



# CITY OF MERCED

City Council Chamber  
Merced Civic Center  
2nd Floor  
678 W. 18th Street  
Merced, CA 95340

## Minutes

### City Council/Public Finance and Economic Development Authority/Parking Authority

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Wednesday, April 20, 2016

5:30 PM

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#### A. CALL TO ORDER

Mayor THURSTON called the Special Study Session to order at 5:30 PM.

A.1. Pledge of Allegiance to the Flag

#### B. STUDY SESSION ROLL CALL

**Clerk's Note:** Council Member LOR arrived at 5:36 PM.

**Present:** 7 - Mayor Stanley P. Thurston, Council Member Mike Murphy, Council Member Kevin Blake, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Tony Dossetti, and Council Member Noah Lor

**Absent:** 0

#### C. STUDY SESSION

C.1. **SUBJECT:** Medical Marijuana Study Session

##### REPORT IN BRIEF

Provides a brief overview of medical marijuana issues at the state and local level, answers questions raised by the City Council relating to medical marijuana, and outlines potential amendments for the City Council to consider regarding existing bans on medical marijuana dispensaries, deliveries and cultivation.

##### RECOMMENDATION

Staff recommends that the City Council take public testimony regarding the medical marijuana issue as it relates to dispensaries, deliveries and cultivation within the City of Merced and either:

A. Provide direction to staff regarding specific modifications to the City's existing bans on dispensaries, deliveries and/or cultivation of medical marijuana within the City; or,

B. Schedule another study session on this matter regarding medical

marijuana in general or specifically relating to dispensaries, deliveries and/or cultivation; or,

C. Take no further action regarding medical marijuana at this time.

Senior Deputy City Attorney Ken ROZELL gave a slide presentation with nine questions regarding dispensaries, delivery, and cultivation of Marijuana to be answered in order to draft an ordinance. He gave an overview of some regulations in other jurisdictions. He also touched on regulations and problems in some larger Cities, including San Francisco, San Diego, and Los Angeles.

He briefly described the active ingredients in Marijuana, including THC and CBD, and discussed obtaining a Medical Marijuana Card.

Council Member MURPHY questioned delivery.

Mr. ROZELL stated that the Council would need to take a position on delivery.

Mayor Pro Tempore PEDROZO asked about regulating dispensary locations within a certain zone.

Mr. ROZELL stated that restrictions could be put on the location within a zone, such as proximity to a Church or School.

Charles VEILLEUX and Rex PETERSON, Merced - discussed their proposal on opening a dispensary.

Mayor THURSTON questioned the number of dispensaries needed for Merced.

Mr. PETERSON suggested that eight dispensaries would be appropriate for Merced.

Kathy RODRIGUEZ, Merced - spoke against Medical Marijuana.

Patricia PERRY, Merced - spoke against Medical Marijuana, citing reports that long-term use causes brain damage.

Mellissa HERNANDEZ, Merced - asked what the process will be for choosing the dispensaries.

Susan BOUSCAREN, Merced - discussed the expense of growing Marijuana indoors.

Sae SAECHOW, Merced - spoke for the Mien community in favor of outdoor growing.

Kevin BAUER and Emery SILVERMAN, Merced - spoke about the LED grow light they have developed that will use much less energy than standard grow lighting.

Sister KATE, Merced - spoke in favor of Medical Marijuana.

Monica VILLA, Merced - spoke on various aspects of Medical Marijuana use.

Dwight LARKS, Merced - spoke in favor of outdoor growing and dispensaries.

Council Member BLAKE favored 3 dispensaries in commercial office zones at least 500 ft from schools, deliveries by licensed dispensaries and indoor or outdoor growing not to exceed 12 plants.

Council Member BELLUOMINI favored dispensaries for medical purposes only in the commercial office zone. He suggested 4 or 5 dispensaries for competition and expressed concern with deliveries and not to allow cultivation.

Council Member DOSSETTI favored dispensaries with tested product, deliveries and growing 6 plants indoors or outdoors for personal use.

Council Member LOR suggested no limit on the number of dispensaries and would consider commercial growing.

Mayor THURSTON inquired about commercial growing.

Mr. ROZELL stated the license for commercial growing will be state-issued in the future.

Mayor THURSTON favored dispensaries in commercial office zones with delivery. He also favored growing 12 plants indoors only. He stated that he was opposed to selling items that could be smoked.

**Clerk's Note:** Mayor THURSTON called for a recess at 6:44 PM and resumed the meeting at 6:49 PM.

Council Member MURPHY favored dispensaries in commercial office

zones with a conditional use permit process. He stated support for deliveries from a licensed dispensary. He supported indoor or outdoor cultivation of 6 mature plants, but not to be in the view of the public.

Mayor Pro Tempore PEDROZO agreed with most of the statements, but disagreed with the outdoor growing of plants. He favored indoor growing with 4 or 5 plants. He also stated the deliveries should be done only by licensed dispensaries. He agreed that 4 dispensaries would be appropriate.

Council Member BELLUOMINI asked for clarification on the conditional use permit and the ability to limit the number of dispensaries.

Planning Manager Kim ESPINOSA stated that using the permit to deny a business would be difficult after approving others under the same conditions.

Council Member MURPHY asked about the lag time between the City and State regulations.

Mr. ROZELL stated that because of the dual licensing, a dispensary cannot open until they obtain both a State license and City-issued permit.

City Manager CARRIGAN polled the Council on the questions posed in order to assist Mr. ROZELL in drafting an ordinance.

Police Chief ANDRADE came to the podium to remind the audience about disruptions and the process involved for those who wish to speak.

Council discussed the many options for cultivation as far as indoor and outdoor and immature versus mature plants. Council also discussed requirements for outdoor grows as far as setback and visibility to the public.

## D. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

## E. ORAL COMMUNICATIONS

Monica VILLA, Merced - discussed growing plants outdoors.

Andrew BLAINE, Merced - spoke about commercial growing and testing of Marijuana.

Dwight LARKS, Merced - expressed concern about people living in apartments growing Marijuana.

Eric MOORE, Merced - commended Council for having the meeting and getting public input. He suggested looking at Marijuana from an economic standpoint as well.

Sae SAECHOW, Merced - thanked the Council for allowing citizen input.

## F. BUSINESS

F.1. Provide Direction on Ordinance Relating to Medical Marijuana

**Clerk's Note:** Council input was given during the Study Session portion of the meeting.

## G. ADJOURNMENT

**Clerk's Note:** The meeting adjourned at 7:48 PM.

**A motion was made by Council Member Lor, seconded by Mayor Pro Tempore Pedrozo, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 7 - Mayor Thurston, Council Member Murphy, Council Member Blake, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, and Council Member Lor

No: 0

Absent: 0