

**1. CALL TO ORDER – ROLL CALL**

Councilmember AnaMarie Avila Farias called the meeting to order at 6:15 p.m. in the Council Chambers.

PRESENT: Councilmember AnaMarie Avila Farias  
Councilmember Mike Menesini  
STAFF: Acting City Manager Alan Shear  
Captain Eric Ghisletta  
Chief of Police Gary Peterson  
Dep. Director Strategic Planning & Economic Dev. Anna Gwyn Simpson  
EXCUSED: None  
ABSENT: None

Councilmember Avila Farias stated that the Marijuana Issue would be taken out of order.

**3. Marijuana Issue: Outside Grows.**

Chief Peterson commented that several members of the community have recently complained to him and the Council regarding their neighbors cultivating marijuana plants, which has created an offensive odor in their neighborhoods. The police department has investigated two cases at different residences in different parts of the City. It was determined that the individuals cultivating marijuana were medical marijuana patients or caregivers; and therefore, lawfully permitted to do so under California law. A review of police records revealed there were only three other marijuana grow complaints in the past five years.

The Chief gave a brief overview of California law as it relates to medical marijuana noting that in November of 1996, California voters passed Proposition 215, which decriminalized the cultivation and use of marijuana by seriously ill individuals who have a physician's recommendation. In 2004, the legislature passed the Medical Marijuana Program Act (MMPA), which established the identification card program, and it allows individuals to collectively grow and use it for personal consumption.

Under the MMPA and subsequent appellate decisions, and interpreting the act, qualified patients and caregivers that possess a State-issued identification card may possess eight ounces of dried marijuana and may cultivate sufficient marijuana plants to meet their needs. We have found that in some parts of California doctors' recommendations have been up to 99 marijuana plants; however, most law enforcement agencies in the State follow a guideline permitting 6 mature or 12 immature marijuana plants per qualified patient.

The Chief added that more than one caregiver or patient may reside in the same residence. Alternatively, a caregiver may be growing marijuana for more than one patient with cards at their property. This would allow them to cultivate more plants than you would think would be ordinarily permissible. Notwithstanding the provisions of the Compassion Act and the MMPA, marijuana use and cultivation remains a criminal offense under Federal law. However, the recent Federal guidelines state they will not prosecute the personal use of marijuana for medical purposes.

Councilmember Avila Farias explained the Public Safety Subcommittee's purpose. It has been reenacted by the City Council as a Subcommittee that will be ongoing, meeting once a month, not just for the marijuana issue, but to address crime, community wellness and issues in general. It is very important that we address the marijuana issue considering what has transpired. This is the first of many conversations to educate and become familiar with State law and take a recommendation back to the Council to restrict, if we choose to. She expressed concern with the recent cases of grows in the backyard and the smell as a result of the grows, this a quality of life issue. She commented that she did not want to infringe on people's rights or on State law; however, the Subcommittee needs to explore the issue.

Councilmember Avila Farias inquired what the City is doing for verification and certification. Chief Peterson replied that under existing law, a resident can have the number of plants per their doctor's recommendation, but the Council does have the power to regulate it. Councilmember Avila Farias stated she'd like the Subcommittee to move forward and regulate this, because it is getting out of hand; however, does not want to take it away from people who medically need it.

Councilmember Avila Farias opened the item for discussion.

Georgia Giblin, resident, provided staff with documentation of research she has completed. She noted that there are many regulations in place; however, what is needed is someone to enforce them. She further explained that the owners of these homes will not comply with nuisance laws. She explained they were harvesting and burning items, and she had to go to great lengths and contact the Fire Department to enforce the laws. Neighborhoods stink, it's toxic, and it's an issue for the elderly and a clean air problem. Ms. Giblin stated these growers are pros, with pump systems and drying systems. The building they put up to dry the marijuana in is not up to code, and Code Enforcement has been contacted. She noted that she has to do all the work to get this stopped and no one is working together.

