



MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, March 3, 2016
2:00 PM

APPROVED ACTION MINUTES

(Meeting moved to the Cypress Room on the first floor of City Hall due to a last-minute elevator malfunction (beginning immediately before the scheduled start of the meeting) which prevented ADA-compliant access to the 6th floor.)

I. Call to Order – 2:25

A. Roll Call and Ex Parte Communications Disclosures

Commissioners present: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice.

Ex Parte Communications: None

Absent: Jones (excused), Rush and Tims (excused).

Staff present: Secretary Elizabeth Greene

B. Changes to Order of Agenda

Chair Pappas suggested moving the general public comment to after the staff and chair reports. There was general agreement to this change.

III. Approval of Minutes

A. January 28, 2016 Draft Action Minutes

Staff mentioned that recusal information would be added to the minutes. Chair Pappas suggested that questions regarding funding of candidates should be added to Item II.C as “funding”. Motion/second to approve the minutes as amended (/). The motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

B. February 4, 2016 Draft Action Minutes

Staff mentioned that recusal information would be added to the minutes. Motion/second to approve the minutes as amended (/). The motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

IV. Planning Staff Report

Secretary Greene made the following announcements:

- There are two excused absences (Jones and Tims). There is still one open seat (the Mayor’s appointee). People interested in filling those positions should fill out a form with the City Clerk, and can also contact the Mayor’s office to express interest.
- With the open seat and the two excused absences, the number of appointed members of the MCC is 6. The quorum for action is 4 votes.
- Update on dispensary application process: The tentative date for the Council

meeting to consider the dispensary applicants is May 10, 2016. The format of the meeting is to be determined by the Council agenda subcommittee.

- Five late items.

V. Chairperson's Report

Chair Pappas reviewed the draft letter to Council regarding the need to fill Commission vacancies.

Motion/second to put discussion of action to take in response to vacancies on the April agenda (Cooper/Ferguson-Riffe). The motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

Chair Pappas also mentioned three other late items – a modified May 2, 2013 MCC rationale for additional dispensaries (for discussion with Item VII.B), and two updates on the status of medical cannabis (January/February and March). He also mentioned that the dispensary application process went well and that the Mayor has made recent statements indicating that he will not support a 4th dispensary.

II. Public Comment

Seven comments, regarding the need for an additional dispensary, the need to be proactive in helping seniors who need to medicate in subsidized housing, and the difficulty cultivators are having finding space in the M District. Chair Pappas requested that an item be placed on the April agenda to develop a recommendation for Council adoption that would support protections for patients in apartments and federal housing.

VI. Subcommittee Reports

None.

VII. Discussion and Action Items

A. Election of Officers.

Public Comment: None.

Motion/second to re-elect Charley Pappas as Chair and Tina Ferguson-Riffe as Vice Chair (Rice/Cooper). The motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

B. Number of dispensaries: Discuss and vote on recommendation to include with the Council report.

Public Comment: None.

Discussion focused on the need to include another recommendation to Council to increase the number of dispensaries beyond four. Comments included the need to focus on the items currently before the MCC and the need to get Council agreement on those items before adding more issues, and the possibility of a ballot measure to put the question in the hands of the voters.

Motion/second to table increasing the number of dispensaries beyond four indefinitely in order to continue current agenda of expanding cultivation (Rice/Cooper). The motion

carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

C. Review Council report regarding dispensary recommendation and possible vote on Commissioners to review subsequent changes with staff.

Public Comment: None.

Commissioner Cooper and Chair Pappas offered to review the report on behalf of the MCC. Motion/second to adopt staff recommended language regarding energy use (Cooper/Pappas). Motion carried 6-0-0-2. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones, Rush.)

D. Discussion of cultivation selection process and possible vote on creating a new subcommittee.

Public Comment: Three public comments, pointing out that Cultivation Subcommittee document still has references to dispensaries, and a question about the status of cultivation businesses that are already operating in the M District.

Discussion: The cultivation subcommittee document was developed two years ago and will definitely have changes. Questions were raised about the types of approval processes, whether a selection process is needed, and whether different types of processes could be developed for small and large dispensaries, using the State licensing definitions. Staff explained the differences between discretionary and non-discretionary approvals that apply to business licenses. Commissioners acknowledged that a West Berkeley business group (WEBAIC) has concerns about both cultivation and expansion into districts beyond the M District, and that they should be invited to the cultivation subcommittee meetings. In terms of a cultivation subcommittee, discussion focused around the need for a subcommittee, the role of a subcommittee (to discuss licensing, consensus building, develop specific ideas for expansion, consider general cultivation issues).

Motion/second to create a cultivation subcommittee to consider cultivation issues (Lampach/Pappas). Motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

Commissioner Lampach and Chair Pappas offered to be on the subcommittee. A request for a third member will be on the April agenda.

E. Discuss Council actions at February 23, 2016 meeting and vote on MCC representative for March 15, 2016 Council meeting re. Berkeley Municipal Code changes.

Public Comment: None.

Staff explained that the Zoning Ordinance changes (23E.72.040) will have its second reading on March 8th.

Motion/second to appoint Commissioner Rice to speak for the MCC at the March 8, 2016 Council meeting should the Zoning Ordinance amendment be pulled off the consent calendar (Rice/Ferguson-Riffe). Motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

Motion/second to appoint Commissioner Cooper to speak for the MCC at the March 15, 2016 Council meeting regarding the BMC changes (addition of Chapters 12.23 and 12.25, modifications to Chapters 12.26 and 12.27) (Cooper/Rice). Motion carried 5-0-0-3. (Ayes: Cooper, Ferguson-Riffe, Lampach, Pappas, Rice. Noes: None. Abstain: None. Absent: Jones, Rush, Tims.)

X. Adjournment

Motion to adjourn at 3:55.

Five late items were distributed at the meeting:

- a. Staff: Draft selection process from Cultivation Subcommittee (originally distributed at 9/4/14 MCC meeting)
- b. Pappas: Draft letter to Council regarding Commission Vacancies
- c. Pappas: MCC Rational for Additional Dispensaries (June 3, 2014) with modification by Chair Pappas
- d. Pappas: Legal/Health/Medical Updates, January/February 2016
- e. Pappas: Legal/Health/Medical Updates, March 2016

Commissioners in attendance: 5

Members of the public in attendance: Approximately 15

Public speakers: 10

Length of meeting: 1 hour, 30 minutes

APPROVED: _____



Elizabeth Greene

Medical Cannabis Commission Secretary