial goodwill in the community.

Fair Oaks Cigars is a permitted use under the current zoning and, following adoption of the proposed ordinance, is entitled to continue its operation as a non-conforming use. [South Pasadena Municipal Code ("SPMC") §36.360.020]. Fair Oaks Cigars believes it can continue its operations under the "cigar lounge" exception provided in Section 18.102(b) of the second draft of the proposed ordinance, [Attachment 2 to the Agenda Report], subject to the following clarifications and modifications:

1. The definition of "cigar lounge" is "a tobacco retailer that . . . does not sell any tobacco products other than cigars." [§18.101]. "Tobacco products", however, are defined to include, among other things, "any component, part, or accessory . . . whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes." [§18.101]. Fair Oaks Cigars sells various

## MONTELEONE &amp; McCRORY, LLP

Letter to City Council

April 5, 2022

Page 2 of 2

cigar accessories, such as, cutters, humidors, cases, and lighters. Fair Oaks Cigars requests that the definition of "cigar lounge" be amended to be a tobacco retailer that "does not sell any tobacco products other than cigars and cigar accessories."

2. Similarly, Section 18.102(b)(2) of the proposed ordinance provides that "[t]his section shall not apply to a cigar lounge that . . . does not allow the use of any tobacco products, except cigars, on the premises." Fair Oaks Cigars requests that this provision be amended to also allow the use of cigar accessories.
3. Section 18.102(b)(6) of the proposed ordinance requires that the cigar lounge "has not closed for more than 60 consecutive days after April 22, 2022, unless such cessation is due to unforeseeable circumstances outside the retailer's control, such as a natural disaster or an Act of God." Fair Oaks Cigars requests that the period of cessation be increased from 60 days to 365 days in order to be consistent with the provisions applicable to the discontinuance of a nonconforming use. [SPMC §36.360.020.B.1]. Alternatively, the exception should include a cessation due to "duly permitted remodeling or renovation of the premises."

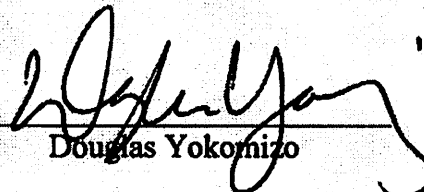
Fair Oaks Cigars is strongly opposed to the first draft of the proposed ordinance, [Attachment 1 to the Agenda Report]. In addition to the issues discussed above, the first draft includes a provision specifying that the "cigar lounge" exception applies only so long as it "has not changed ownership after April 22, 2022." Restraints on alienation of this type are contrary to law and public policy. CAL. CIVIL CODE §1044; see *The Park at Cross Creek, LLC v. City of Malibu* (2017) 12 Cal.App.5<sup>th</sup> 1196, 1208-10 (city anti-formula retail, i.e. chain store, ordinance may not prohibit transferability of a conditional use permit). The Municipal Code, thus, provides that a use permitted under the applicable zoning "shall continue to be valid upon a change of ownership." [SPMC §36.420.060]. Further, the Municipal Code does not prohibit the transfer in ownership of the right to continue a nonconforming use on a particular property. [SPMC §36.360.020]. The right to continue a nonconforming use runs with the land. This provision of the proposed ordinance would be contrary to law and public policy and should not be included in the ordinance.

Fair Oaks Cigars respectfully requests the amendments described herein be made to the second draft of the ordinance prior to adoption. Thank you for your consideration.

Very truly yours,

MONTELEONE & McCRORY, LLP

By



Douglas Yokomizo

## Christina Munoz

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**From:** Lawrence Abelson <larrysouthpas@gmail.com>  
**Sent:** Monday, April 4, 2022 9:01 PM  
**To:** City Council Public Comment  
**Subject:** 4/6/22 City Council Meeting - Agenda item no. 18 - Public comment

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Honorable Mayor Cacciotti and Members of the City Council,

I oppose the proposed ordinance prohibiting the sale of tobacco products and electronic smoking devices in South Pasadena. Let me start by saying that neither I nor any member of my household smokes or vapes and that we all know, or should know, that smoking is bad for you. While I am sure that this proposal was made with good intentions, it is not a good idea.

We already have a public smoking ban and system for licensing tobacco sales. If that is not working or there is an enforcement problem (is there?), let's address that. Let's also keep in mind that smoking is legal for those 21 and above, just like alcohol, and is already highly regulated.

Is this a solution in search of a problem? If not, what is the problem? Is there any evidence of criminal or nuisance activity associated with tobacco outlets? Is there any data showing that banning tobacco sales, especially in a small city like ours, will have any meaningful impact on smoking by kids or adults? Is there any evidence of a problem with youth smoking in town right now? If not, this seems like gross overreach and a costly way to send a message.

If there is a problem, is this the solution? Is it narrowly tailored (for example, targeted at flavored tobacco/vaping vs. all tobacco)? How about partnering with the schools, American Lung Association, American Cancer Society, Tobacco Free Kids or other similar organizations to educate our kids and the public?

It is important that you consider unintended consequences. This ordinance could very well punish small businesses, some of which may already be suffering or hanging on by a thread. If you take tobacco sales away, store owners may lose other sales, as consumers pivot to businesses that can sell them more of the things they need in one stop, outside South Pas. Whether this ban speeds up a business' decline or outright puts it out of business, it is unacceptable. Such an ordinance may also have disparate socioeconomic impacts, particularly affecting those less economically advantaged, and be perceived as elitist and discriminatory.

Also, what good does it do? As we have already seen with bans on the sale of pets and cannabis, if people want it, they will get it elsewhere. All we will do is drive away business and tax dollars to close, accessible businesses outside our town, just minutes away.

We should do everything we can to support our existing businesses and encourage new ones to join our community, not push them out or prevent them from coming.

Affording special treatment for one business in town is also a major concern. I note that the Public Safety Commission wanted to grandfather in all existing businesses, but that appears to have been rejected. Has the risk of litigation and associated costs been considered?

Also, do we have the resources to enforce the proposed ban, in community development or elsewhere? Staff is already overwhelmed providing essential city services. If the City is struggling to provide essential services or, as we have heard, support existing commissions, why create new restrictions and processes that will further strain city staff? Certainly, we



do not have the same levels of tax revenues, city staffing and provision of services as the two cities who have enacted such a ban (Beverly Hills and Manhattan Beach)..

Also, I review your agendas routinely, and the agenda for your March 2 meeting (when this was first slated for consideration but then postponed to tonight) was the first time I saw any reference to this proposal.. From what I can tell, there was virtually no notice or opportunity to participate or even discuss this issue afforded to the public at large. Where was the announcement on Pulse or City Hall Scoop, that is, prior to March 1 (the day before the meeting when you were originally going to consider the ban)? What about a survey? The only "public" vetting of this ordinance appears to have been at the January meeting of the Public Safety Commission, where two of its members along with its City Council liaison were absent and one of those who were present voted against it.

I suggest you shelve this proposal or, at a minimum, defer its consideration for more meaningful public input. In the meantime, I suggest that we get back to basics. Let's first ensure that we are delivering to the public all the essential services expected of a city. The proposed ordinance is an unnecessary distraction and expenditure of precious time and resources, particularly of planning staff, the SPPD and City Attorney. We also continue to have miles of streets in desperate need of reconstruction and repair, traffic signals and Gold Rail crossings which operate improperly and cause unnecessary delays and diversion, neighborhoods needlessly subjected to cut-through traffic, and proposed slow streets and neighborhood traffic management programs, none of which has been implemented. We should be spending more time on getting streets repaved, signals operating properly, protecting neighborhoods, and meaningful traffic enforcement.

Thank you for your consideration,

Larry Abelson  
612 Hermosa Street

## Christina Munoz

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**From:** Gil Crozes <gcrozes1@gmail.com>  
**Sent:** Monday, April 4, 2022 8:24 PM  
**To:** City Council Public Comment  
**Subject:** Tobacco and electronic smoking devices

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please don't ban the sales of Tobacco products and electronic smoking devices!  
Why kill your local businesses and just have people go buy their products in a city nearby?

On the banning list if you must, go for alcohol, sugar drinks, fat products, instead that are equally or more harmful to health.

And for air quality, ban all old vehicles including collectibles, and specially 2stroke gardening blowers, lawn movers and other annoying polluting devices. I run in South Pas on Saturday and those are horrible while no smoker ever bothered me.

Public safety; ban cars or limit speed at 25 mph...ban scooters...

You get my point; quit banning or ban it all

Thank you for reading me, keep your businesses.

Regards  
Gil

## Christina Munoz

---

**From:** Van Groningen, Karinne <KVanGroningen@mednet.ucla.edu>  
**Sent:** Tuesday, April 5, 2022 9:18 AM  
**To:** City Council Public Comment  
**Subject:** Written Comment for South Pasadena Tobacco Sales Ban - Agenda Item #18  
**Attachments:** SouthPasadenaTobaccoBan.pdf

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please see attached written comment for the council meeting tomorrow re the proposed ban on the sale of all tobacco products.

Thanks!

Karinne Van Groningen, MD, MPH  
Preventive Medicine and Public Health  
UCLA Health | Fellow PGY-5  
kvangroningen@mednet.ucla.edu  
Pronouns: she/her

---

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**California Chapter 2 - Kern | Los Angeles | Riverside | San Bernardino**  
**San Luis Obispo | Santa Barbara | Ventura**

February 28, 2022

**AAP-CA Chapter 2**  
P.O. Box 94127  
Pasadena, CA 91109  
Tel. (818) 422-9877  
Fax: (888) 838-1987  
www.aapca2.org

**Re: Ordinance Amending Chapter 18, Article VI of the South Pasadena Municipal Code to Prohibit the Sale of all Tobacco Products and Electronic Smoking Devices**

**AAP-CA Chapter 2**  
**Executive Committee 2020 - 2022**

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**AAP-CA Chapter 2**  
**Executive Director**  
Tomás Torices, MD  
[chapter2@aap-ca.org](mailto:chapter2@aap-ca.org)  
Direct Line: (818) 422-9877

Dear South Pasadena City Council,

The American Academy of Pediatrics California Chapter 2, which represents pediatricians in southern California including South Pasadena, is in full support of the ordinance amending Chapter 18, Article VI of the South Pasadena Municipal Code to prohibit the sale of all tobacco products and electronic smoking devices.

No amount of tobacco is safe tobacco. Tobacco use is the leading cause of preventable death and illness within the United States and claims more than 440,000 lives each year.<sup>1</sup> The majority of adult smokers initiate tobacco use before the age of 18. In fact, the connection between children and tobacco use is so strong that the Commissioner of the US Food and Drug Administration (FDA) declared smoking a “pediatric disease” in 1995.

E-cigarettes specifically are the most commonly used tobacco product among youth and per the 2016 US Surgeon General’s report are unsafe for children.<sup>2</sup> E-cigarette products are typically advertised to youth by using flavored, such as fruit or candy, products. Further, there is strong evidence that youth who use e-cigarettes are significantly more likely to later use traditional or combustible cigarettes – a product that goes on to kill its long-term users.<sup>2</sup> And more recently was the emergence of e-cigarette, or vaping, product use-associated lung injury in teenagers, a devastating and completely preventable disease.<sup>3</sup> As long as e-cigarettes are still accessible, they pose a substantial threat to children’s health.

If we can limit the number of children and adolescents who use tobacco products, we can improve child health and over time, reduce adult tobacco use. Prohibiting the sale of combustible and electronic tobacco products is an essential step in protecting our children and broader society. Thank you for your dedication to children’s health and for your future support on this ordinance.

Sincerely,

Karinne Van Groningen, MD, MPH  
Legislative and Policy Analyst  
AAP-CA2

References:

1. [https://downloads.aap.org/AAP/PDF/sotco\\_tobacco\\_product\\_control\\_issue\\_brief.pdf](https://downloads.aap.org/AAP/PDF/sotco_tobacco_product_control_issue_brief.pdf)
2. <https://publications.aap.org/pediatrics/article/143/2/e20183652/37305/E-Cigarettes-and-Similar-Devices>
3. <https://publications.aap.org/pediatrics/article/146/1/e20194104/77017/Clinical-Features-of-E-cigarette-or-Vaping-Product>

**Christina Munoz**

---

**From:** Montgomery Messex <mmessex@ph.lacounty.gov>  
**Sent:** Tuesday, April 5, 2022 10:10 AM  
**To:** City Council Public Comment  
**Cc:** Alison Wehrle  
**Subject:** LAC Dept. of Public Health Letter - Item 18, 4/6/22 City Council Agenda -  
**Attachments:** South Pasadena DPH Tobacco Retail Ban Letter 3.2.22 FINAL.pdf

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To Whom It May Concern:

Please find attached a letter from Dr. Tony Kuo, M.D., M.S.H.S., Director of the Los Angeles County Department of Public Health Division of Chronic Disease and Injury Prevention, regarding Item 18 on the April 6, 2022 South Pasadena City Council Agenda. Please note: the letter was previously submitted when the tobacco item was on the March 2, 2022 City Council agenda.

If you have any questions, please let me know.

Thank you,  
Monty

Monty Messex, MPH  
Program Manager  
Tobacco Control and Prevention Program  
Division of Chronic Disease and Injury Prevention  
Department of Public Health  
County of Los Angeles



**BARBARA FERRER, Ph.D., M.P.H., M.Ed.**  
Director

**MUNTU DAVIS, M.D., M.P.H.**  
County Health Officer

**MEGAN McCLAIRE, M.S.P.H.**  
Chief Deputy Director

**TONY KUO, M.D., M.S.H.S.**  
Director  
Division of Chronic Disease and Injury Prevention  
3530 Wilshire Blvd, 8<sup>th</sup> Floor  
Los Angeles, CA 90010  
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March 2, 2022

South Pasadena City Council  
City Council Chambers  
1414 Mission Street  
South Pasadena, CA 91030

Honorable Mayor Cacciotti and Councilmembers:

The County of Los Angeles is committed to protecting the health and well-being of youth and the general public. Cigarette smoking is responsible for more than 480,000 deaths per year in the United States. In California, 40,000 adults die annually from smoking, and 440,600 California youth now aged 17 and younger are projected to eventually die from smoking. Nearly all tobacco use begins during youth and progresses during young adulthood. More than 3,200 children age 18 or younger smoke their first cigarette every day.

Nationally the total economic cost of smoking is more than \$300 billion a year. In 2009, the cost of smoking in California totaled \$18.1 billion. This adds up to \$487 per state resident and \$4,603 per smoker. In Los Angeles County, tobacco use is directly linked to the top five causes of death: coronary heart disease, stroke, lung cancer, pneumonia, and emphysema. Smoking costs Los Angeles County \$4.4 billion in health care expenses and lost productivity from illness and premature death annually.

Consumer products containing chemicals proven to cause a severe threat to human health have been banned in the U.S. and are no longer marketable. Examples include lead, chlorofluorocarbons, and polychlorinated biphenyls, some of which are found in tobacco.

The 2009 Family Smoking Prevention and Tobacco Control Act specifically permits states and localities to prohibit sales of tobacco products. For instance, in California over 100 jurisdictions prohibit the sale of flavored tobacco products. This includes the County of Los Angeles, Alhambra, Pasadena, Manhattan Beach and Beverly Hills. In 2019 the cities of Beverly Hills and Manhattan Beach took the additional step of prohibiting the sale of all tobacco products, becoming the first and second jurisdictions, respectively, in the nation to adopt such policies.

March 2, 2022

Page 2

We thank you for your leadership and commitment in supporting healthy neighborhoods where all community members thrive. We stand ready to share our experiences and lessons learned with your city, as you proceed with your policy and its implementation in the community.

If you have questions or need further information about the County's ordinance, please feel free to contact Tonya Gallow, Director of the Los Angeles County Tobacco Control and Prevention Program, at 213-351-7890 or via email [tobacco1@ph.lacounty.gov](mailto:tobacco1@ph.lacounty.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Kuo', with a stylized flourish at the end.

Tony Kuo, M.D., M.S.H.S.

Division of Chronic Disease and Injury Prevention  
Los Angeles County Department of Public Health

TK:mm

## Christina Munoz

---

**From:** susan sulsky <outlook\_9351FCE4B10F8394@outlook.com>  
**Sent:** Tuesday, April 5, 2022 10:17 AM  
**To:** City Council Public Comment  
**Subject:** Ordinance Amending Chapter 18, Article VI/Date of Hearing: Wednesday, April 6, 2022

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

While the attempt to ban the sale of tobacco products in the City of South Pasadena may come from the heart, it comes on the heels of economic hardships for too many small businesses just getting back to "normal" after the pandemic. To ban a legal substance will only serve to eliminate sales tax revenue and potentially further harm merchants. Moreover, the banning of tobacco products will not do anything to curtail smoking in the bathrooms of the high school. Did you all not study the history of Prohibition? Because what is next? Too many DUI arrests, and the city will then choose to ban the sale of liquor?

I would suggest that the City set aside some of the sales tax revenue from the sale of the product to fund cessation clinics for residents, including students in our community. That to me would seem to be a more heartfelt gesture than to decide which legal products can or cannot be sold by merchants within our boundaries.

Susan Sulsky  
Resident of South Pasadena

Sent from Mail for Windows



**Christina Munoz**

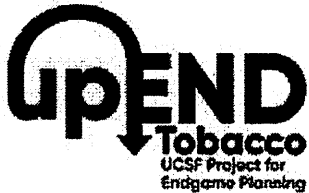
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**From:** Malone, Ruth <Ruth.Malone@ucsf.edu>  
**Sent:** Tuesday, April 5, 2022 4:18 PM  
**To:** City Council Public Comment  
**Subject:** Comment for City Council Item on Tobacco Sales Ban  
**Attachments:** SouthPasCityCouncilCommentFINALSUBMITTEDMarch3.pdf

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The attached is submitted for the City Council meeting tomorrow evening which is currently Item #18.  
Thank you.

Ruth E. Malone, RN, PhD  
Professor Emerita (Recalled)  
Department of Social and Behavioral Sciences  
School of Nursing  
University of California, San Francisco  
Editor-in-Chief, *Tobacco Control*  
490 Illinois St., Floor 12, Box 0612  
San Francisco, CA 94143  
Fedex: Same street address, Zip 94158  
[ruth.malone@ucsf.edu](mailto:ruth.malone@ucsf.edu)  
415-476-3273  
<http://nursing.ucsf.edu/faculty/ruth-malone>  
<http://tobaccocontrol.bmj.com>



## **Comments: Ordinance Ending Tobacco Sales in South Pasadena**

*Information Prepared by Malone Tobacco Policy Research Group, upEND Tobacco Project  
University of California, San Francisco*

Ruth E. Malone, RN, PhD, Professor Emerita, University of California, San Francisco

South Pasadena has taken a landmark step in proposing to become the third California city to pass an ordinance ending sales of tobacco products. As a researcher who has studied what is being called the “tobacco endgame” for more than a decade, I have been asked to provide some additional information for your consideration, and I am available to respond to questions.

### **The tobacco epidemic: An industrially created catastrophe**

- *The tobacco epidemic is a phenomenon of the 20<sup>th</sup> century.* While tobacco has been used for centuries, it was only after the invention of the cigarette rolling machine in the late 1800s that the cigarette became the single most deadly consumer product in history, causing millions of premature, preventable deaths.<sup>1</sup>
- The tobacco industry knew for decades that its products were deadly, but concealed the evidence from the public.<sup>2</sup>
- Globally, public health leaders have begun discussing how to end the tobacco epidemic.<sup>3</sup>
- The 50<sup>th</sup> anniversary edition of the U.S. Surgeon General’s Report on the Health Consequences of Smoking suggests policies to do this, proposing “greater restrictions on sales, particularly at the local level, including bans on entire categories of products.”<sup>4</sup>
- *California is a world leader, with the second-lowest smoking prevalence of any US state after Utah.*<sup>5</sup>
- If present progress continues, retailers will soon need to develop new business models that do not rely on tobacco sales.

### **Facts about smoking**

- Smoking is the leading preventable cause of disease and death in the US, responsible for about 1 in every 5 deaths, more deaths each year than human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, well-known microbial agents, such as flu and pneumonia (excluding the corona virus, which killed nearly 350,000 in the US in 2020),<sup>6</sup> and toxic agents, combined.<sup>7</sup>
- In California, 40,000 adults die annually from smoking, and 440,600 California youth now aged 0-17 are projected to eventually die from smoking.<sup>8</sup>
- In 2009, the cost of smoking in California totaled \$18.1 billion: \$9.8 billion in healthcare costs, \$1.4 billion in lost productivity from illness, and \$6.8 billion in lost productivity from premature mortality. This adds up to \$487 per state resident and \$4,603 per smoker.<sup>9</sup>

- Smoking is concentrated among marginalized communities, including those living below the poverty level, sexual and gender minorities, and persons with mental health disorders, contributing to disparities in smoking-related disease and death.<sup>10-15</sup>

## The retail environment influences smoking

- The ubiquity of tobacco outlets undermines a strong public health message that tobacco products are addictive and deadly,<sup>16</sup> and helps normalize smoking, suggesting that tobacco use is common and acceptable.<sup>17</sup>
- Tobacco outlet density increases the likelihood of smoking among both minors<sup>17-29</sup> and adults,<sup>30-32</sup> and living near tobacco outlets is associated with unsuccessful quit attempts.<sup>33-36</sup>
- Tobacco use disparities have also been linked to the greater concentration of tobacco outlets in economically and socially deprived neighborhoods compared with wealthier neighborhoods.<sup>37-45</sup>
- Emerging evidence suggests that tobacco retailer reduction is associated with a decline in cigarette pack purchases.<sup>46</sup>

## Policy considerations

- The most fundamental purpose of consumer protection law is to protect people from hazardous products. The 1985 United Nations consumer protection guidelines state that “Governments should adopt or encourage the adoption of appropriate measures . . . to ensure that products are safe for either intended or normally foreseeable use.”<sup>47</sup> Any other product that caused the well-documented levels of death and disease that the manufactured, highly engineered modern cigarette does would have been recalled from the market decades ago.
- Sales of other legally sold consumer products that were found to be dangerous to the public have been phased out, including leaded gasoline, leaded paint and asbestos.
- The 2009 Family Smoking Prevention and Tobacco Control Act specifically permits states and localities to prohibit sales of tobacco products.<sup>48</sup> It does not allow the FDA to do so.
- Nationwide, support for a ban on tobacco sales within a ten-year time frame was 55% among nonsmokers and 33% among smokers in 2011.<sup>49</sup> In 2019, 52.8% of California adults agreed or strongly agreed that the sale of cigarettes should be gradually banned, while 37.3% agreed or strongly agreed that their sale should be immediately banned.<sup>49</sup>

**Contact:** Professor Ruth E. Malone, RN, PhD  
 Department of Social and Behavioral Sciences  
 University of California, San Francisco  
[Ruth.malone@ucsf.edu](mailto:Ruth.malone@ucsf.edu)  
 415-476-3273



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**Christina Munoz**

---

**From:** Theresa Moretti <t.moretti@sbcglobal.net>  
**Sent:** Tuesday, April 5, 2022 4:44 PM  
**To:** City Council Public Comment  
**Subject:** Public Hearing regarding the prohibition of the sales of tobacco products in South Pasadena

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Re Public Hearing taking place on Wednesday, April 6, 2022 at 7pm

To the South Pasadena City Council:

In reference to the ordinance to amend Chapter 18, Article VI of the South Pasadena Municipal Code to Prohibit the Sale of All Tobacco Products and Electronic Smoking Devices, I would ask the consideration of the loss of finances related to 1. the city's retail permit requirement, 2. the city's sales tax collection on the sale of said products, and 3. the impact to small business owners (gas stations, liquor stores) who sell said products.

While the State of CA over the years has tried to make smoking cost prohibitive, and may have succeeded in some cases, the raising of taxes and the current cost has proven to be inelastic to consumers. To that end, any money that could be coming to the City of South Pasadena and its respective business owners would simply be lost to neighboring zip codes, but wouldn't change the net effect of certain individuals smoking in South Pasadena. I'm just wondering what the goal is here. This is a small city, so it would seem that we want residents of this town to shop here no matter what they're buying; any and all purchases contribute to the economic impact of South Pasadena. The current pandemic has brought on many restrictions to our daily lives, and without a full state or federal ban of such tobacco products, it makes little sense to enforce a ban on these products with our city limits.

By the way, I am not a smoker, or do I buy these products, but I do support small businesses in the city in which I reside.

Thank you for allowing me my public comment to this topic.

Theresa Moretti

**Christina Munoz**

---

**From:** Myron Dean Quon, Esq. <mquon@bu.edu>  
**Sent:** Tuesday, April 5, 2022 9:02 PM  
**To:** City Council Public Comment  
**Cc:** Michael Cacciotti; Diana Mahmud; Evelyn Zneimer; Jon Primuth; Jack Donovan  
**Subject:** Public Comment Regarding Item #18, 4/6/22 City Council Hearing  
**Attachments:** FS\_UpEnd\_Argumentation\_FINAL.pdf; FS\_EndgameTalkingPoints\_Final.pdf; FS\_EndgameCounterArg\_Final.pdf

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**PLEASE READ THIS COMMENT BELOW FOR THE CITY COUNCIL, IF ALLOWED. THANKS IN ADVANCE**



Honorable City Council Members,

I am Myron Dean Quon, a resident at 741 Garfield Ave. My family has lived here for almost 7 years. Our two boys attend Monterey Hills Elementary.

We strongly support the passage of the ordinance listed in Item #18.

In 2022, and with the ongoing pandemic, it remains clear that South Pasadena has no legitimate reason to allow the sales of tobacco products (including vaping devices). The chemicals from smoke and vaping harm everyone, whether directly inhaled or as secondhand smoke, and our young residents remain at high risk of addiction due to any access.

I am very active with other parents in Monterey Hills, the Special Needs Committee for the South Pasadena Unified School District, as well as serving on the board for the local Y. Literally every single person that I speak to about this issue is strongly in support of this ordinance. The support has now been broadened to various PTA leadership for the different elementary schools.

In addition, I have been an active member of the local coalition of South Pasadena residents and businesses in support of this ordinance. Although not everyone can attend tonight's meeting, I continue to share that all our members are in support of this ordinance.

Please support this ordinance unanimously. Your actions through passage of this ordinance will save lives. Finally, I have included additional research that clarify the impact of eliminating tobacco sales in our city and seek to dispel any fears about the harm to small businesses.

Sincerely,

Myron



Myron Dean Quon, Esq.  
(he, him, 他的)  
(202) 670-4681



Sender notified by Mailtrack



# How to Talk about Ending the Sale of Tobacco Products

The California Tobacco Control Program's (CTCP) new goal of ending the commercial tobacco epidemic in the state by 2035 comes from years of discussion and debate in tobacco control and is built on policy advances achieved by California communities. (CTCP's goal does not include limiting traditional tobacco use such as tobacco plants grown or harvested and used by American Indians and Alaska Natives for ceremonial or medicinal purposes.) While many policies may help advance toward the endgame goal, the ultimate endgame policy is phasing out sales of tobacco products. Some may find this idea implausible, but it's important to remember that many tobacco control achievements, such as smoke-free bars, once also seemed unlikely. Policy innovations in support of this new goal may bring up new objections. Below are some of the arguments you may hear and some potential responses.

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## **Tobacco is a "legal product."**

*We, as a society, get to decide what products are legal to be sold. Harmful products have been taken off the market before, such as leaded gasoline and asbestos. On a smaller scale, legal consumer products found to be hazardous are regularly pulled from the market, such as toys that might cause children to choke, or contaminated foods, sometimes even before harms have occurred. Manufacturers of other products have to ensure that they are safe to use or consume. The tobacco industry, seller of the only legal consumer product that kills two-thirds of its regular users,<sup>1,2</sup> shouldn't be an exception.*

## **What about the right to smoke?**

*There is no legal "right to smoke."<sup>3</sup> The U.S. constitution does not extend special protection to smokers. Furthermore, CTCP's vision does not focus on individuals who smoke, but rather on sales of tobacco products. CTCP does not support laws that criminalize purchase, use, or possession of tobacco products.*

## **Prohibiting tobacco sales will lead to prohibitions on other products (sugar, meat, etc.)**

*Tobacco is not like products that can be used safely in moderation. It is more similar to products that harm and kill in even small amounts – like asbestos and leaded gas. Like commercial tobacco, these are fundamentally defective products, and were banned without affecting the sale of other/safer products.*

## **What about freedom of choice?**

*Most people start using tobacco in their teens,<sup>4</sup> as a result of persistent and pervasive tobacco industry marketing,<sup>5</sup> without fully understanding how addictive nicotine is.<sup>6,7</sup> Although young people may decide to smoke their first cigarette, they don't understand that this decision may lead to years of smoking.<sup>8,9</sup> They also overestimate their ability to quit when they want to.<sup>10,11</sup> Thus, most tobacco users do not make a free choice. Ninety percent of smokers regret that they started smoking,<sup>12</sup> and 70% want to quit.<sup>13</sup> The widespread availability and marketing of tobacco makes it much harder to quit,<sup>14-18</sup> prolonging addiction and thus diminishing rather than expanding freedom.*





## **California will become a nanny state.**

*The government has a basic duty to protect the health of its citizens.<sup>19</sup> National, state, and local governments have saved untold lives by mandating seatbelts and airbags, setting standards for clean drinking water and food quality, and prohibiting leaded gasoline and paint. Taking products that cannot be used safely off the market is a standard and necessary function of government, particularly in a globalized society where individuals often do not have knowledge about or control over manufacturers. Ending sales of tobacco products is akin to recalling contaminated food and toys that pose a choking hazard.*

## **Ending sales will harm small businesses.**

*The concept of tobacco products as an anchor for corner stores is a myth created by the tobacco industry and isn't supported by facts. A recent study in Philadelphia found that only 13% of purchases from corner stores included tobacco, and a comparison of receipts showed that purchasing tobacco made no difference in the average amount that customers spent on food and beverages.<sup>20</sup> Other research illustrates that retailers underestimate the potentially positive impact of ending tobacco sales, including generating good will and increased foot traffic from appreciative customers.<sup>21</sup> It is just good planning to start preparing now because as tobacco sales decline, retailers will need to modify their business models anyway. California already has the second-lowest smoking prevalence among US states (7% among adults),<sup>22</sup> so governments should be helping local retailers anticipate and prepare for the transition away from tobacco.*

## **This will create a black market and/or increase crime.**

*The vast majority of adult Californians do not smoke (93%) or use any tobacco product (88%).<sup>23</sup> With gradual sales restrictions phased in city by city, tobacco users will still be able to buy products legally from neighboring cities or unincorporated areas for a time, allowing for gradual cessation. Most tobacco users want to quit.<sup>13</sup> As more jurisdictions phase out sales, the increasing inconvenience will act as an incentive for more of them to quit, reducing the black market. Eliminating sales will also reduce demand by eliminating point of sale advertising and further denormalizing tobacco use.*

*That being said, some black markets may arise. The important question is: How large or harmful would black markets be? Most policies are not obeyed completely: people speed, provide alcohol to minors, and shoplift, but this is not considered a reasonable argument against speed limits, minimum alcohol purchase ages, or criminalizing theft. When considering the costs of that hypothetical black market, we also must consider the consequences of presenting young people with legal sales of tobacco products on every street corner, including the costs of their future addiction and resulting diseases, and the health care costs to society.*

## **Current tobacco control policies are working well enough.**

*The great strides that have been made in tobacco control over the last three decades in California did not come "naturally," but were achieved by hard work to establish increasingly strong policies. Because the tobacco industry is always creating new ways to undermine tobacco control,<sup>24</sup> we have to continue to push back with new public health policies. At some point, we want to be finished fighting the industry once and for all. The only way to get there is to believe in that goal.*

