

# EDMONDS CITY COUNCIL APPROVED MINUTES

## May 20, 2014

The Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Pro Tem Buckshnis in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

### ELECTED OFFICIALS PRESENT

Diane Buckshnis, Mayor Pro Tem  
Kristiana Johnson, Council President Pro Tem  
Lora Petso, Councilmember  
Strom Peterson, Councilmember (arrived 7:29 p.m.)  
Joan Bloom, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Thomas Mesaros, Councilmember

### ELECTED OFFICIALS ABSENT

Dave Earling, Mayor

### ALSO PRESENT

Thea Ocfemia, Student Representative

### STAFF PRESENT

Phil Williams, Public Works Director  
Carrie Hite, Parks & Recreation Director  
Scott James, Finance Director  
Shane Hope, Development Services Director  
Rob Chave, Planning Manager  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Sandy Chase, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. CONVENE IN EXECUTIVE SESSION REGARDING PROPERTY ACQUISITION PER RCW 42.30.110(1)(b)

At 6:30 p.m., Mayor Pro Tem Buckshnis announced that the City Council would meet in executive session regarding property acquisition per RCW 42.30.110(1)(b). She stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Councilmembers Johnson, Fraley-Monillas, Buckshnis, Petso, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Parks & Recreation Director Carrie Hite, and City Clerk Scott Passey. The executive session concluded at 6:55 p.m.

Mayor Pro Tem Buckshnis reconvened the regular City Council meeting at 7:00 p.m. and led the flag salute.

### 2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmember Peterson and Mayor Earling.

### 3. APPROVAL OF AGENDA

**MAYOR PRO TEM BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO MOVE ITEM 14 TO 7A. MOTION CARRIED UNANIMOUSLY. (Councilmember Peterson was not present for the vote.)**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD DISCUSSION OF COMMUNICATIONS CONSULTANT CONTRACT TO THE AGENDA.**

Councilmember Bloom explained the communication consultant contract was approved by the Council as part of the 2014 budget. She participated on the interview committee; Mayor Earling chose not to hire the consultant that the committee recommended and issued a new RFQ that was significant different. Specifically the section regarding communication with the public was removed and the position's responsibilities do not reflect communication with the public or working with the City Council.

Councilmember Petso explained she seconded the motion due to her understanding that Councilmember Bloom's concerns cannot be addressed at the next meeting due to time constraints.

Mayor Pro Tem Buckshnis asked City Attorney Jeff Taraday to address the addition of an agenda item without prior notice or information in the packet. Mr. Taraday explained this is regular City Council meeting and legally an item can be added to the agenda with a majority vote of the Council. If the motion passes, it would be proper to add the item to the agenda. He was unable to speak to the policy issue regarding the Council's practice of notifying each other about placing items on the agenda.

**MOTION CARRIED (4-2), MAYOR PRO TEM BUCKSHNIS AND COUNCILMEMBER MESAROS VOTING NO. (Councilmember Peterson was not present for the vote.)**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO PULL AGENDA ITEM 13, AS IT DID NOT ACCURATELY REFLECT THE COMMITTEE'S DECISION.**

Councilmember Petso explained the Public Safety & Personnel Committee's (PSP) recommendation was to look at all boards and commissions; Agenda Item 13 address only one commission.

Mr. Taraday commented although the ordinance in the packet may not reflect the committee's recommendation, Agenda Item 13 would be helpful to provide him direction regarding what to draft for the Council's consideration.

Councilmember Petso relayed her understanding that the committee's alternate direction was to direct the City Attorney to draft an ordinance that would govern all the boards and commissions. Mr. Taraday responded he understood the committee's alternate approach but he needed direction from the entire Council. He preferred to retain Agenda Item 13 so the Council can discuss what ordinance the City Attorney should prepare.

Councilmember Bloom spoke in favor of the motion; the PSP Committee's direction was clear that they wanted to consider all boards and commissions rather than address only one. Many of the issues citizens have raised with her will not be addressed unless the discussion includes all boards and commissions.

Councilmember Fraley-Monillas suggested tabling Item 13 and placing a new item on the agenda regarding the committee's recommendation. Mr. Taraday suggested the Council have a discussion and vote on the matter tonight to provide him direction. Mayor Pro Tem Buckshnis relayed Item 13 states discussion of residency requirements, therefore she deemed Item 13 appropriate.

Councilmember Fraley-Monillas asked Mr. Taraday the cleanest way to proceed. Mr. Taraday responded Item 13 is broad enough for the Council to have a discussion about both what is in the packet and the

committee's recommendation and to make a determination how to proceed. If the Council determines Item 13 as currently written is not broad enough, there should be a motion to amend Item 13 so that everyone understands the scope of the item.

Councilmember Petso commented there was considerable advantage to delaying the discussion until after tomorrow's Council meeting.

Councilmember Bloom said Item 13 is not the same as the item on the PSP Committee's agenda; the PSP Committee discussed issues related to all the boards and commissions; Agenda Item 13 is only the EDC commission. Mayor Pro Tem Buckshnis commented the PSP Committee was instructed to look at the EDC; however, the agenda memo was created asking the PSP Committee to consider all the boards and commissions. Agenda Item 13 is what the PSP Committee was asked to consider.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO TABLE AGENDA ITEM 13. MOTION FAILED (2-4), COUNCILMEMBERS BLOOM AND PETSO VOTING YES. (Councilmember Peterson was not present for the vote.)**

Councilmember Petso reiterated there was considerable advantage to discussing this after the Council's meeting with Mr. Reid tomorrow.

**MOTION FAILED (2-4), COUNCILMEMBERS BLOOM AND PETSO VOTING YES.**

**COUNCIL PRESIDENT PRO TEM JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY. (Councilmember Peterson was not present for the vote.)**

**4. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. (Councilmember Peterson was not present for the vote.) The agenda items approved are as follows:**

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 6, 2014**
- B. APPROVAL OF CLAIM CHECKS #208502 THROUGH #208613 DATED MAY 8, 2014 FOR \$244,173.47 AND CLAIM CHECKS #208614 THROUGH #208714 DATED MAY 15, 2014 FOR \$293,344.67. APPROVAL OF REPLACEMENT PAYROLL CHECK #60957 FOR \$1,941.98**
- C. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM JOHN ROUSE (\$319.74)**
- D. WSLCB MARCH AND APRIL 2014 LIQUOR LICENSE RENEWALS**
- E. 2014 MARCH BUDGETARY FINANCIAL REPORT**
- F. AUTHORIZATION FOR MAYOR TO SIGN SPECIAL EVENT CONTRACTS**
- G. ADOPTION OF RESOLUTION THANKING THEA OCFEMIA FOR HER SERVICE AS A STUDENT REPRESENTATIVE ON THE EDMONDS CITY COUNCIL**
- H. AUTHORIZATION FOR MAYOR TO SIGN A LOCAL AGENCY AGREEMENT WITH KPG, P.S. FOR DESIGN OF WALKWAY IMPROVEMENTS ON 236<sup>TH</sup> ST. S.W. FROM SR104 (EDMONDS WAY) TO MADRONA ELEMENTARY SCHOOL**

5. **PRESENTATION OF RESOLUTION THANKING THEA OCFEMIA FOR HER SERVICE AS A STUDENT REPRESENTATIVE ON THE EDMONDS CITY COUNCIL**

Mayor Pro Tem Buckshnis read a Resolution thanking Thea Ocfemia for her service as a Student Representative on the City Council from September 2013 to April 2014.

Ms. Ocfemia thanked the Council for the opportunity to be the Student Representative for the Edmonds City Council. She is a graduating senior who has always been interested in a career in law. This opportunity allowed her to see how the Council handles the City's laws and regulations.

6. **PROCLAMATION DECLARING MAY "PUGET SOUND STARTS HERE MONTH"**

Mayor Pro Tem Buckshnis read a Proclamation proclaiming May 2014 as "Puget Sound Starts Here Month" in Edmonds. She presented proclamation to Public Works Director Phil Williams. Mr. Williams explained the proclamation applies to all citizens who do their part in protecting Puget Sound. He urged citizens to continue making choices that help protect Puget Sound such as not washing their car in the street and being cautious about the use of lawn chemicals and fertilizers. All the City's departments work very hard on these issues and take them very seriously. Although the Stormwater Department is the major focal point of the proclamation, the operational departments who keep materials from washing into the catch basins are an important part of protecting Puget Sound. He encouraged citizens to participate in activities this month.

7. **AUDIENCE COMMENTS**

**Phil Lovell, Edmonds**, explained a Councilmember recently appointed a non-City resident to the Citizens Economic Development Commission (EDC), enabled by Resolution 1198 and passed by the City Council on April 21, 2009. This resolution was an outgrowth of the work of the 2009 Edmonds Citizen Levy Review Committee; he participated on the Levy Committee along with approximately 65 other Edmonds residents. The language in Resolution 1198 states membership on the EDC will consist of highly qualified citizens who are interested in serving their community. He provided the first listed definition in the Merriam Webster Dictionary for "citizen," an inhabitant of a city or town. Regardless of any applicable opinion by legal counsel or individual City Councilmember, it is clear that membership on the EDC should consist of current residents of Edmonds. He urged the Council to correct this error and rectify this appointment to the EDC.

**Ron Wambolt, Edmonds**, referred to Item 10 and commended City Engineer Rob English and Public Works Director Phil Williams. This project sets a new standard of excellence for public works projects. This complex project was a massive amount of work that was accomplished for a reasonable amount, under budget and on time. The citizens owes their thanks to both Mr. English and Mr. Williams for a job extremely well done.

**Alvin Rutledge, Edmonds**, recalled there was nearly a plane accident over downtown Edmonds in 2000. Planes were subsequently diverted over Lake Ballinger to avoid the possibility of a collision. The vacant land that existed near Lake Ballinger at that time where planes could go down has since been developed. He suggested the City check on the flight paths to/from Paine Field or if there has been a change in SeaTac's flight paths. He provided written information to City Clerk.

**Bruce Witenberg, Edmonds**, Chair of the Economic Development Commission, said the following comments are his own. A member of the EDC since its inception, the intent of the Council in creating the EDC and the practice of Councilmembers appointing only Edmonds residents during the past five years makes it clear the EDC was to be composed of Edmonds residents. In 2009 the Citizens Levy Review Committee composed of 60 residents recommended the formation of the Citizens EDC. The language in

the Levy Committee's recommendation and the Council ordinance establishing the EDC clearly states there are a large number of highly qualified citizens interested in serving their community. Since the EDC's inception, 3 mayors and 13 different councilmembers have appointed 43 Edmonds residents to serve on the EDC. One resident who was appointed subsequently resigned after moving out of the City. One Councilmember chose to ignore five years of history and practice as well as the intent of the Levy Committee and the resolution by appointing a Seattle resident. Councilmember Peterson, the only person on the Council when the original ordinance was passed, former Councilmember Wambolt who was on the Council at the time the resolution was adopted, and former Community Services/Economic Development Director Stephen Clifton who assisted with drafting the ordinance and staffed the EDC, all confirm the intent was for the EDC to be composed of Edmonds residents. One Councilmember's erroneous interpretation can be corrected by adopting paragraphs 6 and 7 of the draft amended ordinance in the Council packet. He did not support delaying the amendment to the EDC to study its applicability to other boards and commissions as the other boards and commissions have different legislative histories, appointment processes and purposes for their existence.

**Stephen Clifton, Edmonds**, spoke in favor of Attachment 3 to Agenda Item 13, a proposed ordinance related to the Citizen EDC which, if approved by the Council, would require residency for any commissioners appointed to the EDC.

**Roger Hertrich, Edmonds**, a member of EDC said the following comments are his own. He found the attack by Mr. Clifton on a Councilmember at a previous Council meeting inappropriate. He questioned what Councilmembers were afraid of by opening membership of the EDC to residents outside Edmonds. He pointed out business owners who contribute to the City's economy have a vested interest but may not live in Edmonds. He questioned what "their community" in the ordinance meant, assuming many business owners feel Edmonds is their community. He summarized it may be time to allow a small number of commissioners on the EDC who do not live in City but work or have a business in the City.

**Brent Malgarin** reported before tonight's Council meeting, a person was hit and killed by a car at 3<sup>rd</sup> and Bell. He urged the City to do something about speeding in the City.

**14. CONTINUED DISCUSSION REGARDING COST TO HAVE THE MINUTES OF THE PUBLIC SAFETY/PERSONNEL AND PARKS, PLANNING, AND PUBLIC WORKS TAPED AND TRANSCRIBED**

Finance Director Scott James explained there have been questions raised about how to make committee meetings more transparent to citizens. This item was presented to the Finance Committee in April; the Committee recommended proceeding on a trial basis, recording committee meetings on an iPad. Subsequently three recorders were purchased at a cost of \$100/each. He reviewed four options for committee meeting recordings/minutes:

1. Record committee meetings with staff submitting summary meeting minutes - Cost: \$0
2. Record committee meetings and retain a professional to transcribe detailed meeting minutes - Cost: Approximately \$2,200
3. Record committee meetings, post recordings on the City website with staff submitting summary meeting minutes - Cost: \$0
4. Record committee meetings, post recordings on the City website and retain a professional to transcribe detailed meeting minutes - Cost: Approximately \$2,200

For Councilmember Petso, Mr. James explained the minute taker who prepares the Council minutes records and prepares summary minutes for the Finance Committee. Councilmember Petso asked if that could be a fifth option, have the meetings recorded and summary minutes rather than detailed minutes prepared. Mr. James agreed that would be possible.

Councilmember Fraley-Monillas asked whether the committee meetings recordings would be subject to public records disclosure. Mr. Taraday answered any audio recording of a public meeting is a public record under the Public Records Act and there are retention requirements, etc. Councilmember Fraley-Monillas suggested detailed minutes rather than summary minutes. Mayor Pro Tem Buckshnis pointed out the \$2,200 cost is for summary minutes.

City Clerk Scott Passey commented many jurisdictions that provide audio and/or video of their meetings on their website favor summary minutes because the detail is available on the audio/video.

To the question of what problem the Council was trying to solve, Councilmember Peterson relayed the Finance Committee has a minute taker but the other two committees do not. In the other two committees, either a committee member or staff member take notes. He agreed with recording committee meetings and having summary minutes created similar to those done for the Finance Committee. With regard to detailed or summary minutes, he commented committee meetings are informal, open dialogue and may be difficult to prepare detailed minutes.

Mayor Pro Tem Buckshnis recalled a time when she was taking notes and was unable to capture all the citizen comments. She favored summary minutes to capture citizens' comments.

Councilmember Petso recommended giving other committees the luxury that the Finance Committee has enjoyed of recording the meeting and having summary minutes produced. This has worked well for the Finance Committee and she was happy to spend \$2,200/year for that.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO RECORD COMMITTEE MEETINGS AND RETAIN A PROFESSIONAL TO TRANSCRIBE SUMMARY MINUTES.**

Councilmember Bloom asked if Councilmember Petso' motion included posting the recording on City's website. Councilmember Petso responded her motion did not include posting the recording on the website because she did not know how much staff time would be required.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE MOTION TO INCLUDE POSTING THE RECORDING ON THE CITY'S WEBSITE.**

Councilmember Peterson expressed support for the amendment, observing posting the recording on the website may save money in public records requests.

Council President Pro Tem Johnson pointed out committee meetings occur on Tuesday nights and the minutes are included in the Council packet on Friday, providing only three days to prepare and review the minutes. For that reason, she preferred summary minutes rather than detailed minutes. She questioned how much detail was needed in the minutes and expressed her preference for Option 3 which has no cost.

**AMENDMENT CARRIED UNANIMOUSLY.**

**MAIN MOTION AS AMENDED CARRIED (6-1), COUNCIL PRESIDENT PRO TEM JOHNSON VOTING NO.**

**8. AUTHORIZE MAYOR TO SIGN SOLARIZE EDMONDS PROJECT MEMORANDUM OF UNDERSTANDING (MOU)**

Planning Manager Rob Chave explained this was reviewed by the Parks, Planning & Public Works Committee who recommended it be reviewed by the full Council. He explained the project benefits

Edmonds citizens as well as the City by providing grant money in exchange for the City's support. The primary benefit is the availability of a group purchase program for Edmonds citizens.

Megan Barrier, Northwest SEED, explained their mission is to support locally owned and community based clean energy projects. They have been helping communities in Washington, Oregon, Montana and Idaho for the past 13 years by identifying and breaking down the barriers of local use of renewable energy. Northwest SEED is the project manager of the Solarize South County campaign. Solarize South County is funded primarily by Snohomish PUD with grant funding from the Department of Commerce through NW Solar Communities to the City of Edmonds who has already streamlined their permitting process and created a new solar webpage, a one stop portal for permitting and code compliance. Solarize Washington is a time limited solar group purchase model that leverages the grass roots and community energy to choose a solar contractor that will represent the entire campaign and serve the community. Since the first solarize campaign was launched in Seattle in 2011, Solarize Washington campaigns have blanketed Puget Sound with over 2 megawatts of distributed solar generated capacity.

Northwest SEED is hoping to partner with the City so that residents can benefit from this time limited group purchase opportunity and take advantage of the Washington State Production Incentive that was recently renewed through June 30, 2020. There will be no contracting with the City and the workload will be shared among City employees. The campaign timeline is nine months; the campaign is currently in the third month and is about to launch the outreach phase. Registration will close in October 2014 and the campaign will be concluded by December 2014. There will be four public workshops and two online webinars for residents to learn more about solar. Additional information is available on their website, [www.solarizewa.org](http://www.solarizewa.org) or by emailing her at [Meghan@nwseed.org](mailto:Meghan@nwseed.org).

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING RELATING TO THE SOLARIZE EDMONDS/LYNNWOOD PROJECT. MOTION CARRIED UNANIMOUSLY.**

#### **9. VETERANS' PLAZA RESOLUTION**

Parks & Recreation Director Carrie Hite recalled when naming the mini park, several members of the public spoke to the Council about establishing a memorial/tribute to veterans in the community. Following direction from the Planning Board and Council, Planning Board Member Neil Tibbott, Councilmember Peterson and other community members met over several months and forwarded a recommendation to the Council in November to locate a Veterans Plaza in front of the Public Safety building. That recommendation was supported by both the Planning Board and the City Council. The group continued to meet to discuss development of the plaza and decided to first recommend naming the plaza followed by development of the plaza. A ceremony is planned at 1:00 p.m. on Memorial Day to dedicate the plaza.

Councilmember Peterson credited staff including Ms. Hite and Park Maintenance Manager Rich Lindsay for brainstorming and coming up with a perfect location for the Veterans Plaza in front of the Public Safety building, near the location of the firefighters memorial, easily accessible, plenty of parking and an incredible gathering space to honor the City's veterans. He recognized the VFW and American Legion for their ideas and for taking the lead once the location was identified. The ceremony on Memorial Day will include Mayor Earling, Senator Marko Liias, Snohomish County Councilmember Stephanie Wright and a possibly a surprise guest.

Councilmember Peterson read the resolution into the record:

WHEREAS, the City Council would like to recognize the community's sacred obligation to honor the memory of veterans who sacrificed so much in the defense of liberty and freedom; and

WHEREAS, the City Council would like to demonstrate the community's lasting gratitude and the high esteem in which veterans are held; and

WHEREAS, the City Council would like to thank and celebrate those who have served in all our Armed Forces; and

WHEREAS, the citizens of Edmonds, the Planning Board, and the City Council have an interest in establishing a Veteran's Plaza; and

WHEREAS, the Planning Board and the City Council support the location of the Veteran's Plaza outside the City's Public Safety Building;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

The City of Edmonds is hereby authorized to dedicate and name a Veteran's Plaza, to be located outside the Public Safety Building in Edmonds, and to subsequently develop this Plaza.

RESOLVED this 20th day of May, 2014.

**COUNCILMEMBER PETERSON MOVED, SECONDED BY MAYOR PRO TEM BUCKSHNIS, TO APPROVE RESOLUTION 1320 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, TO AUTHORIZE THE DEDICATION AND NAMING OF VETERANS' PLAZA IN THE CITY OF EDMONDS.**

Councilmember Petso questioned the language, "subsequently develop the plaza," observing the plaza already exists but additional changes are planned. She preferred not to approve development until she was able to review the design. Ms. Hite explained the intent was to have the community group develop the plaza in coordination with the Planning Board and the City Council. Councilmember Petso said for example she would be concerned if the plaza was expanded and the tree removed. Ms. Hite assured any design and development will come to the Planning Board.

Councilmember Mesaros asked where the Veterans Plaza will be located. Ms. Hite explained it is the grassy area on the left side of the Public Safety building. A plaque will be installed and unveiled Monday.

**MOTION CARRIED UNANIMOUSLY.**

**10. REPORT ON FINAL CONSTRUCTION COSTS FOR THE MAIN STREET LIGHTING AND SIDEWALK ENHANCEMENTS PROJECT AND ACCEPTANCE OF PROJECT**

Public Works Director Phil Williams thanked Mr. Wambolt for his kind comments, agreeing the City did a good job delivering the project and it turned out well. Many city departments worked on this as well as the consultants, Parametrics who designed the project and SVA who designed the stormwater system. He also thanked the property owners, recognizing there were a difficult couple months while the project was built. The project was completed in a compressed time schedule, after the summer festivals and before the holiday shopping season. The schedule was largely met except for a few days of weather-related delays.

Mr. Williams displayed photographs of the project illustrating the decorative LED lights, new signage, mid-block crossing with bulbs and plantings to narrow the crossing distance, retro-reflective flashing crossing beacons and narrowing of the street 4 feet to widen the sidewalk 4 feet. The project also included a new water line and new storm system that keeps approximately 96% of the stormwater on the east half of the street from entering Puget Sound. He displayed a photograph of Main Street at sunset, remarking the parking is well used. He concluded he was very proud of this project.

Mr. Williams reviewed the following:

<b>Main Street project financials</b>	
Contract amount (Interwest Construction)	\$1,092,553

Management reserve	\$109,300 (10%)
Total	\$1,201,853
Total spent	\$1,106,118
10 change orders	\$13,565 (1.23%)
Underspending of available funding	\$95,735

<b>Waterline projects 2010-2013 (7 projects)</b>	
Engineering estimate	\$7,247,707
Winning bid	\$6,335,619
% of Estimate	87%
Reserve	\$665,464
Final Cost	\$6,382,296
% of Bid	101%
% of Total Funding	91%

<b>Sewer Projects 2010-2013 (5 projects)</b>	
Engineering estimate	\$4,449,455
Winning bid	\$4,792,903
% of Estimate	108%
Reserve	\$527,300
Final Cost	\$4,883,226
% of Bid	102%
% of Total Funding	92%
<b>Totals with 2 Under Construction Sewer Projects</b>	
Engineering estimate	\$7,968,483
Winning bid	\$7,796,347
% of Estimate	98%
Reserve	\$828,800

<b>Stormwater projects 2010-2014 (4 projects)</b>	
Engineering estimate	\$506,442
Winning bid	\$490,045
% of Estimate	9%
Reserve	\$50,455
Final Cost	\$499,990
% of Bid	102%
% of Total Funding	93%

<b>Transportation Projects 2010-2014</b>	
Engineering estimate	\$3,096,315
Winning bid	\$3,267,827
% of Estimate	106%
Reserve	\$319,544
Final Cost	\$3,380,173
% of Bid	103%
% of Total Funding	94%
<b>Totals Including Five Corners</b>	
Engineering estimate	\$5,582,914
Winning bid	\$6,202,424
% of Estimate	111%

Reserve	\$613,044
---------	-----------

<b>Total Projects Completed</b>	
Engineering estimate	\$15.3 million
Winning bid	\$14.9 million
% of Estimate	97%
Final Cost	\$15.145 million
% of Bid	102%
% of Total Funding	92%

Councilmember Mesaros congratulated Mr. Williams. Mr. Williams relayed he was proud of his engineering and operational divisions who participated in delivering these projects. Councilmember Mesaros commented it speaks well of the team Mr. Williams leads and the staff that work for the City.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO ACCEPT THE MAIN STREET LIGHTING AND SIDEWALK ENHANCEMENTS PROJECT. MOTION CARRIED UNANIMOUSLY.**

**11. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH KPG, P.S. FOR DESIGN OF WALKWAY IMPROVEMENTS TO 238<sup>TH</sup> ST. S.W. FROM 100<sup>TH</sup> AVE W TO 104<sup>TH</sup> AVE. W.**

Public Works Director Phil Williams reported this is one of three walkway projects underway; KPG is the design consultant for all three. He displayed a map identifying the location of the storm system on 238<sup>th</sup>, extending from 100<sup>th</sup> to 104<sup>th</sup> that will collect all the stormwater and direct it toward an infiltration system near Hickman Park that was sized to take this flow. The City received a grant for a walkway that will be done at the same time as the stormwater project.

He described the 238<sup>th</sup> walkway improvements from 100 – 104<sup>th</sup> Ave

- Proposed fee: \$177,202
- Funded by stormwater: \$85,820
- Funded by Safe Routes to School Grant: \$82,944
- Management reserve: \$8,438

Mr. Williams reviewed the scope of the Safe Routes to Schools grant, recognizing Transportation Engineer Bertrand Hauss who wrote the grant:

- Install approximately 1,200 linear feet of sidewalks
- Sharrow pavement markings
- Grant also includes funds for education at Sherwood Element (\$50k) to encourage students to bike/walk to school, helmets, etc.
- Total grant amount: \$591,000
- 100 % funding and no local match

He reviewed the stormwater project:

- New stormwater system to drain to Hickman Park infiltration system
- LID options will be evaluated
  - Rain gardens
  - Pervious sidewalk pavement

A public meeting is scheduled on June 4 in the Sherwood Elementary School gym to discuss the 238<sup>th</sup>, 15<sup>th</sup>, and the 236<sup>th</sup> walkway projects.

Councilmember Petso recalled a tremendous public outcry related to rain gardens proposed near the project site. Mr. Williams answered he would not characterize it as a huge public outcry although several citizens at the public meet felt rain gardens were unwise in the proposed locations as they would limit pedestrians on the west side of 104<sup>th</sup>. As a result that project did not proceed.

For Councilmember Petso, Mr. Williams advised the design would not be available by the June 4 public meeting. Councilmember Petso asked whether another public meeting would be held after the design is complete for those who may be interested in which side of the street the walkway will be on, the location of rain gardens, etc. Mr. Williams was uncertain whether another public meeting would be held but he was hopeful the public would voice their preferences at the June 4 meeting regarding the location of the sidewalk.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO AUTHORIZE THE MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH KPG, P.S. FOR DESIGN OF WALKWAY IMPROVEMENTS TO 238<sup>TH</sup> ST. SW FROM 100<sup>TH</sup> AVE. W TO 104<sup>TH</sup> AVE. W. MOTION CARRIED UNANIMOUSLY.**

**12. REPORT ON BIDS OPENED MAY 8, 2014 FOR THE ANNUAL SEWER REPLACEMENT PROJECT (PHASE 2) AND AWARD OF CONTRACT TO SHORELINE CONSTRUCTION IN THE AMOUNT OF \$1,778,836.26**

Public Works Director Phil Williams explained this is a typical award of contract to the lower bidder. He reviewed the bid for the annual sewer replacement (Phase 2)

- \$1,778,837 low bid from shoreline construction opened on May 8, 2014
- Bid range: \$1,778,837 – \$ 2,813,702 (6 bids)
- Engineer estimate: \$2,012,785
- 4,500 linear feet sewer replacement
- 1,000 linear feet water main replacement
- 6 locations
- Proposed construction budget
  - Construction contract: \$1,778,837
  - Construction mgmt. and testing: \$ 247,133
  - Management reserve: \$ 179,000
  - Total \$2,204,970
- Available funding budget
  - Water 421 Fund: \$ 402,000
  - Sewer 423 Fund \$2,768,435
  - General Fund (fire hydrant) \$ 18,000
  - Total \$3,188,435

Councilmember Mesaros asked the order that the six locations would be done. Mr. Williams answered he did not know the order; it would depend on the contractors preference, traffic control, public outreach, etc.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO AWARD THE CONTRACT TO SHORELINE CONSTRUCTION IN THE AMOUNT OF \$1,778,836.26 FOR THE ANNUAL SEWER REPLACEMENT PROJECT (PHASE 2) AND AUTHORIZE A \$179,000 MANAGEMENT RESERVE FOR CHANGES OR UNFORESEEN CONDITIONS DURING CONSTRUCTION. MOTION CARRIED UNANIMOUSLY.**

**13. DISCUSSION AND POTENTIAL ACTION ON APPOINTMENTS TO THE CITIZENS ECONOMIC DEVELOPMENT COMMISSION**

Mayor Pro Tem Buckshnis clarified the original intent was for the Public Safety & Personnel (PSP) Committee to discuss appointments to the Citizens Economic Development Commission (EDC) but the agenda memo stated all board and commissions.

