



MINUTES OF A REGULAR MEETING OF THE LACEY CITY COUNCIL THURSDAY, JUNE 2, 2022, REMOTE AND IN PERSON

To hear Council's full discussion of a specific topic, or the complete meeting, watch the video-stream available on YouTube – <https://youtu.be/DCKAwfWhpUM>

CALL TO ORDER

Deputy Mayor Miller called the meeting to order at 6:00 p.m.

1. PLEDGE OF ALLEGIANCE

Deputy Mayor Miller led the Pledge of Allegiance.

Council Present:

Deputy Mayor Malcolm Miller
Councilmember Carolyn Cox
Councilmember Lenny Greenstein
Councilmember Michael Steadman (*remote*)
Councilmember Ed Kunkel
Councilmember Robin Vazquez

Council Excused

Mayor Ryder

Staff Present:

Scott Spence, City Manager
Shannon Kelley-Fong, Assistant City Manager
Robert Almada, Chief of Police
Scott Egger, Public Works Director
Dave Schneider, City Attorney
Rick Walk, Community & Economic Development Director
Troy Woo, Finance Director
Kelly Adams, Special Projects Administrator
Grant Beck, Planning & Community Development Manager
Sarah Schelling, Senior Planner
Samra Seymour, Senior Planner
Peri Edmonds, City Clerk

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Consent Agenda Items:

- A. Council Meeting minutes of May 5, 2022.
- B. Council Worksession minutes of May 12, 2022.
- C. A motion to approve payment of claims, wages and transfers for May 11, 2022, through May 27, 2022.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE AGENDA AND CONSENT AGENDA. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

3. PUBLIC RECOGNITIONS AND PRESENTATIONS

- A. **Lacey Youth Council Recognition:** Kelly Adams, Special Projects Administrator, recognized the Lacey Youth Council for their participation in the 2021-2022 school year.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public Comments:

Virtual - The deadline to pre-register to speak remotely was 4:00 p.m. the day of the meeting. No virtual public comments were provided.

In Person – Two members of the public signed up to speak at the meeting.

Jeff Browning, Lacey resident. The City Council did not take their public comment since it related to a quasi-judicial matter (Agenda Item 8.B)

Leslie Gessler, Lacey resident, expressed concern with the increase in crime and the unhoused in the City.

Written Public Comments - The deadline to submit written public comments was 4:00 p.m. the day of the meeting. Written comments are not addressed during the meeting; however, they are added to the official record. No written public comments were received.

5. PUBLIC HEARING

6. PROCLAMATIONS

- A. **Ride Transit Month.** Deputy Mayor Miller and Council proclaimed the month of June 2022 as Ride Transit Month. Ann Freeman-Manzanares, Executive Director with Intercity Transit, accepted the proclamation.

7. REFERRAL FROM PLANNING COMMISSION

8. REFERRAL FROM HEARINGS EXAMINER

- A. **MultiCare Conditional Use Permit Project #21-306:** Sarah Schelling, Senior Planner, presented the MultiCare Conditional Use Permit pertaining to Project #21-306.

Dave Schneider, City Attorney, provided procedural information on the quasi-judicial matters before Council (Agenda Items 8.A. and 8.B).

City Attorney Schneider asked each Councilmember the following three questions. See **Table 1** for Council's response to each question.

1. Do you have any personal interests that would be affected by making a decision on the requested conditional use permit before Council now?
2. Have you had any ex parte communication concerning the requested use with either proponents or opponents while this matter was before Council?
3. Is there any reason why you cannot consider the requested application in a fair and impartial manner?

Table 1

COUNCIL	QUESTION 1	QUESTION 2	QUESTION 3
VAZQUEZ	No	No	No
KUNKEL	No	No	No
COX	No	Yes. As a Councilmember and speaking to various groups the question has come up, but has refrained from commenting on it and explaining the Council's role in the quasi-judicial process.	No
GREENSTEIN	No	Yes. As the EMS Board Chair, the topic came up for conversation and recused himself from the conversation and refrained from being involved in the conversation or the vote.	No
MILLER	No	No	No
STEADMAN	He has a concern that he serves as the alternate on the EMS Board, but also heavily involved in Thurston County emergency management and attended retreats, but have not discussed this in any fashion that he is aware of or can remember.	No	No

City Attorney Schneider asked if there was anyone in the public who wished to raise a challenge with any Councilmember based on the Appearance of Fairness Doctrine. No one from the public responded.

COUNCILMEMBER GREENSTEIN MOVED ACCEPTANCE OF THE FINDINGS ON THE HEARINGS EXAMINER FOR THE MULTICARE OFF-CAMPUS EMERGENCY DEPARTMENT CONDITIONAL USE PERMIT PROJECT NO. #21-306. COUNCILMEMBER KUNKEL SECONDED.

Councilmember Vazquez noted the Conditional Use Permit came in well before the City Council made changes to the regulations relating to electric vehicle charging stations. They are not required to provide that in their development, but recommended it be considered.

COUNCILMEMBER GREENSTEIN MOVED TO AMEND THE MAIN MOTION TO REPLACE “MOVED ACCEPTANCE OF THE FINDINGS ON THE HEARINGS EXAMINER” WITH “MOVED TO APPROVE THE APPLICATION AND ADOPT THE HEARING EXAMINER’S FINDINGS OF FACT AND CONCLUSIONS OF LAW.” DEPUTY MAYOR MILLER SECONDED. MOTION CARRIED TO AMEND THE MAIN MOTION.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE AMENDED MOTION TO APPROVE THE APPLICATION AND ADOPT THE HEARING EXAMINER’S FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE MULTICARE OFF-CAMPUS EMERGENCY DEPARTMENT CONDITIONAL USE PERMIT PROJECT #21-306. COUNCILMEMBER KUNKEL SECONDED. AMENDED MOTION CARRIED.

- B. **Meridian Market & Gas Conditional Use Permit Project #20-310:** Dave Schneider, City Attorney, asked if there was any Councilmember who had a conflict with this agenda item.

Councilmember Steadman recused himself due to the Appearance of Fairness Doctrine.

Samra Seymour, Senior Planner, and Dave Schneider, City Attorney, presented the Meridian Market & Gas Conditional Use Permit pertaining to Project #20-310.

City Attorney Schneider asked the following three questions of each Councilmember. See **Table 2** below for Council's response to each question.

1. Do you have any personal interests that would be affected by making a decision on the requested application?
2. Have you had any ex parte communication, either written or oral, concerning the application requested use with either proponents or opponents while this matter was before Council?
3. Is there any reason why you cannot consider the requested application in a fair and impartial manner?

Table 2

COUNCIL	QUESTION 1	QUESTION 2	QUESTION 3
VAZQUEZ	No	Yes. She received a great deal of email from folks in the community concerned about the conditional use permit application. She said about 97 percent of the email traffic she saw were opposed to the conditional use permit. She did not respond to any of those emails.	No
KUNKEL	No	Yes. He received many emails from local residents and, like Councilmember Vazquez stated, about 97 percent were opposed in to approving this gas station.	No
COX	No	Yes. When she was doing public speaking, she would say she could not comment on this or talk about it. She received the same emails that all Councilmember received, with the vast majority of the dozens of dozens of emails being opposed.	No
GREENSTEIN	No	Yes. Like his fellow Councilmembers, he received a lot of emails; unlike them he has not replied to the vast majority of the emails. If he did, his answer was always the same. It was because this is a quasi-judicial situation and he could not discuss the matter, but thanked them for reaching out to Council.	No
MILLER	No	Yes. He received a lot of emails and also received some handwritten letters, with comments that they were vehemently opposed to this situation.	Yes. He drove out to the site and talked to the people who lived there, viewed the site personally, walked it, went to the park, hung out, and came to a very similar conclusion. He said he thought he would be biased because of the trip he took to the property and the communication he had with the neighbors.

Deputy Mayor Miller recused himself due to the Appearance of Fairness Doctrine.

COUNCILMEMBER COX MOVED TO NOMINATE COUNCILMEMBER GREENSTEIN AS CHAIR FOR THE REMAINDER OF THE HEARING. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

City Attorney Schneider asked if there was anyone from the public who wished to raise a challenge based on the Appearance of Fairness Doctrine.

Sarah Daniels, 9212 Periwinkle Loop NE, Lacey, Washington: The City Council did not receive their public comments since a challenge was not raised to a Councilmember on the Appearance of Fairness Doctrine.

Ron Hall, 8972 Campus Meadows Loop NE: The City Council did not receive their public comments since a challenge was not raised to a Councilmember on the Appearance of Fairness Doctrine.

Councilmember Greenstein convened the meeting to a 5-minute recess at 7:10 p.m.
Councilmember Greenstein reconvened the meeting at 7:15 p.m.

COUNCILMEMBER KUNKEL MOVED TO APPROVE MERIDIAN MARKET & GAS CONDITIONAL USE PERMIT FOR PROJECT #20-310. COUNCILMEMBER GREENSTEIN SECONDED.

COUNCILMEMBER KUNKEL MOVED TO AMEND THE MAIN MOTION TO STRIKE “MOVED TO APPROVE MERIDIAN MARKET & GAS CONDITIONAL USE PERMIT FOR PROJECT #20-310” AND REPLACE WITH “MOVED TO APPROVE THE APPLICATION AND ADOPT THE HEARINGS EXAMINER’S FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE MERIDIAN MARKET & GAS CONDITIONAL USE PERMIT PROJECT #20-310.” COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED TO AMEND THE MAIN MOTION.

COUNCILMEMBER KUNKEL MOVED TO APPROVE THE APPLICATION AND ADOPT THE HEARINGS EXAMINER’S FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE MERIDIAN MARKET & GAS CONDITIONAL USE PERMIT PROJECT #20-310. COUNCILMEMBER GREENSTEIN SECONDED. AMENDED MOTION CARRIED.

**FOR: COUNCILMEMBERS GREENSTEIN, KUNKEL, AND VAZQUEZ
AGAINST: COUNCILMEMBER COX
RECUSED: DEPUTY MAYOR MILLER AND COUNCILMEMBER STEADMAN**

Councilmember Greenstein convened to a 2-minute recess at 7:24 p.m.
Deputy Mayor Miller reconvened the Council meeting at 7:26 p.m.

9. RESOLUTIONS

- A. **Resolution No. 1117 – Bond Reimbursement:** Troy Woo, Finance Director, presented Resolution 1117 relating to Bond Reimbursement.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE RESOLUTION NO. 1117 FOR BOND REIMBURSEMENT. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

- B. **Resolution No. 1118 – Council Policies Related to Public Comment:** Shannon Kelley-Fong, Assistant City Manager, presented Resolution 1118 relating to Council Policies regarding Public Comments.

COUNCILMEMBER KUNKEL MOVED TO APPROVE RESOLUTION NO. 1118 TO AMEND COUNCIL POLICIES RELATING TO PUBLIC COMMENT. COUNCILMEMBER VAZQUEZ SECONDED. MOTION CARRIED.

10. ORDINANCES

11. MAYOR’S REPORT

12. CITY MANAGER’S REPORT

13. STANDING COMMITTEES

- A. Community Relations & Public Affairs
Councilmember Steadman reported on the May 2, 2022, meeting.
- B. Utilities Committee
Councilmember Kunkel reported on the May 2, 2022, meeting.
- C. Transportation Committee
Deputy Mayor Miller reported on the May 3, 2022, meeting.

14. OTHER BUSINESS

15. BOARDS, COMMISSIONS AND COMMITTEE REPORTS

- A. Mayor Ryder
 - 1. Mayor’s Forum – **No Report**
 - 2. Thurston Chamber Shared Legislative Committee – **No Report**
 - 3. Transportation Policy Board – **No Report**
- B. Deputy Mayor Miller
 - 1. Economic Development Council (EDC) – **Report Made**
 - 2. Lodging Tax Advisory Committee (LTAC) – **No Report**
 - 3. Thurston County Coalition Against Trafficking (TCCAT) – **No Report**
 - 4. Thurston Thrives – **No Report**
- C. Councilmember Cox
 - 1. Climate Mitigation Steering Committee – **Report Made**
 - 2. LOTT Clean Water Alliance – **Report Made**
 - 3. Regional Housing Council – **Report Made**

D. Councilmember Greenstein

1. Emergency Medical Services (EMS) – **Report Made**
2. LEOFF 1 Disability Board – **No Report**
3. TCOMM911 – **Report Made**

E. Councilmember Steadman

1. Community Action Council – **No Report**
2. Nisqually River Council – **No Report**
3. Thurston County Law & Justice – **No Report**

F. Councilmember Kunkel

1. Joint Animal Services Commission (JASCOM) – **Report made**
2. Lacey South Sound Chamber – **No Report**
3. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB) – **Report Made**
4. Solid Waste Advisory Committee (SWAC) – **Report Made**

G. Councilmember Vazquez

1. Intercity Transit – **Report Made**
2. Olympic Region Clean Air Agency – **Report Made**
3. Thurston Regional Planning Council – **No Report Made**

16. ADJOURN

Deputy Mayor Miller adjourned the Council Meeting at 8:07 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____