



Special Issues: Amendment 64 Committee Summary Minutes

Monday, August 19, 2013 2:00 PM City & County Building, Room 391

Committee Members: Brown, Chair; Susman, Vice-Chair; Brooks; Faatz;
Herndon; Kniech; Lehmann; López, Montero; Nevitt;
Ortega; Robb; Shepherd

Committee Staff: Gretchen Williams

Council Members Present: Brown, Faatz, Kniech, Robb, Montero, Lehmann, Lopez, Nevitt,
Susman, Shepherd, Brooks, Herndon, Ortega

Members Absent: None

Presentations

1 Public Comment on specific licensing provisions
Total 15 minutes; 2 minutes per speaker

Ryan Cook

Tony Frischtnecht

Kevin Mahmalj

Shawn Hauser

Truman Bradley

Amy Poinsett

Heather Jordan

Mike Elliott

Ronn Nixon

Bill Requests

BR13-0570 A bill for an ordinance adopting retail marijuana licensing requirements and procedures.

David Broadwell, Assistant City Attorney and the Committee

Councilman Brown stated that on Aug. 12, the Committee had gone through part of the 39 decision points list. A couple of issues were deferred and still need to be decided. Today, the Committee will start with No. 16 on the list, regarding criteria and procedures for public hearings on proposed conversion/co-location of medical marijuana centers to retail stores.

The Committee had a long discussion on many of the decision points and voted on several of them. Roll-call votes were taken on some issues; show of hands was used on several, and some of these are not identified by member.

Question 16, motion offered by Councilwoman Susman

A motion to adopt the draft language regarding criteria and procedures for hearings regarding existing medical marijuana centers converting to or co-locating retail marijuana stores.

AYES: Brooks, Brown, Kniech, Lehmann, Nevitt, Robb, Susman (7)

NAYES: Faatz, Herndon, Lopez, Montero (4)

ABSTAIN: Ortega, Shepherd (2)

Councilman Lopez offered a three-part amendment (No. 2, 3 and 4 from his attached list); there was no Second.

Councilman Nevitt offered Lopez Amendment No. 4

A motion to amend the definition of "party of interest" to add an authorized representative of the affected registered neighborhood organization and a current City Councilmember elected to represent the neighborhood under consideration.

AYES: 13

Councilman Lopez offered his Amendment No. 2

A motion to allow any party of interest to request that the director of Excise and Licenses

schedule a hearing on or after 5:00 p.m.

AYES: (10)

NAYS: (2)

ABSTAIN: (1)

Questions 17-24

A motion to allow licenses for cultivation, manufacture and testing of retail marijuana to be issued without a public hearing.

AYES: (13)

Questions 11 and 12 (deferred from Aug. 12), motion offered by Councilwoman Robb

A motion to allow change of location of licensed marijuana centers/stores with a required needs and desires hearing evaluating the health, welfare and public safety of the new location's neighborhood; and to allow change of ownership with a hearing process if the Director of Excise & Licenses determines there is a need.

AYES: Brooks, Brown, Lehmann, Robb, Susman (5)

NAYS: Faatz, Herndon, Kniech, Lopez, Montero, Nevitt, Ortega, Shepherd (8)

Questions 11 and 12, motion offered by Councilwoman Kniech (withdrawn)

A motion to allow change of location of licensed marijuana centers/stores with a required needs and desires hearing and to allow change of ownership with a hearing process if the Director of Excise & Licenses determines there is a need.

Question 12, motion offered by Councilwoman Kniech

A motion to allow change of ownership with the provision that Excise & Licenses will hold a hearing with same standards as for conversion/co-location should the department's standard for a hearing is triggered.

AYES: (8)

Question 11, motion offered by Councilwoman Kniech

A motion to allow change of location with an automatic hearing by Excise & Licenses with the same standards as for conversion/co-location.

AYES: (7)

Councilwoman Robb offered Lopez Amendment 3 for all new retail businesses (No. 10 call sheet)

A motion that after Jan. 1, 2016, all new retail marijuana stores must have a needs and desires hearing to determine, in part, whether the health, welfare and public safety of the neighborhood would be adversely impacted by issuance of the license.

AYES: Brooks, Faatz, Herndon, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (9)

NAYES: Brown, Kniech, Nevitt, Susman (4)

Questions 25-30

Councilman Brown said the draft language will be considered adopted unless there are any amendments offered and passed.

Amendment offered by Lopez from his handout (Amendment No. 1)

A motion to increase the separation distance between any new retail marijuana store and any existing medical marijuana center or retail marijuana store be at least 2,000 feet, measured in a straight line to the nearest portion of the building, and that the distance from any school, child care establishment or alcohol or drug treatment facility be at least 2,000 feet, measured property line to property line, starting on Jan. 1, 2016. Before that date, the 1,000-foot rule will apply.

AYES: Faatz, Lehmann, Lopez, Montero, Ortega (5)

NAYES: Brooks, Brown, Kniech, Herndon, Nevitt, Robb, Shepherd, Susman (8)

Questions 31 - 39

These were adopted by show of hands.