



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes - Draft City Council

Information: 360-753-8447

Tuesday, June 25, 2013

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer and Councilmember Jeannine Roe

Excused: 1 - Councilmember Karen Rogers

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

Councilmember Langer moved, seconded by Mayor Pro Tem Jones, to approve the agenda. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Roe

Excused: 1 - Councilmember Rogers

2. SPECIAL RECOGNITION

2.A 13-0495 City of Olympia Fireworks Ban Reminder

Fire Marshal Rob Bradley reviewed the fireworks ban which was approved by the voters in 2011 and is put into effect this year.

The recognition was received.

3. PUBLIC COMMUNICATION

No one spoke.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

Mayor Buxbaum noted item 4I - Approval of Parking Meter Vendor and Purchase - is pulled from the Consent Calendar at the request of staff.

Mayor Buxbaum acknowledged item 4J - the Isthmus Funding - and said this is a milestone. Councilmember Roe thanked Assistant City Manager Jay Burney for all his hard work on this project.

4.A 13-0518 Approval of June 10, 2013 Special Council Meeting Minutes

The minutes were approved.

4.B 13-0523 Approval of June 18, 2013 City Council Meeting Minutes

The minutes were approved.

4.C 13-0526 Approval of Bills and Payroll Certification

Claim check numbers 333856 through 334936: Total \$5,402,189.79; and Payroll check numbers 86043 through 86077, 86115 through 86142, and 86149 through 86176 and Direct Deposit Transmissions: Total \$7,008,511.04.

The certification was approved.

4.D 13-0391 Approval of Bid Award for 2013 Pavement Preservation Project

The Bid Award was approved

4.E 13-0471 Approval of Professional Service Agreement for the State Avenue Overlay Project

The agreement was approved.

4.F 13-0484 Approval of Easement Agreement for Groundwater Monitoring Facilities with Indian Summer LLC

The agreement was approved.

4.G 13-0496 Approval of Amendment to the Intergovernmental Contract with Thurston County regarding Reimbursement for Medic One Services

The agreement was approved.

4.H 13-0515 Approval of Intergovernmental Agreement for Emergency Management Assistance Compact, EMAC, and Pacific Northwest Emergency Management Agreement, PNEMA, Assistance Between Washington Military Department and City of Olympia.

The contract was adopted.

- 4.J 13-0524** Approval of Funding for Isthmus Properties

The funding was approved.

SECOND READINGS

- 4.K 13-0457** Amendment to Ordinance 6848 (Operating Budget)

The ordinance was adopted on second reading.

- 4.L 13-0458** Amendment to Ordinance 6849 (Special Funds)

The ordinance was adopted on second reading.

- 4.M 13-0459** Amendment to Ordinance 6850 (Capital Budget)

The ordinance was adopted on second reading.

FIRST READINGS

- 4.N 13-0313** Approval of Ordinance Amending OMC Chapter 18 Related to Large Commercial Buildings in Residential Neighborhoods

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

Mayor Pro Tem Jones moved, seconded by Councilmember Hankins, to adopt the Consent Calendar as amended. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Roe

Excused: 1 - Councilmember Rogers

ITEMS PULLED FROM CONSENT CALENDAR

- 4.I 13-0516** Approval of Parking Meter Vendor and Purchase

This item was pulled and will be scheduled on a future agenda.

5. PUBLIC HEARING

- 5.A 13-0514** Public Hearing Relating to the Moratorium on Medical Marijuana Collective Gardens and Marijuana-Associated Land Uses

City Manager Steve Hall gave a brief overview and background on why the moratorium was put into place on an interim basis. He said that even though I-502 deals with recreational marijuana, the City wanted to be prepared in case the State put the Liquor Control Board in charge of regulating medical marijuana as well.

Code Enforcement Officer Chris Grabowski stated collective gardens that were in business before the moratorium went into effect are not affected by this moratorium. He reviewed the aspects of State Initiative 502, which was passed last year, and shared what the cities of Kent, Edgewood, and Lacey are doing.

The public hearing was opened.

Mr. Ezra Eickmeyer, 904 Franklin, Political Director for Washington Cannabis Association, said the moratorium attempts to combine the recreation rules with the medical rules, which are two sets of rules. He suggested separating the two regulations and give the medical side looser rules.

Mr. Patrick Seifert said he owns a collective garden in downtown Olympia and sees between 150 and 175 patients daily, many of whom are veterans. He invited Councilmembers to visit his shop. He urged the Council to keep the rules for medical marijuana and I-502 separate.

Mr. Kevin Heinrich, a principal of Total Management from Seattle, said opinions are changing every day on the use of medical marijuana. He noted there are health improvements with use of marijuana.

Mr. Shawn Hompton said medical marijuana has greatly improved his life.

Ms. Linda Lombard and Ms. Dawnell Lombard said they agree that medical and recreational marijuana uses need to be separated.

Mr. Garry Tebbs said he has had neck surgery and has used medical marijuana to ease his pain.

Mr. Jeff Gilmer asked the Council to modify the moratorium to somehow merge the recreational and medical rules and uses.

Mr. Lawrence Elward, Rochester, said medical marijuana has helped him tremendously with his pain. He asked that the medical and recreation rules not be combined.

Mr. Don Sittler, 1209 Fern St SW, spoke of his many injuries and how marijuana has relieved his pain. He said we need to keep the medical and I-502 separate.

Ms. Rose Eilts, 4209 Foxhall Dr. NE, with the National Organization for the Reform of Marijuana Laws, Thurston Chapter, said the U.S. Conference of Mayors passed a resolution to allow cities to set their own laws. She urged the Council to lift the moratorium.

Mr. Michael Wilson, 7425 D Henderson Blvd. SE, said the moratorium will likely drive up the

cost of medicinal marijuana and relayed stories of veterans who use marijuana to relieve pain. He urged the Council to reject the moratorium.

Mr. Mike Perdue, 606 Devoe St. SE, a medical marijuana patient, said using cannabis helps to keep him pain free.

Ms. Dana Fernandez, 3838 Boston Harbor Rd., a medical marijuana patient, suggested keeping the recreational rules from medical rules separate.

Mr. Zach S. suggested amending the moratorium to allow not-for-profit collective gardens.

Mr. Dale Arneson, an 80-year old diabetic who broke his back as a child, said he is very grateful for medical marijuana.

Mr. Ian Bracken, 5901 Margo Pl., Tumwater, said marijuana has helped with pain and side effects from brain surgery.

Mr. Anthony Martinelli, 21841 12th Ave. S, Des Moines, Communications Director for Sensible Washington, urged the Council to reverse the moratorium. He said medical cannabis collective gardens reduce crime in the area.

Mr. Steve Sarich, Executive Director, Cannabis Action Coalition, Seattle, said the moratorium was put into place before a problem was recognized.

Mr. John Novak, 17426 44th Ave. NE, Lake Forest Park, said he is a cannabis patient because of his epilepsy. He urged the Council to overturn the moratorium.

Ms. Emily Rasmussen, 800 Yauger Way, E106, asked the Council to lift the moratorium. She said she is a member of Moms for Marijuana and the Evergreen Christian Church. She asked that Olympia set an example for the country to keep children safe by allowing medical dispensaries. She also stated she receives pain relief from using marijuana.

Mr. Jerry Ferguson, 210 4th Ave SE, Apt. 16, said he came back to Olympia because of the passage of I-502.

Mr. Kevin L. Collins, 1116 State Ave., NE, said he uses marijuana due to epilepsy.

Mr. Jerry Antonelli, 234 Division, said he is a general contractor and opened a collective garden before the moratorium took effect. He said anyone who received a permit should be able to operate their business.

Mr. Ryan Brinton, 2716 Pacific Ave., Director of Evergreen Alternative Cooperative. He noted there are two major implications of the moratorium: 1. The issuing of business licenses and permits, and 2. the creation of land use issues having to do with growing, processing, or distributing cannabis. He said there are a number of cooperatives in the downtown that have never had a business license, but are a state licensed corporation. He said those trying to get a business license are being punished. He requested the moratorium

ordinance be modified to impose the 1,000 foot rule to day cares, preschools, and secondary schools which would put it in compliance with the Liquor Control Board.

Ms. Holly Bukoski, 119 7th Ave. SE, asked the Council to please not take away her constitutional right of happiness. She said she uses marijuana to relieve pain and the effects of PTSD.

Mr. Steve Mahr, 300 Kenyon St. NW, owns a shop on the west side, and said regulation for medical cannabis comes from the State Liquor Control Board but it should come from the Board of Health.

Mr. Theodore J. Kerg IV, 10139 Whitecap Rd., would like cities to treat each other with respect. He said semantics are in play here when saying an individual needs a prescriptions when in fact they really need a recommendation.

Mr. Steven Thibert, 4940 N. Vista Dr., patient of First and Foremost, supports other patients who need medical marijuana.

Mr. Jason Clark said he provides high quality medications to access points and cancer patients. Removing access to marijuana will put these people back on welfare.

Ms. Jonah Sanford stated that as a state, we recognized the benefits of cannabis.

Mr. Jim Anderson said we don't want it, we don't need it.

Mr. James Schmidt said he has problems with pharmaceuticals and supports access to medical cannabis.

Ms. Erin Palmer said she is a medical marijuana patient due to a disorder.

Mr. Benjamin Orlit, veteran, said the dispensaries in Olympia are top notch.

Mr. Kelan White said he is disabled and uses medical marijuana for pain.

Mr. Andy Eklund, Northwest Express collective garden, said he started operating May 1, and said if someone has a license before the moratorium went into effect, let them stay open.

Mr. Aaron Anderson urged the Council to lift the moratorium.

Ms. Kim, Seattle, a medical marijuana patient, said there is a stigma of not trusting government.

Mr. Jimmy Hadley, said he works with patients at the Healing Center and is worried about consequences of patients who may have to go to the black market to get marijuana. He asked that more research on how to regulate medical marijuana be done.

An unidentified gentleman said he doesn't agree with the moratorium and asked the Council to reconsider.

Mr. Mike Foote's testimony was read for him by another individual. Mr. Foote is in a lot of pain and relies on medical marijuana.

The public hearing was closed.

Comments and discussion included the following:

- If there is a change in regulations from the State, can we lift the moratorium? The City will review and study potential regulations, but it can be released at any time.
- The moratorium will not affect collective gardens already in operation. Staff is seeking additional information from three applicants to determine if they were in operation prior to the moratorium. Applicants can appeal to the City Manager and then Superior Court. If there is an issue regarding a permit, the appeal will go to the Hearings Examiner.
- There is no intent of this moratorium to reduce the number of access points for medicinal marijuana. If we do lose some access points, reconsideration of the moratorium should be reviewed.
- The City's work plan will look at what the final Liquor Control Board rules will be related to the recreational and medicinal aspects, including permitting. Staff will then report back to Council on its findings.
- Staff will also look at whether there is a need for a local business license for a collective garden.
- If we separate out medicinal and recreational uses, the moratorium will be amended.
- The City does not receive tax from sales of medical marijuana and we would possibly see 1% from recreational sales. Also, the City would receive a portion of the B & O tax, if paid.
- The City can regulate land uses and security issues.
- The moratorium ordinance may be amended to allow someone to petition to get a license but the process takes time. The Council can adopt interim regulations to allow this.
- The Planning Commission will review regulations regarding the sale of marijuana this summer.
- It is important to not allow access to youth.
- Find ways to make sure we have proper access for medical marijuana for those who need it and continue the moratorium for recreational use. These are two separate issues.
- Need to identify people who are running community gardens for security and safety issues.
- We want to do something right because the country is looking at us.

Council agreed to ask staff to report back within 45 days any adverse effects in the moratorium on distribution and access points of medical marijuana within the city. City Manager Steve Hall said staff will have a conversation with some of the people who testified tonight to get a better understanding of the issues and concerns.

The public hearing was held and closed.

6. OTHER BUSINESS

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Cooper said the HOME Consortium's Request for Proposals were due last Friday and the Sub-committee will provide recommendation.

Councilmember Roe reported the General Government Committee met earlier this evening. She noted the Council's mid-year retreat was this past weekend and she thanked staff and the facilitator for a good event.

Mayor Buxbaum suggested the Planning Commission bring back a draft charter for Council review. Council concurred. He also reported he attended the Economic Development Council meeting as the alternate. He suggested Olympia, in conjunction with the EDC, participate in next year's Global Retail Real Estate Convention. He also reported on highlights of the Sustainable Thurston Task Force meeting. He suggested the Council schedule a Study Session on this in the next few months to review before adoption of the report. Council agreed.

Mayor Buxbaum also reported on the Community Renewal Area brown bag, which was held on Monday, and said the next brown bag is scheduled for next Monday. The Community Action Committee as a body will meet on Monday, July 8, where the consultant will review the scope of work.

He noted there is no Council meeting next week and the next Council meeting is July 9.

Councilmember Langer suggested the Planning Commission be invited to the Study Session regarding the Sustainable Task Force.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall asked for a referral of the Request for Proposals for the community development planning process to the Community Renewal Authority (CRA). Council agreed.

Mayor Buxbaum asked the Council to permit the CRA to clarify the charter and scope of work the CRA committee is looking at. Council agreed.

Mr. Hall reported staff held two informational briefings on the Shoreline Master Program last week and said those meetings are now posted and available for viewing on our website.

9. ADJOURNMENT

Meeting adjourned at 10:06 p.m.