

CITY COUNCIL AGENDA

15728 Main Street, Mill Creek, WA 98012 (425) 745-1891



Pam Pruitt, Mayor • Brian Holtzclaw, Mayor Pro Tem • Mark Bond
Mike Todd • Vince Cavaleri • John Steckler • Stephanie Vignal

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. in the Mill Creek Council Chambers located at 15728 Main Street, Mill Creek, Washington. Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the office of the City Clerk at (425) 921-5725 three days prior to the meeting.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal, and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

Next Ordinance No. 2019-852

Next Resolution No. 2019-583

**September 24, 2019
City Council Meeting
6:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE COMMUNICATION

- A. Public comment on items on or not on the agenda

PRESENTATIONS

- B. Heron Park Restoration Check Presentation
(Terry Ryan, County Council Chair)
- C. Children's Cancer Awareness Month Proclamation
- D. Great Garden Awards
(Councilmember Steckler)

- E. Citizen Patrol Oath of Honor
(Greg Elwin, Chief of Police)
- F. Community Transit - Swift Orange Line
(June DeVoll, Community Transit Manager of Strategic Planning and Goals)

STUDY SESSION

- G. Update on Mill Creek Boulevard Land Use and Infrastructure Plan and Public Participation Activities
(Tom Rogers, Planning Manager)
- H. Local Planning Washington State (Short Course)
(Tom Rogers, Planning Manager)

CONSENT AGENDA

- I. Approval of Checks #60881 through #60943 and ACH Wire Transfers in the Amount of \$1,132,761.49
(Audit Committee: Councilmember Todd and Councilmember Steckler)
- J. Payroll and Benefit ACH Payments in the Amount of \$302,068.71
(Audit Committee: Councilmember Todd and Councilmember Steckler)
- K. City Council Meeting Minutes of April 9, 2019
- L. City Council Meeting Minutes of April 23, 2019

REPORTS

- M. Mayor/Council
- N. City Manager
 - Council Planning Schedule
- O. Staff
 - Park & Recreation Board Meeting Minutes of July 2, 2019
 - 2nd Quarter Budget Report

AUDIENCE COMMUNICATION

- P. Public comment on items on or not on the agenda

ADJOURNMENT

Proclamation

WHEREAS, pediatric cancer is the leading cause of death by disease in children; and

WHEREAS, 1-in-285 children in the United States will be diagnosed by their 20th birthday; and

WHEREAS, 80 percent of childhood cancer cases are diagnosed only after the disease has metastasized and spread to other areas of the body; and

WHEREAS, two-thirds of childhood cancer patients will have long-lasting chronic conditions as a result of the treatments they go through; and

WHEREAS, the National Cancer Institute recognized the unique research needs of childhood cancer and increased funding to conduct this research; and

WHEREAS, in the last 20 years, only four new drugs have been developed specifically to treat children with cancer; and

WHEREAS, researchers and healthcare professionals work diligently to dedicate their expertise to treat and cure children with cancer; and

WHEREAS, too many children are affected by this deadly disease and more must be done to raise awareness and find a cure.

NOW, THEREFORE, I, Pam Pruitt, the Mayor of the City of Mill Creek, on behalf of the City Council do hereby recognize September 2019 to be Childhood Cancer Awareness Month.



Signed this 24th day of September 2019

Pam Pruitt, Mayor

Attest _____
Gina Pfister, City Clerk

Michael G. Ciaravino, City Manager



Agenda Item # D

Meeting Date: September 24, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: GREAT GARDEN AWARD 2019 PRESENTATION

PROPOSED MOTION:

N/A

KEY FACTS AND INFORMATION SUMMARY:

Each year, members of the City of Mill Creek’s Art and Beautification Board tour Mill Creek and take note of residents who have put exceptional time and effort into the beautification of their property. The board firmly believes that it’s the little things, like acknowledging someone’s green thumb, that contribute to a wonderful small town feel.

The City is divided into eight zones. Each member of the board is assigned a zone and tours the neighborhoods within those boundaries to find their nominations. The Art and Beautification Board then meets to review all nominees and selects 12 (one in each zone and then an additional four “at large” winners) to receive Great Garden Awards.

Chosen gardens exhibit great design elements, creativity, diversity and overall beauty. It is apparent how much love has gone into the homeowner’s property. The Art and Beautification Board met on July 10 to select this year’s award winners and delivered award notifications and yard signs to the 12 winners on Aug. 6. The temporary award signs are to be replaced by a smaller, permanent keepsake to stake in their garden.

Great Garden Award recipients are recognized at this Council meeting and will receive a commemorative keepsake presented by Councilmember John Steckler and Art and Beautification Board Chair Matt Buchanan.

The winners of this year’s Great Garden Awards are as follows:

- 14104 24th Dr. SE**
- 14809 26th Ave SE**
- 15301 29th Dr. SE**
- 15229 12th Dr. SE**
- 1428 144th Pl. SE**
- 1607 145th Pl. SE**
- 1815 164th St. SE**
- 2310 139th St. SE**
- 3003 146th Pl. SE**
- 3332 150th Pl. SE**
- 4127 135th St. SE**
- 13510 N Creek Dr. Apt A-306**

City Council Agenda Summary
Page 2

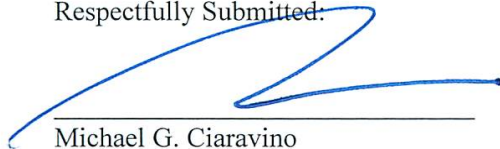
CITY MANAGER RECOMMENDATION:

N/A

ATTACHMENTS:

- A&B Board Great Garden Awards 2019 Presentation, September 24, 2019

Respectfully Submitted:





Michael G. Ciaravino
City Manager

9/18/2019



Nomination and Voting Process

- Map of Mill Creek is broken into eight geographic zones (one for each board member)
- 12 winners are selected (one from each zone and an additional four "at large" winners)



A&B Board ~ Great Garden Awards 2019

The complex block contains the title "Nomination and Voting Process" in a large blue font. Below it are two bullet points describing the process. To the right of the text is a photograph of a man in a black shirt and khaki shorts holding a white circular sign that says "Great Garden Award" in front of a white door. A woman in a red shirt is partially visible next to him. At the bottom right of the block is the City of Mill Creek Washington logo. At the bottom left, there is a small text line: "A&B Board ~ Great Garden Awards 2019".

9/18/2019

What Does a Winning Mill Creek Garden Exemplify?

Chosen gardens exhibit great design elements, creativity, diversity and overall beauty. It is apparent how much love has gone into the homeowner's property.



A&B Board ~ Great Garden Awards 2019

1607 145th Pl. SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

3003 146th Pl. SE



A&B Board ~ Great Garden Awards 2019

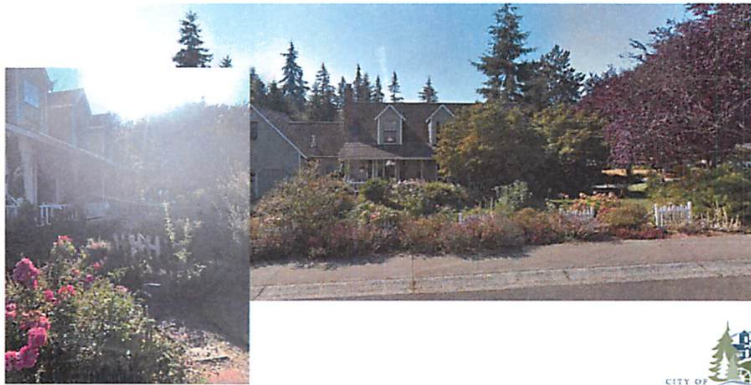
3332 150th Pl. SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

2310 139th St. SE



A&B Board ~ Great Garden Awards 2019

1815 164th St. SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

1428 144th Pl. SE



A&B Board ~ Great Garden Awards 2019

15229 12th Dr. SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

15301 29th Dr. SE



A&B Board ~ Great Garden Awards 2019

14809 26th Ave SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

14104 24th Dr. SE



A&B Board ~ Great Garden Awards 2019

4127 135th St. SE



A&B Board ~ Great Garden Awards 2019

9/18/2019

13510 N. Creek Dr., Apt A-306



A&B Board ~ Great Garden Awards 2019

Thank you!

Matt Buchanan, Chair
John Steckler, Council Representative
Guy Armfield, board member
Benjamin Briles, board member
Paula Dickman, board member
Michelle Edwards, board member
Ken Lowery, board member
Jeanne Smart, board member

Meredith Cook, City Representative
Gordon Brink, City Representative



A&B Board ~ Great Garden Awards 2019

Swift Orange Line

Mill Creek City Council Meeting, September 24

Christopher Silveira, *Swift* BRT Program Manager



Overview

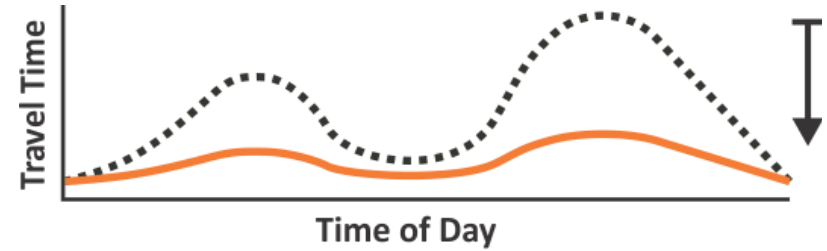
- *Swift* Bus Rapid Transit
 - Characteristics
 - Experience to Date
 - Local and Regional Significance
- *Swift* Orange Line
 - Route and Stations
 - Timeline
 - Local and Regional Coordination
 - Public Involvement
- Questions



Swift Bus Rapid Transit

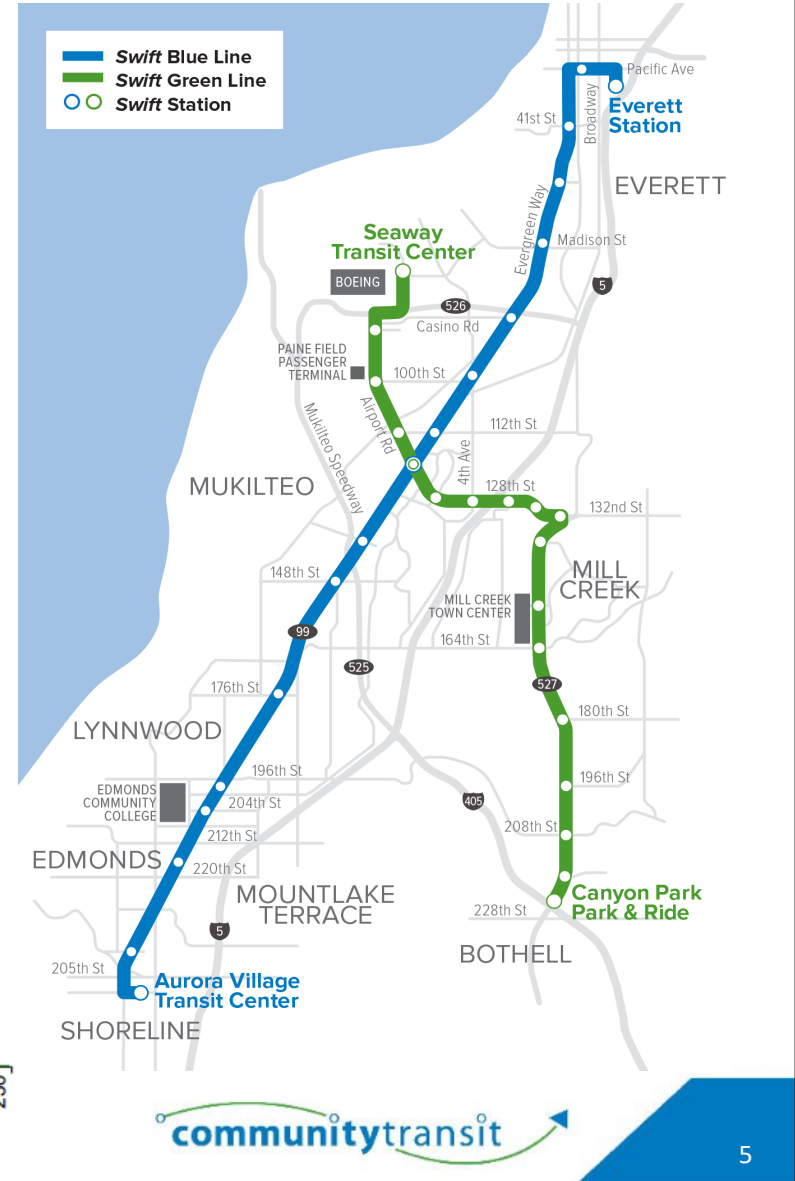
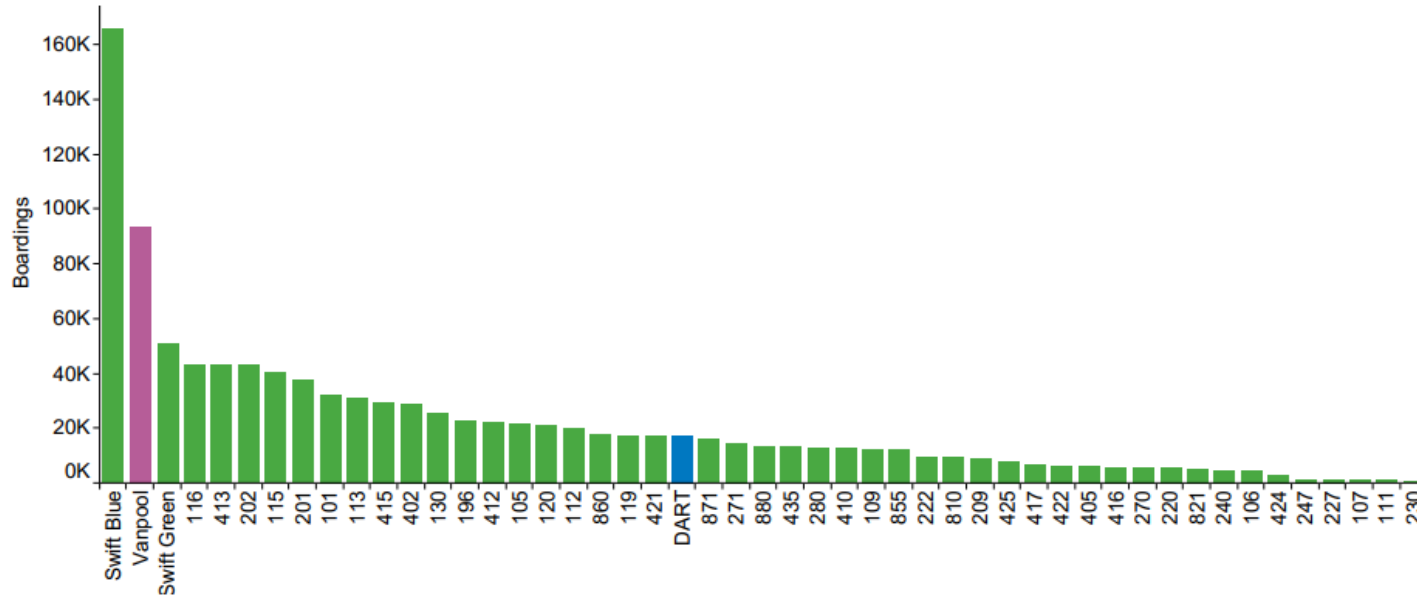
Characteristics

- Frequent
 - Every 10 min on weekdays, every 20 min on evenings, weekends
- Fast and Reliable
 - Mix of lane priority and signal priority
 - Quick stops at stations
- Easy to Use
 - Fully accessible stations
 - Pay at station
 - See next bus real-time arrival information
 - Board at any door
 - Bike racks on board



Experience to Date

- Blue Line (2009); Green Line (2019)
- 2 most popular routes
- 1 in 5 Community Transit trips are on *Swift*

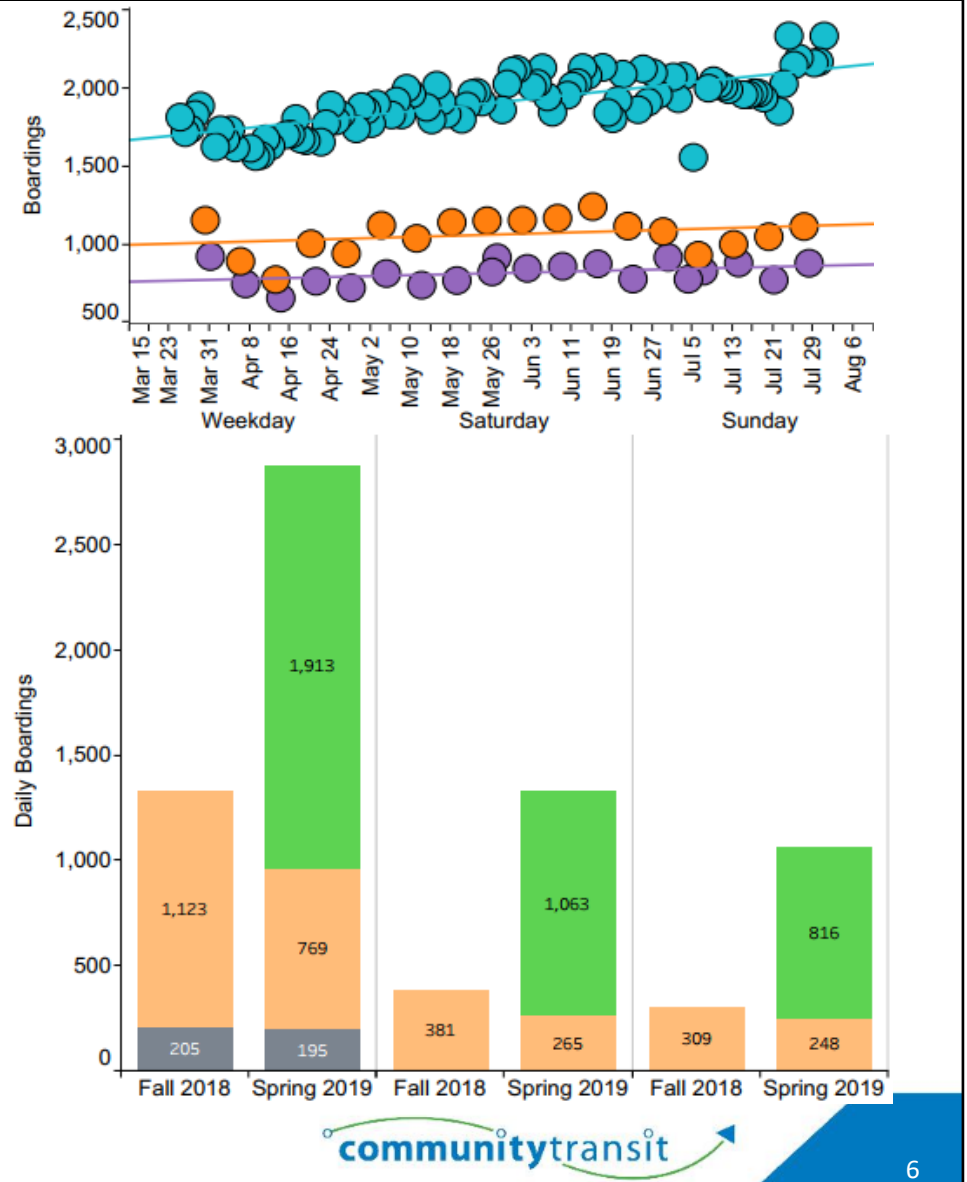


Swift Green Line Update

- Green Line ridership has grown by over 30% since April 1
- Corridor ridership has more than doubled

