

MEETING MINUTES CITY OF MILPITAS

Minutes of: Special Meeting of Milpitas City Council
Date: Tuesday, December 19, 2018
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Tran called the meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano and Nuñez

ABSENT: Councilmember Phan

Councilmember Nuñez participated by telephone conference from his hotel in Buena Park, CA as listed on the meeting agenda.

PLEDGE

Vice Mayor Dominguez led the pledge of allegiance.

PUBLIC FORUM

None

ANNOUNCEMENT OF CONFLICT OF INTEREST

City Attorney Chris Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. Each member replied individually and none were reported.

AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

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

PUBLIC HEARING

1. Cannabis/marijuana ban Ordinance No. 298

Assistant City Manager Ashwini Kantik spoke briefly to the Council, providing background information and status of the staff recommendation to request that the City Council introduce an ordinance that would ban commercial cannabis and regulate personal use. She described work of the City Council Ad Hoc Subcommittee on Cannabis. If an ordinance was introduced at this meeting, it could be adopted on January 15, 2019.

Mayor Tran opened the public hearing.

Ron Lind, 40 year resident of Milpitas, said the Council was about to make a bad decision. He urged continuing the subcommittee's work and to come up with regulations.

Evelyn Chua, resident and Milpitas Planning Commission alternate member, referred to the last Planning Commission meeting. She read two conditions in the recommendation made at the Commission's meeting on this topic and urged Council to vote for the ban.

Following Mrs. Chua, 96 persons – many were City residents - addressed the City Council at this public hearing, who were all opposed to marijuana and to potential cannabis businesses in the City, and were in favor of the Council adopting an ordinance to ban these.

(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