

**CITY OF UNIVERSITY PLACE
MINUTES
Regular Meeting of the City Council
Monday, May 1, 2023**

1. CALL REGULAR MEETING TO ORDER

Mayor Worthington called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Keel	Present (arrived at 6:38 p.m.)
Councilmember Wood	Present
Councilmember McCluskey	Present
Councilmember Flemming	Present
Councilmember Belleci	Present
Mayor Pro Tem Figueroa	Present (left at 7:10 p.m.)
Mayor Worthington	Present

Staff Present: City Manager Sugg, City Attorney Kaser, Police Chief Premo and City Clerk Genetia.

3. PLEDGE OF ALLEGIANCE

Councilmember Flemming led the Council in the Pledge of Allegiance.

4. APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Figueroa, seconded by Councilmember Figueroa, to approve the agenda.

The motion carried.

5. PRESENTATIONS

Asian American Pacific Islander Heritage Month Proclamation – Mayor Worthington presented a proclamation to the Board members of the Asia Pacific Cultural Center, recognizing the contributions and influences of Asian American and Pacific Islanders to the history, culture and achievements of the United States and calling for the observance of Asian American and Pacific Islander Heritage Month in May, 2023.

Curtis High School Recognitions – Mayor Worthington and his fellow councilmembers presented proclamations to the Curtis High School Vikings athletes in recognition of their hard work, talent, and dedication leading to their victories in the Washington 4A State Championships and other distinguished ranking achievements. Teams and individuals under the following sports were recognized: Boys' Basketball, Boys' Water Polo, Boys' Swim, Girls' Bowling, Girls' Swim and Dive, Girls' Cross Country, Girls' Wrestling; and Girls' Cheerleading.

6. PUBLIC COMMENT – None.

7. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember Keel to approve the Consent Agenda as follows:

- A. Approve the minutes of the April 17, 2023 Council meeting as submitted.
- B. Receive and File: Payroll for period ending 04/15/23; and Claims dated 04/15/23.
- C. Approve the cancellation of the August 21, 2023 Regular Council Meeting.

The motion carried.

8. CITY MANAGER & COUNCIL COMMENTS/REPORTS

Police Chief Premo briefed Council on the shoplifting enforcement “Blitz” that the University Place Police Department organized and coordinated with Fred Meyer’s loss prevention personnel.

Councilmember Keel remarked on the recent election result and his expectation for its implementation.

Councilmember Wood thanked everyone who voted on the police levy last week and expressed his appreciation for the citizens’ engagement on the campaign. He looks forward to the new era of policing in the City.

Councilmember McCluskey echoed Councilmembers Keel and Wood’s comments and congratulated the committee for their hard work on the public safety levy campaign. She also looks forward to seeing how the result affects the City’s policing/public safety. Additionally, she commended the Police Department for their shoplifting/loss prevention enforcement efforts.

Councilmember Flemming congratulated the Curtis High School student champions. He echoed earlier comments regarding the public safety levy and gave kudos to those who worked on the campaign. Councilmember Flemming shared the success of the Clean UP event. Lastly, he shared topics/information discussed at the South Sound Housing Affordability Partners meeting he attended.

Councilmember Belleci thanked the citizens who voted in the election and remarked that the result will help address the police/public safety needs and concerns. She also congratulated the Rotary Club for their successful Clean UP event and thanked the volunteers and sponsors who made the Parks Appreciation Day a fun and successful event.

Mayor Worthington thanked Councilmember Flemming for his part in the Clean UP event. He thanked the citizens for voting in the recent election and provided the current vote count which will be certified on May 5. Additionally, he shared the proposed agenda and logistics for Council’s June 10 retreat. Lastly, he reminded the Council of the PSRC General Assembly on May 30 and informed the public of the upcoming Duck Daze event.

9. BLAKE FIX

City Attorney Kaser provided an overview on the Blake “fix” covering the Washington Supreme Court’s 2021 ruling in the State v. Blake case; possession of controlled substance laws prior to its decision in the Blake case; how the Supreme Court held and rendered many of Washington’s controlled substances laws unconstitutional; and the legislature’s response to Blake in the passage of ESB 5476 to address those portions of state law rendered unconstitutional by the Supreme Court. That statute contains the following provisions: it added a “knowing” element; it reclassified the penalty level of many of the State’s controlled substance violations from felonies down to misdemeanors; it encouraged prosecutors to divert related cases for services; it required law enforcement officers to divert or offer diversions/services to defendants on first and second contact and only on the third contact would be subject to arrest and referred for criminal prosecution; it decriminalized possession of drug paraphernalia; and provided grant funding and authorized new court commissioners. Attorney Kaser indicated that a number of these provisions were set to sunset on July 1, 2023.

Attorney Kaser discussed the impact of Blake and SHB 5476 – defendants are no longer subject to felony charges/convictions for possession of drugs; while it provided for some funding it gave very little direction on how to get the funding; there is no tracking system for diversion or law enforcement contacts with individuals subject to diversion; 40+ years of criminal convictions are vacated/impacted; and municipal/district courts are standing up drug courts on short notice. He also discussed criminal sentencing in Washington; data on University Place drug possession arrests; and State preemption (RCW 69.50.608) – the state of Washington fully occupies and preempts the entire field of setting penalties for violation of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. He indicated that come July 1, 2023, there is no statute for penalties. Senate Bill 5536 which addressed their 2021 fix was brought to the floor for a vote prior to the conclusion of session. The bill failed to pass.

Staff are looking for Council direction on how it wishes to proceed and offered a proposed ordinance relating to controlled substances and drug paraphernalia for consideration.

Discussion followed with regards to the “knowing” element; interaction tracking; treatment option and cost; ensuring there is no gap after the provision sunsets; cost for enforcement; diversion; effect in the change of enforcement; and punishment/penalties. The Council expressed interest in continuing the discussion to determine the next step; using available resources (AWC advocacy) and reviewing other ordinance templates for uniformity. There was also interest in soliciting the involvement of the Public Safety Advisory Commission.

At 8:29 p.m., a motion was made and was carried to extend the meeting to 9:00 p.m.

10. ADJOURNMENT – The meeting adjourned at 8:54 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

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