

CITY ADMINISTRATOR'S REPORT

City Council Meeting of February 18, 2020

Councilmembers –

Your agenda for TUESDAY night is as follows:

Workshop: Comprehensive Plan (5:00 pm) – Community Development Director Haylie Miller and City Administrator Jori Burnett will give a presentation on the Ferndale Comprehensive Plan. The approximately forty-minute presentation will include a background of the plan and the Growth Management Act, a discussion of how various City plans fit together, a review of the Comprehensive Plan itself, and perspectives on ways to improve the plan.

Item A: Public Comment

Item B: Consent Agenda, including approval of February 3, 2020 Council meeting minutes, authorization of February 5, 2020 payroll, approval 2019 Open Period claims, approval of a resolution setting a public hearing date for a street vacation, approving a design contract as part of the Complete Streets program, and approving a CE/CM Contract for Shop Well #2.

2019 Open Period Claims: Each month the City Council is asked to approve claims (payments) for a previous month. As not all claims from the previous year can be processed immediately (or are received) by December 31st, the fiscal year is kept open for the twenty days of January, ending on the last business day of the period, which this year was January 17th. Thus, the claim run that Council is asked to approve on Tuesday includes any remaining claims from 2019 (the “open period”), effectively shutting the book on 2019 payments and allowing the City to complete the End of Year balancing. The open period does not include January claims, which will be brought before Council at an upcoming meeting.

Resolution Setting a Hearing Date for a Pending Street Vacation: The City has received a request to vacate City property between the Riverwalk, Main Street, and First Street – the location of the Fountain Place Catalyst proposal, which as currently proposed would rely on the street vacation. Per RCW 35.79.010, the City is required to set a hearing date upon receipt of a vacation request, and to do so via a resolution. Thus, the matter before the City Council on Tuesday is procedural in nature. Discussion of the merits of the vacation request would occur at a hearing scheduled for the March 16 Council meeting, as per the resolution.

Design Contract, Complete Streets: The Public Works Committee has placed a design contract in the amount of \$43,352.77 for design engineering services associated with three projects on the consent agenda. The three projects (Thornton and Maureen Crosswalk, Vista Drive ADA Improvements, Lower Downtown ADA Improvements) are projects listed in the City’s Complete Streets Program. The Complete Streets Program provides a grant to the City of Ferndale for projects that are demonstrated to improve the functionality of the overall transportation network for non-motorized or transit-oriented purposes.

CE/CM Contract for Shop Well #2: The Public Works Committee placed a CE/CM (Construction Engineering/ Construction Management) contract with Wilson Engineering, for the Shop Well #2 wellhouse, on the consent agenda. The contract is in the amount of \$176,382.00; with a 10% contingency, the total approved amount is \$194,020.00. The Shop Well #2 wellhouse will be built at the Public Works Shop located at 5735 Legoe Avenue and will utilize the City's new deep well. On January 31, 2020, the City Council authorized a bid award to Tiger Construction for the construction of the Shop Well #2 wellhouse; the contract before Council on Tuesday is for the engineering and management of that project.

Item C: Presentation, Municipal Court Personnel. Municipal Court Judge Mark Kaiman, Prosecutor David Nelson, Public Defender Thomas Lyden, and Probation Officer Todd Anderson will give a presentation on the City's Municipal Court, its processes and its needs. This is part of an ongoing presentation series that is intended to provide the Council and public with a greater understanding of the overall structure of Ferndale's municipal government. Whereas the Council serves as the Legislative Branch of government, and the Mayor/ Staff act as the Executive Branch, Court functions as the judicial branch, within the scope authorized for Municipal Courts. As a separate branch of government, it is important for the Council to understand how the court does function and how it could function better.

Item D: Presentation – Capital Projects Update. Public Works Project Manager Katy Radder will review current and upcoming capital projects for the City Council.

Item E: Public Hearing – Catalyst Program Extension Ordinance. The City Council will hold its first public hearing of 2020 to discuss a five-month extension to both the initiation and completion of the three catalyst projects that were approved in late 2019.

When the catalyst program was developed in early 2019, the adopting regulations (Ferndale Municipal Code 18.48) provided a limited timeframe for development review and the initiation/completion of construction. Now that the scope and the complexity of the projects are known, Staff and the applicants have found that the previous deadlines (initiating construction by May 1, 2020 and completing construction by May 1, 2022) would be difficult for either party to meet while still resulting in the projects that can be as effective as proposed. The proposed five-month extension is still rather aggressive and ensures that the projects will not be put on a back shelf.

