

MINUTES

CITY COUNCIL OF THE CITY OF LA HABRA SPECIAL MEETING

Monday, December 12, 2016

APPROVED: These Minutes were approved on January 17, 2017.

CALL TO ORDER: Mayor Gomez called the Special Meeting of the City Council of the City of La Habra to order at 2:00 p.m. in the Council Chambers, located at 201 East La Habra Boulevard in La Habra, California.

Mayor Gomez announced there would not be an invocation at tonight's meeting.

INVOCATION: City Attorney Jones

PLEDGE OF ALLEGIANCE: Councilmember Blazey

COUNCILMEMBERS PRESENT: Mayor Gomez
Mayor Pro Tem Shaw
Councilmember Blazey
Councilmember Beamish

COUNCILMEMBERS ABSENT: Councilmember Espinoza (excused absence)

OTHER OFFICIALS PRESENT: City Manager Sadro (arrived 2:03 p.m.)
City Attorney Jones (arrived 2:02 p.m.)
City Clerk Mason
Deputy City Clerk Swindell

I. PUBLIC COMMENTS:

Allan Dalton, 2620 West Cobblestone Road, spoke regarding issues with his neighbor. Mayor Gomez referred him to Police Chief Price.

City Attorney Jones arrived at 2:02 p.m.

II. CONSIDERATION ITEMS:

City Manager Sadro arrived at 2:03 p.m.

1. Consider a proposed zoning ordinance to establish a 45-day moratorium to temporarily amend provisions of Title 18 of the zoning code to prohibit specified marijuana related use and activity.

Deputy City Attorney Raven gave a brief PowerPoint presentation comparing the current La Habra Municipal Code regarding medical marijuana use versus the addition of recreational use of marijuana with the passage of the Adult Use of Marijuana Act on November 8, 2016, effective January 1, 2018. She explained that the proposed ordinance is a 45-day moratorium on

marijuana use that can be extended twice for up to a period of two-years to give City staff time to research and report back to Council on this issue.

Council discussion included: other Orange County cities approving a ban on marijuana use; clarification regarding the state and federal jurisdictional statutes of marijuana sales versus tobacco and alcohol sales; confirmation that possession of no more than 28.5 grams, transportation through the City on City streets, and indoor cultivation of no more than six marijuana plants per dwelling is now legal per California law; concerns regarding the development of the Beckman Industries property in the City of Fullerton and potential for marijuana sales, expressed concerns regarding potential issues for the City and the lack of revenue to address those potential issues with the passage of the Adult Use of Marijuana Act; and clarification that the City of La Habra voted 52% no and 48% yes as compared to Orange County voted 52% yes and 48% no regarding the passage of the Adult Use of Marijuana Act.

Staff was directed to research and report back on the following: clarification on the cities of Brea, Fullerton, La Mirada, Whittier, and La Habra Heights intent regarding the passage of the Adult Use of Marijuana Act; potential revenue stream such as retail and dispensaries and could that benefit the General Fund, potential revenue projections and resources that could benefit the City and/or non-profits; safety issues regarding indoor and outdoor marijuana cultivation; the City policy regarding zero tolerance; and the definition of “under the influence” as it pertains to the use of marijuana by City employees.

Mayor Gomez invited the public to testify at 2:12 p.m. There was no testimony.

Moved by Councilmember Beamish, seconded by Councilmember Blazey, and CARRIED (4-0) TO APPROVE INTERIM URGENCY **ORDINANCE NO. 1775** (zoning ordinance) ENTITLED: AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, AMENDING PROVISIONS OF TITLE 18 (THE ZONING CODE) PROHIBITING THE DEVELOPMENT OF MARIJUANA RELATED USES.

Said motion CARRIED by the following roll call vote:

AYES: Mayor Gomez, Mayor Pro Tem Shaw, Councilmember Blazey,
Councilmember Beamish

NOES: NONE

ABSTAIN: NONE

ABSENT: Councilmember Espinoza

III. ADJOURNMENT: Mayor Gomez adjourned the meeting at 2:18 p.m.

Respectfully submitted,

Tamara D. Mason, MMC
City Clerk