

CITY COUNCIL MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

February 12, 2022 - 8:00 AM

HYBRID MEETING with 2 ways to participate:

In Person: El Parasio Restaurant

14090 Freylands Blvd, Suite 144, Monroe, Washington 98272

OR via Zoom at: <https://us02web.zoom.us/j/85744007068>

or call in at: 253-215-8782, Meeting ID: 857 4400 7068

1. 8:00-9:00 - Coffee/Refreshments

2. Discussion Items

A. Carry Over Items from Friday (if any)

B. Advisory Vote on Fireworks

C. Review of Council Procedures

D. UGA Expansion/Annexations

Russ Wright

3. Lunch

4. Discussion Items

5. Adjourn

THE PUBLIC IS INVITED TO ATTEND

Special Needs: The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.



COUNCIL PROCEDURES

ADOPTED

March 27, 2018

Revised September 11, 2018

Revised January 22, 2019

Revised March 10, 2020

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SECTION 1. AUTHORITY

- 1.1 Pursuant to RCW 35A.12.120, and other applicable law, the Lake Stevens City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

SECTION 2. COUNCIL MEETINGS

2.1 TYPES OF MEETINGS:

1. Regular - the Council meeting held as set by Ordinance.
2. Workshop – the Council meeting held as set by Ordinance.
3. Special - any Council meeting other than the Regular Council meeting. Notice shall be given at least 24 hours in advance. A Special Council meeting may be scheduled by the Mayor, Council President, City Administrator or at the request of not less than 4 Councilmembers.
4. Emergency - a Special Council meeting called without the 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Administrator, the Mayor or Council President with the consent of not less than 4 Councilmembers. The minutes will indicate the reason for the emergency.

- 2.2 The time and day of Council's regular meetings shall be set by ordinance and will be held at the location set by ordinance unless otherwise publicly announced.

Regular Council meetings times shall be set by ordinance and will normally adjourn no later than 9:00 p.m., unless pending business must be concluded. Extensions beyond 9 p.m. shall require passage of a motion by Council.

- 2.3 Council's Workshop Sessions will be scheduled as special meetings and may be held, when needed, as follows: From the hour of 7:00 p.m. and will adjourn no later than the hour of 9:00 p.m., on the first and third Tuesdays, of each month. To continue past this time of adjournment, passage of a motion by a majority of the Council will be required. Alternatively, Workshop Sessions may be scheduled immediately preceding a Regular Council meeting, with the start time to be determined based on the agenda, but in no event earlier than 5:00 p.m., and ending no later than 6:45 p.m. Council workshops may also be scheduled on other dates and times by special meeting notice.

Special Workshop sessions may be called by the Mayor, City Administrator, Council President or by three (3) or more Councilmembers.

Workshop Sessions will be informal meetings for the purpose of reviewing forthcoming programs, receiving progress reports on current programs or

projects, or receiving other similar information. The Council President, Council Vice-President and City Staff will determine on-going dedicated schedules for regular workshop sessions.

No final decisions will be made at a Workshop Session. Decisions on workshop matters will be scheduled for a Regular or Special Council meeting.

- 2.4 Information will be available to the public at each meeting stating a summary of the Rules of Procedure.
- 2.5 Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Administrator or Presiding Officer.
- 2.6 Citizen comment/public hearing sign-ups will be available at each regular Council meeting.
- 2.7 All regular, workshop and special meetings will be electronically recorded.

The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Council.

City Council meeting minutes will not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

2.8 ORDER OF REGULAR COUNCIL MEETING AGENDA:

1. Call Meeting To Order:

The Presiding Officer calls the meeting to order.

2. Pledge of Allegiance:

The Mayor, Council President or designee leads the flag salute.

3. Roll Call:

The Council President will announce the attendance of Councilmembers and indicate any Councilmember who is not in attendance. The Council shall approve excused absences by vote. The official meeting minutes will always reflect the vote count on each action item.

4. Approval of Agenda:

The Council President, with the concurrence of the Councilmembers, may take agenda items out of order or add or remove agenda items.

5. Guest Business:

Persons or organizations invited or requesting to speak to the Council on specific identified topics will be scheduled under Guest Business. Guest

speakers will not be restricted to a limited amount of time for speaking unless requested by Council at the time of the meeting.

5.6. Citizen Comments:

Members of the audience may comment on items relating to any matter not on the meeting agenda under Citizen Comments. Unless this rule is waived by motion of the Council, each speaker will be limited to three minutes to make their comments.

Council may, at its discretion, allow citizen comment on individual agenda items at times during any regularly scheduled City Council meeting after the item is introduced for Council but prior to Council discussion. The Presiding Officer will limit the amount of time permitted for each speaker to three minutes, until all persons have had an opportunity to speak. These agenda items include, but are not limited to, ordinances, resolutions and Council Business issues. Public testimony will be taken during Council's consideration of quasi-judicial matters.

7. Council Business:

Councilmembers may report on any Board/Commission meetings or significant activities or any other matter pertaining to City business since the last meeting. Subcommittee chairpersons will report on the activities of their respective subcommittees.

8. Mayor's Business:

Under Mayor's Business the Mayor usually addresses significant activities since the last meeting and items not previously discussed, such as future meetings of interest to the Council.

9. City Department Report:

City staff updates the Council on current issues or items of Council interest.

10. Consent Agenda:

Consent Agenda items are considered to be routine, non-controversial, or are items which have previously been studied and reviewed so as to not require additional discussion or debate. Such items may be approved by a single motion. Items on the Consent Agenda may include but are not limited to, minutes, resolutions and ordinances discussed at a previous City Council or Committee meeting, and previously authorized agreements. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

11. Public Hearing:

Citizens may comment on public hearing items. The Presiding Officer may limit the amount of time permitted each speaker until all persons

have had an opportunity to speak. Further testimony from those who have spoken may be allowed at the discretion of the Presiding Officer. The public hearing will be continued to another date to take additional testimony when the existing available time is not sufficient or as determined by the Council.

At the Public Hearing, staff's presentation is to give background and frame the issues for the Council and audience.

