

**ANTIOCH CITY COUNCIL  
SPECIAL MEETING**

**Special Meeting**  
**7:00 P.M.**

**November 1, 2017**  
**Council Chambers**

Mayor Wright called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, and Mayor Wright  
Absent: Council Member Ogorchock

**PLEDGE OF ALLEGIANCE**

Council Member Tiscareno led the Council and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS – None**

**PUBLIC HEARING**

**1. SECOND EXTENSION OF AN INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA USES WITHIN THE CITY OF ANTIOCH**

Acting City Manager Nickie Mastay introduced Public Hearing Item #1.

Acting Interim City Attorney Elizabeth Perez requested that the City Council extend the moratorium on recreational uses of marijuana for an additional year to November 2018 in order to give staff time to complete their analysis financial and negative impacts on the City.

Mayor Wright opened the Public Hearing.

Jeffrey Klingler encouraged the Council to approve the extension of the Urgency Ordinance for one year, not just to give staff more time to study, but the message it sends out to the Bay Area that Antioch takes quality of life seriously. And not to be drawn in to the lure of that pot of money that recreational marijuana could bring to the City in tax revenue. What is going to be the impact on crime? What is going to be the impact on youth? Studies are pretty frightening on the impacts on youth.

Mayor Wright paused Jeffrey Klingler's comments to query Julie Emegokwue about her Speaker Card which was about Charter Schools. He let her know that she may be at the wrong meeting and that this topic was being discussed at the Planning Commission meeting at the Nick Rodriguez Community Center right now. She was given directions where the meeting was being held. He stated that there were only two requests to speak and both were in favor of the Staff recommendation.

Jeffrey Klinger continued regarding the impact to the City if the moratorium is not extended.

Tim McCall stated that Proposition 215, Proposition 64 and SB 420 created a great deal of questions which need to be answered. There is very little long term data for the Council to make a long term decision. He encouraged the Council to adopt the second extension before them to give staff time to research and make the correct decisions.

There being no further public comments, Mayor Wright closed the Public Hearing.

Council Member Tiscareno requested that there be separate votes on the staff report and the extension of the Urgency Ordinance as he had problems with the staff report and no issues with the extension. He believed that the staff report was one-sided. He said that 61 percent of Contra Costa voters and 57 percent statewide voted in favor of Prop 64. He thought the staff report should have been more open-minded. He would have preferred an unbiased staff report.

Council Member Thorpe agreed with Council Member Tiscareno. He said that the Council had given staff a year and that he had requested it be brought before the Economic Development Commission. He said the voters in Antioch voted for recreational marijuana even though he voted against it and that the voters had spoken on Prop 64.

Council Member Wilson agreed with the Council Members Tiscareno and Thorpe's comments. She was disappointed that there was no feedback from the Economic Development Commission.

Mayor Wright said that he had spoken with Keith Archuleta, Chair of the Economic Development Commission, asking him to have it on their agenda so the public can speak. He also said that he had spoken with several Mayors on the topic. He stated that we were not here tonight to make a decision, but to give staff additional time.

Council Member Thorpe asked if the extension could be for less than one year.

Acting Interim City Attorney Perez said that they could reduce the extension. She said there was a workshop in the spring which went back to the Economic Development Commission.

Council Member Thorpe interrupted the attorney and said that it was news to him that there was a workshop and it infuriated him even more.

Acting Interim City Attorney Perez stated that it was in the staff report; however she was not involved and was told that it was in the spring.

Acting City Manager Mastay said that it was at a Council Meeting where then City Attorney Michael Vigilia actually presented the information.

Council Member Thorpe said that it was then not a workshop and that it didn't go to the Economic Development Commission. That is was not the public outreach that they were specifically looking for.

Acting Interim City Attorney Perez apologized; as that was the information she had been given. But emphasized the extension was needed to give the most comprehensive analysis to the Council and that they want it to be correct.

Council Member Thorpe suggested a six-month extension.

Mayor Wilson said that a permanent ordinance could be brought back any time during the one-year extension.

A discussion ensued among the council members as to how long staff has already had to bring forth a permanent ordinance.

Council Member Tiscareno said he could not accept Recommended Action Item #1 to "Accept and Approve the report".

City Clerk Simonsen suggested that the council make a motion to receive the staff report and provide direction.

Council Member Tiscareno made a motion to receive the report and direct City Attorney come back with a more balanced report; seconded by Council Member Wilson.

*AYES: Wilson, Thorpe, Tiscareno, Mayor Wright*                      *Noes: None*                      *Absent: Ogorchock*

The motion passed.

The Council then moved on to discuss Recommended Action Item #2, to extend the moratorium on recreational uses of marijuana.

Council Member Tiscareno asked when Prop 64 takes effect. Acting Interim City Attorney Perez said it would be February 1, 2018, which was later corrected by Council Member Wilson that it would take effect January 1, 2018.

City Clerk Simonsen said that while Prop 64 takes effect January 1<sup>st</sup>, the State has yet to complete the implementing regulations and will only be issuing temporary licenses to those jurisdictions which have approved recreational marijuana. As such, staff will not have a complete picture of what the State regulations will be until the spring of 2018.

Discussion ensued among the Council as to the duration for the second extension, whether it should be for six months, one year or a compromise of nine months.

Mayor Wright reminded the Council that all four council members present will need four affirmative votes to pass the extension of the Urgency Ordinance since it requires a 4/5ths vote. He also stated that he would be willing to compromise on a nine-month extension.

Council Member Tiscareno made a motion to adopt the second extension of the interim urgency ordinance establishing a temporary moratorium on non-recreational marijuana uses for six (6) months; seconded by Council Member Thorpe.

Members of the public wanted to speak on the motion, so the maker and second of the motion withdrew the motion and Mayor Wright reopened the public hearing,

Julia Emegokwue spoke in favor of businesses being able to sell and citizens to be able to use marijuana. She said that marijuana was not a drug; that it is a Native American medicinal herb used for cultural health and spiritual purposes. That would also be economically beneficial to the City. She said that there would have to be safeguards to ensure that minors and felons didn't have access.

Tim McCall said that he was at the first meeting as a member of the Economic Development Commission to have staff provide them with more information. He stated that it would be irresponsible to extend the urgency ordinance for less than one year. He stated that the staff and Economic Development Commission need more time and the council should direct the staff to provide periodic updates. He stated that the Commission only meets every other month.

Jeffrey Klingler was sympathetic to the concerns of the Council about the lack of additional information in the staff report. There is a lot of new and additional information which needs to be assessed. It is a complicated issue and the Council should direct staff on a time schedule for updates and status reports. He strongly encouraged the Council to extend it for one year.

Mayor Wright closed the Public Hearing.

Mayor Wright asked the Acting City Manager how much time staff would need and she replied that staff would need the full year. When asked if staff could provide regular updates, she replied yes, if directed by Council.

Council Member Thorpe asked about what the Economic Development Commission has done regarding the issue.

Economic Development Manager Lizeht Zepeda stated that it was brought to the commission in October. A discussion followed as to when the commission was asked by the council to study the issue.

The Council had further discussion regarding how long the extension should be.

Council Member Tiscareno made a motion to adopt an interim urgency ordinance of the City Council of the City of Antioch extending a temporary moratorium on non-medical marijuana uses with the City of Antioch pending completion of an updated to the City's zoning ordinance for nine (9) months and direct staff to bring a report back to council every two months; seconded by Council Member Thorpe.

*AYES: Wilson, Thorpe, Tiscareno*

*Noes: Wright*

*Absent: Ogorchock*

The motion failed.

Mayor Wright made a motion to adopt an interim urgency ordinance of the City Council of the City of Antioch extending a temporary moratorium on non-medical marijuana uses with the City of Antioch pending completion of an updated to the City's zoning ordinance for a period of twelve (12) months and directing staff to provide a report to council every two months; seconded by Council Member Wilson.

*Ayes: Wilson, Wright*

*Noes: Thorpe, Tiscareno*

*Absent: Ogorchock*

The motion failed 2-2

Council Member Tiscareno made a motion to reconsider the first motion to adopt an interim urgency ordinance of the City Council of the City of Antioch extending a temporary moratorium on non-medical marijuana uses with the City of Antioch pending completion of an updated to the City's zoning ordinance for nine (9) months and direct staff to bring a report back to Council every two months; seconded by Council Member Thorpe.

*Ayes: Wilson, Thorpe, Tiscareno & Mayor Wright*

*Absent: Ogorchock*

The motion passed and the Urgency Ordinance was adopted for a period on nine (9) months.

**PUBLIC COMMENTS – None**

**STAFF COMMUNICATIONS – None**

**COUNCIL COMMUNICATIONS – None**

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 8:05 P.M. to the next regular Council Meeting on November 14, 2017.

Respectfully submitted:

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ARNE SIMONSEN, CMC, City Clerk