

December 20, 2023

The regular meeting of the Everett City Council was called to order at 6:30 p.m., December 20, 2023, by President Stonecipher.

Upon roll call, it was found that Mayor Franklin and Council Members Tuohy, Fosse, Rhyne, Schwab, Zarlingo, and Stonecipher were present. Council Member Vogeli was excused.

Council Member Zarlingo led the Pledge of Allegiance.

Council Member Fosse recited the land acknowledgement.

President Stonecipher announced that Council will be reporting on the COVID Recovery Fund Allocations before public comment.

The minutes of the December 6th and December 13th, 2023 meeting were approved.

MAYOR'S COMMENTS

Mayor Franklin expressed gratitude to Council, thanked City staff for their dedication, and wished the residents and business owners a happy holiday.

COVID RECOVERY FUND ALLOCATIONS

President Stonecipher

VOA Food Bank: \$25k

Arboretum Foundation: \$25k

Reinstate the Monte Cristo Awards for 2-3 years: \$50k

Council Member Tuohy

Bookwalk via Library: \$25k

Downtown Public Art: \$25k

Madres de Casino Road Food Bank: \$30k

Neighborhood Block Watch: \$20k

Council Member Fosse

ChildStrive: \$25k

FarmerFrog: \$25k

Jackson Park Improvements: \$25k

Faith Family Food Bank: \$25k

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Council Member Rhyne

Cocoon House: \$25k

Downtown Everett Association Storefront Support: \$25k

VOA Carl Gipson Center: \$25k

Everett Station District Alliance: \$25k

Council Member Schwab

Neighborhood Block Watch: \$20k

Two Roadside Rader Speed Signs: \$30k

Park Improvements – View Ridge, Phil Johnson Ballfields, Harborview Park Gazebo, and

Flowers in Forest Park: \$50k

Council Member Zarlingo

Undecided

Council Member Vogeli (Absent, But Noted For The Record)

Leadership Launch: \$75k

Madres de Casino Road Food Bank: \$25k

PUBLIC COMMENT

Council received twelve (12) written comments, and the following members of the public spoke: Vlastimil Weinar, Karina Burns, Steve Oss, Emily Simpson, and Thomas Stonecipher. The rest of public comment waited until Agenda Item No. 18.

The Mayor and Council congratulated and presented President Stonecipher a gift of appreciation to commemorate her twenty years of public service on city council for the City of Everett.

COUNCIL

Comments and liaison reports were provided by council members.

ADMINISTRATION UPDATE

Government Affairs Director Jennifer Gregerson congratulated President Stonecipher on behalf of city staff; provided an update on last week's public comments and concerns, business recycling with Rubatino, and information on an amendment for Agenda Item No. 12.

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CITY ATTORNEY

City Attorney David Hall thanked President Stonecipher on her years of service.

CONSENT ITEMS:

Moved by Council Member Zarlingo, seconded by Council Member Tuohy, to approve the following consent items:

RESOLUTION - CLAIMS

To adopt Resolution No. 7965 authorizing claims against the City of Everett in the amount of \$2,115,951.73 for the period ending December 2, 2023, through December 8, 2023.

RESOLUTION – PAYROLL CLAIMS

To adopt Resolution No. 7966 authorizing payroll claims against the City of Everett in the amount of \$5,321,062.63 for the period ending December 2, 2023.

AGREEMENT AMENDED – WPCF TFI BAR SCREEN UPGRADES

To authorize the Mayor to sign Amendment No. 2 to the Professional Services Agreement with BHC Consultants, to extend the contract terms through 12/31/2024 for services during construction.

AGREEMENT AMENDED – TRAFFIC SIGNAL MODIFICATIONS

To authorize the Mayor to sign Amendment No. 2 to the Professional Services Agreement (PSA) with DKS Associates.

LEASE AGREEMENT – SENATOR PATTY MURRAY EVERETT MUNICIPAL BUILDING
OFFICE SPACE

To authorize the Mayor to execute the Lease Agreement with Senator Patty Murray at Everett Municipal Building.

AGREEMENT – EVERETT LANDFILL/RIVERFRONT DEVELOPMENT

To authorize the Mayor to sign the Professional Services Agreement between the City of Everett and Floyd|Snider, SPC, for Consent Decree/Environmental Compliance Support Services for the Everett Landfill/Riverfront Development Site.

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AWARD – WA DES #05116/COE #2021-047 MICROSOFT SOFTWARE LICENSE

To award and authorize approximately \$730,303.81 for years 2024, 2025, and 2026 to be spent with SHI International Corp from WA DES #05116/COE #2021-047 for Microsoft software licensing.

