

**City of Enumclaw
1339 Griffin Avenue
Enumclaw, Washington 98022**

**City Council Regular Session
City Hall Council Chambers
April 12, 2021, 7:00pm**

This meeting was held by videoconferencing (Microsoft Teams platform) to comply with the Governor's *Open Public Meetings Act and Public Records Act*, Proclamation 20-28, and extensions by the State Legislature. It was broadcast live on ECTV, Channel 21, and livestreamed at cityofenumclaw.net.

1. CALL TO ORDER AND FLAG SALUTE:

Mayor Molinaro called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance. Mayor Pro Tem LaFleur announced Councilmember Overland was absent.

LA FLEUR MOVED TO EXCUSE COUNCILMEMBER OVERLAND FROM THE MEETING. WRIGHT SECONDED. MOTION CARRIED 6-0.

ATTENDANCE:

In Council Chambers: Mayor Jan Molinaro, Councilmembers Chance LaFleur, Thomas Sauvageau, Kael Johnson and Anthony Wright, City Attorney Mike Reynolds, and City Clerk Maureen Burwell.

At City Hall: Information Services Director Joe Nanavich and Technician Nick Fuller.

Via Microsoft Teams videoconferencing: Councilmembers Corrie Koopman Frazier and Beau Chevassus; City Administrator Chris Searcy, Public Works Director Jeff Lincoln, Community Development Director Chris Pasinetti, Finance Director Stephanie McKenzie, Parks Director Michelle Larson, and Police Commander Tim Floyd.

2. ADJUSTMENTS TO THE AGENDA:

None.

Council consensus to approve agenda as published.

3. MOTION TO APPROVE MINUTES:

A. Council Minutes, 3/22/21

LA FLEUR MOVED TO APPROVE THE MARCH 22, 2021, MINUTES AS PUBLISHED. WRIGHT SECONDED. MOTION CARRIED 6-0.

4. ANNOUNCEMENTS AND PRESENTATIONS:

A. ANNOUNCEMENTS

1. Public Safety Telecommunicators Week Proclamation

Mayor read the proclamation and thanked the City's dispatchers for their efficient efforts.

B. PUBLIC HEARING AND MEETING ANNOUNCEMENTS

1. Planning Commission Public Hearing, EMC Amendment - Multifamily Tax

Exemption, Thursday, April 22, 7:00 p.m., Council Chambers and via Microsoft Teams

Mayor noted the Public Hearing.

C. COMMUNITY EVENTS

1. Classic Truck Show, Sunday, April 25, 8:00 a.m. – 3:00 p.m., Downtown Cole Street from Stevenson Avenue to Griffin Avenue
2. Mount Rainier Duathlon, Sunday, April 25, 8:00 a.m. – 12:00 p.m., Enumclaw Expo Center

Mayor noted the community events.

5. COMMENTS FROM THE AUDIENCE:

None.

6. PUBLIC HEARING:

None.

7. TABLED BUSINESS:

None.

8. COUNCIL COMMITTEE REPORTS:

A. COMMUNITY AND ECONOMIC DEVELOPMENT – Councilmembers Johnson, Chair; Chevassus, Sauvageau

Johnson stated the Committee last met on April 12. They discussed the Mount Rainier Christian Center annexation and the Urban Growth Capacity Report. The next meeting is scheduled for Monday, April 26, 5:00 p.m. via Microsoft Teams.

B. COMMUNITY SERVICES – Councilmembers Wright, Chair; Koopman Frazier, Sauvageau

Wright stated the Committee has not met since the last Council meeting. The next meeting is scheduled for Monday, April 19, at 5:30 p.m. via Microsoft Teams.

C. FINANCE – Johnson, Chair; Overland, Koopman Frazier

Johnson stated the Committee last met on April 12. They discussed the Budget Amendment Ordinance No. 2705. The next meeting is scheduled for Monday, April 26, 6:30 p.m. via Microsoft Teams.

D. PUBLIC SAFETY – Councilmembers LaFleur, Chair; Chevassus, Sauvageau

LaFleur stated the Committee had a special meeting on March 29. They discussed Ordinance No. 2707 regarding controlled substances. The next meeting is scheduled for Monday, April 19, 6:00 p.m. at the Police Department, however it may be cancelled if there are no discussion items.

E. PUBLIC WORKS – Councilmember Wright, Chair; LaFleur, Overland

Wright stated the Committee last met on April 12. They discussed the cultural resources survey, and the Washington State Energy Code and its impact on the gas utility. The Committee has requested staff pursue getting estimates for a consultant to analyze the fee structure due to the

changes with the 2018 Energy Code and the requirements for developers to get energy credits. They also discussed the Consent Agenda item for Public Works building projects and the potential budget amendment for brickwork at City Hall. They received demonstrations of the GIS system and the asset management system. The next meeting is scheduled for Monday, April 26, 5:30 p.m. via Microsoft Teams.

F. CHAMBER OF COMMERCE – Johnson Liaison; Sauvageau, Alternate
Johnson stated the Chamber Board has not met since the last Council meeting. The next meeting is scheduled for Wednesday, April 14, 8:00 a.m. at The Claw.

G. SOUND CITIES ASSOCIATION (SCA) - Councilmember LaFleur, Liaison
LaFleur stated that SCA has not met since the last Council meeting. After some discussion, it was decided that Koopman Frazier would be the alternate. The next meeting is scheduled for Wednesday, April 14, at 7:00 p.m. via Zoom.

H. TOURISM ADVISORY BOARD (TAB) - Councilmember Johnson, Liaison; Chevassus, Alternate
Johnson stated that TAB has not met since the last Council meeting. The next meeting had not yet been scheduled.

I. ENUMCLAW EXPO AND EVENTS ASSOCIATION (EEEE) BOARD - Councilmember Wright, Liaison
Wright stated that EEEA has not met since the last Council meeting. They are moving forward on the restoration projects from the windstorm. The next meeting is scheduled for Tuesday, April 20, 6:00 p.m. at the Expo Center.

9. CONSENT AGENDA:

A. PROFESSIONAL SERVICE CONTRACT

1. JD Architecture and Design, Architectural Services – Public Works Building Projects

LA FLEUR MOVED TO APPROVE THE CONSENT AGENDA. WRIGHT SECONDED. MOTION CARRIED 6-0.

10. GENERAL BUSINESS:

A. ORDINANCE

1. Ordinance No. 2704 - Berge Right-Of-Way Vacation Petition

City Clerk Read by Title Only for the Second Reading

ORDINANCE NO. 2704

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON VACATING AN 8-FOOT ALLEY RIGHT OF WAY AND RETURNING THE LAND TO THE OWNER OF THE PARCEL FROM WHICH IT WAS ORIGINALLY DEDICATED.

Staff Report:

Lincoln stated staff recommends approval of the Ordinance vacating the right-of-way.

Council Comments:

None.

Council Action:

WRIGHT MOVED TO APPROVE ORDINANCE NO. 2704, BERGE RIGHT-OF-WAY VACATION PETITION. LA FLEUR SECONDED. MOTION CARRIED 6-0.

2. Ordinance No. 2705 - First Quarter Budget Amendment

City Clerk Read by Title Only for the Second Reading

ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF ENUMCLAW, WASHINGTON, DECLARING AN EMERGENCY EXISTS RELATING TO 2021 ANNUAL OPERATING BUDGET ORDINANCE NO. 2682 AND RECONCILING THE DIFFERENCES BETWEEN ESTIMATED BEGINNING FUND BALANCES AND ACTUAL BEGINNING FUND BALANCES MOVING THOSE AMOUNTS TO ESTIMATED ENDING FUND BALANCES AND AUTHORIZING ADJUSTMENTS TO THE BUDGET.

Staff Report:

McKenzie detailed the changes to the Budget Amendment: \$38,000 for the Deputy City Clerk proposal; \$122,000 for Zone 1040 expansion projects; \$1,000,000 funding for City Shops modification and upgrade; Equipment Rental interfund loans to Stormwater Utility for \$50,000 and Solid Waste for \$140,000.

Council Comments:

None.

Council Action:

JOHNSON MOVED TO APPROVE ORDINANCE NO. 2705, FIRST QUARTER BUDGET AMENDMENT. WRIGHT SECONDED. MOTION CARRIED 6-0.

3. Ordinance No. 2706 - Amendment to Mount Rainier Christian Center Annexation,
Legal Description

City Clerk Read by Title Only for the First Reading

ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING THE LEGAL DESCRIPTION ADOPTED IN ORDINANCE NO. 2691 FOR THE ANNEXATION OF THE MOUNT RAINIER CHRISTIAN CENTER.