## **Parents should be the ones talking to/making decisions for kids, not politicians.**

*As a result of relentless tobacco industry marketing targeted to minors, the majority of tobacco users start while they are still kids.<sup>4,5</sup> It is unfair to make each parent fight a multibillion dollar tobacco industry for the health of their children. The tobacco epidemic can't be solved by individual parents; taking hazardous products off the shelves protects everyone's kids.*



## **Changing the rules about what is legal to be sold is not fair.**

*Rules are changed all the time as new information about products comes to light. Some products are just too dangerous to be sold and should be removed from the marketplace. The tobacco industry has been allowed to escape the rules that other industries have to live by, like the requirement to ensure that their products are safe for human use and consumption.<sup>25</sup> It's fair to level the playing field and hold tobacco companies to the same standards everyone else is held to.*

## **What about people who are addicted?**

*Seventy percent of smokers say they want to quit<sup>13</sup> and 90% say they wish they had never started.<sup>12</sup> Restricting access is the usual approach societies take to dangerous, addictive products. It is not neurochemical effects or the severity of withdrawal from tobacco products that make them "harder to quit than heroin,"<sup>26</sup> but rather their widespread availability and cheapness. Many tobacco users would welcome the absence of triggers in the form of tobacco displays, advertising, and sales everywhere. Nicotine replacement therapy will continue to be available and as the state moves toward ending the tobacco epidemic, there will be new initiatives to help people break free from tobacco addiction.*

## **People have always smoked.**

*Widespread, addictive tobacco use is a 20th century phenomenon created by the tobacco industry, which flooded the market and invented mass advertising after the invention of the mechanical cigarette rolling machine.<sup>27</sup> People created the tobacco epidemic, and people can end it. While Native American rituals involving tobacco likely go back thousands of years, it is only since the industrial promotion of highly engineered tobacco products that we experienced widespread disease from tobacco use.<sup>28</sup> Ritual use of tobacco is very different from the addictive and widely available commercial cigarette.<sup>29</sup>*

## **"Prohibition" does not work.**

*Alcohol prohibition failed because there was a large population of social drinkers who wanted to continue their unproblematic occasional use.<sup>30</sup> Tobacco, in contrast, is used by a shrinking minority of the population, most of whom want to quit. Also, although national prohibition focused on sales, some states criminalized purchase, use, and possession of alcohol, so large numbers of people were affected by enforcement. In ending the tobacco epidemic the focus is on phasing out sales, not on regulating possession, use, or purchase. Rather than Prohibition, the appropriate analogy is Abolition, as in abolishing slavery—ending tobacco product sales enhances freedom rather than restricting it.*

## **You can't take tobacco away without addressing the stressors/issues (such as structural inequalities) that cause people to use it.**

*The tobacco industry has long exploited structural inequalities (e.g., racism, oppression, discrimination) by targeting disadvantaged populations.<sup>31-33</sup> Although tobacco use is often represented by the industry as a way to relieve stress, the reality is different. The only stress that tobacco use relieves is the stress of withdrawal, caused by tobacco addiction.<sup>34,35</sup> Far from assisting in stress relief, tobacco products add multiple stressors to the lives of their users: the costs of purchasing tobacco, the discomfort of periodic withdrawal, the inconvenience of having to find a place to smoke. Tobacco control policies cannot solve the larger problems of racism/homophobia/poverty; they can help to end the exploitation of disadvantaged populations by the tobacco industry.*

## **Restrictions on tobacco sales will lead to over-policing communities of color.**

*CTCP strongly discourages policies that regulate possession, use, or purchase. Enforcement of restrictions on sales (e.g., flavor bans or ending sales) focuses on the retailer, not on smokers. Many jurisdictions are placing enforcement powers on entities other than police (e.g., code enforcement or health departments). Sales restrictions do not criminalize smoking.*





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## Endgame Talking Points

### *Why do we need to phase out the commercial sale of all tobacco products?*

1 Tobacco kills when used as intended. Cigarettes specifically cause more deaths than gun violence, AIDS, suicides, traffic accidents, alcoholism, and opioid and other drug addictions combined.

2 Consumer products containing chemicals proven to cause a severe threat to human health have been banned in the U.S. and are no longer marketable. Examples include lead, chlorofluorocarbons (CFCs), and polychlorinated biphenyls (PCBs), some of which are found in tobacco.

3 There is little consumer “choice” involved in cigarette smoking—cigarettes have been insidiously engineered to be as addictive as possible. Inhaled nicotine is as or more addictive than heroin and cocaine.

4 The vast majority of people who smoke want to quit, wish they had never started, and do not want their kids to start.

5 Banning the commercial sale of all tobacco products is not the same as prohibition. Possession and use will not be made illegal. Endgame’s intent is to abolish the tobacco industry, not criminalize consumption of the product.

6 The results of cigarette smoking are devastating to the economy. The annual costs amount to roughly \$1,000 for every person in the U.S.

7 Cigarette manufacturing and use are greatly detrimental to society. Cigarette butts are the number one form of litter, both by number and weight, and leach toxic chemicals into the environment. E-cigarette packaging and disposables are a growing refuse problem too.

8 The tobacco industry intentionally markets to youth in an effort to recruit replacement smokers to maintain their business model and ensure profits.

9 The tobacco industry’s assertions of planning to “phase out” cigarettes are cynical marketing ploys that deceive the public into thinking that they will put an end to the harm they cause. The reality is that they will continue to sell cigarettes while they are profitable and we cannot wait for the tobacco industry to address this issue.

**Christina Munoz**

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**From:** Diala Faddoul <faddoul79@gmail.com>  
**Sent:** Sunday, April 3, 2022 10:47 PM  
**To:** City Clerk's Division  
**Subject:** Ban of Tobacco Sales in South Pasadena  
**Attachments:** Diala Faddoul.docx

April 4, 2022

South Pasadena City Council

**Re: Ordinance Amending Chapter 18, Article VI of the South Pasadena  
Municipal Code to Prohibit the Sale of all Tobacco Products and  
Electronic Smoking Devices - SUPPORT**

Dear South Pasadena City Council,

I am writing in support of the proposed city ordinance to ban the sale of all tobacco products.

As a pediatrician residing in South Pasadena, I am saddened by how easily accessible tobacco products are to our youth. I have seen firsthand in my clinic how dangerous the use of E-cigarettes is. I have, for example, encountered a few cases of pneumothorax in teenagers who vape. Unfortunately, flavored E-cigarettes are advertised as a safer option for youth. This easy access must stop as we now know that these products are not safe and can lead to long term use of other tobacco products and chronic lung disease. Access to tobacco products at a young age leads to a life-long addiction that is extremely hard to break. Multiple studies have demonstrated the detrimental health effects of tobacco use including lung disease, cancer and heart disease.

If we can limit the number of children and adolescents who use tobacco products, we can improve child health and over time, reduce adult tobacco use. Prohibiting the sale of combustible and electronic tobacco products is an essential step in protecting our children and broader society.

A ban on the sale of tobacco products will lead to decreased use of all tobacco products and a decreased risk to child and adolescent health. The choice to ban tobacco products is a choice to protect the health of children. Thank you in advance for your support.

Sincerely,

Diala Faddoul MD

Pediatrician.

Member of the American Academy of Pediatrics



**Christina Munoz**

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**From:** William Kelly <wjKelly7@gmail.com>  
**Sent:** Wednesday, April 6, 2022 9:26 AM  
**To:** City Council Public Comment  
**Subject:** Public Comment on Item 19 (Direction on Citywide Commissions) for April 6, 2022, South Pasadena City Council Meeting

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## **Public Comment on Item 19 (Direction on Citywide Commissions) for April 6, 2022, South Pasadena City Council Meeting**

Care First South Pasadena objects to the staff's recommendation to cut the frequency of Public Safety Commission meetings from monthly to quarterly, or as needed.

First, the recommendation effectively comes out of right field at the last moment. The staff report itself notes that the recommendation "was not discussed at the February 23, 2022 Commission Study Session," but emerged from subsequent discussion among staff. The ostensible rationale is that South Pasadena Police Department staff is spending 30 to 40 hours a month to prepare for and conduct commission meetings, even, according to its report, when there are no "pertinent topics." This begs the question of why police spend so much time compared to all other staff involved in all other commission meetings. The answer is clearly that nobody on the city council really knows, nor does the community. That's because no documentation, such as time sheets or activity logs, has been provided.

