

CITY COUNCIL AGENDA

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



Pam Pruitt, Mayor • Brian Holtzclaw, Mayor Pro Tem • Sean Kelly
Donna Michelson • Vince Cavaleri • Mike Todd • Mark Bond

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) 921-5776 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 address 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. 2017-815

Next Resolution No. 2017-564

**April 4, 2017
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. Terry Ryan, Snohomish County Council

CONSENT AGENDA

- C. City Council Meeting Minutes of March 28, 2017

REPORTS

- D. Mayor/Council
- E. City Manager
 - Legislative Summary

RECESS TO EXECUTIVE SESSION

(Confidential Session of the Council)

- F. Discussion of the status of collective bargaining negotiations

No action anticipated

AUDIENCE COMMUNICATION

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

ADJOURNMENT



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, March 28, 2017

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: [Part 1](#), [Part 2](#)

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Councilmembers Present:

Pam Pruitt, Mayor

Brian Holtzclaw, Mayor Pro Tem

Sean Kelly, Councilmember

Donna Michelson, Councilmember

Vince Cavaleri, Councilmember

Mike Todd, Councilmember

Mark Bond, Councilmember

Councilmembers Absent:

AUDIENCE COMMUNICATION

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

Ms. Bundie Olsen addressed the Council regarding concerns about the proposed timeline for overlay in the Wildflower subdivision.

Mr. Wil Nelson addressed the Council regarding concerns about the fire levy potentially failing, the good overall condition of City roads in comparison to the rest of the Country and his belief that the City is too aggressive in its approach to scoping and preserving City streets.

CONSENT AGENDA

B. Benefit ACH Payments in the Amount of \$27,557.20

(Audit Committee: Councilmember Cavaleri and Mayor Pro Tem Holtzclaw)

C. Approval of Checks #56678 through #56759 and ACH Wire Transfers in the Amount of \$222,217.18

(Audit Committee: Councilmember Cavaleri and Mayor Pro Tem Holtzclaw)

- D. City Council Meeting Minutes of January 24, 2017
- E. City Council Meeting Minutes of February 7, 2017
- F. City Council Meeting Minutes of February 14, 2017
- G. City Council Meeting Minutes of February 28, 2017
- H. City Council Meeting Minutes of March 7, 2017
- I. City Council Meeting Minutes of March 14, 2017

City Manager Polizzotto presented information regarding the new template used to prepare Council meeting minutes. Mayor Pruitt advised that the Council would review the new template and forward any input to the City Manager.

Mayor Pro Tem Holtzclaw made a motion to approve the consent agenda with the noted corrections to City Council Meeting Minutes of February 14, February 28 and March 14, 2017. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

REPORTS

J. Mayor/Council

Councilmember Kelly reported attending a WRIA Sound Recovery meeting and inviting their chair to speak at a future Council meeting. He also thanked the City Manager for including links to handouts from citizens in the new Council meeting minutes template.

Councilmember Todd reported on a traffic study recently conducted on the Highway 2 trestle. The study reported a surprisingly high volume of traffic and has therefore increased awareness at the State level. Improvements to the trestle are now being considered a regional issue and assistance from the State level is anticipated.

Mayor Pruitt reported that the \$4 million grant set aside for Mill Creek remained in the House and Senate so will be still be available.

K. City Manager

- Community Transit Letter
- Legislative Summary
- Open House
- Council Planning Schedule
- Audit Exit Conference Update

City Manager Polizzotto provided copies of the Governance Manual, 2017-2018 Budget Book and Legislative Update to the Council.

The Council discussed Senate Bills 5048 and 5711 and potential impacts on the City if they passed. The City Manager was authorized to draft a letter to State Representatives and the Senator regarding SB 5048. City Manager Polizzotto assured the Council that staff is tracking SB 5711 due to its intent to effectively remove City control over rights of way and use of franchise agreements for cellular companies wishing to install equipment to expand their networks. She agreed to continue to monitor this bill and compile additional information for future Council review and discussion.

The Council discussed possibly cancelling the April 4 Council meeting. City Manager Polizzotto

agreed to contact the Council by this Friday to inform them on whether anything of note came up in the legislature, which would necessitate their review or discussion. If noteworthy updates did not occurred, the Council authorized the City Manager to cancel this meeting.

