

SPEAKER CARD

CITY OF SAN LEANDRO

NOV 12 2019

CITY CLERK'S OFFICE

If you wish to address the City Council, please complete this card and present it to the City Clerk before or as the item you wish to address is being announced. Information provided below becomes public information and may be used for notification and/or follow-up.

PLEASE PRINT LEGIBLY

Meeting Date: November 12, 2019

I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: _____ - or -

Public Comments on the subject of:

Birthday Party

Your Name: Kenneth Fox

Organization: None

Address: N/A

Phone: N/A

Email: N/A

Please refer to the meeting agenda for additional information regarding public participation and speaker time allotment. Speaker time may be limited to less than 3 minutes per person; please ensure your comments are clear and concise. Thank you for your participation.

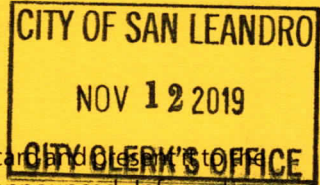
Podium speaker lights:

1. Green light • Speaker may start.
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3. Red light • Speaker is out of time.

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PLEASE PRINT LEGIBLY

Meeting Date: 11/12/19

I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: _____ - or -

Public Comments on the subject of:

Your Name: MIKE KATZ-LACABE

Organization: _____

Address: _____

Phone: _____

Email: _____

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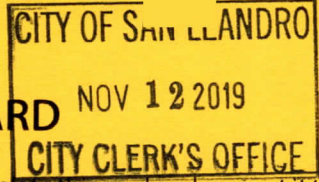
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PLEASE PRINT LEGIBLY

Meeting Date: 11/12/19

I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: 3A - or -

Public Comments on the subject of:

Your Name: Arturo Sanchez

Organization: BLUM San Leandro

Address: 8046 1915 Fairway

Phone: 510-325-2246

Email: asanchez@teratechcorp.com

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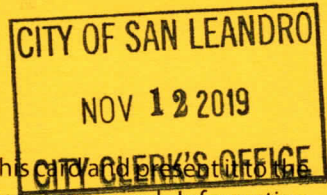
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Agenda Item Number: 3A - or -

Public Comments on the subject of:

Your Name: MIKE KATZ - YACABE

Organization: _____

Address: _____

Phone: _____

Email: _____

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PLEASE PRINT LEGIBLY

Meeting Date: Nov 12

I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: 19-595 - or -

Public Comments on the subject of:

Your Name: Tim Morland

Organization: Kiva Confections

Address: _____

Phone: 916-833-1979

Email: tim@kivaconfections.com

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I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: _____ - or -

Public Comments on the subject of:

Your Name: Sandra L. Truitt

Organization: Nug Wellness

Address: _____

Phone: _____

Email: _____

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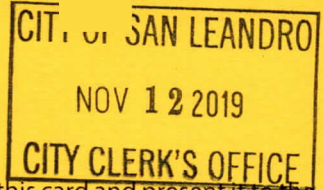
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I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: _____ - or -

Public Comments on the subject of:

Your Name: Amy Cassidy

Organization: _____

Address: _____

Phone: _____

Email: _____

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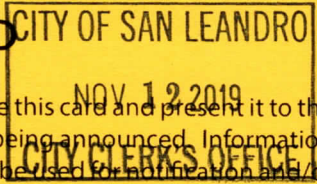
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Agenda Item Number: _____ - or -

Public Comments on the subject of:

Your Name: John Oram

Organization: _____

Address: _____

Phone: _____

Email: _____

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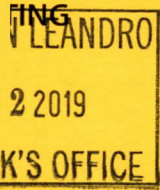
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Agenda Item Number: _____ - or -

Public Comments on the subject of:

Your Name: Stephen Cassidy

Organization: _____

Address: _____

Phone: _____

Email: _____

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PLEASE PRINT LEGIBLY

Meeting Date: 11/12

I would like to speak regarding/during the following portion of the meeting:

Agenda Item Number: _____ - or -

Public Comments on the subject of:
cannabis gross tax

Your Name: Caprice

Organization: Nug Wellness

Address: _____

Phone: _____

Email: _____

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Agenda Item Number: _____ - or -

Public Comments on the subject of:
cannabis gross tax

Your Name: Jamina Knowles

Organization: Nug Wellness

Address: _____

Phone: _____

Email: Jamina.knowles@nug.com

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City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Meeting Agenda

City Council

Welcome to your City of San Leandro City Council meeting.