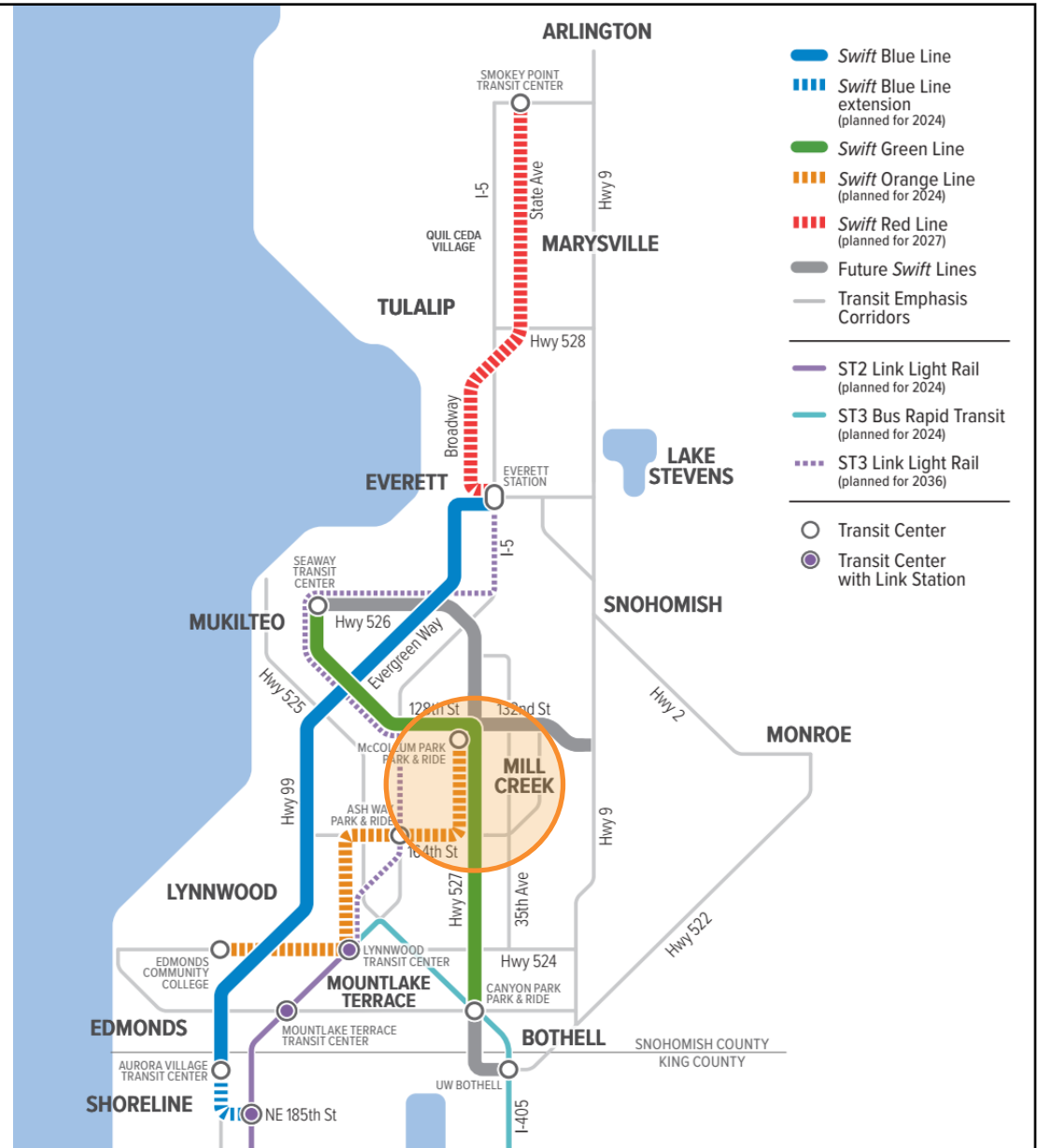
At the five (5) Mill Creek stations

- Weekday ridership: 389 boardings
- Average station dwell time: 12 sec



Local and Regional Significance

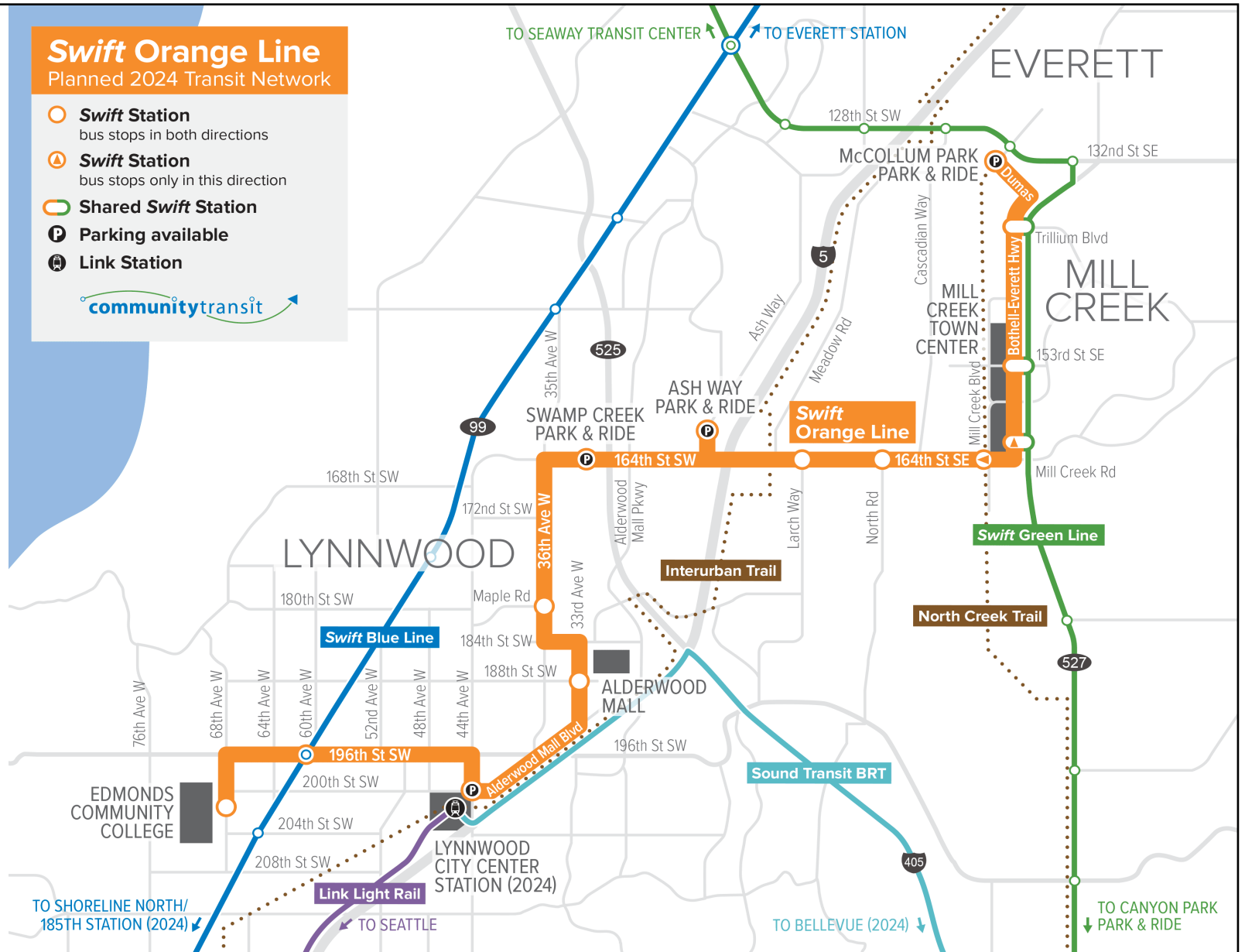
- 44% of Mill Creek residents live within ½ mile of a *Swift* station
- *Swift* provides a convenient alternative to park-and-ride
- Snohomish County’s 2024 High-Capacity Transit Network includes
 - *Swift* Orange Line
 - *Swift* Green Line
 - *Swift* Blue Line
 - ST Link Light Rail
 - ST I-405 BRT



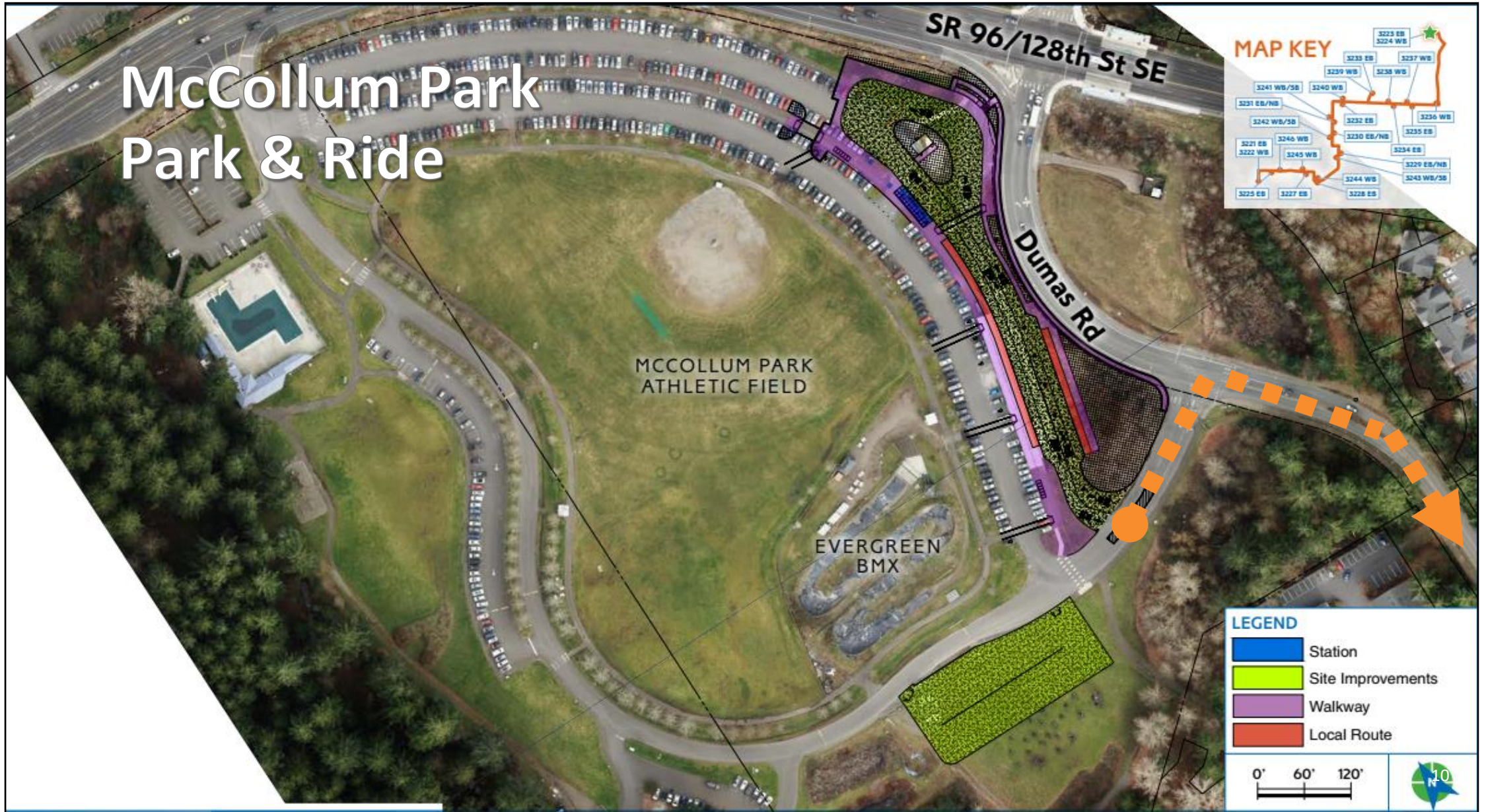
Swift Orange Line

Route & Stations

- 11.3 miles
- 13 station pairs
- Major Destinations
 - Mill Creek Town Ctr
 - Alderwood Mall
 - Lynnwood City Ctr
 - Edmonds CC



McCollum Park Park & Ride

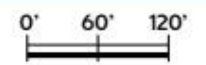


MAP KEY

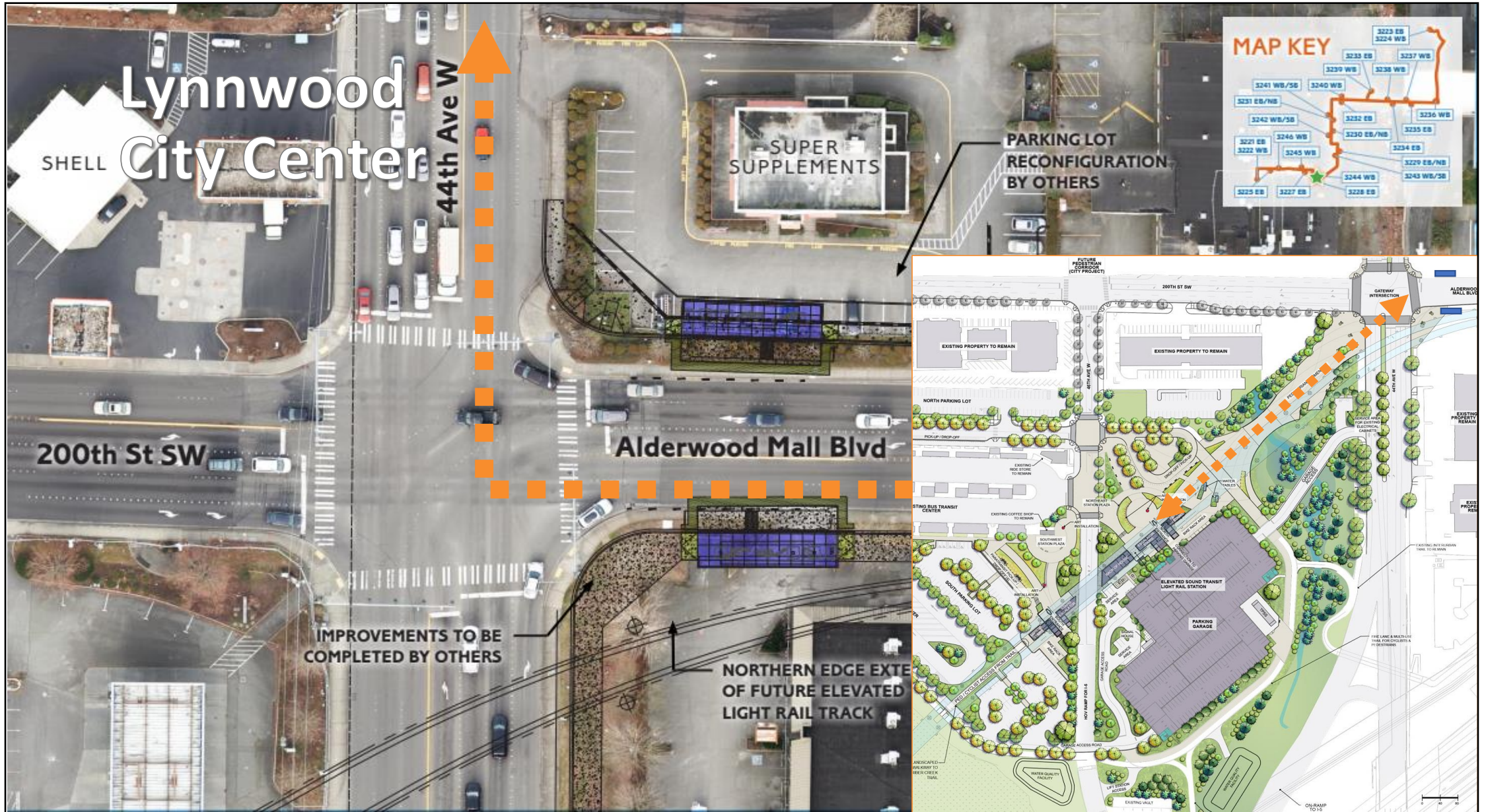


LEGEND

- Station
- Site Improvements
- Walkway
- Local Route







Timeline

- 2017-2018 Feasibility Study
- 2019-2020 Project Development
- 2021-2023 Construction
- 2024 Opening



Local and Regional Coordination

→ Consistent meetings with Partners

- City of Lynnwood
- City of Mill Creek
- Edmonds Community College
- Snohomish County
- Sound Transit
- WSDOT



→ Focused on leveraging existing and future efforts by Community Transit and Partners to get most value for each tax dollar

Public Involvement

- Community Outreach
 - Mill Creek Fest (Jul 13-14)
 - Lynnwood’s Fair on 44th (Sep 7)
- Open Houses
 - City of Lynnwood (Fall ‘19)
 - Edmonds Community College (Fall ‘19)
 - Online Open House (Fall ‘19)
- City Council Meetings
 - City of Lynnwood (Jul 29)
 - City of Mill Creek (Sep 24)



Questions

Connect with Us

To learn more about the project, visit:

<https://www.communitytransit.org/swiftorange>





Agenda Item # G

Meeting Date: September 24, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: UPDATE ON MILL CREEK BOULEVARD LAND USE AND INFRASTRUCTURE PLAN AND PUBLIC PARTICIPATION ACTIVITIES

PROPOSED MOTION:

None at this time. Discussion only

KEY FACTS AND INFORMATION SUMMARY:

Background

In April, 2019, the City hired The Otak Team to assist the City in preparing a land use and infrastructure plan for the Mill Creek Boulevard Subarea. The work program includes four phases: 1) Initiate and Communicate, 2) Review and assess, 3) Envision and Analyze, and 4) Plan and Design. The first two phases are underway. These steps will gauge the values and desires of the community and assemble the technical information necessary to begin the visioning process and prepare a plan for consideration by the City.

The purpose of Subarea Plan is to prepare for the eventual redevelopment of the Mill Creek Boulevard Corridor in the area between Town Center and 164th Street SE and provide a framework for coordination and designing multiple planned capital improvements, including: intersection improvements at 164th Street, 161st Street, Main and SR 527; repair of surface water aging infrastructure failures identified in a 2018 study; water quality treatment, pavement preservation and roadway re-configurations to better support Community Transit's bus rapid transit (BRT) lines.

The properties in this corridor are currently zoned Business Park and Community Business. While redevelopment of the parcels in the corridor is not imminent, the City wishes to collaboratively engage with its citizens, its business community, and the affected property owners in the preparation of a Subarea Plan that identifies the highest and best future land uses for the area. Once completed, the recommendations from the study will be the basis for any amendments to the Mill Creek Comprehensive Plan and Municipal Code that will guide future redevelopment within the Subarea.

Planning Advisory Committee Meetings

Instrumental to reviewing the public input and analyzing data is the creation a Planning Advisory Committee (PAC). This committee was appointed by the City Council and has met twice. To date, the PAC has discussed some of the opportunities and challenges present within the corridor and has discussed some of the desired outcomes that could be realized within the planning area. The PAC has also reviewed a high-level presentation with information about redevelopment trends and how they might apply to the Mill Creek Boulevard Corridor. Notes from the meetings and the presentation are on the City's web page on the project page.

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Initiate and Communicate (Public Participation Plan)

A critical part of the subarea planning study is a robust public participation and stakeholder engagement process. A primary component of the public participation plan is a series of Community and Stakeholder Workshops.

The first of two series of Focus Group Workshops are underway and were/are scheduled for September 11, 19, 30, October 1 and 2. Below is a table showing the schedule for the workshops.

FOCUS GROUP WORKSHOP SERIES

Monday, September 30	Tuesday, October 1	Wednesday, October 2	Misc. Dates
8:00 am to 9:30 am Business and Property Owners/Representatives; Service Groups/ Organizations			September 11 Art & Beautification Board 4:00 p.m.
10:00 am to 11:30 am Mill Creek Seniors		11:30 am to 1:00 pm Business and Property Owners/Representatives; Service Groups/ Organizations	September 19 DRB & Planning Commission 6:30 p.m.,
	3:30 pm to 5:00 pm City of Mill Creek Staff Group	3:30 pm to 4:30 pm Mill Creek Youth Advisory Board	
	6:00 pm to 7:30 pm Business and Property Owners/Representatives; Service Groups/ Organizations	5:00 pm to 6:00 pm Mill Creek Parks and Recreation	September 24 City Council Visioning Workshop 6:30 p.m.
6:30 pm to 8:00 pm Focus Group – HOA Representatives & MCCA		6:30 pm to 8:00 pm Public Workshop	Next PAC Meeting October 15 6:30 p.m.

Each of the workshops are being hosted by the City/facilitated by Otak and are tailored toward the specific stakeholder group with the intent of obtaining input relative to their interests. The workshops are designed to gather information that can be shared and considered by the PAC and Council as the study/plan is prepared.

Next Steps

City Council Agenda Summary
Page 3

Conclude Initial Focus Group Workshops and Data Review

The PAC's next meeting (PAC Meeting 3) will be scheduled in October. The purpose of the meeting will be to present the information gathered at the focus group workshops as well address several technical issues including options for stormwater facilities and environmental constraints and opportunities. This information is necessary to provide a realistic basis for discussion by the PAC on any land use scenarios that may be considered in the study. A summary of this information will be prepared and presented to the Planning Commission and City Council.

Envision and Analyze

With the completion of the initial round of Focus Group Workshops and the technical information in hand, the PAC will begin the process of creating a vision for the future plan. This will take place at PAC Meeting 4, which will take place in the first quarter of 2020. Once a vision is selected, staff and the Otak Team will prepare scenarios to be evaluated by the PAC. The Planning Commission and City Council will be briefed on the scenarios before the scenarios are shared with the public for comment.

Plan and Design

Following the public participation on the scenarios is completed, the PAC will recommend a preferred scenario to the City Council. Once selected, a plan can be prepared for consideration of the City through amendments to the City's Comprehensive Plan and Development Regulations. Preliminary infrastructure design plans will also be prepared.

Council Presentation

At the September 24, 2019 Council meeting, Tom Rogers will provide an update on the project and Mandi Roberts of Otak will make a brief presentation that includes asking the Council some questions that are also being asked at the focus group workshops. Responses will be recorded and made available to the PAC for consideration as they prepare scenarios for future consideration.

CITY MANAGER RECOMMENDATION:

- None at this time. Update and discussion only.

ATTACHMENTS:

- None

Respectfully Submitted:



Michal G. Ciaravino
City Manager

g:\public works and development services department\mill creek blvd subarea study\council update sept 24.docx



Agenda Item # H

Meeting Date: September 24, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: SHORT COURSE ON LOCAL PLANNING DISCUSSION

PROPOSED MOTION:

None at this time. Discussion only

KEY FACTS AND INFORMATION SUMMARY:

Background

On May 15, 2019, Mayor Pro Tem Holtzclaw, Councilmember Todd, City Manager Ciaravino, Director Gina Hortillosa and Planning Manager Tom Rogers met to discuss how to best participate in the review of regional plans. The group agreed that it is important for the Council as a whole to be adequately informed on issues being considered, so that a collective understanding and an opinion on desired outcomes can be formulated and communicated. To accomplish this, we discussed inviting officials from the applicable agencies to make presentations to the Council on proposed plans during the plan review periods.

At the meeting the group also agreed that it would be very beneficial for all Councilmembers to have a general understanding of the purpose of the various regional plans and how these plans interface with the City's Comprehensive Plan and future planning efforts. Thus, staff agreed to research training opportunities for the City Councilmembers on comprehensive planning and plan implementation under the Washington State Growth Management Act. Staff became aware of a training opportunity provided by the Washington Department of Commerce being offered at the City of Mukilteo on September 17, 2019.

September 17, 2019 Short Course

On September 17, 2019, Councilmembers Steckler, Todd, and Vignal plus City Manager Ciaravino, Public Works and Development Services Director Hortillosa and Planning Manager Rogers attended the Short Course. There was a lot of information that was presented that would be of value to the Council as the City reviews and provides input into regional plans and prepares its comprehensive plan and development regulations. There was also training on the Open Public Meetings Act and the Public Records Act.

At the September 24, 2019 Council meeting, staff would like to share/present information from the Short Course that we think will be useful going forward in reviewing and preparing plans and regulations. Also, Councilmembers that attended the Short Course will have an opportunity to share what they learned at the training. We look forward to this discussion.

City Council Agenda Summary
Page 2

CITY MANAGER RECOMMENDATION:

- None at this time. Discussion only.

ATTACHMENTS:

- Presentation slides from Short Course

Respectfully Submitted:



Michal G. Ciaravino
City Manager

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A SHORTCOURSE



Department of Commerce

ON LOCAL PLANNING

A Short Course on Local Planning

Tuesday, September 17, 2019, 6:15 – 9:15 p.m.

Mukilteo City Hall, 11930 Cyrus Way, Mukilteo, WA 98275

Hosted by the City of Mukilteo

Agenda:

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON.....Scott Missall, Attorney at Law
The statutory basis of planning in Washington State, and early planning statutes.
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Michelle Whitfield, PLA, Planner
An overview of Growth Management Act requirements for local planning. Ideas and
tools for implementing and updating the comprehensive plan.
- 7:30 – 7:40 BREAK
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES.....Joe Tovar, FAICP, Planner
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions,
tips for encouraging public involvement, best practices for effective meetings.
- 8:10 – 8:50 OPEN GOVERNMENT LAWSScott Missall, Attorney at Law
Open Public Meetings Act (OPMA) and Introduction to the Public Records Act (PRA). This
training meets the requirements of RCW 42.30.205 requiring every member of a governing
body to take OPMA training within 90 days of taking an official role, and every four years
thereafter, as long as they remain in that role. Attendees will receive a certificate of
training.

8:50-9:15 QUESTIONS AND ANSWERS.....



Planning Association
of Washington



Insurance Authority



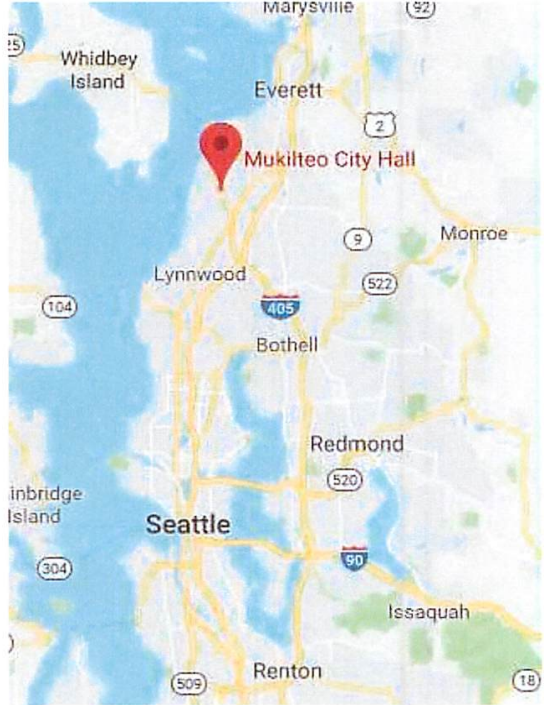
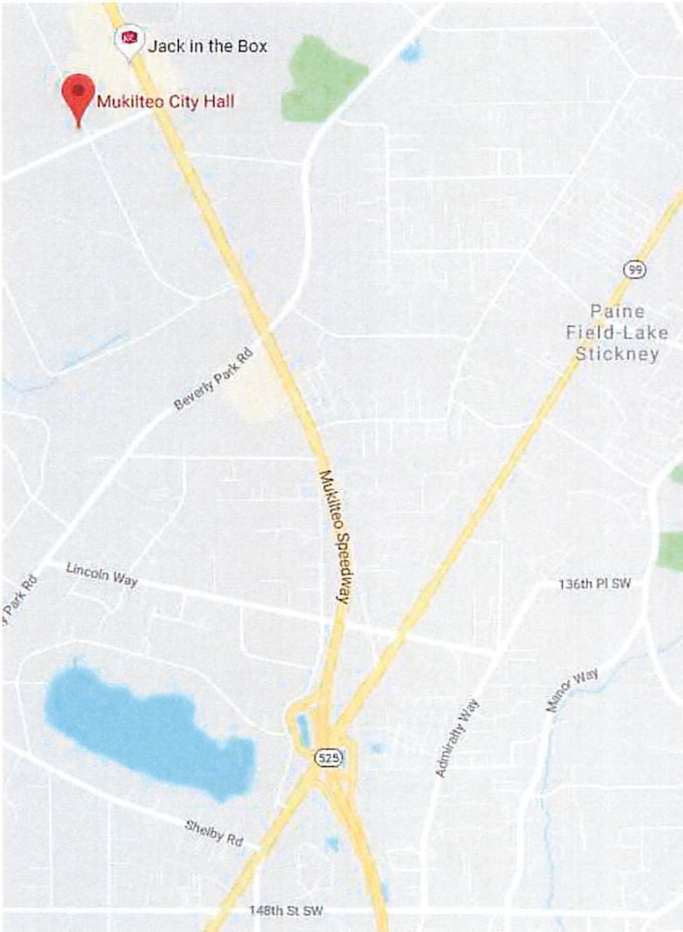
American Planning Association
Washington Chapter



REGISTRATION: Please register for the Short Course by September 10, 2019, by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to shortcourse@commerce.wa.gov or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event. There is no cost to attend the Short Course.

SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT: www.commerce.wa.gov/serving-communities/growth-management/. Agendas and presentations for past courses will be on the web site for the calendar year.

MAP OF LOCATION:



- City elected officials will earn 3 CML credits in Community Planning and Development
- County elected officials will receive 2 core credits towards Certified Public Official Training
- For WCIA members, attendance at the Short Course provides COMPACT training credit
- For RMSA members, the Short Course meets the requirements of the Land Use Advisory Member Standards
- For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

MODERATOR: Michelle Whitfield, Senior Planner, Growth Management Services
Washington State Department of Commerce
michelle.whitfield@commerce.wa.gov 360.725.3053

PRESENTERS: Scott Missall, Attorney at Law, Ogden Murphy Wallace, PLLC
smissall@omwlaw.com 206.515.2241

Joseph Tovar, FAICP, Principal, Tovar Planning
joe@tovarplanning.com 425.263.2792 www.tovarplanning.com

ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON

Department of Commerce, Growth Management Services <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the “Short Course on Local Planning” Key Topic.

Municipal Research and Services Center of Washington at www.mrsc.org: See *A Planner’s Pocket Reference* at www.mrsc.org/subjects/planning/PocketRef.aspx, which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

Washington State Office of the Attorney General Trainings on Open Government, Open Public Meetings Act and Public Records Act training at www.atg.wa.gov/OpenGovernmentTraining.aspx

OUR SHORT COURSE PARTNERS

Planning Association of Washington (PAW) is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. www.planningpaw.org Partner since 1980.

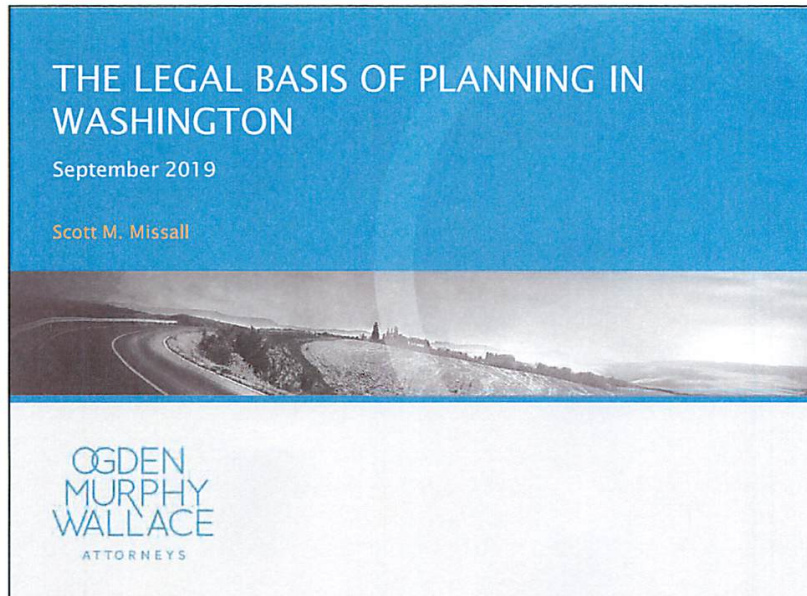
The Washington Cities Insurance Authority (WCIA) is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. www.wciapool.org/ Partner since 2009.

Washington Chapter of the American Planning Association (WA-APA) www.washington-apa.org/ Partner since 2014.

Association of Washington Cities (AWC) and the Risk Management Services Agency (RMSA) www.awcnet.org/ and www.awcnet.org/PropertyLiability.aspx See *GMA Comp Plan Conversation Starter* videos . www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx Partner since 2015.

A Short Course on Local Planning: Training citizen planners since 1977

www.commerce.wa.gov/serving-communities/growth-management/ 360.725.3064



**Introduction to
Land Use Law and Local
Planning**

Part I: Basic Planning History & Context
Part II: Key Planning & Land Use Laws
Part III: Constitutional Standards & Property Rights

OMW 2

MODERN ZONING AND LAND USE
REGULATION BEGINS

[Village of Euclid v Ambler Realty Co. \(1926\)](#)

Zone districts approved

Land use regulations validated

Height, bulk & scale

Open spaces

Nuisances

Police power authority validated

Land use zones & zoning maps

Variances

OMW

3

MODERN ZONING AND LAND USE
REGULATION BEGINS

[Village of Euclid v Ambler Realty Co. \(1926\)](#)

“While the meaning of constitutional guaranties never varies, **the scope of their application must expand or contract to meet the new and different conditions** which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise.”

“If the validity of the legislative classification for zoning purposes be fairly debatable, the **legislative judgment must be allowed to control.**”

OMW

4

CONSTITUTIONAL AUTHORITY

Washington Constitution, Art. 11

Sec. 11: Police and Sanitary Regulations

“Any county, city, town or township **may make and enforce** within its limits all such **local police, sanitary and other regulations** as are not in conflict with general laws.”

OMW

5

BASIC PLANNING HISORY

Planning Enabling Acts

RCW Chapter 36.70 (Counties; 1935)

RCW Chapter 35A.63 (Code Cities; 1967)

Planning Tools Created

Comprehensive Plans

Required elements: Land Use & Circulation

Planning Structure & Components

Planning Staff

Planning Commission / Brd of Adjustment

Hearing Examiner / City Council

OMW

6

KEY PLANNING & LAND USE STATUTES

- Plat & Subdivision Statute (1969)
- State Environmental Policy Act (SEPA) (1971)
- Shorelines Management Act (SMA) (1971)
- Growth Management Act (GMA) (1990)
- Local Project Review (1995)
- Land Use Petition Act (LUPA) (1995)

KEY PLANNING & LAND USE STATUTES

- Plat & Subdivision Statute
- RCW Chapter 58.17
- Plats & Subdivisions**
 - Long & Short; Preliminary & Final
- BSPs & PADs**
 - Commercial & MF; Mixed Use
- Review & Approval Process**
 - Application; Staff Review; Hearing Examiner
- Legislative & Enforcement Roles**
 - Planning Commission & Council

KEY PLANNING & LAND USE STATUTES

Plat Dedications & Conditions of Approval

The City legislative body . . . shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedication.

RCW 58.17.110

KEY PLANNING & LAND USE STATUTES

State Environmental Policy Act (SEPA)

RCW Chapter 43.21C / WAC Chapter 197-11

Goals

- Identify impacts on natural and built environment
- Meaningful & timely decisions

Process Driven

- Broad scope (Comp. Plan; Regs; Projects)
- Full information (THD; EIS; Science-based)
- Coordinated review

KEY PLANNING & LAND USE STATUTES

“Substantive authority” to condition or deny projects

- Avoid impacts (change project)
- Minimize impacts (reduce consequences)
- Rectify impacts (repair / restore)
- Ameliorate impacts (preserve / maintain)
- Compensate for impacts
 - Offsite remedies / mitigation fees
- Protect critical areas
 - Wetlands / slopes / habitat / etc.

OMW

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KEY PLANNING & LAND USE STATUTES

Shorelines Management Act (SMA)

RCW Chapter 90.58 / WAC 173-26 (SMPs) /
WAC 173-27 (Permits; Enforcement)

Scope

Marine waters (+200'); lakes; rivers;
wetlands; water-dependent uses

Substantive Goals

Preserve & restore shorelines / access
Preserve & restore ecological functions
“No net loss”

OMW

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KEY PLANNING & LAND USE STATUTES

State Primacy

- Shorelines policy
- Consistent shoreline master programs
- Permit review
- Local coordination of SMPs / permits

Enforcement

- Dept. of Ecology / Fish & Wildlife
- Shorelines Hearings Board
- Federal Agencies with Jurisdiction
 - Corps of Engineers / WDFW / Cities

OMW

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KEY PLANNING & LAND USE STATUTES

Growth Management Act (GMA)

RCW Chapter 36.70A (Planning)

Comprehensive & Coordinated Planning

- Urban-Rural areas
- "Smart growth"
- Sufficient infrastructure (Concurrency)
 - Impact fees
- Critical areas protections

Enforcement

Growth Management Hearings Board (GMHB)

OMW

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KEY PLANNING & LAND USE STATUTES

Local Project Review

RCW Chapter 36.70B

Integrate SEPA and GMA

Avoid duplicative analysis and mitigation

Streamline SEPA threshold determinations

Streamline project review process

Concurrent review

One open record hearing

Vested project status

OMW

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KEY PLANNING & LAND USE STATUTES

Land Use Petition Act (LUPA)

RCW Chapter 36.70C

Uniform / Expedited Land Use Appeals

21-day appeal period

Record review

Project (not planning) focus

Deference to underlying decision

Enforcement

Administrative hearing

Expedited Superior Court appellate review

Favorable proof burden

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CONSTITUTIONAL STANDARDS &
PROPERTY RIGHTS

Fundamental Rights on Tuesday Nights

How the
Federal and Washington
Constitutions
Affect Land Use Planning and Decisions

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CONSTITUTIONAL STANDARDS &
PROPERTY RIGHTS

Constitutional Issues are Everywhere

Federal Sources
State Sources
Statutes
Case Law

Pay Attention to Them!

Due Process
Property Rights
Justice

OMW

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CONSTITUTIONAL STANDARDS &
PROPERTY RIGHTS

The Starting Point

“The basic rule in land use law is still that, **absent more**, an individual **should** be able to utilize his land as he sees fit.”

Norco Construction v. King County,
97 Wn.2d 680 (1982)

Needless to say, there is plenty of “more” – No action is an island.....

CONSTITUTIONAL STANDARDS &
PROPERTY RIGHTS

Procedural Due Process (5th & 14th Amendments)

Notice and Opportunity to be Heard
Intelligent participation

Reasonable Laws
Not “void for vagueness”

Quasi-Judicial Power & Forums
Was it the right forum?
Was the right process followed?
Was the process fair?

**CONSTITUTIONAL STANDARDS &
PROPERTY RIGHTS**

Substantive Due Process

Focuses on the Outcome of Actions
Not "Unduly Burdensome"

Regulations Should
Have a legitimate public purpose
Appropriately accomplish the purpose
Be reasonable
Be clear

EMINENT DOMAIN

Sources and Standards

U.S. Constitution, Fourth Amendment
"Nor shall private property be taken for public use
without just compensation"

Washington Constitution, Art. I, § 16
"Private property shall not be taken for private use"
"No private property shall be taken or damaged for
public or private use without just compensation
having first been made"

EMINENT DOMAIN

Methods of "Taking" Property

Condemnation

Affirmative use of eminent domain to acquire property

Procedural requirements include notice, PUN, trial, just compensation

Inverse Condemnation

Taking property without affirmative use of eminent domain (*i.e.*, without legal authority)

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EMINENT DOMAIN

Types of Property Takings

Physical

Physical appropriation of property

Regulatory

Deprivation of all economic use by regulation

Reasonable use exceptions for critical areas

Exactions (\$\$) & Dedications (Land)

Require nexus + proportionality

Conditions of Approval

Vast & varied

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RELATED PLANNING CONCEPTS

Vesting

Entitlement to develop land under [certain] laws in effect at time of complete application

Moratorium

Common law
RCW 36.70A.390 / Other
“Swift Pause” + Hearing + Studies

Arbitrary & Capricious Action

Common law
RCW Chapter 64.40

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PLANNING AND PERSONAL RIGHTS

Equal Protection (5th & 14th Amendments)

Protects classes (but not discrimination)
Similar treatment in similar circumstances
Rational basis for disparate treatment
Strict scrutiny applies if fundamental rights affected (e.g., voting or race)

Expression, Association, Religion (1st Amendment)

Comment, protest and assembly
Temples, mosques, and churches
Adult businesses and entertainment
Signs – Commercial v. Political Speech
Verbal v. Nonverbal

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AND WE'RE DONE!

Questions?

Scott M. Missall
Ogden Murphy & Wallace PLLC
smissall@omwlaw.com

2006186 [9.2019]

OMW 27


9/10/2019

A SHORTCOURSE
ON LOCAL PLANNING

Topics:

- Why plan?
- Comprehensive planning
- Implementing your plan
- Updating your plan





Comprehensive Planning under the Growth Management Act




 Department of Commerce


Anne Fritzel
 Senior Planner, Growth Management Services
 Washington State Department of Commerce

We strengthen communities

The Department of Commerce touches every aspect of community and economic development. We work with local governments, businesses and civic leaders to strengthen communities so all residents may thrive and prosper.

 Energy  Planning  Infrastructure  Business Assistance

 Community Facilities  Housing  Safety / Crime Victims

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Why is Planning Important?




- Protect the good things about your community
- Agree on a shared vision for the future of your community
- Identify community needs
- Identify strategies to implement the vision and meet needs
- Agree on local spending priorities
- Build your sense of community

3


Manage Public Expectations






"This affects my neighborhood and my home. I should have a say in what happens."

"I need to know what I can do and when I can get my permit"

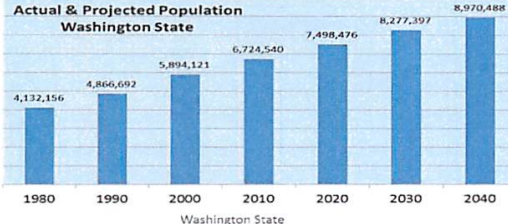


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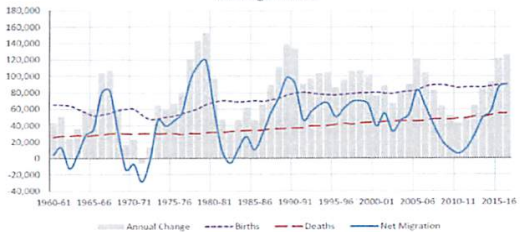
9/10/2019

Plan to Accommodate our Future Population

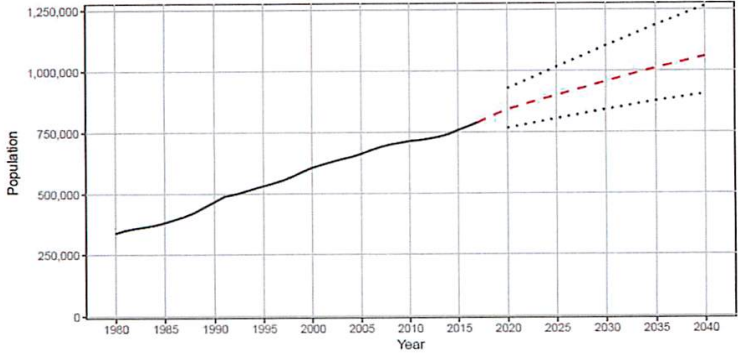
Between 1990 and 2010, our state's population grew from 4.1 to 6.7 million people. We are expected to reach 9 million by 2040. (OFM)



Components of Population Change 1960 - 2017
www.ofm.wa.gov

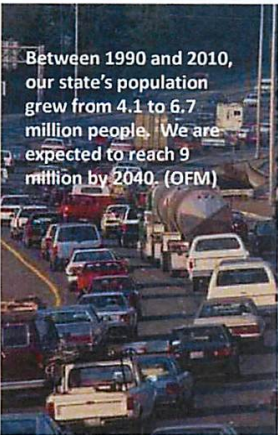


Snohomish County, 2017 GMA Projections



9/10/2019

Why a Growth Management Act (GMA)?



