SPECIAL MEETING OF THE
CONCORD CITY COUNCIL/PLANNING
COMMISSION
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MAY 29, 2018

The Concord City Council and Planning Commission met in a special joint meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, May 29, 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 Obringcr, Edi Birsan

PLANNING COMMISSIONERS PRESENT: Ray Barbour, Jason Laub, Mark Weinmann, Dominic Aliano

PLANNING COMMISSIONER ABSENT: John Mercurio

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; 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; Laura Simpson, Planning and Housing Manager; Nick Gartner, Police Lieutenant; Margaret Kotzubue, Senior Assistant City Attorney; Michael Cass, Principal Planner; Pedro Garcia, Economic Development Specialist

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Clare Goodwin, Concord; Devan Perona, Concord; Jordan Locklear, NORML; Benjamin Adams, Concord; Luke Adams, Concord; Daren Mason, Concord; Arya Campbell, NORML; Eve Crow, Concord; John Keibel, Concord; Stephanie Siri, Concord; Ryan Doronila, Concord; Cliff Perona, Concord; Greg Kremenliier, Concord; Timothy Byars, Concord; Rochelle LeVa, Walnut Creek; Beatrice Gaylord, Concord; Robert Hoag, Concord; Leslie Goodwin, Concord; Eloise Theisen, Concord; Rebecca Byars, Concord; David Shields, Concord; Renee Lee, Walnut Creek; Scott Goodwin, Concord; Blanca Colin, Concord; William Colin, Monument Impact; Robert Lowitz, Walnut Creek; Trent Crow, Concord; Jennifer Schwab, Teamsters; Mike McDermott, Concord; Matt Light; Eric Whitaker, Concord; Brandon Mullins, Pleasant Hill; Hope Johnson, Concord; Linette Perona, Concord; Kenji Yamada, Concord; Natalie; Bryan Higginbotham, Benicia; Debra Taraaskewid, Concord; Laurie Light; Tess Schoenbart, Lafayette; David Theisen, Concord; Nasser Azimi, Concord; Demetrio Ramirez
STUDY SESSION

CANNABIS USES AND INDUSTRY TRENDS – Cannabis Policy, Including Taxation, Regulation, and Permitting

Principal Planner Michael P. Cass presented the meeting overview, reviewed the status of Concord cannabis regulations, explained the proposed work plan, and reviewed the tentative schedule for community outreach of retail and microbusinesses.

Mr. Cass explained that staff was currently developing draft ballot language that covers all types of cannabis but noted that the revenue from taxation is projected to be minimal due to limits on the number of businesses and the restriction of medicinal only.

Principal Planner Cass presented potential buffer areas and sensitive uses. He relayed Police Department (PD) concerns about delivery, manufacturing, testing laboratories, and distribution and retail storefront. Mr. Cass requested direction to affirm or modify the direction to explore medicinal-only cannabis storefront and non-storefront retail uses and microbusinesses and requested the Council and Planning Commission provide initial thoughts on buffers from sensitive uses. In addition, Mr. Cass requested direction on what additional information is needed from staff prior to developing regulations, whether to develop regulations for other cannabis uses, such as cultivation, and Council’s affirmation or modification of direction to place a tax measure on the November 2018 ballot. He introduced Neil Hall, SCI Consulting Group, who reviewed trends in the commercial cannabis industry.

At the request of the City Council, Lt. Nicholas Garner reviewed the memorandum he wrote on cannabis operations that was included with the staff report.

The Council asked staff and the consultant questions about the types of licenses; what action other cities have taken regarding cannabis; clarification on state issued medicinal cards; what PD staffing would be needed for oversight; if businesses would come to Concord if only medicinal cannabis was allowed; safety considerations; clarifications about a dedicated unit in the PD and the PD needs; the nexus between legal and illegal operations if cannabis was allowed; the clarification of storefront and non-storefront and how loitering would be addressed with a storefront business; the impact of dealing with a cash based business; details surrounding a cannabis tax; if there was a marijuana black market in Concord; and if medicinal cannabis supply would be hurt if recreational retail was allowed.

The Planning Commission asked about oversight for a limited number of retail storefronts, the meaning of significant impact, and marijuana crime statistics.

At Mayor Birsan’s request, Nasser Azimi, Ohana Gardens, provided an overview of his cannabis delivery business. The Council and Planning Commission asked Mr. Azimi questions about his company, including the amount of gross revenue the company makes, the number of deliveries the company makes per day, how sales tax is collected, what the customer base is within Concord, and what other communities Ohana Gardens serves.

Mayor Birsan called a recess at 8:34 p.m. The meeting resumed at 8:45 p.m.

