

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse the absence of Councilmember Stevens.	Approved
<b>Approval of the Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Presentations</b>	
Volunteer of the Month - Pat Olsen	Presented
Employee Services of the Month - Dawn Isom-Keith	Presented
<b>Approval of Minutes</b>	
Approval of October 27, 2014 City Council Meeting Minutes.	Approved
Approval of November 3, 2014 City Council Work Session Minutes.	Approved
<b>Consent Agenda</b>	
Approval of the November 5, 2014 Claims in the Amount of \$1,325,239.46; Paid by Check Numbers 95782 through 95894 with no Checks Voided.	Approved
Approval of the November 12, 2014 Claims in the Amount of \$537,521.02; Paid by Check Numbers 95895 through 96027 with no Check Voided.	Approved
<b>Review Bids</b>	
<b>Public Hearings</b>	
<b>New Business</b>	
Consider the Cable Franchise Three Month Extension with WaveDivision 1, LLC.	Approved
Consider the Cable Franchise Five Year Extension with Comcast Cable Holdings, LLC.	Approved
Consider a <b>Resolution</b> Amending New Standards for the Delivery of Public Defender Services Pursuant to RCW 10.101.030 Adopted by Resolution 2363.	Approved Res. No. 2368
Consider the Professional Services Agreement for Public Defense Service Agreement with Feldman and Lee, P.S.	Approved
Consider the <b>Recovery Contract</b> for Sewer, R & V Enterprises, LLC (Sewer Main on 52nd Drive NE for Pinewood Apartments).	Approved Recovery Contract No. 295
Consider an <b>Ordinance</b> Amending Sections 3.64.020(1) and (2) of the Marysville Municipal Code, Relating to the Utility Tax on Telephone Services.	Approved Ord. No. 2974
Consider an <b>Ordinance</b> 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.	Approved Ord. No.2975
<b>Mayor's Business</b>	
Confirm the Mayor's appointment of Jon Walker as City Attorney.	Approved
Appoint members for the Regional Fire Authority Planning Committee: Jeff Vaughan, Jeff, Seibert, and Steve Muller; Camille Norton (Alternate)	Approved
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:15

<b>Executive Session</b>	8:20
<b>Pending Litigation – one item</b>	
<b>Potential Litigation – two items</b>	
<b>Real Estate – one item</b>	
<b>Reconvenement</b>	8:45 p.m.
<b>ACTION</b>	
<b>Adjournment</b>	8:45 p.m.



**Regular Meeting**  
November 24, 2014

**Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Kinder Smoots from Eagles Wings Ministries gave the invocation, and Mayor Nehring 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, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** Michael Stevens

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Grant Weed, Water Resources Manager Kari Chennault, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that Councilmember Stevens had informed the Council he had an emergency at work and would not be able to make it to the meeting tonight.

**Motion** made by Councilmember Toyer, seconded by Councilmember Wright to excuse Councilmember Stevens. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Muller, seconded by Councilmember Toyer, to approve the agenda. **Motion** passed unanimously (6-0).

## Committee Reports

Steve Muller reported on the November 13 Library Board Meeting where the Library Board members became ambassadors for Sno-Isle Regional Libraries. He highly praised the library system and encouraged everyone to take advantage of the facility.

Jeff Seibert reported on the November 19 Finance Committee meeting where they received an update on the budget and got briefings on the NCDC Initiative, Utility ordinance, and a change in shut off and after hour call out rates and charges for tampering with the meter.

## Presentations

### A. Volunteer of the Month

Pat Olsen was recognized as Volunteer of the Month for her work with the Ken Baxter Community Center, Salvation Army, the Grove Church and the Marysville Food Bank as well as various city events.

### B. Employee Services of the Month

Dawn Isom-Keith was recognized for ten years of service.

## Audience Participation

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

#### 1. Approval of October 27, 2014 City Council Meeting Minutes.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the October 27, 2014 City Council Meeting Minutes. **Motion** passed unanimously (6-0).

#### 2. Approval of November 3, 2014 City Council Work Session Minutes.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Norton, to approve the November 3, 2014 City Council Work Session Minutes. **Motion** passed unanimously (6-0).

## Consent

#### 3. Approval of the November 5, 2014 Claims in the Amount of \$1,325,239.46; Paid by Check Numbers 95782 through 95894 with no Checks Voided.

#### 4. Approval of the November 12, 2014 Claims in the Amount of \$537,521.02; Paid by Check Numbers 95895 through 96027 with no Check Voided.

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to approve Consent Agenda items 3 and 4. Motion passed unanimously (6-0).

### **Review Bids**

### **Public Hearings**

### **New Business**

5. Consider the Cable Franchise Three Month Extension with WaveDivision 1, LLC.

CAO Hirashima stated that this is a three-month extension with WaveDivision 1, LLC which currently expires in December. This would go through March 3 at which time a new franchise agreement should be ready for approval.

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to approve the Cable Franchise Three Month Extension with WaveDivision 1, LLC. **Motion** passed unanimously (6-0).