As noted, this is the first public hearing of 2020. While the City of Ferndale has made it a practice to allow public comment for many items that are placed on regular agendas, when public hearings are scheduled, the Council is required to accept public comment. Matters requiring a public hearing vary, and are identified through the Ferndale Municipal Code or other laws. Typically, public hearings will include a time period during which written public comments may be submitted; these public comments are usually included in the Council's packet and may be supplemented at the public hearing when comments are received between the time the packet is prepared and the meeting itself.

In most cases, Staff will present the staff report to Council. Council can ask clarifying or technical questions, but should not indicate whether they are in favor or opposed to the matter before them. Council should generally not engage in a discussion of the merits of the proposal at this time.

Those wishing to make verbal comments are allowed to do so following a reading of the public hearing requirements by the Mayor or City Clerk, and the official opening of the hearing by the Mayor. Comments are usually confined to three minutes, but may be extended for a limited period of time. The

Council may ask the person making the comments clarifying or technical questions, but again should not indicate support or opposition to the proposal before the hearing is closed. The Council is advised to also be aware of non-verbal gestures or reactions during these comments: in many cases, the individual making comments (or those that may speak afterwards) may be in an unfamiliar situation, and speaking before an audience can be daunting. If the Council is verbally or non-verbally indicating that they have already come to a conclusion, it could have a chilling effect on the commenter or future commenters, who may decline to speak because they do not feel their comments would make a difference or receive fair consideration. In contrast, there may at times be members of the public who misinterpret the public comment period as an opportunity to engage in a prolonged back-and-forth with Council and Staff, or to seek to come to the podium several times to re-engage on the subject.

In this case, the matter before the City Council is a Zoning Text Amendment. Zoning text amendments are reviewed first by the Planning Commission, which holds its own public hearing. Often, the Planning Commission process is designed to facilitate more-lengthy conversations and fact finding, and the City encourages members of the public to participate in the Planning Commission process, especially if there are concerns or proposals that may take more than three minutes to flesh out.

When all members of the public that wish to speak have spoken, the Mayor will close the public hearing and the Council may deliberate on the issue, as they would for regular agenda items. If necessary, the Council may ask for additional clarification from members of the public who spoke.

Item F: Sign Code Amendments Ordinance. Following a public hearing, the City Council will consider amendments to FMC 18.80 – the Ferndale Sign Code. The Planning Commission has recommended changes to the code that would exempt signs such as bumper stickers, screen printed signs, magnetic signs, and decals from prohibitions within the public right of way (including public property). The code does not currently include this exemption, which means that a variety of signs that are currently displayed on vehicles are technically prohibited. It appears that during the construction of the existing code, it was not recognized that the broad prohibition on signs in the public right of way would necessarily include vehicles themselves, or incidental signs such as what are described.

Item G-J: Mayor, Council, Department, and Committee Reports.

Final Thoughts.

Councilmembers -

The Comprehensive Plan workshop scheduled for Tuesday evening involves a subject – the Comprehensive Plan – that often hides in the background, but is an integral component of City operations in general. It is in many ways the basis for many of the decisions that are made each day. As a matter of fact, nearly every topic discussed above has a direct relationship to the Comprehensive Plan.

Unfortunately, Comprehensive Plans are often lengthy and dense. To be useful, a comprehensive plan must be both aspirational and technical. The topics discussed must be both broad and deep.

Washington State requires that jurisdictions (like Ferndale) comply with the Growth Management Act (GMA) in part by creating and maintaining a Comprehensive Plan. Within the plan are several elements (or chapters) that together spell out the manner in which the City will change over a twenty-year planning period.

How much will the City grow? Where will it grow? What projects will be necessary to support and manage that growth? How will those projects be paid for? How does the City envision itself, as a result of this growth? These answers are contained within the plan, and all of the City's other plans – 6-year plans, capital plans, budgets, codes, and more – must follow and be informed by the Comprehensive Plan.

The great and scary thing is that we all get to create and amend this plan together; we might not be able to dictate how much Ferndale will grow necessarily, but the Comprehensive Plan is the major legislative driver in determining *how* the City will grow.

See you Tuesday - Jori