



CITY COUNCIL MINUTES

June 23, 2015

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

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

June 23, 2015
Regular City Council Meeting
6:00 p.m.

CALL TO ORDER

Mayor Pruitt called the meeting to order at 6:00 p.m.

FLAG SALUTE

Flag Salute was conducted.

ROLL CALL

Roll was called by the City Clerk with all Councilmembers present except Councilmember Michelson who was on vacation.

MOTION: Councilmember Cavaleri made a motion to excuse Councilmember Michelson from the meeting, Councilmember Kelly seconded the motion. The motion passed unanimously.

AUDIENCE COMMUNICATION

Carolyn Allendorfer
1904 Mill Fern Dr
Mill Creek, Washington 98012

Ms. Allendorfer wanted to welcome City Manager Polizzotto to the City. She also wanted to thank Finance Director Manuel for all his hard work over the years and wish him good luck in his retirement. Lastly, Ms. Allendorfer spoke in favor of the Drug Task Force Interlocal Agreement schedules for approval on the agenda.

OLD BUSINESS

East Gateway Zoning Options
(Rebecca C. Polizzotto, City Manager)

City Manager Polizzotto presented Council with a brief background of the East Gateway Urban Village (EGUV) and why the item was being discussed. City Manager Polizzotto reviewed a 2010 Advisory Committee report. Council was presented a 4 phase recommendation of how to proceed.

Phase 1: A Feasibility Study should be conducted to determine if the area is still viable for development, if a smaller anchor tenant could be practical and if any of it is realistic.

- Phase 2: A policy determination as to what is appropriate for Mill Creek.
- Phase 3: Updating the Master Plan based on the results from Phase 2 and what infrastructure investment might be needed to entice retail tenants to locate in EGUV.
- Phase 4: Execute an Economic Development initiative to pursue partners.

Discussion:

Council discussed having staff draft a Request for Qualifications (RFQ) for an Economic Feasibility Study for Council consideration.

EXECUTIVE SESSION

The meeting recessed to executive session at 6:30 p.m. to discuss the potential litigation per RCW 42.30.110(i) for approximately 15 minutes.

At 6:45 p.m., the executive session was extended to 6:50 p.m.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at 6:50 p.m.

MOTION: Councilmember Todd made a motion to approve the development of an Economic Feasibility Study RFQ, Mayor Pro Tem Holtzclaw seconded the motion. The motion passed unanimously 6-0.

MOTION: Mayor Pro Tem Holtzclaw made a motion to approve Ordinance 2015-795, adopting a moratorium on all binding site plan applications for development located within the East Gateway Urban Village Zoning District; and declaring an emergency and providing that the Ordinance shall be in full force for 6 months will take effect immediately upon enactment and to hold a public hearing within 60 days., Councilmember Cavaleri seconded the motion. The motion passed unanimously.

NEW BUSINESS

Interlocal Agreement Between the City of Mill Creek and the Snohomish Regional Drug and Gang Task Force (Rebecca C. Polizzotto, City Manager)

The following agenda summary information was presented:

The proposed Interlocal Agreement renews the terms and conditions of the existing relationship between the City of Mill Creek and the Snohomish Regional Drug and Gang Task Force.

The purpose of the partnership is to collectively utilize staffing, equipment, funding and expertise from multiple municipal, county, state and federal agencies cooperatively. This consortium provides the resources needed for local, large scale and regional narcotics/gang related investigations.

The renewal cost of entering into the ILA for the period July 1, 2015 through June 30, 2016, is \$4,959 and is funded through the Drug Fund. Pursuant to RCW 10.105.010, the money in the Drug Fund must be used "exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting

funding sources." A similar restriction applies to use of the Drug Fund in MCMC 3.38.010. Currently, the funds available in the Drug Fund exceed \$70,000.

The Task Force allows the City to expand and improve the City's current drug enforcement capabilities. These task force resources support Mill Creek with 34+ trained law enforcement professionals exclusively assigned to drug enforcement, investigations, community education and criminal prosecution.

