

EDMONDS CITY COUNCIL APPROVED MINUTES

JANUARY 3, 2012

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Strom Peterson, Council President
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Michael Plunkett, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Al Compaan, Police Chief
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carl Nelson, CIO
Frances Chapin, Cultural Services Manager
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Pastor Barry Crane, Captain, United States Navy, swore in Frank Yamamoto to Council position 6.

Faye May swore in Joan Bloom to Council position 5.

Retired Judge Joseph Thibodeau swore in Diane Buckshnis to Council position 4.

Retired Judge Joseph Thibodeau swore in Councilmember Petso to Council position #7.

Retired Judge Joseph Thibodeau swore in Dave Earling as Mayor.

2. RECEPTION IN HONOR OF NEWLY ELECTED OFFICIALS

At 7:12 p.m., Mayor Earling recessed the Council meeting to a reception in honor of the newly elected officials.

The meeting was reconvened at 7:34 p.m.

3. APPROVAL OF AGENDA

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.
The agenda items approved are as follows:

A. **ROLL CALL**

- B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 20, 2011.
- C. APPROVAL OF CLAIM CHECKS #129556 THROUGH #129659 DATED DECEMBER 22, 2011 FOR \$453,665.10, AND CLAIM CHECKS #129660 THROUGH #129743 DATED DECEMBER 29, 2011 FOR \$191,717.26. APPROVAL OF REPLACEMENT PAYROLL CHECKS #51077, #51078, #51104 AND #51105 AND PAYROLL DIRECT DEPOSIT AND CHECKS #51079 THROUGH #51103 FOR THE PERIOD DECEMBER 1, 2011 THROUGH DECEMBER 15, 2011 FOR \$622,336.43.
- D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM CAROL LAWSON (AMOUNT UNDETERMINED), LANCE AND JULIE HORTON (\$5,144.84), KARLAN S. BREKNE (\$18,393.92), AND JSH PROPERTIES (\$929.85).
- E. AMENDMENT #15 TO SEATTLE FIBER PARTNERS AGREEMENT.
- F. AMENDMENT #16 TO SEATTLE FIBER PARTNERS AGREEMENT.
- G. AMENDMENT #21 TO SEATTLE FIBER PARTNERS AGREEMENT.
- H. CONFIRMATION OF REAPPOINTMENT OF JOANNE OTNESS FOR A SECOND TERM ON THE ARTS COMMISSION.

5. SELECTION OF COUNCIL PRESIDENT FOR 2012

COUNCILMEMBER FRALEY-MONILLAS NOMINATED STROM PETERSON FOR THE POSITION OF COUNCIL PRESIDENT FOR 2012. COUNCILMEMBER BUCKSHNIS SECONDED THE NOMINATION.

There were no other nominations.

THE VOTE ON THE NOMINATION FOR STROM PETERSON FOR THE POSITION OF COUNCIL PRESIDENT FOR 2012 CARRIED UNANIMOUSLY.

6. SELECTION OF COUNCIL PRESIDENT PRO TEM FOR 2012

COUNCILMEMBER PLUNKETT NOMINATED LORA PETSO FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2012. COUNCILMEMBER BUCKSHNIS SECONDED THE NOMINATION.

There were no other nominations.

THE VOTE ON THE NOMINATION FOR LORA PETSO FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2012 CARRIED UNANIMOUSLY.

7. APPOINTMENT OF COMMITTEE REPRESENTATIVES

Council President Peterson read the following Committee appointments:

Committee	Representative
Community Serv./Dev. Serv. Committee	Councilmembers Fraley-Monillas & Petso
Finance Committee	Councilmembers Buckshnis & Yamamoto
Public Safety/Human Resources Committee	Councilmembers Bloom and Plunkett
City-wide Parking Committee	Councilmembers Plunkett and Fraley-Monillas
Community Technology Advisory Committee	Councilmember Yamamoto
Community Transit	Mayor Earling & Council President Peterson (Alt)

