CALL TO ORDER
Mayor Hogan called the meeting to order at 7:02 PM.

PLEDGE OF ALLEGIANCE
Deputy Mayor Kelley led attendees in the pledge of allegiance.

OBSERVANCE
Mayor Hogan requested all to join the City Council in observing Patriots Day with a moment of silence.

ROLL CALL
Present: Mayor Jeffery Hogan, Deputy Mayor Mike Kelley, Jr., Councilmember Daryl Eidinger, Councilmember Donna J. O'Ravez, Councilmember Steve Cope,
Absent/Excused: Councilmember Dave Olson, Councilmember Paul Crowley,
Councilmember Olson arrived at 7:56 PM.

Staff Present: City Manager Mark Bauer, Public Works Director Joe Seet, Community Development Director Eric Phillips, Police Chief Ed Knutson, Finance Director/City Clerk Debbie Zabell, Deputy Fire Chief Ed Goodlet, City Attorney Zach Lell

CITY MANAGERS REPORT
City Manager Bauer reported on the following:
·The Association of Washington Cities will be conducting a candidate forum on September 18, 2011, that gives the major candidates running for state offices an opportunity to provide a question and answer session for local government officials and staff.
·Following up on the Washington State Department of Transportations State Route 161 (SR 161) Widening project update given at Councils August 28, 2012 Study Session meeting, staff was notified on August 29, 2012 that the contractor performing the waterline work for the States project had shut down and left the project until a satisfactory water purity test could be obtained. The City received notification on September 10, 2012, that the contractor was back at the jobsite, but has not received word on the status of the water purity testing. He also noted the State had moved the
testing area fronting Les Schwabs driveway to another location in order to eliminate any further disruption to Les Schwabs business.

**STAFF REPORT**

Chief Knutson provided an update on criminal activity over the last month, noting an arrest of a case from 2011. He also noted the Mountain View Community Centers back-to-school event was a great success and provided an update of the services provided to area youth.

**AUDIENCE COMMENT**

No audience comments

**PRESENTATION**

No presentations for Council

**CONSENT AGENDA**

A. Regular Council Meeting Minutes August 28, 2012
B. AB12-045, a motion authorizing the City Manager to execute a contract with Vision Municipal Services for integrated financial software
C. AB 12-046, a motion approving Claim checks 19106 through 19127 including wires and transfers in the amount of $310,263.71, and voided claim check 19105, and Payroll checks 9841 through 9849 including Direct Deposits and Electronic Transfers in the amount of $46,548.03

**Motion:** as read, **Action:** Approve, **Moved by** Deputy Mayor Kelley, **Seconded by** Councilmember Cope

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 4).

**Yes:** Councilmember Eidinger, Councilmember O'Ravez, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan. **Absent:** Councilmember Olson, Councilmember Crowley

**COUNCIL BUSINESS**

1. AB12-048, a motion authorizing the City Manager to execute a Construction Agreement with the Washington State Department of Transportation

Manager Bauer introduced Public Works Director Seet to provide presentation on the item. Public Works Director Seet introduced the item by providing an overview of the construction work that will take place in the States right-of-way on Meridian Avenue for the Jovita Realignment project, requiring a Construction Agreement between the
State and the City. He further noted the State would be performing project review and inspection, which will be billed to the project.

Councilmembers and staff discussed the fiscal impacts of the Construction Agreement. Councilmembers expressed concern for the Projects budget noting Council does not want borrow funds for the Project. Public Works Director Seet reported that staff had received notification from the Transportation Improvement Board (TIB) of a fund increase to the City’s Grant.

Councilmembers also expressed concern with the work being performed under the States contract, in light of the situation the State is experiencing with their SR 161 Widening project. Public Works Director Seet noted the work being performed by the City’s contractor is under the City’s contract and all work must comply with the City’s requirements.

**Motion:** as read, **Action:** Approve, **Moved by** Deputy Mayor Kelley, **Seconded by** Councilmember ORavez

Councilmembers noted the importance of the project.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 4).

**Yes:** Councilmember Eidinger, Councilmember O’Ravez, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan. **Absent:** Councilmember Olson, Councilmember Crowley

2.AB12-049, a motion approving the contract documents, awarding a construction contract for the Jovita Boulevard Realignment to R.W. Scott Construction Company, and authorizing the City Manager to execute the final contract documents

Public Works Director Seet introduced the item by providing an overview of bid results, noting bids were reviewed by the City’s Construction Management Team (Team) and it was determined the apparent low bidder for the project was R.W. Scott. Public Works Director Seet noted the lowest bid was higher than the engineers estimate. Upon reference verifications made by the Team on R.W. Scott, it was the Teams recommendation to award the bid to R.W. Scott for the Jovita Boulevard Realignment project.

Councilmembers and staff discussed at length the Projects funding sources and project costs. Councilmember expressed their concern with the Projects costs. Staff noted a
portion of the work, not in the original plan (City of Miltons waterline) is ineligible for reimbursement by TIB.

City Manager Bauer noted the City of Milton has not made a determination on whether the City of Milton will fund the waterline. He noted that if the Council approved the project and the City of Milton decided later they would not fund their waterline, the waterline could be removed from the Contract. Councilmembers expressed concern with approving a Contract that is going be brought back to Council for additional consideration.

Councilmembers also expressed concern that funding for a portion of the project comes from the Sewer LID. City Manager Bauer noted that the portion of the project funded from the LID Fund had already been included in the total cost of expenses for the LID, as a future cost.

Motion: as read with the removal the Milton Waterline and associated costs, Action: Approve as amended, Moved by Deputy Mayor Kelley, Seconded by Councilmember Eidinger

Councilmembers noted the difficult situation the City is in, the importance of getting the project moving forward and this is the best option for the City at this time.

Mayor Hogan noted his hesitation in moving forward due to the many unforeseeable issues that may arise.

Councilmember Olson noted he would be abstaining from the vote due to his late arrival and not having the opportunity to hear the entire discussion.

Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 1, Absent = 1).
Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Cope, Deputy Mayor Kelley. No: Mayor Hogan Abstain: Councilmember Olson Absent: Councilmember Crowley

3.AB12-291, a resolution sponsoring the Law Enforcement Support Agency to join the Association of Washington Cities Employee Benefit Trust

City Manager Bauer introduced the item by noting the Law Enforcement Support Agency (LESA) currently receives medical benefits through the City of Tacoma and the Agency will no longer have the ability to receive benefits in 2013. LESA would
like to join the Association of Washington Cities Employee Benefit Trust (AWC), in order to obtain medical benefits. Since the Agency is not a city, AWC requires agencies seeking membership to obtain sponsorship by a current Trust city. He also noted there were several other agencies throughout the state that were members of AWC.

LESAs Budget and Finance Manager, Janet Caviezel, reiterated the need for the Agencies membership, noting there was no fiscal impact on or for the sponsoring city.

Councilmembers and staff discussed the item. City Manager Bauer noted there were several other agencies throughout the state that were members of AWC.

**Motion:** as read, **Action:** Approve, **Moved by** Councilmember Olson, **Seconded by** Councilmember ORavez

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Cope, Councilmember Olson, Deputy Mayor Kelley, Mayor Hogan. **Absent:** Councilmember Crowley

**COUNCIL COMMENTS**

Councilmember Cope requested a brief summary on the results of the LID Assessment payments received. City Manager Bauer noted the amount and percentage received, he also noted staff would be sending out delinquent notices.

Councilmember ORavez stated she had identified a potential candidate for the Citys Economic Development Committee.

**EXECUTIVE SESSION**

Mayor Hogan adjourned the meeting to Executive Session at 8:30 PM, for the purpose of considering the acquisition of real estate and discussing potential litigation with legal counsel. It was noted the Executive Session would last approximately 15 minutes, after which the Council may take action in open session when it reconvenes.

Mayor Hogan extended the Executive Session 40 minutes. Mayor Hogan reconvened the Regular Council meeting at 9:05 PM.

**ADJOURN**
Mayor Hogan adjourned the meeting at 9:06 PM.

Debbie Zabell, Finance Director/City Clerk Jeffery Hogan, Mayor