The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, April 10, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Councilmember Leone. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Patti Barsotti, City Treasurer; Kathleen Trepa, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Karan Reid, Director of Finance; Andrea Ouse, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Jasmin Loi, Director of Human Resources; Laura Simpson, Planning and Housing Manager; Michael P. Cass, Principal Planner; Pedro Garcia, Economic Development Specialist; Robert Kennedy, Parks Manager; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Catherine Hensiek, Concord; Greg Dewhurst, Concord; Hope Johnson, Concord; Azucena Torres, Concord; Lupe Zuniga, Concord; Blanca Colin, Concord; David Pitman, Concord; Greg Kremenli, Concord; David Shields, Concord; Eric Rehn, Kennedy Wilson; Stephanie Siri, Concord; Jassamine, Domino, San Leandro; Debra Taraskelewich, Concord; Carina Alvarado, Concord; Lisa Keremian, Concord; Matt Light, Concord; Carlos Del Puerto, Concord; Michaela Toscas, Inspire Positive LLC; Natalie; Mike McDermedt, Concord; Linette Perona, Concord; Steve Shub, Concord; Zinnia Loza, Concord; Bob Hooy, Concord; Ryan Doronila, Concord; Scott Palmer, Kiva Confections; Hope Johnson, Concord; Mike Ngo, SD LLC; Jennifer Schwab, Teamsters

PUBLIC COMMENT PERIOD

George Fulmore, Concord, spoke of Ellis Lake Park, low-income housing, and requested that the Council not endorse any candidates until after the nomination period.

Catherine Hensiek, Concord Art Association, announced that on May 3 the Concord Art Association will be celebrating its 55th anniversary, explained that the association sent an email to seven Title 1 schools regarding a grant program for teachers to provide art in the classroom, and suggested an arts related subcommittee of the Parks, Recreation, and Open Space Commission.

Greg Dewhurst, Concord, spoke of a homeless encampment behind his home.
Hope Johnson, Concord, spoke of problems with soils reports by TetraTech at Lennar’s Hunters’ Point project and the need for evaluation of the issues at the Hunters’ Point project.

Azucena Torres, Concord, spoke of banning the sale of flavored tobacco products.

Lupe Zuniga, Concord, spoke of concern over the sale of flavored tobacco products.

Blanca Colin, spoke of banning the sale of flavored tobacco products.

David Pitman, Concord, spoke of banning the sale of flavored tobacco products.

Natalie, spoke of banning sale of flavored tobacco products and smoking in apartments.

PRESENTATIONS

CONCORD PAVILION – Update

Mayor Birsan introduced Aaron Hawkins, Concord Pavilion General Manager, who provided an update on the Concord Pavilion.

EARTH DAY AND ARBOR DAY – April 21, 2018

Mayor Birsan presented Robert Kennedy, Parks Manager, a proclamation declaring Saturday, April 21, 2018, as “Earth Day” and “ Arbor Day” in the City of Concord.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – February 24 and 27, 2018

Motion was made by Hoffmeister and seconded by Obringer to approve the minutes from the meetings of February 24 and 27, 2018. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 18-3 – Commercial Cannabis Overlay District and ADOPTION OF RESOLUTION NO. 18-6042.1 – Fees and Charges for Cannabis Businesses

A notice of Public Hearing announcing the hearing date of April 10, 2018, was published in the East Bay Times on March 30 and April 5, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Principal Planner Michael Cass presented a report to the Council on potential regulations on cannabis, including manufacturing and associated distribution and testing laboratories and associated distribution.

The Council asked staff about fees; the proposed buffers; how distribution works; security and odor controls; cash based businesses; the impact on lease rates in other cities; net zero energy standards; marijuana cultivation; cannabis tax; marketing to children; restrictions on the number of manufacturers, testing labs, or distribution facilities; signage; and record keeping.

Mayor Birsan opened a public comment period.

Greg Kremenlier, Concord, spoke in support of the ordinance.

David Shields, Concord, spoke in opposition to the ordinance.
Eric Rehn, Broker, Kennedy Wilson, spoke in support of the ordinance.

Stephanie Siri, Concord, spoke in opposition to the ordinance.

Jassamine Domino, San Leandro, spoke in support of the ordinance.

Debra Taraskewich, Concord, spoke in opposition to the ordinance.

Carina Alvarado, Concord, spoke in support of the ordinance.

Lisa Keremian, Concord, spoke in support of the ordinance.

Matt Light, Concord, spoke in support of the ordinance.

Carlos Del Puerto, Concord, spoke of Concord residents having priority in obtaining permits.

Michaela Toscas, Inspire Positive LLC, spoke in support of the ordinance.

Natalie, spoke in support of the ordinance.

Mike McDermott, Concord, spoke in opposition to the ordinance.

Linette Perona, Concord, spoke in opposition to the ordinance.

Steve Shub, Concord, spoke in support of the ordinance.

