

# COUNCIL



# MINUTES

**Work Session**  
December 2, 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, Chief Smith, City Attorney Cheryl Beyer, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Human Resources Director Kristie Guy, and Recording Secretary Laurie Hugdahl.

## **Approval of the Agenda**

**Motion made by Councilmember Toyer, seconded by Councilmember Seibert, to approve the agenda and to waive the normal work session rules in order to take action on item 5. Motion passed unanimously (7-0).**

## **Committee Reports**

## **Presentations**

## **Discussion Items**

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

1. Approval of the November 12, 2013 City Council Meeting Minutes.

## Consent

2. Approval of the November 20, 2013 Claims in the Amount of \$910,551.91; Paid by Check Number's 88417 through 88547 with Check Number 88237 Voided.
3. Approval of the November 27, 2013 Claims in the Amount of \$463,870.48; Paid by Check Number's 88548 through 88682 with No Check Number's Voided.
4. Approval of the November 20, 2013 Payroll in the Amount of \$827,990.09; Paid by Check Number's 27155 through 27191.

## Review Bids

## Public Hearings

## Action Item

5. Consider Authorizing \$110,000 in Additional Management Reserve for the 99<sup>th</sup> Ave/42<sup>nd</sup> St. Water Main Project for a Total Project Allocation of \$856,425.42.

Director Nielsen said this is part of the PUD takeover in the Whiskey Ridge area. A change order is necessary because the wrong roundabout was built and redesign is necessary.

**Motion made by Councilmember Muller, seconded by Councilmember Wright, to authorize \$110,000 in Additional Management Reserve for the 99<sup>th</sup> Ave/42<sup>nd</sup> St. Water Main Project for a Total Project Allocation of \$856,425.42. Motion passed unanimously (7-0).**

## New Business

6. Consider Approving the Third Amendment to the Interlocal Agreement with the City of Kirkland for Jail Services.

Chief Smith stated that items 6, 7, 8, and 9 are the same as they have been in previous years, but the booking fees, daily fee, and transportation fee all have been increased a little bit.

Councilmember Muller asked if Marysville is competitive with other jurisdictions. Chief Smith stated that Marysville is actually very competitive and even on the low end with limited space.

7. Consider Approving the Fifth Amendment to the Interlocal Agreement with the City of Sauk-Suiattle Tribe for Jail Services.

See item 6.

8. Consider Approving the Fifth Amendment to the Interlocal Agreement with the Tulalip Tribes for Jail Services.

See item 6.

9. Consider Approving the Fifth Amendment to the Interlocal Agreement with the Stillaguamish Tribe for Jail Services.

See item 6.

10. Consider Approving the Eighth Amendment to the Interlocal Agreement with the City of Arlington for Jail Services.

See item 6.

11. Consider Approving the Tenth Amendment to the Interlocal Agreement with the City of Lake Stevens for Jail Services.

See item 6.

12. Consider Approving the Public Defense Service Agreement with Feldman & Lee, P.S.

CAO Hirashima stated that this is a three-year contract agreement for a public defender, Feldman & Lee, which the City has had under contract for public defense work since 2010. This contract has been negotiated with some of the new Supreme Court standards in mind. This proposal reflects the same rates that were negotiated in September of this year when a contract extension was approved. This continues that contract on for another three years. The Supreme Court has issued some draft caseload standards that were supposed to go into effect earlier this year, but the Supreme Court delayed the standards until January of 2015. In the meantime, the Office of Public Defense is coming out with a time study to set some standards as to how much time it should take an attorney to prepare a defense for a client for various kinds of misdemeanors. The City is awaiting that as well as other cities in the state. When the caseload standards go into effect there is a likelihood that the rates will further increase. Feldman & Lee is also used by the cities of Arlington and Lake Stevens within the same court system.

13. Consider Approving the Special Counsel Legal Services with Summit Law Group.

CAO Hirashima explained that Summit is used for employment law issues such as contract negotiations or employee grievances or arbitrations. They are a very qualified firm used by the majority of cities in Washington State. This agreement would run through 2014.

14. Consider the Amendment No. 5 to the Janitorial Services Contract with Advantage Building Services which Increases the Contract by \$2,586.98 for a Total Amended Contract Price of \$67,261.58 and Extends the Contract for a Fifth Annual Term.

Director Nielsen stated that this is the annual contract that the city has regarding building cleaning.

15. Consider Approving the Business Licensing Service Agreement with the Department of Revenue's Business Licensing Service.

CAO Hirashima stated that this is an update of the prior agreement with the DOR for the Master Business License service that the City uses.

16. Consider Approving the Citizen Advisory Committee's Funding Recommendations for Program Years 2014 & 2015, and Direct Staff to Notify Each Subrecipient of the Approved Funding Recommendations and Prepare a Program Year 2014 Annual Action Plan in Accordance with the 2012-2016 Consolidated Plan.

Planning Manager Holland stated that the Citizen Advisory Committee met on October 22 and had each applicant present their projects for program years 2014 and 2015. The Committee made recommendations to the Council on November 5 for the 2014 and 2015 funding cycle. He noted that the proposed Housing Hope Beachwood Apartment project was requesting approximately \$34,000 in funds for Phase 2 of their playground improvement. Housing Hope was awarded funds in 2013, but the Committee felt that the amount of money requested this year was not equitable for the amount of people being served. The Citizen Advisory Committee recommended using those funds for the spray park and some of the furniture around Comeford Park. The recommendation is acceptable to HUD and complies with the Consolidated Plan and Citizen Participation Plan. Staff is recommending approval of the recommendation by the Citizen Advisory Committee.

Councilmember Toyer asked about the loan program. Planning Manager commented on the CHIP program which is a revolving loan program for low income home residents. Councilmember Wright noted that Everett is a model for that program. They have been successful doing that for a number of years.

17. Consider Approving the Interlocal Agreement for Emergency Management Services with Snohomish County Department of Emergency Management (SCDEM).

Director Nielsen explained that this is a two-year contract with Snohomish County Department of Emergency Management.

18. Consider Approving the Wetland Mitigation Credit Buy/Sell Agreement with Mitigation Banking Services, LLC, in the Amount of \$137,600.

Director Nielsen stated that this is an agreement to purchase wetland credit in a local bank so we can construct Pond 2.

19. Consider Approving the Professional Services Agreement Supplement No. 1 in the Amount of \$258,833.00 with Murray, Smith and Associates, Inc.

Director Nielsen explained that this would complete the final design for the wells up at Sunnyside at 40<sup>th</sup> and 71<sup>st</sup>.

20. Consider Approving an Interagency Agreement with Washington State Department of Enterprise Services, Selecting as the Emergency Services Company (ESCO) Ameresco.

Director Nielsen stated that this agreement would be with Washington State and a consultant to do an audit of some facilities to apply for a grant to save money on power consumption.

21. Consider Approving the Visitor and Community Information Center Services Agreement with the Greater Marysville Tulalip Chamber of Commerce.

Finance Director Langdon stated that this is consideration of the renewal. There is no change in the agreement as it is submitted. It is for \$40,000 with a Hotel Motel Tax fund.

Councilmember Wright asked if all of the items listed in the Scope of Services are being done. CAO Hirashima stated that they are not. Councilmember Wright asked if the City is receiving monthly reports. CAO Hirashima replied that no monthly reports have been received for this year. The monthly meetings with Council have also not occurred.

Councilmember Muller suggested breaking the payment up into quarterly chunks to encourage completion of the items on the Scope of Service.

Councilmember Wright asked if the Chamber is involved with economic development for the City. Finance Director Langdon stated that originally that referred to putting Marysville businesses on their website. They attempted to do that, but she has noticed that sometimes it's there, and sometimes it's not. CAO Hirashima stated that the City is generally working with Economic Alliance on economic development efforts.

Councilmember Vaughan asked if staff is aware of any other cities that subsidize their chamber. Finance Director Langdon recalled that at one time Everett's chamber was receiving a subsidy equal to one person's salary for a year. CAO Hirashima commented that it varies from city to city. At one time Arlington was helping with the rent space that their chamber is in. Some cities don't provide a lot of subsidy; others provide some funds through the Hotel Motel funds also. Councilmember Toyer commented that Lake Stevens gets free rent for their office.

Councilmember Seibert commented that his understanding of the agreement with the Chamber is that the City is supporting the visitor center.

Councilmember Vaughan asked what the Chamber has done in the last year with the last subsidy the City gave them. CAO Hirashima said they do not know because no reports have been provided over the last year. She stated that she has heard that the original intent of this was they would be fielding a lot of calls that would otherwise be going to the City, and this was the basis for the arrangement. The Chamber has provided monthly reports in the past, but not as regularly in the last couple years. She stated that there was an effort to make sure numbers were being collected accurately. During Caldie's absence due to her illness there was confusion about how numbers were compiled. Mayor Nehring asked about getting some of the numbers from 2012 just for reference. Finance Director Langdon indicated they could provide that.

Councilmember Seibert requested some feedback on Councilmember Muller's suggestion to do quarterly payments with a requirement that reports be submitted prior to payment.

Councilmember Muller spoke in support of meeting with the Chamber Board to find out more information about what they do. Mayor Nehring indicated they could have a subgroup meeting if that was Council's consensus.

22. Consider Approving the Police Chief to Execute the Vehicle Use Agreements with NICB for the Purpose of Investigating Vehicle Thefts and Insurance Related Crimes.

Commander Lamoureux stated that the Police Department utilizes the NICB for loaner vehicles used for vehicle theft investigations. These agreements usually last a year or less. Councilmember Muller asked about the cost associated with this. Commander Lamoureux replied that there is no fee. The City is only responsible for maintenance of the vehicles.

Councilmember Seibert asked for legal opinion of this. City Attorney Beyer stated that this was actually City Attorney Weed's recommendation.

23. Consider a **Resolution** of the City of Marysville, Washington, Fixing a Time and Place for Hearing on the Final Assessment Roll for Local Improvement District No. 71, and Directing that Notice thereof be Given in the Manner Required By Law.

Finance Director Langdon stated that this is setting the date and time for a public hearing to determine the final assessment roll for the LID 71.

24. Consider a **Resolution** of the City of Marysville Repealing Resolution Number 2268 and Adopting the Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plan Designs.

Human Resources Director Kristie Guy stated that the resolution is necessary in order to stay compliant with certain federal health care reform regulations. Some changes are needed to the HRA VEBA Plan that was adopted in 2009. The Resolution would repeal the 2009 resolution and adopt a restructured HRA VEBA Plan design that offers two separate plans, the standard HRA Plan and a new post-separation HRA Plan.

25. Consider a **Resolution** for Participation in the Hazard Mitigation Planning with Snohomish County Department of Emergency Management.

Director Nielsen stated that this is a planning document in case there is a major emergency event and would aid in receiving FEMA reimbursement.

26. Consider an **Ordinance** Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for Purposes of Improving the Intersection at 88<sup>th</sup> Street N.E. and 55<sup>th</sup> Avenue N.E.

Director Nielsen stated that the City is currently in the process of putting a signal at this intersection. This is a grant funded project.

27. Consider an **Ordinance** Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for Purposes of Extending the Bayview Trail.

Director Nielsen stated that this similar to item 26.

28. Consider an **Ordinance** Amending Sections 3.64.020(1) and (2) of the Marysville Municipal Code, Relating to the Utility Tax on Telephone Services.

Finance Director Langdon said that this is recommending the renewal for the utility tax on telephone services for the additional 1%, keeping it at 6% for one more year. This is what was forecasted in the budget that was adopted last week.

Councilmember Toyer asked if this could be repealed next year. Finance Director Langdon said it is up for renewal annually, but it is set to sunset on February 14 of 2014. Councilmember Toyer asked about the projected revenue. Finance Director Langdon said it is about \$133,000.

29. Consider an **Ordinance** of the City of Marysville, WA, Authorizing the City of Marysville to Continue to Impose A Sales and Use Tax as Authorized By RCW 82.14.415 As a Credit Against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2014 Relating to Annexations.

Finance Director Langdon explained that this is for the annexation sales tax credit which Marysville has been receiving for the last few years. It must be renewed every year. It is not an additional tax, but is needed so the City can receive .2% of the state's 6.5%

30. Consider an **Ordinance** of the City of Marysville, Washington Increasing Water, Sewer, and Surface Water Utility Rates and Amending Sections 14.07.060, 14.07.070, and 14.19.050 of the Marysville Municipal Code as Allowed Under Section 14.07.075.

Finance Director Langdon stated that the 2% increase was recommended to keep the City on schedule with cash-based project funding and debt service ratio coverage for utilities. She explained that Marysville's utility rates are still relatively low compared to other cities.

31. Consider an **Ordinance** of the City of Marysville Amending the 2013 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2911.

Finance Director Langdon stated that this Ordinance would amend the 2013 budget as staff estimates what is needed to finish out the year. She reviewed specific amendments related to CDBG, LID 71, Utilities, and Facilities Maintenance.

## Legal

## Mayor's Business

Mayor Nehring:

- He had a coffee klatch in the Sunnyside area with 13 or 14 people last week. They are most interested in the hiring of new officers to take care of some of the crime. The residents are pleased with the budget situation. They were also extremely pleased with the code enforcement efforts such as graffiti cleanup and Clean Sweep. There were a lot of good comments about Bayview Trail. There was a lot of discussion about the garbage situation. Another prominent issue was empty storefronts and supporting small businesses.
- He discussed the dates for swearing in newly re-elected Council members.
- The Health Board has asked for a recommendation for a representative for the upcoming year. Councilmember Wright indicated that she would be interested in continuing in this role.

**Motion made by Councilmember Seibert, seconded by Councilmember Wright to approve the Mayor's recommendation of Donna Wright to the Health Board for the next year. Motion passed unanimously (7-0).**

## Staff Business

Rick Smith had no comments.

Sandy Langdon had no comments.

Kristie guy had no comments.



Kevin Nielsen:

- He commented that there was a broken water main on Thanksgiving morning, but crews had it up and repaired in a couple hours. The residents sent him an email on Thanksgiving thanking him and saying what an awesome crew we have and what a great job they did.
- Crews are ready for the snow which is in the forecast. He urged caution for drivers especially above the bridge decks.

Cheryl Beyer had no comments.

Gloria Hirashima stated that the I-502 Citizen Committee's alternatives were presented to the Planning Commission last week. The Planning Commission set a hearing on January 14, which is way ahead of the Work Plan. The Planning Commission will be taking comment on all of the alternatives before making a recommendation.

### **Call on Councilmembers**

Steve Muller stated that the golf course Tour of Lights starts next week.

Donna Wright stated that she will need an excused absence for next week because she will be absent.

Jeff Seibert:

- He commented on the strange winter weather he experienced today.
- He is glad to hear that staff is prepared for the snow and cold weather.
- He asked about a committee survey for the coming year. Council President Vaughan indicated he would provide that.

Rob Toyer asked how complaints about police or streets are normally handled. Mayor Nehring reviewed the standard procedure. Director Nielsen added that speeding complaints have to go through the Traffic Safety Committee so counts can be done to see if there is a speeding problem or if enforcement is needed. Sometimes this can take a few weeks to get back to them because the counts have to run. There have been a lot of speeding complaints lately, and staff tries to get back to them to tell they will be doing the counts. Sometimes people aren't happy if the results show that there is only a perceived speeding problem.

Michael Stevens stated he would be on vacation next Monday.

### **Executive Session**

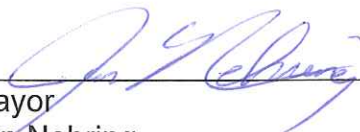
- A. Litigation
- B. Personnel


C. Real Estate

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:05 p.m.

Approved this 13 day of JANUARY, 2013<sup>4</sup>.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk