



Minutes of the Arlington City Council Meeting

Council Chambers
110 East Third Street
August 5, 2019

Councilmembers Present: Mike Hopson, Jan Schuette, Marilyn Oertle, Debora Nelson, Sue Weiss, Jessica Stickles, and Josh Roundy.

Council Members Absent: None.

Staff Present: Mayor Barb Tolbert, Paul Ellis, Kristin Garcia, Jim Kelly, Jonathan Ventura, Dave Kraski, Marc Hayes, Kristin Banfield, Wendy Van Der Meersche, and City Attorney Steve Peiffle.

Also Known to be Present: Don Vanney and family, Holly Sloan-Buchanan, Michele Blythe, Lindsay Dunn, and Shirley Case.

Mayor Barb Tolbert called the meeting to order at 7:00 p.m., and the Pledge of Allegiance and roll call followed.

APPROVAL OF THE AGENDA

Mayor Pro Tem Marilyn Oertle moved to approve the agenda as presented. Councilmember Josh Roundy seconded the motion, which passed with a unanimous vote.

INTRODUCTION OF SPECIAL GUESTS AND PRESENTATIONS

None.

PROCLAMATIONS

None.

PUBLIC COMMENT

Danny Richards, 6864 N 11th St, Tacoma, area manager for TNT Fireworks, requested that the Council begin with education and enforcement before increasing restrictions on the discharge of consumer fireworks or a complete ban.

CONSENT AGENDA

Mayor Pro Tem Marilyn Oertle moved and Councilmember Jan Schuette seconded the motion to approve the Consent Agenda that was unanimously carried:

1. Minutes of the July 15 and July 22 Council meetings
2. Accounts Payable: EFT Payments and Claims Checks #97361 through #97502 dated July 16, 2019 through August 5, 2019 for \$706,040.09.

PUBLIC HEARING

None.

NEW BUSINESS**Appointments to the Lodging Tax Advisory Committee**

Finance Director Kristin Garcia requested council confirm the reappointment of Jennifer Egger and the appointment of Shirley Case to Lodging Tax Advisory Committee. Their terms will expire April 2021. Mayor Pro Tem Marilyn Oertle moved and Councilmember Sue Weiss seconded the motion to confirm the reappointment of Jennifer Egger and appointment of Shirley Case to the Lodging Tax Advisory Committee. The motion passed unanimously.

Boundary Line Adjustment for Grandview North, LLC

Community and Economic Development Director Marc Hayes reviewed the request for a boundary line adjustment for Grandview North, LLC to “square” up property lines, providing for more uniformity in both the city-owned and the Grandview parcels. Councilmember Mike Hopson moved and Councilmember Debora Nelson seconded the motion to approve the conveyance of real property to Grandview North, LLC and accept the conveyance of real property to the City of Arlington, as described on the Boundary Line Adjustment. The motion passed unanimously.

2019 Terrace Park Renovation Project Award

Public Works Director Jim Kelly provided Council with a summary of the Terrace Park Renovation project including reshaping of the existing terrace steps, removing 13 trees and associated roots, installation of new trees, concrete sidewalk, and split rail fence. The project was advertised for bid in June 2019 and bids were opened on July 11, 2019. City staff is recommending award of the project to Diverse Contractors, Inc. as the qualified low bidder with a bid of \$78,411. Funding for the project is a \$40,000 grant from Snohomish County and remaining funds from the City of Arlington. Mayor Pro Tem Marilyn Oertle moved and Councilmember Debora Nelson seconded the motion to award the Terrace Park Renovation Project to Diverse Contractors, Inc. in the amount of \$78,411 and authorize the Mayor to sign the construction contract, pending final review by the City Attorney. The motion passed unanimously.

2019 Merchants Parking Lot Improvement Project Award

Public Works Director Jim Kelly provided Council with a summary of the Merchants Parking Lot Improvement project including upgrading the stormwater system and grinding, regrading, repaving, and striping of the Merchants parking lot and alleyway in downtown Arlington. The project was advertised for bid in June 2019 and bids were opening on July 11, 2019. City staff is recommending award of the project to Fidalgo Paving and Construction as the qualified low bidder with a bid of \$178,717.81. Councilmember Sue Weiss moved and Councilmember Debora Nelson seconded the motion to award the Merchants Parking Lot Improvement Project to Fidalgo Paving and Construction in the amount of \$178,717.81, and authorize the Mayor to sign the construction contract, pending final review by the City Attorney. The motion passed unanimously.

SR-530 and Smokey Point Blvd Interim Signal Project Update

Public Works Director Jim Kelly provided the Council with an update on the SR-530 and Smokey Point Blvd Interim Signal project. He shared that no bids were received for the interim signal that was advertised for bid in July due to full project loads that contractors are

currently carrying. The City will revise the bid to include just the steel poles and will readvertise in fall when more contractors will be available. Staff is shifting to Plan B and will install a temporary signal typically used in construction projects. This will be done in September as the City announced in early July. No action by the Council is required at this time. Discussion followed on the cost of the temporary signal

Discussion on Discharging Fireworks within Arlington City Limits

City Administrator Paul Ellis provided the Council with an update on the Snohomish County Council's action to place an advisory vote on fireworks on the November General Election ballot. The County's ballot language will be "Should the Snohomish County Council enact an ordinance prohibiting the discharge of consumer fireworks in the unincorporated urban growth areas of Snohomish County?"

Mr. Ellis noted the Council has the option of including a similar question to the voters on the November General Election ballot without any increase in election costs. Staff has prepared a draft resolution with suggested language for an advisory vote. The question to the voters will be "Should the City Council of Arlington ban the possession, sale, and discharge of all fireworks within the City of Arlington?"

Councilmember Hopson asked if there was any further work put in to his question of whether fireworks should be allowed during a limited time period at one specific location. He also inquired about liability for the city allowing consumer fireworks under our existing regulations. Mr. Ellis responded that City staff has not yet followed up on that question with the appropriate parties.

Mayor Pro Tem Marilyn Oertle moved and Councilmember Jesica Stickles seconded the motion to approve the resolution to include an advisory vote on the November general election ballot, and authorize the Mayor to sign the resolution. The motion passed unanimously.

Councilmember Debora Nelson inquired if the Council could review the penalties for discharge and possession of illegal fireworks. Mr. Ellis reminded the Council that the penalties for the discharge or possession of illegal fireworks are set by the state.

Resolution Declaring the Intent to Adopt Legislation to Authorize a Sales and Use Tax Rebate for Affordable and Supportive Housing

City Administrator Paul Ellis reviewed the draft resolution declaring the intent to adopt legislation to authorize a sales and use tax rebate for affordable and supportive housing as authorized under House Bill 1406, which was approved by the Washington State Legislature in April 2019. The legislation created a rebate of the state's share of sales tax, and does not increase the sales tax rate or come out of the city's portion of the sales tax collected. The funding can be used individually by cities or county, or be combined in a joint local program. The resolution is not binding, but does provide the required notice of intent to participate in the program.

Mayor Pro Tem Marilyn Oertle moved and Councilmember Jessica Stickles seconded the motion to approve the resolution for the intent to participate in the HB 1406 sales tax rebate program and authorize the Mayor to sign the resolution. The motion passed unanimously.

DISCUSSION ITEMS

None.

INFORMATION

None.

ADMINISTRATOR & STAFF REPORTS

City Administrator Paul Ellis reminded the Council that the next Council meeting will be on September 9, 2019.

Mayor Tolbert notified the Council that through the work of consultant Heather Logan, the City has received two grants totaling \$8,558 for the flex fund used by our law enforcement embedded social worker team. The Snohomish County Foundation has provided a \$4,000 grant to the City to fund a portion of the work that Heather Logan is doing on the City's behalf on the human services front.

EXECUTIVE SESSION

City Attorney Peiffle announced that there would be a need for an Executive Session for discussion of pending, or potential, litigation (RCW 42.30.110(1)(i)). Mr. Peiffle stated the meeting would reconvene at 7:45 p.m. Mayor Tolbert recessed the meeting at 7:30 p.m. The meeting reconvened at 7:45 p.m.

Mayor Pro Tem Marilyn Oertle moved and Councilmember Jessica Stickles seconded the motion to provide the City Administrator and City Attorney with authority to settle the Public Records Act claims discussed in executive session for a sum not to exceed \$50,000. The motion passed unanimously.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 7:46 p.m.



Barbara Tolbert, Mayor