City Manager Polizzotto reminded the Council of the Open House organized by Communications and Marketing Director Kirk's team which will be held on April 18 and provide tours of City Hall North and South to highlight the renovations recently conducted.

Finance and Administration Director Lauerman presented an update on the results of the Audit Exit Conference held with representatives from the State Auditor's Office and Councilmembers. She encouraged members of the public to review the report, which may be easily accessed on the Washington State Auditor's website by using the Search Reports feature.

Councilmember Todd made a motion authorizing the City Manager to draft a letter on behalf of the Council, to be sent to both State Representatives and the Senator, stating that the Mill Creek City Council is opposed to any budget proposals they may make which would increase the financial burden on cities for LEOFF 2 or PERS retirement contributions. Councilmember Michelson seconded the motion. The motion passed unanimously.

Councilmember Bond made a motion authorizing the City Manager to cancel the April 4 Council meeting if she determined that nothing noteworthy occurred in the legislative agenda which would require Council attention. Councilmember Kelly seconded the motion. The motion passed with Mayor Pro Tem Holtzclaw abstaining. (Mayor Pro Tem Holtzclaw stated he abstained because he was unavailable to attend the meeting if it was held.)

AUDIENCE COMMUNICATION

No public comment was made.

RECESS TO EXECUTIVE SESSION

(Confidential Session of the Council)

- L. The meeting recessed to executive session at 7:06 p.m. for approximately 30 minutes, which was subsequently extended.
- Discussion of the status of collective bargaining negotiations
 - Review negotiations on the performance of a publicly bid contract per RCW 42.30.110 (1) (d)

No action was taken.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at approximately 8:24 p.m.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 8:24 p.m.

Pam Pruitt, Mayor

Peggy Lauerman, City Clerk

Joanna Lee, Acting Deputy City Clerk
Tuesday, March 28, 2017



Washington State 2017 Proposed Legislation Summary & Impacts

Updated March 30, 2017

Legislation Summary	Status	City of Mill Creek Analysis and Recommendation
<p><u>HB1113 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Gradually increases the amount of liquor profits distributed to cities and counties until reinstating the traditional percentage based sharing formula in state fiscal year 2025. 	<p>Still alive; may be held for consideration during budget negotiations and may be considered "necessary to implement the budget."</p>	<p>AWC notes the importance of these funds that help support key public safety services. This gradually increases the local government's share of excess liquor revenues until the percentage-based method for distributions is restored. Under the proposal, cities and counties would receive \$49.4 million annually plus \$2.5 additional per year beginning in 2019 through 2024. In state fiscal year 2025, the bill would reinstate the traditional percentage based formula of 50/40/10. The proposal would require 60 percent of any liquor profits distributed to cities and counties in excess of \$49.4 million to be used for public safety.</p>
<p><u>HB1123 & SB5251 (Comms & Marketing)</u></p> <ul style="list-style-type: none"> Would create an industry-led Tourism Marketing Authority and provide performance-based industry funding mechanisms without additional taxes. 	<p>Because the tourism bill is considered "necessary to implement the budget", it will remain alive until the state budget is passed.</p>	<p>The bill takes 0.1 percent of general sales taxes collected on retails sales of lodging, restaurants and rental cars for its Statewide Tourism Marketing Account. Deposits will be limited to \$5 million per biennium and are subject to private matching funds prior to expenditure. Cities support finding a dedicated source to promote tourism but AWC has concerns with the source of funding in this bill as currently written. The sales tax on rental cars is deposited into the multi-modal account, which funds a number of transportation related projects and programs that cities benefit from including grants for bicycle and pedestrian projects, safe routes to schools and support for transit. AWC is working with the sponsors of this</p>

		legislation to find a funding source for a much-needed Tourism Authority that does not divert funds away from important local transportation needs
<p><u>HB1490 (Public Works)</u></p> <ul style="list-style-type: none"> • Defers pavement condition reporting. • Studies ways to consolidate various reporting requirements. 	<p>Passed by the House; moves to the Senate. Passed Transportations Committee on 3/14. Passed Rules for second reading.</p>	<p>AWC supports this.</p>
<p><u>HB1540 & SB5046 (Police, Comms)</u></p> <ul style="list-style-type: none"> • Would require city emergency management departments to provide emergency notices in languages represented by their communities who speak a language other than English. • Would also require cities to maintain updated demographic and language data on their jurisdiction. 	<p>Passed by the House by a very close margin; moves to the Senate. HB1540 Executive action taken, passed with amendments. Public Hearing in Ways and Means on 3/30.</p> <p>SB5046 passed by executive action. Referred to Appropriations.</p>	<p>AWC is interested in receiving our input on how these bills could impact our city.</p>
<p><u>HB1594 (Finance & Admin)</u></p> <ul style="list-style-type: none"> • Requires training for records officers to address issues of retention, production and disclosure of electronic records. • Creates a grant program within the Office of the Secretary of State for local governments to improve their public record management systems. • Creates a study on the feasibility of establishing a statewide open records portal. • Provides for mediation between a city and a requestor when there is disagreement on a request. 	<p>Passed by the House; moves to the Senate. Passed by executive action. Referred to Ways & Means.</p>	<p>AWC supports this bill, which improves public records administration. Current law lacks provisions to protect the public from those who misuse or abuse public records law. Further, the current law has failed to keep up with changing technologies and best practices. This provides reasonable charges for providing electronic data, allows for alternative dispute resolution, and provides technical and funding assistance.</p>

<p><u>HB1595 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Amends the PRA to allow cities to charge a small fee for providing copies of electronic records. Creates the ability for cities to deny overwhelming computer generated “bot” requests. Prohibits overly broad requests for all of a city’s records. Creates a way for cities to apply a service charge to exceptionally complex requests. 	<p>Passed by the House; moves to the Senate. Referred to State Government committee. Executive action taken, passed with amendments. Passed to Rules for second reading.</p>	<p>AWC supports. Addresses costs associated with responding to public records requests.</p>
<p><u>HB1655 (Police)</u></p> <ul style="list-style-type: none"> Seeks to expand presumptive occupational disease for police and fire personnel. Expands occupational disease coverage to posttraumatic stress disorder. 	<p>Passed House and moves to the Senate. Referred to the committee on Commerce, Labor and Sports. Public hearing scheduled for 3/22.</p>	<p>AWC opposes expansion of occupational disease due to the potential for increased costs and the lack of scientific evidence tying these diseases to the occupation. AWC would like to stop this bill.</p>
<p><u>HB1677 & SB5496 (Public Works)</u></p> <ul style="list-style-type: none"> Would build back a reformed Public Works Assistance account from loan repayments and a small amount of remaining tax revenue. 	<p>Still alive; may be held for consideration during budget negotiations. Executive action taken on 3/21; substitute bill was passed. Referred to Rules 2.</p>	<p>AWC considers this priority legislation to maintain and expand our critical municipal infrastructure. AWC expects to see an amended version emerge alongside the House’s overall budget proposal in about a month. There are some positive signals that the House wants to fight to preserve the Public Works Trust Fund.</p>
<p><u>HB1752 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Would require governments who dispose of surplus property at fair market value to transfer 20 percent of the proceeds to the state for deposit into the Housing Trust Fund. 	<p>Looks likely that this will still move in the House, but not right away. A bipartisan workgroup of legislators from the House Capital Budget Committee has been meeting to find a path forward on a proposal for local infrastructure funding; referred to Rules 2 for review.</p>	<p>While cities are strong supporters of affordable housing, this proposal has met with significant concern and opposition from AWC over the years.</p>

<p><u>HB1764 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Replaces the one percent cap on annual property tax increases with a limit tied to cost drivers. 	<p>Still alive; may be held for consideration during budget negotiations and may be considered "necessary to implement the budget." Executive session scheduled in House Committee on Finance for 3/30.</p>	<p>This is priority legislation for AWC.</p>
<p><u>HB1797 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Provides cities limited sales tax remittance for qualifying investments, Provides cities and counties authority to use real estate excise taxes to support affordable housing. Provides cities and counties with councilmanic authority to impose affordable housing sales tax. 	<p>Executive action taken in Community Development, Housing & Tribal Affairs. Referred to Rules 2 Review.</p>	<p>AWC supports this.</p>
<p><u>HB2006 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Removes non-supplant language from city and county criminal justice account distributions and the mental health sales tax. Currently, every city receives a portion of more than \$35M per biennium in criminal justice assistance. 	<p>Passed House; moves to the Senate. Referred to the Local Government committee. Executive action taken, passed with amendments. Passed to Rules for second reading.</p>	<p>AWC supports this.</p>
<p><u>SB5445 (Community & Econ Develop.)</u></p> <ul style="list-style-type: none"> Prohibits the use of eminent domain for economic development. 	<p>Passed in the Senate; moves to the House. Executive Action in Judiciary passed on 3/23. Referred to rules 2.</p>	<p>AWC does not support this bill.</p>
<p><u>SB5545 (Finance & Admin)</u></p> <ul style="list-style-type: none"> Would amend the Open Public Meetings Act by removing the exemption provided for collective bargaining sessions related to contract negotiations with unions. Would add language requiring that contract negotiations be open to the public but does not require public comment. Would allow public employers to provide a video of the negotiations to the public within twenty-four hours instead of firsthand observation by the public. 	<p>Executive action taken in Ways & Means. Referred to Rules for second reading. Senate Rules "X" file on 3/21.</p>	<p>AWC has opposed previous proposals that open bargaining sessions. Recently, two counties and a school district in our state have opted to open their bargaining sessions to the public.</p>

<p><u>SB5711 (Finance & Admin)</u></p> <ul style="list-style-type: none"> • Pre-empts local government regulation of small cell 5G telecommunication facilities and exempts them from land use review. 	<p>Executive action taken in Committee on Energy, Environment and Telecommunications. Referred to Rules for second reading. Returned to Rules on 3/17.</p>	<p>Sponsored by Sen. Hobbs. Most aspects of the bill are of great concern to cities. AWC advocates for an alternative to Part 1 of this bill that would allow cities to adopt a master permit process for small cell deployment, and opposes Part 2, pole attachments. AWC wants to stop this bill.</p>
<p><u>SB5827 (Comms & Marketing)</u></p> <ul style="list-style-type: none"> • Would <i>create a new</i> definition of tourist under the lodging tax statute, <i>which would have the effect of restricting</i> expenditures of lodging tax for tourism promotion, events, and tourism-related facilities. • The definition of tourist would be limited to those who stay in overnight accommodations, have traveled more than 50 miles, or have traveled from a different state or country. • Prohibits any lodging tax recipient who fails to submit the required report on tourist activities as ineligible to receive additional distributions until the report is submitted. 	<p>Executive action taken in Ways & Means. Referred to Rules for second reading. Senate Rules "X" File on 3/17.</p>	<p>AWC testified in opposition to this bill because it breaks the compromise reached on lodging tax authority in legislation passed several years ago, including greater authority for the lodging tax advisory committee, additional reporting processes, and limits on city legislative authority on using this local revenue tool. Sufficient processes are <i>already</i> in place to ensure that lodging taxes are used in the best ways to meet community needs. AWC wants to stop this bill.</p>
<p>Budget Update http://www.awcnet.org/portals/0/documents/legislative/govsenateproposedbudget.pdf</p> <ul style="list-style-type: none"> • Senate and House Budget both fully fund long-standing shared revenues, but not final until budget has been negotiated. • The Senate budget cuts \$70 million in funds for police and fire pensions, but House budget maintains commitment. • Cuts proposed for human services and help for the homeless. • Both Senate and House have proposed new funding to Public works for the first time in 4 years. 	<p>Senate budget was passed by partisan vote on 3/23. The House budget was released 3/27 and is likely to be acted on by 3/31.</p>	<p>The AWC is optimistic the budgets, but encourages cities to continue working with legislature through next week to ensure some key points continue through.</p> <p>The City Manager sent letters to the legislative delegation on 3/29 asking them to not eliminate crucial funding for LEOFF 2 from the state's budget.</p>