



# **CITY COUNCIL TRANSPORTATION & LAND USE SUBCOMMITTEE Approved Meeting Minutes**

**Date/Time:** Tuesday, October 25, 2011

**Where:** City Hall Committee Conference Room

**Attendants:** Council Member Gomez (Chair), Council Member Polanski,

*Quorum was established*

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## **1. Call to order**

The meeting was called to order at 5:30 pm.

## **2. Public Forum *Please limit comments to 3 minutes***

There were no comments during Public Forum

## **3. Approval of Agenda & Minutes\***

*The agenda and minutes were approved.*

## **4. Announcements**

*There were no announcements*

## **5. Tobacco Prevention Policies Discussion**

*Chair Gomez deferred this item to the next meeting.*

## **6. McCarthy Ranch, Mervyn's and Read Rite Site Uses**

*Chair Gomez deferred this item to the next meeting*

## **7. Receive testimony and discussion regarding medical marijuana facilities**

Chair Gomez wanted this to be a two-part process: 1) whether the subcommittee should move forward to talk about the legal issues and compassion aspects (with testimonies), and public safety 2) structuring the ordinance (if the subcommittee were to move forward

Chair invited Jennifer Griffiths-Morrissey to share a testimony. Ms. Griffiths-Morrissey is a resident of San Mateo County. She discussed her experience with medical cannabis and how it has been helpful for her 25 year old daughter to deal with the pain from the side effects of the medication used to treat Stage 3 Melanoma, skin cancer.

Chair Gomez stated he had misconceptions of medical marijuana patients and he has visited these facilities. He feels there should be safe and clean environments for people to purchase these items for care. Council Member Polanski shared that she voted on these facilities previously and believes it is worthy of discussion if there is a need.

Chair Gomez invited other testimony to speak.

Donald Irving, 507 N. Abbott Avenue discussed how he presented the City Council with a Santa Clara County Cooperative packet on June 1, 2005. He was congratulated for his work, but dismissed. As a patient of medical marijuana patient he discussed visiting dispensaries and incidences of being accosted by people outside the facilities. Mr. Irving shared 2 copies of letters and laws including crime reports and report by the East Bay Express.

Chair Gomez invited more testimony.

Steven Zyszkewitz, a software engineer has been trying to open up a dispensary/collective. In June 2011, he sent something to the Councils as a member of the American for Safe Access (ASA). He stated it is not really good to tax patients other than sales tax. It seems to be a land use issue. He stated ASA has a sample ordinance

Chair Gomez invited another testimony

Hector Gonzalez is the founder for MC3 (Medicinal Cannabis Collectives Coalition) in San Jose and the president of ARC Healing Center. He discussed the "faulty" San Jose ordinance, which is a de facto ban in the logistics of implementing something that won't attract the federal government to shut down as well as a collective to cultivate everything on site. He applauded the Subcommittee on the willingness to support this. He discussed his experience in San Jose and the inherent risk for cultivators to provide the medicine and to avoid federal intervention. Mr. Gonzales also shared his experience with patience including a range of ages and the product is not necessarily for smoking but drinking or ingestion.

Chair Gomez invited the next testimony

Kelly Reuss traveled from past South Lake Tahoe to transport a friend to the elemental wellness collective. She has been a patient since 1998. They are thrilled to have a professional, well-lit, safe place to go as a patient. She discussed, as a college student, carpools with other students were formed to go to collectives in San Francisco. Sometimes, they are caregivers to each other. She is heart-broken that people have to cultivate indoors and sited [www.ewg.org](http://www.ewg.org) that discusses clean water. She is hoping for a good, peaceful, supportive resolution and licensed facilities.

Chair Gomez invited the next testimony

Rob Means, 1421 Yellowstone, Milpitas. Mr. Means cited statistic of crime and the cost of marijuana. He stated the war on drugs failed so this was supposedly handled by the populous to go with this 15 years ago, and we are still dealing with it. He stated there are polls that 50% of voters answered yes that marijuana should be made legal nationwide. He went on to cite more reports and studies. He purged for decentralized cultivation for dispensaries and collectives. He feels are good directions for our government.

The Subcommittee thanked the members of the public for their testimony.

City Attorney Mike Ogaz discussed the legal aspect of medical marijuana. He reviewed the difference between the federal law, which there is no exception for medical marijuana, which is prohibited, and State law which allows for medical marijuana. Though the compassionate use act allows for medical marijuana for personalized use, federal legislature decriminalizes state law. He cited numerous cases included the Cities of Oakland and Long Beach and awaiting the outcome of each case to determine how the City can potentially proceed with pursuing the medical marijuana process.

The Subcommittee discussed furthermore, how an ordinance would be written to minimize any potential risk to federal law. This will be discussed further as the Subcommittee continues to review this item.

The Committee discussed the next meeting should include the following discussion:

- More testimony, including medical professionals
- Public safety discussions with the Chief of Police
- Taxation and Regulation

#### **8. Other Business**

#### **9. Adjourn**

The Subcommittee was adjourned at 6:30 pm. The next meeting will be November 17, 2011 at 5:00 pm.