



**MINUTES
CARSON CITY COUNCIL
SPECIAL MEETING
AUGUST 11, 2016**

3:30 P.M.

**CARSON CITY HALL
HELEN KAWAGOE COUNCIL CHAMBERS
701 EAST CARSON STREET
CARSON, CA 90745**

"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's Office at 310-952-1720 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

CALL TO ORDER:

The meeting was called to order at 3:39 P.M. by Mayor Robles.

ROLL CALL: Deputy City Clerk Joy Simarago called the roll:

Council Members Present:

Mayor Albert Robles, Council Member Elito Santarina, Council Member Jawane Hilton, and Council Member Cedric Hicks

Council Members Absent:

Mayor Pro Tem Lula Davis-Holmes (Entered at 3:40 P.M.)

Other Elected Officials Present:

Monica Cooper, City Treasurer

Other Elected Officials Absent:

Donesia Gause, City Clerk (Entered at 4:30 P.M.)

Also Present:

Sunny Soltani, City Attorney; Chris Neumeyer, Assistant City Attorney; Ken Farfsing, City Manager; Cecil Rhambo, Jr., Assistant City Manager; Ralph Aranda, Interim Director of Community Services; Maria Williams-Slaughter, Director of Public Works; John Raymond, Director of Community Development; Gail Dixon-McMahon, Director of Human Resources and Risk Management; Robert Eggleston, IT Manager; Glenn Turner, Computer Systems Support Technician; and Joy Simarago, Deputy City Clerk

CLOSED SESSION (Item 1)

ORAL COMMUNICATIONS – CLOSED SESSION ITEMS ONLY – None.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Soltani presented the Closed Session item as described in this evening's agenda.

RECESS INTO CLOSED SESSION

The meeting was recessed at 3:40 P.M. by Mayor Robles to Closed Session.

Item No. 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (CITY COUNCIL)

A closed session will be held, pursuant to Government Code §54956.9 (d)(2) or (d)(3) & (e)(1) because there is a significant exposure to litigation in 3 cases.

ACTION: Item No. 1 was scheduled for Closed Session.

RECONVENE TO OPEN SESSION:

The meeting was reconvened at 4:30 P.M. by Mayor Robles.

REPORT ON CLOSED SESSION ACTIONS:

City Attorney Soltani reported that there was no reportable action taken.

ORAL COMMUNICATIONS FOR MATTERS LISTED ON THE AGENDA (MEMBERS OF THE PUBLIC)

The following individuals offered comments in opposition to Item No. 3:

Alicia Delgado

Kurt Delicana – also supported staff recommendation No. 1

Dr. Rita Boggs

DeShon Andrews

William Davis

Pauline Davis - provided handout regarding marijuana increase in the state of Colorado after legalization to the City Clerk for Mayor and Council Members

William Koons – also offered comments in opposition to Item No. 4 and offered comments in support of Item No. 5

Jeannie Shimatzu

Richard Vaughn – offered comments in opposition to Item No. 4

Hazel Rivas
Carol Almeda
Richard Bis
Fe Walton
Dianne Thomas
Vivian Hatcher
Robert Lesley

(Council Member Hilton exited the meeting at 5:07 P.M.)

CONSENT: (Item 2)

These items are considered to be routine items of business and have, therefore, been placed on the CONSENT CALENDAR. Any item or items may be removed for discussion. For items remaining on the CONSENT CALENDAR, a single motion to ADOPT the recommended action is in order.

Item No. 2 CONSIDER EXTENDING THE AGREEMENT FOR BULK PURCHASING OF GASOLINE AND DIESEL FUEL (CITY COUNCIL)

Item No. 2 was heard after Item No. 3 at 6:30 P.M.

Recommendation: TAKE the following actions:

1. WAIVE the formal bid process defined by the Carson Municipal Code, Section 2607, as allowed by Section 2604 (d).
2. APPROVE the extension of the agreement for the bulk purchase of gasoline and diesel fuel with Southern Counties Oil Company, dba SC Fuels; for six additional months; effective July 1, 2016 through December 31, 2016, for an estimated cost of \$125,000.00.