6. Consider the Cable Franchise Five Year Extension with Comcast Cable Holdings, LLC.

CAO Hirashima explained that this five-year extension to the current cable franchise agreement with Comcast. Staff is working with River Oaks Corporation to negotiate a new franchise agreement. During the negotiation Comcast offered a five-year extension of the current agreement. The cable team reviewed the potential versus the five-year extension and felt the five-year extension was preferable. Staff is recommending approval.

**Motion** made by Councilmember Muller, seconded by Councilmember Toyer, to the Cable Franchise Five Year Extension with Comcast Cable Holdings, LLC. **Motion** passed unanimously (6-0).

7. Consider a **Resolution** Amending New Standards for the Delivery of Public Defender Services Pursuant to RCW 10.101.030 Adopted by Resolution 2363.

CAO Hirashima stated that this amends Resolution 2363 which the Council adopted in July of 2014 to make it consistent with the provider contract.

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to adopt Resolution No. 2368

City Attorney Weed pointed out that that in the second recital, it should be 2363 not 2362. Also there is some repetition in the numbering of the sections which will be corrected.

**Motion** passed unanimously (6-0).

8. Consider the Professional Services Agreement for Public Defense Service Agreement with Feldman and Lee, P.S.

CAO Hirashima stated that this is the new contract with Feldman and Lee and brings the City consistent with the Supreme Court standards for case load which is 400 cases per year per attorney. There is a significant increase in the cost based on the anticipated caseload. The contract will be reviewed annually. The City will be monitoring and managing the caseload as they go forward. City Attorney Weed explained that part of what is driving this is the decision by the federal courts in the case filed against the cities of Mt. Vernon and Burlington. Those cities were found to be in violation of the constitutional standard that provides for adequate assistance of legal counsel. Part of the decision by the court raised the bar considerably for the defense of indigent defendants. To have a public defender contract that meets the standards now will require more time per case per attorney, more effort, more meetings, and probably more trials.

CAO Hirashima referred to page one of the Professional Services Agreement and noted that the Resolution number should be 2368 and the adopted date will be November 24, 2014.

**Motion** made by Councilmember Norton, seconded by Councilmember Toyer, to approve the Professional Services Agreement for Public Defense Service Agreement with Feldman and Lee, P.S. **Motion** passed unanimously (6-0).

9. Consider the **Recovery Contract** for Sewer, R & V Enterprises, LLC (Sewer Main on 52nd Drive NE for Pinewood Apartments).

CAO Hirashima stated that this Recovery Contract establishes a latecomer's fee for an 8" sewer main on 52<sup>nd</sup> Drive NE south of 84<sup>th</sup> Street NE. The recoverable amount of the contract is \$16,947.08.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Recovery Contract No. 295. **Motion** passed unanimously (6-0).

10. 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 explained that this continues the additional 1% for a total of 6% on the telephone tax that was scheduled to sunset February 28, 2015.

**Motion** made by Councilmember Muller, seconded by Councilmember Wright, to adopt Ordinance No. 2974. **Motion** passed unanimously (6-0).

11. 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 explained that this takes care of the increased rates for water, sewer and surface water utilities. The remainder of the rates will be reviewed as part of the rate study and brought back as a total package.

Councilmember Toyer asked what the Finance Committee members thought of the 2% increase. Councilmember Seibert stated that following the last rate study several years ago the Council decided the prudent thing to do would be to do an automatic 2% increase each year. This has carried on as the policy of the Council to keep the City in the black.

Councilmember Vaughan recalled that when the rate study was done there was a projection of where the City needed to be in order to cover the cost of the utility. He recalled that the decision to implement the 2% annual increase has kept the City on target. He thinks it was a good decision.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert, to adopt Ordinance No.2975. **Motion** passed unanimously (6-0).

## Legal

### Mayor's Business

Mayor Nehring distributed an application for Jon Walker who was one of the top three candidates for the City Attorney position. He has accepted an offer and will be the City Attorney as of January 5. CAO Hirashima explained he is currently one of the deputy city attorneys for the City of Tacoma and brings a lot of experience with him. City Attorney Weed commented that the City had three very qualified candidates, but he believes this is a good fit for the City. He stated that the Code requires the Mayor to make the appointment subject to the Council's confirmation.

Councilmember Muller asked when advertising for his support staff would begin. CAO Hirashima stated she would review that with Mr. Walker.

**Motion** made by Councilmember Muller, seconded by Councilmember Toyer, to confirm the Mayor's appointment of Jon Walker as City Attorney beginning January 5. **Motion** passed unanimously (6-0).

### 12. Regional Fire Authority Planning Committee Appointments.

Mayor Nehring solicited recommendations for the Regional Fire Authority Planning Committee appointments.

Councilmember Vaughan pointed out that the three existing Fire Board Members already had extensive experience with this topic. He recommended appointing three

non-Fire Board members in order to raise the collective education of the Council on this subject. Councilmember Toyer concurred.

**Motion** made by Councilmember Toyer to nominate Councilmember Vaughan. Councilmember Seibert seconded the motion. **Motion** passed 5-1 with Councilmember Vaughan voting against the motion.

**Motion** made by Councilmember Norton to nominate Councilmember Seibert. Councilmember Muller seconded the motion. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Vaughan to nominate Councilmember Muller. Councilmember Wright seconded the motion. **Motion** passed unanimously (6-0).

Councilmember Seibert asked about having an alternate. City Attorney Weed thought that would be permissible.

**Motion** made by Councilmember Seibert to nominate Councilmember Norton as an alternate. Councilmember Toyer seconded the motion. **Motion** passed unanimously (6-0).

City Attorney noted that the only time the alternate should be in attendance is when one of the other councilmembers can't be in attendance; otherwise the meeting would need a Special Meeting Notice. City Attorney Weed suggested doing this on a regular basis so that there is no question.

Mayor Nehring:

- He commended Commander Brassfield for 20 years of service with NJROTC. He has done a wonderful job with that program.
- He thanked the members of the Community Recovery Committee who are working on ongoing recovery efforts from the October 24 tragedy.
- He met with someone from the state who will help with administration of grant monies from the state to help with counseling and help for the families of the victims as well as some of the overtime costs for police.
- Economic Alliance Snohomish County Board met last week and approved a work plan and legislative package.
- Happy Thanksgiving!

## Staff Business

Chief Smith:

- There will be no Public Safety Committee meeting this month due to Thanksgiving.
- He thanked the Mayor and CAO Hirashima for their leadership during this difficult crisis period. There was a dinner last night honoring first responders and teachers at the Tulalip Casino put on by the Tulalip Tribes. There is still a long



way to go in terms of recovery. The Department is working with the Tulalip Tribes and the school district to move forward.

- He gave an update on the implementation of the New World system. The Sheriff has said he expects this to go forward in the spring. He is pleased with the progress so far.
- Happy Thanksgiving!

Sandy Langdon wished everyone happy holidays.

Kari Chennault had no comments.

Jim Ballew:

- Staff had the honor of assisting the school district with taking down the memorial wall at Marysville Pilchuck High School. The City has also started a cleanup effort in the community.
- Over the weekend there was a backup in the sewer system at the Ken Baxter Community Center. This will put the center out of service for a while. Staff and some of the activities will be relocated to the annex.
- Marysville for the Holidays will be the first Saturday in December.
- Council recently approved a WSDOT agreement for a new gateway sign at 84<sup>th</sup> and SR 9. The City received a grant from the Tourism Promotion Area Fund which will pay for at least half of this, but it will be delayed until at least February.
- *City Scene* was filmed last week at TV3 at Getchell High School. This will feature two departments at a time.
- Happy Thanksgiving!

Grant Weed stated the need for an Executive Session to discuss four items including one pending litigation item, one potential litigation item, and two items concerning sale, acquisition or lease of real estate with potential action on one of the real estate items expected to last 20 minutes.

Gloria Hirashima had no comments.

## **Call on Councilmembers**

Kamille Norton:

- Happy Thanksgiving!
- Go Tomahawks this Friday!

Steve Muller:

- He commended the City for the new city attorney hire.
- Happy Thanksgiving!

Rob Toyer:

- He and Councilmember Wright spent some time last week in Austin at the National League of Cities Conference.
- He asked about drafting a letter to the other attorney candidates on behalf of the Council thanking them for their time.
- He noted that the football game would be streamed live through Tomahawks Broadcast.

Jeff Seibert:

- He asked about dates for Washington DC.
- Happy Thanksgiving!

Donna Wright:

- She commented on her trip to Austin and the enormous number of food trucks. She noted that they were encouraging local purchases. At the convention she noted that transportation is on everybody's mind along with climate change, marijuana, and community policing.
- Happy Thanksgiving!

Jeff Vaughan:

- He reported on the Fireworks Committee meeting where a representative from Kiwanis discussed what it means for their organization to be able to sell fireworks. He summarized that they could live without it even though it does bring some profits. There was a report on some of the costs that are borne by the City, damage to structures, and injuries. The Committee did not seem to favor paying a lot of money to do a formal study. They felt enough information could be obtained through other types of activities. Councilmember Toyer added that the main topic was moving forward and how to get community input without spending a lot of money. There was discussion about using social media and some other methods for getting input. Councilmember Vaughan reported that there will be another meeting or two.
- The City Attorney interview process went very well. It was clear after the process what the choice should be.
- He welcomed the scout in the audience and thanked him for not falling asleep.
- Happy Thanksgiving!

Recess from 8:15 until 8:30 at which time they reconvened into Executive Session.

## **Executive Session**

- A. Litigation RCW 42.30.110(1)(i) two items – action expected on one item.
- B. Personnel
- C. Real Estate RCW 42.30.110(1)(b) and RCW 42.30.110(1)(c) – action expected on one of the items.

Executive session ended and public meeting reconvened at 8:45 p.m.

**Motion** made by Councilmember Toyer, seconded by Councilmember Seibert, to authorize the city to participate in the MCDC program. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Seibert, seconded by Councilmember Wright to authorize First Amendment of Communication Site Sub-Lease with King County subject to the terms of the agreement. **Motion** passed unanimously (6-0).

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:45 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor  
Jon Nehring

\_\_\_\_\_  
April O'Brien  
Deputy City Clerk