During public comment or public testimony, Council shall refrain from interactive exchanges with the audience. Council requests for clarification from audience should occur prior to the closure of the public portion of the hearing. Staff may be asked clarifying questions by Council during Council deliberations.

12. Action Items:

a. Proclamations:

A Proclamation is defined as an official announcement made by either the City Council or the Mayor.

b. Introduction and First Reading of Ordinances:

Discussion and debate by the City Council will be held at this time. Councilmembers shall decide whether to amend the ordinance, direct staff to further review the ordinance, or approve placing the ordinance on the Consent Agenda or as a separate agenda topic for second or third reading at an upcoming Regular Council meeting for enactment as an enforceable City law. The number of ordinance readings shall be considered item by item.

c. Resolutions:

A resolution is adoption of a City policy, practice or decision.

d. Other:

Any contract, agreement, or other form of business that requires formal action that is necessary to conduct City business.

e. Such other and additional items as required by law or by Council direction.

13. Citizen Comments:

Members of the audience may comment on items relating to any matter not on the meeting agenda under Citizen Comments. Unless this rule is waived by motion of the Council, each speaker will be limited to three minutes to make their comments.

Council may, at its discretion, allow citizen comment on individual agenda items at times during any regularly scheduled City Council meeting after the item is introduced for Council but prior to Council discussion. The Presiding Officer will limit the amount of time permitted for each speaker to three minutes, until all persons have had an opportunity to speak. These agenda items include, but are not limited to, ordinances, resolutions and Council Business issues. Public testimony will be taken during Council's consideration of quasi-judicial matters.

~~13.~~14. Executive Session:

Executive session subjects are limited to considering such matters as are authorized under the Open Meetings Act or such other laws that authorize executive sessions. Executive session is a Council meeting that is closed except to the Council and authorized staff members and/or consultants. The public is restricted from attendance. Executive Sessions may be held during Regularly scheduled meetings or Special Council meetings and will be announced by the Mayor.

Before convening an Executive Session the Mayor shall announce the purpose of the executive session and the anticipated time when the session will be concluded and if any action shall be taken. Should the session require more time, a public announcement shall be made that the Executive Session is being extended.

15. Study Session:

Discussion items are generally items of significance that may require future action by Council.

16. Adjournment:

With no further business to come before the Council, the Presiding Officer adjourns the meeting by requesting a motion for adjournment.

17. Transportation Benefit District:

Agenda Items regarding the Transportation Benefit District will be clearly set out and identified as such under the section of the Agenda where they best fit.

SECTION 3. AGENDA PREPARATION

3.1 The City Clerk will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and the City Administrator.

3.2 An item may be placed on a Council meeting agenda by any of the following methods:

1. By a Councilmember if the item does not require staff preparation;

2. By any two (2) Councilmembers;
 3. By the City Administrator;
 4. By a Council Committee;
 5. By the Mayor.
- 3.3 An item may be placed on a regular Council meeting agenda after the agenda is closed if approved by the Mayor or City Administrator.
- 3.4 The City Clerk will endeavor to schedule sufficient time between public hearings and other scheduled items, so the public is not kept unreasonably waiting, and so the Council will have sufficient time to hear public comment or testimony and to deliberate matters among themselves.
- 3.5 Legally required and advertised public hearings will generally have a higher priority over other time-scheduled agenda items which have been scheduled for convenience rather than for statutory or other legal reasons.
- 3.6 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- 3.7 Agendas will be finalized by the Thursday prior to the Council meeting. Agenda packets will be available electronically to Council by 5:00 p.m. on the Thursday prior to the Council meeting, and available electronically to the public on the City's web page by 5:00 p.m. on the Friday prior to the Council meeting, unless posted otherwise. If late information becomes available after the packet is posted on the City's web page on the Friday prior to the meeting, or if information arrives from other sources, then a recess or delay may be considered by the Council.
- 3.8 All agenda item packet reports will be in the format provided by the City Clerk's Office.
- 3.9 The Council may use "Staff Recommendation Statement" language from staff reports or agenda item descriptions for making a motion.
- 3.10 Council agenda and packet material will be available to the public during regular meetings.

SECTION 4. COUNCIL DISCUSSION

- 4.1 All Council discussion shall be guided by **ROBERTS RULES OF ORDER, NEWLY REVISED.**

SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

- 5.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. All remarks will be

addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

- 5.2 The Presiding Officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The Presiding Officer may command assistance of any peace officer of the City to enforce all lawful orders of the Presiding Officer to restore order at any meeting.
- 5.3 Citizens with complaints, concerns or questions, may be referred to separately bring the matter to the Mayor or relevant City staff, or ask that the matter be placed on a future City Council meeting, with the appropriate background information.

SECTION 6. MOTIONS AND VOTING

- 6.1 When making motions, Councilmembers will be encouraged to be clear and concise and to not include arguments for the motion within the motion.
- 6.2 After a motion has been made and seconded, the Council may deliberate and discuss their opinions on the issue prior to the vote. No further citizen comments may be heard when there is a motion and a second on the floor.
- 6.3 When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of the discussion and normally, a minute entry will be made.
- 6.4 A motion may be withdrawn by the maker of the motion, at any time, up until the question is called to vote without the consent of the Council.
- 6.5 A motion to table is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- 6.6 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 6.7 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 6.8 A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
- 6.9 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

Motions that cannot be amended include: Motion to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.

Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).

- 6.10 Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.11 If a motion does not receive a second, it dies. Motions that do not need a second include: Nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 6.12 The Presiding Officer should acknowledge the motion and second prior to voting.
- 6.13 The City Clerk will repeat the motion and/or take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.
- 6.14 Unless otherwise required by law, the passage or defeat of a motion shall be decided by a majority of those present and voting. Abstentions shall not be included in the vote tally, even if those voting in favor of the motion are less than a majority of the full City Council.

A motion that receives a tie vote is deemed to have failed, except pursuant to RCW 35A.12.100 Duties and authority of the mayor--Veto--Tie-breaking vote, the Mayor "shall have a vote only in the case of a tie in the votes of the councilmen with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money."

At the conclusion of any vote, the Presiding Officer will inform Council of the results of the vote.

