

COUNCIL



MINUTES

Work Session
December 5, 2011

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

Roll Call

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

Mayor: Jon Nehring

Council: Carmen Rasmussen, Jeff Seibert, John Soriano, Michael Stevens, Jeff Vaughan

Absent: Donna Wright, Lee Phillips

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Court Administrator Suzanne Elsner, Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Seibert, seconded by Councilmember Stevens, to excuse Councilmember Wright from tonight's meeting. **Motion** passed unanimously (5-0).

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano, to excuse Councilmember Phillips from tonight's meeting. **Motion** passed unanimously (5-0).

Mayor Nehring noted that there were two requests for action items on items 7 and 8.

Motion made by Councilmember Soriano, seconded by Councilmember Stevens, to dispense with the normal Work Session rules for the purpose of taking action on items 7 and 8.

Councilmember Seibert asked why this was needed. Finance Director Langdon explained that there is an application deadline. Approval of the items would save staff time and increase availability of small works vendors.

Motion passed unanimously (5-0).

Mayor Nehring noted that there was a guest in the audience present to speak on item 18. He requested that this item be moved to the top of the New Business agenda to accommodate her.

Motion made by Councilmember Seibert, seconded by Councilmember Rasmussen to approve moving item to the top of New Business. **Motion** passed unanimously (5-0).

Committee Reports

Presentations

Discussion Items

Approval of Minutes

1. Approval of November 14, 2011 City Council Meeting Minutes.
2. Approval of November 28, 2011 City Council Meeting Minutes.

Consent

3. Approval of November 23, 2011 Claims in the Amount of \$445,571.76; Paid by Check Number's 73825 through 73942.
4. Approval of November 30, 2011 Claims in the Amount of \$173,529.68; Paid by Check Number's 73942 through 74064 with Check Number 73763 Voided.
5. Approval of the November 18, 2011 Payroll in the Amount of \$775,163.08; Paid by Check Number's 24907 through 24945 with Check Number 45805 Voided and Reissued with Check Number 24906.

Review Bids - None

Public Hearings

6. A Public Hearing Concerning Ordinance 2867 Regarding Medical Marijuana Dispensaries, Collective Gardens, and the Licensing and Permitting Thereof (Will be held on December 12, 2011).

City Attorney Grant Weed distributed a draft ordinance which would extend the current six-month moratorium on collective gardens and medical marijuana dispensaries for an

additional six months. He explained that the original ordinance would expire on January 12. The reason for extending this is that the law continues to be in a considerable state of flux. He discussed the status of this legislation locally and nationally. He noted that a public hearing would need to be held next Monday in order to meet the timeline.

CAO Hirashima stated that they have met with other jurisdictions to discuss approaches to this issue. They hope that with the extension they will be able to adopt local development regulations before the expiration of this additional six-month moratorium. They are also hoping the legislature will do something to clarify the current laws. Grant Weed stated that they would provide this information at the public hearing next Monday and invite citizens to comment. CAO Hirashima added that this might be a good topic to add to the joint Council/Planning Commission meeting that they will be having in January in order to give the Planning Commission some insight to the Council's feelings on this topic. Staff will be proposing that the Council delegate this to the Planning Commission to develop development regulations since it is more of a zoning issue.

Action Item

Motion made by Councilmember Rasmussen, seconded by Councilmember Vaughan, to waive normal Work Session rules and take action on item 17. **Motion** passed unanimously (5-0).

7. A Resolution of the City Council of Marysville, Washington on the Subjects of Establishing a Small Public Works Roster Process to Award Public Works Contracts and a Consulting Services Roster for Architectural, Engineering and Other Professional Services.

Councilmember Seibert asked for more information on this. Finance Director Langdon explained that there are over 70 members with MRSC who have vendors throughout the state who are listed on the MRSC's small works roster. The hope is that since we have a broader range of vendors to choose from, we can get a better price.

City Attorney Grant Weed added that state law allows cities to create their own small works rosters, but there are advertising and publication requirements.

Councilmember Soriano asked if there is a potential for considerable savings by not having to go through the full bid process. Public Works Director Nielsen replied that it will be about the same cost to us; we just don't have to maintain it internally so it frees up staff time.

Councilmember Stevens asked about the size of these projects. Director Nielsen explained that they are projects under \$300,000.

Councilmember Seibert suggested that they accept public comment since they did not have these advertised as action items.

Motion made by Councilmember Seibert, seconded by Councilmember Rasmussen, to waive normal rules and allow public comment on the items that will be voted on tonight. **Motion** passed unanimously (5-0).

Mayor Nehring solicited public comment on item number 7. There was none.

Motion made by Councilmember Soriano, seconded by Councilmember Vaughan, to adopt Resolution 2312. **Motion** passed unanimously (5-0).

17. Washington Public Agency Membership Contract with Municipal Research and Services Center of Washington (MRSC).

Finance Director Langdon explained that this is the actual contract with MSRC. There were no questions.

Mayor Nehring solicited public comments. There were none.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to authorize the Mayor to sign the Washington Public Agency Membership Contract. **Motion** passed unanimously (5-0).

8. A Resolution of the City of Marysville Amending Bid and Purchasing Policy and Repealing Resolution No. 2127.

Finance Director Langdon explained that this repeals a resolution they had for the bid and purchasing policy and puts it in line with the RCW's and also the small works roster. It moves the small works limits from \$200,000 to \$300,000, which is now allowed under RCW's.

Mayor Nehring solicited public comment. There was none.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to adopt Resolution 2313 subject to the corrections and revisions recommended by the City Attorney. **Motion** passed unanimously (5-0).

New Business

18. An Ordinance of the City of Marysville, Washington, Relating to Contracting Indebtedness; Authorizing the Issuance of Limited Tax General Obligation Bonds to Provide the Funds Necessary to Pay a Portion of the Costs of Designing and Constructing Street Improvements as Part of the SR9/SR92 Break in Access Project; Authorizing the Issuance of Limited Tax General Obligation Bond Anticipation Notes Pending the Issuance of those Bonds; Fixing or Setting Parameters with Respect to Certain Terms and Covenants of those Notes and Other Notes Previously Authorized by the City; and Providing for other Matters Relating Thereto.

Finance Director Langdon explained that this provides interim financing for two transportation projects (156th and SR9/SR92 Break in Access). She noted that Bond Representative Susan Musselman was present to answer questions.

Councilmember Rasmussen noted that the 156th project was not listed in the first paragraph. Finance Director Langdon commented that it is referenced in the definitions section. Councilmember Rasmussen asked if that was sufficient. City Attorney Grant Weed noted that he had also noticed this and had pointed it out to bond counsel. He thought that correction should be made before it is approved.

Councilmember Seibert referred to section 2, Recitals, and asked how the balance would be handled. Finance Director Langdon noted that they have other interim financing available. If there was anything that went over they would have the process of putting a permanent bond in place that would take care of any bridge that they need to do.

9. Interagency Agreement No. C1200158 between the Department of Ecology and City of Marysville.

Mayor Nehring commented that this is the Local Source Control Partnership Grant with the department of Ecology.

Public Works Director Nielsen reported that Kari Chenault found \$105,000 of grant money to fund salaries for personnel for this program. He commended her for her tremendous efforts.

10. Amendment Number 1 to the State of Washington Department of General Administration Intergovernmental Agreement Number 2010-WPC-219 for Office of Statement Procurement State Purchasing Cooperative.

Public Works Director Nielsen stated that this is an amendment to the existing state contract. The cost is \$3,000 for a good service that the state provides.

11. Renewal of the Facility Use Agreement with AllianceOne.

Suzanne Elsner reviewed this item. There were no comments or questions.

12. Acceptance of the Water Meter Equipment Procurement Project.

Public Works Director Nielsen reviewed this item. There were no comments or questions.

13. Facility Use Agreement with the United States Bankruptcy Court.

Suzanne Elsner reviewed this item. This provides for an extension in the contract and an increase in the facility use payment that the United States Bankruptcy Court pays the City.

14. Greater Marysville Tulalip Chamber of Commerce - Visitor and Communication Information Center Agreement.

CAO Hirashima reviewed this item. There were no comments or questions from Council.

16. United States Department of Agriculture for Wildlife Services.

Parks and Recreation Director Ballew stated that this is the renewal agreement for USDA for management of coyotes and beavers through Police, Public Works, and Parks. The rates have changed, but we are keeping the amount not to exceed \$5,000.

Legal

15. Professional Services Agreement with Strategies 360, Inc. for Consultant Services.

CAO Hirashima reviewed this item. This is the general contract with Strategies 360 for lobbying services. We have updated the work program for 2012 to include a number of state, federal, and non-legislative work. She highlighted the successes they have had with this group which include: the water bill that they got through the legislature, the redistricting effort, state shared revenue issue that is currently ongoing, and the Cedar Grove odor issue. They are proposing to keep the funding at the same level as it was last year.

Councilmember Seibert referred to item A which refers to providing invoices. He asked if the City would not have to pay if Strategies 360 did not bill any hours for that month. CAO Hirashima explained that it is a straight monthly contract amount and is not based on hours worked.

19. Professional Services Agreement between the City of Marysville and Weed, Graafstra and Benson, Inc., P.S. for Legal Services.

CAO Hirashima reviewed this item. This is our City Attorney retainer agreement for Grant Weed's office. There are no changes from last year. The City is very happy with the service they have received from him.

Mayor's Business

Mayor Nehring reviewed his nominations for open board and commission positions.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to appoint Steve Lebo to the Planning Commission. **Motion** passed unanimously (5-0).

Motion made by Councilmember Vaughan, seconded by Councilmember Soriano, to appoint Scott Allen to the Parks Board. **Motion** passed unanimously (5-0).

Motion made by Councilmember Rasmussen, seconded by Councilmember Vaughan, to appoint James Johnson to the Library Board. **Motion** passed unanimously (5-0).

Mayor Nehring stated that the Health Board is requesting a letter of nomination for a Councilmember for representation on the health board. Councilmember Wright has indicated she is willing to serve in this capacity again.

Motion made by Councilmember Seibert, seconded by Councilmember Stevens, to allow the Mayor to appoint Councilmember Wright for another year on the Health Board. **Motion** passed unanimously (5-0).

He received a letter about the City's proposal to name Ebey Estuary. The final hearing before the Washington State Committee on Geographic Names will be held May 18 in Olympia.

Suzanne Elsner is working on a couple court agreements with Lake Stevens and Arlington that will be in next week's packet.

Merrysville for the Holidays was a fantastic event. He thanked everyone involved.

Staff Business

Suzy Elsner had no comments.

Jim Ballew had no comments.

Rick Smith:

- Merrysville for the Holidays was an outstanding event. He credited Lt. Jeff Goldman and Sgt. Larry Buell who put the policing plan together.
- The NITE team is patrolling big box stores for the holidays and they have already made four arrests of people trying to get into cars and steal things.

Sandy Langdon reported that their revenue bonds were reviewed by both rated agencies S&P and Moody's and we have maintained our bond rating for another year. They hope that we continue with what we have done in the past.

Kevin Nielsen:

- He gave an update on the 156th overpass project. One lane southbound will be shut down between 7 p.m. and 5 a.m. this week. Next week two lanes will be shut down between 10 p.m. and 4 p.m. He reviewed the status of this project.
- Streets crews putting out anti-icers to prepare for the cold weather.

Grant Weed:

- The State Supreme Court schedules rules for indigent defense. They have extended the deadline for setting those rules to June 30, 2012. They are continuing to accept comment on that. Their proposed rule came out and has a threshold for 300 to 400 cases depending on the classification of crimes. If that rule becomes final it will have significant impacts on cities. He noted that this could be a non-funded, non-budgeted potential mandate.
- He stated the need for an Executive Session for ten minutes to discuss collective bargaining with no action to be taken.

Gloria Hirashima:

- The joint meeting with the Council and the Tulalip Tribes Board of Directors will be held next Monday at 5:30. The agenda was developed cooperatively with the Tribes.
- The joint planning Commission meeting will be held in early January

Call on Councilmembers

Michael Stevens discussed a conflict of interest he has with the Snohomish County Technical Advisory Committee and recommended that someone else be appointed for that committee in the new year.

Carmen Rasmussen commented on the great event they had for Merrysville for the Holidays. She noted that there were enough people that there were even garbage issues. She suggested that they might want to have garbage cans next year. The Tour of Lights at Cedarcrest was also a fun event for the family. She commended the staff and volunteers who are involved in these events.

Jeff Vaughan was disappointed that he missed Merrysville for the Holidays due to urgent business.

John Soriano enjoyed the Tour of Lights.

Jeff Seibert noted that the onramp to 4th Street was pretty slick this morning. Public Works Director Nielsen indicated he would follow up with DOT on this.

Council recessed at 8:05 for five minutes after which time they reconvened into Executive Session at 8:10 to discuss the collective bargaining agreement. It was announced that the Executive Session would last ten minutes with no action expected.

Executive Session

A. Litigation

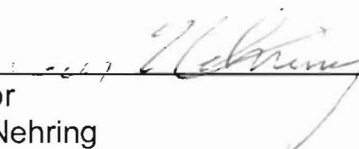
B. Personnel – one item, per RCW 42.30.140 (4)(a) to discuss collective bargaining negotiations

C. Real Estate

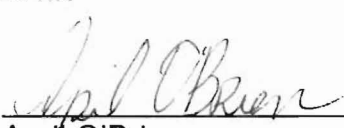
Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:20 p.m.

Approved this 17th day of January, 2011.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk