



*Damon Alexander, Chair  
Larry Quiel, Vice Chair  
Randi Ball  
Fred Burks  
Frank J. Flores  
Margaret Hill  
Cassie Levy  
Sandra Owen-Olivas  
Randy Wilson*

**CITY OF SAN BERNARDINO**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
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**ACTION AGENDA  
CITIZENS ADVISORY COMMITTEE REGARDING  
MARIJUANA REGULATIONS  
MONDAY, NOVEMBER 27, 2017, 5:00 P.M.  
201 NORTH E STREET, 3RD FLOOR COUNCIL CHAMBERS  
\*ENTRANCE ACCESSIBLE VIA THE 5<sup>TH</sup> LEVEL OF PARKING STRUCTURE\***

The City of San Bernardino recognizes its obligations to provide equal access to public services to those individuals with disabilities. Please contact Facilities Services (909-384-5244) 48 hours prior to the meeting with any requests for reasonable accommodation, to include sign interpreters.

**CALL TO ORDER**

**ROLL CALL**

**Present Committee Members: Alexander, Burks, Flores, Hill, Levy, Olivas, Quiel & Wilson**

**Excused Committee Members: None**

**Absent Committee Members: Ball**

**Staff Present: Mark Persico, Community Development Director;**

**Steven Graham, Deputy City Attorney; Stephanie Sanchez, Citizen's Advisory Committee Secretary.**

**PUBLIC COMMENTS:**

Public comments for the items on the agenda. Anyone who wishes to speak will be required to fill out a speaker card. There is a 3 minute limit per person for all comments.

**Robert Porter, 2439 Fremontia Dr. – Spoke in favor of the work from the Committee**

**ITEMS FOR REVIEW, DISCUSSION, AND TAKE POSSIBLE ACTION:**

1. Minutes of November 13 and November 20, 2017. Staff recommends approval of these minutes.

**Committee Member Olivas** made a motion to approve the minutes of November 13 and November 20.

**Committee Member Quiel** seconded the motion

The motion carried by the following vote:

Ayes: Alexander, Burks, Flores, Hill, Olivas, Wilson, Levy, & Quiel

Nays: None

Abstain: None

Excused: None

Absent: Ball

**Committee Member Ball** arrived late at 5:18pm.

2. Issues Regarding Marijuana Consumption/Smoking in Public Areas

- a. Public Consumption Discussion Ordinance

**Committee Member Wilson** made a brief presentation on the subcommittee's findings.

**Committee Member Hill** added comments from the subcommittee's meeting.

It was suggested by the Committee that the HdL draft Ordinance be accepted with the additions by the subcommittee.

**Committee Members** had questions regarding the additions.

**Matthew Eaton and David McPherson, HdL Consultants** answered questions regarding the additions from the subcommittee

**Capt. Maass** reviewed the additions and was asked for comments and he addressed some concerns.

**David McPherson, HdL Consultant,** addressed questions concerning additional verbiage.

**Committee Members** had additional questions regarding the additions and there was a general discussion.

**Committee Member Ball** made a motion to use the draft text provided by HdL with these modifications:

1. Section B.050 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”
2. Section B.070 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”
3. Section B.060 – Strike out “...USE OF CANNABIS AND CANNABIS PRODUCTS...” and replace with “...AND INHALING...”

**Committee Member Olivas** seconded the motion

The motion carried by the following vote:

Ayes: Ball, Flores, Olivas, Levy, & Quiel

Nays: Wilson and Hill

Abstain: Burks and Alexander

Excused: None

Absent: None

### 3. Issues Regarding Taxes and Fees on Marijuana

#### a.HdL Taxation Presentation

**David McPherson, HdL Consultant**, gave a brief presentation.

**Committee Member Ball** made a presentation on the subcommittee’s findings.

**Committee Members and Staff** had questions regarding the additions and there was a general discussion.

David MacPhearson answered questions from the Committee and Staff.

**Chair Alexander** called for additional Public Comment

**Karmel Roe**, 325 W 6<sup>th</sup> St. – Spoke in favor of the tax and suggested dedicated Code Enforcement staff to help regulate.

**Gem Montes**, IE NORML – Spoke about dedicated venues for cannabis events to help regulate the taxes and fees and also suggested an End User Tax.

**Mark Estemeyer**, 3693 E Highland Ave. – Spoke on being a business owner in the City and how these regulations would impact his operation.

**Eli Cortez**, 20676 Center St. – Spoke about his company and the services he could provide in regards to Cannabis and suggested a company

**Committee Members** had questions that staff addressed.

**Committee Member Ball** presented the Committee with several options and motions to consider.

**Committee Members and Staff** had a general discussion regarding the options.

**Committee Member Olivas** made a motion to adopt:

1. A gross receipts tax of 3%;
2. A cultivation facilities fee for permit processing and annual review based upon actual City costs;
3. A fee of \$1/sqft of canopy space per cultivation facility and \$1/sqft of leased space for Labs, Manufacturing, Distribution, Processing and Micro Businesses;
4. A Special Event fee for cost recovery based upon actual City costs

**Committee Member Ball** seconded the motion

The motion carried by the following vote:

Ayes: Ball, Flores, Olivas, Levy, & Quiel

Nays: Wilson

Abstain: Alexander

Excused: None

Absent: None

#### 4. Personal Cultivation in Residential Zones

##### a. Los Angeles County Title 22

**Committee Members and Staff** had a discussion regarding the memo and text for Personal Cultivation in Residential Zones.

**Committee Members** have concerns that certain text was not included from the previous meeting. Staff advised they would revisit and include all text into the ordinance.

The text should include the items as follows:

1. Fence or wall shall not exceed 6ft in height
2. If existing perimeter fencing complies with all fencing requirements, additional fencing is not required
3. Cultivation is prohibited within 600ft of parks, libraries, schools, day care centers and youth centers

**No Action was taken on this item.**

**PUBLIC COMMENTS - ITEMS NOT ON AGENDA**

**ADJOURNMENT - Committee Member Olivas** made a motion to adjourn at 8:00pm which unanimously carried, to the next regular meeting on December 4, 2017, at 5:00 P.M. in Council Chambers, 201 North E Street, Third Floor, San Bernardino, California.