- 6.15 When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration and such motion must also be seconded by a member who voted in the majority. No motion for reconsideration of a vote shall be made after the meeting has adjourned but may be made at a subsequent meeting of the Council
- 6.16 The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at a Council meeting. All cases not provided for in these rules shall be guided by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council Rules shall prevail.

SECTION 7. ORDINANCES

- 7.1 All ordinances shall be prepared or reviewed by the City Attorney. No Council initiated ordinance shall be prepared for presentation to the Council, unless two Councilmembers support the ordinance and staff has been consulted.

- 7.2 The City Clerk shall assign a permanent ordinance number at the time the ordinance is initiated.
- 7.3 The Presiding Officer shall read the title of the ordinance or the Ordinance number prior to voting unless the ordinance is on the Consent Agenda.
- 7.4 Prior to placement of an ordinance on the agenda, the City Attorney shall approve the ordinance as to form. After the City Attorney's signature, and passage of the Ordinance the City Clerk or designee shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk or designee shall sign the ordinance.
- 7.5 Ordinances, or ordinance summaries, shall be published in the official newspaper, as a legal publication, immediately following enactment.
- 7.6 Ordinances become effective five (5) days after the date of publication of the ordinance unless otherwise specified.

SECTION 8. MAYOR, COUNCIL PRESIDENT, AND COUNCIL VICE-PRESIDENT

- 8.1 The Presiding Officer at all regular and special meetings of the Council shall be the Mayor and all workshop sessions shall be the Council President.

At regular and special meetings in the absence of the Mayor, the Council President will act as Presiding Officer or in his/her absence the Council Vice-President. If the Mayor, Council President, and Vice-President are absent, the Council present shall elect one of its members to serve as Presiding Officer until the return of the Mayor, Council President or Council Vice-President.

At workshop sessions in the absence of the Council President, the Council Vice-President will act as the Presiding Officer or in his/her absence the Mayor. If the Council President, Vice-President, and Mayor are absent, the Council present shall elect one of its members to serve as Presiding Officer until the return of the Council President, Council Vice-President, or Mayor.

- 8.2 The Presiding Officer shall:
1. Preserve order and decorum in the Council chambers;
 2. Observe and enforce all rules adopted by the Council;
 3. Decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember in which case the Presiding Officer will defer to the City Attorney; and
 4. Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

5. From time to time, the Mayor and/or Council President may appoint Councilmembers to serve on ad hoc committees.

SECTION 9. COUNCIL RELATIONS WITH CITY STAFF

- 9.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- 9.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 9.3 All written informational material requested by individual Councilmembers shall be submitted by City staff, after approval of the Mayor or City Administrator, to all Councilmembers with a notation indicating which Councilmember requested the information.
- 9.4 A Councilmember shall not attempt to influence City staff in the selection, evaluation or discipline of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- 9.5 A Councilmember shall not attempt to change the operating rules and practices of any City department.
- 9.6 Mail that is addressed to the Mayor and Councilmembers shall be copied and circulated by the City Clerk, as soon as practicable after it arrives.
- 9.7 The City Clerk shall not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.
- 9.8 No Councilmember shall direct the City Administrator to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.
- 9.9 Individual requests for information can be made directly to the Department Director. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator and may be referred to the Council.

SECTION 10. COUNCIL MEETING STAFFING

- 10.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Administrator has an excused absence, the designated Acting City Administrator shall attend the meeting.
- 10.2 The City Attorney shall attend all meetings of the Council unless excused by the Mayor, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.
- 10.3 The City Clerk, or designee, shall attend Regular and Special meetings of the Council, keep the official journal (minutes), and perform such other duties, unless excused by the Mayor, as may be needed for the orderly conduct of the meeting.

SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS

- 11.1 Councilmembers will inform the Mayor, the Council President, the City Administrator or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence if approved by the Council.

SECTION 12. PUBLIC HEARINGS

- 12.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings be made.
- 12.2 Legislative (ordinance or miscellaneous) hearings do not require a decision be made even though information is presented.
- 12.3 Councilmembers shall comply with all applicable laws related to the conflict of interest requirements in the Appearance of Fairness Doctrine.

SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

- 13.1 All public meetings of the City Council and its boards/commissions shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

SECTION 14. COUNCIL REPRESENTATION

- 14.1 If a Councilmember appears on behalf of the City before another governmental agency, such as the County Council or State Legislature, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember needs to state existing City policy and the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position. If a Councilmember wishes to clarify the Council's position on a policy issue, they should do so by requesting a Council resolution be prepared and voted on by the Council.

Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another governmental agency or community organization.

SECTION 15. CONFIDENTIALITY

- 15.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions or which are otherwise subject to the attorney-client privilege, to ensure that the City's position is not compromised. Any Councilmember having any contact or discussion needs to make full disclosure to the Mayor, City Administrator and/or the City Council in a timely manner.

SECTION 16. PUBLIC RECORDS

- 16.1 Public records created or received by the Mayor or any Councilmember should be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Clerk.

SECTION 17. CITY ADMINISTRATOR EVALUATION ANNUAL PROCESS

- 17.1 The Mayor will determine the evaluation criteria and format for the process. As the City Administrator's immediate supervisor the Mayor shall issue the final annual evaluation. Council members will be given the opportunity to provide their observations, comments and recommendations.
- 17.2 The final step of the City Administrator evaluation process is for the Mayor to prepare amendments, if any, to the City Administrator's employment contract. This contract and any amendment thereto must to be approved by the City Council at a Council meeting.

SECTION 18. MAYOR/COUNCIL PRESIDENT/VICE-PRESIDENT SELECTION PROCESS

- 18.1 Mayor. The Mayor is elected per RCW Title 35A and other applicable election laws.
- 18.2 Council President. At the first regular meeting in January of each year, the members of the City Council shall elect, from their number, a Council President.
- 18.3 Council Vice-President. At the first regular meeting in January of each year, the members of the City Council shall elect, from their number, a Vice-President.