Economic Development Commission	Councilmembers Bloom & Buckshnis (Alt)
Disability Board	Councilmembers Fraley-Monillas & Bloom
Highway 99 Task Force	Councilmembers Plunkett & Fraley-Monillas
Historic Preservation Advisory Commission	Councilmembers Plunkett & Petso
Lake Ballinger Work Group	Councilmember Petso
Lodging Tax Advisory Committee	Councilmember Bloom
PFD Oversight Committee	Councilmember Petso
Port of Edmonds	Councilmember Yamamoto
Regional Fire Authority	Mayor Earling, Council President Peterson & Councilmember Petso
SeaShore Transportation Forum	Councilmember Bloom
SNOCOM	Councilmember Yamamoto
Snohomish County Health District	Councilmember Fraley-Monillas
Snohomish County Tomorrow	Councilmembers Yamamoto and Buckshnis
Salmon Recovery - WRIA-8	Councilmember Buckshnis

Council President Peterson relayed a suggestion to discuss at the Council retreat appointing a Council liaison to the Tree Board and reinstating the Community Outreach Committee.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO CONFIRM THE COMMITTEE APPOINTMENTS. MOTION CARRIED UNANIMOUSLY.

8. RESOLUTION APPOINTING A COUNCILMEMBER TO THE SNOHOMISH HEALTH DISTRICT BOARD.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE RESOLUTION #1269, APPOINTING COUNCILMEMBER FRALEY-MONILLAS TO THE SNOHOMISH HEALTH DISTRICT BOARD. MOTION CARRIED UNANIMOUSLY.

9. RESOLUTION APPOINTING COUNCILMEMBERS AS REPRESENTATIVE AND ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION.

Council President Peterson recommended Mayor Earling to represent the City at Community Transit due to his previous extensive background on that Board.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE RESOLUTION #1270, APPOINTING MAYOR EARLING TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION AND APPOINTING COUNCIL PRESIDENT PETERSON AS THE ALTERNATE. MOTION CARRIED UNANIMOUSLY.

10. AUDIENCE COMMENTS

Dave Page, Edmonds, expressed his excitement with the seated Council and his expectation of great things. He relayed Will Rogers' statement about politicians that a politician is somebody who gets up, says nothing, nobody listens and everybody disagrees. He relayed a blog post regarding the United States Congress. He urged the Council not to talk badly about each other in public and to not mention what political party they are affiliated with. Citizens want Councilmembers to do the City's work, get the City out of debt, increase economic development and create a positive attitude about the future. The City has a

terrific leader, all Councilmembers are leaders and he anticipated the community will support the Mayor and Council.

Mayor Earling referred to a current political joke in today's comic strip Prickly City.

11. CITY ATTORNEY ANNUAL REPORT.

City Attorney Jeff Taraday commented he did not plan to talk about pending cases because many of them cannot be discussed in public without violating the attorney-client privilege. He was unaware what the prior City Attorney discussed in his annual report or whether most cities had their City Attorney provide an annual report. It would be appropriate to discuss the City's expenditures on legal services because that was of broad interest to the public and appropriate to discuss in public.

Mr. Taraday prepared a spreadsheet comparing legal expenditures for the cities the Council agreed to use in the non-represented salary survey (Des Moines, Issaquah, University Place, Bothell, Lynnwood, Puyallup, Bremerton, Sammamish, Burien, Kirkland, Lacey and Olympia). He described the difficulty comparing legal expenditures because some cities reflect their City Attorney expenses differently, some have in-house City Attorneys and some contract for City Attorney services. Cities with in-house City Attorneys frequently do not distinguish between civil and criminal expenditures. Edmonds' own budget is not completely transparent with regard to the City Attorney expenditures; the City Attorney line item is \$334,000 but there is also a \$50,000 allocation in the City Council portion of the budget for a total of \$384,000. He expected other cities did the same but he did not have that specific information.

The spreadsheet compared population, number of employees, whether the City Attorney is in-house or contract, number of FTE in the city's legal department, civil City Attorney expense, criminal City Attorney expenses, and City Attorney plus prosecution expenses. He commented the more employees a city has, the more legal work that is generated. He noted Edmonds is the only city on the list that has a flat fee contract for legal services such as Lighthouse Law Group offers.

Mayor Earling requested Mr. Taraday provide the spreadsheet to the Council and the City Clerk.

Councilmember Buckshnis asked whether he planned to provide a list of outstanding cases. Mr. Taraday responded every year the City Attorney must provide an audit letter; they recently received that request from the auditor in late December and are in the process of preparing that information. He agreed to copy the Council on the audit letter which includes more detail regarding pending matters.