Second, community oversight should not be all but eliminated for the Police Department and Fire Department, which together account for more than half of the city's general fund budget. Police expenditures of \$9.9 million a year represent 31 percent of the city's total general fund budget, while Fire Department expenditures account for 20 percent of that budget. Police and Fire also employ the largest contingent of city workers, and arguably are the most visible representatives of City Hall.

Third, the only participatory process the city offers for the public to provide input to policing is through the Public Safety Commission. In the past two years, the commission has played an important community function, including exploring policy changes, such as whether South Pasadena may adopt an unarmed traffic response program, and providing space for residents to raise problems with the Police Department. It is particularly important this year for the commission to hold regular monthly meetings, if not more. The city will be undertaking an in-depth assessment of the Police Department. Absent regularly scheduled commission meetings, there will be no forum for the public to provide critical feedback to the assessment's progress and findings.

Fourth, community oversight is particularly important, given the often highly charged interactions that police and fire personnel have with local residents. Arguably, police and firefighters directly interact with more residents each year than the staff of most other city departments combined. Police dispatches, for instance, total more than 20,000 annually, often involving traffic accidents, domestic violence, disputes among neighbors, and arrests for both property and violent crimes. Likewise, Fire Department staff deal with residents experiencing tragic fires and potentially life-threatening situations. Unfortunately, history has demonstrated a long distrust of police in particular due to highly publicized patterns of racism, excessive violence, and corruption within the ranks of American law enforcement agencies. South Pasadena is not an island of exceptionalism in this regard, drawing from the same talent pool and operating under largely the same procedures as police agencies across the nation.

Fifth, gutting the role of the Public Safety Commission is contrary to the national trend toward increased community oversight and review of police agencies. Indeed, a 2021 U.S. Department of Justice report (<https://cops.usdoj.gov/RIC/Publications/cops-w0951-pub.pdf>) found that "municipalities with (civilian) oversight have become increasingly diverse in size," particularly over the past five years. Moreover, DOJ researchers observed that in recent years, civilian oversight has gone beyond providing mere advice, with the "auditor/monitor-focused model of oversight" expanding most "rapidly over the past decade."

For these reasons, and many more, the city council should not cut the role of the Public Safety Commission. Doing so would be irresponsible. Instead, the city council should expand and elevate the role of the commission in line with the national trend and actions of nearby cities, like Pasadena, to increase civilian oversight. The problem here is not too many meetings, but not providing the Public Safety Commission with the needed powers to make it's meetings of more value in overseeing police operations, expenditures, effectiveness, and behavior and actions on behalf of the community.

Care First South Pasadena

**Public Comment  
Item #19**

## Christina Munoz

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**From:** Chris Bray <chrisabray@yahoo.com>  
**Sent:** Saturday, April 2, 2022 11:59 AM  
**To:** City Council Public Comment  
**Cc:** Armine Chaparyan  
**Subject:** Public Comment, Item #19, "Direction on Citywide Commissions," April 6

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Councilmembers,

We have a city council that yearns to posture as a miniature Congress, focusing on national and global issues and visiting city government rarely and reluctantly. You spend your time controlling the climate of the planet and fighting Big Tobacco, interesting choices for a 3.4-square mile city. And so now we have a proposal to limit meetings of the Public Safety Commission to four per year, because of course public safety is such a minor issue for city government.

The supposed inability to keep the Public Safety Commission busy is a product of *your* inattention to local policy matters.

1.) Several local groups, including CareFirst and ARC, have asked you for a serious discussion about policing and police reform. In a city with two or three police uses of force per year, in what are generally pretty modest incidents, I almost entirely disagree with their assessments and their policy proposals. But they have a right to speak, and a functioning city government would give them a real discussion. The Public Safety Commission – the commission you now regard as unimportant and undertasked – spent considerable time and energy analyzing the "Eight Can't Wait" reform proposals, forming a subcommittee to produce a detailed report on those proposed reforms. The council doesn't appear to have taken notice of that report, or of the topic. The problem isn't the Public Safety Commission not having work to do – the problem is the City Council not caring about the work the commission has done.

2.) With a RHNA of 2,100 homes, we will, at least in theory, grow from a city of around 26,000 people to a city of something like 31,000 people, with considerable population density. Additional households and additional population will cause additional medical emergencies, additional traffic accidents, additional residential fires, and additional crime, particularly in the case of additional home-centered crimes like child abuse and domestic violence. If you're planning for substantial additional housing, you need to plan for additional public safety resources. One of the complications in doing so is the problem of space, because you don't have police and fire facilities that will allow for easy expansion. What mix of police and fire resources will we need to add as we grow, and where will be put them? I would argue that a city of 30,000 or so people could use two engine companies, and some communities have a standard of cover that requires one engine company per 10,000 people. Note that San Marino and South Pasadena have the same fire department resources – one engine and one ambulance – despite San Marino having half the population. The Public Safety Commission could get ahead of this discussion as we plan for growth, but that would require the council to notice that these questions exist.

3.) We're clearly sailing into a period of economic challenges, and public safety is half your budget. The Public Safety Commission could be getting ahead of the planning discussions you'll face as personnel and equipment

costs grow rapidly. In a city that has a recent history of serious recruiting and retention problems, you should be discussing the degree to which the growth of consumer costs and housing prices are outpacing wage growth.

4.) The Public Safety Commission, used wisely as a bridge to the larger public, could be a place for the public safety services to offer debriefing and after-action reviews of significant incidents, in ways that could generate media attention and public education.

We could move city government issues to the forefront of our city government discussions, and the Public Safety Commission could be an important place for analysis and review of core functions. These commissioners have done serious work in the past, though the old saying about peeing in a dark suit comes to mind. At the very least, leave the Public Safety Commission alone. Reducing the meeting schedule of this commission is a bright flashing light warning the community about your inattention to the core functions of local government.

Chris Bray  
South Pasadena resident

## Christina Munoz

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**From:** braunjanet@aol.com  
**Sent:** Sunday, April 3, 2022 1:02 PM  
**To:** City Council Public Comment  
**Subject:** April 6 City Council Meeting Agenda--Public Comment on Item 19 -- Direction on Citywide Commissions

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Councilmembers and City Staff,

My name is Janet Braun, and I reside at 2040 Edgewood Drive in South Pasadena. I am a current Commissioner on the Planning Commission and former member and Chair of the Public Safety Commission. I am providing a comment on Agenda Item #19--Direction on Citywide Commissions.

I would like to thank City Manager Armine Chaparyan and her staff for their time and efforts reaching out to the community in an attempt to understand the various Commissions and Ad Hoc Committees in South Pasadena. I have reviewed the Staff Report and the summary of comments from various community members as part of that analysis.

I generally agree that several current Commissions can either be combined or eliminated or perhaps become committees, requiring less staff time, however, there are several critical Commissions, including the Public Safety Commission, that need to remain in tact with a high frequency of scheduled meetings.

The Public Safety Commission has been critical in connection with many issues in the past, including issues related to the South Pasadena Convalescent Center, leadership and budget issues, assisting with the evaluation of police salaries and salary surveys, advocating to the Council for funds to build and equip an appropriate Emergency Operations Center, launching the Citizens Emergency Response Team (CERT) training, supporting various police and fire initiatives and addressing concerns of residents who attend the PSC meetings with safety concerns, such as crosswalk, traffic light, homeless and other issues. The PSC has assisted at the Public Safety Fair and attended Neighborhood Watch meetings, recruited volunteers and have acted as advocates for the fire/police departments and the public.

We are already facing increased crime, homelessness and other public safety issues in our post-pandemic world, and as we move forward, we will likely face many more public safety challenges that will come with increased housing and development and a larger population. We will need the guidance, advocacy and support of a strong Public Safety Commission.

I would advise that the Public Safety Commission schedule 8-10 meetings annually, with the understanding that if the agenda for any specific meeting is light, meetings can always be cancelled. The City's Public Safety budget is approximately half of the entire budget. A strong Commission to interface between public safety staff and the public will enhance our public safety efforts in South Pasadena and provide oversight for a substantial portion of the total city budget.

