

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Tuesday, September 22, 2015

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Kim Daughtry, Sam Low, John Spencer, Todd Welch, Suzanne Quigley

COUNCILMEMBERS ABSENT: Marcus Tageant, Kathy Holder

STAFF MEMBERS PRESENT: City Administrator Jan Berg, Finance Director/City Clerk Barb Stevens, Planning and Community Development Director Rebecca Ableman McCrary, Public Works Director Mick Monken, Human Resources Director Steve Edin, Police Chief Dan Lorentzen, Lead Senior Planner Russ Wright, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Krystal Fitzpatrick, Center for Advanced Manufacturing Puget Sound and Deloit Wolse, Impact Washington; Doug Levy, Outcomes by Levy

Excused Absence. Councilmember Spencer moved, Councilmember Low seconded, to excuse Councilmembers Tageant and Holder from the meeting. On vote the motion carried (5-0-0-2).

Guest Business. None.

City Department Report.

Proclamation: Mayor Little read the Proclamation declaring October 2, 2015 as Manufacturing Day in Lake Stevens and presented the proclamation to the Center for Advanced Manufacturing Puget Sound ("CAMPS") and to Impact Washington for encouraging the training of youth in manufacturing skills. Krystal Fitzpatrick from CAMPS and Deloit Wolse from Impact Washington each thanked the City and spoke briefly in support of their respective organizations and related activities.

Consent Agenda.

MOTION: Moved by Councilmember Low, seconded by Councilmember Welch, to approve (A) 2015 Vouchers [Payroll Direct Deposits of \$145,318.1, Payroll Check Nos. 39102-39103 totaling \$4,336.54, Tax Deposits of \$60,460.09, Electronic Funds Transfers (ACH) of \$6,438.15, Claims Checks Nos. 39104-39158 totaling \$132,210.27, Total Vouches Approved: \$348,763.26]; (B) City Council Regular Meeting Minutes of September 8, 2015; and (C) Interlocal Government Agreement regarding In-Service Training Sessions. On vote the motion carried (5-0-0-2).

Public Hearing: 2015-2035 Comprehensive Plan and Final Reading of Ordinance 937 Adopting 2015-2035 Comprehensive Plan. City Clerk Barb Stevens opened the public hearing and read the rules of procedure into the record.

Lead Senior City Planner Russ Wright presented the staff report. He noted that Council continued the Public Hearing from September 8, 2015 to this evening, and he reviewed the public process beginning in 2014. Mr. Wright reviewed the major plan revisions including updates to the demographics, statistics and growth targets. New population growth targets are set for the community by the Puget Sound Regional Council ("PSRC") and the State. The plan as proposed will facilitate the growth that the City is required to take both within the city limits and the Urban Growth Area ("UGA"). This is also true with the housing and job targets that have been set. Mr. Wright noted the Planning Commission recommended approval of the proposed 2015-2035 Comprehensive Plan.

Comments were received from various state and local agencies, and have been integrated into the plan. Mr. Wright said the city has received many compliments from reviewing agencies on both the design and substance of the plan. Particularly PSRC complimented the housing element and how multi-modal transportation was integrated into the transportation element. Community Transit also recognized the transportation chapter, and the Department of Commerce complimented that this was the best plan they have reviewed this year.

Mr. Wright highlighted how staff addressed Council's concerns and comments raised at the September 8, 2015 Council meeting on annexation and the unification agreement with the Sewer District.

Mr. Wright reviewed that the next step is for Council to take action on Ordinance 937, and that Staff would be returning with various code amendments that will need to be made for compliance with the updated comprehensive plan. Mr. Wright said that staff is distributing an updated Ordinance with redline changes to correct primarily scribner's errors, as well as an updated Comprehensive Plan Land Use Map removing a proposed land use designation change. The revised map has been updated in format only and the designations are the same as the currently adopted Land Use map.

Mayor Little opened the public comment portion of the public hearing.

Sally Jo Sebring, 1023 99th Avenue SE, distributed her written comments and then read them into the record. Her primary concern is the Housing Element, and specifically Goal 3.4. She supports opportunities for increased public involvement and said that time frames for the public to respond to notices of public involvement opportunities is often too short for people who already have busy lives.

Michael Fear, 820 99th Ave SE, has been involved with the two development projects on 99th Avenue SE over the last couple of months and is concerned about the possible increase in allowed impervious surface.

Community Development and Planning Director Rebecca Ableman McCrary responded that changes to impervious surface code regulations are not part of the comprehensive plan and she expects it will be brought forward in October.

Dick Todd, 825 99th Avenue SE, requested staff respond to Sally Jo Sebring's concerns. He said that the streamlining process sounds treacherous, especially with the limited opportunity for

public input. He urged that the neighbors' concerns regarding Westlake Crossing and Maple Rock II are not specious.

Councilmember Daughtry suggested the public is looking for a definition of "streamlining". He hears the public saying it is concerned that streamlining will lessen opportunities for public input.

Director McCrary said the intent is not to cut out public process, but to make the application and permitting process more efficient for applicants.

Mr. Wright clarified that in terms of the comprehensive plan, the word "streamlining" is being used in two different ways. The first goal appears in 3.1 of the Housing Element, and this goal comes directly from the Growth Management Act ("GMA") which allows cities to look for innovative techniques to promote affordable housing for everyone. Goal 3.4, which was previously mentioned, is brought forward from the last iteration of the comprehensive plan; however, some of the policies have been expanded to provide more clarification, and these are more in reference to recommendations by the Puget Sound Regional Council (PSRC). The effort is to provide a predictable process, but not to cut out public participation. This is also carried over to Chapter 6 of the comprehensive plan.

Councilmember Spencer said he is hearing that it is difficult for citizens to have an effective voice in the public process that will yield substantive effects on proposed projects. He suggested the goal is to help citizens understand and participate in the public process, and that a goal is to balance both the public process and the streamlining of the application process.

There was discussion on how to include the goal of increased public involvement opportunities in the comprehensive plan.

Mr. Wright referenced Goal 1.3 and said rather than adding the public participation goal to only the Housing Element it would be appropriate to add it to the general goals and policies of the comprehensive plan so that it applies to the entire plan.

Mayor Little said it is imperative to get ideas from citizens on how to implement this goal.

Councilmember Quigley suggested it is more than participating; the process needs to be made plain and easy to understand, and documents and notices need to be more user friendly to the general public.

City Attorney Cheryl Beyer drew Council's attention to Goal 1.3 and said this goal seems to reflect the current discussion, and that perhaps the discussion is more about how to implement the goal.

Discussion continued on how to make this goal a reality.

Michael Fear said that the notification area is too small, particularly in areas where lots have 200 feet of road frontage and the code requirement for notification is 300 feet. He said there is a difference between engaging the public fully on proposed development versus satisfying legal requirements.

Dick Todd suggested language could be changed to "invite, acknowledge and incorporate opinion from the public." He supports expansion of the notification area, and commented there

are situations, such as wetlands, where notification could be extended as much as two miles because development implications around wetlands are far more reaching than 300 feet.

Isaiah McKinney, 1625 99th Avenue SE, agreed with the comments supporting expanded public notification and how the public can get involved.

Tracy Trout, 1706 123rd Drive NE, agreed there should be more public notification. Once that is decided, where can the current process be found; it seems like the comprehensive plan is goals. She noted that there are a lot of older people who are not accessing electronic notifications, and suggested that notices need to have multiple mailings.

Director McCrary said the process is contained in the development regulations, Title 14 of the City's municipal code, which is available on the City's web page. She also said public notices are published in the local newspapers.

Jim Beardan, 2102 93rd Drive SE, said that the City is obligated to use all communication tools available to provide public notice to its citizens. All citizens have a right to know in advance of what is occurring in town generally, and that adequate time is allowed for public input and participation in the process.

City Attorney Beyer cautioned that if changing a goal in the comprehensive plan tonight to include the word "incorporate" there may be legal ramifications which require additional research and said that the Council should not move forward with adoption of Ordinance 937 if that is the case. The word "consider" does not have the same legal ramifications under the Growth Management Act.

MOTION: Councilmember Welch moved, Councilmember Low seconded, to close the public comment portion of the public hearing.

Councilmember Quigley inquired about PRSC's comments on housing people with disabilities and that the City is weak in addressing transportation needs.

Mr. Wright noted the City does not manage or run a public transportation agency, so those responsibilities really flow to transportation agencies such as Community Transit, but the City integrates best practices as defined by WSDOT to comply with the Americans With Disabilities Act when building sidewalks.

VOTE: On vote the motion carried (5-0-0-2).

Mr. Wright agreed with City Attorney Beyer's concerns about adding the word "incorporate" as part of a goal as it has a very technical connotation, particularly for items going before a hearing body.

Mr. Wright reviewed the revised policy 1.3.3 as, "Ensure that appropriate public involvement opportunities and clearly presented information are available during the development review process."

There was consensus that this change reflects the discussion.

Mr. Wright reviewed a change to goal 3.4, based on tonight's discussion, as "Promote an effective streamlined permit process that includes meaningful engagement and notification with the public throughout the process."

There was consensus that this change reflects the discussion.

MOTION: Councilmember Welch moved, Councilmember Spencer seconded, to close the public hearing. On vote the motion carried (5-0-0-2).

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to adopt Ordinance 937, an ordinance of the City of Lake Stevens, Washington, amending the Lake Stevens Comprehensive Plan and Land Use Map with the existing changes, the changes discussed this evening in the first and third chapters, and the corrections to scribner's errors. On vote the motion carried (5-0-0-2).

Action Items:

Resolution 2015-13 Setting Time for Public Hearing to Consider Vacation of Right-of-Way (Estates at Whispering Meadows). Mr. Wright presented the staff report and said that RCW 35.79.010 and 35.79.020 require that City Council set a hearing date by resolution for consideration of right-of-way deed and dedication. If adopted, Resolution 2015-13 will set a hearing date for Right of Way dedication for the plat of Whispering Meadows on October 13, 2015; at the applicant's request, the Whispering Meadows final plat public meeting will also be scheduled for October 13, 2015. Mr. Wright then responded to Councilmembers' questions.

Discussion ensued regarding the notice requirements and whether the hearing could be scheduled for the October 27, 2015 meeting.

Director McCrary responded there are statutory requirements that need to be met with regard to processing a final plat application once the completed application is on file with the City, and in this case it needs to be brought forward on October 13.

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to approve Resolution 2015-13 setting October 13, 2015 at 7:00 p.m. as the date and time for public hearing on the proposed right of way dedication related to the plat of Whispering Meadows, File No. LUA2014-0062. On vote the motion carried (5-0-0-2).

First Reading of Ordinance 939 Amending Budget Ordinance 925. Finance Director Barb Stevens presented the staff report and said this matter is correctly brought forward as a discussion item. Director Stevens said this amendment is necessary due to the increased costs for police vehicles that were approved in the 2015 budget. She then responded to Councilmembers' questions.

There was consensus to bring Ordinance 939 forward for a vote at the October 27, 2015 agenda as a consent item.

Professional Services Agreement with Outcomes by Levy. City Administrator Jan Berg presented the staff report. Ms. Berg said she has worked with Doug Levy and Jennifer Ziegler to provide more detail to the Scope of Services following Council's request at the September 8, 2015 meeting. She added that Doug Levy is present to answer any questions Council may have, and there were none.

MOTION: Councilmember Low moved, Councilmember Daughtry seconded, to authorize the Mayor to enter into a Professional Services Agreement with Outcomes by Levy. On vote the motion carried (5-0-0-2).

Discussion Items: None.

Council Person's Business: Councilmembers reported on the following meetings: Councilmember Quigley: budget; will be absent from the October 13, 2015 meeting; Councilmember Welch: Snohomish County Cities ("SCC"); Local Planning/Short Course Mukilteo; Councilmember Spencer: Fire District; Councilmember Low: Smart Cities conference; Councilmember Daughtry: Community Transit, Snohomish County Committee for Improved Transportation ("SCCIT"); Deputy Fire Marshall Process


Mayor's Business: None.

Executive Session: Mayor Little announced an executive session for 10 minutes to discuss real property beginning at 8:30 p.m. and ending at 8:40 p.m. with no action to follow. At 8:40 p.m. the executive session was extended to 8:50 p.m.

At 8:50 p.m. the regular meeting of the City Council reconvened.

Adjourn.

Moved by Councilmember Welch, seconded by Councilmember Low to adjourn the meeting at 8:51 p.m. On vote the motion carried (5-0-0-2).



Vern Little, Mayor



Kathy Pugh, Deputy City Clerk