



City of San Leandro

Meeting Date: September 17, 2012

Minutes

File Number: 12-451 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.B.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Lianne Marshall
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: ACCEPT: Rules and Communications Committee Highlights of August 28, 2012

CITY OF SAN LEANDRO

CITY COUNCIL RULES AND COMMUNICATIONS COMMITTEE

August 28, 2012
4:30 - 5:30 p.m.

San Leandro City Hall
835 East 14th Street
San Leandro, California
(City Council Chambers)

HIGHLIGHTS

Committee Members
present:

Mayor Stephen Cassidy and Councilmember Jim Prola

City Staff present:

Marian Handa, City Clerk; Lianne Marshall, Assistant City Manager;
Richard Pio Roda, Assistant City Attorney, Luke Sims, Community
Development Director, Sandra Spagnoli, Police Chief

Public present:

Chris Crow, David Erlich, Tim Holmes, Denise Martellacci, Mia
Ousley, Kennan Scott

Mayor Cassidy called the meeting to order at 4:31 p.m. and noted Councilmember Souza was absent. He stated that City Council Committee meetings are now being held in the Council Chambers, so that the meeting proceedings can be digitally recorded and web streamed.

1. Discussion Regarding Medical Marijuana Dispensaries in the City of San Leandro

Staff Presentation

Assistant City Attorney Rich Pio Roda:

- provided a brief legal update, including the Compassionate Use Act, Medical Marijuana Program Act, and recent cases.
- listed components to consider for a dispensary ordinance, including a limitation on the number of dispensaries, size and acceptable location, performance standards, permit process, and fee structure.
- outlined the process for public participation and the adoption of the ordinance, including hearings before the Board of Zoning Adjustments, Planning Commission, and City Council.

Community Development Director Luke Sims:

- reported that staff may need to engage outside assistance in drafting land use regulations and a possible economic impact analysis.
- indicated that an economic impact analysis would include an analysis of job generation and revenue options.

Police Chief Sandra Spagnoli:

- described the potential citywide impacts on quality of life and City services, including loitering, crime impacts, signage, traffic, and code enforcement.
- suggested the ordinance should include performance standards to address these impacts.

Public Comments

Chris Crow: a new business license category would need to go to the voters, and the City could take the opportunity to look at adjusting its other fees at the same time.

Tim Holmes: commented on the advantages of allowing two dispensaries rather than one, and made several suggestions related to performance standards and regulation of dispensaries.

Dan Dillman: supported the statements by the previous speakers.

Unidentified female speaker: commented that the information in the staff outline appears to conform with the Attorney General's guidelines. She made several suggestions for incorporation into the draft ordinance.

Committee Member Comments

Mayor Cassidy:

- requested a budget, which makes clear what is within the legal retainer, and what is not.
- suggested looking at Oakland as a model.
- commented that there may be merit to allowing two dispensaries.
- favors a Request for Proposal (RFP) process.
- does not feel rushed to develop an ordinance.
- expressed preference for not requiring an onsite grow facility, unless it is mandatory.
- requested staff research and report back on whether a new business license category would require a vote of the people, and whether the City could enact a marijuana-specific sales tax.
- would like more citizen participation beyond the BZA and Planning Commission, and suggested the ordinance go to the Council for preliminary input or an advisory vote, prior to going to the BZA and Planning Commission.
- stated he was not interested in spending money to conduct an economic analysis at this time.
- would like to discuss whether to incorporate the performance standards in the RFP vs. the ordinance.
- commented he does not support acceptance of only State-issued cards, as this would be too restrictive.

Councilmember Prola:

- stated he is flexible on whether to allow one or two dispensaries.
- would like to ensure the dispensary is safe, regulated and controlled.
- agrees not to restrict access only to those with State-issued cards.
- agrees the City should look at Oakland, and not reinvent the wheel.
- suggested using CalNORML's economic analysis.
- would like to try to comply with the AG guidelines.
- would like more information on dispensaries attached to grow facilities.
- is in no hurry; wants it done right.
- urged members of the public to submit written comments if they choose.

Ms. Marshall requested that staff have the opportunity to determine the budget and what is covered under the retainer. If within the budget and not overly labor-intensive, staff will bring a draft ordinance to the next Committee meeting. Otherwise, staff will bring back a budget and project plan.

Committee Recommendation

None.

2. Public Comments

None.

3. Committee Member Comments

Mayor Cassidy stated he would like to establish as a guideline that agenda back up

materials be posted at least 48 hours, or two business days, prior to the Council Committee meetings. He commented that having the information in advance would allow for better decision-making and more meaningful community review and input. Mayor Cassidy suggested raising the issue at the next City Council meeting to obtain the Council's concurrence to refer the matter to the Committee.

4. Adjourn

The meeting was adjourned at 5:19 p.m.

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AGENDA

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2. Public Comments
3. Committee Member Comments
4. Adjourn

Committee Members: Mayor Stephen Cassidy
Councilmember Jim Prola
Councilmember Diana Souza

Discussion Outline
Medical Marijuana
August 28 City Council Rules and Communications Committee

- I. Brief Legal Update (Compassionate Use Act and Medical Marijuana Program Act)
- II. Components of a Dispensary Ordinance
 - Limitation on overall number of dispensaries
 - RFP or other competitive process
 - Proximity to schools and other “sensitive” uses
 - Size of dispensary(ies), and acceptable locations
 - Performance standards for dispensary(ies)
 - Security
 - Recordkeeping
 - Hours of Operation
 - Signage
 - Good neighbor practices
 - Permit and Administrative process
 - Fee structure for dispensary license
- III. Process for Public Comments & Adoption of Ordinance
 - Citizen participation
- IV. Economic Impact Analysis
 - Job generation
 - Revenue options (Cannabis tax measure)
- V. Citywide Impacts
 - Quality of Life
 - Crime issues
 - Impact on City services / Code enforcement
- VI. Project Budget

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