



City of Tacoma

Committee of the Whole Minutes

747 Market Street Tacoma, WA 98402

9th Floor Visibility Center

April 07, 2015

3:00 PM

Call To Order

Mayor Strickland called the meeting to order at 3:07 p.m.

Present: 6 - Ibsen, Mello, Lonergan, Walker, Thoms and Strickland

Absent: 3 - Boe, Campbell and Woodards

Briefing Items

1. [15-0361](#) Unlicensed Medical Marijuana Facilities

Mayor Strickland called on Elizabeth Pauli, City Attorney, for a briefing on the unlicensed medical marijuana facilities and stated Randy Lewis, Government Relations Officer, will give an update on the discussions in the Legislature regarding unlicensed medical marijuana facilities.

City Attorney Pauli stated the presentation will give the City Council an overview of the last Committee of the Whole discussion, an update on the work staff has been doing, report on pending state legislation and close by providing next steps.

City Attorney Pauli recapped the last update on unlicensed medical marijuana facilities. She stated the review consisted of the current enforcement strategy and enforcement options, staff recommendation to shut down all unlicensed operations, the status of the state legislation, and concerns about continued and reasonable access for qualifying patients. Ms. Pauli stated, based on the feedback from that meeting, staff determined to wait on the State Legislature and conduct additional evaluation of enforcement options.

City Attorney Pauli stated staff has looked at enforcement options and all files on known unlicensed operations for the potential of more focused enforcement efforts and found there were no additional enforcement options identified and no significant differences found among the 56 known unlicensed operations.

City Attorney Pauli gave an update on State Legislation stating Second Substitute Washington State Senate Bill 5052 is still alive. She then summarized some of the provisions of the Bill stating most of the provisions will be effective July 1, 2016. She stated the Bill establishes a medical marijuana endorsement for retailers, may increase the number of retailers and the Liquor and Cannabis Board is charged with establishing requirements for medical marijuana products. Ms. Pauli continued the update discussing the arrest protection which was established for those qualifying patients providing they have valid documentation and are registered in the database.

Discussion ensued regarding affirmative defense.

Ms. Pauli continued with the legislation update stating it allows for collective gardens to operate until July 2016, and in place of collective gardens it establishes marijuana cooperatives, which are groups of up to four people working together to grow up to 60 plants. She stated you have to be a participant in the growing of those plants to be a legitimate cooperative. She then stated that cooperatives cannot be located within 15 miles of a medical marijuana retail outlets and there is a sales and use tax exemption for medical marijuana sales.

City Attorney Pauli reviewed the House amendments beginning with the applicant preference system by the Liquor and Cannabis Board, then the requirement of more production space and additional retail outlets, the database and authorization requirements, and the affirmative defense is still available to you to prove you have authorization. She stated that a House amendment shifts the database and authorization requirement from the health providers to the retailers. She stated the House version also limits prohibition on extraction, it adds post-traumatic stress disorder to the list of qualifying conditions and it proposes to reduce the distance for complying cooperatives from 15 miles to one mile from retail outlets. Ms. Pauli then stated the Bill is contingent on the passage of House Bill 2136 which is the bill that eliminates excise tax for producers and processors, increases the retail tax to 30 percent and also contains a sales tax exemption for qualified patients and designated providers.

Discussed ensued regarding who is protected from being arrested.

City Attorney Pauli continued the review of the final House amendments which creates marijuana research license and revises buffers between retail and research facilities, expands retail signage opportunities, allows for common carrier, transport, and provides additional revenue for cities.

City Attorney Pauli discussed the options and next steps which included to continue the "on-hold" status and watch what comes out of the Legislature, continue to respond to complaints under the nuisance code or other codes, or

revisit the process of shutting down all unlicensed operations.

Discussion ensued regarding the issuance of business licenses to people opening up medical facilities, the preference system and what the Liquor and Cannabis Board may look at to consider preference, additional input by the City to the Liquor and Cannabis Board, revenue from taxes to the cities and counties, proximity of the businesses to parks and schools, who would maintain the database, and the impact the marijuana businesses have on the neighborhoods. The City Council then made concluding comments regarding the unlicensed medical marijuana facilities.

Council Consideration Requests

There were no Council Consideration Requests.

Committee Reports

Council Member Lonergan reported on the Pierce County Cities and Towns Association meeting stating Randy Lewis is a great asset to that group and is called upon early and often during the Legislation Session. He stated there was a presentation on ending homeless veterans and a discussion on the Public Works Trust Fund.

Council Member Mello reported on the Infrastructure, Planning, and Sustainability Committee stating they will receive a briefing on revamping the residential parking permit and feasibility study on a bike share program. He stated at the Puget Sound Clean Air Agency they are working on the budget and regulating wine bottle companies. He stated at the Puget Sound Clean Air Agency there was a discussion from the Puget Sound Regional Council Growth Board wanting to move from the system we have now on Regional Growth Centers based on densities to a tiered system and a presentation of a study entitled "Stuck in Traffic".

Council Member Walker reported the Pierce Transit Board voted on the new Chief Executive Officer, Susan Dryer. She then reported that Neighborhoods and Housing Committee will not be meeting on April 20, 2015. She announced that a meeting will be held at the Marriott Downtown on April 21, 2015 with Mr. Craig Nolte from the Federal Reserve Bank to make sure local bankers know what the economic development and affordable housing opportunities are for their community reinvestment act rating. She reported on the Hilltop Business Association and stated that Key Bank is slated to close in June.

Other Items of Interest

There were no other items of interest.

Adjournment

There being no further business, the meeting adjourned at 3:59 p.m.

Marilyn Strickland, Mayor

Doris Sorum, City Clerk