Between 1990 and 2010, our state's population grew from 4.1 to 6.7 million people. We are expected to reach 9 million by 2040. (OFM)

The GMA was adopted in 1990 as a statewide planning framework to:

- Address uncoordinated development and urban sprawl
- Manage threats to the quality of life in Washington
- Require local planning, guided by state law, and regionally enforced

RCW 36.70A

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14 GMA Goals

RCW 36.70A.020

- Encourage compact urban growth
- Reduce sprawl
- Encourage coordinated, multimodal transportation
- Encourage affordable housing
- Encourage economic development
- Protect property rights
- Predictable permitting
- Maintain natural resource industries
- Retain open space, enhance recreation
- Protect the environment
- Encourage citizen participation
- Ensure availability of public facilities and services
- Encourage historic preservation
- Manage shoreline development


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9/10/2019

The Land Speaks First	Fully or Partially Planning?	Countywide Planning Policies	Local Comprehensive Plan and Regulations
-----------------------	------------------------------	------------------------------	--


The Land Speaks First



All counties must **designate and conserve natural resource lands** of long-term commercial significance.

- Agricultural lands
- Forest lands
- Mineral resource lands


RCW 36.70A.170



All jurisdictions must **designate and protect environmentally critical areas**. "Best available science" must inform regulations that protect the functions and values of:

- Frequently flooded areas
- Geologically hazardous areas
- Aquifer recharge areas
- Fish and wildlife habitat conservation areas
- Wetlands

RCW 36.70A.172

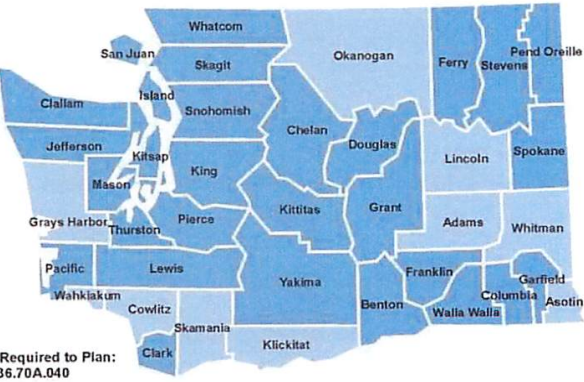


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Fully or Partially Planning?


Faster Growing Counties Must Do More

Growth Management Act Mandate to Plan



GMA Required to Plan: RCW 36.70A.040

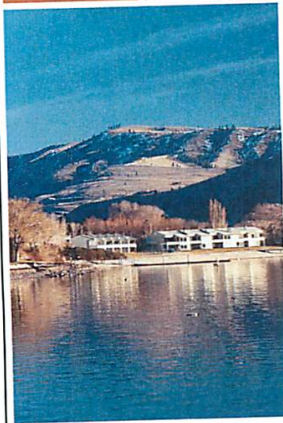
- Fully Planning
- Critical Areas and Resource Lands



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Innovation is in our nature.

9/10/2019

Countywide Planning Policies



Regional framework to:

- Plan for future growth and address countywide population projections from the State Office of Financial Management.
- Designate and plan for urban growth areas and expansions to designated urban areas
- Plan for countywide facilities such as highways or airports
- Consider affordable housing needs
- Plan for countywide economic development
- Puget Sound region has multicounty planning policies assembled in Vision 2050.

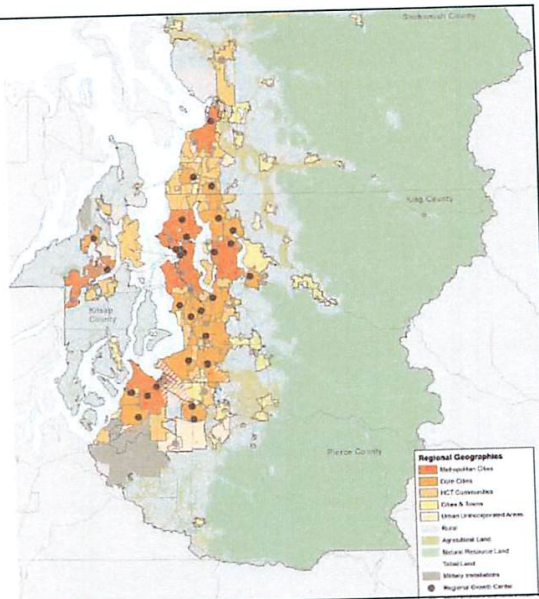


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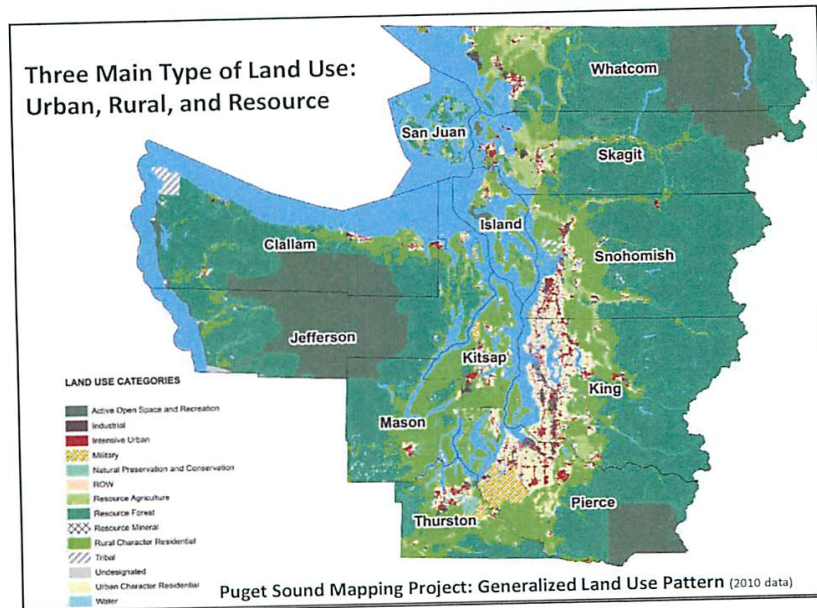
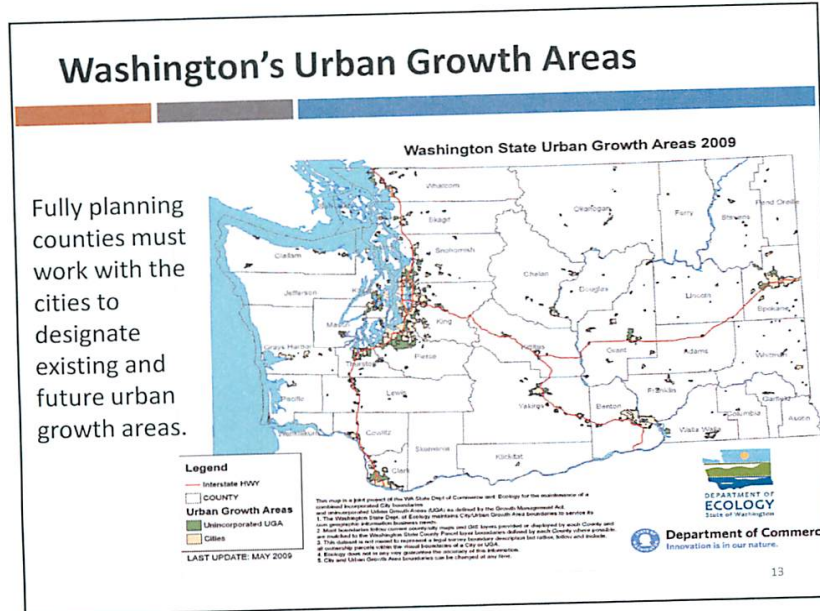
11

Multicounty Planning Policies

Vision 2050
Density
Transportation
Economy



9/10/2019



9/10/2019

Allocating population – Designating UGAs

Urban areas to contain most of new growth

- UGA size based on 20-year countywide population projections from OFM
- Greater housing / job densities
- Efficient use of facilities/public dollars

Rural areas to maintain rural character

- Low-density development
- Rural service levels
- Agriculture/Forestry



BENTON COUNTY
LAND USE MAP 4.2

- UGA
- URBAN GROWTH AREA
- RURAL LANDS
- LIGHT INDUSTRIAL
- OMA AG
- PUBLIC

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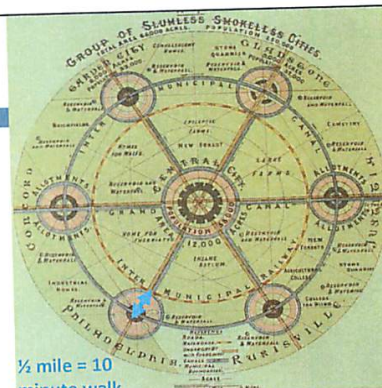
What is "good planning"?

Rural areas:

- Low-density development
- Rural service levels
- Agriculture/Forestry

Urban areas:

- The community (or neighborhood) is walkable
- Multimodal transportation is supported
- Housing is affordable



1/4 mile = 10 minute walk
Garden City by Ebenezer Howard (1920s)



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What is "good planning"?

Under the GMA, land is to be designated natural resource, rural, or urban.

- Cost-effective sewer, water and stormwater systems serve urban areas.
- Rural areas have fewer services.
- The transportation system supports the land use plan.

A version of the original Transect diagram, with six successional zones from nature to urban core, with special district. By DPZ.
New Urbanists Andres Duany and Elizabeth Plater Zyberk

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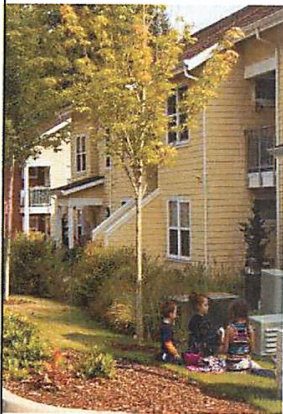
How does your community work for people?

- Are uses mixed so people walk or bike to work or services?
- Can kids walk to school? Can teenagers and other non-drivers get around independently?
- Are there housing options for all economic segments of the community?
- Are there economic opportunities?


Photo Credit, Randall Arendt, "Rural by Design"

9/10/2019

Required Elements of the GMA Comprehensive Plan




- **Land Use:** Land uses, stormwater planning, ground water, physical activity
- **Transportation:** Inventory, assessment of current and future needs, bicycle and pedestrian component
- **Housing:** Identifies the character of residential areas, Inventories existing and projected housing needs and types, Identifies sufficient land for all types of housing
- **Utilities:** Inventory, assessment of current and future needs, coordination between providers and land development.
- **Capital Facilities:** Inventory, assessment of current and future needs, coordination of planning affordability analysis of serving the land use plan.
- **Rural (counties only):** Define and protect rural character.



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RCW 36.70A.070 and WAC 365-196 19

The Plan Must Be Coordinated and Consistent




Internal consistency

- Is the plan based on the same set of assumptions? Do the plan elements all tell the same story?
- Can adequate public facilities be provided with planned development? (concurrency)

External consistency

- Countywide planning policies
- Adjacent jurisdictions



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Adopting the Comprehensive Plan



Plan Adoption Process

- Public outreach early and often
- Review by Planning Commission
- Complete SEPA environmental review
- 60-days notice to state before adopting
- City or County Council must adopt the comprehensive plan

Plan Updates and Appeals

- Can be amended only once per year
- Must be updated every 8 years
- Appealable within 60 days to a regional Growth Management Hearings Board

www.gmhb.wa.gov



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Implementing your Comprehensive Plan

Community Vision



Comprehensive plan goals and policies



Implementation strategies:

- Development regulations
- Infrastructure spending priorities



- Every permitted project
 - Every spending decision
- Is consistent with the Vision**

- **Development regulations** must be consistent with and implement the comprehensive plan.
- **Capital Improvement Plans (CIP)** priorities for local infrastructure investments must be consistent with the comprehensive plan.
- **Other activities** can implement and must be consistent with the goals of the plan.



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Development regulations implement the plan and set standards for development



- **Traditional zoning** considers *maximum* densities and *minimum* lot sizes for efficient land use. Form based codes focus on design details.
- **Critical area regulations** set buffers and restrictions in critical areas.
- **Subdivision regulations** set out the process for dividing land and ensure “adequate provisions” for utilities, parks, schools, and other requirements of development.
- **Public works standards** set out street widths and other standards related to public facilities.
- **Other regulations** such as design standards, signs, landscaping, and parking regulate appearance, health, and safety within the community.

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Capital Facilities: What can we afford?




Level of Service: Local expectation for a facility as development occurs.

- Required for transportation facilities.

Concurrency programs ensure that transportation and other facilities keep pace with growth.

- If a new development would decrease system level of service, the development must be denied, or the levels of service must be reassessed.

Reassessment: If revenues can’t pay for needed facilities over the life of the plan, the land use element must be reassessed.

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Other programs can implement comprehensive plan goals



- Interlocal agreements
- Planned action (Upfront environmental review of a sub-area)
- Streamlined development process for specific types of development
- Incentives such as tax exemptions for community benefits such as Open Space or Multifamily Housing
- Impact fees
- Transfer of development rights.
- Volunteer programs

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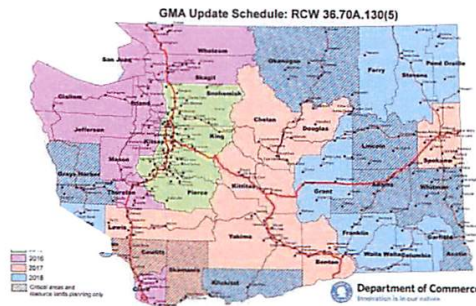
25

Grant and Loan Programs Requiring Update Completion:

- Public Works Trust Fund
- Drinking Water State Revolving Fund
- Centennial Clean Water Fund
- Recreation and Conservation Office
- Pre-Disaster Mitigation Grants

Updating your Comprehensive Plan:

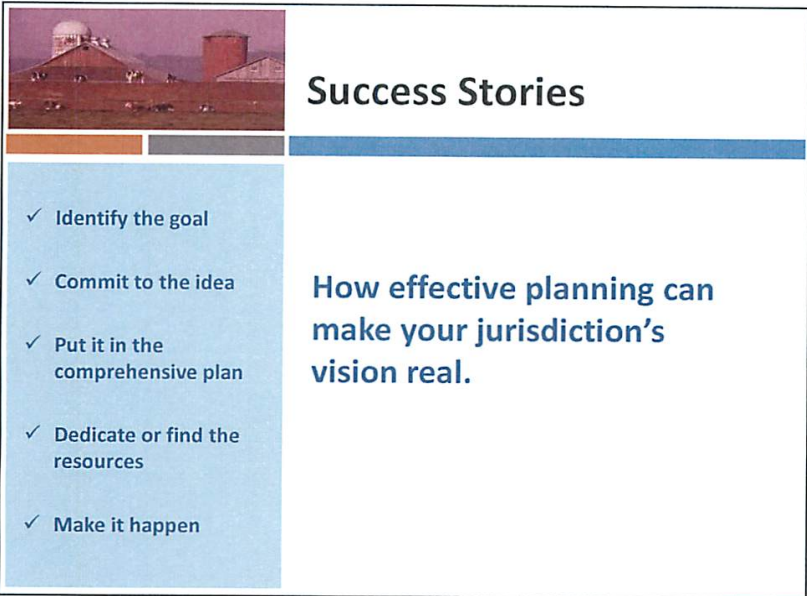
Updates are due every eight years, by June 30th



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2015 2016 2017 2018

9/10/2019



Success Stories

- ✓ Identify the goal
- ✓ Commit to the idea
- ✓ Put it in the comprehensive plan
- ✓ Dedicate or find the resources
- ✓ Make it happen

How effective planning can make your jurisdiction's vision real.

The slide features a header image of a farm with a white dome structure and a red barn. Below the header is a blue bar. The main content is on a light blue background with a list of five steps, each preceded by a checkmark. To the right of the list is a bolded statement in blue text.



Grandview Public Investments Leverage Private Improvements

- 2008 Downtown Plan
- Grants and small funds for streetscape improvements
- Encouraged building owners to improve privately owned buildings
- Within neighborhoods, CDBG funds constructed new streets and sidewalks and encouraged residential investments

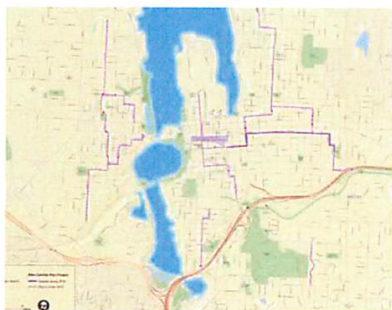


The slide has a title in bold black text. Below the title is a list of four bullet points. To the right of the list is a photograph of a city street corner. The photo shows a sidewalk with a trash can, a large planter with pink flowers, and buildings in the background under a clear blue sky.

9/10/2019

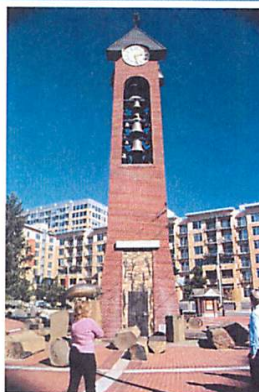
Bicycle Corridors in Olympia

Transportation Policy PT25.4 *Explore the use of bicycle boulevards to support novice and family bicycling - streets with low volumes and special accommodations for bicycling.*



Planned Actions as Economic Development Tools

- Subarea plan that integrates GMA and SEPA
- Several dozen adopted, including:
 - Downtown Burien
 - Vancouver (Esther Short Park)
 - Tacoma Downtown



9/10/2019

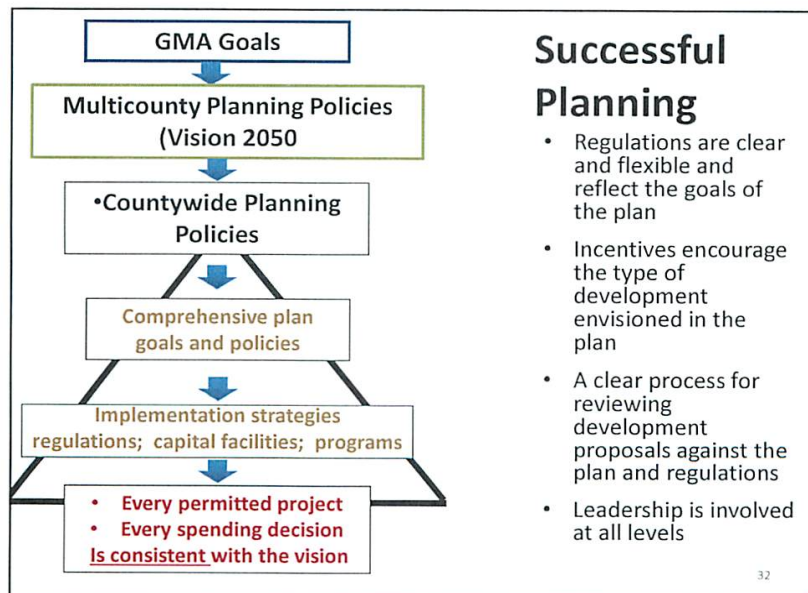
Hoquiam Residential Sidewalk Partnership Program

2005: Hometown
Hoquiam process identifies sidewalk repair as priority for the city.

2008: Residential Sidewalk partnership Program began


By 2010:
City had spent \$75,000 hiring summer teams to replace sidewalks.
Homeowners invested \$35,000 paying about \$10 per linear foot. Saved more than \$100,000.





9/9/2019

*Roles and Responsibilities in the Planning Process:
Best Practices for Local Governments*



Joseph W. Tovar
FAICP

- Organizing for a Shared Mission
- Roles and Responsibilities
- Agendas
- Running effective Public Meetings and Hearings
- Tips for Council/Commission/Staff Communication

9/9/2019

What is the "Shared Mission"?

- ❖ *Serving the citizens of our community*
- ❖ *Helping shape our community' s future and honor its past*
- ❖ *Working together to build a great county/great city*
- ❖ *Insert your community's Mission Statement here*

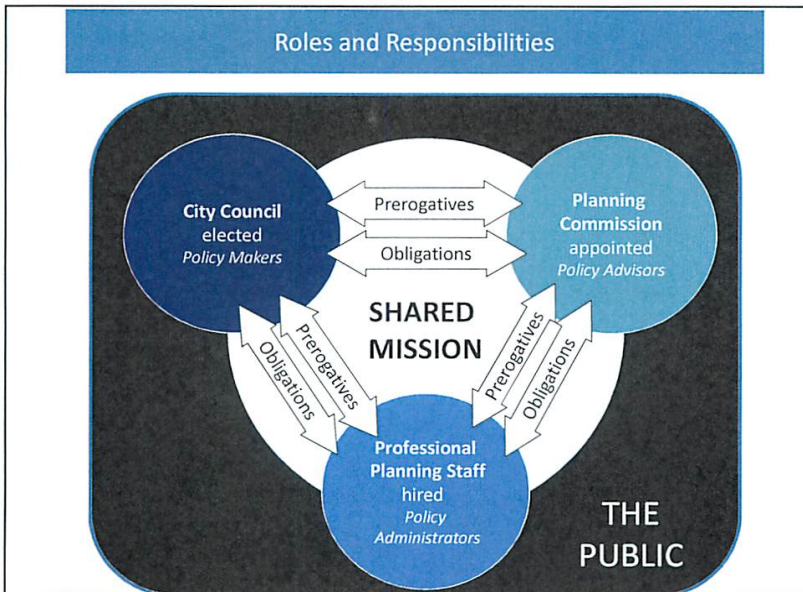
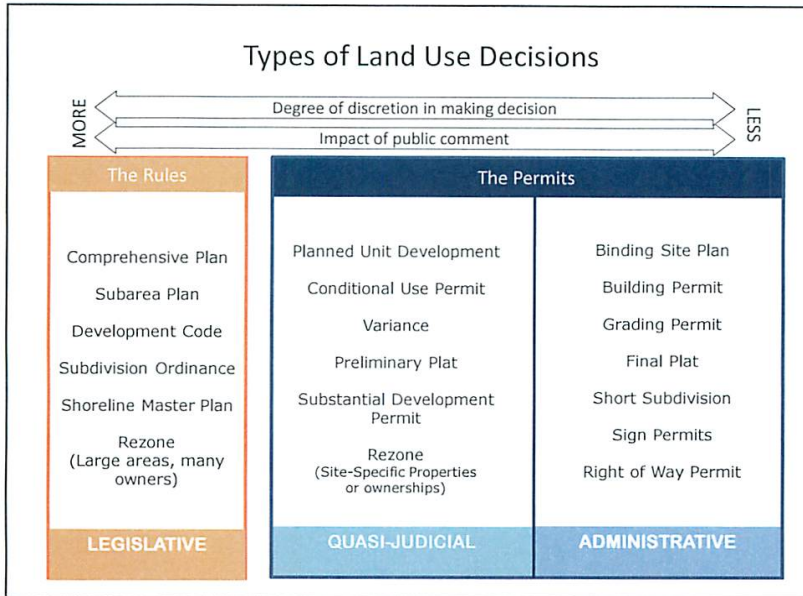
◆ Land Use Decisions fall into three broad categories:

1. Legislative;
2. Quasi-Judicial; and
3. Administrative

◆ Most Planning Commissions deal only with Legislative Matters – but that is not a small or insignificant responsibility

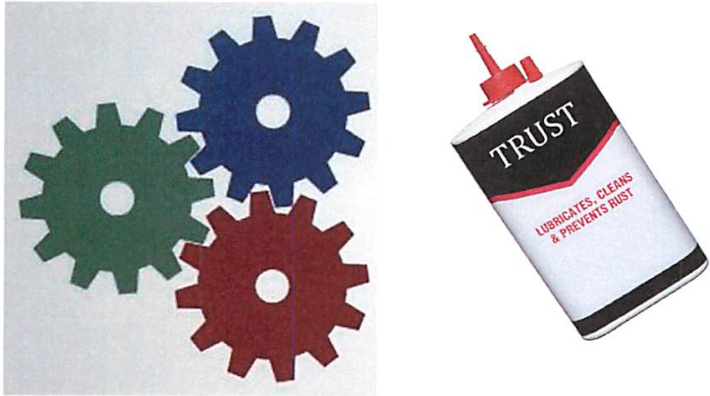
◆ GMA consistency requires all permit decisions to be consistent with the controls imposed through development regulations, which in turn are guided by comprehensive plans

9/9/2019



9/9/2019

Playing your respective roles, and supporting others in playing their distinct and different roles, builds mutual trust as well as credibility for the city organization in the eyes of the public



City Council Role: POLICY MAKERS

- As elected officials, they represent and are directly accountable to the governed
- Appoint citizens to the Planning Commission, provide policy direction regarding the work program and allocate resources to achieve it
- Take final action on all *legislative* matters, including the adoption and amendment of comprehensive plans, development regulations and capital budgets
- Take final action on those *quasi-judicial* matters that local code assigns to the legislative body

9/9/2019

City Council Obligations

1. Respect and support the Planning Commission's Role
2. Appoint citizens to the Planning Commission who will commit the time and care needed to do their job right
3. Carefully review the recommendations from the Commission - take the time to understand the record and rationales
4. Agree with the Commission when you can, disagree when you must
5. When disagreeing with Commission, take the time to explain "why"
6. Provide periodic two-way feedback to the planning commission - meet jointly at least annually
7. Provide direction, scope and resources for the Planning Commission's work program

Planning Commission's Role: POLICY ADVISORS

- The Planning Commission is the first and primary body responsible for soliciting and hearing public input on land use matters in a community
- Planning Commission members bring an important expertise to the consideration of plans and implementation – they reflect the perspective, experience, and values of their community
- The Commissioners listen to the staff recommendation and public input, weigh all the evidence, pay attention to the relevant criteria, and then make a thoughtful well-considered recommendation to the City Council



9/9/2019

Planning Commission's Obligations


1. Respect and support the City Council's roles and prerogatives
2. Do your homework. Read the packet before the meetings
3. Give careful consideration and weight to all the public testimony, facts, and criteria that govern a particular land use decision
4. Have an open mind, treat all parties with due respect, and strive to persuade rather than argue
5. At a hearing, address applicants, citizens and staff by surname or title. Informal use of first names may suggest undue influence
6. Give appropriate deference to technical judgments within the staff's areas of expertise
7. Gracefully accept that the City Council will not always agree with the Planning Commission's recommendations

Each member of a deliberative body brings his or her own perspective, experiences, and opinions to the table – but remember that a well-functioning deliberative body is a TEAM



9/9/2019

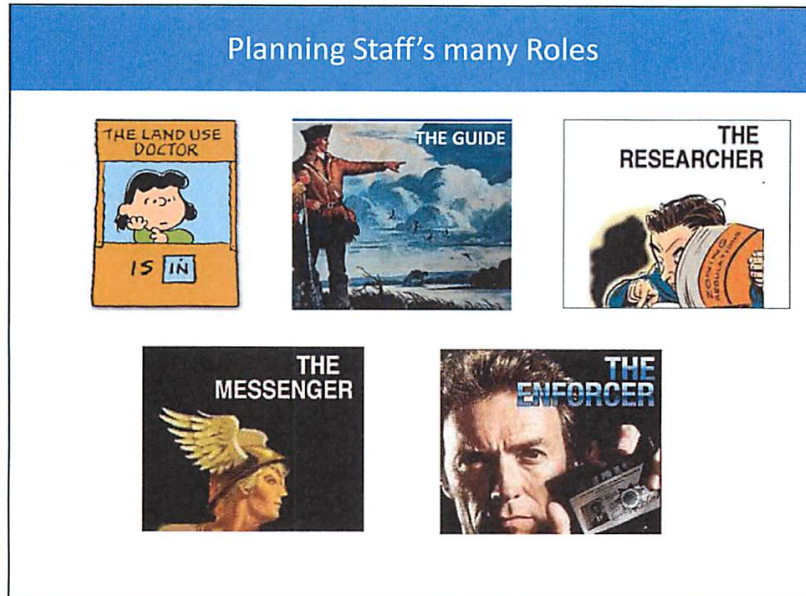
Great teams consist of distinct, even colorful, individuals.
But DON'T BE THIS GUY.



**City Council and Planning Commission
Obligations to Staff**

- Rely on the staff to administer and enforce the City Council's adopted policies and regulations - don't "micro-manage"
- Keep the workload priorities and schedule expectations in alignment with the resources available
- Give appropriate deference to technical judgments within the staff's areas of expertise
- If unhappy with staffs' administrative decisions or job performance, they should take the matter up privately through channels, not publicly


9/9/2019



- ### Planning Staff's Obligations
- Present thorough, objective analysis, reasonable alternatives, and professional recommendations based on good facts and best practices
 - Carry forward and explain the Planning Commission recommendation to the City Council, even if the staff did not agree with some part of it
 - Respect and support the Commission's policy-advising role and the City Council policy-making prerogatives, including their prerogative to disagree with staff and Planning Commission recommendations
 - Provide responsive, complete, and timely answers to questions

9/9/2019

Agendas


 **CITY OF LAKE WOBEGON**
123 Garrison Avenue, Lake Wobegon, WA
206.555.1234 www.wobegonwa.gov

PLANNING COMMISSION AGENDA
7:00 PM, May 18, 2018

1. CALL TO ORDER/ROLL CALL
2. ANNOUNCEMENT OF AGENDA
3. COMMENTS FROM THE AUDIENCE (items not on the agenda)
4. STUDY SESSION
 - A. Zoning Code Chapter 11.3 and Miscellaneous Code Amendments File ZCA 18.31 - staff contact Sally Flacks (sflacks@lakewobegonwa.gov)
5. READING AND/OR APPROVAL OF MINUTES - April 28 Meeting
6. PUBLIC HEARINGS
 - A. Downtown Subarea Plan File CPA 18.3 - Staff contact Dieter Horn (dhorn@lakewobegonwa.gov)
7. ADMINISTRATIVE REPORTS
 - A. City Council Actions
 - B. Hearing Examiner Actions
 - C. Public meeting Calendar Update
 - D. Set date for Planning Commission Retreat
8. SELECTION OF PLANNING COMMISSION OFFICERS
9. COMMENTS FROM THE AUDIENCE
10. ADJOURNMENT

Public meeting and hearing rules (see reverse)

Public Meetings and Hearings



9/9/2019

Tips for Running the Public MEETING

- It is the chair's role to gatekeep –to announce the agenda, manage the flow of items and comment, enforce time limits and maintain decorum
- As part of opening remarks, the chair should state that all public input will be given consideration, but it is the Commission's job to weigh all the information, including public comment, before reaching its own conclusions
- The chair's role is to also assure that all commissioners have an equal opportunity to ask questions and express opinions

Running a Public HEARING

- After the Chair declares the public hearing open, the staff should present their report, and then public input should be taken. Time limits may be placed on the length of public comment at the discretion of the chair
- PC members may ask questions of either the staff or those providing testimony – this should be for purposes of clarification, not argumentation
- Only after all information has been entered into the record should the Chair call for a motion to close the public hearing

9/9/2019

Effective Planning Commissions consist of a few good men and women who:



- Do the homework required
- Attend meetings regularly
- Keep open mind, listen, weigh, persuade, be persuaded
- Seek agreement but disagree agreeably
- Understand and accept the advisory role

Effective Communication is Essential to building TRUST



- From communication comes understanding
- From understanding comes respect
- From respect comes trust
- A failure to communicate, understand, respect, and trust
- ... is the path to the DARK SIDE

9/9/2019

	<h3>Opportunities for Communication</h3>
	<ul style="list-style-type: none">• Directors report every Planning Commission agenda• Planning Commission retreat• Annual/semi-annual joint meeting of Planning Commission with the City Council• Site tours with staff and Commission• CAUTION re Open Public Meetings
	

<h1>Q & A</h1>

9/9/2019

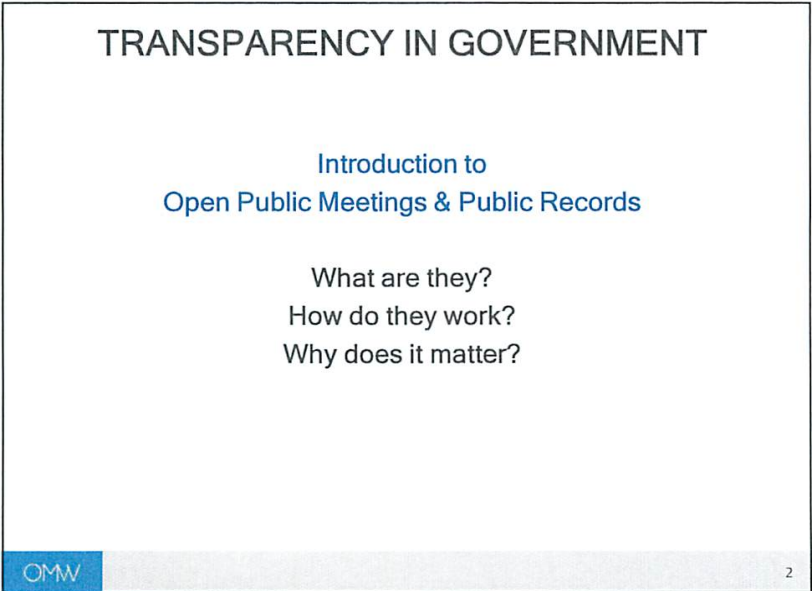
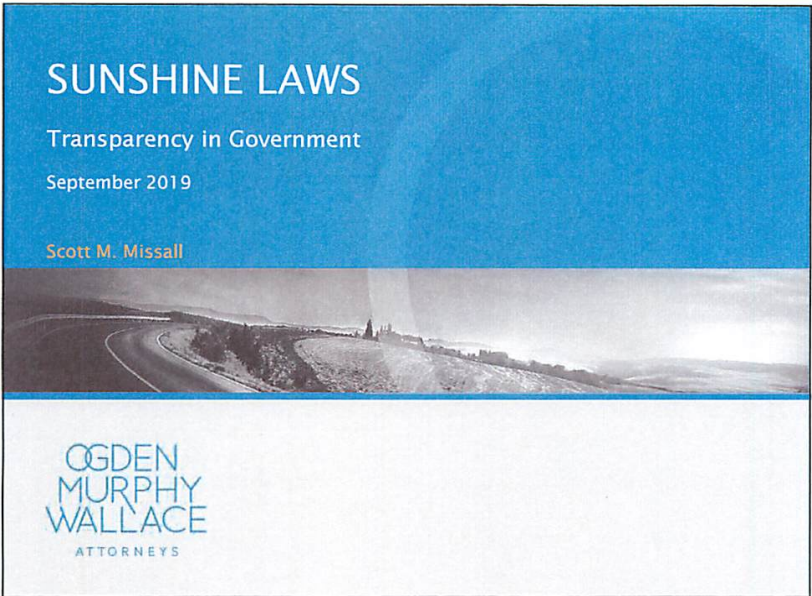
thank you!



Joseph W. Tovar
FAICP

T: 425.263.2792 E: joe@tovarplanning.com
540 Dayton Street, #202, Edmonds, WA 98020
www.tovarplanning.com

9/11/2019



9/11/2019

OPEN PUBLIC MEETINGS ACT

RCW Chapter 42.30

1971 initiative

Broad Purpose and Scope

All public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof

Exist to aid conduct of the people's business

Intent of this chapter that their actions be taken openly and that their deliberations be conducted openly

RCW 42.30.010

OMW

3

OPEN PUBLIC MEETINGS ACT

OPMA Basics

Open meetings required

Basic requirements

Exemptions

Executive sessions allowed

Limited purposes

Meeting control

Dates; events; conduct

Expulsion participants

Penalties for violation

OMW

4

2

9/11/2019

OPEN PUBLIC MEETINGS ACT

Meeting Requirements

All meetings of the governing body of a public agency

Shall be open and public

All persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

RCW 42.30.030

OMW

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OPEN PUBLIC MEETINGS ACT

Who and What is Covered?

Multi-Member Boards For Sure

- City Council
- Planning Commission
- Civil Service Commission
- Board of Adjustment

Maybe Others

- Library Boards
- Park Boards
- Council Committees

OMW

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3

9/11/2019

OPEN PUBLIC MEETINGS ACT

County/City Councils & Planning Commissions

Quorum + Action

"Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

"Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

OMW

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OPEN PUBLIC MEETINGS ACT

Committees, When They

- Hold hearings
- Take public comment
- Make decisions



OMW

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9/11/2019

OPEN PUBLIC MEETINGS ACT

Improper Meetings & OPMA Problems

- No “cooked decisions”
- No vote trading
- No actions/decisions outside of public meetings
 - Serial phone calls
 - Serial/reply-all emails
 - Texting and messaging
 - Tweeting and Facebook
 - Personal computers and phones

OMW 9

OPEN PUBLIC MEETINGS ACT

Types of Meetings

- Regular Meetings**
 - Scheduled by code
 - Consider any business coming to Council
- Special Meetings**
 - 24 hours public notice
 - Limited to listed topics & actions
- Adjourned Meetings**
 - Post Notice
 - Regular in all other respects

OMW 10

9/11/2019

OPEN PUBLIC MEETINGS ACT

Common Executive Sessions - 1

Personnel

Receive and evaluate complaints or charges against public employees or officers

Evaluate qualifications of applicants for public office

Contracts

Review negotiations of publicly bid contract when public knowledge will cause likelihood of increased cost

Labor negotiation/enforcement strategy

Collective bargaining sessions

OMW

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OPEN PUBLIC MEETINGS ACT

Common Executive Sessions - 2

Litigation and Legal Advice

With legal counsel **present**

Enforcement **actions**

Ongoing and potential **litigation**

Specifically threatened

Reasonably probable

Risks of actual or proposed action or policy

OMW

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9/11/2019

OPEN PUBLIC MEETINGS ACT

Common Executive Sessions - 3

Real Estate

Selection of site for **acquisition by lease or purchase** when public knowledge will cause **likelihood of increased price**

To consider **minimum price** RE will be **offered for sale/lease** when public knowledge will affect price;
Excludes discussion of general contextual factors

Final action to sell/lease must be in open session

OMW

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OPEN PUBLIC MEETINGS ACT

Control of Meetings

Time Limits

Specify in Agenda; Apply Uniformly

Roberts Rules

Regular / Short / Homestyle; Use them

When Problems Arise

Recess meeting

Adjourn meeting

Remove offenders

Adjourn to a new location/time

OMW

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9/11/2019

OPEN PUBLIC MEETINGS ACT

OPMA Penalties

Violation by Member

- Knowing violation
- \$500 fine - first offense
- \$1000 fine - subsequent violations

Violation by Agency

- Actions at illegal meetings are null and void
- Pay attorneys fees (if lose suit)
- Can redo action at later meeting

RCW 42.30.120

OMW

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PART 2 PUBLIC RECORDS ACT

RCW Chapter 42.56

- 1972 initiative
- Model rules at WAC 44-14

Goals

- Transparent government
- Accessible documents
- Liberal construed; Limited exemptions

What It Actually (Essentially) Means

- Every document in the possession of any government agency may be inspected and copied

OMW

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9/11/2019

KEY PRA PRINCIPLES

What is a “Public Record”?

A **writing**

Related to conduct of government or performance of government functions that is

Prepared, owned, used, or retained by an agency or agency employee within scope of employment

Let’s look at how those are applied.....

OMW

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KEY PRA PRINCIPLES

“Writing” is Broadly Defined

Writing means handwriting, typewriting, printing, photostating, photographing, **and every other means of recording any form of communication or representation** including, but not limited to, **letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents** including existing data compilations from which information may be obtained or translated.

E.g.: Text messages, core samples, other.....

OMW

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9/11/2019

KEY PRA PRINCIPLES

“Relating to Government” is Broadly Defined

Containing information **relating to the conduct of government or the performance of any governmental or proprietary function** prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

RCW 42.56.010(3)

Records may sufficiently relate to government so as to qualify as public records if they **“contain any information that refers to or impacts the actions, processes, and functions of government.”**

Nissen v. Pierce County, 183 Wn.2d 863 (2015)

OMW

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KEY PRA PRINCIPLES

“Scope of Employment” Limits

Record is subject to disclosure if it is a record that an agency employee prepares, owns, uses or retains **in the scope of employment.**

Nissen v. Pierce County, 183 Wn.2d 863 (2015)

A record is within the scope of employment **only when** (a) the **job requires it**, (b) the **employer directs it**, or (c) it **furtheres the employer’s interests.**

Nissen v. Pierce County, 183 Wn.2d 863 (2015)

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9/11/2019

KEY PRA PRINCIPLES

Content Matters, Not Form

Must relate to government conduct

Form and location do not matter (personal computer, personal email, phone, floppy disc.....)

Work related text messages on employee personal cell phone subject to PRA

Nissen v. Pierce County (2015)

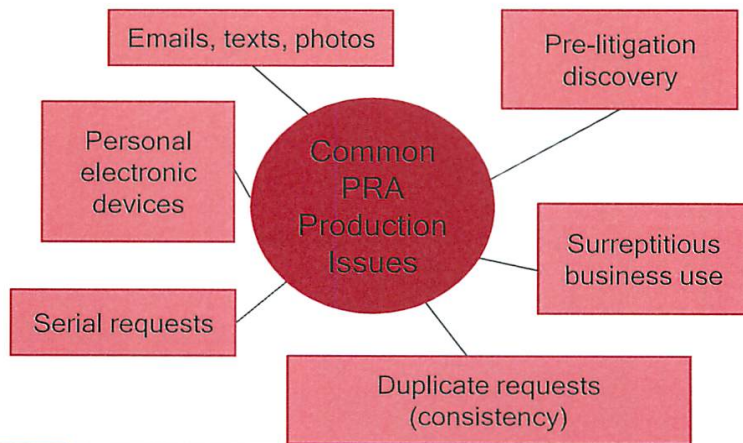
Work-related emails on personal email subject to PRA

West v. Vermillion (2016)

OMW

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COMMON PRA ISSUES



OMW

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9/11/2019

KEY PRA POLICIES & PROCESSES

Timely Response Essential

Within 5 days of receiving disclosure request, City **must.....**

- Provide the record
- Provide internet address + website link
- Acknowledge receipt + provide **reasonable and reliable time estimate**
- Deny request

Record Retention Schedules

Helpful to limit universe of records

OMW

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KEY PRA POLICIES & PROCESSES

Personnel & Records Management

- Public Records Officer (PRA requests are pervasive)
- Attorney (PRA statute is complex in its application)
- Software & Hardware (Minimize records searches)

Reporting

Agency must report metrics to JLARC (Joint Legislative Audit & Review Committee)

Exemptions

- Numerous
- Strictly construed

OMW

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9/11/2019

KEY PRA POLICIES & PROCESSES

Privileged & Exempt Information May be Redacted

- Strictly construed
- Minimum necessary
- Privilege log required

Good Faith Safe Harbor

- No liability if good faith action to comply

Statute of Limitations for Suit

- One year from last production

Attorneys Fees & Penalties

- Daily fines up to \$100 *per record* + attorney fees
- Big \$\$ at stake

OMW

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SELECTED LEGISLATIVE CHANGES

New Exemptions & Changes

All records that relate to or contain personally identifying information about an **individual's religious beliefs practices, or affiliation** [New; RCW 42.56.235]

Applications for elective offices are **no longer exempt** [Changed; RCW 42.56.250]

Investigative records related to **discrimination or harassment in employment** [Broadened/Clarified; RCW 42.56.250]

Expanded protections for the **identity of child victims** of sexual assault [Broadened; RCW 42.56.240]

OMW

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9/11/2019

AND WE'RE DONE!

More Information
Attorney General's Public Records Act University
Municipal Research & Services Center

Questions----?

Scott M. Missall
Ogden Murphy Wallace PLLC
smissall@omwlaw.com

OMW 27

A SHORTCOURSE



Department of Commerce

ON LOCAL PLANNING

A Short Course on Local Planning Evaluation

1. Location and Date of Short Course:

MM DD YYYY

2. Please rate the following:

	Low	Medium	Good	Excellent
Quality of the physical facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of the moderator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of the first speaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of the second speaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of the third speaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Usefulness of the handouts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Practical value of the subjects covered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall value of the Short Course training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. What did you learn that you thought was of the most value?

4. If you were looking for follow-up information, in what order would you access the information from the Short Course web site? Please number in order of preference with #1 being your top choice.

- Download and read the *Short Course Resource Manual*
- Watch our series of short You-Tube videos on Short Course topics
- Get the PowerPoint presentation from our web site to share locally
- Attend another course
- None of the above

5. We provide the PowerPoints by email (and on our web page), the small booklet, and the resources on the back of the agenda. What additional information or handouts would you find useful?

None, the handouts are sufficient

Stories of successful planning

Laws and rules (on our GMA Update web page)

More information on MRSC services

More detail in the booklet (what topics, answer below)

Other:

6. Was there anything you expected to learn more about that did not get covered?

7. Would you recommend the Short Course to others? Yes Maybe No

8. Please tell us your role:

Elected official

Planning Commissioner

Staff

Public

Other: _____

Thank you! Additional comments and suggestions
may be sent to Anne.Fritzel@commerce.wa.gov or 360.725.3064





Mill Creek
WASHINGTON

Date: September 24, 2019

A/P Check Batches		
Dated	Check Numbers	Amount
08/14/2019	ACH-Union 76 Fleet-Jul	\$4,604.87
09/16/2019	60881-60943	\$1,128,156.62
Total		\$1,132,761.49

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of check numbers 60881 through 60943, and ACH's in the amount of \$1,132,761.49.

We recommend approval of the above stated amount with the following exceptions:

Councilmember

Interim Finance Director

Councilmember

City Manager

ACH Cash Pro Online
City of Mill Creek

Report Date: 08/16/2019
Report Time: 05:46:16 PM

Batch Summary Report by ID Number

Company Name:	City of Mill 01	Effective Date:	08/14/2019
ACH ID:	2911225895	Batch Sequence:	3
Application Name:	CCD Payments and Collections	Database Name:	76
Batch Status:	Submitted	Created By:	LOTLEO
Released By:	SGOBRAIEL		

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
76 FLEET WEX BANK	0201-00-1059153	\$4,604.87	C	071000288	4539508	C	0131188

	<u>Total Amount in Batch</u>	<u>Total Count in Batch</u>
Debits	\$0.00	0
Credits	\$4,604.87	1
Prenotes	\$0.00	0

	<u>Grand Total Amount</u>	<u>Grand Total Count</u>
Debits	\$0.00	0
Credits	\$4,604.87	1
Prenotes	\$0.00	0

Accounts Payable

Checks by Date - Detail by Check Date

User: Jodieg
 Printed: 9/18/2019 10:26 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
60881	911SUPPL 76242 78517	911 Supply Inc Chaplain Badge - Nick Lewis Safariland - Vest Carrier - R Mundwiler	09/16/2019		150.16 235.22
Total for Check Number 60881:				0.00	385.38
60882	ALEXPRCO 61255	Alexander Printing Company Inc Notice of Seizure Forms - 500	09/16/2019		231.85
Total for Check Number 60882:				0.00	231.85
60883	INTEGRA 16336666	Allstream T-1 Monthly Chgs - Sept	09/16/2019		645.70
Total for Check Number 60883:				0.00	645.70
60884	AMTESTIN 112031	Am Test, Inc 5 - Fecal Coliform Analysis	09/16/2019		125.00
Total for Check Number 60884:				0.00	125.00
60885	AMAZON 166C-3NLD-FGYC 1GNH-D6CL-GXKJ 1NFR-M6WR-P7R1	Amazon Capital Services 2 Rapid Safe AR Wall Locks Secondary Backup External Hard Drive 500 - Bank Deposit Bags	09/16/2019		315.94 154.69 77.34
Total for Check Number 60885:				0.00	547.97
60886	Aminalsk 120707	Animal Skin & Allergy Clinic Allergenic Extract - Bagira	09/16/2019		225.00
Total for Check Number 60886:				0.00	225.00
60887	AWARDS 18104	Awards Service Inc. Meritorious Achievement Medal - I Durkee	09/16/2019		22.10
Total for Check Number 60887:				0.00	22.10
60888	BTINDUST 000030134 000030134A	B & T Industries LLC BT65 Gen 2 Cal Atlas Bipod Use Tax - BT65 Gen 2 Cal Atlas Bipod	09/16/2019		257.35 -24.45
Total for Check Number 60888:				0.00	232.90
60889	BEALSE 1970161	Elijah Beals AWC Center for Quality Communities Scholars	09/16/2019		500.00
Total for Check Number 60889:				0.00	500.00
60890	BESTTREE 082119-2	Best Tree Service Hazardous Tree Removal - Nickel Creek Park	09/16/2019		1,519.38

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60890:	0.00	1,519.38
60891	Beyond 2	Beyond the Benchmark Leadership/Executive Coaching Training - 07/26	09/16/2019		300.00
			Total for Check Number 60891:	0.00	300.00
60892	CAPFLEET CAPQ54404 CAPQ54404	Cap Fleet Upfitters Use Tax Black Tactical Seat Covers - Car #40 Black Tactical Seat Covers - Car #40	09/16/2019		-20.04 210.93
			Total for Check Number 60892:	0.00	190.89
60893	CDW TTC7959	CDW Government Antivirus Renewal - 2nd of 2 Payments	09/16/2019		2,320.50
			Total for Check Number 60893:	0.00	2,320.50
60894	CINTAS 4029167433 4029167433A	Cintas Corporation Loc. #460 Floor Mat Service 08/30 Floor Mat Service 08/30	09/16/2019		51.59 112.83
			Total for Check Number 60894:	0.00	164.42
60895	CITYLYN 15492	City of Lynnwood Jail Room & Board - June 2019	09/16/2019		320.00
			Total for Check Number 60895:	0.00	320.00
60896	COMCAST 849831021045701 849831021072434	Comcast High Speed Internet Fee 09/18-10/17 Internet For ITS 09/14 - 10/13	09/16/2019		191.42 106.42
			Total for Check Number 60896:	0.00	297.84
60897	WASTDTR RE-313-ATB90715	Washington State Dept. of Transportation Bridge Inspections 04/01 - 06/30	09/16/2019		552.83
			Total for Check Number 60897:	0.00	552.83
60898	MOCKINGJ MCFM813 MCFM820	Sarah Dylan Farmer's Market - Aug 13th - 30 Vendors, 1 Prep Farmer's Market - Aug 20th - 27 Vendors, 5 Prep	09/16/2019		341.00 352.00
			Total for Check Number 60898:	0.00	693.00
60899	EVERMARK 55032	Ever-Mark, LLC 3 Utility Boxes - Graphics Wrap Installation	09/16/2019		4,408.95
			Total for Check Number 60899:	0.00	4,408.95
60900	FELDMAJ August 2019 July 2019	Feldman & Lee, P.S. Public Defender Contract - Flat Fee - Aug Public Defender Contract - Flat Fee - July	09/16/2019		9,000.00 9,000.00
			Total for Check Number 60900:	0.00	18,000.00
60901	GALLSIN 013333264 013333521	Gall's Inc. 10 - Rapid Response First Aid Bags 10 - Standard Window Punch	09/16/2019		625.31 99.34

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60901:	0.00	724.65
60902	GRYOSBRN 18	Gray & Osborne Inc Prof Svcs - 35th Ave Recon 07/21 - 08/17	09/16/2019		3,341.34
			Total for Check Number 60902:	0.00	3,341.34
60903	HARBORPC 12 Revised	Harbor Pacific Contractors, Inc 35th Ave SE Reconstruction 04/25 - 05/22	09/16/2019		20,986.40
			Total for Check Number 60903:	0.00	20,986.40
60904	HEATHI Reimb Heath	Ilia Heath Reimb Lunch & Mileage - Admin. Assist Train -	09/16/2019		43.82
			Total for Check Number 60904:	0.00	43.82
60905	JRWENTRP 4560	JRW Enterprises Front Door Repair - MC Library	09/16/2019		238.13
			Total for Check Number 60905:	0.00	238.13
60906	KCDA 300426150 300426150A 300426150B	KCDA Purchasing Cooperative Office Supplies - Exec/Finance Office Supplies - Passports Office Supplies - General Supplies	09/16/2019		38.58 63.91 47.48
			Total for Check Number 60906:	0.00	149.97
60907	KPFFCON 280733	KPFF Consulting Engineers Prof Svcs - 35th Ave Recon Thru 07/26	09/16/2019		420.11
			Total for Check Number 60907:	0.00	420.11
60908	KUSHIBUC Reimb Kushibuch	Susan Kushibuchi Reimb Parking-Passport Recert Class-Kushibuch	09/16/2019		60.07
			Total for Check Number 60908:	0.00	60.07
60909	LEADONLN 252283	LeadsOnline LLC Annual Renewal - Online Investigations System	09/16/2019		948.00
			Total for Check Number 60909:	0.00	948.00
60910	LESSCHW 39500455585	Les Schwab 2002 Isuzu Dump - PW2	09/16/2019		116.03
			Total for Check Number 60910:	0.00	116.03
60911	OMWATT 828336 828338 828339 828340 828342 828343 828344 828344A 828362	Ogden Murphy Wallace Attorneys Prof Legal Services - CED - July Prof Legal Services - Exec - July Prof Legal Services - Finance - July Prof Legal Services - HR - July Prof Legal Services - Olympia Dioceses - July Prof Legal Services - Police - July Prof Legal Services - Police - July Prof Legal Services - City Clerk - July Prof Legal Services - Franchises - July	09/16/2019		67.00 3,251.60 671.50 1,262.50 1,959.50 100.50 789.00 33.50 481.00
			Total for Check Number 60911:	0.00	8,616.10

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
60912	OREILLY 2986-219193 2986-222905	O'Reilly Automotive Inc Socket & Axle Nut - PW2 Paint for Trash Cans - Parks & North Creek Trail	09/16/2019		36.44 33.56
Total for Check Number 60912:				0.00	70.00
60913	PACAIR 22942	Pacific Air Control, Inc. 1st Semi-Annual HVAC Billing 02/01 - 07/31	09/16/2019		429.29
Total for Check Number 60913:				0.00	429.29
60914	PETTY CA	Petty Cash Fund	09/16/2019		
	1	Cash Token 07/23 - POP Kids Club Farmer's Ma			43.00
	1A	Cash Token 07/23 -POP Kids Club Farmer's Ma			10.00
	1B	Cash Token 07/23 - POP Kids Club Farmer's Ma			16.00
	2	Cash Token 07/30 - POP Kids Club Farmer's Ma			49.00
	2A	Cash Token 07/30 - POP Kids Club Farmer's Ma			32.00
	2B	Cash Token 07/30 - POP Kids Club Farmer's Ma			6.00
	2C	Cash Token 07/30 -POP Kids Club Farmer's Ma			8.00
	2D	Cash Token 07/30 -POP Kids Club Farmer's Ma			50.00
	3	Cash Token 08/06 -POP Kids Club Farmer's Ma			24.00
	3A	Cash Token 08/06 -POP Kids Club Farmer's Ma			20.00
	3B	Cash Token 08/06 -POP Kids Club Farmer's Ma			24.00
	3C	Cash Token 08/06 -POP Kids Club Farmer's Ma			2.00
	4	Curly Ribbon for Balloons - Community Events			11.05
Total for Check Number 60914:				0.00	295.05
60915	PITNEYB 3309565719	Pitney Bowes Global Financial Services Lease Postage Machine, Meter & Scale 06/30 - C	09/16/2019		472.45
Total for Check Number 60915:				0.00	472.45
60916	PLATT V901747	Platt Electric Supply, Inc 3 12-Pks Street Light Bulbs	09/16/2019		43.81
Total for Check Number 60916:				0.00	43.81
60917	SNOCPUD	PUD No. 1 of Snohomish County	09/16/2019		
	111793415	Street Lights - 189 Lights - 200W 08/01 - 08/31			1,736.91
	115091296	2501 147th Pl SE 07/23 - 08/19			29.62
	118421035	902 164th St SE 08/08 - 09/08			36.53
	125049041	2701 155th St SE 07/30 - 08/30			19.52
	134945671	Street Lights - 21 Lights - 400W 08/01 - 08/31			312.90
	138156413	Street Lights - 91 Lights - 250W 08/01 - 08/31			985.53
	138156414	Street Lights - 841 Lights - 100W 08/01 - 08/31			6,021.56
	141458006	3401 148th St SE 07/23 - 08/19			20.30
	141461894	16110 1/2 29th Dr SE 07/26 - 08/24			16.20
	141464806	15601 22nd Ct SE 07/31 - 08/30			19.43
	144801573	1700 Mill Creek Rd 07/24 - 08/22			67.60
	144806061	Street Lights - 8 Lights - 200W 08/01 - 08/31			47.68
	144806062	Street Lights - 38 Lights - 250W 08/01 - 08/31			285.38
	144806063	Street Lights - 39 Lights - 400W 08/01 - 08/31			441.48
	154632704	15720 Main St 07/17 - 08/15			1,522.59
	154640892	Street Lights - 6 Lights - 150W 08/01 - 08/31			28.98
	157841208	Street Lights - 17 Lights - 100 W 08/01 - 08/31			52.87
	157841638	Street Light - 1 Light - 160W 08/01 - 08/31			5.18
	167472617	Street Lights - 49 Lights - 20W 08/01 - 08/31			17.15
	167472945	Street Light - 1 Light - 240 W 08/01 - 08/31			7.94

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60917:	0.00	11,675.35
60918	PUGETSO 200004765331 200004765463	Puget Sound Energy 15720 Main St 07/18 - 08/19 15728 Main St 07/18 - 08/19	09/16/2019		40.48 150.93
			Total for Check Number 60918:	0.00	191.41
60919	RH2 74286	RH2 Engineering, Inc. Prof Svcs - RRFB Upgrade Project Through 08/	09/16/2019		9,251.96
			Total for Check Number 60919:	0.00	9,251.96
60920	SANDACLN June/July/Aug June/July/Aug1	Sanda Cleaners Uniform Dry Cleaning - G Elwin & S Eastman Uniform Dry Cleaning - S Conner & B Thomps	09/16/2019		356.59 114.48
			Total for Check Number 60920:	0.00	471.07
60921	SILVERL 14112-27585 14737-19068 17679-27345 17684-27596 24079-27593 32140-27632 32141-27633 35995-27914 35996-27914 35997-27914 35998-27914 35999-27914 36000-27914 36016-27914 36025-27914 36026-27914 36365-27593 37034-30017 37680-27914 40191-27914	Silverlake Water District 132nd & SR 527 - Irrig 08/01 - 08/31 13617 28th Dr SE - Irrig 08/01 - 08/31 15429 1/2 Bothell Everett Hwy 08/01 - 08/31 15429 Bothell Way - Irrig 08/01 - 08/31 Hillside - Irrig 08/01 - 08/31 13903 N Creek Dr - Irrig 08/01 - 08/31 13903 N Creek Dr 08/01 - 08/31 SR 527 - Irrig 08/01 - 08/31 14600 SR 527 - Irrig 08/01 - 08/31 13800 N SR 527 - Irrig 08/01 - 08/31 1600 SR 527 - Irrig 08/01 - 08/31 15200 SR 527 - Irrig 08/01 - 08/31 15100 N SR 527 - Irrig 08/01 - 08/31 SR 527 & Trillium Blvd - Irrig 08/01 - 08/31 14600 SR 527 - Irrig 08/01 - 08/31 SR 527 & Dumas Rd - Irrig 08/01 - 08/31 Dumas Rd - Irrig 08/01 - 08/31 14721 12th Ave SE - Irrig 08/01 - 08/31 0 33rd Dr & Northpointe Circle - Irrig 08/01 - 08/31 13315 45th Ave SE - Restroom 08/01 - 08/31	09/16/2019		49.20 7.60 174.00 132.40 187.00 301.40 80.85 7.60 7.60 83.00 7.60 72.60 7.60 49.20 41.40 46.60 22.30 7.60 187.00 73.65
			Total for Check Number 60921:	0.00	1,546.20
60922	SNOCODEM I000510359	Sno Co Department of Emergency Manage 2019 Emergency Services - 3rd Qtr	09/16/2019		6,497.25
			Total for Check Number 60922:	0.00	6,497.25
60923	SCFIRDS INV00088	Sno County Fire District #7 Fire Interlocal Agreement - 3rd Qtr 2019	09/16/2019		982,686.25
			Total for Check Number 60923:	0.00	982,686.25
60924	SNOCOM 1771	Snohomish County 911 Dispatch Service - Sept	09/16/2019		19,690.67
			Total for Check Number 60924:	0.00	19,690.67
60925	SNOCOPW I000510082 I000510082A	Snohomish County Public Works Signal Maintenance - RR7552 Dumas Rd/Park R Signal Maintenance - RR7869 Mill Crk Blvd & J	09/16/2019		1,450.08 123.88

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60925:	0.00	1,573.96
60926	STAND Sept 2019	Standard Ins. Company RA Life, AD&D & LTD Premium - ER Sept	09/16/2019		4,138.35
			Total for Check Number 60926:	0.00	4,138.35
60927	STAND2 Sept 2019	Standard Ins. Company RA Survivor Prem - MEBT - ER Paid - Sept	09/16/2019		2,032.11
			Total for Check Number 60927:	0.00	2,032.11
60928	STARMSV 012450-IN	Stardom Services Inc Janitorial Svcs -Steam Clean Lobby Chairs/Benc	09/16/2019		1,365.00
			Total for Check Number 60928:	0.00	1,365.00
60929	STERICYC 3004810683	Stericycle Inc Biomedical Waste Services - Monthly Fee	09/16/2019		10.36
			Total for Check Number 60929:	0.00	10.36
60930	TACSCREW 18252056	Tacoma Screw Products Inc 3 - Chain Saw Files	09/16/2019		18.50
			Total for Check Number 60930:	0.00	18.50
60931	TERMINIX 388838904	Terminix Processing Center Pest Control - WO #16364440606 - MC Library	09/16/2019		83.98
			Total for Check Number 60931:	0.00	83.98
60932	BLUELINE 17487	The BlueLine Group Prof Svcs - Grade F Pipe Repairs 07/29 - 08/31	09/16/2019		14,968.84
			Total for Check Number 60932:	0.00	14,968.84
60933	SHERWILL 3485-5 3485-5A	The Sherwin-Williams Co Paint Supplies - CHN Paint Supplies - CHS	09/16/2019		55.99 55.98
			Total for Check Number 60933:	0.00	111.97
60934	TRANSUN 08909075	Trans Union LLC Basic Service Monthly Fee - Credit Checks 07/2	09/16/2019		55.25
			Total for Check Number 60934:	0.00	55.25
60935	TLOLLC 839489	TransUnion Risk and Alternative Background/Identity Investigations - Aug	09/16/2019		55.25
			Total for Check Number 60935:	0.00	55.25
60936	UNWAYSNC Sept 2019	United Way of Snohomish County United Way EE for Sept 2019	09/16/2019		200.00
			Total for Check Number 60936:	0.00	200.00
60937	USBANK XXXXXXXX139	US Bank NA - Custody Investment Custody Charges 08/01 - 08/31	09/16/2019		26.00

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60937:	0.00	26.00
60938	WWGRAIN 9273281486 9273281486A	W.W. Grainger, Inc. Fire Lane Stencil, Ear Plugs, Disposable Respira Fire Lane Stencil, Ear Plugs, Disposable Respira	09/16/2019		105.86 105.86
			Total for Check Number 60938:	0.00	211.72
60939	WAPRO 146 208 WAPRO Fall Conf	WAPRO WAPRO Fall Conference - J Lee 10/10 WAPRO Fall Conference - I Heath 10/10 WAPRO Fall Conference - M Ciaravino 10/10	09/16/2019		175.00 200.00 200.00
			Total for Check Number 60939:	0.00	575.00
60940	WASTPAT I20001403 I20001403A	Washington State Patrol Background Checks - Aug - Exec Background Checks - Aug	09/16/2019		21.00 92.75
			Total for Check Number 60940:	0.00	113.75
60941	WAVEDIV 102743301-00068	WaveDivision Holdings, LLC Fiber Lease - 15728 Main St To 3000 Rockefelle	09/16/2019		640.68
			Total for Check Number 60941:	0.00	640.68
60942	WINSUPP 032750 00	Winsupply Company Irrigation Repair - CHN	09/16/2019		112.33
			Total for Check Number 60942:	0.00	112.33
60943	AFSCME Aug 2019	WSCCCE, AFSCME, AFL-CIO Union Dues - AFSCME - Aug	09/16/2019		1,214.48
			Total for Check Number 60943:	0.00	1,214.48
			Total for 9/16/2019:	0.00	1,128,156.62
			Report Total (63 checks):	0.00	1,128,156.62



Date: September 24, 2019

Payroll Check Batches		
Dated	Check Numbers	Amount
09/10/2019	ACH Wire-Assoc. of WA Cities	\$89,149.29
09/10/2019	ACH Automatic Deposit Checks	\$158,233.97
09/10/2019	ACH Wire- FWT & Medicare Taxes	\$28,766.52
09/10/2019	ACH Wire MEBT – Wilmington Trust	\$22,926.79
09/10/2019	ACH Wire – BAC – Flex Savings Acct	\$1,332.15
09/10/2019	ACH Wire – ICMA RC – Def. Comp	\$1,659.99
Total		\$302,068.71

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of the ACH Automatic Deposit checks and ACH Wire Transfers in the amount of \$302,068.71.

We recommend approval of the above stated amount with the following exceptions:

Councilmember

Finance Director

Councilmember

City Manager

G:\FINANCE\Restricted (old I drive)\Payroll\Voucher Coversheets\2019\Payroll Voucher Approval 09.10.2019.docx
9/18/2019

**ASSOCIATION OF WASHINGTON CITIES
MILL CREEK, CITY OF**

ACCOUNT SUMMARY - contains all changes to this account as of 09/09/2019 02:40:43 PM

FUND: 100

ACCOUNT NUMBER: 186 L

BILL MONTH:	09/2019
COVERAGE MONTH:	09/2019
PAYMENT DUE BY:	09/10/2019
CURRENT BILLING AMOUNT:	\$89,149.29
PRIOR OVERAGE OR SHORTAGE:	\$0.00
ADJUSTMENTS:	\$0.00
TOTAL AMOUNT DUE:	\$89,149.29

100 186 L 092019 0

Fund	Account Number	Bill Month	Amount Paid
100	186 L	09/2019	\$ <u>89,149.29</u>

If you have questions concerning your billing, please contact the Association of Washington Cities Office at (800) 562-8981 or (360) 753-4137 or Northwest Administrators, Inc. at (206) 726-3345.

MAIL PAYMENT TO: *If payment is made by check, please print a copy of this page and mail it with your payment to the following address.*

ASSOCIATION OF WASHINGTON CITIES
PO BOX 84303
SEATTLE, WA 98124-5603

Statistical Summary

Statistical Summary

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West Status:Cycle Complete
 Week#:37 Pay Date:09/10/2019 P/E Date:08/31/2019
 Qtr/Year:3/2019 Run Time/Date:15:05:20 PM EDT 09/06/2019

Taxes Debited	Federal Income Tax	21,680.41	
	Earned Income Credit Advances	0.00	
	Social Security - EE	0.00	
	Social Security - ER	0.00	
	Social Security Adj - EE	0.00	
	Medicare - EE	3,253.91	
	Medicare - ER	3,253.87	
	Medicare Adj - EE	0.00	
	Medicare Surtax - EE	0.00	
	Medicare Surtax Adj - EE	0.00	
	COBRA Premium Assistance Payments	0.00	
	Federal Unemployment Tax	0.00	
	State Income Tax	0.00	
	Non Resident State Income Tax	0.00	
	State Unemployment Insurance - EE	0.00	
	State Unemployment Insurance Adj - EE	0.00	
	State Disability Insurance - EE	0.00	
	State Disability Insurance Adj - EE	0.00	
	State Unemployment/Disability Ins - ER	0.00	
	State Family Leave Insurance - EE	192.76	
	State Family Leave Insurance - ER	0.00	
	State Medical Leave Insurance - EE	173.47	
	State Medical Leave Insurance - ER	212.10	
	Transit Tax - EE	0.00	
	Workers' Benefit Fund Assessment - EE	0.00	
	Workers' Benefit Fund Assessment - ER	0.00	
	Local Income Tax	0.00	
	School District Tax	0.00	
Total Taxes Debited	28,766.52		
Other Transfers	Full Service Direct Deposit Acct. No	158,233.97	Total Liability
	Total Amount Debited From Your Account	187,000.49	187,000.49
Bank Debits & Other Liability	Checks	0.00	187,000.49
	Adjustments/Prepay/Voids	782.01	187,782.50
Taxes- Your Responsibility	None this payroll		187,782.50

Outgoing Payments Report



Company: City of Mill Creek
Requester: Leo, Lota
Run Date: 09/11/2019 4:20:59 PM CDT

Domestic High Value (Wire)
Payment Category: Urgent/Wire

Status: Confirmed By Bank
Transaction Number:

Template Name: MATRIX/MEBT
Template Code: WILTRUST

Debit Account Information

Debit Bank:
Debit Account:
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: MATRIX TRUST COMPANY
Beneficiary Address: NA
Beneficiary City: NA
Beneficiary Postal Code: NA
Beneficiary Country: US - United States of America

Beneficiary Account:
Beneficiary Bank ID: JPMORGAN CHASE BANK, NA
1111 POLARIS PKWY
COLUMBUS
US - United States of America
Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 22,926.79

Value Date: 09/11/2019

Optional Information

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: lotleo
Approved: ecebraiel
Initial Confirmation:
Confirmation #:

Input Time: 09/11/2019 2:56:25 PM CDT
Time: 09/11/2019 3:06:52 PM CDT

ACH Cash Pro Online
City of Mill Creek

Report Date: 09/12/2019
Report Time: 10:58:16 AM

Batch Summary Report by ID Number

Company Name:	City of Mill 01	Effective Date:	09/12/2019
ACH ID:		Batch Sequence:	1
Application Name:	CCD Payments and Collections	Database Name:	BAC
Batch Status:	Submitted	Created By:	LOTLEO
Released By:	SGOBRAIEL		

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$1,332.15	C			C	0167582

	<u>Total Amount in Batch</u>	<u>Total Count in Batch</u>
Debits	\$0.00	0
Credits	\$1,332.15	1
Prenotes	\$0.00	0

	<u>Grand Total Amount</u>	<u>Grand Total Count</u>
Debits	\$0.00	0
Credits	\$1,332.15	1
Prenotes	\$0.00	0

Outgoing Payments Report



Company: City of Mill Creek
Requester: Leo, Lota
Run Date: 09/11/2019 4:20:42 PM CDT

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Confirmed By Bank
Transaction Number:

Template Name: ICMA 457 Plan
Template Code: ICMA

Debit Account Information

Debit Bank:
Debit Account:
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: ICMA RC
Beneficiary Address: P.O. Box 64553
Beneficiary City: Baltimore
Beneficiary Postal Code: 21264-4553
Beneficiary Country: US - United States of America

Beneficiary Account:
Beneficiary Bank ID MANUFACTURERS AND TRADERS TR C
ONE M AND T PLAZA, 15TH FL
BUFFALO
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 1,659.99

Value Date: 09/11/2019

Optional Information

Sender's Reference Number: 302029

Beneficiary Information: City of Mill Creek 302029

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: lotleo
Approved: sgobraiel
Initial Confirmation:
Confirmation:

Input Time: 09/11/2019 2:55:16 PM CDT
Time: 09/11/2019 3:06:52 PM CDT



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, April 9, 2019

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

Minutes are the official record of Mill Creek City Council meetings. Minutes document action taken at the council meeting, not what was said at the council meeting.

A recording of this City Council meeting can be found [here](#).

The agenda packet for this City Council meeting can be found [here](#).

CALL TO ORDER

Mayor Pruitt called the meeting of the Mill Creek City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmembers Present:

*Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mike Todd, Councilmember
Mark Bond, Councilmember
John Steckler, Councilmember
Stephanie Vignal, Councilmember*

Councilmembers Absent:

PRESENTATIONS

A. AMVETS Post 2018

Mill Creek AMVETS Post 2018 Member Jon Ramer presented Councilmember Cavaleri with a plaque to acknowledge his support and donation of an American Flag for the Post to display in a permanent location.

AUDIENCE COMMUNICATION

B. Public comment on items on or not on the agenda

Jon Ramer, a Mill Creek resident, expressed concerns over his experience with Peckham & McKenney, Inc. as a City Manager applicant.

PRESENTATIONS

C. Proclamation: National Volunteer Week

Mayor Pruitt proclaimed the week of April 7-13, 2019, as National Volunteer Week in the City of Mill Creek and to honor the hard work and selfless dedication of our

April 9, 2019 REGULAR COUNCIL MEETING MINUTES

volunteers who make Mill Creek a better place to live and work.

OLD BUSINESS

D. Settlement Agreement Between the City of Mill Creek and Comcast Regarding Franchise Fee Audit and Review

Director of Finance & Administration Peggy Lauerman reviewed background of the franchise fee payment obligations and briefed Council on Comcast's responsibility for reimbursing the City. Director Lauerman explained how Comcast is legally able to pass through all franchise fee payments to current subscribers so long as the amount does not exceed 5% of gross revenues.

Council engaged in discussion. Director Lauerman will contact Cohen Law Group to negotiate a new settlement agreement forgoing the reimbursement if Comcast will pay the audit fee and not pass down the cost to their customers. The item will come back to Council at a later date.

NEW BUSINESS

E. City Manager Contract Authority and Procurement Procedures

Interim City Manager Bob Stowe explained conflict between Mill Creek Municipal Code 2.08.140 and the City's current procurement procedures. City Manager Stowe detailed proposed modifications to the City Manager's contract authority to help resolve the conflict.

Council engaged in discussion. Consensus was not to increase the City Manager's contract authority.

F. Public Works Bucket Truck Replacement

Director of Public Works & Development Services Gina Hortillosa gave Council a brief overview of bucket trucks, the current state of the City's bucket truck, and Occupational Safety and Health Administration (OSHA) regulated guidelines. Public Works Supervisor Nathan Beagle reviewed the City's need for a bucket truck, and described features and capabilities of the proposed new bucket truck. Director Hortillosa reviewed truck costs.

Council engaged in discussion.

Handout: [PowerPoint presentation](#)

Councilmember Steckler made a motion to authorize the City Manager to execute a Capital Asset Request for the purchase of a new Ford F-550 Truck with a Dur-A-Lift DTAX-39FP 39 foot Aerial Lift in an amount not to exceed \$129,225.27. Councilmember Bond seconded the motion. The motion passed unanimously.

STUDY SESSION

G. Consultant Contract for Mill Creek Boulevard Land Use and Infrastructure Subarea

April 9, 2019 REGULAR COUNCIL MEETING MINUTES

Plan

Director of Public Works & Development Services Gina Hortillosa explained the main purposes of the project; to prepare for the eventual redevelopment of the Mill Creek Boulevard Corridor in the area between Town Center and 164th Street SE, and to provide a framework to multiple capital improvements.

Mandi Roberts, Vice President of The Otak Team, led Council through a [PowerPoint](#) presentation highlighting Otak's qualifications, project approach, relevant experience, and robust plan for stakeholder and community engagement. Ms. Roberts asked Council for input on an advisory committee.

Council engaged in discussion. Interim City Manager Bob Stowe asked Council to start thinking about a process to appoint and utilize a steering committee.

H. Dobson-Remillard-Cook Properties Vision Meeting

Interim City Manager Bob Stowe reviewed property history and facilitated a study session with the Council to initiate and identify some potential visions and big ideas that will start to shape how the Council may move forward with fulfilling the City's tourism and recreational goals. City Manager Stowe presented a [slideshow](#) noting past visions and additional ideas including a multi-use facility and other potential ideas. City Manager Stowe briefed Council on potential partnership opportunities with Sno King Amateur Hockey, YMCA of Snohomish County, Boys & Girls Club of Snohomish County, and Mill Creek Little League.

CONSENT AGENDA

- I. Approval of Checks #59975 through #60117 and ACH Wire Transfers in the Amount of \$1,858,412.17
(Audit Committee: Mayor Pruitt and Mayor Pro Tem Holtzclaw)
- J. Payroll and Benefit ACH Payments in the Amount of \$287,781.64
(Audit Committee: Mayor Pruitt and Mayor Pro Tem Holtzclaw)
- K. Payroll and Benefit ACH Payments in the Amount of \$207,787.13
(Audit Committee: Mayor Pruitt and Mayor Pro Tem Holtzclaw)
- L. City Council Meeting Minutes of December 11, 2018

Mayor Pro Tem Holtzclaw made a motion to approve the consent agenda. Councilmember Todd seconded the motion. The motion passed unanimously.

REPORTS

M. Mayor/Council

Mayor Pruitt reminded Council to complete their F-1 forms and have them filed with the Public Disclosure Commission by May 1.

Councilmember Steckler reported that he will be attending the community engagement event hosted by community service organizations at Arena Sports on April 11 and encouraged Council and the public to attend.

April 9, 2019 REGULAR COUNCIL MEETING MINUTES

Councilmember Cavaleri thanked the Mill Creek AMVETS post for their gesture of appreciation.

Councilmember Cavaleri reported that he is looking forward to the Mill Creek Sports Park grand reopening on Saturday. Director of Public Works & Development Services Gina Hortillosa reported that due to the recent rain, the turf may not be ready and that she will know more after she meets with the contractor tomorrow.

Mayor Pro Tem Holtzclaw reported that he will also be attending the community engagement event at Arena Sports on Thursday.

Mayor Pro Tem Holtzclaw asked staff to contact the Mill Creek Chamber of Commerce to schedule a presentation on their evolution from a business association to a chamber.

Mayor Pro Tem Holtzclaw reported that he attended a Southwest Urban Growth Area (SWUGA) boundary study workshop hosted by Snohomish County. Mayor Pro Tem Holtzclaw stated there is denial regarding the challenge this region faces to accommodate the projected growth over the next 30 years.

Councilmember Todd inquired about the community engagement event at Arena Sports on Thursday.

- N. City Manager
 - Council Planning Schedule

AUDIENCE COMMUNICATION

- O. Public comment on items on or not on the agenda

Carmen Fisher, a Mill Creek resident, commented on the Comcast Settlement Agreement discussed early in the meeting. Ms. Fisher agreed with Councilmember Steckler's idea of a performance arts auditorium to be included on one of the City owned properties bordering the Mill Creek Sports Park. Ms. Fisher complimented Council's selection of the new City Manager.

Jon Ramer, a Mill Creek resident, also agreed with Councilmember Steckler's idea of a performing arts center. Mr. Ramer reported to Council that he would like to be considered as an advisory committee member for the Mill Creek Blvd visioning process.

At 8:20 p.m. Mayor Pro Tem Holtzclaw made a motion to extend the meeting up to 9:30 p.m. Councilmember Vignal seconded the motion. The motion passed unanimously.

RECESS TO EXECUTIVE SESSION

(Confidential Session of the Council)

- P. At 8:20 p.m. Council recessed to executive session up to 9:30 p.m. to:
 - To evaluation the qualifications of an applicant for public employment pursuant

April 9, 2019 REGULAR COUNCIL MEETING MINUTES

to RCW 42.30.110(1)(g)

- Consideration of real estate matters pursuant to RCW 42.30.120(1)(b)(c)

The executive session ended at 9:01 p.m. No action was taken.

RECONVENE TO REGULAR SESSION

Q. The meeting reconvened to regular session at 9:01 p.m.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 9:01 p.m.

Pam Pruitt, Mayor

Gina Pfister, City Clerk

April 9, 2019 REGULAR COUNCIL MEETING MINUTES



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, April 23, 2019

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

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ROLL CALL

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Brian Holtzclaw, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mike Todd, Councilmember
Mark Bond, Councilmember
John Steckler, Councilmember
Stephanie Vignal, Councilmember*

Councilmembers Absent:

AUDIENCE COMMUNICATION

A. There were no comments from the audience.

PRESENTATIONS

B. Community Transit Update

Community Transit CEO Emmett Heath and Manager of Regional Programs & Projects June DeVoll gave a presentation highlighting the integrated future network of bus rapid transit, Swift design principles and vehicles, service standards, new stations and transit centers, regional networks, and ridership goals.

Handouts:

- [PowerPoint presentation](#)
- [Flyer](#)

C. Volunteer Recognition

Community Engagement Coordinator Kristen Rasmussen presented a [slideshow](#) showcasing services provided by each group. Ms. Rasmussen recognized and

April 23, 2019 REGULAR COUNCIL MEETING MINUTES

thanked City volunteers for their dedication and commitment to local government and the community.

D. Citizen Patrol Oath of Office

Chief of Police Greg Elwin conducted the Oath of Office for the first three members of the Citizen's Patrol. George DeWitt, Sally Dagna, and Barbara Heidel, all graduates of the Citizen's Academy, were sworn in and will receive limited police commissions while supporting patrol operations.

NEW BUSINESS

E. Mill Creek Blvd Corridor Study - Contract for Services

Interim City Manager Bob Stowe gave a brief overview of the April 9 study session discussion and introduced Planning Manager Tom Rogers.

Planning Manager Rogers reviewed the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan identified in the 2019-2020 biennial budget and the process that led up to selecting a consultant. Mr. Rogers detailed the scope of services, schedule and budget.

Mr. Rogers explained that a key feature of the project involves assembling and utilizing an Advisory Committee to provide input during the preparation of the Subarea Plan. Mr. Rogers reviewed a recruitment process and recommended the Committee represent the following segments of the community/interests:

- City Council
- Planning Commission
- Design Review Board
- Park & Recreation Board
- Art & Beautification Board
- Community Transit
- Owners of property within the subarea
- Chamber of Commerce
- Town Center Business Association
- General public

Council engaged in discussion.

Councilmember Todd made a motion to authorize the City Manager to execute a contract for professional services with Otak in an amount not to exceed \$299,895.00. Councilmember Steckler seconded the motion. The motion passed unanimously.

Councilmember Todd made a motion to authorize staff to execute the plan developed by Tom Rogers to solicit volunteers for the Advisory Committee and bring list of names back to Council at a later date. Councilmember Steckler seconded the motion. The motion passed unanimously.