During the preceding term (July 1, 2014 through June 30, 2015), Mill Creek used Task Force resources on five occasions to assist with large scale/complex narcotics investigations. The Task Force is also the sponsoring agency for the Drug Take Back Program which affords the public with a safe location to dispose of outdated or no longer needed prescription drugs. In 2014/2015 the Mill Creek Police Department collected over 300 pounds of prescription drugs.

Discussion

Council discussed the proposed Interlocal Agreement, its associated benefits and costs.

MOTION: Councilmember Cavaleri made a motion to execute the Interlocal Agreement between the City of Mill Creek and the Snohomish Regional Drug and Gang Task Force to become effective July 1, 2015 through June 30, 2016, Councilmember Todd seconded the motion.

Council discussed some concerns.

MOTION VOTE: The motion passed unanimously 6-0.

Construction Contract Award for Exterior Repairs and Painting for City Hall and the Annex Building
(*Rebecca C. Polizzotto, City Manager*) (If approved, would take Resolution #2015-533)

The following agenda summary information was presented:

Both City Hall and the Annex building need exterior repairs and painting. Both buildings have numerous small areas where the paint has bubbled or peeled off and on City Hall several plywood exterior panels are starting to delaminate. It has been approximately ten years since the Annex was last painted and 14 years for City Hall. The proposed contract work will replace the failed wood panels with a more durable product, replace all the concrete joint sealant, remove the no-longer needed fire sprinklers on the front of City Hall and patch the resultant holes, and repaint both buildings.

This project was advertised for bids in the Daily Journal of Commerce and through the Municipal Research Service Center (MRSC) Small Works Roster. Seven bids were received and opened on May 28, 2015, ranging in cost (w/o sales tax) from \$83,275 to \$104,975. K & K Construction, LLC submitted the lowest responsive bid.

The budget estimate for the project was \$90,000 to \$110,000. The bid was from K&K Construction was \$91,270. \$35,000 of the project cost will be paid from Capital Fund 316 and the balance of the project cost will be paid from the Annex Fund 145. The project cost is included and in accordance with the adopted 2015-2016 Biennium Budget.

K&K Construction is located in Port Orchard, and is an owner-operator company, i.e., all four employees are also owners of the company. The owners have performed similar work on many contracts of this size and larger for the Highline School District while working as project managers for a larger company. The school district representative spoke very highly of their job knowledge, competency and ability to complete the projects on-time and deliver a good product. Based on the information obtained, K&K Construction meets the legal requirements for a responsive, responsible bidder. The project is anticipated to start in July, and will take approximately one month to complete. Staff will insure the project does not create conflicts with the scheduled summer events, especially the 3-on-3 basketball tournament on July 11th in the Annex parking lot.

MOTION: Councilmember Todd made a motion to grant the construction contract for Exterior Repairs and Painting for City Hall and the Annex Building (Resolution #2015-533), Councilmember Kelly seconded the motion. The motion passed unanimously.

Construction Contract Award for 2015 Citywide Asphalt Repair Project
(Rebecca C. Polizzotto, City Manager)

The following agenda summary information was presented:

The City Council previously approved the proposed annual work plan for the 2015 Pavement Preservation Program (PPP). The PPP includes the city-wide asphalt repair project (Project) consisting of approximately 175 repair sites, along with associated drainage repairs, and the reconstruction of several landscaped medians.

The Project was advertised for bids for three weeks in the Daily Journal of Commerce, the Everett Herald and through the Municipal Research Service Center (MRSC) contractor roster. A single bid was received in the amount of \$1,018,530.00. The project budget was approximately \$525,000. Accordingly, the bid exceeded the budget by nearly \$500,000. Currently, there is more available work than available contractors thereby driving costs up.

There are several possible options in terms of how to proceed with the Project:

- 1) Accept the proffered bid and complete the planned work this summer. However, this would result in the project exceeding the budget projection by nearly \$500,000 which would in turn limit the City's ability to execute future projects in the CIP.
- 2) Re-scope the project to a smaller size to reduce the cost. While this approach would allow some work to continue within the budget allocation, it would delay other work thereby resulting in potentially higher costs later.
- 3) Reject the bid and re-advertise the project for bid this fall. However, there is no guarantee we would receive more cost effective bids in the current market. Further, bidding the work in the fall may result in work being deferred until next spring due to weather.
- 4) Reject the submitted bid and re-advertise the project for bids in spring 2016. This option would likely result in more bidders due to contractor availability at that time of year, and better cost. However, many residents are expecting some of the associated repairs such as the Highlands Boulevard Median and the Red Cedar Drainage Projects to be completed this year.

Reject the submitted bid and re-advertise the project for bids in spring 2016. Separate the median reconstruction and drainage work from the asphalt repair project and incorporate this work into the scope of work under the upcoming Concrete Repair Project to be administered by the Public Works Department. This option allows the City to: (1) rebid the project at a time when there is more contractor availability thereby achieving better cost savings; (2) avoid delaying maintenance projects; and (3) address the median construction and drainage work in 2015 as planned. The Public Works Director has indicated this shifting of work under the Concrete Repair Project is feasible.

MOTION: Councilmember Todd made a motion to reject the bid submitted by Granite Construction for the 2015 Asphalt Repair Project, Councilmember Kelly seconded the motion. The motion passed unanimously.

Council then discussed what long term effects there might be in delaying these repairs.

CONSENT AGENDA

Approval of Checks #53887 through #53963 and ACH Wire Transfers in the Amount of \$276,364.36. (Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Todd)

Payroll and Benefit ACH Payments in the Amount of \$465,355.98. (Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Todd)

The audit committee had no exceptions to the vouchers as presented.

City Council Meeting Minutes of May 26, 2015

City Council Meeting Minutes of June 2, 2015

City Council Meeting Minutes of June 9, 2015

Ordinance of the City of Mill Creek, Washington, Adopting Amendments to Title 18.06 in the Mill Creek Municipal Code (If approved, would take Ordinance #2015-796)

At the June 2, 2015 City Council meeting, staff presented an ordinance that would amend the Critical Areas Regulations (MCMC Title 18.06) to specifically adopt the new wetland rating system adopted by the Department of Ecology and clarify other provisions in the Code. Following the presentation, Council requested minor revisions to the Ordinance. Accordingly, staff has revised the ordinance to: 1) add a definition for the term "permittee-responsible innovative mitigation; and 2) revise a sentence on page 6 of the ordinance substituting the word "replace" with the word "mitigate" to make the meaning of the sentence clearer.

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

REPORTS

Mayor Pruitt asked staff what Council should do with the wetlands issue email that was received. City Manager Polizzotto responded that staff would provide a response to the letter writer.

Mayor Pro Tem Holtzclaw reported the next Snohomish County Tomorrow (SCT) meeting was

cancelled. Also, there are 2 advisory positions on SCT Steering Committee open. He also recommended that in the future clerk note in the minutes if there are any exceptions from the audit committee. Additionally he thanked Public Works Director Gathmann for handling debris in bike lanes promptly.

Councilmember Todd mentioned upcoming public meetings for Community Transit's Swift II.

City Manager Polizzotto brought up Finance Director Manuel's impending retirement on July 5th and it has been decided he would postpone that date until a replacement is brought on board, which could be the end of the year. She revealed to Council that as a result of no longer providing paper copies of the packet for the meetings, it frees up approximately one entire day of the City Clerk's time each month.

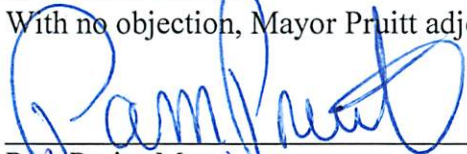
Mayor Pro Tem Holtzclaw inquired about when the new garbage, recycle and/or yard waste receptacles, being provided by Waste Management, would be delivered to residents since the new contract would be starting July 1st. Public Works Director Gathmann replied he would check with the local representative of Waste Management.

AUDIENCE COMMUNICATION

None.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 7:35 p.m.



Pam Pruitt, Mayor



Kim Mason-Hatt, Acting City Clerk