Zinnia Loza, Concord, spoke in support of the ordinance.

Bob Hooy, Concord, spoke in support of the ordinance.

Ryan Doronila, Concord, spoke in support of the ordinance.

Scott Palmer, Kiva Confections, spoke in support of the ordinance.

Hope Johnson, Concord, spoke in support of the ordinance with the proposed 600' buffer zones.

Mike Ngo, SD LLC, spoke of tracking from seed to sale.

Jennifer Schwab, Teamsters, spoke in support of the ordinance.

Mayor Birsan closed the public comment period and called a recess at 9:15 p.m. The meeting resumed at 9:25 p.m.

The Council asked clarifying questions and shared their thoughts about the proposed ordinance. There was support for focusing only on medical cannabis, a possible pilot program limiting the number of businesses allowed, removing the energy standard, and changing the insurance requirements. The Council had concerns about safety impacts, working with cash based businesses, options to ban retail in the future, odor, a 600 or 1000 foot buffer, taxing of cannabis, items looking attractive to children, and driving up rent for the businesses.

A motion was made by Hoffmeister and seconded by Birsan to introduce Ordinance No. 18-3 entitled, “An Ordinance Amending the Municipal code and Development Code to Establish a Commercial Cannabis Overlay District, Associated Development Standards, and a Licensing Framework for Cannabis Manufacturing, Cannabis Testing Laboratories, and Cannabis
Distribution," by reading of the title and waiving further reading. Motion passed by the following vote of Council:

AYES: Hoffmeister, McGallian, Obringer, Birsan  NOES: None  ABSTAIN: Leone

A motion was made by Hoffmeister and seconded by McGallian to amend Ordinance No. 18-3 to make cannabis manufacturing and testing medical only. Motion passed by the following vote of the Council:

AYES: Hoffmeister, Leone, McGallian, Obringer  NOES: Birsan  ABSENT: None

A motion was made by Hoffmeister and seconded by Obringer to amend Ordinance No. 18-3 to limit number of manufacturing and testing laboratories with distribution to two businesses each. Motion passed by the following vote of the Council:

AYES: Hoffmeister, Leone, McGallian, Obringer  NOES: Birsan  ABSENT: None

A motion was made by Hoffmeister and seconded by McGallian to amend Ordinance No. 18-3 to change the insurance requirements to $2 million auto and $2 million general liability. Motion passed by unanimous vote of the Council.

A motion was made by Hoffmeister and seconded by McGallian to amend Ordinance No. 18-3 to eliminate the energy standard requirement. Motion passed by the following vote of the Council:

AYES: Hoffmeister, Leone, McGallian, Obringer  NOES: Birsan  ABSENT: None

A motion was made by Hoffmeister and seconded by Leone to amend Ordinance No. 18-3 to increase the buffer to 1,000 ft. with residential added as a sensitive use. Motion failed by the following vote of the Council:

AYES: Leone  NOES: Hoffmeister, McGallian, Obringer, Birsan  ABSENT: None

A motion was made by Hoffmeister and seconded by Leone to amend Ordinance No. 18-3 to have the buffer of 600 ft. with residential added as a sensitive use. Motion failed by the following vote of the Council:

AYES: Hoffmeister, Leone  NOES: McGallian, Obringer, Birsan  ABSENT: None

A motion was made by Birsan and seconded by Leone to amend Ordinance No. 18-3 to allow medical and adult use testing laboratories. Motion passed by the following vote of the Council:

AYES: Birsan, Leone, McGallian  NOES: Hoffmeister, Obringer  ABSENT: None

A motion was made by Birsan to amend Ordinance No. 18-3 to remove medical only on manufacturing. Motion did not receive a second.

A motion was made by Birsan and seconded by McGallian to amend Ordinance No. 18-3 to remove medical only restriction on distribution associated with testing laboratories. Motion passed by the following vote of the Council:

AYES: Birsan, Leone, McGallian  NOES: Hoffmeister, Obringer  ABSENT: None

A motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 18-6042.1 entitled, "A Resolution Amending Exhibit "A" to Resolution No. 78-6042 Establishing
Processing Fees and Charges for Commercial Cannabis Licenses in the City of Concord. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

a. Benched Correspondence Agenda Item No. 6.a. - City of Concord 2017 Cannabis Planning Survey dated September 27, 2017
b. Cannabis Manufacturing Testing Laboratories & Distribution PowerPoint Presentation
c. Benched Correspondence Agenda Item No. 6.a
d. Commercial Cannabis Overlay: Manufacturing, Testing Laboratories, & Distribution Map
e. Information on Cannabis submitted by Greg Kremenlier
f. Map of delivery services submitted by Michaela Toscas

COUNCIL REPORTS

It was the consensus of the Council to bring flavored tobacco and vaping to the Policy Development and Internal Operations Committee for consideration.

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 11:30 p.m.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK