

Call to Order

Present: AnaMarie Avila Farias, Vice Mayor and Debbie M^cKillop, Councilmember.

Staff: Manjit Sappal, Chief of Police; John Abaci, Assistant City Attorney; Corey Simon, Senior Planner; Mercy Cabral, Deputy City Clerk.

Vice Mayor AnaMarie Avila Farias called the meeting to order at 6:35 p.m. at the Senior Center, 818 Green Street, Martinez.

Vice Mayor Avila Farias indicated that she was going to move Item #3, Public Comment to the first.

Item #3 taken out of order.

3. Public Comment. (Under Government Code 54954.3, members of the public have the right to address the Committee on any item not on the agenda; however, the Committee may not take any action.)

Seeing no members of the public wishing to speak, Vice Mayor Avila Farias closed public comment.

1. Medical Marijuana Regulation & Safety Act and its impact on the City of Martinez.

Police Chief Manjit Sappal presented the staff report, noting that the Medical Marijuana Regulation & Safety Act deals with two things - marijuana cultivation and delivery. He reviewed provisions of the Act, including the State's role, the City's options with regard to each aspect, needed changes to the City's Municipal Code depending on whether they decide to ban or regulate each aspect, and options for the Subcommittee, (and eventually) the City Council to consider.

Assistant City Attorney John Abaci summarized previous legislation related to medical marijuana and how the recent Medical Marijuana Act affects Martinez' previous ordinances. Vice Mayor Avila Farias asked whether State regulation/licensing requirements would replace or nullify any that the City may enact, and Mr. Abaci stated there can be dual licensing.

Senior Planner Corey Simon clarified that some of the allowances previously granted regarding cultivation were also based on State regulations and they were not enacted by the City. Mr. Abaci agreed, and he reviewed the provisions that the City had stipulated in its Ordinance previously.

There was discussion with the Subcommittee and the public regarding provisions/regulations that other jurisdictions have implemented, the provisions Martinez has already adopted, whether the City's decision not to address indoor cultivation previously grants permission for a limited number of plants (as allowed under previous State law), how Contra Costa County's decision to ban all growing of marijuana and its delivery impacts the City's regulations, the deadline the

State has set for establishing its own licensing system, whether the City should take action now to ensure local control, the need to consider and balance everyone's needs in making the decisions, the concern that too much regulation could result in the whole thing going underground where there will be no protections or regulation, and the possible formation of an ad hoc committee (including business owners, patients, caregivers, others who might have a vested interest and the City) for the consideration and drafting of a comprehensive balanced ordinance. Questions were also raised and concerns expressed about how those needing medical marijuana will be able to get it if cultivation, delivery, and potentially even dispensaries themselves are banned within the City.

Vice Mayor Avila Farias briefly discussed the process for consideration, discussion, and potential action regarding these issues. She acknowledged it can be frustrating to those who want action sooner, but explained it is necessary for the Council to have accurate and up-to-date information to make the best decision for the City and the community.

Vice Mayor Avila Farias invited any other members of the public who wished to speak.

Tom Greerty provided a brief history of the City's Marijuana Ordinance whereby the City banned the use of outside cultivation. He added recently Contra Costa County has banned all indoor, outdoor and deliveries of Marijuana. Mr. Greerty recommended a ban on inside cultivation and dispensaries.

Ray Sloan noted the purpose of Proposition 215 was to help patients get their medicine. By banning everything, what happens to these folks?

Don Duncan, Americans for Safe Access, discussed his organization's role as a national patient advocacy group. He asked that the City continue to give thoughtful consideration to the issues regarding medical marijuana, as it has with its regulations in the past. He also discussed benefits from regulation rather than a ban and commented on the differences between commercial growing of marijuana versus individual cultivation for personal use. He briefly discussed delivery issues as well. He shared written materials with the Subcommittee too and expressed willingness to help in any way.

Councilmember M^cKillop explained the provisions of AB21, which was signed by the Governor recently, including its March 1st deadline; and clarified that the Governor had taken subsequent action that revoked the deadline. In response to a question from the audience, she reviewed the provisions of the second bill signed by the Governor.

