

City Council Meeting

September 27, 2022

Responses to City Council Agenda Questions

5pm Special Meeting - Recology Agreement

Item 4a - Recology Agreement

- How does the procedure for dealing with overflows differ from the current procedure? I seem to recall there's a procedure for this in the current agreement, but it doesn't seem to be enforced; if true, how can we ensure enforcement of the new procedure proposed here?

In the current agreement, references to litter include:

23 4.6.4.3 Clean Up. During the Collection or
24 transportation process, Contractor shall clean up litter in the immediate vicinity
25 of any Solid Waste storage area whether or not Contractor has caused the litter.
26 Contractor shall discuss instances of repeated spillage not caused by it directly
27 with the Waste Generator responsible and will report such instances to City. City
28 will attempt to rectify such situations with the Waste Generator if Contractor has
29 already attempted to do so without success.

In the current agreement, there is basically no enforcement mechanisms, and it is simply reported to the City. As mentioned in the staff report, the new agreement has a detailed process Recology can now follow independent of the City which has much more "teeth" to deal with the problem.

The New Agreement provides a detailed procedure for Recology to deal with overages that result in litter. The rates will now include an overflow fee which may be paid by a customer that notifies Recology in advance of the overage or a charge by Recology for unanticipated overages. If a service recipient is found to repeatedly set out overages without prior arrangement, Recology may do any of the following: (i) collect such collection overflow at no additional charge as a courtesy; (ii) leave a Non-Collection Notice and decline to collect the collection overflow; (iii) Collect the collection overflow (up to two lifts) and charge the service recipient in the regular bills the overflow fee as described in the approved rate schedule (no prior arrangement); or (iv) increase the capacity or frequency of collection of the existing collection container(s) to match documented service needs.

In the event of non-collection, Recology shall affix to the bin or cart a Non-Collection Notice which explains why collection was not made and includes instructions for the service recipient to cure the overflow and arrange for Recology to return to collect the garbage, organic waste, or recyclable material as applicable. Pursuant to the approved rate schedule, Recology may assess the return trip fee in the regular bills in the event a service recipient arranges for Recology to return to collect material after the service recipient has cured the overflow.

The New Agreement allows the customer to appeal any of these actions to Recology and Recology has the discretion to return the customer to its original cart size. Additionally, there are detailed provisions requiring Recology to deal with contamination in recycling and organics to support the

City's diversion goals. All of these provisions are significantly enhanced compared to the Current Agreement.

7pm Regular Meeting

Item 7a - Cannabis Ordinances

Two items related to the Security section (12.300.100) of the proposed ordinance:

- The staff report indicates that the "mosquito" devices should remain as an option for use where deemed appropriate as they may not be appropriate everywhere. But provision 12.300.100 A 17 in the proposed code seem to indicate the devices are mandatory; the section begins with "security measures shall include but not be limited to all of the following:".

The decision to keep the language as is, was based on the following lead in paragraph to the security plan:

12.300.100 Security. A. A commercial cannabis operation shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis operation. The specific security measures shall be identified in the operations plan. Except as may otherwise be determined by the Director these security measures shall include, but shall not be limited to, all of the following:

This keeps a fairly exhaustive list of measures but allows for measures listed to be removed by the Director or for additional measures to be added.

- Section E of the security section indicates various security-related scenarios wherein the cannabis operator would need to contact the City Manager. Should this be amended to include "and also the Police department."?

While the Police Department can be added here (as suggested), the Security Plan for each cannabis establishment will list the criteria for notifying the Police Department. The required Police notifications may be more expansive than those listed in Section E. The Police Department is not mentioned in Section E so that there is not duplication of the required Police Department notification criteria. Additionally, the items listed in Section E are intended to be significant enough as to warrant notification of the City Manager and, as noted above, the required notifications to the Police Department may be more expansive.

- The mayor's surname is misspelled at the signature line of both Ordinances.

Corrected.

- What outreach has our police department done to law enforcement organizations in other jurisdictions that allow retail cannabis to help understand the security concerns and strategies to mitigate them?

Police Chief Johansen has personally met with Police Chiefs in several jurisdictions that allow retail cannabis businesses. In doing so, he solicited information regarding crime associated with these businesses, preventative security requirements imposed on these businesses, background check procedures associated with store owners and staff, and staff time requirements associated with the presence of these businesses in their jurisdictions. He has also attended multiple seminars put on by organizations such as NCRIC, dealing with regional issues associated with cannabis businesses, to include debriefings on cannabis store burglaries and robberies in the region.

- To staff's knowledge, have any of our neighboring jurisdictions who allow retail cannabis sales seen meaningful upticks in crime related to the dispensaries?

No, they have not. All jurisdictions report very few calls for service associated with the cannabis businesses in their cities, and that most of the calls they have received are for low level issues such as people using cannabis in vehicles nearby and parking complaints.

- How specifically are dispensaries going to ensure/enforce that only patrons of legal age can enter the premises?

Dispensaries are required to post a security staff member at the point of entry and conduct identification checks prior to allowing any person to access the store. We could additionally require identification scanning and/or customer entry into the store's database at first visit as additional measures if we choose.

- Can staff elaborate on the security requirements, specifically around security staffing requirements?

The security list of recommended measures was developed from state law security requirements and best practices from local ordinances in California. California law requires that there be at least one security person on duty while the store is open:

§ 5045. Security Personnel. (a) A licensed retailer or licensed microbusiness authorized to engage in retail sales shall hire or contract for security personnel who are at least 21 years of age to provide on-site security services for the licensed retail premises during the hours of operation. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

The draft ordinance requires that the business have a security manager who will be the main point of contact for the city. This person would provide the security plans and contacts of security personnel to the city.

- Question specifically for Chief Johansen: in your review of the final draft ordinances, we are considering tonight and in the entire months-long process that has brought us to this point, as our police chief do you have any lingering concerns regarding public safety or anything else should these ordinances be enacted?

Unfortunately, I cannot predict what will or will not happen with cannabis businesses as they pop up in San Bruno. My research, experience, and expertise have not uncovered any articulable increased threats to community safety associated with cannabis businesses opening up in our city. That said, the potential quality of life impacts in areas where these businesses open is likely directly related to the quality of the retailer. For example, in Santa Cruz there are a number of these businesses that have been in operation for years now. The high-end locations actually seem to enhance and beautify the areas around them. On the contrary, the lower end vendors seem to create a surrounding environment similar to that of a liquor store. Because we care a great deal about quality-of-life issues here at SBPD, I do have concerns surrounding the need to attract the right types of cannabis businesses and owners. As the Police Chief, I have safety concerns about all sorts of businesses that open in our city, because my staff is directly responsible for ensuring that safety, but that does not justify stopping those businesses from opening. Medical facilities create additional safety burdens due to the materials they have on-hand; high-profile tech companies create additional safety burdens due to the huge swath of people they impact with their policies; on-site alcohol businesses create additional safety concerns associated with alcohol consumption; the list goes on and on. There is no evidence to suggest that cannabis stores should even appear at the top of this list of safety impacting businesses. It appears that cannabis gets this added attention mostly because of the stigma associated with it previously being illegal.