



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, July 14, 2020

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

Minutes are the official record of Mill Creek City Council meetings. Minutes summarize the council meeting and documents any actions taken by the Council.

A recording of this City Council meeting can be found [here](#):

The agenda packet for this City Council meeting can be found [here](#).

Virtual City Council Regular Meeting

Call-in Information:

United States (Toll Free): [1 877 309 2073](tel:18773092073): Access Code: 946-079-933

CALL TO ORDER

Mayor Pruitt called the meeting of the Mill Creek City Council to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Steckler.

ROLL CALL

Councilmembers Present:

*Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Mike Todd, Councilmember
Mark Bond, Councilmember
John Steckler, Councilmember
Stephanie Vignal, Councilmember*

Councilmembers Absent:

Vince Cavaleri, Councilmember

Councilmember Vignal made a motion to excuse Councilmember Cavaleri due to being on vacation. Mayor Pro Tem Holtzclaw seconded the motion. The motion passed unanimously.

AUDIENCE COMMUNICATION

- A. Barbara Heidel, Mill Creek resident commented on the use of mounting Plexiglas on the dais for protection and safety at City Council meetings during the COVID-19 pandemic. Ms. Heidel also inquired on whether the City of Mill Creek has considered having public meetings in a high school auditorium.

PRESENTATIONS

OLD BUSINESS

B. 7C's Easement

(Tom Rogers, Planning Supervisor & Sherrie Ringstad, Associate Planner)

City Manager Ciaravino introduced the topic regarding the 7C's Easement. Grant Degginger, Interim City Attorney provided a summary of items to be discussed in order for Members of Council to approve the proposed Resolution.

Sherrie Ringstad, Associate Planner presented a brief power point presentation that incorporated Council's edits in order to authorize a perpetual vehicular sight line easement. The [power point](#) presentation addressed the following:

- Sight Distance Easement
- Minor Amendments
- Next Steps to include: Council to determine appropriate compensation; adoption of Resolution authorizing the City Manager to sign the easement; and applicant will record the easement and provide City with a copy prior to any site work.

Council engaged in discussion and Q & A.

[Agenda Summary re Resolution](#)

[Attachment A Resolution](#)

[Attachment B Easement](#)

[Attachment C Council Meeting Packet 07 Jul 2020](#)

[Easement](#)

[Resolution](#)

Mayor Pro Tem Holtzclaw made a motion to adopt Resolution No. 2020- 588 authorizing the City Manager to execute a Perpetual Vehicular Sight Line Easement on the City-owned property located at 13615 North Creek Drive Southeast (Remillard Property with the following conditions:

1. The resolution incorporate minor edits as presented by Sherrie Ringstad during the meeting
2. City compensation is based on 661 sq.ft., which is appraised at \$5.50 per sq. ft.
3. The condition of the easement is based upon the absence of an appeal.
4. Approval of the binding site plan is subject to the sight line easement.

Councilmember Todd seconded the motion. The motion passed unanimously.

C. Comcast Franchise Discussion

(Tom Rogers, Planning Supervisor)

The City of Mill Creek's outside legal consultants, Elana Zana and Phil Fraga presented to Members of Council a [franchise agreement](#) with Comcast. Ms. Zana and Mr. Fraga briefed Members of Council on the terms of the agreement which include: a new 10-year, nonexclusive right to use the City's rights-of-ways to maintain its cable system; a 5% franchise fee revenue for the City; and the continuation of service from Comcast to provide the City an access channel for regional PEG programming. The franchise agreement outlines requirements related to bonding, insurance, and indemnification to ensure that appropriate protections are in place for any work that occurs under this franchise.

To view Phil Fraga's power point presentation [click here](#).

Council engaged in discussion and Q & A.

At the July 28th City Council meeting, an ordinance will be proposed to grant the 10 year, nonexclusive cable franchise to Comcast.

[Agenda Summary Mill Creek Comcast Franchise Agenda Bill \(2199826-2x7ACF2\)](#)
[Cohen Law Group Mill Creek Comcast Executive Summary \(2201076x7ACF2\)](#)
[FCC Section 621 Third Report and Order Summary - Cohen Law Group \(2201079x7ACF2\)](#)
[Mill Creek Comcast Franchise - Final \(2176901-2x7ACF2\)](#)

NEW BUSINESS

D. City Manager Annual Evaluation
(*Mayor Pro Tem Holtzclaw*)

Mayor Pro Tem Holtzclaw presented to Members of Council an introduction to the process of the annual performance evaluation for the City Manager. Mayor Pro Tem introduced Ms. Karen Reed, consultant who will facilitate the evaluation process to further explain the process. [Click here](#) to see the draft proposal for the City Manager Evaluation.

Council engaged in discussion and Q & A.

STUDY SESSION

E. CARES ACT Presentation
(*Jeffrey Balentine, Finance Director*)

Finance Director Jeff Balentine presented a [CARES ACT presentation](#) to Members of Council. The presentation covered the following:

- General Guidance - The CARES ACT provides reimbursements to necessary expenditures due to the public health emergency of COVID-19.
- Primary Budget Categories include: Medical Expenses, Public Health

Expenses, Payroll Expenses, Expenses to facilitate Compliance with COVID-19 measures, economic support, and other COVID-19 Expenses.

- City Support Recommendations - Total cost to date: \$60K include: Personal Protective Equipment, Disinfectants, Information Technology, HVAC System, Plexiglass Protection, Passport Office Redesign, Police Department Flooring, Website to accommodate emergency notifications, Hand Sanitizer Floor Stands, Economic Development Strategy, City Wide Marketing Plan to stimulate the local economy.

Council engaged in discussion and Q & A.

At approximately 8:26 pm. Mayor Pro Tem Holtzclaw made a motion to extend the Regular City Council Meeting until 9:30 p.m. Councilmember Steckler seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- F. Approval of Checks #62134 through #62181 and ACH Wire Transfers in the Amount of \$488,543.72.
(Audit Committee: Mayor Pro Tem Holtzclaw and Mayor Pruitt)
[Check Vouchers](#)
- G. Payroll and Benefit ACH Payments in the Amount of \$206,064.90
(Audit Committee: Mayor Pro Tem Holtzclaw and Mayor Pruitt)
[Payroll Vouchers](#)
- H. City Council Meeting Minutes of [June 9, 2020](#) and [June 23, 2020](#).

Mayor Pro Tem Holtzclaw motioned to approve the Consent Agenda. Councilmember Todd seconded the motion. The motion passed unanimously.

REPORTS

- I. Mayor/Council
Mayor Pruitt reported on the latest statistics from the Health District regarding the COVID-19. The requirement to go into Phase 3 is to have 25 new cases per 100,000. The County is at 62 new cases per 100,000. Since the numbers are going up, it is likely that the County will stay in Phase 2 of the pandemic.

Councilmember Vignal reported that she was invited to participate in a Town Hall with State Representative John Lovick to bring forth issues that the City of Mill Creek is facing. Councilmember Vignal requested from Members of Council and/or the City Manager any issues that need to be presented during this meeting to please contact her.

Councilmember Todd commented on Councilmember Vignal's report and the need to have a Legislative Agenda in place. Councilmember Todd continued his report with the Puget Sound Regional Council (PSRC) July 2020 meeting of the Transportation Policy Board. Actions taken at the meeting included projects proposed for PSRC's 2023-2024 Federal Highway Administration and Federal Transit Administration Funds. [Click here](#) to view the agenda and meeting. Councilmember Todd reported that since the Regional Transportation Improvement Plan (TIP) for the years 2021 - 2024 is

currently being created, the City should ensure that their projects are included in this plan. He also mentioned that the City should continue to search for any grant opportunities.

- J. **City Manager Michael Ciaravino** reported on the Preschool Pals Program in response to inquiries from various stakeholders. He reported that his intention was to provide families with sufficient time to make alternative plans for their preschooler(s) and the reasons for his decision to discontinue the program.

City Manager Ciaravino reported the following:

- Social distancing is next to impossible for preschoolers to achieve without substantial adult intervention.
- The physical space was never designed to be used as a facility by our unlicensed Preschool Pals Program. The emergency egress out of the classrooms is of a particular safety concern.
- The absence of plumbing service to the rooms being used for the program is not optimal. There are no designated toilets in the classroom, and children are therefore directed to use the adult public restrooms outside of their classrooms. These public restrooms are equipped with adult toilets and are not ideal for small children.
- With regard to the long term status of the program, City Manager Ciaravino will be prepared to bring forth this matter to City Council as part of the biennial budget process.

- K. Finance Director Jeff Balentine updated the Council and the public regarding:

1. The County Treasurer reported our property tax totals for June. Thus far, the City is up +3.5% Year To Date versus last year, which is slightly above what Mr. Balentine had projected.
- REET money was down last month and up +53.8% versus the same time last year.

AUDIENCE COMMUNICATION

- L. Kim Mason-Hatt former City of Mill Creek employee commented on the layoffs during the COVID-19 pandemic and urged Council to consider the quality level of service that residents expect during the reduction of work force and made mention to the Interim status of current employees. Ms. Mason-Hatt also noted that the Preschool Pals Program is not a preschool program but a recreation program and that parents have never complained before regarding the risk factors.

Pam Olsen, not a resident of the City of Mill Creek responded on the following items that were discussed during the Council Meeting: helping local businesses during the pandemic, CARES ACT presentation; no City Council meeting during the month of August; and the Preschool Pals program.

RECESS TO EXECUTIVE SESSION

(Confidential Session of the Council)

- M. At approximately 9:05 p.m. the City Council recessed into Executive Session to discuss litigation and potential litigation pursuant to RCW 42.30.110 (1) (i) with outside legal counsel for 25 minutes.

At approximately 9:20 p.m. the Mayor extended the Regular Meeting without objection until 10:00 p.m.

At approximately 9:20 p.m. the Mayor extended Executive Session without objection until 9:45 p.m.

At approximately 9:45 p.m. the Mayor extended Executive Session without objection until 9:55 p.m.

REGULAR SESSION

- N. Council returned to Regular Session at 9:55 p.m.

Councilmember Todd made a motion to approve the Settlement Agreement with Comcast as outlined to Council. Councilmember Steckler seconded the motion. The motion passed unanimously.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 9:59 p.m.



Pam Pruitt, Mayor



Naomi Fay, Interim City Clerk