



MINUTES

Wednesday, January 20, 2016

6:30 P.M. Open Session

**REGULAR MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, David W. Brown, Gail Morton, Mayor Pro-Tem/Vice Chair Frank O'Connell, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative. None*
4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a Certificate of Adjournment – Teo Colon
 - b Recreation Announcements
6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council*

- Tim Ledesma – Spoke about the recreation announcements and announced that there is still one vacancy on the Economic Development Commission and interested person can pick up an application at City Hall.
- Kevin P. Saunders – Commented on the last couple of times he spoke at the council meeting, not addressed the council but addressed the public. Need to bring civility back. Indicated his plans to bring a federal lawsuit and formal complaint against PRVNT and Chief Rodriguez once he is acquitted of his charges that his civil rights were violated.
- Mayor Pro-Tem O’Connell – Announced on February 18, 2016 is the next Town Hall meeting at the Marina Library starting at 6:30 PM. Slide presentation related to the Marina Police and Fire Department.
- Mayor Delgado – Conducted a walkthrough of the new Marriot hotel being constructed with the hotel owner and has a few nice features; Thanked Council Member Amadeo for attending today ribbon cutting for the University Village Apartment, which actually opened April 2014 and has 108 very low, affordable housing units.
- Council Member Amadeo – the Norther Salinas Valley Mosquito Abatement District has decided to do a public education program. This will be at the adult level to deal with the diseases that are spreading worldwide as it relates to mosquitos in California. Keep an eye out for more information from the Mosquito District.

7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

a. **ACCOUNTS PAYABLE:**

- (1) Accounts Payable Check Numbers: 77664-77784, totaling \$262,972.94
Wire transfers totaling: \$62,850.81

b. **MINUTES:**

- (1) January 5, 2016, Regular City Council Meeting
- (2) January 12, 2016, Special City Council Meeting

c. **CLAIMS AGAINST THE CITY:** None

d. **AWARD OF BID:** None

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2016-05**, approving Investment Policy and Management Plan for City of Marina and Successor Agency to the former Marina Redevelopment Agency.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2016-06**, approving an Agreement with R.L. Hastings & Associates, LLC, of Placerville, California in the amount of four thousand dollars (\$4,000) for Administrative Subcontractor Services to perform required monitoring of project for compliance with requirements of the HOME Program to support the Rockrose Gardens Project, and; authorizing City Manager to execute Agreement on behalf of City subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2016-07**, approving a Fee Agreement between the City of Marina and EAH Inc. for provision of planning, engineering and City Attorney services related to review, and processing of the VTC Permanent Housing Project located on Hayes Circle, Marina, California (APN:031-021-040), and; authorizing the Finance Director to make the appropriate accounting and budgetary entries, and; authorizing the City Manager to execute the Fee Agreement on behalf of the City subject to final review and approval by the City Attorney.
- (3) City Council consider adopting **Resolution No. 2016-08**, approving an amendment to the FY 15/16 budget appropriating additional funds for preparation of the City of Marina's 5th Cycle Housing Element Update; approving a consulting services agreement between the City of Marina and Veronica Tam and Associates Inc. of Pasadena, CA for the preparation of the Housing Element update and update to the City of Marina's Affordable Housing Ordinance (Municipal Code Chapter 17.45); and authorize the City Manager to execute the contracts on behalf of the City, subject to final review and approval by the City Attorney; and authorize the Finance Director to make the necessary budgetary and accounting entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for months ended October 31, November 30, and December 31, 2016.
- (2) City Council consider adopting **Resolution No. 2016-09**, receiving and filing City of Marina audited Annual Financial Reports for the fiscal year ended June 30, 2015.
- (3) City Council consider adopting **Resolution No. 2016-10**, receiving and filing City of Marina single audit report for Fiscal Year ended June 30, 2015.

- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Council Member Morton has questions on agenda items 8f(1) and 8g(1).

For agenda item 8f(1) - On page 46 it talks about separation of transaction authority from the accounting and record keeping and I "wanted to find out if we in fact have that responsibility split"; and then my second question is: "when this is required to come to the city council for review as a document", the policy management plan strategy has been adopted year end and year out. In 2007 it was revised, the last time in 2016 and it's been approved each year but are we also as council supposed to be looking at what these investments are? Because there is no content, it's just the theory. As a council are we also responsible to be looking at the actual content of our investment?