Further comments/questions from the public and/or the Subcommittee were made regarding crime, taxation, and financial motivations of the City, differences between indoor/outdoor cultivation, potential nuisance complaints from outdoor grows, environmental impacts, public safety issues, patient access, consideration of neighbors, negative effects of banning indoor cultivation, and banning the use of "scare tactics" on either side of the issue.

Rick Marrazani said he liked the idea of a March 1st deadline because it forces the City to look at the issues and take action on them quickly. He recommended that the Council set a deadline for a complete review and update of all City regulations regarding cannabis.

There were others who agreed with his comments about the need for a comprehensive update of all City requirements regarding medical marijuana.

Robin Houdashell agreed all aspects of medical marijuana should be monitored and regulated for public safety reasons. She thought it is better for the City to ban indoor and outdoor cultivation until the State has established its policy and licensing requirements; and then the City can draft its ordinance in agreement with State provisions.

An unidentified speaker stated that Martinez has a unique opportunity to jump ahead in this circumstance and draft an ordinance uniquely suited to the City and the community, and benefit both as well.

One speaker questioned the potential risk of neighbors being robbed because the perpetrators going to the wrong house in order to steal someone's grow is a valid concern. Another speaker noted that alcohol users have had a negative effect in the downtown, and he asked whether that recreational alcohol use should be banned.

A member of the public discussed his personal experience with medical marijuana and pointed out that unregulated marijuana grows can be scary. He thought regulation of indoor grows would increase public safety.

There was a brief comment about a potential ballot measure for legalization of marijuana for recreational use.

Councilmember M^cKillop noted that greater regulation of marijuana cultivation would add a level of quality control to the product. A member of the public noted that the best way to ensure a person gets exactly what they need is to allow them to grow it themselves for personal use.

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

Vice Mayor Avila Farias expressed appreciation for the attendance and participation in the discussion, noting there seems to be agreement that Martinez needs to review all the information on the subject and ensure that what Martinez has, suits the City and its residents. She suggested that a series of presentations to the full Council would educate them on the issues (including patient needs, public safety issues as seen by the police and fire departments, and environmental impacts) in order to make informed decisions.

Councilmember M^cKillop agreed, especially the public input process as changes are considered.

Unidentified male speaker clarified that the pending State regulations are more intended for commercial growing rather than individual use. Mr. Simon asked if the State regulation will have a threshold at which a grow is considered private? Mr. Abaci said yes, but it hasn't been set yet; and confirmed that regardless of what the State sets, the City will be able to retain local control and set their own independent standards.

The Subcommittee and staff discussed potential next steps in the process.

2. Active Shooter Protocols for City Council Meetings.

Chief Sappal reviewed the types of risks there could be and possible courses of action for attendees, staff and the Council, as well as pros and cons of each. He noted there is usually someone monitoring the video as Council meetings are occurring, so first responders should be on the scene fairly quickly. He also commented on the importance of reporting quickly when an incident happens.

Vice Mayor Avila Farias commented on the importance of helping the school district develop their emergency plan and safety measures, especially as so many incidents have occurred at schools. Councilmember M^cKillop noted that West County has a coordinated plan including the schools that she was very impressed with; she thought it would be good to get information from them on how to accomplish the same for Martinez.

Chief Sappal and the Subcommittee briefly discussed a potential plan of action for implementing measures, training, and drills for the schools in the City, as well as available resources.

Added Item: Update on Train Incident.

Chief Sappal briefed the Subcommittee on a recent train derailment involving the Union Pacific Railroad carrying sulfuric acid. The Eco Services representative indicated, after the investigation, deemed there were no leaks and no threats to public safety. Chief Sappal discussed actions taken by the Police Department and the Highway Patrol and indicated at this point it is under investigation by the Public Utilities Commission.

4. Adjournment.

After a brief discussion of future meeting dates, the Subcommittee meeting adjourned at 8:30 p.m.