Mayor Birsan opened a public comment period.

Clare Goodwin, Concord, spoke in opposition to retail dispensaries.

Devan Perona, Concord, spoke in opposition to recreational marijuana in all its forms.

Jordan Locklear, NORML, spoke in support of cannabis.

Benjamin Adams, Concord, spoke in opposition to marijuana.
Luke Adams, Concord, spoke in opposition to marijuana.
Daren Mason, Concord, spoke in opposition to cannabis.
Arya Campbell, NORML, spoke in support of cannabis.
Eve Crow, Concord, spoke in opposition to cannabis.
John Keibel, Concord, spoke in opposition to cannabis.
Stephanie Siri, Concord, spoke in opposition to cannabis retail sales and outdoor grow.
Ryan Doronila, Concord, spoke in support of cannabis.
Cliff Perona, Concord, spoke in opposition to cannabis.
Greg Kremenliier, Concord, spoke in support of cannabis.
Timothy Byars, Concord, spoke in support of cannabis.
Rochelle LeVa, Walnut Creek, spoke in support of cannabis.
Beatrice Gaylord, Concord, spoke in opposition to cannabis.
Robert Hoag, Concord, spoke in opposition to marijuana.
Leslie Goodwin, Concord, spoke in opposition to cannabis.
Eloise Theisen, Concord, spoke in support of cannabis.
Rebecca Byars, Concord, spoke in support of cannabis.
David Shields, Concord, spoke in opposition to cannabis.
Renee Lee, Walnut Creek, spoke in support of cannabis.
Scott Goodwin, Concord, spoke in opposition to cannabis.
Blanca Colin, Concord, spoke in opposition to marijuana.
William Colin, Monument Impact, spoke in opposition to marijuana.
Robert Lowitz, Walnut Creek, spoke in support of cannabis.
Trent Crow, Concord, spoke in opposition to marijuana.
Jennifer Schwab, Teamsters, spoke in support of cannabis.
Mike McDermott, Concord, spoke in opposition to marijuana.
Matt Light, spoke in support of cannabis and the cannabis retail pilot.
Eric Whitaker, Concord, spoke in support of cannabis.
Brandon Mullins, Pleasant Hill, spoke in support of cannabis.
Hope Johnson, Concord, spoke in support of retail uses.
Linette Perona, Concord, spoke in opposition to marijuana.
Kenji Yamada, Concord, spoke in support of cannabis.
Natalie, spoke in support of cannabis.
Bryan Higginbotham, Benicia, spoke in support of cannabis.
Debra Taraskewid, Concord, spoke in opposition to cannabis.
Laurie Light, spoke in support of cannabis and the cannabis retail pilot.
Tess Schoenbart, Lafayette, spoke in support of cannabis.
David Theisen, Concord spoke in support of cannabis and the cannabis retail pilot.
Nasser Azimi, Ohana Gardens, spoke about the point of sale and taxes.
Demetrio Ramirez, spoke in support of cannabis.
Mayor Birsan closed the public comment period.

Mayor Birsan called a recess at 11:20 p.m. The meeting resumed at 11:30 p.m.

The Council and Planning Commission expressed support for exploring medicinal only cannabis non-storefront retail uses and microbusinesses; exploring buffers from sensitive uses for non-storefront retail and microbusiness cannabis uses; exploring a pilot program for non-storefront medicinal cannabis; and exploring placing an excise tax measure before the voters on the November 2018 ballot. There was not support for adult use nor cultivation.

The Council and Planning Commission requested additional information about the cannabis black market, the tools that the Police Department needs to support cannabis sales, and statistics on crimes against cannabis businesses and cash based businesses.

City Manager Valerie Barone summarized the direction from Council: explore regulations for medical only non-storefront retail with some support for exploring a medical only storefront retail pilot and microbusiness; explore the creation of buffers from sensitive uses, but not so strong that there is only one zoned area in the City; no support for cultivation; and an interest in exploring a tax measure for medicinal only cannabis.

CORRESPONDENCE

a. Benched Correspondence – Agenda Item 2a
b. PowerPoint Presentation – Cannabis Study Session
d. Petition signed by Concord residents to allow responsible cannabis industry to exist in Concord
e. Map submitted by Kenji Yamada of 600ft radius around Todos Santos Plaza
f. Letter submitted by Demetrio Ramirez dated May 29, 2018
g. Proposal from Matt and Laurie Light – Cannabis Retail Pilot
h. Denver Post article dated August 25, 2017, Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado. Is legalization to blame?
i. California Department of Public Health information – Marijuana and Tobacco Use
ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 12:35 a.m.

EDWARD BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK