



CITY COUNCIL MINUTES

December 6, 2016

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 (Absent)

December 6, 2016
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 Acting Deputy City Clerk with all Councilmembers present except Councilmember Bond.

Mayor Pruitt noted that Councilmember Bond was not in attendance.

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

AUDIENCE COMMUNICATION:

There were no comments from the audience.

PUBLIC HEARING:

Public Hearing for 2017-2018 Biennial Budget
(Rebecca C. Polizzotto, City Manager)

City Manager Polizzotto reported that it was the staff's pleasure to present a balanced budget to the Council. This budget is intended to serve as a short-term financial plan, while a large part of the City's strategic objectives is developing a long-term financial plan for a six year period. The budget was designed as a living document and will be brought back to Council for additional review as projects meet certain milestones, Council priorities change, etc. City Manager Polizzotto asked the Council to come back to staff if they would like to change any of the strategic objectives included within. A formal budget book, which will incorporate these changes and other edits, will be finalized and presented to the Council, staff and members of the public in January. Other items such as Council Goals and Pay & Classification Plans will be added as they are finalized as well. City Manager Polizzotto also discussed and explained other changes and updates made to the budget with the Council.

Discussion

No questions were presented at this time.

Mayor Pruitt opened the public hearing at 6:09 p.m.

Mayor Pruitt asked the City Manager to include the petition and all emails she received which relate to flooding on 35th Avenue in the public record as part of this public hearing.

Ed McNichol
16212 Bothell-Everett Hwy., #188
Mill Creek, WA 98012

Mr. McNichol lives in the Highland Trails sub-division and spoke as the President of the Highland Trails Homeowner's Association. He expressed his concern regarding the detour put in place during the latest flooding event on 35th Avenue and the unsafe situation it created in this neighborhood. Mr. McNichol reviewed the many times he received assurances from the City in the past, that this detour wouldn't happen again, and asked that next time be different. He referenced a video of the dramatic impact this level of traffic has on their neighborhood, and a subsequent petition showing support for a permanent fix.

Mayor Pruitt thanked Mr. McNichol and assured him that staff is working on alternatives to avoid this situation in the future.

City Manager Polizzotto agreed that the issue is clear, and assured that the reconstruction of 35th Avenue is in the current CIP for inclusion in the budget. Once permitting issues are resolved and first costs are identified, the contract will be brought to Council for discussion and ultimately a vote.

Chief Elwin also agreed that the detour is unacceptable and assured that traffic will not be detoured through this neighborhood like this again. He worked with City Engineer Scott Smith and Public Works, crew to determine that in the situation of another flood, and until a permanent fix is completed, this section of 35th Avenue will be closed until it is determined safe for commuters again.

City Engineer Smith agreed and advised the plan created will be provided to appropriate staff, and signs will be prepped on a trailer, so staff is prepared when this flooding occurs again.

State Representative Mark Harmsworth
15418 29th Ave. SE
Mill Creek, WA 98012

Mr. Harmsworth lives in the Parkside sub-division. Mr. Harmsworth agreed that the issues with 35th Avenue aren't going away, and the costs will only go up over time. He encouraged the Council to keep the project in the CIP and use the funds secured in order to get it taken care of.

Kathryn Sterling (spelling not confirmed)
3120 144th St. SE
Mill Creek, WA 98012

Ms. Sterling lives in the Highland Trails sub-division. She advised the Council that the traffic from this detour doesn't seem to peak for three hours in the morning and evening commutes anymore; instead it seems to last all day long. Ms. Sterling sincerely thanked the Council and staff for their prompt responses to her concerns about 35th, and was very supportive of a permanent fix to the road. She shared that she had educated herself and realizes how much work has already gone into this project and that it's not a simple fix. With that, she thanked staff and Council for their continued work towards a final solution.

Ryan Alexander
2729 143rd St. SE
Mill Creek, WA 98012

Mr. Alexander lives in the Highland Trails sub-division. He advised the Council that he, along with help from others, created the online petition and video being circulated. The intent was to demonstrate how much the community cares about this issue, as well as how it impacts those outside of this neighborhood. As of this council meeting, 231 individuals have signed the petition. Mr. Alexander asked the Council to use the funds to fix the street instead of putting the project off, and set the detour away from this neighborhood until the fix can be made.

Peter Fortado (spelling not confirmed)
14522 38th Dr. SE
Mill Creek, WA 98012

Mr. Fortado lives in the Webster's Pond sub-division, and spoke as President of the Webster's Pond Homeowner's Association. He clarified that Webster's Pond is accessed off of 35th by 146th Street, and 146th Street was approved for expansion as a connector to Seattle Hill Road a year or so ago. Mr. Fortado expressed concerns that with improvements and higher traffic volumes on Seattle Hill Road and 35th Avenue, future detour routes will have a larger impact on the neighborhoods they are put through. With the extended 146th Street as one of these future options, he asked the Council to think ahead as to the impact this would have on the Webster's Pond division. He reminded the Council that this community was built under Snohomish County standards and therefore includes narrow roads, a hairpin turn and dense population. Mr. Fortado asked the Council to consider traffic calming devices for everyday traffic, and to consider alternatives to this road as a detour in the future.

Mayor Pruitt closed the public hearing at 6:28 p.m.

Councilmember Todd expressed concern regarding the final cost of the repairs to the 35th Avenue. With the Corps of Engineers involved and the current status of the project, it's currently unknown what the actual cost of the work will be, and therefore the overall impact of the project to the City's finances. Councilmember Todd mentioned that there are longstanding needs in other areas of the City as well that should be considered. He asked for continued updates for the Council and public to understand the status of the project as it progresses.

Councilmember Cavaleri shared that he is in favor of moving as quickly as possible to get the repairs to 35th Avenue completed.

Mayor Pro Tem Holtzclaw thanked staff for all of the hard work on the budget. He also agreed that 35th Avenue needs to be fixed, whether the costs rise or not.

Councilmember Michelson recalled the long-term problems with 35th Avenue. She requested scheduling a full discussion, including information on related costs and any environmental concerns presented by the Corps of Engineers, so the Council may make an informed decision.

Mayor Pruitt shared that Senator Hobbs would like the City to go forward with the repairs, and discussed the potential for financial assistance if environmental issues become costly. She believes the City must find a way to proceed with the repairs, and intends to vote to include this project in the CIP to keep it moving forward.

Councilmember Todd mentioned concerns about projected spending of additional monies from outside the CIP and budget, and asked the Council to remember that although the budget for the General Fund is now balanced, there's a lot of work left to do. City Manager Polizzotto agreed that although staff attacked the operating budget, the capital budget requires a different analysis. She advocated that the City look at all capital projects so their costs may be managed and planned for, and assured that this budget will be addressed in the same manner as the operating budget. Mayor Pro Tem Holtzclaw clarified that City reserves are increasing with the operating budget, but the Council is choosing to spend down some of the individual funds (e.g. REET). Councilmember Todd asked to discuss the Total Station for the Police Department before a decision to purchase is made.

MOTION: Councilmember Todd made a motion to approve Ordinance #2016-810 adopting budgeted revenues and expenditures for the fiscal biennium commencing January 1, 2017, Mayor Pro Tem Holtzclaw seconded the motion. The motion passed unanimously.

MOTION: Mayor Pro Tem Holtzclaw made a motion to approve Ordinance #2016-811 adopting a revised and updated 6-year Capital Improvement Plan for years 2017-2026 in accordance with the City's biennial budget process, comprehensive plan, and growth management act, Councilmember Michelson seconded the motion. The motion passed unanimously.

City Manager Polizzotto discussed the work the City plans to do in the upcoming biennium and six year horizon. She wanted to be sure it was clear in the ordinance that the current CIP is not final. A lot of comprehensive analyses will be necessary for many of the topics contained within and it will be adjusted to reflect long-term CIP needs. This ordinance was drafted by the City Attorney to reflect this status, and in order to be consistent with similar ordinances used in the past.

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 SRDGTF is a multi-jurisdictional task force comprised of law enforcement officers from agencies in Snohomish County, the county prosecutor, and various support personnel. The SRDGTF has been in existence on a continuous basis since January 18, 1988. SRDGTF operations are governed by an Executive Board comprised of the elected Snohomish County Sheriff and Prosecutor, the Everett Police Chief and City Attorney, and one more Chief of Police from a participating police department (currently the City of Mountlake Terrace).

The SRDGTF is partially funded by US Department of Justice (USDOJ) grant money administered by the Washington State Department of Commerce. Additional operating expenses are covered by contributions from participating agencies such as the Mill Creek Police Department.

The SRDGTF provides investigative support to the Mill Creek Police Department and other jurisdictions for cases requiring specialized equipment and investigative techniques. Typically, the SRDGTF will assume a primary investigative role for drug and gang violence cases that have regional, statewide or interstate impact. The level of these cases is beyond the operational ability of the MCPD. During 2016, the SRDGTF conducted nine (9) investigations in the City of Mill Creek, four (4) of which had gang-related ties. Additionally, the MCPD is currently working with the SRDGTF on an ongoing investigation.

In consideration of the services rendered by the SRDGTF, participating jurisdictions agree to contribute funds that in the aggregate will allow for at least a one-third match of the funds awarded by the USDOJ (local match). Due to decreasing federal dollars, the percentage of the local match has increased during recent years and is now approximately two-thirds of the total SRDGTF operating budget. For the term of this ILA (July 1, 2016 - September 30, 2017) the local match is \$251,456.00 for salaries and benefits. The formula used to determine a participating city's contribution is based on that city's population. For the period of this ILA, the City of Mill Creek contribution is **\$6,570.00**. This assessment includes a bridge amount of \$1,314.00 to cover the gap created by having unsigned ILA's since July 1, 2016.

The 'Drug Buy' Fund (Fund 130) currently has a balance of \$62,349.61 and the city's contribution to the SRDGTF is an authorized expense.

Discussion

City Manager Polizzotto advised the Council that this ILA is funded through the 'Drug Buy' Fund. Chief Elwin shared that the ILA dates back to 1988 and the Task Force is comprised of professionals from many different specialties. He believes this partnership brings a lot to the City for a relatively small amount of money, and is money well spent.

MOTION: Councilmember Cavaleri made a motion to approve the City of Mill Creek and Snohomish Regional Drug and Gang Task Force Interlocal Agreement, Councilmember Michelson seconded the motion. The motion passed unanimously.

Ordinance Approving the Final Plat of Woodland Trails
(Rebecca C. Polizzotto, City Manager)

The following agenda summary information was presented:

The owner/developer, Harbour Homes, LLC, has requested approval of the Final Plat of Woodland Trails. The plat will subdivide 7.13 acres into 28 lots for single-family home development. The property is located at 3601 Seattle Hill Road.

The City's Hearing Examiner conducted a public hearing on the Preliminary Plat on November 16, 2015, and issued a decision approving the Preliminary Plat with conditions on December 2, 2015. Once the applicant has met the conditions of the preliminary plat, state law requires that the City Council approve a Final Plat for recording. The Final Plat is the instrument that actually creates each of the lots so they can be sold.

The applicant has complied with or bonded for all Conditions of Approval to the satisfaction of the Engineering Department and the Department of Community and Economic Development. Building permits cannot be issued (with the exception of model home permits) and the homes cannot be sold until the Final Plat is approved and recorded. The following mitigation fees have been paid and bonds have been or will be posted:

1. The City is in receipt of performance bonds in the amount of \$772,570 to provide a surety for the completion of public improvements in the plat, which include erosion control, roadway and storm drainage facilities, curb, gutter and sidewalk.
2. The developer shall provide a secured landscape performance bond equal to 125 percent of the cost of landscape installation (labor and materials), in accordance with MCMC Section 16.16.040. Said bond shall be posted prior to the issuance of the first building permit.
3. SEPA mitigation fees have been paid to the City, Snohomish County, and Fire District #7.
4. In accordance with the Interlocal Agreement between the City of Mill Creek and the Everett School District, the developer shall provide proof of payment of mitigation fees totaling \$68,013, prior to issuance of the first building permit.

Discussion

Councilmember Todd discussed concerns regarding whether there should be a path between the bulb of the cul-de-sac and Seattle Hill Road to guide foot traffic to the shopping center, bus stop, etc. Director Rogers agreed to look into the feasibility of a walkway with the applicant, and Mayor Pro Tem Holtzclaw encouraged staff to work with the developer to add the walkway if possible. City Engineer Smith suggested incorporating this with the widening of Seattle Hill Road by Snohomish County. He said it may be better to wait until the County's work is complete in order to review actual walking patterns, and therefore determine where the path may be most beneficial.

Directors Rogers and Smith will look into whether the City should take this project on at that time, or if it's an option to add it to the County project as it gets closer. Per Councilmember Todd's request, City Manager Polizzotto asked staff to incorporate adding short paths to the street into their work plans in the future.

MOTION: Mayor Pro Tem Holtzclaw made a motion to approve Ordinance #2016-813 approving the final plat of Woodland Trails (formerly known as Harms Estate), Project File NO. PL2016-0017, and establishing an effective date, Councilmember Cavaleri seconded the motion. The motion passed unanimously.

Motion to Approve Ordinances Adopting the 2017-2018 Biennial Budget and Capital Improvement Plan

(Rebecca C. Polizzotto, City Manager)

Both ordinances were approved at an earlier point in this meeting. See above for details.

Proposed Rescheduling of the December 13 Council Meeting to be held December 20

(City Council)

Discussion

City Manager Polizzotto advised that the Fire Department Contract Analysis Presentation was the only item currently scheduled for the December 13 Council Meeting. The City's attorney is integral to this discussion however has a scheduling conflict on this date. The City Manager requested the meeting be rescheduled to December 20 for this reason.

MOTION: Councilmember Todd made a motion to cancel the regularly scheduled December 13 council meeting, Councilmember Cavaleri seconded the motion. The motion passed unanimously.

City Manager Polizzotto will set a special meeting for December 20 at 6 p.m. for this topic and to discuss purchase and budget amendments.

REPORTS:

Mayor Pruitt thanked staff, and specifically Interim Recreation & Tourism Manager Davern, for a great holiday parade which accommodated thousands of people this year. She was encouraged by the alternative to detouring traffic through Highland Trails, and thanked officers for guiding traffic. She was also impressed by Mill Creek officers' work in the school zones, and thanked them for their efforts.

Councilmember Kelly asked if there were alternatives to closing 153rd during parades as it can be inconvenient. City Manager Polizzotto shared that staff is doing after-action reviews and will be taking everything into consideration for future parades.

Councilmember Cavaleri shared that he is delighted with the budget. He also mentioned that he would like to see additional money provided to the Senior Center to assist with their move and computer upgrades.

Councilmember Michelson thanked officers for their assistance in the school zones. She has had very positive experiences and thanked Officer C. White specifically. Councilmember Michelson advised that she would like the Council to step up to provide funding to the Health Department through the Council Discretionary Fund.

MOTION: Councilmember Michelson made a motion to authorize payment of \$0.50 per capita for 2017 to the Snohomish County Health Department out of the Council Discretionary Fund, Councilmember Todd seconded the motion.

Discussion

City Manager Polizzotto advised that this expense had not been included in the budget based on a previous discussion with the Council and, that it would be discussed at a later time for consideration of a payment for 2018. Councilmember Todd felt the Health District needed to firm up some of their numbers so was okay with committing for one year, but not long term. Councilmember Cavaleri doesn't discount the Health District's hard work but has concerns regarding what a one-time cash payment would really do for them. He shared that he would rather take care of our seniors. Mayor Pruitt was not prepared to pay at this time. Councilmember Kelly felt it was prudent to see how the City budget progresses before committing.

The motion failed 2-4-0 with Mayor Pruitt, Mayor Pro Tem Holtzclaw, Councilmember Kelly, Councilmember Cavaleri opposed and Councilmember Bond excused.

Councilmember Todd suggesting diverting traffic at the south end of 132nd Street SE and north end of Seattle Hill Road so people are aware of an upcoming detour before getting into the residential areas. City Engineer Smith advised that this had been incorporated into the detour plans for future flooding of 35th Avenue. Mayor Pruitt asked to get the word out to all citizens as quickly as possible.

City Manager Polizzotto thanked the Council for their efforts on, and support of, the budget. This budget is exciting to her and will be great framework to build on.

Mayor Pro Tem Holtzclaw asked when the chip seal discussion would be back on the Council agenda. City Manager Polizzotto advised that it's tentatively on for January 24, and agreed that the public will be advised ahead of time.

AUDIENCE COMMUNICATION:

Jason Maddox
13821 28th Dr. SE
Mill Creek, WA 98012

Mr. Maddox lives in the Silver Crest Park sub-division. He said that when their streets were dug up by contractors, the project was never completed. Storm drains were left covered and therefore didn't drain, speedbumps weren't replaced and other items were left undone. City Manager Polizzotto advised that she would look into this and get back to the Council and Mr. Maddox.

Peter Fortado
14522 38th Dr. SE
Mill Creek, WA 98012

Mr. Fortado lives in the Webster's Pond sub-division, and spoke as President of the Webster's Pond Homeowner's Association. He discussed that the plat to the east of Webster's Pond was reviewed by the Hearing Examiner in late 2013. Bollards were put in place at that time to block heavy traffic, construction traffic and heavy vehicles from using the construction area during the build. Mr. Fortado asked the Council to remove these bollards during daytime hours so this traffic can move from Seattle Hill Road and into the construction zone for the new development. There are very large vehicles coming through Webster's Pond, including through the 90 degree corner, and down roads which were not designed for this type of traffic. He asked for traffic mitigation in this area, and along the 146th stretch, to make the neighborhood safer. Mr. Fortado is under the impression that the builder has funds for these purposes, and requests that the Council shares this burden with this and future builders in the overall community. City Manager Polizzotto said she would look into it and get back to the Council and Mr. Fortado.

Kathryn Sterling
3120 144th St. SE
Mill Creek, WA 98012

Ms. Sterling lives in the Highland Trails sub-division. The signage and alternative detour routes through Highland Trails & Silver Crest Drive have had the effect of informing drivers of this shortcut in the City. Ms. Sterling is concerned that some of this traffic will continue using this shortcut instead of the main roads, and therefore traffic levels won't drop to where they were before the detour. She asked if it was possible to put a temporary blockade in place to help get people to think twice.

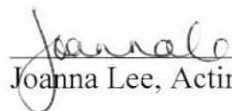
Mayor Pruitt asked that the new 35th Avenue detour route be released to the public once it's finalized, along with a map showing alternative routes.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 7:53 p.m.



Pam Pruitt, Mayor



Joanna Lee, Acting Deputy City Clerk