GENERAL PURPOSE MEETING

Monday, May 19, 2014

6:00 p.m.

Council members present: Marc Crawford-Chair, Cheryl Miraglia, Dave Sadoff, John Ryzanych, Matt Turner, Aileen Chong-Jeung

Location: Castro Valley Library – 3600 Norbridge Avenue, Castro Valley, CA 94646

Summary Minutes

PUBLIC COMMENT

None.

I. Approval of Minutes - April 2014 minutes

A motion was made by Matt Turner and seconded by Cheryl Miraglia that the minutes of April 21, 2014 be accepted as corrected.

Motion passed 6/1 - Councilmember Cunha was excused.

II. AB 551 – Ting, Urban Agriculture Incentive Zones (Informational item)

Liz McElligot, Deputy Director, Community Development Agency, presented a memorandum summarizing Assembly Bill 551, Urban Agriculture Incentive Zones, authored by Assemblyman Phil Ting.

The purpose of AB 551 is to support urban agriculture by increasing the amount of land available for agricultural activities and to provide stability for urban farmers by ensuring that land will be committed to agriculture for a period of years. The law also provides the opportunity to improve the appearance of vacant, blighted properties by putting the land into agricultural production. AB 551 authorizes cities and counties to designate urban agriculture incentive zones. In exchange for agreeing to limit the use of the property to agriculture for the term of the contract, the property owner would benefit from a reduction in property taxes on the parcel. Participation is voluntary for the County and the private property owner.

To implement AB 551 the County would need to establish by ordinance one or more Urban Agriculture Incentive Zones. If communities would like to establish Urban Ag Incentive Zones, there would be a public process and rules and regulations on the types of agricultural would be adopted by the County.

If there is sufficient interest in AB 551, the Planning Department staff will draft an ordinance and begin public discussion.

Recommendation from MAC Council: The Council did not make a motion on this item, however there was consensus from Councilmembers present to support unincorporated communities who would like to implement Urban Agricultural Zones.
III. Update on Tobacco Retailer’s License

Paul Cummings, Public Health Department, Health Care Services Agency, presented a redlined version of the proposed Tobacco Retailers Licensing Ordinance (TRL). Mr. Cummings informed the Council that their previous comments regarding the ordinance had been considered and the ordinance has been revised to reflect some of the changes requested by the Council.

Speakers

Mira Yoon, American Lung Association, supports the TRL ordinance and believes that it will help prevent tobacco usage among youth.

Marcia Brown-Mackin Alameda County Tobacco Control Coalition encouraged the Council to pass the TRL ordinance. Ms. Brown-Mackin stated that the TRL, which was passed in the city of Berkeley approximately ten years ago, has been successful in reducing tobacco usage among youth.

Serena Chen, American Lung Association, brought samples of the cigars that are referenced in the ordinance that are packaged in colorful packages and come in assorted fruit flavors, which are targeted to youth. The TRL will not prohibit sales of tobacco to adults. The TRL will help prevent tobacco usage with minors.

Sergeant Brett Scheuller, Sheriff’s Office, stated that through the TMSF, the Sheriff’s Office is able to do minor decoy operations in establishments that sell tobacco. As a result of the decoy operations that are done routinely, sales to minors has decreased. Through education and holding businesses accountable, the TRL will help decrease sales of tobacco products to minors.

Bob Swanson, Constituent Liaison, District 4, met with Ready Set Vape, in Castro Valley, and they would like to be exempt from the part of the ordinance that prohibits sampling of products.

Tona Henninger, Code Enforcement, stated that for the Alcohol Ordinance there is an education component, which is lacking in the TRL. Ms. Henninger encouraged the Council to look at an education component in the TRL in the future.

Recommendation from MAC Council:
After discussion from the Council, a motion was made by Cheryl Miraglia and seconded by Matt Turner regarding the Tobacco Retailer’s License that:

1) Delete section G in its entirety, related to cigar pack size
2) The Tobacco Retailer’s License Fee (TRL) should be decreased to $200, with the balance of any costs incurred be funded by the Tobacco Master Settlement Funds (TMSF)
3) Align the definition of “smoke” and “smoking” in the new draft ordinance with previous definitions, that it is not so broadly defined
4) Add an educational component to the TRL, via detailed materials with licensing fee renewals for the first year, with the intent of increasing education in future years
5) Add an exclusion for electronic smoking devices that do not contain carcinogens or nicotine

Motion passed 6/1 - Councilmember Cunha was excused.

The meeting was adjourned to June 16, 2014.