



SPECIAL MEETING AGENDA OF THE JURUPA VALLEY CITY COUNCIL

Tuesday, August 18, 2020

Regular Session: 6:00 p.m.

City Council Chamber

8930 Limonite Avenue, Jurupa Valley, CA 92509

Special Notice

In an effort to prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20, this meeting will be closed to the public. You may watch the live webcast at this link: <https://www.jurupavalley.org/422/Meeting-Videos> Public email comments may be submitted to the City Clerk at CityClerk@jurupavalley.org Members of the public are encouraged to submit email comments prior to 5:00 p.m. the day of meeting, but email comments must be submitted prior to the item being called by the Mayor. The City Clerk shall announce all email comments, provided that the reading shall not exceed three (3) minutes, or such other time as the Council may provide, because this is the time limit for speakers at a Council Meeting. Comments on Agenda items during the Council Meeting can only be submitted to the City Clerk by email. The City cannot accept comments on Agenda items during the Council Meeting on Facebook, social media or by text.

1. 6:00 PM - CALL TO ORDER AND ROLL CALL FOR SPECIAL MEETING

- Anthony Kelly, Jr., Mayor
- Lorena Barajas, Mayor Pro Tem
- Chris Barajas, Council Member
- Brian Berkson, Council Member
- Micheal Goodland, Council Member

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. COUNCIL BUSINESS

- A. APPROVAL OF A REBUTTAL ARGUMENT IN SUPPORT OF MEASURE U, A BALLOT MEASURE TO ADOPT NEW REGULATIONS GOVERNING COMMERCIAL CANNABIS ACTIVITY IN THE CITY AND TO INCREASE THE TAX ON COMMERCIAL CANNABIS ACTIVITY IN THE CITY**

That the City Council adopt Resolution No. 2020-71, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING A REBUTTAL ARGUMENT IN SUPPORT OF VOTER APPROVAL OF THE PROPOSED CANNABIS REGULATORY AND TAX MEASURE ON THE NOVEMBER 3, 2020 BALLOT

5. ADJOURNMENT

Adjourn to the Regular Meeting of August 20, 2020 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley City Council or other services, please contact Jurupa Valley City Hall at (951) 332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Agendas of public meetings and any other writings distributed to all, or a majority of, Jurupa Valley City Council Members in connection with a matter subject to discussion or consideration at an open meeting of the City Council are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, Jurupa Valley City Council Members. The City Council may also post the writing on its Internet website at www.jurupavalley.org.

Agendas and Minutes are posted on the City's website at www.jurupavalley.org.

City of Jurupa Valley

STAFF REPORT

DATE: AUGUST 18, 2020
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
SUBJECT: AGENDA ITEM NO. 2.A

APPROVAL OF A REBUTTAL ARGUMENT IN SUPPORT OF MEASURE U, A BALLOT MEASURE TO ADOPT NEW REGULATIONS GOVERNING COMMERCIAL CANNABIS ACTIVITY IN THE CITY AND TO INCREASE THE TAX ON COMMERCIAL CANNABIS ACTIVITY IN THE CITY

RECOMMENDATION

- 1) That the City Council adopt Resolution No. 2020-71, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING A REBUTTAL ARGUMENT IN SUPPORT OF VOTER APPROVAL OF THE PROPOSED CANNABIS REGULATORY AND TAX MEASURE ON THE NOVEMBER 3, 2020 BALLOT

BACKGROUND

On July 16, 2020, the City Council adopted Resolution No. 2020-59 placing a measure on the ballot for the November 3, 2020 election for approval by the voters of an ordinance to regulate commercial cannabis activities in the city, including the sale, manufacture, testing, distribution, and cultivation of cannabis and cannabis products and to increase the tax on commercial cannabis activity in the City. The ballot measure is now known as "Measure U."

It is fundamental law in California that no public funds or public resources may be expended in support of or opposition to ballot measures. Public funds and resources may only be utilized for informational purposes, including presentations or materials that are accurate, fair, and impartial and do not advocate a position for or against the measure.

There are, however, two exceptions to the general rule prohibiting advocacy--1) Council may adopt a resolution expressing its opinion on a ballot measure; and 2) Council may file an argument in support of or opposition to a ballot measure for the City and a rebuttal argument.

Section 4 of Resolution No. 2020-59 authorizes the members of the City Council to submit a ballot argument in favor of the measure and a rebuttal argument to any argument filed in opposition to the measure pursuant to the authority of Elections Code Section 9282 .

Attached is a draft Rebuttal Argument of the City Council in support of this ballot measure.

FINANCIAL IMPACT

The adoption of the Rebuttal argument in support of the ballot measure will not result in any costs to the City other than Staff time and printing costs for processing the ballot argument.

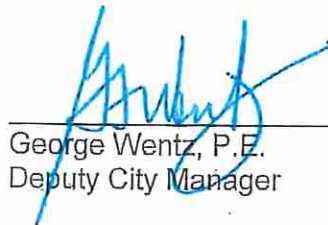
If the voters adopt the ballot measure, this could potentially, and over a period of time, eventually generate additional revenue for the City's general fund. The amount that is generated would depend largely on the number of cannabis businesses that eventually operate in the City, as well as the profitability of those businesses. In addition, the tax rate that is actually imposed by the Council, would significantly impact how much tax revenue these businesses generated.

Submitted by:



Rod B. Butler
City Manager

Reviewed by:



George Wentz, P.E.
Deputy City Manager

Reviewed by:



Peter M. Thorson
City Attorney

Reviewed by:



Victoria Wasko
City Clerk

Reviewed by:



Thomas Merrell
Planning Director

Reviewed by:



Keith Clarke
Building Department Director

Attachments:

1. Resolution approving a Rebuttal Argument in support of Measure U, the cannabis business regulatory and tax ordinance on the November 3, 2020 ballot.
2. Proposed Council Rebuttal in favor of Measure U.
3. Council ballot argument in favor of Measure U approved by the City Council on August 6, 2020.
4. Ballot argument in opposition to Measure U filed on August 10, 2020.

RESOLUTION NO. 2020-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING A REBUTTAL ARGUMENT IN SUPPORT OF VOTER APPROVAL OF THE PROPOSED CANNABIS REGULATORY AND TAX MEASURE ON THE NOVEMBER 3, 2020 BALLOT

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY RESOLVE THAT:

Section 1. On July 16, 2020, the City Council adopted Resolution No. 2020-59 placing a ballot measure on the November 3, 2020 election for approval of a new cannabis regulatory and tax measure by the voters now known as Measure U. Elections Code Section 9285 and Resolution 2020-59 authorizes the City Council to submit a Rebuttal argument in support of the proposed cannabis business regulatory program and tax measure. The City Council authorizes all Councilmembers to sign the proposed Rebuttal Argument supporting the proposed measure as shown on Exhibit A as authorized by Elections Code Section 9282.

Section 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 18th day of August 2020.

Anthony Kelly, Jr.
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2020-71 was duly passed and adopted at a special meeting of the City Council of the City of Jurupa Valley on the 18th day of August 2020 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 18th day of August 2020.

Victoria Wasko, City Clerk
City of Jurupa Valley

REBUTTAL ARGUMENT

Vote Yes on Measure U!

The retail cannabis tax will **only** be applicable to sales in the **NINE** businesses selling cannabis under Measure U. It **does not apply** to non-cannabis local businesses in Jurupa Valley.

Even with the tax rate increase, the retail cannabis tax rate will be lower than the rate imposed in half of the cities in Riverside and San Bernardino Counties that allow retail cannabis sales.

The cannabis tax is an appropriate increase of an existing tax on cannabis dispensaries and other cannabis businesses that are currently not paying their fair share. It will provide funds for important City services, such as public safety, road improvements, health programs, youth and senior programs, and other community programs.

Measure U is much more than just a tax measure--

- It protects small businesses by increasing the parking requirements at the very busy cannabis retailers so that parking is available for other local businesses.
- It protects the community by separating cannabis businesses by 1,000 feet from sensitive land uses: (1) a school providing instruction in kindergarten or any grades one through twelve, (2) day care center, (3) youth center, (4) church or other religious facility, or (5) park in existence at the time the application is submitted to the city.

The City Council discussed Measure U at every regular City Council Meeting between May 7 and July 16, 2020--**a total of six public meetings**. These meetings were broadcast live to the community and are on the City's Website.

ARGUMENT IN FAVOR OF MEASURE U

VOTE YES ON MEASURE U

In November 2018 the people of Jurupa Valley voted to legalize the sale of cannabis at dispensaries and to legalize other commercial cannabis businesses.

New Measure U would provide up-to-date and fair regulations of cannabis businesses and a fair tax on cannabis businesses to better protect the community;

New Measure U will include the following protections for the community and neighborhoods:

- Cannabis dispensaries and cannabis businesses would be separated by 1,000 feet from the following sensitive uses (1) a school providing instruction in kindergarten or any grades one through twelve, (2) day care center, (3) youth center, (4) church or other religious facility, or (5) park in existence at the time the application is submitted to the city;
- Increased parking requirements for retail cannabis dispensaries;
- An appropriate and fair increase in taxes on cannabis dispensaries and other cannabis businesses to provide funds for important City services, such as public safety, road improvements, health programs, youth and senior programs, and other community programs;
- Stronger operational regulations for cannabis dispensaries and businesses to address important community concerns relating to security, health and safety, background checks of managers and employees, signage, and use of cannabis on premises;
- Require annual cannabis permits following a public hearing to enable the City to monitor dispensaries and other cannabis businesses on an on-going basis and address potential problems;
- A more equitable means of licensing cannabis dispensaries and cannabis businesses without artificial limits on who can operate a cannabis business; and
- No concentration of cannabis dispensaries in one particular commercial area.

The people of Jurupa Valley deserve an up-to-date and fair regulations of cannabis businesses and an appropriate tax on cannabis businesses.

STATEMENT BY PROPONENTS/AUTHORS OF ARGUMENTS

(Section 9600 of the Elections Code requires that all arguments concerning measures shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument).

The undersigned proponent(s) or author(s) of the Primary argument In Favor
(PRIMARY OR REBUTTAL) (IN FAVOR OR AGAINST)
ballot measure U at the General Election
(LETTER) (TITLE OF ELECTION)
for the City of Jurupa Valley to be held on November 3, 2020
(DISTRICT OR JURISDICTION) (DATE)

hereby state that such argument is true and correct to the best of their knowledge and belief.
(HIS/HER/THEIR)

PROPONENT'S/AUTHOR'S NAME:

SIGNATURE:

1.

Anthony Kelly, Jr., Mayor

PRINTED NAME (TITLE OPTIONAL)

8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDRESS



SIGNATURE

(951) 332-6464

(PHONE)

8/6/2020

DATE

2.

Lorena Barajas, Mayor Pro Tem

PRINTED NAME (TITLE OPTIONAL)

8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDRESS



SIGNATURE

(951) 332-6464

(PHONE)

8/6/2020

DATE

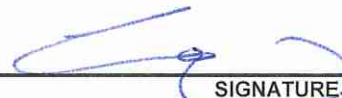
3.

Chris Barajas, Council Member

PRINTED NAME (TITLE OPTIONAL)

8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDRESS



SIGNATURE

(951) 332-6464

(PHONE)

8/6/2020

DATE

4.

Brian Berkson, Council Member

PRINTED NAME (TITLE OPTIONAL)

8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDRESS



SIGNATURE

(951) 332-6464

(PHONE)

8/6/2020

DATE

5.

Micheal Goodland, Council Member

PRINTED NAME (TITLE OPTIONAL)

8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDRESS



SIGNATURE

(951) 332-6464

(PHONE)

8/6/2020

DATE

Argument Against Measure U

Taxes are already too high! VOTE NO on Measure U.

City officials tried to sneak this tax hike measure through in the middle of the summer without adequate public scrutiny. Fortunately, the residents of Jurupa Valley weren't fooled.

All 30 of the people who spoke at the City Council meeting on July 16th were OPPOSED to this tax hike. But the City Council IGNORED THE PEOPLE and voted for the tax increase measure anyway.

Enough is enough! Here's why Taxpayers, Small Businesses and Medical Patients ask you to VOTE NO on Measure U:

HIGHER MEDICAL COSTS: Measure U will raise the taxes on medical cannabis--even for patients who need it to control severe pain.

HURTS SMALL BUSINESSES: Measure U will increase the tax burden on Jurupa Valley small businesses who are already suffering economic losses as a result of Covid-19.

TOO COSTLY: Measure U will cause the most financial harm to those who can least afford it. Many Jurupa Valley families and senior citizens on fixed incomes are now struggling just to pay higher grocery bills; higher gas taxes; and higher costs for housing. We CAN'T AFFORD another tax increase!

The people of California already pay the nation's highest costs for housing; the nation's highest state income taxes; and the nation's highest gas taxes. Raising our taxes even higher is NOT the answer.

It's time to make City Hall start listening to the people. VOTE NO on Measure U.
StopTheJurupaValleyTax.com

RECEIVED

AUG 10 2020

CITY OF JURUPA VALLEY

STATEMENT BY PROPONENTS/AUTHORS OF ARGUMENTS

(Section 9600 of the Elections Code requires that all arguments concerning measures shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument).

The undersigned proponent(s) or author(s) of the Primary argument Against
(PRIMARY OR REBUTTAL) (IN FAVOR OR AGAINST)
ballot measure U at the General Election
(LETTER) (TITLE OF ELECTION)
for the City of Jurupa Valley to be held on November 3, 2020
(DISTRICT OR JURISDICTION) (DATE)

hereby state that such argument is true and correct to the best of their knowledge and belief.
(HIS/HER/THEIR)

PROPONENT'S/AUTHOR'S NAME:

SIGNATURE:

1. Chad White
PRINTED NAME (TITLE OPTIONAL)
7075 VALDEZ AVE, JURUPA
ADDRESS VALLEY, CA
909-743-3563 SIGNATURE 8/10/20
(PHONE) DATE
2. LLOYD WHITE - Inland Empire
PRINTED NAME (TITLE OPTIONAL) President
4201 Brockton Hwy taxpayer
ADDRESS Association
Riverside, CA 92501
909-855-3622 SIGNATURE 8/10/20
(PHONE) DATE
3. _____
PRINTED NAME (TITLE OPTIONAL) _____
ADDRESS _____
SIGNATURE _____
(PHONE) DATE
4. _____
PRINTED NAME (TITLE OPTIONAL) _____
ADDRESS _____
SIGNATURE _____
(PHONE) DATE
5. _____
PRINTED NAME (TITLE OPTIONAL) _____
ADDRESS _____
SIGNATURE _____
(PHONE) DATE