



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Minutes - Draft

City Council

Mayor Don Jensen
Council Member Ken Botero
Council Member Tom Hutchinson
Council Member Chet Makinster
Mayor Pro Tem Mary Jane Melink
Council Member Steve Moon
Council Member Michael Wallin

Thursday, May 28, 2015

7:00 PM

2nd Floor, City Hall

**** 6:00 P.M. EXECUTIVE SESSION: PENDING LITIGATION ****

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Offices at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting.

1. **CALL TO ORDER**

Mayor Don Jensen called the meeting to order at 7:00 p.m.

2. **INVOCATION*/FLAG SALUTE**

3. **ROLL CALL**

Present: 6 - Mayor Don Jensen, Council Member Hutchinson, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon and Council Member Wallin

Excused: 1 - Council Member Botero

Staff Present:

City Manager David Campbell; City Attorney James McNamara, and Deputy City Clerk Sarah Corral.

Also present: John Brickey, Director of Community Development; Jeff Cameron, Engineering Director; Jim Duscha, Police Chief; Phil Jurmu, Fire Chief; Kurt Sacha, Assistant City Manager and Finance Director; Jenn Wills, Interim Parks/Recreation Director; and Todd Dodgin, I.T. Director.

4. **APPROVAL OF MINUTES**

MN 15-0284 COUNCIL MINUTES, MAY 14, 2015

Attachments: [CMM 05-14-15](#)

A motion was made by Council Member Moon, seconded by Mayor Pro Tem Melink, that the council minutes from May 14th, 2015 be approved. The motion passed unanimously.

5. **CHANGES TO THE AGENDA**

6. **PRESENTATIONS & AWARDS**

15-3848 **PROCLAMATION: CODY WELLS' DAY - MAY 28, 2015**

Attachments: [Cody Wells Day - May 28, 2015](#)

Cody Wells thanked council members for the proclamation, and said he was exceedingly grateful for the honor. He was very happy to be part of the Longview community, and will miss it very much. Councilmember Makinster said Cody was so much fun to have at council meetings and community events, and is always welcome to return.

15-3853 **AUTOMATIC EXTERNAL DEFIBULATOR (AED) DONATION TO LONGVIEW POLICE DEPARTMENT FROM RICHARD BEST OF SPENCER HEARTSTRONG FOUNDATION**

Richard Best, and his son Spencer Best, presented the contribution of five automated external defibrillators (AEDs) to Chief Jim Duscha from the Longview Police Department. In 2012, Spencer suffered cardiac arrest while playing basketball at Mark Morris High School. Since then, the Best family has donated over 38 AEDs in the community in hopes of reducing lives lost to heart failure.

7. **CONSTITUENTS' COMMENTS (Thirty Minutes)**

Tarlok Mann, Longview resident, stated he has been selling ice cream as a mobile vendor since 1996, and while conducting business he has been harrassed by Longview residents on 24th Avenue, as well as teenagers at 2121 Kessler Boulevard, which is hurting his business. He has complained to the Longview Police department, who he feels has not addressed the issue.

Cindy Lopez-Worth, Longview resident, thanked Council members for their support in regards to the 2015 International Festival, which will be held Saturday, June 6th at the Lower Columbia College (LCC) Student Center.

Bill Kasch, Longview resident, shared about R.A. Long Historical Preservation Month in May. This was Kasch's last year as chairman, which he has served for eight years, and gave his thanks to all of the Longview Council members for their support. He also expressed concern for the Clyde Shadiow artifacts stored in the Merk building, and hopes to see them displayed in the museum. Finally, he shared his preference for the Port of Longview moniker, he felt "Port of Longview: an Industrial Gateway to the Pacific" captured its history more accurately.

Ray Von Tongeren, Longview resident, expressed his disappointment that none of the councilmembers have opponents in the upcoming elections.

Stephanie Wentz thanked council members for honoring Cody Wells with a

Proclamation and recognizing his efforts.

8. **PUBLIC HEARINGS**

9. **BOARD & COMMISSION RECOMMENDATIONS**

10. **ORDINANCES & RESOLUTIONS**

15-3854 RESOLUTION NO. 2147, NAMING THE TOM HUTCHINSON SOCCER COMPLEX AT 7TH AVENUE PARK

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The City Council desires to name the area encompassing the soccer fields and associated buildings and other facilities at 7th Avenue Park, the Tom Hutchinson Soccer Complex, and is empowered to do so per LMC 13.05.030(5). Per LMC 13.05.030(6), the attached resolution sets forth the name.

RECOMMENDED ACTION:

Motion to approve Resolution No. 2147. (Alternatively, the council could postpone a vote on the resolution until receiving a recommendation from the parks and recreation board per LMC 13.05.030(2-4), which could be submitted in time for the June 11 council meeting.)

Attachments: [Resolution No. 2147 Tom Hutchinson Soccer Complex](#)

Councilmember Hutchinson shared he spent a lot of time involved in soccer, a sport he loved, and having the complex named for him was the greatest honor he could think of, and felt overwhelmed with gratitude. Councilmember Moon said the honor was well-deserved, and Councilmember Makinster thanked Councilmember Hutchinson for all he had done.

A motion was made by Council Member Chet Makinster, seconded by Council Member Steve Moon, that this matter be adopted. The motion passed unanimously.

15-3829 RESOLUTION NO 2146, ACCEPTING THE LONGVIEW PUBLIC DEVELOPMENT AUTHORITY'S 2014 ANNUAL REPORT TO THE CITY COUNCIL

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

LMC 2.71.220 provides that the Public Development Authority (PDA) shall file an annual report with the City Clerk and the City Council detailing its assets and liabilities, and summarizing its significant accomplishments, and projects and activities to be undertaken during the current year. The PDA has drafted and approved the attached annual report.

RECOMMENDED ACTION:

Motion to approve Resolution No 2146.

Attachments: [Resolution no. 2146 Annual Report from PDA to Council](#)
[Annual Report to Council 2014](#)
[2014 LPDA FINANCIALS](#)

Bob Gregory presented, stating that two studies were conducted regarding the addition of either a sports complex or hotel-motel facility at the Cowlitz County Fairgrounds. The hotel-motel facility received a very favorable consideration from developers, whereas the sports complex received a less favorable response.

A motion was made by Council Member Chet Makinster, seconded by Mayor Pro Tem Mary Jane Melink, that this matter be adopted. The motion passed unanimously.

OR 15 3294**ORDINANCE NO. 3294 - FRANCHISE AGREEMENT WITH ASTOUND BROADBAND, INC.****COUNCIL INITIATIVE ADDRESSED:**

Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED**SUMMARY STATEMENT:**

Astound Broadband, Inc., a Washington limited liability company, has requested a franchise to grant it the right to enter, occupy, and use the City's public rights of way to construct, install, operate, maintain, and repair a fiber optic based telecommunications system. After discussions with Astound Broadband, Inc., and review by the city attorney, staff recommends granting Astound Broadband, Inc., a ten-year franchise agreement, with the option for one five-year extension of the term of the franchise. Ordinance No. 3294 is the proposed franchise agreement.

FINANCIAL SUMMARY:

The proposed franchise agreement provides for Astound Broadband, Inc., to pay a one-time administrative fee of \$2,000 to defray the City's legal and administrative costs and expenses associated with negotiating and approving the franchise. All right of way, electrical, and other permit fees associated with installation of Astound Broadband, Inc., facilities would be paid at the time a permit is issued.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3294.

Attachments: [Longview-Astound Franchise Ordinance \(Astound proposal\) 052715](#)

City Manager Campbell reminded council members that a revised copy had been provided to them, with a name addition on page one, and a new paragraph on page twelve.

A motion was made by Mayor Pro Tem Mary Jane Melink, seconded by Council Member Michael Wallin, that this ordinance be adopted. The motion passed unanimously.

**15-3843 ORDINANCE NO. 3295 AMENDING THE 2015-2016 BIENNIAL BUDGET
(FIRST READING)**

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance Public Safety and Emergency Response

CITY ATTORNEY REVIEW: YES

SUMMARY STATEMENT:

The subject ordinance has been prepared to amend the 2015-2016 biennial budget to authorize revenue and expenditures unforeseen at the time the 2015-2016 biennial budget was adopted. These amendments affect the Traffic Safety Fund in the 2015-2016 biennial budget. An Office Assistant position at the Longview Police Department was eliminated on December 31, 2013 as part of budget cuts. Since that time, four new school zone camera systems have been added in the city of Longview. The volume of photo enforcement work done by police clerical staff has increased fivefold from 2012 (prior to layoff from budget cut) to 2014. Due to the increased workload, the Police Department is requesting to restore the Office Assistant position to ensure time requirements are met in processing photo enforcement paperwork and payments.

Budget amendment ordinances require two readings before the Council.

RECOMMENDED ACTION:

No Council action required until second reading of Ordinance No. 3295.

Expenditure Required: \$110,000.00

Amount Budgeted \$110,000.00

Appropriation Required \$110,000.00

Attachments: [ORDINANCE NO 3295](#)

No action was taken on this matter.

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

12. CONSENT CALENDAR

A motion was made by Council Member Steve Moon, seconded by Mayor Pro Tem Mary Jane Melink, that the Consent Calendar be approved in its entirety. The motion passed unanimously.

15-3857 APPROVAL OF CLAIMS

Based upon the authentication and certification of claims and demands

against the city, prepared and signed by the City's auditing officer, and in full reliance thereon, it is moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

First Half May 2015 Accounts Payable: \$ 2,112,271.02

Second Half May 2015 Payroll:

\$5,391.01, Checks No. 206331 - 206336
\$651,207.33, direct deposits
\$403,764.31, wire transfers
\$1,060,362.65 Total

15-3856

FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Enhance public safety and emergency response

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The City originally contracted with ATS in August 2010 to provide traffic safety cameras in the City of Longview. The City amended its original contract with ATS in December 2011 to provide for the removal of the "Intersection Camera System" (red light cameras) and extend the term of the contract to May 1, 2012. The contract was amended again in March of 2012 to extend the term of the contract to December 31, 2012. Finally, the contract was amended again in April 2013 to extend the term of the contract to December 31, 2016 and replace Schedule 1 of the Agreement.

The Fourth Amendment clarifies disputed language regarding the fee to be paid ATS for the use of the school zone cameras. It also increases the service fee from \$5.00 to \$7.00 per citation issued over 800 per camera, per month, and provides for a fee of \$4.00 for web-based payments. Finally, the Fourth Amendment provides that the contract may be terminated effective December 21, 2016, and if not terminated will be extended to December 31, 2018.

RECOMMENDED ACTION:

Approve Fourth Amendment to Professional Services Agreement with American Traffic Solutions, Inc.

Attachments: [Fourth Amendment to PSA \(Final\)](#)

15-3846

**SET PUBLIC HEARING
SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (T.I.P.)
2016-2021**

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation systems.

SUMMARY STATEMENT:

State law requires that each city update its Six-Year Transportation Improvement Program (T.I.P.) annually and file a copy of the adopted program with the Secretary of Transportation. In order to obtain federal funding, a project must appear on the T.I.P. After adoption, the T.I.P. can be subsequently amended to include new projects and funding sources.

Copies of the draft T.I.P. will be distributed to the city council at least one week prior to the public hearing.

RECOMMENDED ACTION:

Motion to set the city council meeting on June 11, 2015, as the date and time for a public hearing on the 2016-2021 Six-Year T.I.P.

PROJ #78**PROJECT COMPLETE CERTIFICATION - ARCHIE ANDERSON PARK BASKETBALL COURT LIGHTING PROJECT****COUNCIL INITIATIVES ADDRESSED:**

Preserve and enhance neighborhoods
Address quality of place issues

CITY ATTORNEY REVIEW: N/A**SUMMARY STATEMENT:**

This action is to certify that the Archie Anderson Park Basketball Court Lighting project has been completed in accordance with the plans and specifications under Contract No. 14-2650-C entered into between the City of Longview and Mill Plain Electric, Inc., and the same is hereby accepted and approved.

RECOMMENDED ACTION:

Motion to accept and approve as complete the Archie Anderson Park Basketball Court Lighting project.

15-3851**AT&T MOBILITY SETTLEMENT AGREEMENT****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Agreement of Settlement & Release between New Cingular Wireless PCS LLC and the City of Longview

CITY ATTORNEY REVIEW: REQUIRED**SUMMARY STATEMENT:**

On November 1, 2010 New Cingular Wireless PCS LLC submitted a Claim against the City seeking the refund of \$124,734 in local utility taxes. New Cingular Wireless PCS LLC had previously collected these local utility taxes from its customers allegedly on charges for data services providing Internet access between November 1, 2005 and September 30, 2010, and which tax previously was allegedly remitted.

New Cingular Wireless PCS LLC filed similar claims against numerous

municipalities throughout the State of Washington.

In an attempt to protect the City's interest and hold down legal fees, the City joined with several other Washington cities and entered into a contract with Kenyon Disend, PLCC for legal services associated with the New Cingular Wireless PCS LLC utility tax refund claim matter. Following two lawsuits and the legal proceedings associated therewith, New Cingular Wireless PLCC has at this time offered to settle the Claim and agreed to accept \$18,421.66 in full satisfaction of any and all obligations with respect to the Claim. The settlement offer constitutes less than fifteen percent (15%) of the original Claim.

RECOMMENDED ACTION: Motion to accept the Agreement of Settlement & Release between New Cingular Wireless PCS LLC and the City of Longview.

Attachments: [New Cingular Wireless Agreement](#)

15-3842

GOLF NOW PLUS MARKETING SERVICES AGREEMENT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

During the 2015/2016 budget discussions last fall, Council suggested that a marketing plan be developed for the Mint Valley Golf Course as a step toward improving the financial health of the enterprise during the current biennium. During the workshop on May 14th, Council reviewed recent Mint Valley marketing efforts and plans, including a proposal to enter into an agreement with Golf Now to provide a premium marketing service. Council approved entering into that agreement pending the city attorney's review of contract terms and conditions between the City and Golf Now regarding the Plus marketing program.

Attached is the attorney approved agreement providing for a 13-month term with Golf Now for the Plus marketing program. The terms allow for a 5% commission on all tee times booked through the Golf Now distribution channels, in addition to the single trade time already in place for providing online tee time registration. The agreement lays out the services that Golf Now Plus will provide to the course as part of the premium marketing service.

RECOMMENDED ACTION: Motion to approve entering into the Golf Now Plus marketing services agreement

Attachments: [GolfNow - City of Longview, WA \(Mint Valley\) - Order Form - FINAL - 042815](#)
[GolfNow - City of Longview, WA \(Mint Valley\) - Standard Terms and Conditio](#)

13. CITY MANAGER'S REPORT

15-3849 1ST QUARTER 2015 GENERAL FUND FINANCIAL REVIEW

Attachments: [2015 Q1 GENERAL FUND REVIEW](#)

Kurt Sacha, Assistant City Manager/Finance Director, gave a presentation regarding the 1st Quarter 2015 General Fund Financial Review. Projected property taxes, sales tax, and business & occupation tax revenue have all increased modestly. The 2015 year-end General Fund is projected to be in Budget Prioritization- Stage 2 whereby, expenditures exceed revenues and ending fund balance is greater than 12%.

15-3850 CAPITAL PROJECTS FUND FINANCIAL REVIEW

Attachments: [Capital Projects 2015 \(0528\).pdf](#)

Kurt Sacha, Assistant City Manager/Finance Director, gave a presentation regarding the Capital Projects Fund Financial Review. The ending fund balance after expenditures for 2016 is estimated at \$251,355. The 2015-16 original budget had estimated the ending fund balance to be \$100,000.

14. MISCELLANEOUS**15-3836 WASHINGTON STATE LIQUOR CONTROL BOARD REQUESTS**

Attachments: [LL August Renewals 001](#)

15. ADJOURNMENT

The meeting was adjourned at 8:08 p.m. The next scheduled meeting of the Council is June 11th, 2015.

*Sarah E. Corral, Deputy
City Clerk*

Approved: _____
Mayor

*** Any invocation that may be offered at the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.**

NEXT REGULAR COUNCIL MEETINGS

THURSDAY, JUNE 11, 2015

THURSDAY, JULY 9, 2015

NEXT COUNCIL WORKSHOPS:

**THURSDAY, JUNE 18, 2015: ADA TRANSITION PLAN, STATE
LEGISLATIVE REPORT WITH MARK BROWN**