



City of Longview

1525 Broadway
Longview, WA 98632
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Agenda 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*

Thursday, August 27, 2015

7:00 PM

2nd Floor, City Hall

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 15-3980](#) COUNCIL MINUTES, AUGUST 13, 2015

Attachments: [08132015 Minutes Draft](#)

5. CHANGES TO THE AGENDA

6. PRESENTATIONS & AWARDS

[15-3982](#) PROCLAMATION: UNITED WAY DAY OF CARING KICKOFF, SEPTEMBER 9, 2015

Attachments: [United Way Day of Caring Kickoff September 9 2015.doc](#)

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

8. PUBLIC HEARINGS

9. BOARD & COMMISSION RECOMMENDATIONS

10. ORDINANCES & RESOLUTIONS[15-3983](#)**ORDINANCE NO. 3298 AMENDING LMC 5.14.040 REGARDING MOBILE VENDORS IN THE VICINITY OF PARKS WITH A CONCESSIONAIRE****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Council Initiative: Strengthen Economic Conditions & Create New Opportunities

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

Ordinance Number 3298 updates the mobile vendors chapter of the City's municipal code. This amendment allows a less restrictive footprint for mobile vendors to operate within when a concessionaire with similar services has an exclusive permit to operate within Lake Sacajawea Park.

The new language provides that "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."

The matter was heard by the City Council during the August 13 regular meeting and a motion passed to direct the City Attorney to draft an ordinance for City Council review and approval.

RECOMMENDED ACTION:

Motion to adopt Ordinance Number 3298.

Attachments: [Ordinance No 3298 Amending Mobile Vendors Chapter of Municipal Code](#)

[Aerial map of new regulations with regard to concessionaires](#)

[Aerial map of new regulations for special events with Go 4th as example](#)

[Current aerial 200ft buffer around entire lake](#)

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS**11. A MAYOR'S REPORT****11. B COUNCILMEMBERS' REPORTS****12. CONSENT CALENDAR**

[15-3980](#)**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: \$1,781,607.35

First Half August 2015 Payroll:

\$3,108.90, Checks No. 206413-206417

\$668,618.10, direct deposits

\$427,334.97, wire transfers

\$1,099,061.97 Total

[15-3978](#)**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:

Dave Van Curen, DOI: 06/30/2015. Claimant alleges that a tree branch fell from an Oak tree and damaged his vehicle. Amount unspecified.

DENIED:

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.

SETTLED:

Jerry Sessions, DOI: 05/01/2015. Claimant alleged damage to a structure due to sewer back-up. \$1,636.81 paid.

David Green, DOI: 03/07/2015. Claimant alleged personal injuries as a result of a trip-and-fall over an uneven portion of sidewalk. \$24,500 paid.

Summer Bonner, DOI: 11/11/2013. Claimant alleged damage to home caused by broken water main. \$21,213.46 paid.

Rinat Berishev, DOI: 05/01/2015. Claimant alleged out-of-pocket expenses incurred to clean up and sanitize after sewer back-up in basement. \$7,000 paid.

Perry Hanchey, DOI: 04/26/2015. Claimant alleged personal property damage and out-of-pocket expenses incurred to clean up after water main burst at Oceanbeach Highway & 44th Avenue. \$2,947.50 paid.

Terry Glucroft, DOI: 04/26/2015. Claimant alleged property damage and

out-of-pocket expenses incurred to clean up property after water main burst at corner of Oceanbach Highway and 44th Avenue. \$2,366.96 paid.

Lisa Anderson, DOI: 04/26/2015. Claimant alleged property damage and out-of-pocket expenses incurred to clean up storage unit and personal property after water main burst at corner of Oceanbeach Highway and 44th Avenue. \$871.89 paid.

[15-3984](#)

**AMENDED AGREEMENT GOVERNING THE OPERATION OF
CONCESSION IN LAKE SACAJAWEA PARK**

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

In 2013, the city council approved Resolution No. 2045 adopting policies for food and beverage concessions in Lake Sacajawea Park. In February 2015, a request for proposals for a food and beverage concessionaire was issued. An ad hoc committee consisting of department staff, park and recreation board members, and council members met to discuss the single proposal that was submitted. The committee reviewed the proposal and aided in suggesting contract language to ensure the city would be able to provide the vendor service this year.

The terms of the contract were reviewed and agreed upon by the city and the vendor prior to presenting the agreement to council for approval. Council authorized the city manager to finalize and sign the food and beverage concession agreement with Big Kahuna Shave Ice on June 11. Big Kahuna began operation on July 6 in Lake Sacajawea Park. From the start of the operation, Big Kahuna Shave Ice has been unable to comply with the requirement to provide containers made from biodegradable materials. In an effort to continue to provide this trial concession operation to the community and to be able to evaluate the success of an entire season of operation, the city has offered amended terms for the agreement that have been agreed upon with the intent of benefiting both parties.

The amended terms include eliminating the requirement to use containers made of biodegradable materials, which enables the concessionaire use the inventory on hand and not to have to purchase additional containers. As a trade-off, the concessionaire agrees to pay the city \$100 each month, or portion of a month, of operation from July 6 through September 30 to reimburse the cost of providing trash receptacles, water and electrical utilities, and exclusive use of restroom facilities; those costs had previously been considered to be the city's responsibility (partially offsetting the percentage of concession sales received by the city). The concessionaire will be required to make the utilities payment on or before the 10th day of each succeeding month during the term of the permit.

RECOMMENDED ACTION:

Motion to authorize the city manager to finalize and sign the amended food and beverage concession agreement with Big Kahuna Shave Ice

Attachments: [Amended Food Beverage Concession Agreement 2015](#)

[15-3979](#)

BID REVIEW - SENIOR CENTER HVAC REPLACEMENT**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Address quality of place issues

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

This project replaces the existing rooftop heating, ventilation, and air conditioning (HVAC) units at the Longview Senior Center building at 1111 Commerce Avenue.

On August 13, 2015, two bids were received as follows:

\$78,084.00 - Capital Heating & Cooling, Lacey, WA

\$96,798.24 - Entek Corporation, Longview, WA

\$85,000.00 - Engineer's Estimate

All bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded by a Community Development Block Grant and the Capital Projects fund.

RECOMMENDED ACTION:

Motion to accept the bid and award a contract to Capital Heating & Cooling, in the amount of \$78,084.00.

13. CITY MANAGER'S REPORT

[15-3987](#)

**WATER SUPPLY REVIEW - CUSTOMER ADVISORY COMMITTEE
RECOMMENDATION FOR RANNEY COLLECTOR ON COWLITZ RIVER****COUNCIL INITIATIVE ADDRESSED:**

Provide sustainable water quality & environmental infrastructure

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

In August 2014, the City Council authorized a contract with CH2M to review options for improving the quality of the city's drinking water and to conduct an outreach program to obtain community input on the issues and potential solutions. The City Council and Beacon Hill Water and Sewer District (BHWSD) commissioners appointed a Customer Advisory Committee (CAC) to

review the options and provide recommendations.

The CAC has completed its work and recommends that the City and BHWSD develop a new water source on the Cowlitz River utilizing Ranney collector wells. CH2M presented this recommendation and discussed the implementation process at a joint workshop for the City Council and Beacon Hill Commissioners on August 20, 2015. Additionally, City staff presented information regarding the water supply project financial status.

Should the City Council decide to proceed with the CAC recommendation, the next implementation step is to conduct a feasibility study to determine water quantity and quality at potential locations for Ranney collector wells along the Cowlitz River. This study is estimated to take six months to complete. CH2M is qualified and has expressed an interest in performing this study.

FINANCIAL SUMMARY:

The estimated cost of the Ranney collector feasibility study is \$300,000, and there are sufficient funds in the Filter Construction Fund to pay for this study. Beacon Hill Water and Sewer District would be responsible for 14.6% of the study cost; the BHWSD share is already contained in the Filter Construction Fund balance.

RECOMMENDED ACTION:

Optional City Council actions include:

1. Request additional information and continue discussions at a later meeting.

OR

2. Direct staff to prepare an amendment with CH2M to conduct the Ranney collector feasibility study.

OR

3. Decline to implement the CAC recommendation and provide alternative direction to staff.

Attachments: [CAC Recommendation - 08.20.15 FINAL](#)
[Longview CAC Report_final July 2015](#)

[15-3989](#)

WATER SUPPLY INTERIM IMPROVEMENTS

COUNCIL INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

At a joint City Council and Beacon Hill Commissioners workshop on August 20, 2015, staff presented information regarding potential treatment upgrades at the Mint Farm Regional Water Treatment Plant to improve water quality during the implementation period for developing a new source. These treatment

upgrades will also help condition our water mains to receive water from a new source and will be beneficial when the MFRWTP is used as a backup supply after a new source is developed, or for continued use of the MFRWTP should a new water supply not be developed. These improvements may also provide benefit if the MFRWTP is used to supply commercial/industrial process water after a new source is developed.

Confluence Engineering was retained by the City in July 2013 to investigate the causes of and make recommendations to improve water quality in the distribution system. Confluence identified the lack of dissolved oxygen (DO) and low oxidation reduction potential (ORP) as the causes of a number of water quality complaints. After testing DO treatment in a distribution system pipe test rig, Confluence determined adding DO to the treated process would notably improve water quality. Confluence also supported recommendations by staff and Kennedy/Jenks to install chlorine injection equipment at the end of the treatment process, to ensure steady chlorine residual to assist in maintaining a high ORP. The post-treatment chlorination modification was designed; however, bidding and construction was placed on hold at the start of the water supply review process.

Additionally, staff continued to evaluate how to resolve chlorine taste and odor complaints, and in consultation with various consulting engineers and the Dept. of Health, determined that naturally occurring organic nitrogen was reacting with chlorine to form chloramines and causing the chlorine taste and odor complaints.

Staff recommends amending Confluence Engineering's contract to further demonstrate the benefits of DO addition, and to evaluate the effectiveness of coagulant addition and hydrogen peroxide addition at reducing chloramine formation, which will reduce chlorine taste and odor complaints. A copy of the scope of work is attached for your review. The scope of work includes adding one residence in the Beacon Hill Water & Sewer District service area to the evaluation, as requested at the August 20 workshop. Staff also recommends installing the post-treatment chlorine injection equipment as previously recommended and designed.

FINANCIAL SUMMARY:

The proposed cost of the Confluence Engineering work is \$92,708 if all phases are completed; pilot testing is contingent upon successful bench testing of the treatment options. The cost of the base evaluation tasks is \$33,632; the cost of the contingent pilot testing is \$59,076. Sufficient funds remain in the Filter Construction Fund and available in the Drinking Water State Revolving Fund (DWSRF) loan to pay for this work and any subsequent treatment installation. Beacon Hill Water and Sewer District would be responsible for 14.6% of the cost; the BHWSD share is already contained in the Filter Construction Fund and DWSRF loan balances.

RECOMMENDED ACTION:

Motion authorizing the amendment to Confluence Engineering's contract and directing staff to advertise for bids for the post-treatment chlorination system.

Attachments: [Interim Improvements Revised 08.27.15](#)
[Longview Interim Measures Final SOW 8-24-15](#)

[15-3977](#)

CONSULTING SERVICES CABLE TELEVISION FRANCISE RENEWAL

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Continue effective financial management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The City of Longview issued an RFP in October 2014 to acquire consulting services for the cable television system franchise renewal. The current franchise agreement with Comcast is set to expire in December 2016. Of the three respondents to the RFP, two were selected to participate in an interview selection process with the City's franchise renewal committee. The committee has selected the law firm of Moss & Barnett as the consulting agency. The primary attorney selected to work with the City, Brian Grogan, has represented many municipalities in the cable franchise renewal process.

Moss & Barnett will provide expert legal counsel in the negotiation, drafting and renewing of the cable television franchise agreement with Comcast. The proposed consulting agreement allows the City to lead the negotiations with Comcast while using the consulting services of Moss & Barnett as needed. This process will allow the City to control the costs associated with the consulting services. Aforementioned costs were identified in the development of the 2015-16 budget and are fully allocated for within the General Fund.

A financial audit is identified as an optional task in the RFP. The City has elected to use Moss & Barnett to facilitate performing an audit of the franchise fee and PEG fee payments the City has received from Comcast.

RECOMMENDED ACTION:

Council to enter into agreement with Law firm Moss & Barnett.

Attachments: [DOCS-#2910812-v1-Engagement Agreement - City of Longview WA.pdf](#)

[PC 2014-3](#)
[8/27/15](#)

SHORELINE MASTER PROGRAM - DEPARTMENT OF ECOLOGY APPROVAL AND RECOMMENDATIONS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

On January 22, 2015, the City Council approved Resolution No. 2136. This resolution authorized the Community Development Director to submit the Longview Shoreline Master Program (SMP) to the Washington State

Department of Ecology (Ecology) for their review and approval. In a letter dated July 27, 2015 to David Campbell, Ecology announced that they approved the Shoreline Master Program update. The letter is attached. Ecology approved the SMP without requiring any modifications. Thus, the City can approve the SMP as is. However, Ecology recommended four changes. Three are for clarity purposes only (modifications to the table of contents, minor wording changes to the introduction section, and creating an Appendix B where the shoreline maps would be found).

The fourth recommendation is to update the wetland rating standards in "Appendix A Shorelines Critical Areas Regulation" to match the standards currently in Washington Administrative Code. The City is required to adopt those standards by July 1, 2017 anyway. It will be much easier to make the changes now than to go through another Shoreline Management Program update within two years of this one. The Ecology recommended changes are provided in Attachment B of the attached Ecology approval letter. City staff believes that Ecology recommendations will make the City's SMP a better document and recommends that they be incorporated into the SMP.

RECOMMENDED ACTION:

Motion to incorporate the Washington State Department of Ecology recommendations into the City's Shorelines Master Program and direct the City Attorney to prepare an ordinance to adopt the SMP for City Council review and approval.

Attachments: [Ecology approval letter with attachments](#)

[Draft Shoreline Master Program](#)

[Appendix A - Draft Shoreline Critical Area Regulations](#)

[Maps - Shoreline Master Program Designations](#)

[15-3981](#)

DOWNTOWN PARKING TIME LIMITS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

With last year's streetscape improvements in the 1500 block of Commerce Avenue, parking spaces were added where driveways or curb cutouts existed prior to the improvements. The current parking ordinance defines parking time limits on a space by space basis. A report has been completed by staff with recommendations on time limits for the new and modified parking spaces in Block 82. The report further recommends delegating the authority to the City Manager for setting future time limit parking changes in downtown.

RECOMMENDED ACTION:

Direct the City Attorney to draft an ordinance to modify existing parking time limits.

Attachments: [Downtown Parking Staff report 8.27.15](#)

[15-3988](#)**MID-YEAR 2015 BIENNIAL BUDGET REVIEW (GENERAL FUND)****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Council Initiative: Continue effective financial management

Attachments: [2015 Q2 General Fund Financial Review](#)**14. MISCELLANEOUS**[15-3973](#)**WASHINGTON STATE LIQUOR AND CANNABIS BOARD REQUESTS****Attachments:** [WSLCB Renewals 0815](#)[MN 15-0294](#)**P&R ADVISORY BOARD MEETING MINUTES JULY 2015****Attachments:** [P&R ADVISORY BOARD MEETING MINUTES 07.20.2015](#)**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, SEPTEMBER 10, 2015****THURSDAY, SEPTEMBER 24, 2015****NEXT COUNCIL WORKSHOPS:****THURSDAY, SEPTEMBER 17, 2015****THURSDAY, SEPTEMBER 24, 2015**