SECTION 19. CITY BOARDS/COMMISSIONS

- 19.1 Lake Stevens' boards and commissions provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Mayor and Councilmembers in the decision-making process. Effective citizen participation is an invaluable tool for local government.
- 19.2 These boards/commissions are generally established by ordinance.
- 19.3 Councilmembers will be assigned as board/commission liaisons in January of each year or as needed. Staff shall provide liaisons with agenda and support material for such meetings. The liaison's role will be as an observer and not an active participant on the board or commission. The liaison may provide updates on City activities, and the liaison may report to Council on actions and activities by their assigned board or commission.
- 19.4 Appointments and reappointments of board/commission members, when vacancies and term expirations occur, shall be as follows:

1. Vacancies to the City's boards and commissions will be advertised in the City newspaper, on the City's web page, at City Hall and such other locations as are deemed appropriate. Councilmembers will be provided with copies of applications of all qualified applicants received for boards/commissions vacancies.
2. All qualified applicants for a board or commission will be interviewed by a panel consisting of the Mayor, the Department Head and/or staff liaison, the Council liaison or designee to that board or commission, up to two additional councilmembers selected to participate in the interview process for boards and commissions at the beginning of each year, and the Chairperson or designee of the board or commission the applicant applied for.
3. Following the interviews, the interview panel makes a recommendation and the Mayor nominates a candidate for appointment to the vacant position.
4. The nominated candidate will be notified and requested to complete a criminal background check. All criminal background checks will be conducted by The Human Resources Department.
5. Following successful completion of the criminal background check the Mayor reviews nominee recommendation with Council at a regular Council meeting or at a workshop session. The recommendation should include the number of applicants interviewed, qualifications, and reason for the selection.
6. Mayor appoints board/commission member with Council approval at the regular Council meeting or next regular meeting if recommendation is made at a workshop session.
7. The newly appointed board/commission member will be invited to a subsequent Council meeting to be sworn in. In the case where multiple appointments are made in one Council meeting, all appointees will be sworn in as a group.
8. If the City Council does not confirm or reject the Mayor's nomination for appointment within thirty (30) days of submittal, the Mayor may proceed with the appointment.

SECTION 20. COUNCIL SUBCOMMITTEES

- 20.1 Council subcommittees are policy review and discussion arms of the Council. Subcommittees may study issues and develop recommendations for consideration by the Council. Subcommittees may not take binding action on behalf of the City. Subcommittees generally involve three or fewer councilmembers and therefore are not subject to the Open Public Meetings act.

Subcommittees will be established on an as-needed basis by motion or other action of the City Council

At its first meeting each year, each subcommittee should select from its members a chairperson who will oversee the meeting and report on the activities of the subcommittee to the Council at regular City Council meetings during Council Business.

- 20.2 Each subcommittee will have staff support as needed and assigned by the City Administrator. Staff will work with the subcommittee chairs to set agendas, provide support materials (including any sensitive communications by staff), and prepare reports as needed. The City Clerk or designee will attend subcommittee meetings and may prepare minutes. Subcommittee meetings will not be electronically recorded.
- 20.3 Even though the Open Meetings Act does not generally apply, subcommittee meetings are open to the public for observation only; no citizen comments or participation will be allowed.
- 20.4 The Mayor or City Administrator may send issues directly to subcommittees for their review in lieu of being referred to committee by the entire Council.
- 20.5 Subcommittee appointments shall be made by the Council President or in his/her absence by the Council Vice-President. The Council President will take into account the interests, availability to serve and requests of individual Councilmembers in making subcommittee assignments.
- 20.6 Membership of each subcommittee will consist of a maximum of three (3) Councilmembers unless otherwise approved by Council.
- 20.6 The Mayor and/ or City Administrator shall be an "ex officio" member of each subcommittee.

SECTION 21. AD HOC CITIZEN ADVISORY BOARDS

21.1 PURPOSE

To effectively use valuable resources provided by the citizenry at large to deal with issues on which more citizen input is judged to be needed. Each Board shall be given a clearly defined goal and adequate information to help them understand their role in the governmental structure. Unless determined otherwise by action of the City Council the authority of such Boards will be limited to providing informal input and recommendations to the City Council.

21.2 APPOINTMENT PROCEDURES

The boards will consist of no more than five citizen members (selected by the Mayor and confirmed by the City Council), the Mayor or designee, a staff person, and Councilmember if desired.

21.3 STAFF SUPPORT

Each Ad Hoc Advisory Committee will have staff support as needed and assigned by the City Administrator. Staff will work with the committee to provide support materials and prepare reports.

SECTION 22. FILLING CITY COUNCIL VACANCIES

22.1 PURPOSE

To provide guidance to the City Council when a Lake Stevens Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, wherein the person elected will serve the remainder of the unexpired term.

22.2 REFERENCES

RCW 42.30.110(h) - Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective Office

RCW 42.30.060 - Prohibition on Secret Ballots

RCW 42.12 - Vacant Position

RCW 35A.12.050 - Vacancies - Filling of Vacancies in Council/Mayor Form of Government

22.3 APPOINTMENT PROCESS

1. A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.
2. The City Council shall direct staff to begin the Councilmember appointment process and establish a notice, application, interview and appointment schedule, so that the position is filled at the earliest opportunity.
3. The City Clerk's Office shall prepare and submit to the City's Official Newspaper, with courtesy copies to all other local media outlets, a Notice of City Council Vacancy, which announces the vacancy consistent with the requirements necessary to hold public office. The City's web page and other social media may also be used to announce the Council vacancy.
4. The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at Lake Stevens City Hall, on the City web site, and such other locations that the City Council deems appropriate. Copies of the advertisement will be provided to current members of City of Lake Stevens' boards and commissions.
5. Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office to the Mayor and City Council.

Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

6. The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special session City Council meeting.
7. The City Clerk's Office shall notify applicants of the location, date and time of City Council interviews.
8. Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.
9. Prior to the date and time of the interview the City Clerk or designee will make inquiry of each applicant to determine eligibility to hold office and to fill the Council vacancy in the City.

22.4 INTERVIEW MEETING

Depending on the number of applicants to be interviewed, each interview of an applicant/candidate shall be approximately 15 minutes in length as follows:

1. The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions.
2. An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions.
3. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
4. The Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

22.5 VOTING

Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, nominations and votes taken by the Council shall be in open public session.

1. The Mayor shall ask for nominations from the Councilmembers.
2. In the case of one vacancy to be filled, balloting will continue until a nominee receives a majority of four (4) votes.
3. At any time during the balloting process, the City Council may postpone balloting until a date certain or regular meeting if a majority vote has not been received.

4. Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.
5. The Mayor shall declare the nominee receiving the majority vote as the new Councilmember. The new Councilmember shall be sworn into office by any person authorized under state law to administer oaths, at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
6. In the case of a tie vote, the Mayor may cast a vote.
7. If the City Council does not fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to Snohomish County.

SECTION 23. MISCELLANEOUS

- 23.1 When Councilmembers register to attend an official conference requiring voting delegates, such as the Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

SECTION 24. SUSPENSION AND AMENDMENT OF RULES

- 24.1 Any provision of these rules not governed by state law or ordinance, may be temporarily suspended or waived by a two-thirds (2/3) majority vote of the Council.
- 24.2 These rules may be amended, or new rules adopted, by a majority vote of the Council.
- 24.3 While not required, these Rules should be reviewed approximately every 2 years for the purpose of keeping up to date with legal requirements and for purposes of confirming that actual practices conform with these rules.

CITY COUNCIL STAFF REPORT



Council Agenda Date: 2/12/2022

Subject: UGA Expansion/Annexations

Contact Person/Department: Russ Wright, Community Development

Budget Impact: Expenditure of ARPA funds

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

No Action

SUMMARY/BACKGROUND:

Background

An Urban Growth Area (UGA) is an area set aside for future growth that becomes eligible for annexation. UGAs are tied to the growth targets (projected demand) assigned to the city and county through capacity projections of the [Buildable Lands Report](#) (estimated supply). In September 2021, the County Council adopted a new [Buildable Lands Report](#) (BLR) after review by Snohomish County Tomorrow. Current Puget Sound Regional Council guidance in [Vision 2050](#) shifts the regional growth strategy to high-capacity transit-oriented areas in cities with light rail or other mass transit areas.

The County Council is scheduled to adopt new 2044 growth targets for Snohomish County (including the city and its UGA) on February 23, 2022, which will be used for the next Comprehensive Plan Periodic Update planning period (2024-2044). These will replace the existing 2035 growth targets that were adopted in 2013 and used for the last Comprehensive Plan Periodic Update (2015-2035).

Lake Stevens achieved approximately 60% of its 2035 residential growth target between 2012 and 2021 and more than 80 percent of its residential growth overall when accounting for pending projects (those with land use approval or under development), according to the most recent [\(BLR\)](#). Under current zoning, the BLR shows there is enough capacity to meet the city and UGA's draft [2044 population growth target \(page 11, Appendix B\)](#) of 50,952, which is an approximately 4,600 person increase from the 2035 growth target. However, the revised BLR shows

there is a capacity shortfall of 1,156 jobs when compared to the 2044 draft employment growth target, which is a further expansion of the 513-job deficit that existed even with the application of reasonable measures such as subarea planning and flexible zoning that came out of the 2015 Comprehensive Plan Update.

At the direction of the City Council, staff submitted four docket expansion requests as part of the 2024 County Comprehensive Plan Docket. The requested expansions focus on four areas that would allow for residential, commercial and industrial growth and help address the city's projected deficit in employment capacity, as described below. County staff has recommended moving one of the four requests forward onto the 2024 Docket for further analysis. The County Council held a public hearing on [January 19, 2022](#), which was continued to March 2, 2022. Staff testified at this hearing and submitted written comments to the County Council for its consideration.

Lands Capacity

The BLR evaluates residential and employment growth using a classification strategy that categorizes different cities within the regional geography, with Lake Stevens included in the Cities and Towns category. The BLR can be considered a report card that documents how each city and UGA is meeting its growth targets. Because the methodology looks backward, it must define a time frame to report growth trends and a static boundary. This methodology creates an imperfect analysis for fast growing communities like Lake Stevens. Over the course of the review, staff worked directly with the principal demographer at the county to help refine the methodology to account for new growth.

Discussion of Docket requests

Area 1

This area would extend the UGA boundary northward from the existing northern city limits (State Route 92) to 44th Street NE alignment, the western boundary bordering the east side of State Route 9, and the eastern boundary bordering the Holly and Callow Roads (**Exhibits 1**).

- The total acreage of the area is approximately 296 acres
- Currently zoned R-5 (1 DU/5 acres) – future zoning would be General Industrial

The goal of this UGA expansion is to increase available areas for industrial job production.

Area 2

This area would extend the UGA boundary to include one single parcel located on the southeast corner of 28th St NE & N. Machias Rd (**Exhibits 2**).

- The proposed UGA expansion area includes one existing detached single-family residence, which is currently zoned R-5 (1 DU/5 acres),
- The total acreage of the area is approximately 3.42 acres.

The goal of this UGA expansion application is to include the subject parcel within the Lake Stevens UGA and to designate it for industrial use, consistent with surrounding properties.

Area 3

This area would extend the UGA boundary westward from the existing western city limits to Sunnyside Blvd, the northern boundary bordering Soper Hill Rd and the southern boundary bordering SR-204 (**Exhibit 3**).

- The proposed UGA expansion area includes predominantly low-density single-family residences with an existing single-family neighborhood within the boundary area that is fully developed to urban standards, including sewer.
- The area is currently zoned R-5 (1 DU/5 acres) and one area of R-7,200. Future city zoning would be R6 upon annexation.
- The total acreage of the area is approximately 516 acres.

The goal of this UGA expansion is to increase available areas for future residential development.

Area 4

The City of Lake Stevens is applying to modify their existing UGA boundary to add approximately 683 acres into the Lake Stevens UGA south of the existing southern city limits. This area would extend the UGA boundary southward from the existing southern city limits to 36th St. SE alignment to the south, the eastern boundary bordering 103rd Ave. SE alignment, and the western boundary bordering US-2 (**Exhibit 4**).

- The proposed UGA expansion area includes predominantly low-density single-family residences with some areas of existing general commercial areas located along SR-9 and between S. Lake Stevens Rd and 36th St SE along 87th Ave SE.
- The area is currently zoned R-5 (1 DU/5 acres) and is also located entirely within the Rural Urban Transition Area (RUTA).
- Proposed future city zoning would include areas for neighborhood commercial and residential

The goal of this UGA expansion is to increase available areas for future residential and commercial development.

Annexation

The city adopted an annexation plan in October 2016 via [Resolution 2016-21](#), which provided a guide to help prioritize city-initiated annexations. While the assumed dates have not been met, the city has made significant gains to incorporate the remaining UGA. In 2021, the city annexed approximately 500 acres of land and the lake (Lake Stevens), which added about 3,000 residents to

the city. The city also completed a citizen-initiated annexation of the Machias Industrial Area, resulting in an additional 66 acres of employment land.

The remaining unincorporated land is primarily near the northeastern part of the city, including two residential areas near 131st Ave and 12th St NE and an additional industrial area near Highway 92. There is also an approximately 200 acre area south of 20th Street SE with a population of ~2,000 residents that the Council has elected not to annex at this point based on a [financial analysis](#) completed in October 2018. Exhibit 5 provides an overview map of the remaining unincorporated areas. The city is anticipating the submittal of a direct petition (citizen-initiated) application for 13 acres in this area on three largely undeveloped properties that would not create significant economic liability to the city as the area will require new infrastructure be installed by development and will be able to be served by sanitary sewer.

Staff is requesting direction from the City Council on how it would like to proceed with annexing the remaining UGA. The primary options would be to annex by Interlocal Agreement with Snohomish County (the process used for the recent Southeast annexation); pursue an island annexation of areas that are eligible or wait for additional citizen-initiated annexations over the planning horizon. Based on the Council's direction, staff will update the annexation plan and bring it back to the Council for future action.

APPLICABLE CITY POLICIES:

Capital Facilities Plan

ATTACHMENTS:

1. Exhibit 1 - UGA Expansion Area 1
2. Exhibit 2 - UGA Expansion Area 2
3. Exhibit 3 - UGA Expansion Area 3
4. Exhibit 4 - UGA Expansion Area 4
5. Exhibit 5 - Remaining UGA Map

Figure 2 - Proposed Zoning Map

Figure 2 below shows the proposed zoning for the Area 1 UGA expansion area.

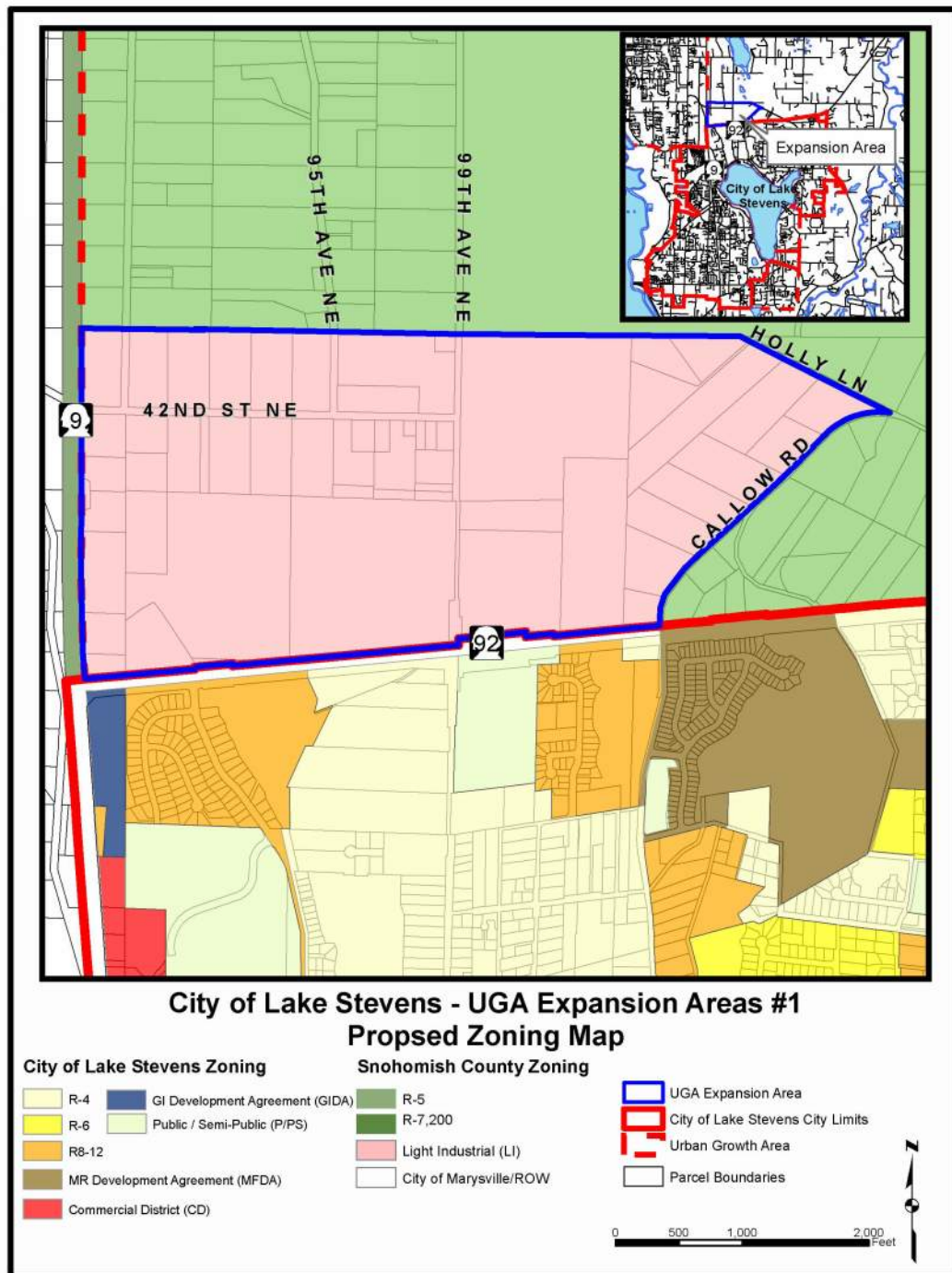


Figure 2 - Proposed Zoning Map

Figure 2 below shows the proposed zoning for the Area 2 UGA expansion area.