Your City Councilmembers are:

Mayor Pauline Russo Cutter

Deborah Cox, District 1

Ed Hernandez, District 2

Victor Aguilar, Jr., District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, November 12, 2019

5:30 PM

City Manager's Large Conference Room

Special Meeting and Closed Session

Vice Mayor Lopez may participate in this meeting via telephone conference call from the Business Center at the Mansfield Hotel, 12 W 44th St, New York, NY 10036. The agenda will be posted at the remote location, and the teleconference location will be accessible to the public.

1. CALL TO ORDER

1.A. ROLL CALL

Members Aguilar, Ballew, Cox, Hernandez, Lee, Lopez; Mayor Cutter

1.B. ANNOUNCEMENTS

2. PUBLIC COMMENTS

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. The public is invited to make comments on Closed Session items only at this time.

3. CLOSED SESSION

3.A. Closed session pursuant to California Government Code section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

3.B. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: Jeff Kay, City Manager, Emily Hung, Human Resources Manager, William Avery, Avery & Associates

Employee Organizations: San Leandro Police Officers' Organization (SLPOA)

4. ADJOURN

MEETING ACCESSIBILITY

If special accommodations are required for the disabled, please call the City Clerk's Office at (510) 577-3366 or TDD at (510) 577-3343.

CITY CLERK CERTIFICATE OF POSTING
I certify that a copy of this document was posted on the "OFFICIAL PUBLIC NOTICES" Bulletin Board at City Hall, San Leandro, CA for the period prescribed by law.

Date Posted 11/7-11/12/19

Executed at San Leandro, CA

11/7/19 by AES
Date



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Meeting Agenda

City Council

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Your City Councilmembers are:

Mayor Pauline Russo Cutter

Deborah Cox, District 1

Ed Hernandez, District 2

Victor Aguilar, Jr., District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, November 12, 2019

7:00 PM

City Council Chambers

Work Session

Vice Mayor Lopez may participate in this meeting via telephone conference call from the Business Center at the Mansfield Hotel, 12 W 44th St, New York, NY 10036. The agenda will be posted at the remote location, and the teleconference location will be accessible to the public.

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Members Aguilar, Ballew, Cox, Hernandez, Lee, Lopez; Mayor Cutter

1.C. ANNOUNCEMENTS AND REPORT ON CLOSED SESSION ACTIONS TAKEN

2. PUBLIC COMMENTS

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3. WORK SESSION

3.A. 19-595 Work Session to Discuss Cannabis Business Tax Rates and Regulations

4. CITY COUNCIL COMMENTS

5. ADJOURN

MEETING ACCESSIBILITY

The meeting is shown live on the City of San Leandro's website at <https://sanleandro.legistar.com/> and on cable (Comcast Channel 15 or AT&T U-Verse Channel 99). The video recording of the meeting will remain accessible to the public on the City of San Leandro's website. The recording is also replayed on cable throughout the week according to the schedule shown at <http://www.sanleandro.org/depts/council/>.

