



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

Tuesday, March 1, 2016

5:30 PM

A. CALL TO ORDER

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

A.1. Pledge of Allegiance to the Flag

B. STUDY SESSION ROLL CALL

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

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 and outlines potential areas for the City Council to consider regarding 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. Schedule another study session on this matter regarding medical marijuana in general or specifically relating to dispensaries, deliveries and/or cultivation; or,

B. 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,

C. Take no further action regarding this matter.

Senior Deputy City Attorney Ken ROZELL began the session with a brief overview of the Medical Marijuana and Safety Act and restated reasons why the Council was asked to enact legislation banning all marijuana use. He gave a brief history on the City's actions and the recently adopted ordinance. He posed a series of questions regarding the type of legislation regarding medical marijuana in order to begin drafting an ordinance for the City.

He gave an example of other cities ordinances regarding medical marijuana.

Planning Manager Kim ESPINOSA gave Council an overview of the various use zones within the City. She gave examples of the types of businesses and the appropriate use zones they would be located.

Council Member BLAKE asked about ordinances in place within cities that are similar in demographic to Merced.

Mr. ROZELL stated that most cities are currently weighing their options and not alot of ordinances were in place.

Council Member LOR asked for clarification on deliveries.

Mr. ROZELL explained requirements that need to be met for deliveries.

Mayor Pro-Tempore PEDROZO asked for clarification on primary care givers.

Mr. ROZELL clarified who qualifies as the primary care giver.

Council Member BELLUOMINI asked about individuals who would be allowed to pick up a prescription from the dispensary.

Mr. ROZELL suggested a Conditional Use Permit process to make sure the patient is receiving the medication as prescribed.

Mayor THURSTON asked about the make up of the state controlling body and regulations they will eventually put in place.

Mr. ROZELL stated that there are a lot of unkowns until the State puts regulations in place.

D. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions and communications.

E. ORAL COMMUNICATIONS

Susan BOUSCAREN, Merced - spoke about concerns with the licensing process and the testing of marijuana. She expressed her preferred zones for dispensaries.

Lindsey SEXTON, Merced - spoke about the need for medical marijuana.

Christopher GONZALES, Merced - made suggestions about number of plants for patients and the number of dispensaries.

Kathy RODRIGUEZ, Merced - spoke against medical marijuana.

Sister KATE, Merced - spoke in favor of medical marijuana.

Dwight LARKS, Gustine - spoke about commercial grows in Merced.

Aaron HEPTNER, Merced - spoke in favor of medical marijuana.

Robert MICHAEL, Merced - spoke about the financial aspect of marijuana.

Carol COUCHMAN, Stanislaus - spoke about the CEASER Coalition and getting patients the medicine they need.

Victor CALDERON, Merced - stated a tax should be taken to the voters first.

Arthur DURAZO, Merced - spoke in favor of medical marijuana and listed all of the medical problems that can be treated with marijuana.

Kevin BAUER, Merced - spoke about the testing, growing and medicinal properties of medical marijuana.

Monica VILLA, Merced - spoke in favor of medical marijuana.

Daniel KAZAKOS, Merced - spoke about the commercial growth of marijuana.

Dr. Lakisha JENKINS, Merced - spoke about the regulatory aspects of medicinal marijuana. She mentioned the Attorney General Guidelines that were put in place in 2008. She added that certain counties are already issuing permits for cultivation. She explained that the State is creating a new office to oversee medical marijuana that should be in place by 2018.

Karen LOPEZ, Merced - spoke in favor of medicinal marijuana instead of other prescription drugs.

Amandah SEXTON, Merced - spoke about cardholders and caregivers in regards to medicinal marijuana.

Council discussed the availability of the medicinal marijuana cards.

Mayor THURSTON directed staff to come back in another study session with the number of cardholders, how labs are certified, the Attorney General regulations on delivery, research on other counties that allow medical marijuana cultivation, and information on the Kiona foundation.

Council Member BLAKE requested staff to begin drafting an ordinance that placed limits on the number of plants to be up to 9 per parcel or 6 mature and 6 immature plants and he also stated support for an office type setting for dispensaries.

Mayor Pro Tempore PEDROZO requested an accurate amount of marijuana produced by a plant and stated he would like to make people feel comfortable when buying medical marijuana and not feel like criminals.

Council Member MURPHY gave staff direction for an ordinance that helped users but respected neighbors. He requested that plants not be visible to the public in regards to outdoor grows. He suggested that delivery services should be tied to a legitimate dispensary. He also stated that dispensaries should not be located near schools or places that children gather.

Council Member BELLUOMINI stated he would like to see a deadline for a draft ordinance. He stated support for dispensaries. He stated he would like to see them located in a commercial office zone with a conditional use permit. He stated support for at least 3 dispensaries but had concerns about deliveries. He stated he did not agree with patients growing marijuana.

Council Member DOSSETTI stated that the ordinance should address how patients get their medical marijuana card. He stated support for indoor or outdoor growing of plants. He suggested that dispensaries need strict regulations to operate. He agreed that deliveries are necessary.

Council Member LOR was unsure about cultivation due to the safety of neighborhood children. He wanted to know how deliveries would be regulated before passing judgement. He voiced that he did not want to

limit the number of dispensaries.

Mayor THURSTON stated opposition to dispensaries that sold marijuana for smoking. He suggested the edibles and oils should be sufficient.

City Manager Steve CARRIGAN suggested that these items be brought back in April along with a proposed ordinance.

F. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:08 PM.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Mayor Thurston, to adjourn the meeting.. The motion carried by the following vote:

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

No: 0

Absent: 0