ACTION: Item No. 2 was approved on the Consent Calendar on motion of Hicks, seconded by Hilton and carried by the following voice vote:

Ayes: Mayor Robles, Mayor Pro Tem Davis-Holmes, Council Member Hilton, and Council Member Hicks
Noes: None
Abstain: None
Absent: Council Member Santarina

DISCUSSION (Items 3-5)

Item No. 3 OVERVIEW OF PROPOSITION 64 (THE ADULT USE OF MARIJUANA ACT) AND CONSIDERATION OF CITY ACTION CONCERNING PROPOSITION 64, INCLUDING POSSIBLY SENDING BALLOT MEASURES TO THE CARSON VOTERS TO REGULATE, RESTRICT, AND/OR TAX ALL CANNABIS RELATED BUSINESS AND ACTIVITIES WITHIN THE CITY OF CARSON (CITY COUNCIL)

Item No. 3 was heard after Item No. 4 at 5:27 P.M.

City Manager Farfsing presented the staff report.

City Attorney Soltani discussed Proposition 64.

(Mayor Robles exited the meeting at 5:31 P.M. and reentered the meeting at 5:33 P.M.)

Assistant City Attorney Neumeyer provided a PowerPoint presentation of the Proposed Marijuana Ballot Measures - California Law.

(Council Member Santarina exited the meeting at 5:55 P.M. to attend the Vector Control meeting.)

A discussion ensued regarding tax on marijuana businesses.

- Recommendation: REVIEW the information in this staff report and TAKE one or more of the following actions:
1. DIRECT staff to take no immediate action, with understanding that further direction may be provided at a future date and prior to 2018, if AUMA passes;
 2. DIRECT staff to prepare an ordinance for Council consideration to prohibit all marijuana activities within the City of Carson with the exception of the activities which will be expressly allowed and authorized by AUMA and City does not have legal authority to prohibit pursuant to AUMA;
 3. DIRECT staff to prepare an ordinance for Council consideration to restrict and regulate some or all of the medical marijuana operations currently allowed under state law and/or, contingent on passage of AUMA, some or all of the nonmedical marijuana businesses (which will be allowed under state law if AUMA passes).
 4. CONSIDER sending ballot measures for consideration to the voters regulating and restricting all cannabis related businesses and activities and/or taxing same.

5. IF DECISION is to send ballot measures for consideration to the voters regulating and restricting all cannabis related businesses and activities, THEN WAIVE further reading and ADOPT attached resolutions:
 - a. Resolution No. 16-112 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE TO ADOPT AN ORDINANCE REGULATING AND RESTRICTING ALL CANNABIS RELATED BUSINESSES AND ACTIVITIES, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016"
 - b. Resolution No. 16-113 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) IN SUPPORT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MEASURE TO ADOPT AN ORDINANCE REGULATING AND RESTRICTING ALL CANNABIS RELATED BUSINESSES AND ACTIVITIES"
 - c. Resolution No. 16-114 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEASURE TO APPROVE AN ORDINANCE REGULATING AND RESTRICTING ALL CANNABIS RELATED BUSINESSES AND ACTIVITIES"
6. IF DECISION is to send ballot measures for consideration to the voters on taxing cannabis related businesses and activities, THEN WAIVE further reading and ADOPT attached resolutions:
 - a. Resolution No. 16-115 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE TO APPROVE TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016"
 - b. Resolution No. 16-116 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA,

SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) IN SUPPORT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, REGARDING THE MEASURE TO APPROVE TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES"

- c. Resolution No. 16-117 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEASURE TO APPROVE TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES"
- 7. If DECISION is to send ballot measures for consideration to the voters on restricting, regulating, and taxing cannabis related businesses and activities all in one, THEN WAIVE further reading and ADOPT attached resolutions:
 - a. Resolution No. 16-118 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE TO ADOPT AN ORDINANCE RESTRICTING, REGULATING, AND TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016"
 - b. Resolution No. 16-119 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) IN SUPPORT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING THE MEASURE TO ADOPT AN ORDINANCE RESTRICTING, REGULATING, AND TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES"
 - c. Resolution No. 16-120 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEASURE TO ADOPT AN ORDINANCE RESTRICTING, REGULATING, AND TAXING CANNABIS RELATED BUSINESSES AND ACTIVITIES"

ACTION: It was moved to Waive further reading and Adopt Resolution Nos. 16-115, 16-116, and 16-117, with the modification to change the tax up to 18%, on motion of Davis-Holmes, seconded by Robles and unanimously carried by the following voice vote:

Ayes: Mayor Robles, Mayor Pro Tem Davis-Holmes, Council Member Hilton, and Council Member Hicks
Noes: None
Abstain: None
Absent: Council Member Santarina

City Attorney Soltani stated that she would provide the proper language modification and present to the Council later in the meeting.

At 6:40 P.M. after Oral Communications (Council Members), City Attorney Soltani stated that she would clarify the wording of the ballot measure to the Carson voters to include the following: 1) Shall a future Council or voters of Carson approve permitting cannabis business activities; 2) \$25 per square foot space utilize for cultivation; 3) 18% of gross proceeds on all cannabis related businesses and activities in Carson to be adjusted annually July 1 CPI; and 4) Annual revenues of \$500,000 to \$3.5 million of Carson with no sunset be approved. She further stated that she would still need to work with language because of word count issue.

Mayor Robles requested that City Attorney Soltani provide the language in final form to the Mayor and Council Members.

Upon request, City Attorney Soltani also clarified that the City Council was not sending any ordinance to the voters that would legalize, permit, regulate, and that cannabis businesses in the City of Carson would be status quo and that the only matter sending to voters is shall a future Council change that or shall voters do a voter initiated measure to legalize it in the City, to that nature and under that circumstance there would be a 18% tax that would be in place, if passed in November 2016 election, and \$25 per square foot on cultivation, which there was a distinction yet to be clarified.

Item No. 4 CONSIDERATION OF CITY ACTION TO SUBMIT TO THE VOTERS A PROPOSED ORDINANCE ESTABLISHING TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON (CITY COUNCIL)

Item No. 4 was heard after Item No. 5.

Recommendation: REVIEW the information in this staff report and TAKE one or more of the following actions:

1. CONSIDER whether to send Ordinance No. 16-1598 titled "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, SETTING TERM LIMITS FOR THE ELECTED OFFICIALS IN THE CITY OF CARSON BY ADDING A NEW CHAPTER 12 'TERM LIMITS FOR ELECTED OFFICIALS' TO ARTICLE II OF THE CARSON MUNICIPAL CODE" to the voters at the November 8, 2016 election.

2. IF DECISION is to send a ballot measure to the voters for consideration of establishing term limits for elected officials in the City of Carson, THEN WAIVE further reading and ADOPT attached resolutions:

- a. Resolution No. 16-108 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016".

- b. Resolution No. 16-109 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) IN SUPPORT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING THE MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON".

- c. Resolution No. 16-110 titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING THE MEASURE TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS IN THE CITY OF CARSON".

ACTION: It was moved to approve three term limits for all elected positions to present to the voters to decide yes or no, on motion of Robles and seconded by Santarina.

During discussion of the motion, Council Member Hilton offered a substitute motion to bifurcate the Mayor and Council, and City Treasurer and City Clerk to make it two questions, which failed due to lack of a second.

The main motion was carried by the following vote:

Ayes:	Mayor Robles, Mayor Pro Tem Davis-Holmes, Council Member Santarina, and Council Member Hicks
Noes:	Council Member Hilton
Abstain:	None
Absent:	None

At 6:45 P.M., City Clerk Gause requested that the Council clarify their vote on Item No. 4.

Upon request, it was moved to approve the staff recommendations on motion of Robles, seconded by Hicks and unanimously carried by the following voice vote:

Ayes: Mayor Robles, Mayor Pro Tem Davis-Holmes, Council Member Hilton, and Council Member Hicks
Noes: None
Abstain: None
Absent: Council Member Santarina

Item No. 5 CONSIDERATION OF CONSOLIDATION OF THE CARSON GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED BY THE COUNTY OF LOS ANGELES ON TUESDAY, NOVEMBER 8, 2016

Item No. 5 was heard after Oral Communications (Members of the Public) at 5:08 P.M.

(Council Member Hilton reentered the meeting at 5:09 P.M.)

City Attorney Soltani summarized the staff report.

- Recommendation:
1. CONSIDER adopting Resolution No. 16-111 confirming and affirming the consolidation of the Carson General Municipal Election with the Statewide General Election to be conducted by the County of Los Angeles on Tuesday, November 8, 2016.
 2. REPEAL Resolution No. 16-085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE ADMINISTERED BY THE CITY'S ELECTION OFFICIAL AND HELD ON TUESDAY, NOVEMBER 8, 2016."

