

**CITY OF UNIVERSITY PLACE  
MINUTES  
Regular Meeting of the City Council  
Monday, September 19, 2022**

**1. CALL REGULAR MEETING TO ORDER**

Mayor Pro Tem Figueroa 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 |
| Councilmember Wood      | Present |
| Councilmember McCluskey | Present |
| Councilmember Flemming  | Present |
| Councilmember Belleci   | Present |
| Mayor Pro Tem Figueroa  | Present |
| Mayor Worthington       | Excused |

Staff Present: City Manager Sugg, City Attorney Kaser, Administrative Services Director Petorak, Community and Economic Development Director Briske, Engineering and Capital Projects Director Ecklund, Finance Director Blaisdell, Police Chief Premo, Public Safety Manager Hales, Community and Economic Development Deputy Director Swindale, Parks Maintenance Supervisor West, and City Clerk Genetia.

**3. PLEDGE OF ALLEGIANCE**

Councilmember Belleci led Council in the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Councilmember Belleci requested to amend the motion to Item 6G under the Consent Agenda to read as follows:

Adopt a Resolution acknowledging the City of University Place's approval of the proposed amendments to the Pierce County Countywide Planning Policies for consistency with Vision 2050 and the Growth Management Act as recommended by the Pierce County Regional Council and approved by the Pierce County Council and authorizing the City Manager to execute an Interlocal Agreement with Pierce County and its cities and towns thereby ratifying the Countywide Planning Policies amendments.

**MOTION:** By Councilmember Belleci, seconded by Councilmember Keel, to approve the agenda as amended.

**The motion carried.**

**5. PUBLIC COMMENTS** – The following individuals provided comments: Costa Basil, 9304 31<sup>st</sup> Street West; and Howard Lee, 8302 41<sup>st</sup> Street West.

**6. CONSENT AGENDA**

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

- A.** Approve the minutes of the September 6, 2022 Council meeting as submitted.
- B.** Receive and File: Claims dated 08/30/22.
- C.** Receive and File: 2022 Second Quarter Financial Report.

- D. Authorize appropriation of \$25,000 from the General Fund Contingency for contribution to the University Place Veterans' Plaza.
- E. Authorize the City Manager to approve and accept the purchase of right of way from Bridgeport Apartments to accommodate the 35<sup>th</sup> Street Improvements project in the amount of \$26,675.00.
- F. Ratify and confirm the City Manager's previously issued purchase order and authorize the City Manager to purchase two (2) electric pickup trucks for delivery in 2023 in the amount of One Hundred Two Thousand Nine Hundred Forty-Eight Dollars (\$102,948).
- G. Adopt a Resolution acknowledging the City of University Place's approval of the proposed amendments to the Pierce County Countywide Planning Policies for consistency with Vision 2020 and the Growth Management Act as recommended by the Pierce County Regional Council and approved by the Pierce County Council and authorizing the City Manager to execute an Interlocal Agreement with Pierce County and its cities and towns thereby ratifying the Countywide Planning Policies amendments. **(RESOLUTION NO. 986)**
- H. Adopt a Resolution approving participation by the City of University Place in the Opioid settlement reached by the Washington Attorney General. **(RESOLUTION NO. 987)**
- I. Adopt a Resolution approving the Development Services Fee adjustments. **(RESOLUTION NO. 988)**

**The motion carried.**

## **PUBLIC HEARING**

### **7. PUBLIC SAFETY LEVY LID LIFT SUPPORT**

Staff Report – City Attorney Kaser briefed Council of its decision to pass a resolution expressing support of sending to the voters on the November 2022 general election a proposed levy lid lift measure for support of law enforcement services. He reminded them of a certain prohibition under state law that limits the Council's ability to have an influence on ballot measures. General rule under state law states that public funds may not be used to support or oppose a ballot measure. As a subject of tonight's meeting, he explained that there are several exceptions that are set forth in the statute, one of which allows for a legislative body to express a collective opinion on ballot measures provided that two requirements are met: (1) the required notice of the meeting includes the title and number of the ballot proposition; and (2) members of the legislative body afford members of the public an approximately equal opportunity for expression of an opposing view. He stated that those pre-requisites have been met. Passage of the proposed resolution would allow Council to express support for the ballot measure. City publications, however, will continue to require caution in expressing an "official" position of the City itself and ensure that public funds are not inappropriately used in supporting or opposing ballot measures.

Public Comment – The following individual provided comment: Bob Jean, 9716 Island View Lane West.

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Councilmember Keel, to adopt a Resolution expressing support for the City's Proposition No. 1 Levy Lid Lift for support of law enforcement.

