

MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL HELD THURSDAY,
JANUARY 21, 2021, REMOTE ATTENDANCE

- CALL TO ORDER: Mayor Ryder called the meeting to order at 7:00 p.m.
- PLEDGE OF ALLEGIANCE: Mayor Ryder led the Pledge of Allegiance.
- COUNCIL PRESENT: A. Ryder, C. Pratt, L. Greenstein, C. Cox, S. Steadman, E. Kunkel, M. Miller
- STAFF PRESENT: S. Spence, J. Burbidge, S. Egger, M. Hardie, D. Schneider, R. Walk, T. Woo, S. Hock, S. Kirkman, P. Edmonds
- APPROVAL OF AGENDA
AND CONSENT AGENDA: Consent Agenda Items:
A. Council Meeting Minutes of January 7, 2021.
B. A motion to approve payment of claims, wages and transfers for December 30, 2020, through January 14, 2021.
- COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE AGENDA AND CONSENT AGENDA. COUNCILMEMBER MILLER SECONDED. COUNCILMEMBER STEADMAN ABSENT DURING THE VOTE DUE TO TECHNICAL DIFFICULTIES. MOTION CARRIED.
- 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.

There were ten people registered to provide public comment on *Agenda Item. 9.A. - Thurston Climate Mitigation Plan Resolution*. There was Council consensus to allow public comment during the agenda item. Public comments were limited to one minute each.

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.

Thirty-four written public comments were received and made part of the official record.

PUBLIC HEARING:

Mayor Ryder opened the public hearing at 7:03 p.m. to accept public testimony on the Comcast Cable Communications Management-Cable Franchise Agreement Renewal.

Steve Kirkman, Public Affairs Manager, presented the proposed Comcast Cable Communications Management-Cable Franchise Agreement Renewal.

Since 1990, the City of Lacey has granted a series of non-exclusive, 10-year cable television franchises to Comcast Cable Communications Management and its predecessor corporations to operate and maintain a cable television system within the City.

In anticipation of franchise renewal talks with Comcast, in March of 2018, the City entered into an interlocal agreement with Thurston County and the cities of Olympia and Tumwater to share in the cost of hiring cable franchise consultant Kissinger & Fellman, P.C., to assist with negotiation of the new 10-year franchise agreements with the company.

In December 2019, Council approved Ordinance 1562 extending the term of Comcast's current franchise to allow completion of negotiations.

Ken Fellman, Kissinger & Fellman, provided an overview of the agreement. Specific provisions and conditions that have been updated or added in the proposed franchise include:

- Definition of Gross Revenues
- Audit/Financial Review
- Competitive Equity
- Insurance
- Public, Education, and Government (PEG) Fees
- Digital Public, Educational, and Government Channels
- Public, Education, and Government Studio Support

The following public testimony was received:

Deborah Vinsel, Executive Director, Thurston Community Media, provided testimony in support of some of the provisions in the Franchise Agreement Renewal, especially the high-definition channels for PEG operations.

Hans Hechtman, Comcast Cable, provided information on 5G services, which is separate from the services provided by Comcast.

Mayor Ryder closed the public hearing at 7:31 p.m.

RESOLUTIONS:

Jessica Brandt, Associate Planner, presented Council with Resolution 1102 to accept and place the Climate Action Plan on the 2021 Planning Commission Work Program for review and action.

The City Council signed an interlocal agreement with Thurston County, Olympia, and Tumwater in April 2018 to complete Phase 1 of a Regional Climate

Mitigation Plan. Phase 1 focused on assessing existing policies and targets of each jurisdiction for gaps and consistencies, recommending a regional emissions target, identifying each jurisdiction's implemented mitigation actions to date, and recommend regional emissions reduction targets.

On October 11, 2018, Council approved an interlocal agreement for Phase 2. In early 2019, the planning process began with Phase 2, which has concluded including the following steps:

1. Develop steering committee and charter
(January 2019)
2. Develop stakeholder advisory committee
(February – March 2019)
3. Engage the general public and develop potential actions list
(July – Sept 2019)
4. Assess potential actions and develop scenarios
(September – June 2019)
5. Develop plan and strategies
(March – July 2020)
6. Engage the general public
(September 2020)
7. Adopt plan and strategies
(October – December 2020)

Upon acceptance of the Thurston Climate Mitigation Plan, the Planning Commission will continue with the formal adoption process under their 2021 work program and follow the Comprehensive Amendment process. The Comprehensive Amendment process includes staff worksessions with the Planning Commission where they will assist in prioritizing actions and engaging the public, and then hold a

public hearing and make a recommendation to Council in July 2021.

A discussion about a Phase 3 interlocal agreement, outlining regional coordination, will be scheduled for a future Council Worksession.

