

MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL HELD THURSDAY,
JULY 15, 2021, REMOTE ATTENDANCE

CALL TO ORDER:

Mayor Ryder called the meeting to order at
4:00 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Ryder led the Pledge of Allegiance.

COUNCIL PRESENT:

A. Ryder, C. Pratt, C. Cox, L. Greenstein, E. Kunkel,
M. Miller, M. Steadman

STAFF PRESENT:

S. Spence, R. Almada, J. Burbidge, S. Egger, M. Hardie,
S. Kelley-Fong, D. Schneider, R. Walk, T. Woo,
P. Edmonds

APPROVAL OF AGENDA
AND CONSENT AGENDA:

Consent Agenda Items:

- A. Council Worksession minutes of June 24, 2021.
- B. Council meeting minutes of July 1, 2021
- C. A motion to approve payment of claims, wages
and transfers for June 23, 2021, through July 7,
2021.

COUNCILMEMBER GREENSTEIN MOVED TO
APPROVE THE AGENDA AND CONSENT AGENDA.
DEPUTY MAYOR PRATT SECONDED. MOTION
CARRIED.

PUBLIC RECOGNITIONS
AND PRESENTATIONS:

Mayor Ryder presented Phil Aasen with a
Certificate of Appreciation. Mr. Aasen, a truck
driver for Harbor Wholesale, has logged over
800,000 miles of safe and essential transportation
in the last 28 years to deliver food service supplies
to Thurston County communities.

PUBLIC COMMENT:

Persons wishing to provide public comment on items not on the agenda must pre-register to speak. Registration closed at 3:00 p.m. today.

The following people spoke in favor of Thurston Climate Mitigation Plan:

Melinda Hughes
Wayne Olsen
Carolyn Treadway
Marianne Tompkins
Sue Medeiros
Barak Gale
Tish Levee

Ashley Stolhand spoke against development of parks in the Woodland Creek/Covington Court neighborhoods.

Public comments may also be submitted by email by 12:00 p.m. today. Comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the meeting; however, comments received will be added to the official record.

Twelve written public comments were received and will be made part of the official record.

REFERRAL FROM PLANNING COMMISSION:

Martin Hoppe, Transportation Manager, presented Resolution 1106 to approve the Six-Year Transportation Improvement Plan (TIP).

The primary purpose of the TIP is to track Federal Transportation and State Transportation Improvement Board funds. All projects on the TIP are consistent with the Transportation Comprehensive Plan. Two projects are recommended to be removed and one project will be combined into a single project. Also, several projects are moved to the next phase or have cost modifications.

The Transportation Mitigation List is also updated with the TIP. The Sleater-Kinney and 14th Ave project is recommended to be removed. The yearly inflation rate

will increase based on the July 1st publication of Engineering News.

COUNCILMEMBER STEADMAN MOVED TO APPROVE RESOLUTION 1106 TO ADOPT THE SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

ORDINANCES:

Matt Sharp, Assistant City Attorney, presented Ordinance 1597 relating to the possession of controlled substances.

In 2012 the State Legislature took its first step in decriminalizing possession of marijuana less than 40 grams (POM<40) by allowing possession of under 40 grams or less if you were 21 or over. The number of Thurston Court District Court filings for POM<40 has dropped to a handful per year.

On February 25, 2021, in State v. Blake, the Washington Supreme Court held that RCW 69.50.4013(1) was unconstitutional because it violated the due process clauses of both the United States Constitution and the Washington State Constitution. The Court reasoned that the due process clause was violated because the statute created a crime of possession without requiring the State to prove any particular mental element, like intent or knowledge.

This ruling, by extension, potentially affects the validity of sections of the Lacey Municipal Code that criminalize possession of marijuana, alcohol, and legend drugs (prescription drugs), without requiring the prosecution to prove a mental element.

In the 2021 Legislative Session, ESB 5476 passed which addressed the Blake issue by adding the “knowledge” element to possession of a controlled substance crimes, as well as making other substantial changes to the statute. ESB 5476 allows personal amounts of controlled substances and lowers the classification of possession crimes from a felony to a misdemeanor. In addition, the Legislature encourages

the prosecutor to divert for treatment. Additional changes to the statute are expected in future legislative sessions.

COUNCILMEMBER STEADMAN MOVED TO ADOPT ORDINANCE 1597 AMENDING SECTIONS OF THE LACEY MUNICIPAL CODE RELATED TO CRIMES OF POSSESSION OF A CONTROLLED SUBSTANCE A MISDEMEANOR CRIME. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

MAYOR'S REPORT:

Mayor Ryder noted he attended the JBLM change of command ceremony.

CITY MANAGER'S REPORT:

Robert Almada, Lacey Police Chief, presented the Mobile Outreach Team and request to fund the new program.

The Lacey Police Department will partner with Olympic Health and Recovery Services to establish a pilot program which allows the City and police officers rapid access to a Mobile Outreach Team. The Team and the Lacey policy will utilize a creative and collaborative approach to improve the quality of life for the client and community.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE PARTNERSHIP WITH OLYMPIC HEALTH AND RECOVERY SERVICES TO ESTABLISH A SEVEN DAY PER WEEK CITY-WIDE MOBILE OUTREACH TEAM THAT CONSISTS OF 4 FTE CONTRACT POSITIONS. COUNCILMEMBER COX SECONDED. MOTION CARRIED.

Shannon Kelley-Fong, Assistant City Manager, provided an update on Community Development Block Grant (CDBG).

The City received a letter from HUD on July 8, 2021, indicating it met the criteria of being an entitlement city (population over 50,000). HUD also confirmed that Thurston County entities would continue to qualify as an

Urban County without Lacey as they met the aggregate preponderance of persons of low and moderate income who reside in the County.

Staff recommends the City continue with the Thurston County Urban CDBG program for fiscal years 2022-2024, and pursue a dedicated set-a-side for permanent supportive housing related projects and programs (20%) to be used across the County. The Council could adopt an Urban County CDBG Entitlement Program Interlocal Cooperation Agreement between the City and Thurston County at the July 22, 2021, Worksession. At a later date, the City could renew the existing MOU between the cities of Lacey and Tumwater, and Thurston County (including south county communities) for distribution of CDBG funding.

There was Council consensus with staff's recommendation.

STANDING COMMITTEES:

General Government & Public Safety Committee
Deputy Mayor Pratt reported the Committee met on June 22, 2021, to discuss the Mobile Outreach Team, new law enforcement legislation, and the Blake decision relating to possession of controlled substance.

BOARDS, COMMISSIONS

AND COMMITTEE REPORTS: Transportation Policy Board

Mayor Ryder reported on several items:

- Update on call for projects background
- Upcoming 2022 legislative session
- Wrap-up of regional housing plan

Olympic Region Clean Air Agency

Deputy Mayor Pratt reported on several items:

- Air quality
- Recent heat dome
- Burning permits
- Woodstove swap-out program
- New Personnel Committee formed

TCOMM911

Councilmember Greenstein reported on recent communications issues with the new phone system.

Solid Waste Advisory Committee

Councilmember Kunkel reported on the new software upgrade.

Thurston Regional Planning Council

Councilmember Miller reported on the annual 2-day retreat where they will redefine the mission and goals of the council.

Lacey South Sound Chamber

Councilmember Kunkel reported Chief Almada provided a presentation on the new law enforcement legislation.

Lodging Tax Advisory Committee

Councilmember Miller reported the 2022 application process will open next month.

Mayor Ryder adjourned the meeting at 5:43 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____