**The motion carried. (RESOLUTION NO. 989)**

## **COUNCIL CONSIDERATION**

### **8. PARK RULES AMENDMENTS**

Staff Report – Engineering and Capital Projects Director Ecklund presented, for Council consideration, a proposed Ordinance that would amend Chapter 15.05 of the University Place Municipal Code (UPMC) as it relates to smoking, vaping and unmanned aerial vehicles (aka drones) usage in City parks. He referenced Resolution No. 907 passed by the City Council directing the Parks Advisory Commission to review the specific issue of whether the UPMC should be amended to prohibit or otherwise regulate smoking, vaping, and use of unmanned aerial vehicles. On May 2, 2022, after numerous discussions, study and public input/survey consideration, the Park Advisory Commission, with concurrence from the Public Safety Advisory Commission, ultimately recommended that no changes to the code were warranted. Director Ecklund noted that the primary factor in the Commission's recommendation were concerns for enforcement expectations. The Commission also indicated that they did not believe they were in a position to properly

evaluate the Health Department's recommendation on this issue and deferred that back to Council. He indicated that to assist with Council's final determination, material from the Tacoma-Pierce County Health Department's smoke and vape free parks program was included in the packet for consideration. Under this program, the Health Department recommends that all jurisdictions pass regulations to restrict smoking and vaping in parks, noting several benefits to creating tobacco-free parks.

Director Ecklund stated that looking at the recommendation from the Park Advisory Commission, the Health Department, and the existing City codes, the proposed ordinance envisions three distinct changes to the Park Rules: (1) A prohibition on smoking and vaping in City parks; (2) A prohibition on the use of unmanned aerial vehicles (aka drones); and (3) A change in the definition of "Park" to clarify that the rules apply only to those park-like amenities under City control/ownership.

Public Comment – None.

Council Consideration – **MOTION:** By Councilmember Belleci, seconded by Councilmember Keel, to pass an Ordinance amending Chapter 15.05 of the University Place Municipal Code; relating to Park Rules.

**The motion carried. (ORDINANCE NO. 761)**

## **9. CITY MANAGER & COUNCIL COMMENTS/REPORTS**

City Manager Sugg updated Council on the federally funded City projects that will begin work on in October/November: Chambers Creek Road/Chambers Lane Phase I, Lakewood Drive Overlay, and Grandview Drive West Overlay. He also reminded Council and the public of the upcoming Oktoberfest event.

Councilmember Keel reported that Sound Transit has completed the hiring of its new CEO who will begin work on September 27, 2022. He also reported on Pierce Transit's work in applying for grants from the Washington State Department of Transportation to acquire zero emission/electric buses.

Councilmember Wood drew attention to an email he received today from Comcast regarding its Rise Grant Program for small businesses that are owned by women and people of color. Comcast plans to issue \$1 million in grants to small businesses between Pierce and King counties. He encouraged eligible small businesses in University Place to apply.

Councilmember McCluskey reported that she and Mayor Pro Tem Figueroa attended the Pierce County Regional Council (PCRC) meeting and shared reports from the Sheriff's Department and Washington State Department of Commerce. She also reported on the Zoo Trek Authority Board's zoo operation undertakings.

Councilmember Belleci informed the public that Happy Duo Café will be holding a concert/music performance event in the coffee shop this Sunday and encouraged the community to support a local business and local musician. She also reminded her colleagues that she will be out of town hence will not be attending the two October scheduled meetings.

Mayor Pro Tem Figueroa requested the City Manager to note, during the Agenda meeting, to have an appropriate time allotted for Council comments/reports (increased from 10 to 20 minutes), and to line up a presentation from Pierce County Sheriff Troyer on the topic he reported on during the PCRC meeting. He reported that he spoke, on behalf of Mayor Worthington at the 9/11 Memorial event held at West Pierce Fire & Rescue station. In addition, he reported that along with Councilmember McCluskey, he attended the PCRC and shared some discussion highlights during the meeting.

## **STUDY SESSION**

### **10. STORMWATER MANAGEMENT ACTION PLAN**

Engineering and Capital Projects Director Ecklund explained that the City is required to develop a Stormwater Management Action Plan (SMAP) as a condition of the NPDES Phase II Municipal Stormwater Permit. He summarized the purpose of SMAP and indicated that the City has identified Leach Creek sub-

basin to focus on for water quality measures. Details of the potential SMAP projects and actions were provided which include potential expansion of the existing pond located on Cirque Drive West; source tracing study that will help determine the source of fecal coliform within Leach Creek; providing water quality education; prioritizing city-wide catch basin cleaning/inspection; and city-wide street sweeping. The projects will be incorporated into the City's current stormwater comprehensive plan effort and any associated capital cost will be calculated for project needs. Additional details on these specific projects will be provided as they develop in the comprehensive plan.

Questions were raised with regard to steps for mitigating potential sources of contamination; whether the City's stormwater management addresses the management of privately held detention ponds; information on role and impact of public vs. private detention ponds; continuation of educational outreach classes; clean-up costs and its impact on the City's budget planning and funding; and availability of funding (grant) from NPDES for clean-up costs.

#### **11. EXECUTIVE SESSION**

At 8:07 p.m., the City Council recessed to Executive Session/closed session for approximately one hour and a half, per RCW 42.30.110(1)(i) to discuss potential litigation with legal counsel; and per RCW 42.30.140(4)(b) to review proposals and adopt strategy to be taken by the City during the course of collective bargaining. Any action on these issues will only be taken during Council Open Session.

**12. ADJOURNMENT** - The meeting adjourned at 9:23 p.m. No other action was taken.

Submitted by,

Emy Genetia  
City Clerk