Council accepted public comment limited to one minute per person. The following people spoke in support of the Thurston County Climate Mitigation Plan:

Barbara Scavezze
Robert Jensen
Carolyn Treadway
Nancy Winters
Tish Levee
Phyllis Farrell
Christina Janis
Dr. Jennea Wood

DEPUTY MAYOR PRATT MOVED TO ACCEPT THE THURSTON CLIMATE MITIGATION PLAN AND FORWARD TO THE PLANNING COMMISSION FOR REVIEW AND ACTION. COUNCILMEMBER COX SECONDED.

MOTION CARRIED WITH MAYOR RYDER, DEPUTY MAYOR PRATT, AND COUNCILMEMBERS COX, GREENSTEIN, MILLER, AND STEADMAN VOTING IN FAVOR. COUNCILMEMBER KUNKEL VOTED AGAINST.

ORDINANCES:

Sarah Hock, Executive Director, Joint Animal Services, presented Ordinance 1579 restricting retail sales of dogs, cats, and rabbits in pet stores.

The Joint Animal Services Commission recommends the adoption of an ordinance to restrict the retail sale of dogs, cats, and rabbits in pet stores.

Preemptive ordinances, such as the one the City of Lacey is considering, protect constituents from predatory lending practices pet store's offer and from inadvertently supporting the puppy mill industry.

This legislation would not prohibit individuals who choose to breed their pet and place litters with interested individuals or families.

DEPUTY MAYOR PRATT MOVED TO APPROVE ORDINANCE 1579 RESTRICTING RETAIL SALES OF DOGS, CATS, AND RABBITS IN PET STORES. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

Ryan Andrews, Planning Manager, presented Ordinance 1580 to approve the Serenity Carpenter Road Annexation, Project No. 20-183.

The City received a petition for annexation filed by Serenity Apartment Homes, LLC and the estate of Patrick Hefferman using the 60 percent petition method (RCW 35A.14.120). The Thurston County Assessor's office has verified that the signatures represent not less than 60 percent of the assessed valuation for general taxation of the property for which the annexation has been petitioned (RCW 35A.01.040). The annexation has been sent to the Thurston County Boundary Review Board (BRB) for their review. The BRB has declined to invoke jurisdiction so the application returns to the Council for final consideration in ordinance form.

Like other recently completed annexations, the annexation will require the assumption of the City's bonded indebtedness except that it specifically waives the City's portion of the bonded indebtedness associated with Fire District 3. This is to prevent the

property owners from paying both the Thurston County fire levy as well as the Lacey fire levy.

Procedurally, the next step is for the City Council to take final action through passage of an ordinance approving the annexation. Upon final ordinance passage, notification of the annexation is sent to affected agencies and the annexation certification process will be completed.

DEPUTY MAYOR PRATT MOVED TO APPROVE ORDINANCE 1580 APPROVING THE SERENITY CARPENTER ROAD ANNEXATION PROJECT NO. 20-183. COUNCILMEMBER STEADMAN SECONDED. MOTION CARRIED.

Scott Spence, City Manager, presented Council with Ordinance 1580 regarding a proposed Commission on Equity, adding a new chapter to the Lacey Municipal Code, codifying the creation of the commission and affirming the City of Lacey's commitment to equity and inclusion.

The primary vision of the Commission on Equity will be to support a welcoming and inclusive City for all members of the Lacey community. To support this effort, the Commission will focus on the improvement of equity through inclusion, education, and policy initiatives. The Commission will address and examine the barriers and constraints that limit the full potential of Lacey community members.

MAYOR RYDER MOVED TO APPROVE ORDINANCE 1580 APPROVING THE PROPOSAL OF A SEVEN MEMBER COMMISSION ON EQUITY. COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED.

Scott Spence, City Manager, presented Ordinance 1582 to amend LMC 2.04 relating to the City Council meeting schedule.

As per Lacey Municipal Code, Chapter 2.04, regular meetings are held on the second and fourth Thursdays of each calendar month with the exception of the months of January, November, and December of each calendar year. City Council Worksessions are held on Thursdays but occur on the first and third Thursdays of each calendar month with the exception of January, November, and December of each calendar year. During the months of January, November, and December, regular meetings are held on the first and third Thursdays and Worksessions are held the second and fourth Thursdays. Historically, the current meeting schedule was put in place to ensure regular meetings did not get canceled due to holidays in November and December.

For consistency and to avoid confusion when regular meetings and Worksessions are to be held for the public's business, an amendment is proposed to fix regular meetings of the City Council on the first and third day of each month of each calendar year. The amendment would establish the second and fourth Thursdays of each month for Worksessions.

COUNCILMEMBER STEADMAN MOVED TO APPROVE ORDINANCE 1582 AMENDING LMC 2.04 RELATING TO CITY COUNCIL MEETINGS. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

MAYOR'S REPORT:

Mayor Ryder recommended the reappointment of Amy Blondin and Scott Robinson to the Lacey Library Board.

MAYOR RYDER MOVED TO REAPPOINT AMY BLONDIN AND SCOTT ROBINSON TO THE LACEY LIBRARY BOARD. COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED.

Mayor Ryder presented the proposed changes to the Intergovernmental Boards and Commission assignments.

COUNCILMEMBER COX MOVED TO APPROVE COUNCIL ASSIGNMENTS TO INTERGOVERNMENTAL BOARDS AND COMMISSIONS. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

CITY MANAGER'S REPORT: Ryan Andrews, Planning Manager, presented the Mosure 54th Avenue Annexation Project No. 20-312.

The City has received a notice of intent to commence annexation proceedings filed by Patty Mosure for a single parcel located on 54th Avenue SE. The filing of the notice is the first step in the annexation process under the petition method (RCW 35A.14.120), which requires a petition filed by property owners representing a minimum of 10% of the valuation of the area proposed for annexation. The City has verified that the ownership does comprise a minimum of more than 10% of the assessed valuation for general taxation purposes of the properties for which annexation is requested.

As a result of the petition, the City Council must pass a motion notifying the petitioners of its approval, rejection, or modification of the annexation area's geographical boundaries. If the Council votes to approve the 10% petition, then the applicant moves

forward on obtaining a petition from a total of 60% of the assessed valuation of the area.

The City Council does have the opportunity to modify any boundaries prior to the applicant proceeding with the annexation. The only area that the annexation could be expanded into would be the existing Forest Glen subdivision to the east. Staff is not recommending that the annexation be expanded to include this area because the City does not hold any power of attorney agreements for the Forest Glen parcels which would require a significant number of Forest Glen property owners to sign a petition for annexation.

If the Council votes to approve the petition, then the applicant moves forward on obtaining a petition from a total of 60% of the assessed valuation of the area. Once the City receives the 60% petition, the City can move forward on annexation proceedings.

Staff recommends Council review the annexation request under the 60% petition method and pass a motion indicating the following:

1. Authorize the applicants to circulate a petition and gather signatures of property owners representing at least 60% of the assessed value of the annexation property demonstrating their consent to annex;
2. Require the assumption of all or of any portion of existing City indebtedness by the area to be annexed; and
3. Waive the requirement for completion of an annexation study in accordance with the City's annexation policies prior to adoption of an ordinance to formally annex the area or make application to the Boundary Review Board.

COUNCILMEMBER STEADMAN MOVED TO APPROVE MOSURE 54TH AVENUE ANNEXATION PROJECT NO. 20-312, WHICH INCLUDES:

1. AUTHORIZE THE APPLICANTS TO CIRCULATE A PETITION AND GATHER SIGNATURES OF PROPERTY OWNERS REPRESENTING AT LEAST 60% OF THE ASSESSED VALUE OF THE ANNEXATION PROPERTY DEMONSTRATING THEIR CONSENT TO ANNEX;
2. REQUIRE THE ASSUMPTION OF ALL OR OF ANY PORTION OF EXISTING CITY INDEBTEDNESS BY THE AREA TO BE ANNEXED; AND
3. WAIVE THE REQUIREMENT FOR COMPLETION OF AN ANNEXATION STUDY IN ACCORDANCE WITH THE CITY'S ANNEXATION POLICIES PRIOR TO ADOPTION OF AN ORDINANCE TO FORMALLY ANNEX THE AREA OR MAKE APPLICATION TO THE BOUNDARY REVIEW BOARD.

COUNCILMEMBER GREENSTEIN SECONDED.
MOTION CARRIED.

STANDING COMMITTEES:

Community Relations & Public Affairs Committee

Councilmember Steadman reported the Committee met on January 4, 2021, regarding the New Museum and Cultural Center Logo and the Blue Star Memorial.

Utilities Committee

Councilmember Steadman reported the Committee met on January 4, 2021, regarding the Mosure 54th Avenue Annexation Project No. 20-312.

Transportation Committee

Councilmember Cox reported the Committee met on January 5, 2021, regarding the TIB Award and Transportation Design, Construction Updates, and Lacey Snow and Ice Program. The discussion on the

Committee's meeting schedule was postponed until the next meeting.

BOARDS, COMMISSIONS

AND COMMITTEE REPORTS: Transportation Policy Board

Mayor Ryder reported on the following items:

- Update from Washington Trucking Association
- 2021 meeting schedule
- Member appointments
- Election of officers scheduled for next meeting

ORCAA

Deputy Mayor Pratt reported on the following items:

- Welcomed 3 new members
- Air quality report for December 2020

Regional Housing Council

Councilmember Cox reported on the following items:

- Possible change in meeting schedule
- Update on Carpenter site
- Review of funding sources for awarding grants
- Thurston Thrives Housing Action Team recommendation in four broad priorities

EMS

Councilmember Greenstein reported on the following items:

- Medic One levy lid lift
- COVID vaccine update

Thurston Regional Planning Council

Councilmember Miller reported on Broadband in Washington State.

Olympia-Lacey-Tumwater Visitor & Convention
Bureau

Councilmember Kunkel noted the lodging tax bill
he reported on previously is now dead.

Mayor Ryder adjourned the Council Meeting at 9:38 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____