April 23, 2019 REGULAR COUNCIL MEETING MINUTES

F. Appointments to the Planning Commission

Councilmember Steckler announced that he, Councilmember Bond, Mayor Pro Tem Holtzclaw and Board Chair Stan Eisner interviewed nine candidates to fill four vacancies on the Planning Commission.

Councilmember Steckler made a motion to appoint Brian Hyatt, Matthew Nolan, April Berg and Nicolas Marin to the Planning Commission through April 2020. Councilmember Bond seconded the motion. The motion passed unanimously.

STUDY SESSION

G. Bond Financing Recommendation

Interim City Manager Bob Stowe introduced Jim Nelson from D.A. Davidson as the consultant hired to help move forward financing for the City's stormwater projects.

Mr. Nelson recapped previous discussion and facilitated a study session including the following topics:

- Bond market interest rate trend
- Estimated LTGO payment schedule
- Financing schedule examples
- Bond Resolution
- Private placement vs. public bond sale
- Bid process

Director of Public Works & Development Services Gina Hortillosa reviewed current F & C pipe status. This matter will be brought back to Council for approval on May 7. Mr. Nelson provided a [handout](#) with bond financing information.

H. Financial Management Policies

Interim City Manager Bob Stowe explained the importance of formalized financial management policies to provide the most favorable rating associated with future debt issuance.

Director of Finance & Administration Peggy Lauerman highlighted several substantive changes in the financial management policy document and reviewed the proposed debt management policy, proposed investment policy, and the current investment and cash management policy.

Council engaged in discussion.

CONSENT AGENDA

- I. Approval of Checks #60118 through #60202 and ACH Wire Transfers in the Amount of \$631,009.43
(Audit Committee: Mayor Pruitt and Mayor Pro Tem Holtzclaw)**
- J. Payroll and Benefit ACH Payments in the Amount of \$267,065.25**

April 23, 2019 REGULAR COUNCIL MEETING MINUTES

(Audit Committee: Mayor Pruitt and Mayor Pro Tem Holtzclaw)

Mayor Pro Tem Holtzclaw made a motion to approve the consent agenda. Councilmember Todd seconded the motion. The motion passed unanimously.

REPORTS

K. Mayor/Council

Councilmember Steckler reported that he attended the April Chamber of Commerce luncheon and was impressed with Everett Public Schools Superintendent's presentation.

Councilmember Steckler reported that he attended the volunteer event at Arena Sports last week and noted increased participation this year.

Councilmember Steckler reported that the City of Mill Creek is partnering with the Mill Creek Kiwanis Club to host a free electronic recycling event on Sunday, May 5 at 10:00 a.m. in the Mill Creek City Hall North parking lot.

Councilmember Steckler reported that he will be attending the Music4Life event in May.

Councilmember Cavaleri reported that he was in Olympia earlier in the day to support the signing of Senate Bill 1356.

Councilmember Cavaleri expressed appreciation for City volunteers.

Mayor Pro Tem Holtzclaw reported that he attended the volunteer event at Arena Sports last week.

Mayor Pro Tem Holtzclaw reported that will be attending the Snohomish County Tomorrow (SCT) meeting on April 24.

Mayor Pro Tem Holtzclaw reported that he will be attending the Mill Creek Little League jamboree on April 27.

Councilmember Todd reported that he attended the volunteer event at Arena Sports last week. Would like to see more outreach next year.

L. City Manager

- Council Planning Schedule

M. Staff

- Memorial Day 2019 Event Report
- Art & Beautification Board Meeting Minutes of March 13, 2019

AUDIENCE COMMUNICATION

N. Public comment on items on or not on the agenda

April 23, 2019 REGULAR COUNCIL MEETING MINUTES

Jon Ramer, a Mill Creek resident, would like to volunteer as a community member on the Mill Creek Boulevard Subarea Plan Advisory Committee.

RECESS TO EXECUTIVE SESSION

(Confidential session of the Council)

- O. At 7:40 p.m. Council recessed to executive session up to 8:30 p.m. City Attorney Scott Missall was present during the executive session.
- To evaluate the qualifications of an applicant for public employment pursuant to RCW 42.30.110(1)(g)
 - To discuss actual or potential litigation pursuant to RCW 42.30.110(1)(i)

The executive session concluded at 8:08 p.m.

RECONVENE TO REGULAR SESSION

- P. At 8:08 p.m. the meeting reconvened to regular session.

Councilmember Cavaleri made a motion to approve the contract between the City of Mill Creek and Michael Ciaravino to serve as the City Manager based on the terms discussed in the executive session. Councilmember Steckler seconded the motion. The motion passed unanimously.

Councilmember Cavaleri made a motion to extend Interim City Manager Bob Stowe's contract through May 6, 2019. Councilmember Steckler seconded the motion. The motion passed unanimously.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 8:10 p.m.

Pam Pruitt, Mayor

Gina Pfister, City Clerk

April 23, 2019 REGULAR COUNCIL MEETING MINUTES

SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Council	4	5	6	7
8	9	10 Council	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Council	25	26	27	28
29	30					

OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Council	2	3	4	5
6	7	8 Council	9	10	11	12
13	14	15	16	17	18	19
20	21	22 Council	23	24	25	26
27	28	29	30	31		

NOVEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 Council	6	7	8	9
10	11	12 Council	13	14	15	16
17	18	19	20	21	22	23
24	25	26 Council	27	28	29	30

Tentative Council Meeting Agendas
Subject to change without notice

Last updated: September 20, 2019

October 1, 2019

(Agenda Summary due September 23)

- PRA Policy Update - Gina P
- Study Session: City Connections Magazine
- HB 1406 Resolution - Tom
- Grand Funding Application Process - Michael

October 8, 2019

(Agenda Summary due September 30)

- Appointments to the A&B Board
- Study Session: TIP - Gina H
- Study Session: SRO Staffing Impacts - Greg
- Study Session: Tactical Rescue Vehicle - Greg
- Study Session: Frontier/NW Cable Franchise Resolution - Gina H
- Report: Farmer's Market

October 22, 2019

(Agenda Summary due October 14)

- Appointments to the Park & Rec Board
- Presentation: Snohomish Health District
- Ordinance Amending MCMC 2.04 - Council Schedule - Gina P
- Frontier/NW Cable Franchise Resolution - Gina
- Study Session: Ordinance Amending MCMC re: Business Park Zone District - Gina H

November 5, 2019

(Agenda Summary due October 28)

- Study Session: Property Tax & EMS Levies
- Study Session: Proposed Budget Amendments

November 12, 2019

(Agenda Summary due November 4)

- Public Hearing: Property Tax & EMS Levies
- Ordinances: Property & EMS Levies

November 26, 2019

(Agenda Summary due September 30)

- Public Hearing: Proposed Budget Amendments

DECEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Council	4	5	6	7
8	9	10 Council	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Council	25	26	27	28
29	30	31				

JANUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 Council	8	9	10	11
12	13	14 Council	15	16	17	18
19	20	21	22	23	24	25
26	27	28 Council	29	30	31	

FEBRUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Council	5	6	7	8
9	10	11 Council	12	13	14	15
16	17	18	19	20	21	22
23	24	25 Council	26	27	28	29

December 3, 2019

(Agenda Summary due November 25)

- Ordinance: Budget Amendments

Possible Work Session Topics for Discussion

- Utility Project Management - Michael
- Hotel/Motel Theater Tax - Michael
- ST3 Stations - Sound Transit
- Legislative Retreat - Michael
- Gold Star Memorial - Michael
- Dobson Remillard Property - Michael
- Fleet Program - Gina H/Greg/Peggy
- Community Funding Criteria and Source of Funds - Michael
- Surface Water System Study Group - Gina H
- Updates to the Governance Manual - Michael
- Compensation Strategies - Charlie
- Construction Tax Revenue - TBD
- Emergency Operations Center - Greg
- Crosswalk Locations & Standards - Gina H
- HB1406 Enact Local Tax Credit Resolution by 1/30/2020 , Ordinance by 7/27/2020 - Tara
- Appropriation vs. Authorization - Michael
- Business License Fee Schedule Review - TBD



15728 Main Street, Mill Creek, WA 98012
Administration 425-745-1891
Police 425-745-6175
All Other Departments 425-551-7254

**Park & Recreation Board Meeting Minutes
July 3, 2019**

Members:

Jim Erlewine, Chair
David Chapin, Vice Chair
Ryan Nichols
Peter Lalic
Melissa Duque
Tammy Dunn
Vince Cavaleri, Council Representative

Not Present:

Tyler Hogan

Also Present:

Kristen Rasmussen
Jay Sandstrom, Recreation Coordinator
Eshwer Dillon, Youth Advisory Board

I. CALL TO ORDER

Chair Erlewine called the meeting to order at 5pm. Members and staff were present as noted above.

II. MINUTES

Vice Chair Chapin moved, seconded by Member Dunn, to approve the May 3, 2019, minutes as presented. The minutes were approved by members present.

III. YOUTH ADVISORY BOARD UPDATES

Youth Advisory Board member Eshwer Dillon recapped the start of the new Mill Creek Youth Advisory Board program year. The first Youth Board meeting was held in May. All of the new officers and members were introduced. Youth Board Members helped run games and activities at the first Party in the Parks event at Highlands Park. At the next meeting, members will be trained on the ins and outs of helping facilitate community events. This summer, members will help with the Party in the Parks series, Mill Creek Farmers Market, Run With Heart 5k, and more.

IV. OLD BUSINESS

Exploration Park Update

Recreation Coordinator Jay Sandstrom relayed information from Public Works Supervisor Nathan Beagle regarding the project at Exploration Park. Concrete tubes and boulders are being delivered for the landscaping. Concrete surfaces are also beginning to be poured. Currently the project is on track for the projected completion date.

Park Tour Recap

Recreation Coordinator Jay Sandstrom shared the notes collected from the 2019 annual park tour completed by Park Board members. Parks look good compared to previous years. Chair Erlewine commented that all of the notes made by members of items to address should fall under CIP.

Councilmember Cavaleri shared with the board a recent ILA with Snohomish County, in which the county will contribute \$150,000 towards play equipment costs for Heron Park. Beyond the playground, other improvements will include re-roofing the shelter/restroom and replacement of old lighting with energy efficient lighting. The City is exploring options for including ADA play equipment at this location.

Other suggestions from the park tour include:

- Avoiding using Plexiglas on play structures, as it does not age well and is hard to clean.
- Making park signage consistent across all City parks. Aim to create uniformity and demonstrate it is a City operated park.

The topic of Park Signage will be added to September agenda.

V. NEW BUSINESS

Introduce New Board Member – Ryan Nichols

Member Nichols introduced himself to the board. He is new to the area, and eager to give back to his new community.

Youth Advisory Board Recognition

Councilmember Cavaleri brought this topic to the board in an effort to drum up ideas to recognize and thank the Mill Creek Youth Advisory Board for their service to the City. Ideas that were shared were:

- YAB Day – sanctioned by the Mayor
- Profiling the board and members on social media, newspapers, city magazine
- Plaque with a photo of that years members
- Set up group interviews with Council and City staff to learn more about the inner workings of being a public servant

If Park Board members have other ideas, they are asked to email them to Recreation Coordinator Sandstrom.

VI. FOR THE GOOD OF THE ORDER

August Hiatus

Next meeting Wednesday, September 4

Upcoming Events:

Mill Creek Farmer's Market – Tuesdays 3-7pm – City Hall North

Party in the Parks – July 25 – Mill Creek Sports Park

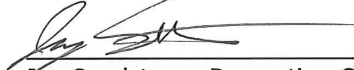
Run With Heat 5K – August 10 – Mill Creek Sports Park

Party in the Parks – August 22 – Heron Park

VII. ADJOURNMENT

Vice Chair Chapin moved to adjourn the meeting at 6:02 pm, seconded by Member Nichols. The motion passed unanimously. The next meeting is scheduled for September 4, 2019, at 5 p.m. in the City Hall Council Chambers.

Submitted by:



Jay Sandstrom, Recreation Coordinator



15728 Main Street, Mill Creek, WA 98012
Administration 425-745-1891
Police 425-745-6175
All Other Departments 425-551-7254

DATE: September 24, 2019
TO: Mayor and Council
THROUGH: Michael Ciaravino, City Manager
FROM: Tara Dunford, Interim Director of Finance and Administration
SUBJECT: Financial Reports for the period ending June 30, 2019

Attached for your review is the City's budget status report as of June 30, 2019. This report represents 25% of the 2019-2020 biennium.

Please contact City Manager Ciaravino or me if you have any questions concerning the attached financial data.

General Fund Revenues and Expenditures - Budget to Actual

	2019-2020 Budget	Actuals Through 6/30/2019	% of Budget
Revenues			
Regular & EMS Property Tax	15,800,000	4,127,056	26.1%
Sales Tax	6,715,000	1,792,093	26.7%
Licenses & Permits	1,366,000	288,808	21.1%
Grants/Intergovernmental	788,400	170,028	21.6%
Charges for Services	2,585,700	687,754	26.6%
Fines	382,000	60,979	16.0%
Miscellaneous	558,266	182,847	32.8%
Total Revenues	28,195,366	7,309,565	25.9%

	2019-2020 Budget	Actuals Through 6/30/2019	% of Budget
Expenditures			
Legislative	148,102	82,682	55.8%
City Manager	641,960	201,172	31.3%
Finance & Administration	1,489,353	318,670	21.4%
Communication & Marketing	954,538	232,305	24.3%
Information Technology	1,099,698	215,897	19.6%
Human Resources	330,388	92,913	28.1%
City Clerk	270,057	75,700	28.0%
Public Safety	10,349,517	2,547,989	24.6%
Fire Services	7,959,759	1,965,373	24.7%
Non-Department	636,560	240,329	37.8%
Community Development	1,588,813	334,075	21.0%
Public Works	1,996,786	517,935	25.9%
Recreation	715,822	161,459	22.6%
Total Expenditures	28,181,353	6,986,499	24.8%

Change in Fund Balance 14,013 323,066

Beginning Fund Balance 5,841,442 6,086,147

Ending Fund Balance 5,855,455 6,409,213

General Fund Revenues and Expenditures - Budget to Actual

- ❖ Sales tax revenue received through June is approximately 7% or \$97 thousand higher than projected.
- ❖ Licenses and permits revenue is lower than projected at this point due to the cyclical nature of building permit revenue.
- ❖ Grants and intergovernmental revenues are lower than projected as of June 30. This is due to the annual PUD privilege tax payment of approximately \$80 thousand which will not be received until third or fourth quarter.
- ❖ Charges for services revenues are significantly higher than projected mainly due to passport fees. Through June, passport fee revenue totaled \$331 thousand, or 34% of the biennial revenue estimate of \$975 thousand.
- ❖ Revenue from fines is slightly lower than projected due to civil infractions revenue, which is somewhat unpredictable by nature. This revenue can also fluctuate based on schedules of officers assigned to the Traffic Safety Unit.
- ❖ Legislative and City Manager expenditures are higher than projected due to the cost of the Interim City Manager and City Manager search contracts, which were not included in 2019-2020 budget projections.
- ❖ Non-departmental expenditures include annual payments for property and liability insurance, voter registration and memberships.

Other Funds Revenues and Expenditures - Budget vs Actual

	2019-2020 Budget	Actuals Through 6/30/19	% of Budget
SPECIAL REVENUE FUNDS			
City Street Fund			
Beginning Fund Balance	129,768	71,495	
Revenues	1,051,000	423,394	40.3%
Expenditures	(1,079,047)	(240,302)	22.3%
Ending Fund Balance	101,721	254,587	
City Hall North			
Beginning Fund Balance	556,222	539,198	
Revenues	374,000	98,168	26.2%
Expenditures	(817,441)	(117,023)	14.3%
Ending Fund Balance	112,781	520,343	
DEBT SERVICE FUNDS			
Debt Service Fund			
Beginning Fund Balance	13,991	12,455	
Revenues	20,641	-	0.0%
Expenditures	(34,632)	(788)	2.3%
Ending Fund Balance	-	11,667	

- ❖ Street revenue is higher than projected due to a \$300 thousand grant from the Transportation Improvement Board which was not included in the original budget. This new revenue source and the related expenditures will be included in the mid-biennium adjustment.
- ❖ City Hall North expenditure budget includes \$440 thousand for the roof and \$80 thousand for HVAC, none of which had been spent as of June 30.
- ❖ Debt service principal payments are not due until December.

Other Funds Revenues and Expenditures - Budget vs Actual

	2019-2020 Budget	Actuals Through 6/30/19	% of Budget
CAPITAL PROJECT FUNDS			
Real Estate Excise Tax			
Beginning Fund Balance	3,413,733	3,425,872	
Revenues	1,550,000	544,418	35.1%
Expenditures	(4,771,641)	(1,554,842)	32.6%
Ending Fund Balance	192,092	2,415,449	
Capital Improvement			
Beginning Fund Balance	1,414,806	1,416,557	
Revenues	740,000	54,848	7.4%
Expenditures	(1,062,640)	(58,982)	5.6%
Ending Fund Balance	1,092,166	1,412,423	
Park Capital Improvement			
Beginning Fund Balance	2,816,780	2,843,816	
Revenues	2,951,000	912,791	30.9%
Expenditures	(2,980,000)	(1,156,550)	38.8%
Ending Fund Balance	2,787,780	2,600,057	
Road Improvement			
Beginning Fund Balance	2,223,108	2,210,485	
Revenue	8,020,000	1,757,685	21.9%
Expenditures	(7,140,000)	(2,072,645)	29.0%
Ending Fund Balance	3,103,108	1,895,525	

- ❖ Real Estate Excise Tax revenue received to date is significantly higher than projected. It is too early to tell if that positive trend will continue for the remainder of the biennium.
- ❖ Capital Improvement revenues and expenditures to date are low relative to overall budget due to timing and progress of capital projects.

Other Funds Revenues and Expenditures - Budget vs Actual

	2019-2020 Budget	Actuals Through 6/30/19	% of Budget
ENTERPRISE FUNDS			
Surface Water Utility			
Beginning Fund Balance	702,060	649,684	
Revenues	4,200,000	653,042	15.5%
Expenditures	(3,980,748)	(321,676)	8.1%
Ending Fund Balance	921,312	981,050	

INTERNAL SERVICE FUNDS

Equipment Replacement			
Beginning Fund Balance	1,679,081	1,660,624	
Revenues	262,449	94,438	36.0%
Expenditures	(375,155)	(177,364)	47.3%
Ending Fund Balance	1,566,375	1,577,698	

- ❖ Surface Water Utility revenues as of June 30 do not reflect proceeds from the LTGO bond. Proceeds were received in July and will be reflected on the third quarter report.
- ❖ Equipment Replacement budgeted expenditures include only 2019 vehicle and equipment purchases. The budget and supporting asset replacement schedule will be updated with the mid-biennium amendment.

Cash and Investments Balances

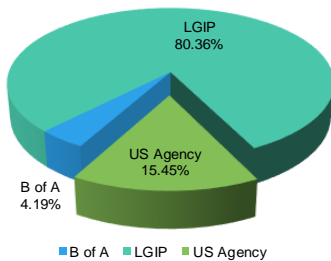
	6/30/2019	12/31/2018
Cash Bank Accounts ⁽¹⁾	\$ 814,584	\$ 108,583
State Local Government Investment Pool (LGIP)	\$15,611,505	\$ 14,377,057
US Government Agency Securities ⁽²⁾	\$ 3,001,731	\$ 4,751,731
Total Cash and Investment Holdings	\$19,427,821	\$ 19,237,371

(1) Reflects General Ledger balances, not actual bank cash balances.

(2) Investments are reported at original cost

Investment Summary

Cash and Investments by Category



Security Type	Amount	% of Investments
US Agency - Original Cost		
Federal Home Loan Bank	\$ 999,999	5.37%
Federal Farm Credit Bank	1,000,000	5.37%
Federal Home Loan Mortgage Corporation	1,840	0.01%
Financing Corporation	999,892	5.37%
	<u>\$ 3,001,731</u>	<u>16.13%</u>
Local Government Investment Pool (LGIP)	<u>\$ 15,611,505</u>	<u>83.87%</u>
Total Investment Portfolio	\$ 18,613,236	100.00%
Bank of America Checking	\$ 814,584	
Total Cash and Investments	<u><u>\$ 19,427,820</u></u>	

Economic Information

The State Economic and Revenue Forecast for June, 2019 indicates that the Washington economy is continuing to expand at a rapid pace. Washington job growth remains strong and the unemployment rate remains near its all-time low. Washington real GDP growth led the nation by a wide margin in 2018. Washington manufacturing activity continues to expand but exports declined over the year due to a reduction in transportation equipment exports. Seattle area consumer price inflation remains above the national average.

The Washington economic forecast is very similar to the March forecast with the exception of slightly higher personal income. The forecast expects 2.2% Washington employment growth this year, the same rate expected in the March forecast. Employment growth is anticipated to average 1.2% per year in 2020 through 2023, which is slightly higher than the 1.1% average in the March forecast. The forecast for nominal personal income growth this year is 4.9%, up from 4.6% in the March forecast.