ACTION: It was moved to request that the Los Angeles County Registrar-Recorder Office make signs sufficiently big that would be easily noticeable for the voters; email blast to Carson registered voters and robocall to voters to advise them about the election ballot on motion of Robles.

Council Member Hicks requested to add a type of separation between the elections to identify clearly City of Carson election and to go back to original poll locations to ensure that the voters know where to vote.

Mayor Robles amended his motion to incorporate the additional request from Council Member Hicks to have a specific page that would separate the Carson Municipal Election from the County election and give sufficient notice to the Carson voters that the polling places were going to be familiar from the past to the fullest extent possible and seconded by Hicks.

During discussion of the motion, City Clerk Gause discussed the issue of the Voter Information Pamphlet that the County uses was small and that the Carson voters were accustomed to the 8-1/2 x 11 size pamphlet. She stated that the County shared a sample of the City of Santa Monica Voter Information Pamphlet that they send to their voters separately and who were also on the ballot with the County.

She further stated that she would need direction from City Council to mail a separate Voter Information Pamphlet to the Carson voters due to the fiscal impact involved.

Mayor Robles requested that City Clerk Gause bring back a budget of the Voter Information Booklet at the next Council meeting.

City Attorney Soltani clarified that the Council could request the additional items but there was no guarantee that the County of Los Angeles would do so.

It was moved to 1) Adopt Resolution No. 16-111 and 2) Repeal Resolution No. 16-085, on motion of Robles and seconded by Hicks.

The motion, as amended, was unanimously carried by the following vote:

Ayes:	Mayor Robles, Mayor Pro-Tem Davis-Holmes, Council Member Santarina, Council Member Hilton, and Council Member Hicks
Noes:	None
Abstain:	None
Absent:	None

ORAL COMMUNICATIONS (COUNCIL MEMBERS)

This item was heard after Item No. 2 at 6:32 P.M.

Memorial Adjournments

Council Member Hilton requested that City Clerk Gause add Teumalo Lagi Ulufanua, father of Carson Park Director Janny Noa, to the Memorial Adjournment list.

Council Member Hicks requested that City Clerk Gause add his cousin Robert Brown to the Memorial Adjournment list.

Mayor Pro Tem Davis-Holmes requested that City Clerk Gause add her elementary school friend Sandra Carter to the Memorial Adjournment list.

City Clerk Gause offered condolences and prayers to the families who lost their loved ones and requested that this evening's meeting be adjourned in memory of the following:

Mustufo Lopez, Commissioner Maria Horton's father
Teumalo Lagi Ulufanua
Robert Brown
Sandra Carter

Council Member Hilton

- Announced Relay for Life, on Friday, August 12, 2016, at the StubHub Center with Mayor Pro Tem Davis-Holmes as Honorary Chair.

Council Member Hicks

- Announced the Backpack Giveaway, on Saturday, August 13, 2016, 11:00 A.M. at the Loker Center, at California State University Dominguez Hills.

(Council Member Hilton exited the meeting at 6:36 P.M.)

Mayor Pro Tem Davis-Holmes

- Reported that she was in Cuba for 10 days which was an eye-opening, humbling experience.

(Council Member Hilton reentered the meeting at 6:38 P.M.)

Council Member Hicks

- Reported that the City of Carson had a team that would be participating in the Relay for Life event at the StubHub Center, on Friday, August 12, 2016, at 6:00 P.M.
- Announced that St. Philomena Church would be celebrating their 60th Anniversary, on Saturday, August 13, 2016, at 9:00 A.M, at St. Philomena Church.
- Toured the Long Beach Container Terminal yesterday with Jackie Bacharach from South Bay COG. The Long Beach Container Terminal was considered a state of the art transfer of goods from overseas and by year 2020, they will be processing close to 4,000 to 5,000 containers a day which would increase truck route in the City. He requested that the City Manager look into how the City streets would be affected due to impact in the future.

(Mayor Pro Tem Davis-Holmes exited the meeting at 6:39 P.M. and reentered the meeting at 6:40 P.M.)

ADJOURNMENT

The meeting was adjourned at 6:46 P.M. by Mayor Robles.

Mayor Albert Robles

ATTEST:

Donesia L. Gause, CMC
City Clerk

APPROVED AND ADOPTED BY CARSON CITY COUNCIL		
09-06-16		
Approved as Submitted	AR/ES	5/0