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Date Posted 11/7 - 11/12/19

Executed at San Leandro, CA

11/7/19 by AET
Date

Civic Center
835 East 14th Street
San Leandro, California

CITY OF SAN LEANDRO

CITY COUNCIL MEETING AGENDA

TUESDAY, November 12, 2019



LIST OF CITY COUNCIL MEETINGS AND EVENTS ON THIS DATE (at the time of publication)

5:30 PM City Council Closed Session (agenda attached)
7:00 PM City Council Work Session (agenda attached)

AGENDAS

Agendas are available to the public at least 72 hours before the meeting and are posted on the bulletin board outside the East 14th Street entrance to City Hall. Special meeting agendas are available and posted not less than 24 hours before each special meeting. Agendas may be obtained from the City Clerk's Office, on the City's website, or by subscribing to our electronic agenda distribution. For information, call the City Clerk's Office at (510) 577-3366.

The complete agenda book is available for review at the City Clerk's Office, at the Main Library, and on the City website. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Office, 835 East 14th Street, San Leandro, and on the City's website at www.sanleandro.org.

CITY COUNCIL GOALS FOR YEAR 2019

The following City Council Goals serve as a guide for the upcoming year, and provide overall direction for the City's services and programs:

- Place San Leandro on a firm foundation for long-term fiscal sustainability
- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation
- Provide quality public safety service and grow our partnership with the community to keep San Leandro safe
- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride
- Maintain and support a strong positive relationship between the City, schools and the educational community

CITY COUNCIL MEETINGS

Regular meetings of the City Council are held on the first and third Mondays of each month at 7:00 p.m. in the Civic Center, City Council Chambers, 835 East 14th Street. Work Sessions of the City Council are held regularly at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the fourth Monday, if needed, generally in the Civic Center Complex. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, usually, no formal action is taken at Work Session. Starting times for each item are approximate.

The City Council agenda also includes actions of the Successor Agency to the San Leandro Redevelopment Agency. In addition, meetings of the Economic Development Agency, Parking Authority and Public Financing Authority are held annually on the third Monday of June in conjunction with City Council meetings. All actions listed on the agenda are City Council actions, unless otherwise noted.

The City Council is prohibited by State law from discussing items not listed on the agenda unless, by a two-thirds vote, or unanimous vote if less than two-thirds of the members are present, the City Council finds that there is a need to take immediate action, and the need for the action came to the City's attention after the agenda was posted.

The order of business specified in the agenda may be changed if deemed appropriate by the Mayor and agreed to by a majority of the City Council.

PUBLIC PARTICIPATION

The City Council welcomes your participation at meetings. When you address the City Council, you should approach the podium and speak clearly into the microphone, stating your name for the record. There shall be no dialogue between persons speaking from the podium and the City Council until the speaker has completed his or her comments. Your item may be taken under consideration and referred to staff. All personal, racial or ethnic slurs, profane language, or disruptive conduct is prohibited. Any person who disrupts the meeting by expressing such conduct is subject to removal from the City Council Chambers and/or arrest.

AT REGULAR MEETINGS, you have several opportunities for public participation, as follows:

Public Hearings: Anyone wishing to speak regarding a Public Hearing should fill out a speaker card prior to the completion of the staff presentation and submit it to the City Clerk. The order of business for Public Hearings is as follows:

1. Staff presentation
2. Applicant/Appellant – 10 minutes
3. City Council Questions/Clarifications
4. Public Comments – 5 minutes per speaker, subject to adjustment by the Mayor
5. Applicant/Appellant Rebuttal – 5 minutes
6. City Council Comments/Questions/Action

Public Comments: The public is invited to make comments on items **that are not listed on the agenda** at this time. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor.

Consent Calendar: Members of the public who wish to address the City Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes total for all items.

Items Removed from Consent Calendar and Action Items: Public comments on these items will be limited to 3 minutes per speaker, subject to adjustment by the Mayor.

If you wish to address the City Council, you should fill out a speaker card and submit it to the City Clerk prior to or as the item is being announced so that the order of speakers may be determined and an official record of names obtained.

AT WORK SESSIONS, the public is invited to make comments concerning an agenda item, and items not listed on the agenda during the "Public Comments" section. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. Speaker cards are generally not required; the Mayor will inquire if anyone wishes to speak. If you wish to address the City Council, you should approach the podium and speak clearly into the microphone, stating your name for the record.

AT SPECIAL MEETINGS, the public may address the City Council concerning an item on the agenda only. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. If you wish to address the City Council, you should fill out a speaker card and submit it to the City Clerk so that the order of speakers may be determined and an official record of names obtained.



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Meeting Agenda

City Council

Welcome to your City of San Leandro City Council meeting.

Your City Councilmembers are:

Mayor Pauline Russo Cutter

Deborah Cox, District 1

Ed Hernandez, District 2

Victor Aguilar, Jr., District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, November 12, 2019

5:30 PM

City Manager's Large Conference Room

Special Meeting and Closed Session

Vice Mayor Lopez may participate in this meeting via telephone conference call from the Business Center at the Mansfield Hotel, 12 W 44th St, New York, NY 10036. The agenda will be posted at the remote location, and the teleconference location will be accessible to the public.

1. CALL TO ORDER

1.A. ROLL CALL

Members Aguilar, Ballew, Cox, Hernandez, Lee, Lopez; Mayor Cutter

1.B. ANNOUNCEMENTS

2. PUBLIC COMMENTS

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. The public is invited to make comments on Closed Session items only at this time.

3. CLOSED SESSION

3.A. Closed session pursuant to California Government Code section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

- 3.B. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: Jeff Kay, City Manager, Emily Hung, Human Resources Manager, William Avery, Avery & Associates

Employee Organizations: San Leandro Police Officers' Organization (SLPOA)

4. ADJOURN

MEETING ACCESSIBILITY

If special accommodations are required for the disabled, please call the City Clerk's Office at (510) 577-3366 or TDD at (510) 577-3343.



City of San Leandro

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Meeting Agenda

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Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, November 12, 2019

7:00 PM

City Council Chambers

Work Session

Vice Mayor Lopez may participate in this meeting via telephone conference call from the Business Center at the Mansfield Hotel, 12 W 44th St, New York, NY 10036. The agenda will be posted at the remote location, and the teleconference location will be accessible to the public.

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Members Aguilar, Ballew, Cox, Hernandez, Lee, Lopez; Mayor Cutter

1.C. ANNOUNCEMENTS AND REPORT ON CLOSED SESSION ACTIONS TAKEN

2. PUBLIC COMMENTS

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest NOT listed on the Agenda.

3. WORK SESSION

3.A. 19-595 Work Session to Discuss Cannabis Business Tax Rates and Regulations

4. CITY COUNCIL COMMENTS

5. ADJOURN**MEETING ACCESSIBILITY**

The meeting is shown live on the City of San Leandro's website at <https://sanleandro.legistar.com/> and on cable (Comcast Channel 15 or AT&T U-Verse Channel 99). The video recording of the meeting will remain accessible to the public on the City of San Leandro's website. The recording is also replayed on cable throughout the week according to the schedule shown at <http://www.sanleandro.org/depts/council/>.

If special accommodations are required for the disabled, please call the City Clerk's Office at (510) 577-3366 or TDD at (510) 577-3343.



City Council Work Session on Cannabis Tax Rates and Regulations

November 12, 2019

Overview

- ▶ Background
- ▶ Local status update
- ▶ Tax rates
- ▶ Policy questions
- ▶ Staff recommendations
- ▶ Questions/Comments

Council Goals

- ▶ Place San Leandro on a firm foundation for long-term fiscal sustainability
- ▶ Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation

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Highlights of Key Dates

- ▶ February 12, 2013: City Council holds special Town Hall meeting on cannabis policy
- ▶ December 16, 2013: City Council approves medical cannabis ordinance
- ▶ September 8, 2015: City Council awards first dispensary permit; Council directs staff to explore cannabis tax
- ▶ Winter/spring 2016: Rules Committee explores various tax measures
- ▶ July 18, 2016: City Council issues 2nd dispensary permit
- ▶ October 17, 2016: City Council issues 3rd dispensary permit
- ▶ November 8, 2016: San Leandro voters authorize Measures NN, OO, PP & Prop. 64
- ▶ March 20, 2017: City Council sets graduated local tax rate, starting at 6%
- ▶ April 24, 2017: Council hosts work session, authorizes manufacturing & lab testing
- ▶ March 18, 2019: City Council authorizes adult use retail sales and imposes Dec. 31, 2019 deadline to commence retail operations
- ▶ June 17, 2019: City Council postpones previously scheduled tax increase

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Rationale For Local Cannabis Taxes

- ▶ Such taxes are very common in other cities
- ▶ Funding augments General Fund revenues
- ▶ All three retail permit awardees voluntarily offered gross receipts contributions
- ▶ Tax creates a level playing field within the City
- ▶ All three retailers also offer programs for low-income, terminally ill, or otherwise disadvantaged patients

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Rationale For Flexible Local Tax Rate

- ▶ Ensuring local businesses maintain competitiveness with other businesses operating in neighboring communities
- ▶ Recognition of significant up-front capital costs
- ▶ Ensuring that cumulative federal, state, and local taxes do not incentivize the unregulated market

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Currently Authorized Cannabis License Types

Use Type	Permit Cap	Authorized Businesses	Status
▶ Retail*	3	3 permits issued	1 open; 2 pending
▶ Manufacturing	5	1 issued, 3 in process	none yet fully operational
▶ Laboratory testing	none	1 issued	in process
▶ *SLMC allows retailers to conduct manufacturing, distribution, and delivery as ancillary uses			

Regional Context on Local Taxes

<u>Jurisdiction</u>	<u>Retail</u>	<u>Manufacturing</u>	<u>Distribution</u>
Alameda County (unincorporated areas)	0%	0%	0%
City of Alameda	0%	0%	0%
Berkeley	5% Adult Use 2.5% Medicinal	5% Adult Use 2.5% Medicinal	5% Adult Use 2.5% Medicinal
Emeryville	3%	2%	1%
Hayward	6.00%	6.00%	6.00%
Oakland*	10% Adult 5% Medicinal 0.12% if <\$500k	10% Adult Use 5% Medicinal 0.12% if <\$500k	10% Adult Use, 5% Medicinal 0.12% if <\$500k
Richmond	5.00%	5.00%	5.00%
San Francisco (effective 1/1/21)	Exempt =<\$500K 2.5% =\$500K-\$1Mil 5.0% =\$1Mil+	Exempt =<\$500K 1% =\$500K-\$1Mil 1.5% =\$1Mil+	Exempt =<\$500K 1% =\$500K-\$1Mil 1.5% =\$1Mil+
San Jose	10%	10%	10%
San Leandro	6.00%	6.00%	6.00%
Santa Rosa	3%	1%	0%
Union City	4%	4%	2%

*City of Oakland exploring reduced tax rates

Other Taxes

- ▶ Statewide Tax: 15% excise tax
- ▶ Sales Tax: 9.75% at point of sale
- ▶ State Cultivation Tax
 - \$9.25 per dry-weight ounce of flowers
 - \$2.75 per dry-weight ounce of cannabis leaves
 - \$1.29 per ounce of fresh cannabis plant
- ▶ Federal Taxes: Vary, Rule 280E disallows retail business expense deductions

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Current San Leandro Tax Schedule (applies to all permit types)

- ▶ 6% of gross receipts thru June 30, 2020
- ▶ 7% of gross receipts effective from July 1, 2020 thru June 30, 2022
- ▶ 8% of gross receipts effective July 1, 2022

Tax receipts in CY 2019:

- ▶ Q1 2019: \$11,118
- ▶ Q2 2019: \$42,182
- ▶ Q3 2019: \$82,623

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Policy Question: Modify Local Tax rates?

Pros

Creates certainty for businesses

Potential for economic development/
business investment

Potential competitive advantage

Acknowledges challenging statewide
industry climate

Cons

Potential loss of tax revenue

Deviates from prior commitments
made by retail dispensaries

Minimal cost savings for retail
customers

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Policy Question: Eliminate/Expand cap on manufacturing permits?

Pros

Cap was instituted as part of pilot study

Expands business opportunities

Opens door for larger-scale businesses
who might otherwise not have access

Cons

Potential risks from bad operators

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Policy Question: Allow stand-alone distribution or processor permits?

Pros

Potential for economic development

Diversifies & augments GF revenue

Natural synergy with other businesses

Cons

Finite job creation

Increased vehicle trips

Potential security concerns

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Policy Question: Explore Illegal cultivation fines?

Pros

Discourages illegal cultivation & associated impacts

Recoups city enforcement costs

Provides law enforcement additional tool

Cons

Requires administrative appeals process

Potentially impacts unwitting property owners

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Staff Recommendations

Policy Question

- ▶ Consider eliminating scheduled tax increases?
- ▶ Consider lowering retail tax rate?
- ▶ Consider reducing tax rates for non-retail uses?
- ▶ Remove/modify permit cap on manufacturers?
- ▶ Consider allowing other permit types?
 - ▶ Type 11 - distribution
 - ▶ Type 13 - Distribution - transport only
 - ▶ Processor
- ▶ Consider adopting illegal cultivation fine?

Staff Recommendation

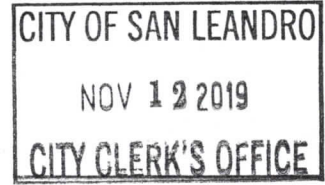
- Yes; retain 6% rate
- No; retain current 6% retail rate (for now)
- Yes, consider aligning rates with nearby cities
retail: 6%; manuf./labs: 3%; distributor/processor: 1%
- Yes, eliminate or modify cap
- Yes, allow additional permit types as shown
- Yes, explore illegal cultivation fines

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Questions or Comments?

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November 12, 2019

The Honorable Mayor and City Council
City of San Leandro
835 E 14th Street
San Leandro, CA 94577

Re: Cannabis Tax Rates

Dear Mayor and City Council:

Harborside has a long history in the cannabis industry of California and was lucky enough to celebrate its 13th anniversary today. We are proud to be one of the recipients of a dispensary permit from the City of San Leandro and even more proud to be opening our store soon.

During our company's history, we have seen many changes in the cannabis industry, the most recent of which has been many new cannabis businesses opening shop in jurisdictions that have recently permitted cannabis operators. The result of this healthy and much needed competition is that customers shop from store to store and from jurisdiction to jurisdiction often seeking lower costs due to lower taxes. The compounded burden of state, local, cultivation, and sales taxes is a 35%+ increase in cost ultimately borne by consumers.

This dramatic cost increase all but forces customers to seek out jurisdictions with lower taxes, or in the worst case, take their chances purchasing from unlicensed and illicit operators. Nearby locales such as Emeryville, Berkeley, or San Francisco — all enjoy much lower tax rates: 3%, 5%, and 1.5%, respectively. Soon Alameda will have four dispensaries and 0% taxes. Cities like these have proactively anticipated competition from other jurisdictions and from the illicit market and set policies that supported these new businesses as they got on their feet.

Cannabis is still a nascent industry facing significant headwinds as the market develops and laws and regulations mature. We hope that San Leandro will take the long view on this industry and continue to craft smart policy that balances the needs of a growing industry with the needs of the San Leandro community as a whole.

Sincerely,

A handwritten signature in blue ink, appearing to read "Conrad Gregory".

Conrad Gregory
Director of Government Relations

Harborside San Leandro
1965 Marina Blvd., San Leandro, CA 94577