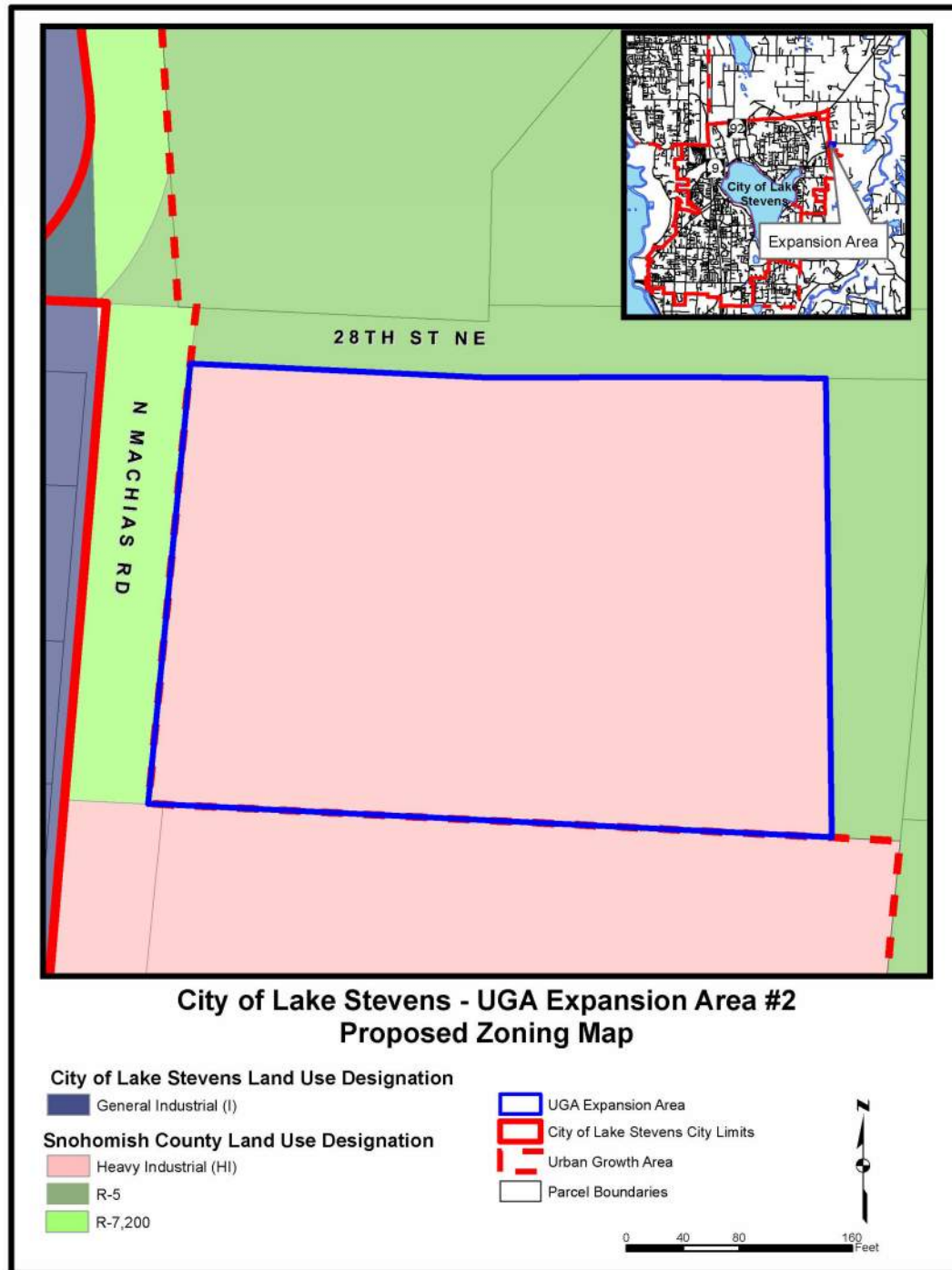


Figure 2 - Proposed Zoning Map

Figure 2 below is the existing Lake Stevens UGA boundary.

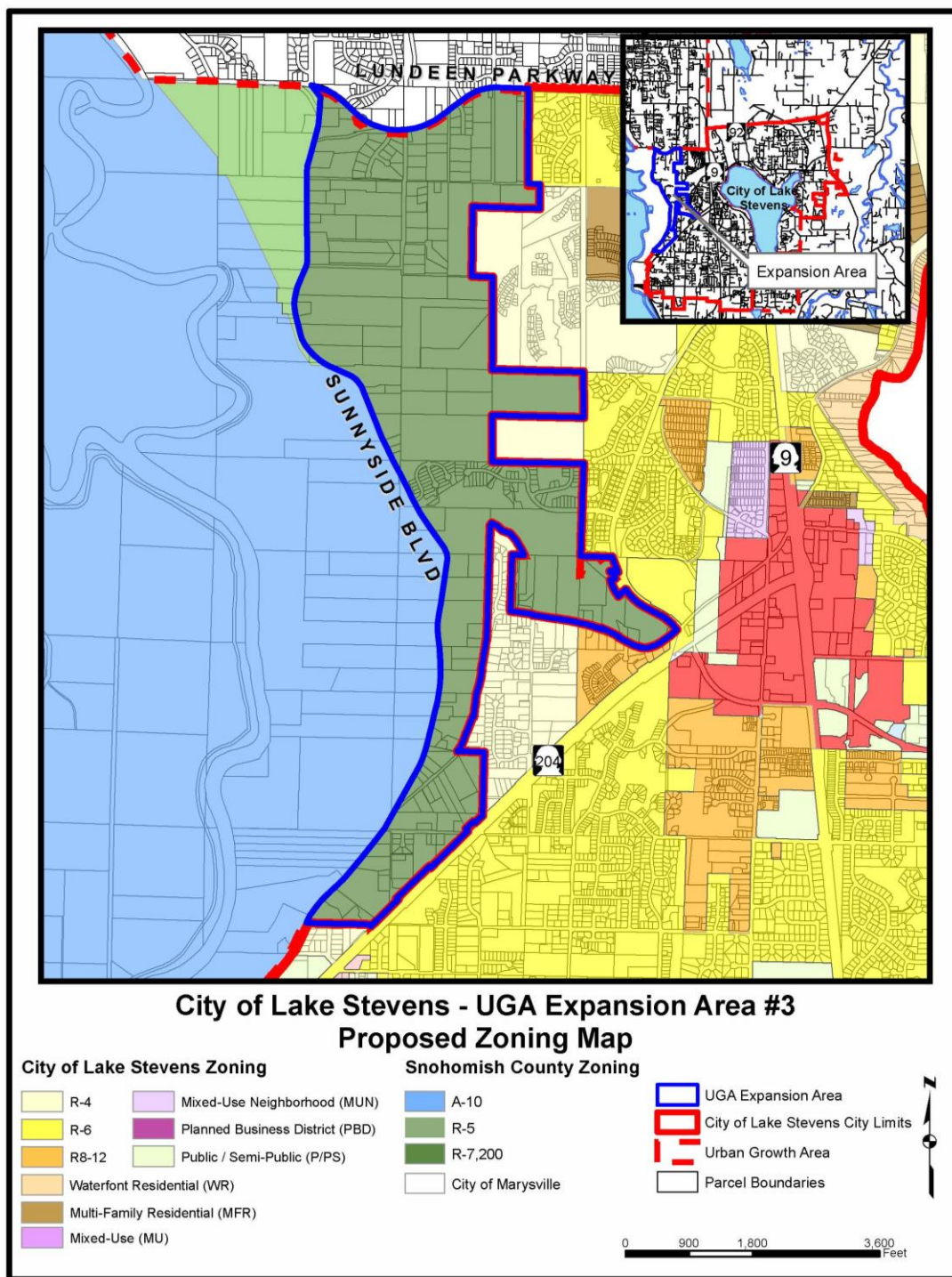
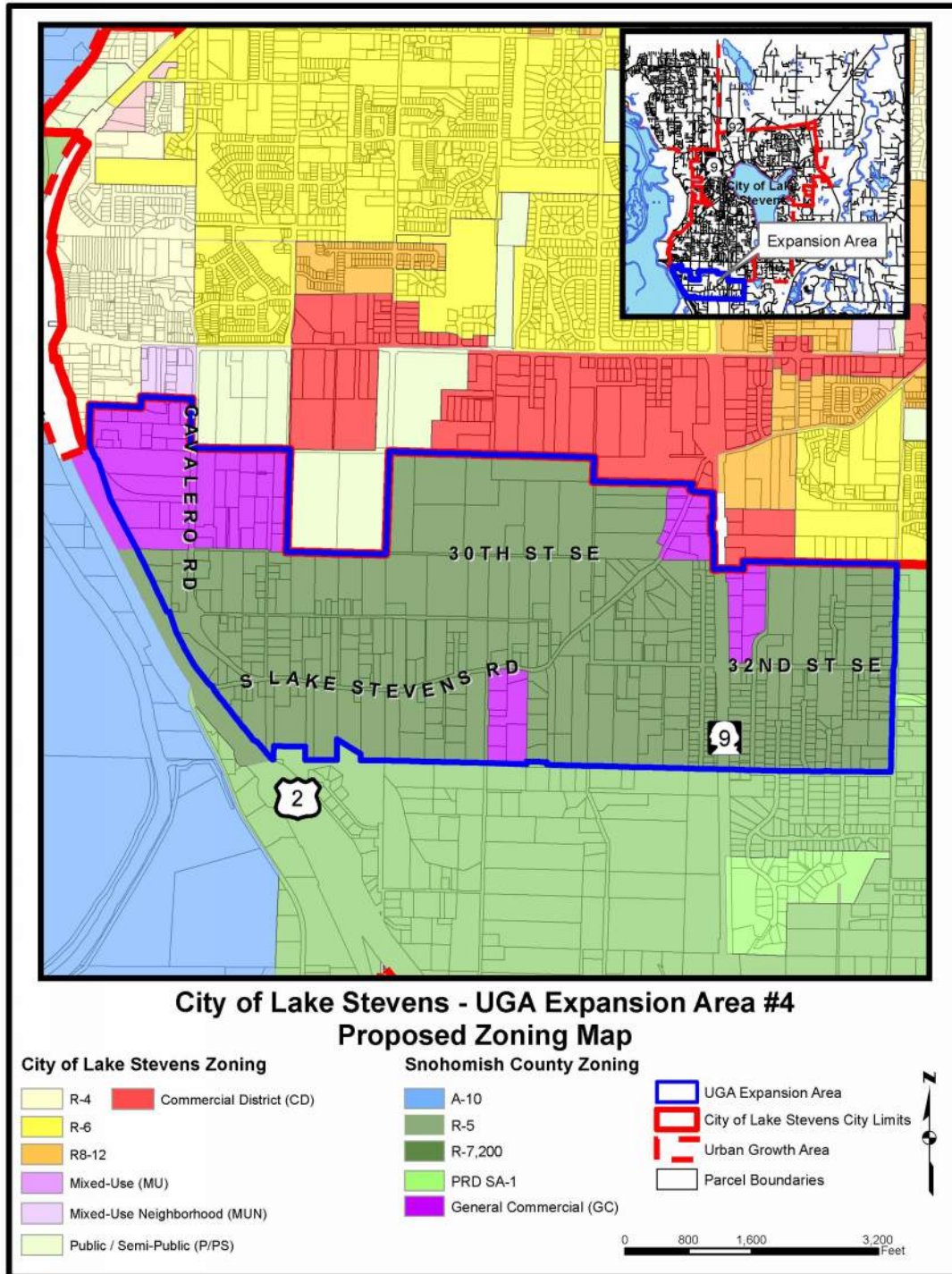


Figure 3 - Proposed Zoning Map

Figure 3 below shows the proposed zoning for the Area 4 UGA expansion area.



CITY OF
LAKE STEVENS
REMAINING URBAN GROWTH AREA