Councilmember Buckshnis asked whether any other cities posted on their website a list of closed cases with the outcome. Mr. Taraday answered he has never seen a city that provided that information.

Councilmember Petso suggested either in the audit letter or another document that Mr. Taraday indicate the range of the claim and whether it is insured by WCIA or is the City's responsibility.

12. EDMONDS HISTORIC PRESERVATION COMMISSION CODE AMENDMENT.

Councilmember Plunkett, Council liaison to the Historic Preservation Commission (HPC), explained the Commission receives more applicants than they have positions available. The HPC requested he propose the membership be expanded from 9 to 12.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER PETSO, TO DIRECT THE CITY ATTORNEY TO BRING BACK ON THE CONSENT AGENDA AN ORDINANCE INCREASING THE MEMBERSHIP ON THE HISTORIC PRESERVATION COMMISSION FROM NINE TO TWELVE. MOTION CARRIED UNANIMOUSLY.

13. DISCUSSION REGARDING 2012 CITY COUNCIL RETREAT.

Council President Peterson explained the Council retreat is typically held on a Friday and Saturday. Following a brief discussion, the Council agreed to hold the Council retreat on February 10-11, 2011.

Council President Peterson welcomed the involvement of as many staff members as possible. He requested staff and Councilmembers email him with ideas/issues to address during the retreat. He recalled one of the issues the Council discussed last year was the creation of ethics guidelines for the City Council. Staff may also want to identify code rewrites, etc. He also invited the public to inform him of issues they want the Council to address at the retreat.

Mayor Earling requested Council President Peterson provide a timeline for each day so that all staff members do not necessarily need to attend the entire retreat. Council President Peterson assured he will email a rough outline of the agenda to staff and the Council.

Councilmember Plunkett suggested Council President Peterson consider Mr. Taraday's availability due to the potential for executive session issues. Mr. Taraday advised he is available both days and can attend as much of the retreat as the Council wishes.

14. MAYOR'S COMMENTS

Mayor Earling commented he looked forward to working with the Council over the next 2-4 years. He welcomed Councilmembers Yamamoto and Bloom and the fresh ideas they will bring to the Council.

Mayor Earling reported Association of Washington Cities (AWC) is holding a 2-day conference for local elected officials. Councilmembers Bloom and Yamamoto plan to attend and he encouraged other Councilmembers to attend as a refresher. Puget Sound Regional Council (PSRC) also offers a session regarding regional issues.

Mayor Earling thanked the Council for appointing him to the Community Transit Board; he looked forward to being involved on a regional level.

15. COUNCIL COMMENTS

Councilmember Plunkett congratulated new Councilmembers Bloom and Yamamoto, Mayor Earling and reelected Councilmembers Buckshnis and Petso.

Councilmember Buckshnis wished everyone a Happy New Year. She commended the City's Park & Recreation and Stormwater staff, announcing dog waste bag dispensers will soon be installed in 4-6 locations in the City using grant funds the City received.

Councilmember Yamamoto thanked the citizens who voted for him, commenting he will do his best to serve the community. He congratulated Mayor Earling and Councilmembers Buckshnis, Petso and Bloom. He looked forward to serving on the Council and knew the Council would be positive and effective and make the citizens proud.

Council President Peterson congratulated Councilmembers Yamamoto, Bloom, Petso and Buckshnis. He looked forward to a dynamic Council. He encouraged Councilmembers to attend the AWC Legislative Conference on January 25-26, a great opportunity to meet State representatives and other elected officials.

Councilmember Bloom expressed her delight at serving on the Council. She thanked everyone and looked forward to working with staff, Councilmembers and the Mayor for the benefit of the citizens of Edmonds.

Councilmember Petso welcomed Councilmembers Yamamoto and Bloom.

Councilmember Fraley-Monillas pointed out there are now four women on the Council.

Student Representative Springer welcomed Councilmembers Bloom, Yamamoto, Buckshnis and Petso. He looked forward to working with them throughout the coming year.

Mayor Earling recalled a time when he was on the City Council that there were seven men. Whenever a Councilmember resigned, the question always arose why there were no women on the Council. His response was no women applied. He was delighted there were four women on the Council, an indication of a dynamic shift that will be great for the community.

16. ADJOURN

With no further business, the Council meeting was adjourned at 8:10 p.m.