I would strongly encourage you not to reduce the number of Public Safety Commission meetings to 4 on an annual basis. Rather, please consider keeping the number of meetings from 8 - 10, with the understanding that meetings can be cancelled and special meetings can be convened.

Thank you for your consideration.

Janet Braun

## Christina Munoz

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**From:** ellenteez@aol.com  
**Sent:** Monday, April 4, 2022 5:22 AM  
**To:** City Council Public Comment  
**Cc:** Ellen Teez; Janet Braun; Mary Urquhart; Jeremy Ding; AminAl Sarraf  
**Subject:** April 6th City Council Agenda-Public Comment on Item 19

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear City Council members and City Staff,

I have lived in South Pasadena for 60 years and run a very successful business here for over 43 years. I have watched our many cycles and spoke up when I felt I needed too.  
It was an honor to serve on our PSC for two terms and as chair for two years.  
Having our own Police and Fire Departments and great schools is the one of the biggest reasons we live here. Police and Fire are so important that 50% of our budget goes to police and fire. That money is supported by citizens and the passage of the utility tax  
The optics of reducing the importance of PSC, I believe, sends a very negative message to the community in a time when this commission is even more important.

Crime is up. Homeless people are in our downtown, Petty theft in stores is an everyday occurrence, store windows being smashed, more drugs at our schools, Marijuana now legal, stores being held up at gunpoint and citizens not feeling as safe in our own town.  
Added is runaway inflation and the addition of many new residents due to increased building of housing units downtown.  
Add to that the extreme traffic problems and back up we are going to see when 3 plus new projects on Mission will bring about 300 more residents and possibly 600 cars. The new traffic will be further impacted by the railway crossings at both Mission and Fremont. Each time the train passes it backs up many cars and traffic.

Our own Mayor Cacciotti recently highlighted all these issues as priorities in his recent message to the Chamber members. The front page of the last April 2 South Pasadena is exclusive to public safety issues.

Because of the importance of this issue I ask that the fate of the PSC commission be taken off the next agenda and studied more with input from the public and PSC members to keep the meetings at 10 per year. If needed some could be canceled.

To review and highlight just a few of the PSC victories :

- Reporting to city council and PSC the change in patients at the convalescent hospital .
- Working on studies of Convalescent hospital and getting police, fire, and an advocate involved.
- Lobbying and getting the money for the EOC from the council.
- Starting and formulating the now very successful CERT Program and organizing over 80 plus meetings to lay the groundwork for this program.
- Our chair doing a comprehensive salary study of police and fire salaries in neighboring cities and presenting this to then CM and council which led to salary increases and retention of staff .
- Working with Police and Fire to help and support the success of the Public Safety Fair , staffing a PSC presence and sign up more neighborhood watch people at the Fair.
- providing input on numerous important items and doing invaluable research.
- Working with Chief Miller to elevate the importance of Neighborhood Watch and increase members.
- PSC Members attending Neighborhood Watch meetings to support and listen to citizens.
- Helping to organize and support yearly Neighborhood Watch Captains meetings..
- Advocacy and Lobbying on changes for two police Chief appointments

- **Supporting the many outreach programs that increased good will and community involvement for Police and Fire such as Officer Gruff, Predictive policing, Women's self defense, Cert, Bicycle unit, breakfast with a cop just to name a few**
- **Organizing and financially supporting the very successful goodbye party for outgoing police Chief Art Miller which was enjoyed by over 150 people and neighboring police Chiefs including LA City Police Chief Michel Moore.**

**I hope you will reconsider the need for 10 PSC meetings a year and its importance.**

**Warmest Wishes Ellen Daigle**

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## **Ellen Daigle**

President and Founder | Ellen's Silkscreening  
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Video: <https://vimeo.com/187764694>

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## Christina Munoz

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**From:** Ed Simpson <edsimpson@dslextre.me.com>  
**Sent:** Monday, April 4, 2022 4:08 PM  
**To:** City Council Public Comment  
**Subject:** Item #19 Council Meeting April 6, 2022

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Mayor and City Council Members:

While we believe the Animal Commission served the residents and past City Councils very well, we agree there are many commissions in our city. We expect others to be discontinued as well, and we ask why others have not been "dissolved".

For the residents - and the animals - we urged you to appoint an Animal Advisory Committee. When issues arise about which the Council does not have information, this Committee will be able to provide accurate data which can assist in decisions. Considering how the Animal Commission began in 1983, the members provided excellent information which helped the Council, the residents and the animals. At that time, it was concern over coyotes about which little accurate data was being circulated. Since then, we have had our Council and residents well informed because the people who served on that first commission, and all since, have been caring and honest. To lose that will be a great loss to all of us. So we urged you have an Animal Advisory Committee to serve the City of South Pasadena. You decided no.

I am asking this and expect an answer: Who was present and when was the decision made to place the Animal Commission on hiatus in **March 2020? Was this at a council meeting, if so what was date? If not a council meeting when was it discussed and decided?**

We expect a reply to this question.

Edward L. Simpson  
Beatrice J. Simpson  
2038 Milan Ave.  
South Pasadena

## Christina Munoz

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**From:** Betty Emirhanian <BEmirhanian@msn.com>  
**Sent:** Monday, April 4, 2022 3:08 PM  
**To:** City Council Public Comment  
**Subject:** 4/6 City Council Meeting: remarks for agenda item #19

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mayor and City Council Members,

Once again, I was disappointed in the city's recommendation regarding the animal commission. I completely understand the need to reduce the number of commissions for a small city our size. But it is interesting that the only commission being eliminated is the Animal Commission. Some of the other commissions in question just had the number of meetings reduced.

The recommendation is to create an annual Animal Events Advisory Committee to **only focus** on "Doggy Days" and "Be Kind to Animals Day" and other programming. Sadly, this reduces animal issues to just feel-good community events.

Although I agree we need a committee to do the community events, I strongly advise either having an Animal Commission meet four times a year or having a general Animal Advisory Committee to the city. There will always be issues that need to be addressed such as the peafowl problem. Although we have a contract with the Pasadena Humane, they will not be proactive in dealing with issues we face. The Animal Commission in the past worked closely with the Pasadena Humane, but Animal Commission members were the ones who had to make it happen.

Since the city has so many different, important issues it must deal with and despite the city's good intentions, I believe animal issues will fall by the wayside.

Thank you,

Elisabeth Emirhanian  
1815 Hanscom Drive

I see that an advisory committee is a broad a term and needs to be further defined. Unfortunately, it seems that a standing committee is a problem because it would still be subject to the Brown Act which an ad Hoc committee would not. Perhaps I missed it in the agenda, but I do not see any reference for ad Hoc animal committees be formed to deal

with certain issues. The way it stands now, I am very concerned that without that recommendation, it will never come to be, and animal issues will never be a priority

## Christina Munoz

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**From:** greg hall <ghall21619@gmail.com>  
**Sent:** Tuesday, April 5, 2022 2:24 PM  
**To:** City Council Public Comment; Ellen Teez  
**Subject:** Public Safety Committee Meetings

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All-

During my recent service on the PSC - in response to a request by then Chief of Police Arthur Miller- I was happy to serve with my fellow South Pasadena citizens who represented a broad section of the community. As a retired LAPD captain with 35 years of service, I was very familiar with the value of having ongoing citizen involvement in public safety with law enforcement and fire departments. A prominent principle within police work is the concept that " The police are the people and the people are the police ". A partnership that is developed and maintained through frequent dialog to achieve mutual goals. The ongoing relationship holds all parties accountable for their role in problem solving and, more importantly, problem prevention.

The suggestion to alter the frequency to quarterly meetings would impact the efficiency and efficacy of all involved parties. The present status allows the community to be purposefully involved in their public safety and provides the ongoing communication essential in having a direct and open link to public safety officials.