Staff Report:

Pasinetti stated that this Ordinance revises the legal description on the Ordinance that was approved for the annexation. King County staff brought this to City staff attention. The legal description in the original Ordinance omitted the portion that included the section of State Route

164 right-of-way. The legal description has been corrected and is now included in this Ordinance which will bring the annexation documentation into compliance.

Council Comments:

None.

2. Ordinance No. 2707 - EMC Amendment, Violation of Controlled Substance

City Clerk Read by Title Only for the First Reading

ORDINANCE NO. 2707

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON MAKING IT UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS A CONTROLLED SUBSTANCE OR TO POSSESS A CONTROLLED SUBSTANCE WITH INTENT TO USE CLASSIFYING A VIOLATION AS A GROSS MISDEMEANOR.

Staff Report:

Floyd explained the necessity for the EMC amendment. Recently, the Washington State Supreme Court issued an opinion in *State v Blake* ruling that the statute criminalizing simple possession of drugs is unconstitutional. This is a categorical holding and extends to every simple possession conviction regardless of drug, quantity, time, or classification. This Ordinance would make it unlawful for anyone to knowingly possess a controlled substance unless it was lawfully obtained through a valid prescription. The violation would be a gross misdemeanor.

Reynolds stated that the original Ordinance incorporated by reference State Law regarding narcotics violations which has now been declared unconstitutional. If the State acts on this topic, the Municipal Code will be changed to comply with the State version as they pre-empt what a City can do.

Council Comments:

LaFleur suggested that if the State does not enact a law regarding possessing a controlled substance, then perhaps the City could enact a law to forbid that. Reynolds stated that may lead to litigation.

B. RESOLUTIONS

1. Resolution No. 1713 - Approving Change of Control of Astound Broadband to Stonepeak Infrastructure Partners

City Clerk Read by Title Only

RESOLUTION NO. 1713

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON APPROVING THE CHANGE OF INDIRECT CONTROL OF A TELECOMMUNICATIONS FRANCHISE.

Staff Report:

Reynolds stated this was requested by the franchisee due to a sale of the company.

Council Comments:

None.

Council Action:

WRIGHT MOVED TO APPROVE RESOLUTION NO. 1713, APPROVING CHANGE OF CONTROL FROM ASTOUND BROADBAND TO STONEPEAK INFRASTRUCTURE PARTNERS. LA FLEUR SECONDED. MOTION CARRIED 6-0.

C. GENERAL ITEMS

1. Informational Reports

a. Metropolitan Solid Waste Advisory Committee (MSWAC)

Searcy stated MSWAC recently met. The City is a partner with King County through an Interlocal Agreement, ending in 2040, for the regional solid waste system. 2022 will bring 9% solid waste rate increase per ton. The city has been pro-active and increased the rate this year by 5% so the City is well prepared to absorb the 9% increase. Due to future debt service on the proposed two new transfer stations, the County is asking that the member cities consider extending the interlocal agreement allowing the County to extend the bonding terms. There is no action necessary on this at this time. Other topics discussed at this meeting were flow control and disputes regarding where waste in recyclable materials is disposed of.

2. Routine Reports

a. Community Development: Building Permits, City Planning

11. UNFINISHED BUSINESS:

None.

12. NEW BUSINESS:

None.

13. EXECUTIVE SESSION:

None.

14. ADJOURNMENT:

JOHNSON MOVED TO ADJOURN THE MEETING. LA FLEUR SECONDED. MOTION CARRIED 6-0.

Meeting adjourned at 7:39 p.m.

Respectfully Submitted,

Maureen Burwell
City Clerk

Date Minutes Approved: _____

Council Comments:

None.

Council Action:

WRIGHT MOVED TO APPROVE RESOLUTION NO. 1713, APPROVING CHANGE OF CONTROL FROM ASTOUND BROADBAND TO STONEPEAK INFRASTRUCTURE PARTNERS. LA FLEUR– SECONDED. MOTION CARRIED 6-0.

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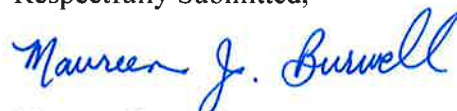
None.

14. ADJOURNMENT:

JOHNSON MOVED TO ADJOURN THE MEETING. LA FLEUR SECONDED. MOTION CARRIED 6-0.

Meeting adjourned at 7:39 p.m.

Respectfully Submitted,



Maureen Burwell
City Clerk

Date Minutes Approved: 4-26-21