



# City of Longview

1525 Broadway  
Longview, WA 98632  
[www.ci.longview.wa.us](http://www.ci.longview.wa.us)

## Agenda - Final City Council

*Mayor Don Jensen  
Council Member Ken Botero  
Council Member Chet Makinster  
Mayor Pro Tem Mary Jane Melink  
Council Member Steve Moon  
Council Member Scott Vydra  
Council Member Michael Wallin*

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Thursday, August 13, 2015

7:00 PM

2nd Floor, City Hall

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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

2. INVOCATION\*/FLAG SALUTE

3. ROLL CALL

4. APPROVAL OF MINUTES

[MN 15-3954](#) COUNCIL MINUTES, JULY 23, 2015

Attachments: [CNCL MIN 07232015](#)

5. CHANGES TO THE AGENDA

6. PRESENTATIONS & AWARDS

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

8. PUBLIC HEARINGS

9. BOARD & COMMISSION RECOMMENDATIONS

10. ORDINANCES & RESOLUTIONS

[OR 15 3297](#) ORDINANCE NO. 3297 - ADOPTS NEW ADMINISTRATIVE SECTIONS  
OF ZONING CODE

**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Council Initiative: Preserve and enhance neighborhoods; Address quality of place issues

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

Ordinance Number 3297 updates the administrative sections of the City's zoning code. The draft code update includes, but is not limited to, the following items:

A. The proposal repeals the following chapters and consolidates much of the language in the repealed chapters into a new "Chapter 19.06 General provisions:"

- Chapter 19.06 General Provisions
- Chapter 19.15 Districts Established
- Chapter 19.69 General Use Regulations
- Chapter 19.75 Nonconforming Uses
- Chapter 19.84 Enforcement by Building Inspector

B. Amends the definition of "Lot of Record" to clarify that Assessor's segregations for tax purposes only are not "Lots of Record."

C. Creates a new Chapter 19.75 titled "Nonconforming Uses and Developments and Substandard Lots of Record."

D. Creates a new section in "Chapter 19.78 Parking" that basically states that a simple change of use of a building does not trigger the need for additional parking spaces. [*This language currently exists but is in a hard to find location in the zoning code (Chapter 19.84).*]

E. Creates a new section in "Chapter 19.81 Amendments" that adds approval criteria for site specific rezones.

The matter was heard by the City Council at their July 23, 2015 regular meeting. At that meeting, a motion passed to accept the Planning Commission recommendation and to direct the City Attorney to prepare an ordinance for Council review and approval.

**RECOMMENDED ACTION:**

Motion to adopt Ordinance Number 3297.

Attachments: [Ord No 3297 Zoning Code Update - Admin Sections](#)

**11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS****11. A MAYOR'S REPORT****11. B COUNCILMEMBERS' REPORTS****12. CONSENT CALENDAR****[15-3955](#) 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 August 2015 Accounts Payable: \$1,845,035.70**

**Second Half July 2015 Payroll:**

\$62,966.23, Checks No. 206400-206412

\$644,516.12, direct deposits

\$796,584.12, wire transfers

\$1,504,066.53 Total

[15-3956](#)

**LIABILITY CLAIMS/LAWSUITS**

The claim(s)/lawsuit(s) listed below was/were received by the City. Where applicable, the claim(s)/lawsuit(s) have been/are being researched and/or reviewed by Washington Cities Insurance Authority (WCIA). The claim(s)/lawsuit(s) status is/are as follows:

**NEW:**

Marina Pisarchuk, DOI: 06/25/2015. Claimant alleges that the sewer backed up into her home and costs were incurred to repair the damage. \$664.20 claimed.

Kenneth Davis, DOI: 07/23/2015. Claimant alleges that when he was pushing his father in his wheelchair, a crack in the sidewalk caused damage to the wheel. A new wheelchair had to be purchased because the wheel could not be repaired. \$124.99 claimed.

Myrna Schooff, DOI: 07/20/2015. Claimant alleges that a broken sidewalk caused her to trip and fall, resulting in multiple injuries. Medical costs were incurred. \$1255.00 claimed.

First Baptist Church, DOI: 05/16/2015. Claimant alleges that the sewer backed up into the Church due to a collapsed main line. Costs were incurred to repair the damage. \$572.40 claimed.

Gareth Penta, DOI: 07/01/2015. Claimant alleges that a water meter leak caused damages to his lawn and garden. Costs were incurred to repair the meter leak. \$29.29 claimed.