For agenda item 8g(1) reading the staff report this is regarding the Rockrose Garden project and my understanding of the staff report is that we had an excess of funds and approximately \$361,000 of funds that was provided to the city were lent to this project with a deed of trust, loan documents, etc.. So I assume we're getting paid interest on that but that is a loan from the city to this entity, am I understanding that correctly? Is that one of our investments that is referred to in our investment portfolio that we are supposed to be keeping under 8f(1)? Is the city receiving interest on the \$361,000 loan? And what are the terms of the loan and what can be done with repayment of monies?

Mayor Delgado – the \$4,000 we are being asked to spend on the Rockrose monitoring tasks, where is that \$4,000 coming from? What account number is that in the staff report? Do we the city expect to pay \$4,000/year from this point forward for these services?

AMADEO/BROWN: TO APPROVE THE CONSENT AGENDA AND REQUEST THAT THE INFORMATION WE WANT TO COME BACK ON AGENDA ITEMS 8f(1) AND 8g(1). 5-0-0-0 Motion Passes

Public Comment:

- Paula Pelot – Informed council of the required quarterly investment reports that are put on the agenda which details your investments. Some governmental bodies actually have oversight commission that actually work with your finance department to ensure that other level of accountability that's looking at it to make sure that your investments are in line with your policy. City's need to adopt a policy in January of each year because that's your policy going forward.

9. PUBLIC HEARINGS:

- a. City Council to receive staff report and adopt an urgency ordinance of the City Council of the City of Marina amending Municipal Code, Title 17 (Zoning) to add Section 17.04.210.5 to define "cultivation of marijuana," Section 17.04.210.7 to define Commercial Cannabis Activity and 17.06.020, subsections p and q to prohibit commercial cannabis activity and the cultivation of marijuana in all zones except for the cultivation of no more than twenty (20) plants by qualified patients with an identification card, at his or her personal residence.

Council discussed:

- Proposed ordinance cutout delivery in Marina from an out of town dispensary
- Commercial Cannabis activity
- League of California Cities notice on Bill Amendment

- Criminal Enforcement vs. Administrative Enforcement
- Number of plants per qualified patient specified in ordinance
- Landlord Rights on limit or prohibition of cultivation
- Distribution Activities

Mayor open the public hearing for public comments:

- Sam Rashkin – The landlord ordinance is very easy to understand, statewide in 2018 if you do not have a signed authorization from the property owner you cannot grow marijuana on your property. You are have two discussions going on right now, one is personal use and the other is commercial use and if you want to divide that further there's the Compassionate Care Act (Prop 215), which is in act right now through 2018 but in 2018 all these new licenses and guidelines come into play. As we go through this process in Marina I'd encourage you to protect Marina now and every city I'm working with now I'm saying "ban and amend, ban and amend". Any new business that starts in 2016 needs to comply with the Prop 215 Guidelines, need to comply all the city's local guidelines and regulations and then the state guidelines and regulations. If you don't have guidelines and regulations in place now the business owners in Marina really can't set up businesses and then apply for state licenses in 2018. Encourage council to set up a guideline so your local people by 2018 can be compliant with the state rules.
- Tim Ledesma – Reminded the city and council that the Compassionate Care Act and the cultivation of marijuana and the delivery of the medicine and the whole business pretty much generates around dispensaries. At this point rather than us as a city piecemealing these urgency ordinances and talking about how many plants a person can grow on their property we really need to be talking about the elephant in the room and it's the moratorium that the city council enacted years ago to even start the discussion. So if you're going to bring it to the planning commission I believe that we need to start as a whole and look at the big picture, don't piecemeal it. It doesn't sound like a prudent business plan and this industry is, the three things they hound into this dispensaries and the business around it is compliance, compliance, compliance and that's what you need to focus on.
- Anthony Duncan – San Jose Medical Marijuana Consultant Management Group since 2010, very instrumental on getting the City of San Jose where they are today, which is Title 6 and Title 20. Just finished two collectives grows worth \$20 million in San Jose. Worked hard with the police and Fire Departments for safety and the city and the city attorney's. Wanted to reach out to the council should you need any information or education about the system. Thinks what council is doing is the right thing to do to get it under control. Possibly banned and then again amend it back. Get it done with a professional group. If you have any questions please let me know.
- Kevin P. Saunders – cofounder of Coasterdam Cannabis Collective of Marina. Commented about how the police will not enforce the medical marijuana deliver ban and what was done to him for his delivery service because he could not have a dispensary because of the 2007 Moratorium. Delivery services have effects on people's lives if banned. Cultivation is different from delivery service, think about the people.

Mayor closed public hearing for public comments.

O'CONNELL/MORTON: CITY COUNCIL ADOPT THE UPDATED ORDINANCE AS PROVIDED BY MAYOR PRO-TEM O'CONNELL AND DIRECT THE STAFF TO IMMEDIATELY BEGIN THE PROCESS OF COMING UP WITH A MORE COMPREHENSIVE ORDINANCE THROUGH THE NORMAL PLANNING PROCESS. 5-0-0 Motion Passes

Roll Call Vote: Amadeo – Yes, Brown – Yes, Morton – Yes, O'Connell – Yes, Delgado – Yes.

Substitute Motion

Brown/Delgado: to adopt the original proposal in the agenda packet.

Substitute motion maker withdrew his motion

Public Comments:

- Sam Rashkin – Supports the motion. A lot of cities have provisions where it's not visible to the public, most of them have a provision where it's lockable, and you don't want children and young people to have access to it. That's against Federal law. We have to very careful when there are children in a household the cannabis must be locked up. There are different things that go with it but the 6 and 12 seems to be the standard that I'm seeing statewide. 6 mature plants, 12 immature plants. The other thing is the landlord/property owner authorization. Most of my clients want to be compliant. So they want permits from the city.

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council to receive subcommittee report and adopt **Resolution No 2016-11**, to amend the City Manager Employment Agreement to increase salary and benefits, authorize signature by the Mayor, approve amendments or additions to the salary plan and make the necessary budgetary adjustments.

MORTON/DELGADO: AMEND THE MARCH 29, 2013 EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, ATTACHED AS "EXHIBIT "A" TO: (A) INCREASE THE SALARY OF THE CITY MANAGER TO SEVENTEEN THOUSAND FIVE HUNDRED EIGHTY-FIVE AND 33 CENTS (\$17,585.33) PER MONTH; (B) INCREASE THE ACCRUAL AND CREDIT FOR PERSONAL LEAVE AND ADMINISTRATIVE AS IF THE EMPLOYEE HAD BEEN EMPLOYED FOR SIXTEEN YEARS; (C) GIVE THE CITY MANAGER A VEHICLE ALLOWANCE OF \$400 PER MONTH FOR THE USE AND MAINTENANCE OF A PRIVATE VEHICLE, IN LIEU OF PROVIDING A CITY OWNED AND MAINTAINED VEHICLE; AND AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE EMPLOYMENT AGREEMENT, IN THE FORM ATTACHED AS "EXHIBIT "B"; AND AUTHORIZE AN AMENDMENT TO THE SALARY PLAN FOR THE CITY MANAGER; AND AUTHORIZE STAFF TO MAKE THE NECESSARY BUDGETARY ADJUSTMENTS.
4-1(O'Connell)-0-0 Motion Passes

Public Comments:

- Glenda Kelley – Expressed concern over that large increase to the City Manager's contract, which equate to a 17% raise. Does not agree with the City Manager working here for less than three years and that he's asking to get 16 years of service. That gives him more comp-time, more vacation time and he needs to earn that. He's going to get a 3% raise every year no matter what. I don't agree with that either. Are we that well off, giving a \$10,000 raise to the police chief, \$33,000 raises to other individuals in this city? Asked why the city departments are still closed on

Wednesdays? When are we going to be open 5 days a week? Do we have all positions filled and is all maintenance being done? He may have saved us millions of millions of dollars but we're not spending any money. That's why the books look good because we're not really spending any money. I would like to see that in our next budget. Do we have a full time animal control officer? Or a full time code enforcement officer? There are a lot of positions not filled. We just approved the 10 year extended sales tax. The residents of Marina might need to reevaluate that. What about the line staff and all their raises? Does not know why you did not consider a 3% or 4% increase across the board for everybody instead of giving an individual a 17% raise.

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Pro-Tem O'Connell attended the monthly Mayor's Association meeting where the primary talk was about the TAMC 3/8 % cents sales tax. Question brought up was whether or not the Mayor Association should actually approve supporting a 60/40 split or a 50/50 split as to any revenue that comes in from this tax if it passes. I proposed that the various mayors get it in front of their council before the next mayor's luncheon so that there can be some unity of some sort. I e-mail the mayor and city manager to see if we can get that question as to how this council feels to be a 50/50 split or a 60/40 split.

b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

Mayor Delgado – recently I met with the city manager to express concern for himself. He wants to make the time to hire the public works director and then consider hiring other positions that we've authorized him to pursue if he finds it necessary.

13. ADJOURNMENT: the Council meeting adjourned at 9:00 PM in memory of Teo Colon


Anita Sharp, Deputy City Clerk

ATTEST


Bruce C. Delgado, Mayor

**Councilmember O'Connell's draft Ordinance 1/20/16
Agenda Item 9a**

ORDINANCE NO. 2016-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING MUNICIPAL CODE, TITLE 17 (ZONING) TO ADD SECTION SECTION 17.04.210.5 TO DEFINE "CULTIVATION OF MARIJUANA," SECTION 17.04.210.7 TO DEFINE COMMERCIAL CANNABIS ACTIVITY AND 17.06.020, SUBSECTIONS P AND Q TO PROHIBIT COMMERCIAL CANNABIS ACTIVITY AND THE CULTIVATION OF MARIJUANA IN ALL ZONES EXCEPT FOR THE CULTIVATION BY QUALIFIED PATIENTS WITH AN IDENTIFICATION CARD, AT HIS OR HER PERSONAL RESIDENCE

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THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

WHEREAS, in October 2015, the California Legislature enacted the Medical Marijuana Regulation and Safety Act (MMRSA) for the licensure and regulation of medical marijuana. Local authority remains intact under the law. All medical marijuana businesses (dispensary sales, delivery services, cultivation, or transport) must have a State license;

WHEREAS, under the MMRSA, if a city does not have an ordinance in place prohibiting the cultivation of marijuana either expressly or otherwise under the principles of permissive zoning, or chooses not to administer a conditional program, then commencing on March 1, 2016, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants;

WHEREAS, the City operates under the principles of permissive zoning, in which any use not enumerated in the code is presumptively prohibited;

WHEREAS, under the MMRSA, if the City does not condition the cultivation of marijuana within its jurisdiction, cultivation of marijuana will be permitted with only a State license. The City's intent is to condition the cultivation of marijuana so as to be able to retain local control over the cultivation of marijuana within its jurisdiction;

WHEREAS, pursuant to the Marina Police Department, Commercial Cannabis Activity and the cultivation of marijuana, except for on a limited basis by “Qualified Patient,” with an “Identification Card,” as defined in California Health and Safety Code Section 11362.7, impacts upon the public health, welfare and safety of the citizens of the City of Marina for the following reasons: Other California cities have experienced an increase in police services associated with commercial or large scale marijuana cultivation, processing and distribution activities. Marijuana and the cash it generates are commodities that are highly sought after and any type of commercial or large scale marijuana distribution leads to illegal activity to obtain marijuana and cash. Some of the illegal activities associated with this are: illegal sales and distribution of marijuana; trespassing; theft; violent robberies; and, burglary. Additionally, large marijuana cultivation and processing sites consistently result in quality of life issues/complaints in the areas where these activities occurs. This can lead to additional police calls for service and potentially calls for service from other City departments. The strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the plants, creating a risk of various types of criminal activity.

WHEREAS, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. Based on the Attorney General’s analysis and the experiences of other California cities, the Police Department would need to provide a higher level of patrol in the areas where large scale or commercial amounts of marijuana are cultivated, processed and distributed, thus taking valuable time away from other areas of the City. Additionally, the Department would need to set intensive

Crime Prevention through Environmental Design requirements on these businesses and do higher levels of follow up to ensure compliance.

WHEREAS, the cultivation of large amounts of marijuana in a small city such as Marina, in neighborhoods with usually small lots constitutes a public nuisance due to the smell, degradation of the environment, serious fire dangers and excessive use of electricity;

WHEREAS, the cultivation of marijuana outside of the living unit increases the likelihood of trespass and crime on said property, by individuals confiscating said cultivated plants;

WHEREAS, the City of Marina reasserts the findings made by the Monterey County Board for Supervisors for this County that the "...cultivation of medical marijuana has also been associated with serious harmful effects in areas where they are located, to owners of property in such areas, and to people living, visiting, conducting business or otherwise present in the area, as reported by other California counties and cities. Harmful effects at both outdoor and indoor cultivation facilities have included an increase in criminal activity because of the high monetary value of the marijuana plants, adverse environmental impacts, interference with farming practices, fire from grow light systems, extensive energy consumption and strong offensive odors";

WHEREAS, the proposed action is not a "Project" under the California Environmental Protection Act (CEQA Guidelines Section 15378) and has no potential for causing a significant impact on the environment and therefore is otherwise exempt under the General Rule (Section 15061(b)(3)).

WHEREAS, there is a current and immediate threat to the public health, safety and welfare presented by the recent enactment of the MMRSA, and the potential for cultivation of large amounts of marijuana or commercial operations of the cultivation of marijuana, to occur prior to

the establishment of zoning regulations under normal planning and zoning processes of the City. Moreover, as discussed above, the cultivation of medical marijuana poses a serious fire risk to the residents of the community. The City Council finds that the immediate preservation of the public health, safety and welfare require an interim ordinance be enacted prior to an actual ordinance, pursuant to Government Code Sec. 65858 and take place immediately upon adoption, and its urgency is hereby declared.

NOW THEREFORE, the Marina City Council declares as follows:

1. Section 17.04.210.5 Added. The Municipal Code is hereby amended by the addition of Section 17.04.210.5 to read as follows: “**Marijuana Cultivation**’ means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities”;
2. Section 17.04.210.7 Added. The Municipal Code is hereby amended by the addition of Section 17.04.210.7 to read as follows: “**Commercial Cannabis Activity**’ is as defined by subpart (k) of California Business and Professions Code section 19300.5”;
3. Section 17.06.020, Subsection (P) Added. The Municipal Code is hereby amended by the addition of Section 17.06.020, Subsection (P) to read as follows: “**Commercial Cannabis Activity as a Prohibited Use and/or Activity.** Commercial Cannabis Activity by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the City’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Any Commercial Cannabis Activity that takes place in violation of this provision is unlawful, and is hereby declared a public nuisance. Nothing in this Chapter is intended

to, nor shall it be construed to, make legal any Commercial Cannabis activity that is allowed or otherwise prohibited under California law. Nothing in this Chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting Marijuana Cultivation by its tenants. **This Chapter shall be administratively enforced**"; and,

4. **Section 17.06.020, Subsection (Q) Added.;** The Municipal Code is hereby amended by the addition of Section 17.06.020, Subsection (Q) to read as follows: **"Marijuana Cultivation" is a Prohibited Use and/or Activity, Except for 'Marijuana Cultivation by a "Qualified Patient" with an "Identification Card" on a Property on which He or She Resides, for a Limited Non-Commercial Purpose . The cultivation shall be at a location on the property that is secluded so that it cannot be observed by a member of the public who passes by the property.**

Marijuana Cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the City's jurisdictional limits, except as set forth herein. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity, except that a "Qualified Patient," with an "Identification Card," as defined in California Health and Safety Code Section 11362.7 may cultivate not more than twenty (20) plants, ten (10) of which may be mature, per each "Qualified Patient" with an "Identification Card," upon property he or she rents or owns and inhabits, either inside the dwelling or on land included in such rented or owned property. Nothing in this Chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting Marijuana Cultivation by its tenants. **This Chapter shall be administratively enforced**"

5. **Validity of Ordinance.** If any part of this ordinance is held to be invalid, unlawful, or unconstitutional, it shall not affect the validity of any other part of the ordinance.
6. **Effective Date.** This ordinance is adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sec. 65858(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption by a minimum 4/5 vote, it shall take effect as a regular ordinance and be in force 30 days from and after its final passage.
7. **Posting of Ordinance.** Within 15 days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three public places designated by resolution of the City Council.

The foregoing ordinance was passed and adopted at a duly held meeting of the City Council of the City of Marina held on the 20th day of January, 2016 by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk