Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance led by Council Member Eddie Hernandez
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
• Barbara Gibbs, 31900 Success Valley Drive, identified herself as a member of Americans for Safe Access. She stated that if one did not support safe access to medical marijuana, then one supported the black market. Ms. Gibbs commented that the Council would set a bad example if it decided to pick and choose which State laws with which to comply. She spoke of the help medical marijuana provided to some people to relieve pain, and of the State’s jurisdiction over medical matters, citing the licensing of doctors as an example. Ms. Gibbs then voiced concern with what she perceived was the Federal government trampling on the rights of California citizens. She contended that the people of California had spoken when the proposition legalizing the use of medical marijuana was overwhelmingly passed. At the Mayor’s request, Ms. Gibbs provided her contact information to the Council for further discussion on the matter.

SCHEDULED MATTER
1. INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation: That the City Council consider and adopt the proposed interim urgency ordinance, read by title only, and waive further reading.

City Manager John Longley presented the item and the staff report prepared by City Attorney Julia Lew, which he read into the record as follows:

**TITLE:** Interim Urgency Ordinance of the City of Porterville Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes

**SOURCE:** City Attorney
California voters approved Proposition 215, which codified into the California Health and Safety Code the “Compassionate Use Act of 1996.” The stated intent of the Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Consequently, there have been commercial endeavors to distribute medical marijuana to those who qualify under the Act. The proposition is unclear, however, about the details of doctor recommendations and how the substance is distributed. Adding further confusion is the fact that pursuant to Federal law, the use, possession, transpiration and distribution of marijuana is specifically illegal.

The City needs adequate time to determine whether it is appropriate to permit the location of medical marijuana dispensaries within the City, and if so, to determine whether to restrict their establishment from areas around schools and/or parks and in residential areas or near other businesses. California cities are handling this issue in a variety of ways, ranging from little or no regulation/restriction to complete prohibitions.

As the proposed ordinance is an interim urgency ordinance (moratorium), if approved by a 4/5’s vote, it will take effect immediately. This office, that is the City Attorney’s Office, intends to bring draft regulations back to the Council within the next thirty days.

RECOMMENDATION: That the City Council consider and adopt the proposed interim urgency ordinance, read by title only, and waive further reading.

In response to Council Member McCracken’s inquiry, City Attorney Julia Lew clarified that the draft ordinance before the Council that day consisted of a 45 day temporary ban on allowing the use of land for the purpose of operating a medical marijuana dispensary. She elaborated that it was not a ban on individuals using medical marijuana for the purposes of pain relief. She stated that the City had no control over that, and indicated that moratoriums did not control the regulations on people, but that interim urgency ordinances only controlled land uses. She clarified that the ordinance would prohibit an individual from establishing a dispensary within the next 45 days.

Council Member McCracken confirmed that the Council would not be acting on something to ignore the State law.

Council Member Pedro Martinez spoke in favor of moving forward on the item so as to
provide time for the Council to determine how other communities were handling the issue.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed Ordinance 1713 interim urgency ordinance, read by title only, and waive further reading. The motion carried unanimously.

City Manager read the ordinance by title only.

ORAL COMMUNICATIONS
• Barbara Gibbs, address on record, spoke of the legal use of medical marijuana around the world, and of the benefits it provides to cancer patients. She questioned why the Council would care if medical marijuana helped people who were suffering. Ms. Gibbs then spoke of freedom and voiced concern with the Federal government spending the people’s tax dollars to stop something on which the people voted to have. She stated that the vote of the people was something that should be valued. She then noted the problem of methamphetamine usage, and suggested that resources should be instead spent on resolving that. Ms. Gibbs went on to discuss and speak favorably of the more liberal laws in Amsterdam, Netherlands.

Council Member McCracken confirmed that with its action, the Council had only restricted land use for 45 days, and had not made any contentions over the validity of the State or Federal laws, nor was the Council proposing to abide by or ignore any laws.

City Attorney indicated that her intention with the interim ordinance was to have a permanent ordinance in place prior to its expiration. She stated that she would bring options for the Council’s consideration to the next meeting. She indicated that cities were generally taking one of two approaches: either adopting an ordinance to permit and regulate the dispensaries, or adopting an ordinance to outright prohibit them pursuant to Federal law. She stated that adopting an ordinance in conjunction with Federal law was not so much a political statement as it was an attempt to avoid being in the quagmire that was the conflict between State and Federal law.

Mayor Hamilton inquired as to where the dispensaries obtained their product. Ms. Lew indicated that she could get the information to the Council as to how the dispensaries operated.

OTHER MATTERS
• Council Member Pedro Martinez:
  1. Spoke of the Kiwanis Club’s interest in the placement of flags along Main Street and other City streets representing servicemen and women currently serving. A discussion ensued, during which it was decided to that Mr. Longley and Mr. Perrine would meet with a representative from the Club. Mr. Longley indicated that Carol would arrange for the meeting; and
  2. Spoke of the informal challenge with the City of Tulare put forth during the recent Sacramento trip. He requested that a charity softball game event be developed, with Porterville’s team comprised of two Council Members, and
some staff members from the Fire and Police Departments. He requested that options be explored to raise funds for local youth. Council Member Martinez proposed that he and Council Member Hernandez look further into the idea. A discussion ensued, during which Mr. Perrine informed the Council that the Youth Services Foundation had evinced an interest in having a fundraising athletic event for the community.

- Council Member Hernandez extended an invitation to the Council and staff to Cub Scout Pack 116's Blue and Gold Dinner to take place on February 16th at 6:00 p.m. at Buckley Elementary School. He noted the event would provide an opportunity to show support for a particular Cub Scout Pack and scouting altogether.

A brief discussion ensued as to the Freeze Relief food distribution. It was stated that the distribution would begin at 12:00 p.m. on February 10th at the Comision’s warehouse. Council Member Hernandez stated that 1,000 boxes had been prepared.

- Mayor Pro Tem Felipe Martinez:
  1. Spoke of Freeze Relief efforts and comments he had received from Porterville’s citizenry. He commented that the Council would need to work hard to put people to work; and
  2. Informed everyone of the Porterville Police Department’s K-9 Division’s demonstration at the Exchange Club, noting how impressive the demonstration had been. He then invited everyone to the Exchange Club’s Crime Prevention Dinner to take place on February 22nd.

City Attorney Julia Lew stated for the record that she had just been informed by Mr. Lollis that the City had just received and rejected its first application for a medical marijuana dispensary.

ADJOURNMENT
The Council adjourned at 12:32 p.m. to the Council Meeting of February 16, 2007.

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Patrice Hildreth, Deputy City Clerk

ATTEST:

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Cameron Hamilton, Mayor