**DENIED:**

Eldora Franklin, DOI: 01/01/2013. Claimant alleged that a sink hole in an alley caused the water and sewer lines to fail at her home. Costs were incurred to repair the damage. \$2,257.30 claimed.

State Farm Insurance, DOI: 12/31/2013. This was a subrogation claim on behalf of homeowner Jarrett Toftemark. Claimant alleged that the City did not turn off the homeowner's water when requested to do so, and the homeowner's pipes then froze and burst, causing a large amount of damage to

the home. \$83,693.80 claimed.

David Meyers, DOI: 07/01/2013. Claimant alleged that the City's water caused his pressure washer to fail. Cost was incurred to replace the equipment. \$250.91 claimed.

**SETTLED:**

Michael Davis, DOI: 03/01/2015. The claimant alleged that the City damaged his sprinkler system during the installation of new water pipes. \$114.46 paid.

William Schwegler, DOI: 07/16/2015. The claimant alleged that the sewer backed up into his home. Costs were incurred to repair the damage. \$518.40 paid.

James Gray, DOI: 06/10/2015. The claimant alleged that while the City was excavating near his home, debris damaged his car that was parked nearby. \$542.84 paid.

Tiffany Bailey, DOI: 05/20/2015. The claimant alleged that mechanical issues with sewer pumps on 48th and Ocean Beach Highway caused sewer to back up into her home. Costs were incurred to repair the damage. \$232.20 paid.

Janet Bailey, DOI: 04/26/2015. The claimant alleged that a water main burst at the corner of Ocean Beach Highway and 44th Avenue, damaging personal property stored in her garage. \$2607.98 paid.

[PROJ #80](#)

**PROJECT COMPLETE CERTIFICATION - 2015 WATERLINE REPLACEMENT - ST. HELENS NO. 1**

**COUNCIL INITIATIVES ADDRESSED:**

Provide sustainable water quality & environmental infrastructure

**CITY ATTORNEY REVIEW: N/A**

**SUMMARY STATEMENT:**

This action is to certify that the 2015 Waterline Replacement - St. Helens No. 1 project has been completed in accordance with the plans and specifications under Contract No. 15-0193-W entered into between the City of Longview and Halme Excavating, Inc. and the same is hereby accepted and approved.

**RECOMMENDED ACTION:**

Motion to accept and approve as complete the 2015 Waterline Replacement - St. Helens No. 1 project.

[15-3950](#)

**BID REVIEW - DOWNTOWN CORRIDOR IMPROVEMENTS - PHASE 2**

**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Strengthen economic conditions and create new opportunities  
Improve transportation systems

**CITY ATTORNEY REVIEW: N/A**

**SUMMARY STATEMENT:**

This project is phase 2 of the revitalization plan to strengthen the downtown business district on Commerce Avenue. This phase will continue efforts to create an accessible and pedestrian friendly corridor which invites sidewalk business use, events and public gatherings, and improve stormwater management.

This project phase will replace and/or install street trees, street lighting, landscaping, furnishings, sidewalks, crosswalks, bulb-outs and ADA ramps on Commerce Avenue from Broadway through and including the Hudson Street intersection. The project also incorporates raingardens, pervious pavers and pervious concrete to reduce stormwater impacts.

On July 29, 2015, five bids were received as follows:

\$ 805,574.00 - Advanced Excavating Specialists, LLC, Longview, WA  
\$ 855,111.00 - P.R. Worth Inc., Kelso, WA **(Non-Responsive)**  
\$1,071,175.00 - Conway Construction Company, Ridgefield, WA  
\$1,093,353.00 - 3 Kings Environmental Inc., Battle Ground, WA  
\$1,145,470.42 - R.C. Northwest Inc., Brush Prairie, WA

**\$700,000.00 - Engineer's Estimate**

During review of the bids, staff determined that P.R. Worth Inc. did not submit required federal minority business enterprise paperwork, which results in the bid being deemed non-responsive. Staff recommends the P.R. Worth Inc. bid be rejected.

All other bids received were determined to be regular and responsive.

**FINANCIAL SUMMARY:**

Based on the higher than estimated construction cost, the total project cost is projected to be \$950,000. Project funding is provided by a \$600,000 Federal Highways Administration grant, \$140,000 Cowlitz County Rural Public Facilities Fund grant, and \$210,000 from the Stormwater Fund.

**RECOMMENDED ACTION:**

Motion to reject the P.R. Worth bid as non-responsive, and accept the bid and award a contract to Advanced Excavating Specialists in the amount of \$805,574.00.

[15-3951](#)

**BID REVIEW - 15TH AVE. / TENNANT WAY SANITARY SEWER LINERS****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Provide sustainable water quality & environmental infrastructure

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

This project includes rehabilitation of 8-inch and 30-inch concrete sanitary sewer mains by installation of a cured-in-place pipe and epoxy coating of

existing manholes at locations on Tennant Way and 15th Avenue.

On July 21, 2015, two bids were received as follows:

\$276,286.68 - Insituform Technologies LLC, Chesterfield, MO

\$284,587.56 - Michels Corporation, Salem, OR

**\$347,000.00 - Engineer's Estimate**

All bids received were determined to be regular and responsive.

**FINANCIAL SUMMARY:**

This project is funded by the Sewer Construction Fund.

**RECOMMENDED ACTION:**

Motion to accept the bid and award a contract to Insituform Technologies LLC., in the amount of \$276,286.68.

**13. CITY MANAGER'S REPORT**

[15-3957](#)

**AMENDING LMC 5.14.040 TO ADDRESS PUBLIC PARK GEOGRAPHICAL RESTRICTIONS FOR MOBILE VENDORS**

**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Strengthen Economic Conditions & Create New Opportunities

**CITY ATTORNEY REVIEW: REQUIRED**

**SUMMARY STATEMENT:**

Starting June 2015, the City of Longview entered into agreements with a non-motorized boating vendor and a food and beverage concessionaire at Lake Sacajawea Park. The current mobile vendors chapter in the city code, specifically in LMC 5.14.040, restricts all other mobile vendors from conducting business 200 feet from any public park where there is a concessionaire, regardless of the location of the concessionaire within the park or the type of service provided. Additionally, the code provides that no mobile vendor license shall include the privilege to conduct the business of a mobile vendor within 200 feet of any park during the course of a special event when organizations are permitted to engage in the sale of merchandise and food in such park.

It was brought to staff's attention after a mobile vendor was put on notice of the LMC violation, that the restriction encompasses the entire Lake Sacajawea Park and not specifically the type of service or location of the concessionaire. After discussion with the Park and Recreation Advisory Board and with their support, staff would like to present an amendment to address the geographical restrictions for mobile vendors with regards to concessionaires being present within Lake Sacajawea Park in particular, because of its size and shape.

Staff recommends an amendment that reads, "No mobile vendor license shall include the privilege to conduct the business of a mobile vendor within any

public park of the city nor within 200 feet of any public park where there is a concessionaire.

Provided, however, that with regard to Lake Sacajawea Park, no mobile vendor shall exercise the privilege within 500 feet of the location of a park concessionaire providing similar services, as determined by the Parks and Recreation Director, nor within 200 feet north and south of the intersection of Hemlock Street and Nichols Boulevard.

No such mobile vendor license shall include the privilege to conduct the business of a mobile vendor within 500 feet of any permitted vendor or organization during the course of a special event when such vendor or organization is permitted to engage in the sale of merchandise and food in such public park."

**RECOMMENDED ACTION:**

Motion to direct the City Attorney to draft an ordinance for City Council action.

**Attachments:** [#2 lake200buffaerial](#)  
[#6 500buffgo4thaerial](#)  
[500 Ft Aerial Buff Shave Ice](#)

**14. MISCELLANEOUS**

[15-3946](#) **WASHINGTON STATE LIQUOR CONTROL BOARD REQUESTS**

**Attachments:** [WSLCB Requests \(3\)](#)  
[Heavenly Buds Renewal1](#)  
[WSLCB Renewals \(3 pgs\)](#)  
[07292015 Honu Enterprises Marijuana Change of Ofcrs](#)  
[07282015 Mirth Provisions Marijuana Chg of Corp. Ofcrs](#)  
[08062015 Special Occasion Licenses \(2\)](#)

[ABA 7-14-15](#) **JULY 14, 2015 MINUTES OF THE APPEAL BOARD OF ADJUSTMENT**  
[MIN](#) **MEETING**

**Attachments:** [MINUTES OF THE JULY 14 2015 APPEAL BOARD OF ADJUSTMENT MEETII](#)

[15-3948](#) **PARKS AND RECREATION ADVISORY BOARD MINUTES JUNE 1, 2015**

**Attachments:** [P&R BOARD MEETING MINUTES JUNE 1 2015](#)

[15-3949](#) **PARKS AND RECREATION ADVISORY BOARD MINUTES JUNE 15, 2015**

**Attachments:** [P&R BOARD MEETING MINUTES JUNE 15 2015](#)

**15. ADJOURNMENT**

**\* 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, AUGUST 27, 2015**

**THURSDAY, SEPTEMBER 10, 2015**