

**1. CALL TO ORDER**

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

PRESENT: AnaMarie Avila Farias, Councilmember, and Michael Menesini, Councilmember.

EXCUSED: None.

ABSENT: None.

STAFF: Alan Shear, Acting City Manager; Gary Peterson, Chief of Police; Eric Ghisletta, Captain.

**2. Mental Health Refresher Training**

Chief of Police Gary Peterson provided a brief update stating that the Department has added an eight hour mental health refresher course to the "Catalog of Courses" and will be sending sworn employees once every five years.

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

Chief of Police Gary Peterson presented the staff report, discussing the nuisance complaints received regarding outdoor marijuana grows in the City - odors, impacts on children, visibility issues and the potential for increased crime. He also reviewed the policies of other cities regarding Outdoor Marijuana Grows.

Chief Peterson discussed five options for regulating the cultivation of medical marijuana in the City developed by staff with assistance of the City Attorney 1) take no action and deal with complaints on case by case basis, 2) prohibit all marijuana cultivation, 3) allow only indoor cultivation by qualified patients/caregivers, 4) allow indoor/outdoor cultivation subject to restrictions to the size under cultivation, and 5) prohibiting all outdoor cultivation in any zoning district in any public view, with the exception of no more than 6 plants per property. Staff recommendation was for Option #5 as the ideal balance between those negatively affected by large grows and the rights of patients and caregivers as established by Proposition 215 passed by the voters.

Councilmember Avila Farias expressed appreciation for the excellent staff report, especially the research into how other jurisdictions are handling the issue.

Councilmember Avila Farias opened public comment on the item.

Lawrence Hornbeck asked whether his understanding is correct that anyone who has a grow must be certified as a non-profit. Chief Peterson said not that he was aware. Mr. Hornbeck recommended that a business license be required from any growers. He was also concerned about public safety in the affected neighborhoods, that approval should be required from all neighbors within the smelling radius, and approval from landlords for their renters to be allowed to grow marijuana.

Thomas Greerty noted that the marijuana ordinance in Moraga was an excellent one, in that it prohibits the outdoor growing and/or burning of marijuana. He was concerned that these changes might increase the number of dispensaries in the City - he clarified that the City has the authority to regulate the outdoor growing/burning of marijuana.

Barbara Trumbly noted that her brother was injured in a shooting and lives with constant pain, but he would never use marijuana even for that. She was concerned about public safety in residential neighborhoods from allowing the growing of marijuana.

(Councilmember Menesini arrived at 6:30 p.m. and was seated at the dais.)

Robin Houdashell recommended the City adopt an ordinance banning dispensaries, growing or burning marijuana within City limits, which the City is allowed to do.

Joshua Moe discussed the burning of leftover marijuana plant material, which makes no sense because it doesn't burn easily and it does not give any kind of high. He reviewed public information regarding the growing of marijuana as released by the state attorney general, and smoking restrictions. He also thanked the chief for the information he posted regarding outdoor marijuana growing.

Mike McGuire noted that posting pictures of marijuana grows in the City invites crime, not the growing of medical marijuana (which is different than recreational). He noted that the best way to insure safe marijuana is to allow outdoor grows, and indoor grows have unique challenges such as mold, power outages and ventilation.

Kit Greerty agreed with earlier speakers that an outright ban on the growing and dispensing of marijuana in the City.

Cindy (last name not stated), mother of Joshua, discussed her need for medical marijuana and how carefully she weighed the idea before deciding to pursue it.

Seeing no further speakers, Councilmember Avila Farias closed public comment on the item.

Councilmember Menesini said he supported the staff recommendation for Option #5, given that marijuana has been proven to have medicinal benefits and that the public supported Proposition 215 for medical use of marijuana. He acknowledged that the proposition was poorly written, but the spirit and intent of it was valid. He noted that even the family medicine cabinet can be misused by younger family members. He also

acknowledged there are zoning issues as well as public safety issues, but he thought it important to allow the legal use of medical marijuana. He reiterated his earlier comment to support the staff recommendation for no more than six plants total per residence.

Councilmember Avila Farias noted that this meeting was for consideration of cultivation issues, not the dispensaries. She clarified that she initially supported Option #5 also, with a registry of growers and some compliance inspections.

Chief Peterson indicated it could be very complicated, especially if only 6 plants are allowed. If even six would create a problem, he suggested lowering it to 3 per household. Councilmember Avila Farias said if no registry or compliance is established, she would rather ban the outdoor growing altogether.

Councilmember Menesini commented on the personal rights aspect of the issue, and he questioned whether creation of a registry for this business would set a precedent for other businesses that need "monitoring". He also indicated that he thought six plants was a reasonable amount and would in no way be a nuisance to neighbors. He was equally concerned that the ordinance not create a burden on the police department with enforcement/monitoring issues.

Councilmember Avila Farias said she could accept a 6-plant threshold in the beginning, provided that the ordinance could be revisited after a period of time to be sure that no public safety issues have arisen. Councilmember Menesini noted that most City ordinances can be revised based on circumstances, and he confirmed with Chief Peterson that California state law has set six plants as a threshold for growing for personal use.

Chief Peterson said he thought that Option #5 best addresses the issues at hand and balances the rights of an individual to grow and use medicinal marijuana with public safety concerns.

Councilmember Avila Farias reiterated that although she wasn't sure that Option #5 was ideal, it was preferable to no limit, especially if the situation continues to be monitored for optimal public safety. Councilmember Menesini noted that the recommendation from this Subcommittee would be forwarded to the full Council for further discussion and final decision, and he thought Option #5 was a good compromise.

In response to a question from a member of the audience who asked for clarification in the number of plants allowed, Chief Peterson responded that the staff recommendation is for six plants total per property.

Chief of Police Peterson reviewed that the recommendation that will be taken to the Planning Commission will be the proposed changes to the Martinez Municipal Code, Chapter 22.41 Medical Marijuana Dispensaries, Section 22.41.065 Outdoor Cultivation of Medical Marijuana - Restrictions, which he read for the public:

"Notwithstanding any other provision of this code to the contrary, with the exception of the cultivation of medical marijuana of no more than six (6) plants of any variation or size per property, no person shall cultivate, clone or grow Marijuana of any kind or type outdoors, or within public view, within any zoning district in the City."

4. **PUBLIC COMMENT** (Reserved only for those requesting to speak on items not on the Agenda.)

There were no comments made.

Chief Peterson provided the changes made to the department with the recent promotion of Lieutenant Lisa Maloney; and he reviewed the duties and responsibilities of both Lt. Roth and Lt. Maloney.

Councilmember Avila Farias noted that she and Councilmember Menesini will be signing up for the next CERT training.

A member of the public asked when the next meeting of the Public Safety Subcommittee will be held. Councilmember Avila Farias indicated that the next meeting has not been set yet but when scheduled, it will be noticed on the City's website and posted on the outside bulletin board, as are City Council meetings.

5. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:12 p.m.