



City of Longview

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

Agenda - Final

City Council

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

Thursday, February 9, 2017

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 17-0364](#) COUNCIL MINUTES, JANUARY 26, 2017

Attachments: [01.26.2017 Council Minutes for Approval](#)

5. CHANGES TO THE AGENDA

6. PRESENTATIONS & AWARDS

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

7. A FOLLOW-UP TO PAST CONSTITUENTS' COMMENTS

8. PUBLIC HEARINGS

9. BOARD & COMMISSION RECOMMENDATIONS

[17-4701](#) PARK AND RECREATION ADVISORY BOARD'S RECOMMENDATION FOR ALLOCATION OF REMAINING 2016 NEIGHBORHOOD PARK GRANT FUNDS

COUNCIL STRATEGIC INITIATIVE ADDRESSED: Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The Neighborhood Park Grant Program is a capital program (budgeted in the capital projects fund) initiated by the City Council as a means of giving community groups the opportunity to improve and invest in their parks, and the city the ability to stretch its capital funds. Annually since 1997 the parks and recreation board has evaluated applications from neighborhood and community groups, sports organizations, service clubs, and individuals wishing to invest in a project within the park system. The board's recommendations are then presented to the council for final approval.

On January 12, Council approved Resolution No. 2202 Adopting the Neighborhood Park Grant Policy and Procedures. In the policy it states that "if all grant funding has not been expended after the second round of request for applications, the City of Longview Parks and Recreation Department may apply for the remaining funding." The policy still requires the department to fill out an application for recommendation by the Parks and Recreation Advisory Board. The only difference allowed to the department is that it is not required to provide a 50% match for grant funds and may choose to supplement any shortfall using money from the operating budget.

The Parks Division is requesting the remaining 2016 Neighborhood Park Grant funds to replace two slides that were vandalized. Currently there are six elements that are missing throughout the park system totaling over \$23,200 in replacement costs. Utilizing the remaining funds from the grant program will allow for the division to begin reinstalling all the missing elements.

The Parks and Recreation Advisory Board reviewed the grant application for funding at their January meeting and is recommending the project for funding using the remaining money left over in the Neighborhood Park Grant program as well as operational funds.

RECOMMENDED ACTION: Motion to approve the parks board's recommendations for the allocation of remaining 2016 Neighborhood Park Grant Program funds for the Parks Division playground project.

STAFF CONTACT: Jennifer Wills, Parks and Recreation Director

Attachments: [2016 Matrix Overview & Park Grant Request](#)
[Parks NPG 2016 Remaining Funds](#)

10. ORDINANCES & RESOLUTIONS

[OR 17 3338](#)
[rev](#)

ORDINANCE NO. 3338 AMENDING LMC CHAPTER 19.42 REGARDING FARMERS' MARKETS IN RESIDENTIAL DISTRICTS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and enhance neighborhoods

CITY ATTORNEY REVIEW: Required**SUMMARY STATEMENT:**

Per a Planning Commission recommendation, the City Council adopted Ordinance No. 3324 on June 30, 2016. This ordinance amended the zoning code to allow farmers' markets to locate in residential districts on church or school grounds. The City Council also decided to direct the Planning Commission to examine expanding the areas where farmers' markets could locate. The Council specifically mentioned private property and parks as possible locations for farmer's markets.

At their September 2016 regular meeting, the Planning Commission considered some proposed amendments to Chapter 19.42. These proposed amendments would allow farmers' markets to locate in City parks and to locate on private land that is two or more acres in size upon receiving a special property use permit. The Planning Commission held a public hearing on the proposed amendments at their December 2016 regular meeting. Following the public hearing, the Planning Commission unanimously passed a motion to recommend approval of the proposed amendments.

At their January 12, 2017 regular meeting, the City Council voted unanimously to accept the Planning Commission's recommendation and direct the City Attorney to prepare an ordinance for Council review and approval.

The ordinance was on the City Council's January 26 meeting agenda with a recommendation for approval. However, a few days before the meeting it was discovered that a definition needed to be changed. The definition of "farmers' market" would only allow churches and schools to operate farmers' markets which is contrary to the intent of the ordinance. Thus, the Council decided to postpone consideration of Ordinance 3338 to the February 9 meeting.

The attached Ordinance No. 3338 includes a revised definition of "farmers' market." The definition is revised as follows:

"Farmers' market" means a market at a fixed location, open to the public, ~~operated by a religious establishment at their place of worship or by public or private schools that meet state requirements for elementary, secondary or higher education at the school site~~ operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are sold. No alcohol products or marijuana infused products shall be sold.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3338.

STAFF CONTACT:

Jim McNamara, City Attorney
Steve Langdon, Planning Manager

Attachments: [Ord No 3338 rev](#)

[17-4695](#)

**ORDINANCE NO. 3339 ACCEPTING DONATION OF THE
SCULPTURE “JOURNEY”****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Address Quality of Place Issues

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

The Longview Outdoor Gallery (LOG) has had a successful third exhibit that launched in the fall of 2015 and will continue into 2017. LOG has been able to raise enough funds to purchase their 10th piece to be able to gift to the City of Longview.

The sculpture “Journey” by Kris Vermeer of Tacoma, Washington, won the “People’s Voice” contest. The artwork is currently located at 1432 Commerce Avenue. The sculpture is constructed of both stainless steel and bronze and stands 6 feet tall. The artist lists the insurance value of this piece at \$2,000.

The Visual Arts Commission has reviewed and recommends that Council accepts the sculpture as a gift to the city.

RECOMMENDED ACTION:

Motion to accept ownership of, and for permanent display, “Journey” into the City of Longview’s permanent art collection by passing Ordinance No. 3339 and authorizing the City Manager to sign the applicable donation of art and transfer of ownership form on behalf of the City of Longview.

STAFF CONTACT:

Jenn Wills, Parks & Recreation Director

Attachments: [ORDINANCE 3339 - Journey](#)

[Acceptance of Art and Transfer of Ownership- Journey 2.9.17](#)

[17-4704](#)

**RESOLUTION NO. 2203: INTERLOCAL AGREEMENT WITH THE
WASHINGTON STATE DEPARTMENT OF CORRECTIONS TO ENHANCE
THE LONGVIEW STREET CRIMES UNIT (SCU)****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Enhance Public Safety & Emergency Response
Address Quality of place issues

Continue Effective financial management (resource sharing)

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The intent of this joint effort is to enhance the proactive Longview Street Crimes Unit (SCU) to cooperatively work together with the Washington State Department of Corrections to investigate, locate and apprehend those fugitive and offenders who pose the greatest danger and/or risk to the community. Washington State Department of Corrections will commit one Officer Specialists to work out of the Longview Street Crimes Unit. The fugitives and offender that garner priority for apprehension and/or criminal investigations are typically those that have a history of violence, sex offenses, are dangerously mentally ill and/or are an imminent threat to harm.

The SCU team will increase presence in communities combining street level interdictions, gang enforcement, drug enforcement, fugitive apprehension, and prepare criminal cases for prosecution.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 2203.

STAFF CONTACT:

Jim McNamara, City Attorney

Captain Deborah Johnson & Longview Police Department

Attachments: [LongviewPD DOC Interlocal - JMc 12 19 2016](#)

[Resolution 2203 DOC Interlocal](#)

RS 17 2207

**RESOLUTION NO. 2207 - EMERGENCY DECLARATION FIR STREET
SEWER REPAIRS**

COUNCIL INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure
Improve streets and roads

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On January 9, 2017, a small section of Fir Street between 18th & 19th Avenues collapsed into a sinkhole. Further investigation revealed the sinkhole was caused by a collapse of the 12-inch sewer main, and groundwater and sediment was filling the sewer pipe. Due to the risk of further roadway collapse, blockage of sewer flow in the pipe, and danger to the health and safety of the public, efforts began immediately to make the site safe and to retain a contractor to perform an emergency repair.

Under RCW 39.04.280, the city manager may declare an emergency and direct staff to respond to the emergency situation, and may award all contracts necessary to address the emergency. All such contracts must be reported to the City Council no later than two weeks after award, and the City Council must adopt findings and ratify the declaration of an emergency. Resolution

No. 2207 will adopt findings and ratify the emergency declaration.

FINANCIAL SUMMARY:

The cost to replace and line the sewer main is estimated to be \$125,000. This emergency work will be funded by the Sewer Construction Fund.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 2207.

Attachments: [Res #2207 - Emergency Declaration Fir Sewer Main](#)

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

11. A MAYOR'S REPORT

11. B COUNCILMEMBERS' REPORTS

12. CONSENT CALENDAR

[17-4703](#)

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 FEBRUARY 2017 ACCOUNTS PAYABLE: \$1,187,489.04

SECOND HALF JANUARY 2017 PAYROLL:

\$75,460.08, checks no. 206824-206843

\$631,279.47, direct deposits

\$842,558.25, wire transfers

\$1,549,297.80 Total

STAFF CONTACT:

Kaylee Cody, City Clerk

John Baldwin, Fiscal Analyst

Jackie Rodgers, Human Resources Specialist

[17-4702](#)

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:

Erika Geiszler, DOI: 1/22/2017. Claimant alleges damage to vehicle caused by pothole on 3rd Avenue.

Alice Ferrarin-Laroy, DOI: 11/11/2016. Claimant alleges costs incurred to clear sewer blockage.

Many Nhong, DOI: 08/10/2016. Claimant alleges forced entry by police caused damage to rental property.

Peardale Residential Association, DOI: 11/26/2016. Claimant alleges costs incurred related to sewer.

DENIED:

Cheryl Funkhouser, DOI: 7/24/2016. Claimant alleges personal injuries sustained from trip-and-fall over uneven portion of sidewalk.

Many Nhong, DOI: 08/10/2016. Claimant alleges forced entry by police caused damage to rental property.

Erika Geiszler, DOI: 1/22/2017. Claimant alleges damage to vehicle caused by pothole on 3rd Avenue.

SETTLED:

Golden Palace, DOI: 11/24/2016. Claimant alleges costs incurred related to City sewer work.

STAFF CONTACT:

Kaylee Cody, City Clerk
Brian Loos, Risk & Safety Manager

[17-4698](#)

**PROFESSIONAL SERVICES AGREEMENT WITH COLLINS
ARCHITECTURAL GROUP TO DESIGN NEW PUBLIC WORKS
MAINTENANCE FACILITY**

COUNCIL INITIATIVE ADDRESSED:

Improve streets and roads and improve transportation systems.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The Public Works Street/Stormwater Maintenance Division staff is currently operating out of an existing 1200 sq.ft. office and lunchroom area with a single shared restroom and one supervisor office. The 2017 budget authorizes seven additional employees, joining the current staff of 15 employees, to provide two additional maintenance crews and increase maintenance accomplishments. A new building was also authorized in the budget to accommodate the larger crew.

The 2017 budget also authorized purchasing additional vehicles and equipment to support the new street and stormwater maintenance crews. A new vehicle/equipment storage building was also authorized in the budget to protect the additional equipment, tools and vehicles.

Conceptual plans for the new office/crew building and vehicle/equipment storage building provide for combining the two buildings into one building for more efficient use of space and the site. The new building will be constructed just east of the current street/stormwater building on existing City Shop

property. The current building will continue to be used for vehicle/equipment storage, and the office/lunchroom area will be converted to material and small tools and equipment storage.

In accordance with state law for contracting professional consultant services, staff selected Collins Architectural Group as the most qualified firm and negotiated a scope of work and fee to design the new building. Attached for your information is the scope of work for design of the new building.

FINANCIAL SUMMARY:

The total project budget is \$1,218,000, funded equally by the Capital Projects Fund and the Stormwater Fund. The proposed design contract cost is \$82,663.00.

RECOMMENDED ACTION:

Motion authorizing the City Manager to execute a professional services agreement with Collins Architectural Group.

STAFF CONTACT:

Chris L. St.Onge, Engineer

Attachments: [Collins Arch Scope of Work](#)

[17-4705](#)

CITY MANAGER EVALUATION

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On December 15, 2016 Council agreed to engage the same consultant, David Mercier of Kenbrio Incorporated of Portland, Oregon, to assist in the facilitation of the City Manager annual performance evaluation.

RECOMMENDED ACTION:

Motion to approve the Assistant City Manager/Finance Director, Kurt Sacha, to enter into a Professional Service Agreement with David Mercier of Kenbrio Incorporated for the purpose of assisting Council in the facilitation of the City Manager Evaluation Process.

STAFF CONTACT:

Chris Smith, Human Resources Director

Attachments: [Letter of Engagement CM Evaluation Longview012016](#)

13. CITY MANAGER'S REPORT

[17-4700](#)

CONSIDER ASSUMING LONGVIEW TRANSPORTATION BENEFIT DISTRICT

COUNCIL INITIATIVE ADDRESSED:

Improve transportation systems
Continue effective financial management

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

The Longview Transportation Benefit District (TBD) was formed on December 15, 2016, by the Longview City Council pursuant to City of Longview Ordinance No. 3334, effective January 19, 2017. Formation of the TBD also included adoption of the TBD's initial Transportation Improvements Plan (TBD Plan).

On January 26, 2017, the TBD Board held its first meeting, elected its officers, approved an interlocal agreement with the City of Longview to provide administrative and technical support to the District, approved its operating bylaws, and set a public hearing for February 9, 2017, to consider establishing a vehicle license fee to provide funding to complete projects identified in the TBD Plan.

Revised Code of Washington (RCW) Chapter 36.74 authorizes a city that formed a transportation benefit district with the same boundaries as the city to abolish the governing board of the district and assume all rights, powers, immunities, functions, and obligations of the district. Approximately one-half of all transportation benefit districts formed by cities have been assumed by their city.

Because the TBD is a separate legal entity supported by City elected officials and staff, it would be more efficient and reduce costs for the City to assume the TBD. Some of the benefits and disadvantages are as follows:

Benefits

- Eliminate additional meetings for City elected officials and staff.
- Eliminate advertising and record keeping related to the separate meetings.
- Reduce staff time spent on separate district business.
- Eliminate need for separate insurance for the district.

Disadvantages

- City must assume and pay all debts of the district, including outstanding general obligation bonds and revenue bonds. This disadvantage would be minimal if the City agreed to issue bonds on behalf of the TBD to obtain lower interest rates (the TBD has no credit or agency history, so the rating for bonds issued by the TBD are unknown but likely to be higher than the City's bond rating).
- District bonds and debt count against the City's overall debt capacity.

If the City assumed the TBD, staff must provide the required financial and progress reporting and budgeting, and adhere to the TBD Material Change Policy; staff would be performing this work whether or not the TBD is assumed by the City based on the terms of the interlocal agreement between the City and the TBD.

Next Steps

Should the City Council decide to initiate the process to assume the TBD, the following actions must be taken:

1. Adopt a resolution declaring the City's intent to assume the TBD and setting the date and time for a public hearing to obtain public input on the matter.
2. Publish the resolution at least two times during the two weeks preceding the public hearing.
3. Conduct the public hearing and consider testimony, protests, and objections to assumption of the TBD.
4. After considering testimony and comments, if the City Council determines the public interest and welfare would be satisfied by assuming the rights, powers, immunities, functions, and obligations of the TBD, adopt an ordinance assuming the TBD and abolishing the governing body of the TBD.

RECOMMENDED ACTION:

Motion directing the City Attorney to prepare a resolution setting a public hearing to consider assuming the Longview Transportation Benefit District.

STAFF CONTACT:

Jeff Cameron, Public Works Director

[17-4699](#)

**POTENTIAL ADDITION TO THE CITY'S STATE LEGISLATIVE AGENDA -
SUPPORT FOR HB 1086****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Strengthen economic conditions and create new opportunities

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

House Bill 1086 (and companion Senate Bill 5438) have been called to staff's attention as legislation that the city might want to support as part of our state legislative agenda. The bills include a legislative finding that "excessive delays in the environmental impact analysis process required under the state environmental policy act (SEPA) add uncertainty and burdensome costs to those seeking to do business in the state of Washington." The intent of the bills is to "promote timely completion of SEPA processes, and in doing so, restore balance between the need to carefully consider environmental impacts and the need to maintain the economic competitiveness of state businesses."

Specifically, a lead agency preparing an environmental impact statement (EIS) under SEPA would be called upon to complete it "in as expeditious a manner as possible while not compromising the integrity of the analysis." If not completed within 24 months of making a threshold determination of a probable significant adverse environmental impact (the aspirational time limit), the agency would be directed to submit a brief report to the legislature explaining the circumstances that caused it to fail to meet that time limit, an estimate of

when the EIS *would* be completed, and a plan of action to ensure that *future* EISs it undertakes would be completed within 24 months.

Refer to the links below for further information.

This bill would apply to cities and other local agencies as well as state agencies preparing EISs under SEPA. It would *not* apply to EISs being prepared under the national environmental policy act (NEPA). Based on recent experience, it would rarely apply directly to the city; we have not made a finding of probable significant adverse environmental impact as a lead agency during the past 12 years. If and when that *might* happen, our community development staff believe an aspirational goal of completing an EIS within 24 months is a realistic goal.

RECOMMENDED ACTION:

This subject is being introduced for discussion only on February 9. Following discussion, the recommended action is to direct the city manager that it be placed on the February 23 agenda for further consideration by a decision whether or not to add it to our state legislative agenda.

STAFF CONTACT:

Dave Campbell, City Manager

Attachments: [House Bill 1086](#)

[House Bill 1086 Bill Analysis](#)

[House Bill 1086 Fiscal Note Summary](#)

14. MISCELLANEOUS

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, FEBRUARY 23, 2017 - 7:00 P.M.

THURSDAY, MARCH 9, 2017 - 7:00 P.M.

NEXT COUNCIL WORKSHOPS:

THURSDAY, FEBRUARY 16, 2017 - 6:00 P.M. REVIEW OF 2016 WORK PLAN ACCOMPLISHMENTS

THURSDAY, FEBRUARY 23, 2017 - 6:00 P.M. TRUCK ROUTE ENFORCEMENT/LPD CALLS FOR SERVICE

