

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

TUESDAY, JUNE 17, 2014

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNAK

Preliminary Matters

Roll Call: 7:00 p.m. Councilmember Anderson absent. Councilmember Arreguin absent. Councilmember Anderson present at 7:05 p.m. Councilmember Arreguin present at 7:22 p.m.

Public Comment - Limited to items on this agenda only.

Action Calendar

**1. a. Medical Cannabis Ordinance Revisions and Dispensary Selection Process
From: Medical Cannabis Commission (Continued from June 3, 2014)**

Recommendation:

1. Adopt first reading of an Ordinance amending the Berkeley Municipal Code (BMC) Sections 12.26.030 and 12.26.150 with changes added in response to Council concerns;
2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.27, including changes added in response to Council concerns and the Medical Cannabis Commission's recommendations (Alternative A);
3. Adopt a Resolution establishing a ranking process for the selection of additional medical cannabis dispensaries in Berkeley, including changes added in response to Council concerns; and
4. Refer to the Planning Commission an amendment to BMC Section 23E.16.070 to increase the number of dispensaries permitted from four to six.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action Calendar

1. b. Medical Cannabis Ordinance Revisions and Dispensary Selection Process

(Continued from June 3, 2014)

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance amending the Berkeley Municipal Code (BMC) Sections 12.26.030 and 12.26.150 with changes added after the September 17 Council hearing;
2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.27, including changes added in response to Council concerns and the staff recommendations (Alternative B);
3. Adopt a resolution establishing a ranking process for the selection of additional medical cannabis dispensaries in Berkeley, including changes added in response to Council concerns; and
4. Refer to the Planning Commission an amendment to BMC Section 23E.16.070 to increase the number of dispensaries permitted from four to six.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: 7 speakers. M/S/C (Moore/Anderson) to adopt the Commission's recommendations and carryover the item to July 1 and direct staff to prepare a supplemental report to be published on June 26 with the text of ordinance including the following amendments:

1. Amend 12.27.020 to read "...member of a Dispensary or Collective..."
2. Amend 12.27.070 to read "1g/mg"
3. Require a Fire/Electrical safety inspection as a condition of receiving a business license
4. Change the wording of the required signage to state "only sell to members" in the positive
5. Allow a maximum of 4 sites for collectives
6. Allow visits to collectives until 9pm
7. Require dispensaries to close at 9pm
8. Amend 12.27.080 to increase the allocation for very low income members to 2% and apply requirement to existing dispensaries
9. Limit the total number of dispensaries to four; review the limit in one year
10. Amend 12.27.110 to read "...consistent with state and local law."
11. Limit a person to being a Principal, as defined in 12.27.020.H., of only one dispensary in Berkeley
12. Apply inspection/testing requirements only to edibles made in Berkeley
13. Include all modifications included in the Supplemental material from staff
14. Amend 12.26.150.B. to read "...and shall be subject to..."

Vote: All Ayes.

Action Calendar

2. **Minimum Distance Between Drugstores: Amending BMC Titles 23F and 23E to Define and Regulate Drugstores** *(Continued from June 3, 2014)*

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Sections 23F.04.010, 23E.40.030, 23E.44.030, 23E.48.030 and 23E.60.030 to create a definition of Drugstore, apply size and distance threshold between drugstores in all Neighborhood Commercial districts, except the South Area Commercial District (C-SA).

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: 2 speakers. M/S/C (Capitelli/Arreguin) to adopt first reading of Ordinance No. 7,354–N.S. as printed in the supplemental information from staff. Second reading scheduled for July 1, 2014.

Vote: All Ayes.

3. **Implementation of Fair and Impartial Policing Policy, General Order B-4** *(Continued from June 3, 2014)*

From: Councilmember Arreguin

Recommendation: Adopt a motion: 1. Expressing the City Council's support for proposed General Order B-4, Fair and Impartial Policing Policy 2. Directing the City Manager to request that the Berkeley Police Department give final approval to General Order B-4 and implement the policy immediately, sending a Training and Information Bulletin to all department personnel on the new policy. While the pedestrian stop data collection may take time to fully implement, officers should be informed and implement the basic policy of fair and impartial policing with respect to race, gender, national origin, or sexual orientation.

Financial Implications: Unknown

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: M/S/C (Arreguin/Worthington) to accept supplemental material from Councilmember Arreguin on Item 3.

Vote: All Ayes.

Action: M/S/Failed (Worthington/Anderson) to extend public comment to two-minutes.

Vote: Ayes – Anderson, Arreguin, Worthington, Wozniak; Noes – Maio, Wengraf; Abstain – Moore; Absent – Capitelli.

Action: M/S/Failed (Worthington/Anderson) to extend public comment to one-and-a-half minutes.

Vote: Ayes – Anderson, Arreguin, Worthington, Wozniak; Noes – Maio, Wengraf; Abstain – Moore; Absent – Capitelli.

Councilmember Capitelli absent 8:45 p.m. – 8:55 p.m.

Action: 23 speakers. Councilmembers Anderson and Worthington added as co-sponsors. M/S/C (Arreguin/Moore) to:

1. Express the City Council's support for the policy;
2. Direct the City Manager to request BPD to put General Order B4 into effect within four months from June 17, 2014; and

Action Calendar

3. Direct the City Manager and Police Chief to report on data collection and the status of implementation and training after the Council's summer break and express Council's interest in annual reporting of the data.

Vote: All Ayes.

4. Telegraph Avenue Zoning Changes Referral to Planning Commission

(Continued from June 3, 2014)

From: Councilmember Worthington

Recommendation: Refer to the Planning Commission potential zoning changes to Telegraph Avenue for Entertainment Establishments, Amusement Arcades, Theatres, and standardizing alcohol beverage services with Downtown standards.

Financial Implications: Unknown

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action: 1 speaker. M/S/C (Worthington/Maio) to refer to the Planning Commission potential zoning changes to Telegraph Avenue for Entertainment Establishments and Theatres, standardizing alcohol beverage services with Downtown standards, and ask the Planning Commission to create a distinction between video arcades which encompass games that feature electronic war games and violence, from tactile game arcades such as foosball, table soccer, etc. so that the Zoning Adjustments Board is better able to make a distinction in an application, and include the tactile type of arcade in the Telegraph zoning referral.

Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Arreguin.

Adjournment

Action: M/S/C (Moore/Arreguin) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 10:12 p.m.

Communications

Item 3: Implementation of Fair and Impartial Policing Policy, General Order B-4

1. Peace & Justice Commission

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Supplemental Communications and Reports 3