

Work Session
June 3, 2013

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: Steve Muller, Kamille Norton, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: None

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Associate Planner Angela Gemmer, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that upon examining Council practices, it was determined that the Council should begin approving the agenda at meetings as a standard matter of practice. City Attorney Grant Weed further explained that any changes to the agenda should also be reflected at the beginning of the meeting.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve the agenda. **Motion** passed unanimously (7-0).

Committee Reports - None

Presentations - None

Audience Participation - None

Approval of Minutes (*Written Comment Only Accepted from Audience.*)

1. Approval of the May 13, 2013, City Council Meeting Minutes.

Consent

2. Approval of the May 22, 2013, Claims in the Amount of \$496,780.36; Paid by Check Number's 84716 through 84858 with Check Number's 76307, 83786, 84427, and 84515 Voided.
3. Approval of the May 29, 2013, Claims in the Amount \$314,755.36; Paid by Check Number's 84859 through 84986 with No Check Number's Voided.
4. Approval of the May 20, 2013, Payroll in the Amount of \$1,207,067.25; Paid by Check Number's 26569 through 26629.

Review Bids

5. Contract Award - Decant Facility Retrofit Contract.

Director Nielsen explained that this is a grant thorough DOE. Bids were opened last Thursday, and SRV construction was the apparent low bidder in the amount of \$873,357.94.

Public Hearings

Action Items

6. **Resolution** of Support for Legislative Action on a 2013 Transportation Investment Package.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to waive the normal work session rules in order to address this item. **Motion** passed unanimously (7-0).

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to approve Resolution 2344. **Motion** passed unanimously (7-0).

New Business

- 7a) Planning Commission Recommendation relating to Multi Family and Commercial Design and Open Space Amenity Standards.
- 7b) Consider Approval of an Ordinance Affirming the Planning Commission's Recommendation.

Associate Planner Angela Gemmer reviewed the proposed changes to the Multi Family and Commercial Design and Open Space Amenity Standards.

- 8a) Hearing Examiner Recommendation on the Trivett Rezone located at 8021 State Avenue.
- 8b) Consider Approval of an Ordinance to rezone the eastern portion of 8021 State Avenue to General Commercial, amending the official zoning map of the City.

Associate Planner Angela Gemmer reviewed this item. The property is predominantly zoned General Commercial. The eastern portion is zoned R-6.5, but the prospective purchaser would like the entire property to be zoned General Commercial in order to enable future commercial utilization of the entire site. This is consistent with the rezone criteria, and the Hearing Examiner has recommended approval.

Councilmember Muller concurred that this rezone makes sense. Councilmember Stevens asked if there are any other parcels with a similar situation. Associate Planner Gemmer replied that there are a few.

Councilmember Seibert asked about the property behind Circle K. Associate Planner Gemmer thought that it was a legal grandfathered-in use in a residential zone. Councilmember Seibert recommended cleaning up the zoning for the other lots in that area. CAO Hirashima indicated they could take a look at that and talk to the owners to see if rezoning would be appropriate.

- 9a) Hearing Examiner Recommendation –Lakewood Station Binding Site Plan and Rezone located north of 172nd Street NE (SR 531), west of 27th Avenue NE.
- 9b) Consider Approval of an Ordinance Affirming the Hearing Examiner Recommendation to Rezone approximately 3.6 additional acres from General Commercial to Mixed Use.

Planning Manager Holland stated that Smokey Point Commercial LLC submitted a binding site plan and concurrent rezone for about 39 acres to construct 170-290,000 SF of commercial space and 350 multi-family units. The zoning change is to allow more mixed use zoning on the west side of 25th and a little bit less on the east side of 25th. The Hearing Examiner has approved the binding site plan, and made a recommendation for approving the concurrent rezone. Also, staff will be coming back with a request for vacation of 25th once the final design of the road is complete and they have approval from DOT to have access onto 531.

Councilmember Seibert asked for an update on the situation with the intersection at 25th. Planning Manager Holland stated that the City has contracted with Gibson Traffic Consulting to do a corridor plan for that whole road. Based on the preliminary analysis, it looks like there will potentially be a roundabout on the west property line of this project and also down at 19th.

Councilmember Seibert asked if they were proposing to move the intersection further to the west. Planning Manager Holland confirmed this. He explained that DOT's spacing standard between 27th and any other signalized intersection is .5 mile, or .25 mile with a variance process. 25th as it presently sits couldn't meet the .25 mile standard.

Director Nielsen added that they had analyzed both traffic signals and roundabouts at that location, but roundabouts had a better level of service. Also, the queuing at 25th from 27th would have backed up into the intersection so it needed to be moved even if WSDOT would have allowed it.

10. Planning Commission Recommendation – Marysville Capital Facilities Plan 2013-2018

CAO Hirashima explained that this is the Planning Commission's recommendation on the Capital Facilities Plan that spans a 6-year period identifying potential projects for the City.

11. Consideration of Special Event Permit for the Marysville Downtown Merchants Association to Conduct a car show "Rodz on 3rd" on July 13, 2013, Including the Street Closure of 3rd Street between State Avenue and Quinn Avenue.

CAO Hirashima explained that this is the annual car show which is organized by the Downtown Merchants. It will include a street closure of 3rd Street between State and Quinn. There were no comments or questions.

12. Consideration of Firework Stand Permit Applications.

CAO Hirashima stated that there are eight applications from TNT and one from Western Fireworks for a total of nine.

13. Consideration of Contract Renewal with J.K. Eastbury Salvage Metals and Auto Wrecking for Scrap Metal Disposal/Recycling Services.

Director Nielsen stated that this is the annual renewal for scrap metal.

14. Consideration of Maintenance Agreement between Aclara Technologies LLC and the City of Marysville.

Director Nielsen explained that Grant Weed has negotiated with Aclara as it relates to our risk and liability, and he feels that this service agreement really needs to be put into place. The current cellular service is going away and the City needs to implement a new protocol to keep things up and running. City Attorney Grant Weed summarized some of the things that he is concerned about. He has pointed out the issues to staff who has tried to promote change in the agreement that this vendor uses, but the vendor has been very reluctant to do so. Director Nielsen pointed out that the City is very reliant on this vendor because they have several million dollars of their equipment already

installed. Grant Weed stated that the essence of the legal concern is that the agreement is very heavily one-sided in favor of the vendor, and it significantly limits the liability of the vendor for any mistakes that they make. This could be a disadvantage to the City if there is a major problem that causes disruptions or issues with customers. There is a severe limit to any damages that this vendor would be liable for, even for their own negligence. Director Nielsen noted that this agreement has been three years in process due to staff trying to negotiate with the vendors. CAO Hirashima added that she has heard from staff that this is very important to act on.

Councilmember Vaughan asked about the terms of termination if the City wants to get out of the contract. City Attorney Weed indicated that it was 30 days. Director Nielsen noted that they are looking at other vendors for the future. Councilmember Vaughan asked if this is typical of software licensing. City Attorney Weed affirmed that it is.

15. Consider the Truck Route Modification to Remove the Truck Route designation for 2nd Street.

Director Nielsen discussed the need for removing the truck route for 2nd Street. Staff has received a lot of complaints about this particular route. Local trucks would still be allowed; the change is mainly geared at pass-through trucks that are having a lot of impact on the roadways.

Councilmember Seibert referred to the discussion at Public Works Committee and said he thought the understanding from the discussion was that they would make everyone go up on the onramp and come back off. Director Nielsen commented that staff's recommendation was part of the existing truck route, but the Council could remove it if they want to. There appeared to be consensus to make that amendment.

16. Consider Naming City Park Located at 9028 67th Avenue NE.

Parks Director Ballew stated that the Park Board made three name recommendations for the Council to consider. Councilmember Seibert noted that the grant was written by a former council member who put a lot of work into it. He suggested naming the park after her. He also asked about calling it Doleshel Park instead of Doleshel Tree Farm to shorten up the name. Director Ballew indicated that the Council could decide what they wanted, but he offered to contact the Doleshel family to get their opinion. He noted that naming the park after the former council member had been considered, but the other three names were the ones that were recommended by the Park Board.

Legal

Mayor's Business

17. Salary Commission Appointment; Don Culbertson.

Mayor Nehring:

- He said he attended a very nice retirement party for Dr. Nyland and Gail Miller last Thursday night at Hibulb Cultural Center. He congratulated them both as they retire and noted that they would be missed.
- The Healthy Communities Challenge Day was a great event last weekend.
- He attended the second annual Juan Mendoza Memorial Mile last Friday night at Getchell High School. It was well attended and significant money was raised for scholarships.
- He commended Police Chief Smith and the Police Department who emceed and ran the memorial service for former Chief Faulkner at Schaefer Shipman. The family really appreciated their assistance with that.
- He will be attending his son's graduation next Monday night so Council President Vaughan will be chairing the meeting.
- He will also be unable to attend the Strawberry Festival Dinner due to graduation events. He asked if Council President Vaughan or another council member could attend in his place.

Staff Business

Sandy Langdon:

- She had a good time at Challenge Day on Saturday. The weather was perfect and everyone seemed to have a great time.
- The Entrance Conference with the auditors was held on Friday.
- They are working on a bond issue for the 156th overpass and also refunding water/sewer for a substantial savings on that.

Kevin Nielsen reported that staff is busily mowing throughout the City and paving 51st.

Jim Ballew:

- On Friday there was a great opportunity to make a presentation to the Chamber about the City's Parks programs this year. Mark Thomas did a great job identifying the Business Watch program for the Police Department. Parks showed a site plan proposal for the spray park and as a result they had two businesses contact them to see if they could be a part of it.
- Challenge Day on Saturday was wonderful. 1037 kids signed up for Get Moving. This means 1 in 11 kids in the Marysville School District signed up for the program. Staff did a great job putting on the event.

Grant Weed stated the need for an Executive Session to discuss four matters concerning pending litigation and one matter concerning real property acquisition, expected to last 15 minutes with no action.

Gloria Hirashima announced that the City received notification from the US Housing and Urban Development about the CDBG Funds for 2013. The City will be getting \$323,711, which is more than they got last year.

Call on Councilmembers

Rob Toyer had a great time at the Healthy Communities Challenge Day.

Michael Stevens was in Chelan for a Washington State Fire Commissioners Conference with Councilmember Wright. One of the more interesting topics was the discussion of the potential impacts of I-502 on the public sector and also the impacts of the Affordable Care Act.

Steve Muller stated that the retirement ceremony was a very nice event. Those two individuals will be missed greatly.

Donna Wright:

- The Police Department gave a great presentation on the Business Watch at the Chamber meeting. It will be a benefit to the business community to get that underway. Jim Ballew did a great job presenting on Parks and Recreation department.
- She was in Chelan at the Washington State Fire Commissioners event over the weekend where there were some interesting topics that were discussed which may be of some interest to the City.

Kamille Norton commented that the Healthy Communities Challenge Day was a great event. It is exciting that so many kids signed up.

Jeff Seibert:

- He asked about trees coming down on the west side of 51st and asked if that means they will be widening that shoulder. Director Nielsen affirmed that they would.
- He commented on the dirt and air in the system when there was major work done on 51st last week. He asked if there were any mechanisms for customers to get a rebate on their bill. He said he had to let his water run for a half an hour to get it clear. Director Nielsen stated that he hadn't been aware of the issue, but indicated he would look into this and follow up.

Jeff Vaughan had no comments.

Council recessed from 8:00 to 8:05 before reconvening for the WCIA presentation.

18. Council Training: Washington City Insurance Authority (WCIA) – Council Do's and Don'ts.

Executive Director Lew Leigh from WCIA gave a presentation to the Council regarding Council Do's and Don'ts.

Council recessed and went into Executive Session at 9:05 to discuss four matters concerning pending litigation and one matter concerning real property acquisition, expected to last 15 minutes with no action required. Executive Session was extended 10 additional minutes to 9:35pm.

Council reconvened into regular session at 9:35 p.m.

Executive Session

- A. Litigation - 4 items, RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate - 1 item, RCW 42.30.110(1)(b)

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:36 p.m.

Approved this 24 day of June, 2013.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk