

Agenda Item: ID17-1232 (4-A)

Date: 8/31/17

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID17-1232 (4-A)

Contents of Supplement: Memoranda from Police Chief Dyer and Fire Chief Donis

Item(s)

Title: Approve Proposition 64 Best Practices Consulting – Council President Olivier

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

City of
FRESNO
POLICE DEPARTMENT

TO MAYOR/COUNCIL FYI

Date 8/31/17 By W Marchine

August 30, 2017

To: HONORABLE MAYOR LEE BRAND
COUNCIL PRESIDENT CLINT OLIVIER
COUNCIL MEMBERS

THROUGH: WILMA QUAN-SCHECTER, City Manager
City Manager's Office

FROM: JERRY P. DYER, Chief of Police
Police Department

BY: PATRICK FARMER, Deputy Chief of Police
Investigative Services Division

SUBJECT: MARIJUANA-RELATED CALLS

A request was received from a council member asking whether or not, since legalization, there had been any police complaints associated with marijuana grows in the City of Fresno. This memo is intended to address that question.

We have listed the following statistics on marijuana-related calls-for-service for the previous 2 ½ years, involving Fresno Police officers from the Special Investigations Bureau (Major Narcotic's Unit), and the Patrol Division (Chart).

Marijuana Call-for-Service

2015	43 Marijuana-related calls	3 Dispensaries
2016	30 Marijuana-related calls	3 Dispensaries
2017	27 Marijuana-related calls	1 Dispensary

2016 Statistics:

5	Butane Hash Oil Lab Investigations (BHO)
11	Marijuana Grow Investigations
3	Marijuana Dispensary Investigations

2017 Statistics – (to date):

- 1 Butane Hash Oil Lab (BHO) Investigations
- 10 Marijuana Grow Investigations
- 1 Marijuana Dispensary Investigations

CHART

The fifteen listed events below are calls that were dispatched to Patrol through our Computer-Aided Dispatch (CAD) System, year-to-date, for 2017, with some narrative for your review.

Match/Event	Receive Time	Class	Address	Synopsis
1-Main: 170F2475	8/11/2017 8:03:01 PM	454	459 N FOWLER AV / E TULARE ST, FRESNO	MISC CASE # FOR 7/27 SEE EVENT RF 2442
2-Main: 170E3128	7/29/2017 7:46:49 AM	454	3428 E LIBERTY AV / S FOURTH ST, FRESNO	VERY STRONG ODOR OF MARIJUANA COMING FROM THE HOME. HE THINKS THERES ABOUT 1000 PLANTS INSIDE ?
3-Main: 170D2919	7/22/2017 5:57:43 AM	454	2433 S HOLLY AV / E CHURCH AV, FRESNO	MARIJUANA GROWTH IN THE GARAGE OF THIS HOUSE.. THIS IS UNCLES HOUSE WHO HAS A MENTAL CAPACITY OF A 20YR OLD.. UNCLE/ANTHONY TAYLOR 8MA 65YRS 08/16/77
4-Main: 17AX5231	6/13/2017 11:30:28 AM	454	1033 VAN NESS AV / TULARE ST, FRESNO (CLUB ONE	FOUND NARCS... RP FOUND BRN BAG CONTAINING GLASS PIPE AND UNK NARCS ON THE YELLOW LEVEL OF UNDERGROUND PARKING... RP WILL HAVE THE FOUND NARCS IN THE PARKING BOOTH...
5-Main: 17AX2660	6/11/2017 4:20:41 PM	454	4950 N LOLA AV 8102 / W FAIRMONT AV, FRESNO	SUSP CIRC... POSS HES... RP DOING WALK THRU OF THIS UNIT TO ASSESS DAMAGES FROM PREVIOUS TENANT MOVING OUT, SAYS THERE IS EVIDENCE OF HES GROWTH ACTIVITY... WANTS IT TO BE CHECKED OUT BEFORE SHE
6-Main: 17AR5740	5/7/2017 7:19:31 PM	454	961 N FRUIT AV / W DENNETT AV, FRESNO	MISC CASE FOR 7N11...
7-Main: 17AR2937	5/3/2017 6:34:14 AM	454	4336 E ANDREWS AV / E FOUNTAIN WY, FRESNO	MARIJUANA GROWTH - RP HAS MADE TWO CALLS TO ANON TIP DRUG HOTLINE..RP SAW LOTS OF MARIJUANA PLANTS IN THE BACKYARD.. RP CONCERNED BECAUSE THERE IS A STRANGE ORDER FROM THE HOUSE.. AFRIAD
8-Main: 17AP5230	4/20/2017 2:40:46 PM	454	5785 E BELMONT AV / N SUNNYSIDE AV, FRESNO	INFO ONLY AT THIS TIME .. SUSP CIRM RP IS GOING TO BE DOING A HM INSPECTION AT THIS RENTAL .. SINGLE FAMILY HOME .. RP IS W/ENJ GALLO WINERY PROPERTY OWNERS .. RP SUSP THEY R POSS GROWING MARIJUANA
9-Main: 17AB4709	1/11/2017 4:01:45 PM	454	4936 E LAUREL AV / S WILLOW AV, FRESNO	HAS GROWING/MANU... NEIGHS GROWING "CLONES" AND BRANCHES, RP CAN SEE IT GROWING OVER FENCE LINE AND INSIDE THIS HOUSE...RP SAYS SHE CAN SMELL THE MARIJUANA AND IT HAS A STRONG AROMA AND IS
10-Main: 16BU7577	12/12/2016 4:06:57 PM	454	5768 N WALSLEY AV / W MORRIS AV, FRESNO	NARCOTICS ... RP IS ADVG THIS IS AN ACTUAL MARIJUANA GROW RESD ... MARIJUANA IS IN THE RESD PER THIS CALLER ... RP STS A MALE COMES AND GOES AT TIMES AND THE RP HAS SEEN A FEMALE W/3 SMALL JUVS ALSO
11-Main: 16BP6066	11/3/2016 6:35:13 AM	454	1477 W CHENNAULT AV / N FRUIT AV, FRESNO	RP SMELLING A METH LAB CLOSE BY THINKS ITS HOUSE RIGHT BEHIND HIM ON SPRUCE, SMELLS PAINT THINNER IN AIR OTHER CHEMICAL, HAS CALLED BEFORE, SAID THEY ALSO ARE GROWING MARIJUANA. NOTICED THIS NEIGH HAS
12-Main: 16B04558	10/25/2016 7:53:09 PM	454	5399 N CRESTA AV / W BARSTOW AV, FRESNO	POSS 4S ACTIVITY..RP REPORTING SMELL OF MARIJUANA EMITTING FROM THE RESD.. ALSO POSS GROW IN THE BACKYARD..LIGHTS ON IN THE BACKYARD AND SUBJS CONSTANTLY COMING AND GOING AT ALL HOURS OF THE
13-Main: 16BJ8573	9/21/2016 11:00:32 AM	454	462 N DURANT WY / W BELMONT AV, FRESNO	ASST PROBATION W/ A MARIJUANA GROW, THEY ARE ARRIVED. CLIENT IS SENEKO, VONG 101555
14-Main: 16BI9984	9/15/2016 7:12:26 AM	454	706 W TERRACE AV / N DELNO AV, FRESNO	SUSP ACT...MARIJUANA GROW... APT 10 AGO RP SAW JUVS JUMP THE FENCE AND RUN NB FROM LOC... 2 AN THAT LIVE IN RESID TOOK OFF IN SILVER POSS TOYOTA TO LOOK FOR THEM .. RP HAS SMCE REALIZED SUBJS AT THIS LOC
15-Main: 16BI8558	9/14/2016 7:04:31 AM	454	4785 E WASHINGTON AV / N CHESTNUT AV, FRESNO	THIS HOUSE IS GROWING MARIJUANA IN BACKYARD, THEY HAVE A 2ND GATE INSIDE THE BACKYARD WITH TARPS AROUND IT AND HAVE A DOG OR DOGS ROAMING THE BACKYARD TO PROTECT THEIR CROP, A CAMBODIAN MALE



FIRE DEPARTMENT

TO MAYOR/COUNCIL FYI
Date 8/30/17 By M. Marchini

DATE: August 30, 2017

TO: LEE BRAND, Mayor
CLINT OLIVIER, Council President
CITY COUNCIL MEMBERS

THROUGH: WILMA QUAN-SCHecter, City Manager
City of Fresno

FROM: KERRI L. DONIS, Fire Chief
Fresno Fire Department

SUBJECT: MARIJUANA GROWS IN THE HOME AND FIRE ISSUES

Last week, there was quite a bit of confusion and questions related to the Council agenda item and ordinance related to growing six marijuana plants in homes in the City of Fresno. I received a request from a Councilmember asking the following question: ***Since the legalization of marijuana, have there been any fires that have resulted from marijuana grow?***

The following information best answers the question above and also offers additional feedback from the Fire Department's perspective.

The Department reviewed all call narratives that included the word "marijuana" and found nine calls from August 1, 2016 to date. After review of the narratives, only one may have been related to grow lamps. This particular narrative further describes the existence of multiple "daisy-chained" extension cords, electrical strips, timers, fans and freezers; all of which were in the area of origin and could have been the cause of the fire.

The most recent fire (August 23, 2017) in which 45 marijuana plants were found at a house fire was determined to have started in the electrical wiring. The occupant had been stealing power from the panel and a nail had been driven through the electrical wires in the wall.

Accidental fires happen every day in our City, and nationwide, resulting in unintentional fire and/or life losses. Some of the most common examples of accidental fires are listed below:

- Inappropriate use of extension cords (particularly with holiday lighting)
- Inappropriate disposal of combustible materials
- Cooking mishaps in the home

- Placing combustibles by a hot water heater
- Space heaters

At least four of the nine calls reviewed by the Department were accidentally started from illegal activity, such as cooking honey oil or methamphetamine; some of which involved propane tanks inside the home.

The proposed ordinance indicates a limit of 1200 watts of grow lamps for indoor growing; however, in our experience in response to emergency calls, wattage is not a factor. In fact, more often than not, it is the use of undersized extension cords on the circuit which cause a fire. Specifically, a person using a 15 amp extension cord, plugged into a 20 amp circuit, would overheat the extension cord and ignite combustible materials before tripping the breaker (or shutting off the power). Additionally, newer homes are installed with circuit breakers at the outlets, which will trip if it is overloaded. In any of these fire investigations (or other fires), Fire Investigators do not look for wattage symbols or indicators on appliances; rather, they determine origin and cause.

A quick Google search on "indoor grow lamps for marijuana plants" provided information on feeding, watering, light and darkness criteria needed for growing plants. There was part of the grow cycle which indicated the need for 3500-6800 watts of light for several hours per day over numerous days. Point being, making an arbitrary 1,200 watt limit is unenforceable either before or after the fact and therefore irrelevant. Additionally, research indicates new LED grow lights that can produce substantially more light for much less energy/wattage.

For the same reason that limiting residents to growing 6 plants won't stop those individuals who wish to grow more to profit from the black market, a 1,200 watt ordinance/limit won't have an impact. Adding this provision will not stop fires or fire losses, as lamps/grow lights are not the cause of the marijuana related fires we see, rather, it is inappropriate use of extension cords, misplaced combustibles and electrical wiring alterations.

Finally, the section in the proposed ordinance indicates "no detectible odors (of marijuana) from outside a residence". The Department goes into numerous homes each day and over 35,000 times throughout the year. There are many homes in our community that emit a foul odor due to the fact that they are abandoned and vagrants are using them in-part as a restroom, an excessive amount of animals live in the home, hoarding practices; the list of reasons is extensive. The Fresno Fire Department does not have the resources or staffing to respond to malodorous complaints other than suspected gas leaks.

KLD/amg