

LYNNWOOD CITY COUNCIL

Business Meeting

**This meeting will be held
electronically via Zoom. See the City
of Lynnwood website for details.**

Date: Monday, April 26, 2021

Time: 6:00 PM

-
- 10 CALL TO ORDER & FLAG SALUTE
 - 20 ROLL CALL
 - 30 APPROVAL OF MINUTES
 - A April 5, 2021 Work Session Minutes
 - B April 12, 2021 Business Meeting Minutes
 - 40 MESSAGES AND PAPERS FROM THE MAYOR
 - 50 PUBLIC COMMENTS AND COMMUNICATIONS
 - 60 PRESENTATIONS AND PROCLAMATIONS
 - A Acknowledgement of Stand Against Racism Proclamation
 - B Proclamation: Asian Pacific American Heritage Month
 - 70 WRITTEN COMMUNICATIONS AND PETITIONS
 - 80 COUNCIL COMMENTS AND ANNOUNCEMENTS
 - 90 BUSINESS ITEMS AND OTHER MATTERS
 - 90 .1 UNANIMOUS CONSENT AGENDA
 - A Construction Contract Award: 2021 ADA Ramps and Sidewalks Project
 - B Consultant Contract: 42nd Avenue W Design
 - C Voucher Approval
 - 90 .2 PUBLIC HEARINGS OR MEETINGS
 - 90 .3 OTHER BUSINESS ITEMS
 - A Amend Ordinance 10.52 - Illegal Firearm Purchases
 - B Executive Session, If Needed
 - 100 NEW BUSINESS
 - 110 ADJOURNMENT

THE PUBLIC IS INVITED TO ATTEND

Parking and meeting rooms are accessible for persons with disabilities. Individuals requiring reasonable accommodations may request written materials in alternate formats, sign language interpreters, language interpreters, physical accessibility accommodations, or other reasonable accommodations by contacting 425-670-5023 no later than 3pm on Friday before the meeting. Persons who are deaf or hard of hearing may contact the event sponsor through the Washington Relay Service at 7-1-1.

"El estacionamiento y las salas de junta cuentan con acceso para personas con discapacidad. Las personas que requieran de adaptaciones razonables pueden solicitar materiales impresos en formatos alternativos como intérpretes de lenguaje de señas, intérpretes de idiomas, asistencia física para acceso, así como otros ajustes razonables. Pueden comunicarse al número 425-670-5023 antes de las 3:00 pm del Viernes antes a la reunión. Las personas con discapacidad auditiva o con problemas de audición pueden comunicarse con el patrocinador del evento a través del Washington Relay Service al 7-1-1."

Regular Business Meetings are held on the second and fourth Mondays of the month. They are videotaped for broadcast on Comcast Channel 21 and FIOS - Frontier Channel 38 on Wednesdays at 7:30p.m. and Sundays at 7:00a.m. and 2:00p.m.

CITY COUNCIL ITEM 30-A

CITY OF LYNNWOOD City Council

TITLE: April 5, 2021 Work Session Minutes

DEPARTMENT CONTACT: Lisa Harrison, Executive Assistant

DOCUMENT ATTACHMENTS

Description:	Type:
April 5, 2021 Work Session Minutes	Backup Material

**MINUTES OF THE WORK SESSION OF THE LYNNWOOD CITY COUNCIL
HELD MONDAY, APRIL 5, 2021 AT 6:00 p.m. VIA ZOOM**

A. Roll Call:

Mayor & Council:

Mayor Nicola Smith
Council President George Hurst
Council Vice President Jim Smith
Council member Ruth Ross
Council member Ian Cotton- absent
Council member Christine Frizzell
Council member Julieta Altamirano-Crosby
Council member Shannon Sessions- absent

Others Attending:

DBS Director David Kleitsch
Public Works Director Bill Franz
Engineering Manager David Mach
City Center Program Manager Karl Almgren
Senior Planner Kristen Holdsworth
Planning Manager Ashley Winchell

Guests:

Marcia Hawks, Board of Ethics Candidate

Asst. City Administrator Art Ceniza
Interim City Clerk Karen Fitzthum
Executive Assistant Lisa Harrison
City Attorney Rosemary Larson

B. Introduction to: Ethics Board candidate Marcia Hawks (00:2:00)

Acting city clerk Fitzthum introduced Ms. Hawks as a candidate for the Board of Ethics. Ms. Hawks shared her experience as an attorney and in other positions and discussed her qualifications. Council Members asked questions, made comments and thanked her for her service.

C. Briefing No. 3: Major Transportation Capital Projects (00:18:00)

Directors Franz and Kleitsch, along with Engineering Manager David Mach and City Center Program Manager Karl Almgren reviewed the major capital projects going on in Lynnwood and how they plan to provide infrastructure capacity for anticipated future growth. They reviewed 6 capital projects in different stages of development and stated that they have been very successful at getting grant funding. Council members asked questions and made comments.

D. Briefing: Draft Housing Action Plan and Draft Buildable Lands Report (1:05:00)

Planning Manager Ashley Winchell and Senior Planner Kristen Holdsworth reviewed the final draft of the housing action plan and buildable lands. Key needs identified include affordability, stabilization of neighborhoods, address subsidized housing and provide "missing middle" housing in low density areas. Council members asked questions and made comments.

E. Mayor Comments and Questions

None

F. Council President and Council Comments (1:31:00)

Council President Hurst discussed the schedule for the vacancy process to fill position #2, previously held by Ian Cotton. He asked council members if they were available for special meetings on 5/12 and 5/13 from 6 to 9 pm to hold interviews for the vacancy. They will make a scheduling motion for the next business meeting in to approve these meetings. Council members asked to be sent the full schedule, which Clerk Fitzthum

32 agreed to do.

33
34 As a result of the vacancy by Cotton, Hurst also announced changes to liaison appointments:

- 35 • Council Member Ross will now cover Human Services.
- 36 • Council Vice President Smith is assigned to public facilities district and no longer on the
- 37 DEI commission.
- 38 • Council President Hurst will now be the DEI liaison.

39
40 An election will be held at the next business meeting (April 5) to elect a new liaison to the

41 Alliance for Housing Affordability.

42
43 The meeting was adjourned at 7:45 p.m.

44
45
46 _____

47 Nicola Smith, Mayor

CITY COUNCIL ITEM 30-B

CITY OF LYNNWOOD City Council

TITLE: April 12, 2021 Business Meeting Minutes

DEPARTMENT CONTACT: Lisa Harrison, Executive Assistant

DOCUMENT ATTACHMENTS

Description:	Type:
April 12, 2021 Business Meeting Minutes	Backup Material

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
April 12, 2021

10. CALL TO ORDER - The April 12, 2021 Business Meeting of the Lynnwood City Council, held via Zoom, was called to order by Mayor Smith at 6:00 p.m. A quorum was present.

20. ROLL CALL

Mayor & Council:

Mayor Nicola Smith
Council President George Hurst
Council Vice President Jim Smith
Councilmember Julieta Altamirano-Crosby
Councilmember Ian Cotton- absent
Councilmember Christine Frizzell
Councilmember Ruth Ross- absent
Councilmember Shannon Sessions

Others Attending:

Communications Manager Julie Moore

Guests:

Joshua Binda, DEI Commission
Daniela Altamirano-Crosby, DEI Commission

Asst. City Administrator Art Ceniza
Interim City Clerk Karen Fitzthum

City Attorney Rosemary Larson
Executive Assistant Lisa Harrison

30. APPROVAL OF MINUTES (00:1:00)

Motion made by Council Member Altamirano-Crosby, seconded by Council Vice President Smith to approve the following minutes as written:

- *March 15, 2021 Work Session,*
- *March 17, 2021 Work Session*
- *March 22, 2021 Business Meeting*
- *March 25, 2021 Finance Committee Meeting and*
- *March 29, 2021 Work Session*

40. MESSAGES AND PAPERS FROM THE MAYOR (00:2:00)

Mayor Smith announced the passing of officer Mark Brinkman, who died unexpectedly while off duty. She spoke about his qualities and how dedicated he was to the City's residents.

Regarding the Covid pandemic, the mayor mentioned that money is coming from the Federal government, but the amount and information about how it can be used is still to be determined. Cases continue to rise despite vaccinations so all must maintain due diligence.

50. CITIZENS COMMENTS AND COMMUNICATIONS (00:6:08)

Members of the public were welcomed to speak to council. The following made comments at the meeting:

- Sebastian Moraga, freelance reporter for Lynnwood Times
- Maxwell Chen
- Elizabeth Lunsford

Written comments were also read aloud from Debbie Gaff.