Greg Hall,  
Retired LAPD Captain

Sent from my iPad

Begin forwarded message:

**From:** Amin Alsarraf <amin.alsarraf@gmail.com>  
**Date:** April 1, 2022 at 10:50:49 PM PDT  
**To:** Michael Cacciotti <mcacciotti@southpasadenaca.gov>, Armine Chaparyan <achaparyan@southpasadenaca.gov>  
**Cc:** Jon Primuth <jprimuth@southpasadenaca.gov>, Brian Solinsky <bsolinsky@southpasadenaca.gov>, Paul Riddle <priddle@southpasadenaca.gov>  
**Subject:** Public Safety Commission Meeting Frequency

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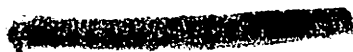
Hi Everyone,

It has come to my attention that a recommendation is being made for the City Council to reduce the frequency of Public Safety Commission meetings from monthly to quarterly. What is the rationale for this recommendation? It is not something that has been discussed with the commission. In my view, as chair of the commission, quarterly meetings are a mistake. As it stands now, our meetings routinely last well over an hour and often close to two hours when addressing substantive issues. Given the scope of our work, the matters that come before the PSC are generally significant in terms of the topics addressed and the attention they receive from the community. As an example, the tobacco ordinance, which was on our agenda twice, elicited lengthy public comment and commission discussion before it was able to proceed on to city council. As we look ahead, the police department is about to embark on a comprehensive assessment, and the City will be undertaking a review of its covid response. This is in addition to the ordinary issues that come before the PSC, as well as the matters that are periodically deferred to the PSC by City Council. Reducing our meetings to only four per year will likely have a negative impact on our work. Among other things, one or both of the following will occur: (a) our meetings will last several hours, and/or (b) substantive discussion about meaningful policy issues will be truncated or skipped to make space for other more time sensitive issues. Neither of these are ideal. Both are avoidable.

Again, I am happy to hear the arguments in favor of quarterly meetings, but given the significance of the matters before the PSC on a regular basis, such a reduction would do more harm than good.

Accordingly, I would ask that the recommendation either be rescinded by the City or rejected by the City Council.

If the former does not take place, please include this email as public comment for this agenda item at the next city council meeting.



Thank you,

Amin  
Chair of the Public Safety Commission (2021-2022)

[REDACTED]

[REDACTED]

...



## Christina Munoz

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**From:** laurie southpasadena.net <laurie@southpasadena.net>  
**Sent:** Wednesday, April 6, 2022 11:15 AM  
**To:** City Council Public Comment  
**Subject:** 4/6/2022 Council Meeting Agenda Item # 18

**CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

The South Pasadena Chamber of Commerce is opposed to the ordinance banning the sale of all tobacco products in the City, as it is drafted. Most people would agree that flavored tobacco encourages youth to smoke, tobacco products are addictive, and smoking can lead to very serious and detrimental health effects. Studies show that 81% of minors and 86% of young adults who have used a tobacco product report that their first tobacco product was flavored. Many surrounding cities, such as Pasadena, La Verne and El Monte, have banned the sale of flavored tobacco within their city limits, but still allow other tobacco products to be sold.

(Excerpts regarding SB 793 <http://publichealth.lacounty.gov/tob/tobaccoretail.htm>):

On August 28, 2020, Governor Gavin Newsom signed into law Senate Bill (SB) 793, making California only the second state in the nation, after Massachusetts, to enact a broad law prohibiting the sale of most flavored tobacco products. SB 793 bans the sale of menthol cigarettes and all flavored e-cigarettes statewide, as well as flavored non-cigarette tobacco products such as smokeless tobacco and little cigars.

On August 31, a proposed referendum was submitted to the Attorney General of California to repeal SB 793. On January 22, 2021, the referendum qualified for the ballot, putting SB 793 on hold until the 2022 general election referendum vote. The referendum, titled REFERENDUM CHALLENGING A 2020 LAW PROHIBITING RETAIL SALE OF CERTAIN FLAVORED TOBACCO PRODUCTS, will not effect the County's flavored tobacco ban. Tobacco retailers operating in unincorporated areas of Los Angeles are required to follow the County's flavor ban in accordance with Los Angeles County code 11.35.070 E.

An ordinance banning all tobacco products will have a negative impact on the small, independent liquor stores, cigar lounge and gas stations that have been in operation for decades. The Chamber has spoken to the business owners of Ocean Liquor, Foremost Liquor, Fair Oaks Cigars and the gas stations. They all are very concerned about their businesses should this ordinance be adopted, as drafted.

- There are laws prohibiting the sale of all tobacco products to those under the age of 21. If businesses are selling these products to under-age people, then they should be cited/fined as allowed by law.
- Tobacco retailers (liquor stores, gas stations, convenience stores, etc.) are abundant in adjacent cities, and in a city such as ours that's only 3.4 square miles in size, there are options in a very short driving or walking distance for patrons to purchase these items.
- Customers who wish to purchase tobacco and other items will not make two stops to make those purchases. Sales tax revenue will be lost, not only on tobacco products but also on the other items they purchase (gas, snacks, beverages, etc.)

As you are well aware, our local businesses have suffered greatly during the past two years of the pandemic. Combined with the difficulty of finding employees, rising labor costs and costs of goods, to further burden local businesses with local regulations should be avoided as much as possible. Thank you for your consideration.

Laurie Wheeler

President/CEO South Pasadena Chamber of Commerce  
On behalf of the  
Chamber of Commerce Board of Directors

## Christina Munoz

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**From:** Chris Bostic <bosticc@ash.org>  
**Sent:** Wednesday, April 6, 2022 11:47 AM  
**To:** City Council Public Comment  
**Subject:** April 6 regular meeting of the City Council. Tobacco item  
**Attachments:** M\_South Pasadena\_testimony\_Apr-6-22\_FINAL.pdf

**CAUTION:** This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached a comment in favor of the ORDINANCE AMENDING CHAPTER 18, ARTICLE VI OF THE SOUTH PASADENA MUNICIPAL CODE TO PROHIBIT THE SALE OF ALL TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES.

Chris Bostic, *Policy Director*

**ASH** > ACTION ON SMOKING & HEALTH

*Dedicated to ZERO Tobacco Deaths.*

1250 Connecticut Ave, NW, 7<sup>th</sup> floor

Washington, DC 20036

Tel: +1 202.659.4310

Mobile: +1 202 413 0069

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South Pasadena City Council hearing

April 6, 2022

Testimonial in support of agenda item 17: ORDINANCE AMENDING CHAPTER 18, ARTICLE VI OF THE SOUTH PASADENA MUNICIPAL CODE TO PROHIBIT THE SALE OF ALL TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES

First Reading

Thank you for this opportunity. My name is Chris Bostic. I am an attorney with Action on Smoking and Health – or ASH – the nation’s oldest anti-tobacco organization. Let me start with a short quote.

**“Tobacco is deeply harmful to human health, and there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health.”**

That comes from the Danish Institute for Human Rights, a respected organization with an international mandate to promote and protect human rights, and that previously had not been involved in tobacco control. They published this after conducting a human rights audit at the request of Philip Morris International, the world’s biggest multinational tobacco company. Their conclusion has been echoed by over 150 public health and human rights organizations around the world. Some are represented here in the room.

**“The production and marketing of tobacco is irreconcilable with the human right to health.”** That quote is important. It’s clear that you want to do the right thing here – to end deaths and disease from tobacco use. You need to know that in spite of being a pioneer in this respect, South Pasadena would be on very firm ground, both morally and legally. Federal and state law allows you to do this. Human rights law, and general moral decency, strongly suggests that you should.

I’ve been a foot soldier in the tobacco wars for 20 years, working mostly at the global level, so I come at this with a very wide lens. In some ways the world has made a lot of progress since I started, but the sad truth is that deaths from tobacco use are still going up, not down. We’re looking at a billion deaths this century – that’s billion, with a “b.” Tobacco killed over 8 million people last year, and the body count keeps rising.

Nearly every advancement in the fight against tobacco, such as smokefree air, has started at the local level, and often in California. This is not about a “nanny state,” because it is about the behavior of the tobacco industry, not smokers. And it is not prohibition, because you are aiming at the sale, not use or possession. If the definition of liberty is the right to do whatever you want so long as it doesn’t harm others, the actions of the tobacco industry in marketing its products do not meet that basic hurdle.

Respectfully,  
Chris Bostic, M.S.F.S, J.D.  
Program Director