Kit Greerty, resident, thanked Councilmember Avila Farias and Chief Peterson for their comments and concern for the community. She also apologized to Ms. Giblin for having to endure the problem. She encouraged the committee to look into the laws regarding collective grows, because she believes they imply something else. She stated that the Chief mentioned the Federal government will not prosecute personal use, but this isn't for personal use. She believes this is a selling operation for growers and sellers to make a profit, not a medical marijuana grow. She asked the Subcommittee to scrutinize the situation, or she believes it will lead to a lawsuit due to citizens having to endure the emotional distress and depression caused by this.

Robin Hotashell, resident, stated she's concerned about several things. One item is if people are not allowed to burn items in their yards, how are they allowed to burn marijuana? How do they have special privileges? She doesn't want Martinez to be known for pot. She doesn't want the City to become another Willits. No one wants to have it near their home. She believes it needs to be nipped in the bud before it overtakes us and it devalues property. 72 plants is more than for 3 people. Any time there are pot dispensaries it gets sold to kids and all kinds of people are buying it, not just medical marijuana. She hopes we can hit this hard and deal with it quickly.

Tom Greerty, resident, stated these are identifiable properties and we need to get to the bottom of who owns these. Contact the landlords and see if it can be handled in a reasonable way. He also discussed how some other cities, such as Modesto, are handling marijuana use and doing a good job. Mr. Greerty stated people want discretion by their law enforcement to handle it and err on the side of public safety and what's best for the citizens. Neighbors are being evaded and trespassed on with smells of marijuana. He looks forward to helping the City with this problem.

Councilmember Avila Farias stated that the Subcommittee needs to review the law and find what is the most restrictive to protect the community. She also doesn't want the issue brought indoors, because she's concerned about burning inside and electrical issues. She asked Chief Peterson to contact Pleasant Hill and Concord regarding the issue in those cities.

Chief Peterson indicated that Concord has an issue, and there are some models we can look at. He added that in the police investigation, no evidence has been found that the folks growing marijuana are selling it. If someone from the community has that information, please call the police department. Chief Peterson recommended that the public gather license plates of vehicles coming and going, provide a description of the individuals and contact Detective Voyvodich.

Councilmember Avila Farias stated that she found it interesting that the few growers we know of didn't come to the meeting to express their views or since this issue is going to affect their business.

Chief Peterson commented that there have been two incidents in the past few months compared to three in the last five years. He stated the City needs to be careful how on crafting an ordinance to better serve the community.

Councilmember Avila Farias stated she believes everyone is in agreement that the farms and crops are not appropriate, nor taking it indoors and public safety is a concern. One person's right is having a detrimental impact on the neighbors and the Subcommittee has a responsibility to address that issue. Chief Peterson agreed and it will be brought back to the Subcommittee next month.

## **2. Department Training on Mental Health Issues**

Chief Peterson gave a presentation and discussed issues related to mental health. When a police officer interacts with a mentally ill person, who wants to hurt themselves or others, mental health professionals are not available because those interactions are happening in the field. Therefore, how those officers have been trained is important to resolving these encounters safely, for both the person with a mental illness and the officer.

In 2000, the State legislature required POST (Peace Officer Standards and Training) to develop a law enforcement training course on mental and developmental disabilities and to report back to the Legislature by 2003 on the process used to develop the course and the number of agencies participating in the course. Subject matter experts convened and developed a course and revised it over several years.

The primary areas that they recognized that were relevant to law enforcement were recognizing disabilities, cause and nature of mental illness, cause and nature of developmental disabilities, verbal intervention strategies, student role playing, responding to violent subjects, alternatives to lethal force, community and State regulations. That curriculum is an eight hour course that is POST certified and several instructors presented the course and agencies were able to send personnel.

In 2006 they developed a DVD so that it could be watched during briefing trainings every day. This has occurred in our agency and everyone went through training in 2009. With turnover, we still have that DVD so we can roll that out for our personnel. Training really starts at the Police Academy, where POST requires that all cadets in the Basic Academy receive a minimum of six hours of classroom instruction to help them recognize individuals with mental illness and other disabilities. The Field Training Program (FTO) provides one on one instruction and the trainee receives training daily. The guidelines were revised in 2003, and retired Lt. Sylvia revised our department's manual. The department also has an Advanced Officer Training. Recently two supervisors completed the course at the Contra Costa Sheriff's Regional Academy on crisis intervention, which provided instruction on reducing the necessity for use of force, increasing self reliance, and helping officers deal with mental health issues in an effective manner.