60. PRESENTATIONS AND PROCLAMATIONS (00:14:00):

Three proclamations were read aloud at the meeting:

1. Stand Against Racism: read by Council President Hurst, received by Daniela Altamirano Crosby and Joshua Binda from the Diversity, Equity and Inclusion Commission.
2. Arbor Day: read by Council Member Frizzell
3. Earth Day: ready by Council Member Sessions

70. WRITTEN COMMUNICATIONS AND PETITIONS

None

80. COUNCIL COMMENTS AND ANNOUNCEMENTS (00:23:00)

Council members each expressed their sadness regarding officer Brinkman's passing. Several also encouraged interested citizens to apply for the open council member vacancy.

90. BUSINESS ITEMS AND OTHER MATTERS

90.1 UNANIMOUS CONSENT AGENDA

Items listed below were distributed to Councilmembers in advance for study and were enacted with one motion. Motion made by Council Vice President Smith, seconded by Council President Hurst to approve the following:

- A. Confirm Marcia Hawks to serve in position 3 of the Board of Ethics for a term expiring January 21, 2021.
- B. Authorize the Mayor to enter into and execute on behalf of the City a Construction Agreement with Ziply to outline the roles and responsibilities associated with the construction of a Joint Utility Trench.
- C. Authorize the Mayor to execute a construction service contract with Premier Field Development, Inc. in the amount of \$1,977,091.04, including sales tax.
- D. Authorize the Mayor to execute a construction service contract with Accord Contractors, Inc. in the amount of \$402,096.24 including sales tax.
- E. Authorize the Mayor to enter into and execute on behalf of the City an Interlocal Agreement with Alderwood Water and Wastewater District to outline the roles and responsibilities associated with the construction of various water utility improvements as part of the 196th St SW Improvement Project.

F. Voucher Approval

1. Approve claims in the amount of \$3,777,453.53 for the period 3/13/2021 - 4/2/2021.

2. Approve payroll in the amount of \$1,116,560.89 dated 3/26/2021.

Motion passed unanimously.

90.2 PUBLIC HEARINGS OR MEETINGS

None

90.3 OTHER BUSINESS ITEMS

A. Discussion: City Council Facebook Page (00:34:00)

Executive Assistant to the City Council Lisa Harrison presented the pros and cons of having a council-centric Facebook page versus joining the City Facebook page. Council asked questions and comments, leaning towards joining the City Facebook as the best solution.

B. Election: Liaison to Alliance for Housing Affordability Board

Christine Frizzell and Julieta Altamirano- Crosby were nominated to serve as liaison to the AHA. Votes were 3 for Altamirano-Crosby and 2 for Frizzell. Altamirano-Crosby will be the new liaison.

C. Scheduling motion: Council vacancy interviews

Motion made by Moved by George Hurst; seconded by Jim Smith to Schedule Special Council Meetings Wednesday, May 12 and Thursday, May 13, 2021 from 6:00pm – 9:00 pm via zoom. The purpose is to interview candidates for the open council position #2, vacated by Ian Cotton, which will end on December 31, 2021.

Motion: 5- 0; Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Christine Frizzell, Shannon Sessions; Voting Against: None

100. NEW BUSINESS

Discussion: Boards and Commissions

Council President Hurst led a discussion regarding compliance with training and other requirements by the various boards and commissions. He asked council members to think about whether they should have a small task group to work with staff in revising the LMC and other documents. Several council members expressed interest in getting feedback from current staff liaisons.

A. Executive Session, Potential litigation (1:10:00)

110. ADJOURNMENT

The meeting was adjourned at 7:44 p.m.

Nicola Smith, Mayor

CITY COUNCIL ITEM 60-B

CITY OF LYNNWOOD
City Clerk

TITLE: Acknowledgement of Stand Against Racism Proclamation

DEPARTMENT CONTACT: Council President George Hurst

SUMMARY:

Josh Binda, Daniella Altamirano- Crosby from the Diversity, Equity and Inclusion commission and Kathy Coffey, Executive Director Leadership Snohomish County will be given the opportunity to speak about the Stand Against Racism Proclamation read last week.

DOCUMENT ATTACHMENTS

Description:	Type:
No Attachments Available	

CITY COUNCIL ITEM 60-B

CITY OF LYNNWOOD
Executive

TITLE: Proclamation: Asian Pacific American Heritage Month

DEPARTMENT CONTACT: Julie Moore, Public Affairs Officer

SUMMARY:

A proclamation is to be read and adopted in recognition of Asian Pacific American Heritage Month which begins on May 1, 2021.

DOCUMENT ATTACHMENTS

Description:	Type:
Proclamation: Asian Pacific American Heritage Month	Proclamation



LYNNWOOD
WASHINGTON
A great deal more

Proclamation

City of Lynnwood

Asian Pacific American Heritage Month

WHEREAS, Asian Pacific American Heritage Week was first established in 1977 to recognize when the first Japanese immigrants arrived in the US in 1843, and in 1990 President George Bush proclaimed the entire month of May to be Asian Pacific American Heritage Month; and

WHEREAS, Asian Pacific American Heritage Month is an annual celebration of achievements by the Asian Pacific American community and a time for recognizing the central role of Asian Pacific Americans in U.S. history; and

WHEREAS, Asian Pacific Americans have played a significant role in the history of Washington State, and they continue to make positive contributions towards our economic, cultural, spiritual and political development; and

WHEREAS, in light of the disturbing rise in anti-Asian American attacks throughout the United States over the past year, it is also important to take action to report, interrupt, and oppose hate, bias and bigotry that Asian American and Pacific Islanders still face today; and

WHEREAS, Lynnwood is committed to being a safe, welcoming, and equitable community for all people, a place where all people are welcome and all people belong; and

WHEREAS, the City of Lynnwood recognizes the month of May as Asian Pacific American Heritage Month, a time in which all Americans are encouraged to reflect on past successes and challenges of Asian Pacific Americans and look to the future to improve society so that we live up to the ideals of freedom, equality and justice; and

NOW, THEREFORE BE IT RESOLVED that we, Mayor Nicola Smith, and the Lynnwood City Council, proclaim May as Asian Pacific Heritage Month and we call upon public officials, educators, businesses, volunteers, and all people of Lynnwood to join us in standing as allies with Asian Pacific Americans and celebrating their great contributions to our city, state, and nation.

Nicola Smith, Mayor
April 26, 2021

George Hurst, City Council President
April 26, 2021

CITY COUNCIL ITEM 90.1-A

CITY OF LYNNWOOD Public Works

TITLE: Construction Contract Award: 2021 ADA Ramps and Sidewalks Project

DEPARTMENT CONTACT: David Mach and Amie Hanson

SUMMARY:

The purpose of this agenda item is to contract with Kamins Construction, Inc. for the 2021 Ramps and Sidewalk Project. A request for authorization will cover the bid amount of \$447,125.45 plus a construction contingency of \$70,000. The project will construct sidewalk and lighting improvements adjacent to Veterans Park and sidewalk and ramp improvements at four other sites in Lynnwood.

****NOTE: This item was included on the April 19, 2021 Work Session agenda with the incorrect title: "2021 Pavement Preservation Project" although the content of the item was correct. We apologize for the error and any confusion it may have caused. As this action is a bid award and time sensitive we request that the Council award the bid on April 26, 2021.

ACTION:

Authorize the Mayor to enter into and execute on behalf of the City, a Contract with Kamins Construction, Inc. not to exceed a total contract value of \$517,125.45.

BACKGROUND:

The Ramps and Sidewalks Program focuses on making improvements to the City's existing curb ramps and sidewalks to provide a better pedestrian environment and meet requirements of the American with Disabilities Act (ADA). This is the first construction project that will be completed under the program.

This year's construction project was developed based on a combination of community member reports of existing issues and a city-wide assessment of right-of-way (ROW) amenities and ADA requirements conducted as part of the ADA Self-Evaluation and Transition Plan. The selected sites include:

- Veterans Park – Sidewalk, ramps, and pedestrian lighting improvements along Veterans Way, adjacent to Veterans Park;
- Intersection of Veterans Way & 40th Ave W – Northwest quadrant ramp;
- Intersection of Veterans Way & 40th Ave W – Improved sidewalk on south side of Veterans Way and west of intersection;
- 76th Ave W between 44th Ave W and SR 99 – 10 ramps on north side; and
- Intersection of 188th Ave W and 48th Ave W – Southwest quadrant ramp.

This Project and the overall ADA Ramps & Sidewalks Program are part of Public Works Department implementation of the ADA Self-Evaluation and Transition Plan. Chapter 3 of Lynnwood's Self-Evaluation and Transition Plan describes existing barriers in Lynnwood's ROW and planned efforts to remove these barriers.

PREVIOUS COUNCIL ACTIONS:

FUNDING:

The project costs are consistent with the adopted 2021-2022 biennial budget.

The revenues contributing to Fund 360 for the \$517,125.45 originate from the following funds:

- Transportation Benefit District Fund 150: \$392,125.45
- Economic Development Infrastructure Fund 020: \$125,000

KEY FEATURES AND VISION ALIGNMENT:

The Lynnwood Community Vision states that the City is to “be a welcoming city that builds a healthy and sustainable environment.”

The ADA Ramps and Sidewalk Program supports that vision and results in an important improvement to the City’s infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The project provides infrastructure supporting a healthy and sustainable environment for all citizens.

DOCUMENT ATTACHMENTS

Description:	Type:
Bid Recording Sheet	Backup Material

BID RECORDING FORM**PROJECT NAME:** ADA Ramps & Sidewalks**READER:** Ashley Tillery, Senior Engineering Tech**DATE OF OPENING:** 03/24/2021**RECORDER:** Ty Nevins, Senior Engineering Tech**TIME OF OPENING:** 2:00 PM PST**BID #:** 3206**ENGINEER'S ESTIMATE:** \$521,915.00**CONTRACT:** 3206

Note: The following Bid results are for Contractor information only. These results will undergo further review by Lynnwood in determination of award to the lowest responsive and responsible bidder.

BIDDING COMPANY	ADDRESS	BID	SIGNED	ADDENDUMS		PROJECT TOTAL
		SECURITY	OFFER	RECEIVED 1 & 2		BASE BID
1 Kamins Construction	PO Box 867 Bothell, WA 98041	X	X	X,X		\$ 447,125.45
2 Westwater Construction Co	PO Box 59237 Renton, WA 98058	X	X	X,X		\$ 542,075.00
3 Northend Excavating Inc	10014 149th ave ne Granite Falls, WA 98252	X	X	X,X		\$ 470,977.50
4 RRJ Company LLC	PO Box 607 Monroe, WA 98272	X	X	X,X		\$ 496,909.16
5 Granite Construction Company	1525 E Marine View Dr Everett WA 98201	X	X	X,X		\$ 666,855.00
6 Interwest Construction Inc	609 North Hill Blvd Burlington WA 98233	X	X	X,X		\$ 448,448.00

90.1-A-3

CITY COUNCIL ITEM 90.1-B

CITY OF LYNNWOOD Public Works

TITLE: Consultant Contract: 42nd Avenue W Design

DEPARTMENT CONTACT: David Mach and Erin Duleba

SUMMARY:

The purpose of this agenda item is to authorize the execution of a contract with KPG P.S. for the design of the 42nd Avenue W project.

Public Works staff is requesting this authorization to design a new grid street in the City Center area of Lynnwood that will be located between 44th Avenue W and 40th Avenue W and will run from 194th St SW (Veterans Way) to 200th Street SW (Alderwood Mall Blvd).

ACTION:

Authorize the Mayor to enter into and execute on behalf of the City, a contract with KPG P.S. not to exceed a total contract value of \$1,705,550.00 which includes a 10% management reserve. Sale taxes do not apply.

BACKGROUND:

42nd Avenue W between 198th Street SW and Alderwood Mall Blvd is one of several City Center Projects identified in the City Center Street Master Plan. The 42nd Avenue W corridor is located in the heart of the City Center's core. This is a future street that provides access and connectivity to future high-rise development and multi-modal forms of transportation. Some of the key project features/benefits include:

- Needed to accommodate future City Center growth
- Breaks down super-blocks to improve pedestrian connectivity
- Improved business access/circulation
- Completes a new grid street in the City Center core
- Approximately 2,000 feet long
- Approximately 8,000-10,000 vehicles per day
- Bicycle facilities with 2-3 vehicle lanes
- 16-foot wide sidewalks
- Lighting, hardscape features, and street furniture

The City previously completed the 42nd Avenue W predesign which looked at a variety of opportunities and design elements including refining the desired corridor cross-section, evaluating right-of-way impacts to surrounding parcels, reviewing construction phasing alternatives, devising implementation strategies, and creating a design study report. KPG was selected for the predesign phase to assist the City with the study.

The project design, right of way and construction will be performed in two segments:

- Segment #1 between Alderwood Mall Blvd and 196th Street SW
 - Bring both segment 1 and segment 2 to 30% design sufficient for NEPA
 - Obtain Environmental permitting (NEPA) for both segments 1 and segment 2

- Continue on with the design for segment 1 (only) through to construction
- Perform ROW services for segment 1 first then move onto ROW for segment 2 when the City is ready

Segment #2 between 196th Street SW and 194th Street SW

- Final design and construction to be completed at a future date

Over the life of the project, the total cost could be as high as \$30 million, most of which would be for property acquisitions. Based on past major transportation projects, staff anticipates that the city could secure around \$16M in grants for this projects with the remaining \$14M being funded with local funds. This is a significant amount of local funding but it would be spread over the next 3 to 5 biennium budgets (completion anticipated in 2030).

When it comes to grants, the general rule is that if grant funds are used and the project is not delivered, the grant funds are required to be “paid back” to the funding agency. For this reason, it is important that once the city commits to a project with grant funding, that it follows through with implementation.

PREVIOUS COUNCIL ACTIONS:

City Center Street Master Plan

Ordinance 3165

FUNDING:

The project design costs are consistent with the adopted 2021-2022 biennial budget. Additionally, the city received \$1.3M and \$3M grants for design and right of way acquisition for the project, respectively.

KEY FEATURES AND VISION ALIGNMENT:

The Lynnwood Community Vision states that the City is to “be a welcoming city that builds a healthy and sustainable environment”.

The 42nd Avenue W project supports that vision and results in an important improvement to the City’s infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The project provides a new grid street connection in the City Center area that will help support growth in the City of Lynnwood.

DOCUMENT ATTACHMENTS

Description:	Type:
42nd Alignment layout	Backup Material

CITY COUNCIL ITEM 90.1-C

CITY OF LYNNWOOD Administrative Services

TITLE: Voucher Approval

DEPARTMENT CONTACT: Michelle Meyer, Director

SUMMARY:

Approve claims in the amount of \$3,634,216.62 for the period 4/3/2021 - 4/16/2021.
Approve payroll in the amount of \$1,125,152.19 dated 4/9/2021.

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM 90.3-A

CITY OF LYNNWOOD Police Department

TITLE: Amend Ordinance 10.52 - Illegal Firearm Purchases

DEPARTMENT CONTACT: Commander Sean Doty; Chief James Nelson

SUMMARY:

Section 10.52.010 of the Lynnwood Municipal Code adopts by reference several statutes from the Revised Code of Washington relating to the control of firearms. However, there are currently no statutes enabling the City to prosecute individuals who have had their rights to own or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm. The Police Department is recommending the adoption of four additional statutes relating to the unlawful purchase of firearms that, if adopted, would provide statutory authority for the City to prosecute misdemeanor violations of these crimes.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION:

Do we want to have statutory authority to prosecute misdemeanor violations of individuals who have had the rights to own, purchase, or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm?

ACTION:

Review amended ordinance for consideration of adoption at next business meeting.

BACKGROUND:

Certain individuals are prohibited from attempting to purchase or possess firearms for various reasons. For example, certain criminal convictions can lead to the revocation of a person's right to possess or attempt to purchase a firearm. Certain court orders can also prohibit people from possessing or attempting to purchase a firearm. Firearm dealers in our City provide us with reports of individuals who have had their rights to possess or purchase a firearm revoked but are still attempting to purchase firearms. The adoption of RCW 9.41.040 Unlawful Possession of Firearms; 9.41.042 Children - Permissible Firearm Possession; 9.41.113 Firearms Sales or Transfers; and 9.41.115 Penalties, would allow the City to prosecute these individuals.

PREVIOUS COUNCIL ACTIONS:

None.

FUNDING:

None.

ADMINISTRATION RECOMMENDATION:

Review and adopt as recommended.

DOCUMENT ATTACHMENTS

Description:

Type:

CITY OF LYNNWOOD

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO WEAPONS CONTROL;
AMENDING SECTION 10.52.010 OF THE LYNNWOOD
MUNICIPAL CODE; AND PROVIDING FOR AN
EFFECTIVE DATE, SEVERABILITY AND SUMMARY
PUBLICATION.

WHEREAS, Section 10.52.010 of the Lynnwood Municipal Code (LMC) currently contains a list of statutes pertaining to Revised Code of Washington (RCW) 9.41 Firearms and Dangerous Weapons that are adopted by reference; and

WHEREAS, RCW 9.41.113 relating to Firearm Sales or Transfers, RCW 9.41.115 relating to Penalties – Violations of RCW 9.41.113, RCW 9.41.040 relating to Unlawful Possession of Firearms, and RCW 9.41.042 relating to Children – Permissible Firearm Possession are currently omitted from the list of statutes adopted by reference in LMC 10.52.010; and

WHEREAS, the omission of RCW 9.41.113, RCW 9.41.115 , RCW 9.41.040, and RCW 9.41.042 precludes the misdemeanor prosecution of individuals who had their rights to own or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm; and

WHEREAS, amending LMC 10.52.010 to add RCW 9.41.113, RCW 9.41.115 , RCW 9.41.040, and RCW 9.41.042 to the list of adopted statutes would provide statutory authority for the City to prosecute misdemeanor violations of these crimes; and

WHEREAS, the City Council has determined that it is in the best interests of the public's health, safety and general welfare to amend LMC 10.52.010 as stated in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 10.52.010 of Lynnwood Municipal Code is amended as follows:

10.52.010 Statutes adopted by reference.

A. List of Statutes. The following statutes of the state of Washington, as now or hereafter amended, are adopted by reference:

RCW

9.41.010 Terms defined.

9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons – Restoration of right to possess – Penalties.

9.41.042 Children – Permissible firearm possession.

9.41.050 Carrying pistol.

9.41.060 Exception to restriction on carrying pistol.

9.41.070 Issue of licenses to carry – Fee – Revocation – Renewal.

9.41.080 Delivery to minors and others forbidden.

39 9.41.090 Commercial sales regulated – Requirements for delivery – Hold on delivery.
40 9.41.093 Exemptions.
41 9.41.095 Denial of application – Appeal.
42 9.41.098 Forfeiture of firearms, order by courts – Return to owner – Confiscation by law
43 enforcement officer.
44 9.41.100 Dealers to be licensed.
45 9.41.110 Dealer’s licenses, by whom granted and conditions thereof – Wholesale sales
46 excepted – Permits prohibited.
47 9.41.113 Firearms Sales or Transfers – Background checks – Requirements – Exceptions.
48 9.41.115 Penalties – Violations of RCW 9.41.113.
49 9.41.120 Certain transfers forbidden.
50 9.41.130 False information forbidden.
51 9.41.140 Alteration of identifying marks – Exceptions.
52 9.41.150 Exemptions.
53 9.41.160 Penalty.
54 9.41.170 Alien’s license to carry firearms – Exception.
55 9.41.180 Setting spring gun.
56 9.41.220 Machine guns.
57 9.41.230 Aiming or discharging firearms.
58 9.41.240 Use of firearms by minor.
59 9.41.260 Dangerous exhibitions.
60 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting,
61 displaying or drawing unlawful – Penalty – Exceptions.
62 9.41.280 Students carrying dangerous weapons on school premises – Penalty – Exceptions.
63 9.41.300 Firearms prohibited in certain places – Local laws and ordinances – Exceptions –
64 Penalty.
65 B. Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor,
66 except as otherwise provided.

67 Section 2. Effective Date. The provisions of this ordinance shall be effective five days following
68 publication.

69 Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this
70 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
71 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any
72 other section, subsection, sentence, clause, phrase or word of this ordinance.

73 Section 4. Summary Publication. Publication of this ordinance shall be by summary publication
74 consisting of the ordinance title.

75 PASSED BY THE CITY COUNCIL this ____ day of April 2021.

76 APPROVED:

77
78 _____
79 Nicola Smith, MAYOR

80 ATTEST/AUTHENTICATED:

81 _____
82 Karen Fitzthum
83 City Clerk

84 APPROVED AS TO FORM:

85 _____
86 Rosemary Larson
87 City Attorney

88 PASSED BY THE CITY COUNCIL: _____

89 PUBLISHED: _____

90 EFFECTIVE DATE: _____

91 ORDINANCE NUMBER: _____

CITY COUNCIL ITEM 90.3-B

CITY OF LYNNWOOD Executive

TITLE: Executive Session, If Needed

DEPARTMENT CONTACT: Leah Jensen

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available