



Margaret Abe-Koga, Councilmember
Christopher R. Clark, Councilmember
John McAlister, Councilmember

Ken S. Rosenberg, Councilmember
Patricia Showalter, Councilmember
Lisa Matichak, Vice Mayor

Daniel H. Rich, City Manager
Lisa Natusch, City Clerk

Leonard Siegel, Mayor

Jannie L. Quinn, City Attorney

October 02, 2018

Council Chambers - 500 Castro St., Mountain View

**JOINT SPECIAL MEETING OF THE CITY COUNCIL AND SHORELINE REGIONAL
PARK COMMUNITY**

1. CALL TO ORDER

Mayor Siegel called the meeting to order at 6:30 p.m. in the Council Chambers.

2. PLEDGE OF ALLEGIANCE

Mayor Siegel led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember
McAlister, Councilmember Rosenberg, Councilmember Showalter,
Vice Mayor Matichak, Mayor Siegel

Councilmember Abe-Koga arrived at 7:15 p.m.

4. CONSENT CALENDAR

MOTION - M/S - Rosenberg/Showalter - To approve the Consent Calendar.

The motion carried by the following vote:

Yes: 6 - Councilmember Clark, Councilmember McAlister, Councilmember
Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor
Siegel

Absent: 1 - Councilmember Abe-Koga

4.1 Approve Meeting Minutes

Approve the Council Meeting Minutes of September 25, 2018 and the Shoreline Regional
Park Community Minutes of September 25, 2018.

**4.2 Colony Street Connection to Permanente Creek Trail, Project 18-48-Authorize Professional
Services Agreement**

Authorize the City Manager to execute a professional services agreement with Parisi CSW
Design Group of Redwood City to provide engineering design services for the Colony

Street Connection to Permanente Creek Trail, Project 18-48, in a not-to-exceed amount of \$185,000.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Kathryn Skeeahan expressed concerns regarding the removal of heritage trees on Montecito Avenue and in the neighborhood.

6. PUBLIC HEARING

6.1 Establishment of Cannabis Regulations

Planning Manager/Zoning Administrator Stephanie Williams presented the staff report. Police Chief Max Bosel, City Manager Dan Rich, City Attorney Jannie Quinn and Senior Assistant City Attorney Krishan Chopra provided additional information.

Public Hearing opened at 7:14 p.m.

The following members of the public spoke:

Ivy Xu, and submitted a petition

Julie Huang

Guangyu Xu

Cindy Wang

Louise Katz, on behalf of Livable Mountain View

Chen Yang

Daniel Montero, Chair, San Jose Cannabis Equity Working Group

Miriam Kali-Rai

Ben Levitt

Pingkan Fok

Unidentified man

Unidentified woman

Robert Cox

John Scarboro, speaking on his own behalf

Wei Xiong

Yude Chen

Lei Cheng

Amanda Carvalho

Frank Lee

Victor Yu

Ernest Chu

Wenting Jing

David Hoffman

Shari Emling

Ranjitha Vishwa

Xiaomeng Wu

Julia Tam

Ivy Lu

Tony Guan
John Beeley
Weiguo Liang
Dan Cheng
Jessie Herr
Tak Wang
Deb Henigson
Jing Sun
Patrick Kelly
Jiang Li
Charles Zhong
Parinda Mekara
Unidentified woman
Unidentified man
Jeff Linden
Luke Bruner
Arjun Dave
Dora Yuen
Vincent, Owner, Sylvan Learning Center
Guadalupe Rosar
Betty Ortiz Zavela
Samdrita Esparza
Unidentified man
Unidentified man
Charles Wong
Unidentified man
Adriana Tapia Medrano
Unidentified woman
Unidentified man
Unidentified man
Marlena Smith
Shareef El-Sissi, on behalf of the Garden of Eden
Pamela Epstein
Unidentified man
Sean Kali-Rai, Silicon Valley Cannabis Alliance
Kathryn Skeeahan
TooToo Thomson
Kai Liu
Jianteng Yang
Angela Wong

Public Hearing closed at 9:23 p.m.

Council recessed at 9:23 p.m.

Council reconvened at 9:41 p.m. with all Councilmembers present.

MOTION - M/S - Matichak/Abe-Koga - To:

1. Introduce an Ordinance Repealing Ordinance No. 1.18, an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City, Excluding Cannabis Delivery Services from State and Locally Licensed Cannabis Retailers with Physical Premises Located Outside of the City of Mountain View and Provided Deliveries Are Conducted in Accordance with the Licensing Jurisdictions' Rules for Cannabis Delivery for Ten (10) Months and Fifteen (15) Days, and Amending Article V, Division 2, Article VI, Divisions 2 and 3, Article VII, Sec. 36.22.10, Article IX, Division 11, and Article XVII, Division 2, and adding Division 21 to Article XIV to Establish Cannabis Regulations, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 1 to the Council report); with modifications to page 23, 3(c) to extend the buffer to 600 feet for child-care facilities and add rehabilitation centers and mental health facilities; and 3(i) on page 27 to be two applications rather than five;
2. Adopt Resolution No. 18248 Approving Precise Plan Amendments to the P-38 (El Camino Real) Precise Plan, Chapter 2; the P-39 (North Bayshore) Precise Plan, Section 3.3.2 to Designate and Regulate Cannabis Businesses as a Land Use, to be read in title only, further reading waived (Attachment 2 to the Council report);
3. Introduce an Ordinance Repealing Chapter 9, Article IV Regarding Medical Marijuana Dispensaries and Replacing It with a New Chapter 9, Article IV Regarding Cannabis Businesses, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 3 to the Council report);
4. Adopt Resolution No. 18249 Amending the City of Mountain View Master Fee Schedule Related to Cannabis Business Regulations, to be read in title only, further reading waived (Attachment 4 to the Council report); and
5. Authorize the addition of 1.0 FTE Police Officer position and 0.25 FTE Community Service Officer position for administration and enforcement of cannabis business regulations.

Following discussion with staff, Vice Mayor Matichak added to the motion a modification to the ordinance (Attachment 1) on page 22, Sec. 36.30.55(b) to change the maximum number of cannabis businesses allowed from three to two; and to extend the buffer to 600 feet for all medical facilities.

The motion failed by the following vote:

- Yes:** 2 - Councilmember Abe-Koga, Vice Mayor Matichak
- No:** 5 - Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Mayor Siegel

MOTION - M/S - Clark/Siegel - To:

1. Introduce an Ordinance Repealing Ordinance No. 1.18, an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City, Excluding Cannabis Delivery Services from State and Locally Licensed Cannabis Retailers with Physical Premises Located Outside of the City of Mountain View and Provided Deliveries Are Conducted in Accordance with the Licensing Jurisdictions' Rules for Cannabis Delivery for Ten (10) Months and Fifteen (15) Days, and Amending Article V, Division 2, Article VI, Divisions 2 and 3, Article VII, Sec. 36.22.10, Article IX, Division 11, and Article XVII, Division 2, and adding Division 21 to Article XIV to Establish Cannabis Regulations, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 1 to the Council report); with a modification to Sec. 36.30.55(b) to "A maximum of four (4) cannabis businesses consisting of two storefront retail and two non-storefront retail businesses shall be allowed within the city at any given time;" a modification to Sec. 36.30.85(a)(3)(i) to "the first four applications;" and with a sentence added at the end of Sec. 36.30.60(c), "If a cannabis business is separated from schools, child-care centers and child-care facilities by State Highway 101, 237, 85 or Central Expressway, then the permitted distance shall be at least 250 feet from the schools, child-care centers and child care facilities."

2. Adopt Resolution No. 18248 Approving Precise Plan Amendments to the P-19 (Downtown) Precise Plan, Chapter III; the P-38 (El Camino Real) Precise Plan, Chapter 2; the P-39 (North Bayshore) Precise Plan, Section 3.3.2; and the P-40 (San Antonio) Precise Plan, Chapter 4, Section A to Designate and Regulate Cannabis Businesses as a Land Use, to be read in title only, further reading waived (Attachment 2 to the Council report);

3. Introduce an Ordinance Repealing Chapter 9, Article IV Regarding Medical Marijuana Dispensaries and Replacing It with a New Chapter 9, Article IV Regarding Cannabis Businesses, to be read in title only, further reading waived, and set a second reading for October 23, 2018 (Attachment 3 to the Council report);

4. Adopt Resolution No. 18249 Amending the City of Mountain View Master Fee Schedule Related to Cannabis Business Regulations, to be read in title only, further reading waived (Attachment 4 to the Council report) with changes as clarified by staff to modify the Cannabis Business Registration Initial Fee from \$107,000 to \$86,000 and the Cannabis Business Registration Renewal Fee to \$85,000.

5. Authorize the addition of 1.0 FTE Police Officer position and 0.5 FTE Community Service Officer position for administration and enforcement of cannabis business regulations.

FRIENDLY AMENDMENT: Councilmember Rosenberg offered a friendly amendment to modify the motion to three storefront and one non-storefront.

Councilmember Clark declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Matichak offered a friendly amendment to remove the Downtown Precise Plan from the motion.

Councilmember Clark declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Matichak offered a friendly amendment to remove Area H, the Historic District.

Councilmember Clark declined to accept the friendly amendment.

City Manager Rich summarized that the motion includes two storefront and two non-storefront retail business in all locations listed in the staff report other than Grant-Phyllis; the process that staff recommended; the buffer would stay the same except for when there is a physical barrier of State Highway 101, 85, 237 or Central Expressway, the buffer could go as low as 250 feet and a maximum of 600 feet.

The motion carried by the following vote:

Yes: 5 - Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Mayor Siegel

No: 2 - Councilmember Abe-Koga, Vice Mayor Matichak

MOTION - M/S - Clark/Rosenberg - To continue with the remainder of the meeting.

The motion carried by the following show of hands vote:

Yes: 5 - Councilmember Clark, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

No: 2 - Councilmember Abe-Koga, Councilmember McAlister

7. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Abe-Koga reported her attendance at the Firefighter's Pancake Breakfast, a meeting of the Del Medio Neighborhood in which the Los Altos School District 10th Site issue was discussed, the City's Annual Celebration of Service event, and that she gave a presentation at a meeting of the Bullis Charter School Board.

Vice Mayor Matichak reported her attendance at the Grand Boulevard Initiative Corridor Tour, the Firefighter's Pancake Breakfast, the City's Annual Celebration of Service event, and an all-day session by the Urban Land Institute.

Councilmember McAlister reported his attendance at a meeting with Palo Alto, Los Altos and Los Altos Hills regarding VTA issues, and provided handouts to Council from a meeting of the VTA Congestion Management Program Committee.

Mayor Siegel reported his attendance at a meeting of the Local Policy Maker's Group, a meeting of the Del Medio Neighborhood in which the Los Altos School District 10th Site

issue was discussed, and the City's Annual Celebration of Service event.

Councilmember Showalter reported her attendance at a meeting of the Joint Recycled Water Committee, a meeting of the WaterNow Alliance Steering Committee, the Firefighter's Pancake Breakfast, the 25th anniversary of the Trailblazer Race, and the City's Annual Celebration of Service event.

8. CLOSED SESSION REPORT

None.

9. ADJOURNMENT

At 11:30 p.m., Mayor Siegel adjourned the meeting to the next Council Meeting to be held on Tuesday, October 9, 2018, at 4:45 p.m. in the Plaza Conference Room, 500 Castro Street.

ATTEST:

APPROVED:

LISA NATUSCH
CITY CLERK

LEONARD M. SIEGEL
MAYOR