

(1) Motion: to close the public hearing, following 98 speakers, nearly all of whom spoke in opposition to marijuana businesses and in favor of the ban by ordinance

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Phan)

Mayor Tran commented, starting with freedom and democratic rights for people. He would support the permanent ban on commercial cannabis.

Councilmember Montano said she heard the audience speakers loud and clear, and made a lot of notes from speakers. She spoke of the minute man statute out in front of Milpitas City Hall, and the long ago effort of San Jose trying to take over Milpitas. She made the analogy that the marijuana industry was trying to take over the town. There were problems happening in Colorado. Many people had concerns about when BART comes in to the City. She stated she would vote to ban it.

Vice Mayor Dominguez thanked all the audience members for coming to the meeting and being part of the democratic process. She had some questions, based on her work for crime prevention program at a law enforcement agency. Councilmembers represented all Milpitas residents not only those people present. She felt the urgency to act on this issue, but had a lot of questions. Ms. Dominguez asked the City Attorney about legislation on delivery of marijuana products.

City Attorney Chris Diaz responded, noting that City Attorneys have differing views on whether local cities could decide to have delivery or to ban it. The State of California was saying that in mid-2018, from the Bureau of Cannabis Control, that cities cannot prohibit delivery operations in their boundaries. So, Milpitas would need to abide by that.

Vice Mayor Dominguez was concerned about enforcement related to delivery of marijuana in the city. She asked what were the limits on quantities and total limit on cash in the delivery driver's car, up to \$5,000 or \$10,000 maximum. She worried about robberies and then said she would support what was recommended this evening.

City Attorney Diaz read aloud the title of Ordinance No. 298, "An Ordinance of the City Council of the City of Milpitas Adding Subsection XI-10-13.15 Entitled "Cannabis Uses" and Amending Subsection XI-10-13.05 Entitled "Home Occupation" of the Milpitas Municipal Code, Title XI, Chapter 10, Section 13, to Regulate Cannabis Cultivation for Personal Uses, and Making Findings of Exemption from Environmental Review Pursuant to CEQA Guidelines Sections 15060(C)(3) and 15061(b)(3)."

(2) Motion: to waive the first reading beyond the title and introduce Ordinance No. 298

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Phan)

Councilmember Montano thanked everyone for coming out. This was what America was all about with local residents stating opinions in a democracy.

ADJOURNMENT

Mayor Tran adjourned the special meeting at 8:24 PM.

The foregoing minutes were approved by Milpitas City Council on January 15, 2019.

Mary Lavelle, Milpitas City Clerk