AGREEMENT – GUARDIAN SERIES BUMPERS FOR TWO POLICE VEHICLES

To authorize the Mayor to sign the Authorized Fleet Customer Agreement with Hammerhead Armor.

LEASE AMENDMENT – SNOHOMISH COUNTY 911

To authorize the Mayor to sign Lease Amendment No. 4 with SNO COUNTY 911 at the South Precinct in substantially the form provided.

AGREEMENT – FIREFIGHTER TRAINING THROUGH EVERETT COMMUNITY COLLEGE

To authorize the Mayor to sign the Client Services Contract with Everett Community College and the Washington State Firefighters Joint-Apprenticeship Training Committee.

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

ACTION ITEMS:

COUNCIL BILL 2311-63

THIRD AND FINAL READING:

AN ORDINANCE closing a Special Improvement Project, entitled “17th Street Interceptor Upgrades,” Fund 336, Program 020, as established by Ordinance No. 3806-21

Moved by Council Member Zarlingo, seconded by Council Member Tuohy, that this is declared to be the third and final reading of Council Bill 2311-63, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

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AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3989-23 adopted.

COUNCIL BILL 2311-64

THIRD AND FINAL READING:

AN ORDINANCE amending EMC 10.02.265, 10.18.025, 10.23.050, and 10.78.110, and creating new sections of EMC 10.16, and EMC 10.78

Moved by Council Member Tuohy, seconded by Council Member Fosse, that this is declared to be the third and final reading of Council Bill 2311-64, as amended.

Assistant City Attorney Lacey Offutt requested an amendment to repeal EMC 10.02.265.

Moved by Council Member Fosse, seconded by Council Member Rhyne, to repeal EMC 10.02.265 to eliminate redundancy.

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance, as amended.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3990-23 adopted.

COUNCIL BILL 2311-65

THIRD AND FINAL READING:

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AN ORDINANCE closing a Special Improvement Project, entitled "Grant Avenue Utilities Replacement," Fund 336, Program 014, as established by Ordinance No. 3762-20

Moved by Council Member Tuohy, seconded by Council Member Fosse, that this is declared to be the third and final reading of Council Bill 2311-65, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher
NAYES: None
ABSENT: Vogeli

Ordinance 3991-23 adopted.

COUNCIL BILL 2311-66

THIRD AND FINAL READING:

AN ORDINANCE closing a Special Improvement Project, entitled "Lift Station #15 and Shore Avenue Forcemain," Fund 336, Program 005, as established by Ordinance No. 3725-20

Moved by Council Member Tuohy, seconded by Council Member Rhyne, that this is declared to be the third and final reading of Council Bill 2311-66, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher
NAYES: None
ABSENT: Vogeli

Ordinance 3992-23 adopted.

COUNCIL BILL 2311-67

THIRD AND FINAL READING:

AN ORDINANCE closing a Special Improvement Project, entitled "Maple Heights Bridge Seismic Retrofit," Fund 303, Program 113, as established by Ordinance No. 3603-18

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Moved by Council Member Zarlingo, seconded by Council Member Tuohy, that this is declared to be the third and final reading of Council Bill 2311-67, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3993-23 adopted.

COUNCIL BILL 2311-68

THIRD AND FINAL READING:

AN ORDINANCE closing a Special Improvement Project, entitled "Reservoir No. 2 Replacement," Fund 336, Program 017, as established by Ordinance No. 3792-20

Moved by Council Member Tuohy, seconded by Council Member Rhyne, that this is declared to be the third and final reading of Council Bill 2311-68, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3994-23 adopted.

COUNCIL BILL 2311-69

THIRD AND FINAL READING:

AN ORDINANCE closing a Special Improvement Project, entitled "SEI to SRI Intertie and SRO8 Rehabilitation," Fund 336, Program 010, as established by Ordinance No. 3735-20

Moved by Council Member Zarlingo, seconded by Council Member Tuohy, that this is declared to be the third and final reading of Council Bill 2311-69, as amended.

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The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3995-23 adopted.

COUNCIL BILL 2311-70

THIRD AND FINAL READING:

AN ORDINANCE relating to public health and safety, creating a sentence enhancement ordinance applicable at the prosecutor's option for certain qualifying crimes, when necessary preconditions have been met

Presented by Lacey Offutt, Legal

Moved by Council Member Schwab, seconded by Council Member Zarlingo, that this is declared to be the third and final reading of Council Bill 2311-70, as amended.

Mayor Franklin provided comments, and discussion ensued with Assistant City Attorney Lacey Offutt answering council questions.

The following members of the public spoke: Carlos Lugo, Chelaina Crews, Gail Chism, Jason Cockburn, and Jim Chambers.

Comments and questions were provided by council members.

Moved by Council Member Fosse, seconded by Council Member Rhyne, to amend language in the proposed ordinance in Section 1(B) from "shall impose a sentence" to "may impose a sentence."

Roll was called with all council members voting yes, except Council Member Tuohy, Schwab, Zarlingo, and President Stonecipher who voted no, and Council Member Vogeli who was excused.

Motion failed.

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Further discussion ensued with City Attorney David Hall, Mayor Franklin, and Assistant City Attorney Lacey Offutt answering council questions.

Moved by Council Member Fosse, seconded by Council Member Rhyne, to amend Section 1(E) to include “or similar” following “Mental Health Alternatives (MAP) program or Therapeutic Services Court (TCS).”

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

Moved by Council Member Fosse, seconded by Council Member Rhyne, Administration shall report to Council on the effectiveness, budget impacts, and demographic impacts of this ordinance.

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

Further discussion ensued with City Attorney David Hall, Mayor Franklin, and Assistant City Attorney Lacey Offutt answering council questions.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance, as amended.

AYES: Tuohy, Schwab, Zarlingo, Stonecipher
NAYES: Rhyne, Fosse
ABSENT: Vogeli

Ordinance 3996-23 adopted.

COUNCIL BILL 2311-71

FIRST READING:

AN ORDINANCE closing a Special Improvement Project, entitled “Water Main Replacement “W”,” Fund 336, Program 023, as established by Ordinance No. 3813-21

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Moved by Council Member Zarlingo, seconded by Council Member Fosse, that this is declared to be the third and final reading of Council Bill 2311-71, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher
NAYES: None
ABSENT: Vogeli

Ordinance 3997-23 adopted.

COUNCIL BILL 2312-75

THIRD AND FINAL READING:

AN ORDINANCE creating a Special Improvement Project, entitled "Lift Station #15," Fund 336, Program 041, to accumulate all costs for the improvement

Moved by Council Member Schwab, seconded by Council Member Tuohy, that this is declared to be the third and final reading of Council Bill 2312-75, as amended.

The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher
NAYES: None
ABSENT: Vogeli

Ordinance 3998-23 adopted.

COUNCIL BILL 2312-76

THIRD AND FINAL READING:

AN ORDINANCE relating to Business and Occupation Tax, adopting the new revision to the B&O Tax Model Ordinance to incorporate SB 5199 changes to 35.102.150

Moved by Council Member Tuohy, seconded by Council Member Rhyne, that this is declared to be the third and final reading of Council Bill 2312-76, as amended.

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The Deputy City Clerk was directed to call the roll for the final deposition of the ordinance.

AYES: Tuohy, Rhyne, Schwab, Fosse, Zarlingo, Stonecipher

NAYES: None

ABSENT: Vogeli

Ordinance 3999-23 adopted.

RESOLUTION – 2024 LODGING TAX

Moved by Council Member Schwab, seconded by Council Member Zarlingo, to adopt Resolution No. 7967 concerning 2024 Lodging Tax expenditures.

Roll was called with all council members voting yes, except Council Member Vogeli who was excused, and Council Member Tuohy recused herself from the vote.

Motion carried.

RESOLUTION – STADIUM FISCAL ADVISORY COMMITTEE

Moved by Council Member Schwab, seconded by Council Member Zarlingo, to adopt Resolution No. 7968 asking the Mayor to form a Stadium Fiscal Advisory Committee.

Discussion ensued with Mayor Franklin, and Special Projects Manager Scott Pattison answering council questions.

Moved by Council Member Fosse, seconded by Council Member Schwab, to amend Section 2, Item No. 3 to read “Member of the Committee should be evaluated for their expertise and experience in fields “including, but not limited to” finance, economics, accounting, public policy, tourism, or related fields.”

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

Further comments were provided by council.

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Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

PUBLIC HEARINGS:

President Stonecipher opened the public hearing on Emergency Ordinance 3982-23, passed on December 6, 2023, adopting an interim official control allowing temporary uses under EMC 19.05.068, to be renewed. Public hearing date was set during the passing of the ordinance.

PUBLIC HEARING - COUNCIL BILL 2312-74

AN EMERGENCY ORDINANCE relating to temporary uses, adopting an interim official control allowing temporary uses under EMC 19.05.068 to be renewed, declaring an emergency.

No members of the public wished to speak.

Moved by Council Member Zarlingo, seconded by Council Member Schwab, to close the public hearing.

Roll was called with all council members voting yes, except Council Member Vogeli who was excused.

Motion carried.

The City Council meeting adjourned at 9:00 p.m.



Deputy City Clerk

Read and approved as printed.



Council President

12.20.23 City Council Minutes

Final Audit Report

2024-01-04

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