Some of the topics discussed in the POST DVD highlight schizophrenia, disorganized speech, anxiety illness, mood disorders, major depression, personality disorder, brain damage, dementia, delirium, and Alzheimer's. The department has an officer scheduled for the mental illness awareness refresher in December.

One of the benefits of being the County seat is that we've developed a strong relationship with staff at County hospital and been invited to participate in several mental health workshops over the years. Supervisors Shawn Moore and Lisa Maloney have attended a series of community based workshops comprised of both mental health and other medical care providers specifically designed around patient involvement in their own care.

*\*Councilmember Menesini arrived at 6:45 p.m.*

Councilmember Menesini stated he received the Chief's email and indicated that the Chief is very proactive. Councilmember Menesini asked if any of our officers have been certified in crisis intervention. Chief Peterson replied we have a Hostage Negotiations Team and that's a form of crisis intervention in dealing with people who have mental illness. Councilmember Menesini stated that it would be nice to have one or two officers who have gone through a program to be certified in crisis intervention. Essentially, hostage negotiations are different than dealing with someone who has just 5150 issues. Chief Peterson stated he's looking for a course where we can train everyone in-house and avoid sending people out and incurring all of the overtime.

Councilmember Avila Farias stated individuals in our community who suffer from mental illness have had resources cut due to cutbacks. Some of them are homeless, some are people who can keep themselves and homes together, but still suffer from bipolar and schizophrenia. They include seniors who have Alzheimer's. Teenagers with mental illnesses are on the rise as well and there are generational issues where parents are taking care of their adult children who never left home because of mental illness. She indicated that the department could do a better job of bridging the gap between the County; and indicated that the police department is reluctant to 5150 someone, but it's critical to open that door. Chief Peterson stated the police department is not reluctant to 5150 at all. If someone is a danger to themselves or others they get 5150'd. They are taken to the hospital and evaluated.

Chief Peterson stated the real issue is what type of evaluations are occurring at the hospital. Councilmember Menesini and Chief Peterson discussed that in about 80% of the cases the person is out within eight hours. Councilmember Menesini stated that perhaps we need to discuss with the County and possibly the Sheriff's Department, about temporary conservatorship. It's an issue throughout California. Families are crying out for help, and the resources are not there. However, if someone starts waving a gun they could be shot.

Chief Peterson explained that the department has had good luck with Adult Protective Services (APS), and found them to be responsive. Councilmember Menesini noted that APS is a little different than the County. The medical decisions are made by the doctors. Chief Peterson said it's a systems issue; we're at the intake and it's in others' hands.

Councilmember Menesini requested that staff review what other jurisdictions have done on documented cases where a person has been 5150'd two or three times in six months. Chief Peterson stated they can go back and review cases. A discussion took place regarding people released 8 or 12 hours later and placed back on the street.

Captain Ghisletta stated there is a person at the County that helps with chronic 5150s. He further stated at times the person doesn't meet the criteria for 5150, but they do need resources and the department tries to provide assistance. The department utilizes Doug Stewart with Homeless Outreach to provide resources and deal with continual problems; unfortunately, the process can be frustrating.

Councilmember Menesini restated that he believes one or two officers should become certified in crisis intervention, and he's concerned about the hospital making critical decisions within the first 24 hours. The Chief agreed to look into the matter.

Councilmember Avila Farias opened and closed the item for discussion with no comments from the audience.

In summary, Chief Peterson concluded that he will review the marijuana issue and bring his findings back to the Committee next month; and since he believed that this is a land use issue, he will involve the Planning Department and Code Enforcement.

Councilmember Menesini said he's eager to address this issue as soon as possible. He states industrial grow sites are inappropriate. However, he doesn't have a problem with someone with five or six plants, but a quarter acre is a different issue.

**4. Public Comment (items not on the agenda):**

There were no comments made.

Councilmember Avila Farias thanked staff for coming to the meeting. She felt their presence is important.

**5. Adjournment: 1907 hours.**