

City Council



1049 State Avenue
Marysville, WA 98270

**Work Session
May 3, 2021**

Call to Order

Council President Norton called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Council President Norton led the Pledge of Allegiance.

Roll Call

Present:

Council: Council President Kamille Norton (Chair), Councilmember Jeff Vaughan, Councilmember Tom King, Councilmember Mark James, Councilmember Kelly Richards, Councilmember Michael Stevens, Councilmember Steve Muller

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Erik Scairpon, City Engineer Jeff Laycock, City Attorney Jon Walker, Parks & Recreation Director Tara Mizell, Community Development Director Haylie Miller, Human Resources Manager Teri Lester, Utility Manager Karen Latimer, Community Information Officer Connie Mennie, Interim Community Development Director Allan Giffen, Fire Chief Martin McFalls, Information Services Manager Worth Norton, Systems Analyst Mike Davis

Absent: Mayor Jon Nehring

Approval of the Agenda

Motion to approve the agenda with the removal of item 11 moved by Councilmember Stevens seconded by Councilmember Muller.

AYES: ALL

Presentations

A. North Marysville Family Resource Center

Ryan Brown, Executive Director of LINC Northwest, and Erik Samuelson, Co-Founder of LINC Northwest and Chair of the Board, made a presentation regarding the North Marysville Family Resource Center. He reviewed the background of LINC (Leveraging Innovation and Networking Communities) Northwest which is an organization created to connect businesses and non-profits to help them work collaboratively in order to serve people. The North Marysville Family Resource Center will be a community hub that provides on-site and mobile support for children, youth and families through parent skill training, mental health and family counseling, literacy support, substance abuse prevention, mentoring and community partnerships. With the current funding they are prepared to serve around 200 households/1000 individuals, but they are also looking into pursuing satellite locations. They discussed current programs and visions for the future. They also reviewed their various sources of funding. In order to continue the operations and support the work of the Family Resource Center they will be requesting \$20,000-\$40,000 from the City of Marysville.

Councilmember King asked about visiting the site. Mr. Brown welcomed the visit and indicated they are open from 10 a.m. – 5 p.m. most days.

Councilmember James asked if they are in the actual church building. Mr. Brown replied that they are. He reviewed their vision for transforming the church to serve the community.

Council President Norton asked how they are getting the word out. Mr. Brown replied they are using the school district, Arlington's resource center, Arlington Police Department, the Sheriff's Office, the food bank, and Volunteers of America.

B. Housing Authority of Snohomish County

Chris Collier, Housing Authority of Snohomish County and the Alliance for Housing Affordability, made a presentation regarding regional housing circumstances, the significant shortage of housing units, and financing issues affecting those who are seeking housing. He emphasized how much rents have risen in comparison to real incomes. He reviewed the growing discrepancy between what it costs to buy a home and what people actually are actually earning. He urged the City to not ignore this crisis. He suggested finding ways to create housing options for people making more than \$70,000 a year and look at market rate rental housing for people earning \$40,000 a year (\$1,000/month rent). This means allowing things like duplexes, townhomes, etc. to provide housing for the missing middle as well as working with builders and the financing industry.

Consent

1. Approval of the April 23, 2021 Payroll in the Amount of \$1,411,405.59 Paid by EFT Transactions and Check Number 33428 through 33443

2. Approval of the April 28, 2021 Claims in the Amount of \$677,313.48 Paid by EFT Transactions and Check Numbers 147896 through 147974 with Check Number 135839 Voided

Public Hearings

3. Consider a Resolution Approving a Development Agreement with NP Arlington MIC, LLC (NorthPoint Development) Concerning the Development of an Industrial Park in the Cascade Industrial Center (Action to be taken May 10, 2021)

Interim Community Development Director Giffen made a presentation regarding NorthPoint Development's proposed development of an industrial park in the Cascade Industrial Center and a related development agreement. The project will include a complex relocation and enhancement of Edgecomb Creek. The developer has requested a Development Agreement in order to provide some long-term certainty for development standards as the industrial park develops over the next decade or so.

One parcel that Northpoint is developing is not included in the Development Agreement. There is also a 10-acre parcel located at the south end of the development which is zoned Residential. Northpoint will be applying for a rezone of that parcel to Light Industrial. The Development Agreement acknowledges that inclusion of this parcel in the agreement does not provide any guarantee that it will be rezoned in the future. The relocation of Edgecomb Creek is expected to begin this summer pending issuance of permits by federal and state resource agencies. A public hearing and adoption of either an ordinance or resolution is required by state law for approval of a development agreement. Staff has spent quite a bit of time negotiating the Development Agreement and recommends approval at the next Council meeting.

Councilmember King asked if these facilities utilize the railroad spur and also wondered if the railroad is involved in this process. Interim Director Giffen replied that there is a potential for spurs being extended into some of the properties, and NorthPoint has been in communication with Burlington Northern about potential locations, but it depends on the need of a specific user.

Councilmember Richards asked if the developer would be responsible for paying for a Quiet Zone if they included a new spur that might cross the road. Interim Director Giffen was not sure, but indicated there would be a requirement for Quiet Zone standards applied to any extensions off of that end spur onto the property.

Councilmember Muller asked what they will do to 152nd in terms of ending elevation. City Engineer Laycock acknowledged that grade is a challenge there. The City would be asking that the developer flatten out the grade as well as make improvements to the crossing. Any crossing that the City is asking to be upgraded would also be required to be Quiet Zone compatible.

New Business

4. Consider an Agreement with King County to Accept Grant Funds to Prepare to Respond to Terrorist Attacks and to Approve the Amendment Extending the Agreement to April 30, 2022

Chief Scairpon reviewed this agreement with King County to provide training for the Office of Emergency Management, police departments, and fire departments in how to deal with a complex, coordinated terrorist attack somewhere in the tri-county region of Snohomish, King, and Pierce counties. The grant was supposed to be paid out and completed in 2020, but did not end up happening because of COVID-19. King County recently requested renewal of this agreement with them so they can continue to work, expend the rest of the grant funds, and provide the rest of the trainings this next year. He recommended approval of this valuable regional training.

5. Consider the Supplemental Agreement No. 2 to the Professional Services Agreement with BHC Consultants, in the Amount of \$28,033.00 and Extend the Contract Terms to December 31, 2021

Utility Manager Latimer explained this is a request for Supplemental Agreement No. 2 with BHC Consultants to perform an inflow and infiltration study of the City's wastewater collection system. This will help the City focus on areas for repairs and rehabilitation.

6. Consider the Water Supply Contract with City of Everett and Joint Operating Agreement Participants

Utility Manager Latimer reviewed this request for approval of a Joint Operating Agreement water supply contract between the City of Marysville, the City of Everett, Snohomish County PUD and the Tulalip Tribes. It is an extension of the current contract with some updated language and a new exhibit addressing operational agreement with all the entities.

7. Consider the Professional Services Agreement with RH2 Engineering, in the Amount of \$463,330.00 for Engineering Services to Update the Sanitary Sewer Comprehensive Plan and Complete a Comprehensive Water, Sewer, and Surface Water Rate Study

Utility Manager Latimer explained this a request to enter into a Professional Services Agreement with RH2 Engineering to update the City's Sanitary Sewer Comprehensive Plan and to prepare a comprehensive rate study for the Water, Sewer and Surface Water utilities.

Councilmember Richards asked if the lift station in North Marysville will need to be upgraded. Ms. Latimer replied that they expect some stations will need upsizing, but this study will give a better idea about the needs and the timing.

8. Consider an Agreement with City of Lake Stevens and Conveyance of Sewage Collection Systems to the City of Marysville

City Attorney Walker explained this involves a couple plats out north of Soper Hill Road where historically the Lake Stevens Sewer District provided service. He reviewed background on the matter. This agreement would allow the City of Lake Stevens to provide service for these plats and convey it back to the City of Marysville. Lake Stevens City Council has already approved this agreement.

9. Consider the Local Agency Agreement Supplement No. 4 Redistributing \$17,409.50 in Previously-Obligated Federal Construction Funds to Cover Costs Arising from the CM Consultant Agreement and State Force Inspection

City Engineer Laycock explained this is a small supplement to the funding agreement with WSDOT for the HSIP (Highway Safety Improvement Program) project which has already been awarded by Council. The project is still fully funded by the grant; this just transfers some of the money to reimburse the State for fabrication and inspection of signal poles and other items.

10. Consider an Ordinance Amending the MMC Title 22C Concerning Enhanced Services Facilities, and Repealing Ordinance No. 3168

Interim Director Giffen introduced this item related to Enhanced Services Facilities (ESFs) which are residential facilities intended to transition patients from state hospitals to smaller, more effective long-term settings. Residents must be evaluated by mental health and medical professionals and deemed to be appropriate for residing in ESFs. Residents are able to come and go as they choose. State regulations require a minimum staffing level of one staff member per four residents at all times. The Planning Commission discussed the matter at four separate meetings and took testimony from the public. In particular they had valuable participation in their meetings from staff members from the Department of Social and Health Services (DSHS) to provide information and answer questions related to ESFs. Some of those people were also in attendance tonight to answer questions if needed.

At the February 23 meeting the Planning Commission recommended that the City approve regulations for ESFs that would:

- change the definition of ESFs to be consistent with the state definition;
- allow ESFs as a conditional use in R-18 and R-28 Multifamily Residential Zones;
- allow ESFs as a permitted use in the Community Business, Community Business Whiskey Ridge, General Commercial, Downtown Commercial and Mixed Use Zones;
- establish a new set of regulations with ESFs that would require notice to contiguous property owners 15 days prior to filing an application with the City to allow people to find out more information from the proponent and to register their concerns so those can be addressed by the applicant when they submit their application;

- require a management plan as part of the application materials that would address communication with neighbors, staffing levels, security requirements and other items; and
- secure all other state and federal approvals.

Staff has also added a recommendation to allow no more than 16 residents within an ESF in the event that the state rules ever change to allow more residents. This item is scheduled for action next week.

Councilmember Muller asked about the design of these facilities. Interim Director Giffen explained that the State has detailed design criteria. The ones he is familiar with have a central kitchen area, common areas, and outdoor areas, with individual rooms for the residents.

Council President Norton asked for clarification about the definition. She expressed concern that it was very vague. Interim Director Giffen explained that Legal recommended the definition be aligned with the state definition. He agreed it is somewhat vague, but with all the regulations that the State has and the additional regulations that staff is proposing, they feel it can keep it in scale with what is being proposed. City Attorney Walker stated that the definition is verbatim to what is in the statute, but more can be added to the definition that says something like, "in conformance with the requirements of the RCWs." Council President Norton indicated a desire to add more specificity to the definition.

Councilmember James explained he had also looked into this. He wondered why they had crossed off the part they did. Interim Director Giffen explained the approach by staff was to use the identical definition provided by the State and then supplement the regulations elsewhere. He explained that parts of the previous state definition were changed and taken out earlier. Councilmember James asked the difference between ESFs and what is already allowed in the City. City Attorney Walker expressed concern about having too detailed of a definition, but indicated they could craft something that takes into account the state definition and also makes it clear that they need to meet everything in RCW 70.97 to qualify as an Enhanced Services Facility. Interim Director Giffen asked DSHS staff to address the change to the definition that had been made. Sandy Spiegelberg from DSHS explained that the proposed one-sentence definition is more in alignment with what they actually do since an ESF does not provide any kind of treatment services or mental health services.

Council President Norton expressed concern about allowing these in the Whiskey Ridge Zone. She thought they might want to be more strategic with that zone. She also asked how the Conditional Use Permit process in the R-18 and R-28 zones would happen. Interim Director Giffen explained that a Conditional Use Permit would require notice to neighbors and surrounding properties and give them the opportunity to request a public hearing before the Hearing Examiner. If none is requested then a decision is issued by the Community Development Director.

Councilmember Muller asked what the actual need for these is. Ms. Spiegelberg replied there is currently a high need for more ESFs along the I-5 corridor. She estimated there are approximately 300-400 people that have been identified to be in need of this type of service. She reviewed how these are funded.

Councilmember James had several questions and comments.

- He asked if this program would qualify for any of the funding that was just approved at the state level. Ms. Spiegelberg noted that the ESF that is proposed to be developed in Marysville did receive grant funding from the Department of Commerce.
- Councilmember James noted that he wasn't ready to move forward with this yet, but was interested in working out something they could support. Specifically, he agreed with the Whiskey Ridge suggestion by Council President Norton, and he wanted to review other areas.
- He also wanted to see part or all of the language put back in, especially the language regarding RCW 70.97.
- He also requested clarification about where these proposed zones would be. Interim Director Giffen indicated he could provide a map showing the locations.
- Councilmember James also asked how many of these facilities already exist in the state. Ms. Spiegelberg replied there are currently six in operation and a few more in development. The Department of Commerce has awarded grant funds to another four or five, and the legislature also just authorized two or three more to be funded in the upcoming year. The closest one to Marysville is in Everett. There is also one in Olympia.
- Councilmember James expressed interest in finding out more about how the communities that already have these are feeling about these facilities. Interim Director Giffen referred to the information provided to Council related to the Everett Facility including a floor plan, photographs and notes from the Everett police chief about that facility.

Councilmember James asked if this has to be decided next week. City Attorney Walker explained that the moratorium expires June 2. If Council would like to extend the moratorium they need to give ten days public notice. Council President Norton asked about running this through the Economic Development Committee for a more in-depth discussion. CAO Hirashima indicated they could schedule a meeting if desired.

Councilmember Muller expressed an interest in having more time to discuss this. He asked if there are any restrictions on how many of these are in an area. Interim Director Giffen replied there is no separation requirement in the ordinance, but verbiage about minimum spacing between facilities could be added.

There was consensus among the Council to take more time to discuss this, to have it go through the Economic Development Committee, and advertise for an extension to the moratorium.

Legal

Mayor's Business

Staff Business

Chief McFalls had no comments.

Human Resources Manager Lester had no comments.

Community Development Director Miller had no comments.

City Engineer Laycock reminded Council of the Public Works Committee meeting on Friday. He noted that the Centennial Trail Connector was paved last week. The roadway was also striped at the intersection of 84th and 83rd. They are still waiting on some signal items at that intersection.

Finance Director Langdon reminded Council of the Finance Committee meeting tomorrow at 11:30. Due to recent staffing issues the opening of City Hall will be postponed until the beginning of June.

Parks Director Mizell reminded Council of the opening of Olympic View Park on Friday at 11:00.

Chief Scairpon reported there was a great public event at Liberty Elementary last week. There will be a Commanders' Promotional Exam tomorrow. Four officers will be going through that.

City Attorney Walker had no comments.

CAO Hirashima had no comments.

Call on Councilmembers and Committee Reports

Councilmember James expressed concern about not all councilmembers being able to discuss the ESF item at the Economic Development Committee meeting. CAO Hirashima indicated it could be advertised as a Special Council Meeting so as many councilmembers as are able to attend would be able to participate. Councilmember James indicated a desire to do that. Councilmember Vaughan was in favor of letting it run through the usual process with the committee and have it come back to the Council at a later date. Council President Norton concurred, but also wanted Councilmember James' concerns to be heard. Councilmember James requested an in-depth report from those who attend.

Councilmember Richards reported on the Snohomish County Tomorrow meeting last week. The biggest takeaway was the affordable housing issue. They appointed two community advisory board members. They also saw the draft Buildable Land Report.

Councilmember Muller suggested that Councilmember James could discuss his concerns with committee members prior to the meeting to make sure his concerns are addressed. He agreed that affordable housing is a big concern, but he thinks Marysville has done a really good job tackling this issue and is already one of the leaders in trying to provide affordable housing. He stated that the problem is supply and not just economics.

Councilmember King commented that several people have commented to him about the missing lane markings at the entrance to the Fred Meyer off of State Avenue. He asked if the property owner could address this. City Engineer Laycock replied that staff has looked into this, but he will follow up.

Councilmember Stevens asked for clarification that the Public Works meeting is at 2:00. City Engineer Laycock confirmed that.

Councilmember Vaughan offered Councilmember James his spot in the Economic Development Committee meeting if he would like it.

Council President Norton thanked everyone for their patience tonight.

Adjournment

Motion to adjourn at 9:15 p.m. moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

The meeting was adjourned at 9:15 p.m.

Approved this 25th day of May, 2021.

Mayor
Jon Nehring