Councilmember Peterson explained it was brought to the PSP Committee's attention that there was an oversight in the language regarding the residency requirements for the EDC. The City's boards and commissions are very diverse and the PSP Committee discussed whether to have a blanket statement regarding boards and commissions. The legislative intent regarding the EDC can be easily addressed tonight as well as a broader discussion regarding all boards and commissions.

Councilmember Fraley-Monillas stated she asked that the codes related to other boards and commissions be included as she viewed this as a bigger issue than only the EDC. In her view, all the City's volunteer commissions were equal. The PSP Committee discussed and agreed it would be best for all board and commission members to be Edmonds residents with the exception of those that have professional requirements such as the Architectural Design Board. Although there is a perception that this is related to the person that was recently appointed to the EDC, she suggested the only way to resolve this would be to quickly and swiftly address the requirements for appointment to all boards and commissions.

Councilmember Petso recalled a concern expressed by a citizen at the last Council meeting was the effect of every Councilmember and the Mayor appointing someone from out of town which she noted would be highly unlikely. A solution to that possibility would be to cap the number or percentage of non-resident members on boards or commissions. If a 14% cap were selected, there would be no non-resident members on the Planning Board, up to two non-residents on the EDC and she was unsure how it would affect the Sister City Commission. She suggested any revisions not be retroactive, pointing out one of the EDC members is currently a City employee and she did not want to ask that person to leave the EDC.

With regard to fair and equal treatment and legislative intent, Councilmember Petso said it was clear appointments to the EDC were not subject to Council approval. If a Councilmember chose someone with no background in the City, that appointment may be subject to public disapproval. Conversely, her appointment was a person who knows a lot about how to get something done in the City. This process appears to be a Council approval process of her appointment which was clearly not the legislative intent. Rather than make changes only to the EDC, she suggested asking Mr. Taraday to draft an ordinance that was applicable to all citizen boards and commissions.

Councilmember Mesaros inquired about the procedure for committees to forward recommendations to the City Council. Mr. Taraday explained the Planning Board regularly brings recommendations to the City Council; there is a statutorily required process whereby any amendment to the Zoning Code or Development Regulations are referred to the Planning Board for review, public hearing, and recommendation to City Council. Other boards and commissions do not have an established process for forwarding recommendations to the Council.

Councilmember Mesaros clarified his question was in regard to Council committees making recommendations to Council. Mr. Taraday responded there is nothing in the City code that addresses that. Mayor Pro Tem Buckshnis advised the agenda memo was changed without her authority; the original intent was residency requirements for the EDC. Councilmember Mesaros asked how committee recommendations were placed on the Council agenda. Mr. Taraday relayed his understanding that the Council President sets the agenda for Council meetings subject to amendment by the Council at the meeting. He invited the Council to clarify that process.

Councilmember Petso said she was not aware of any instance where the Council President placed an agenda item on the agenda that was inconsistent with the committee's recommendation. Committees

typically refer items to the Consent Agenda or full Council. Mayor Pro Tem Buckshnis reiterated the agenda memo was changed. Councilmember Fraley-Monillas explained the agenda memo was not changed; she asked that the agenda memo include the code language for the other boards and commissions.

Councilmember Petso reiterated there was great value to taking this up again after tomorrow's meeting.

Councilmember Bloom agreed with Councilmember Petso's suggestion to discuss this after tomorrow's meeting due to concerns with the Council President's authority, etc. She relayed although Councilmember Petso has come under attack with regard to this appointment, it has generated valuable conversation. For example, citizens have raise issues such whether the term "citizen" in the title of the EDC prevents the appointment of someone who although they are a resident may not be a naturalized citizen of the United States. Another issue is whether a person with an Edmonds address who lives in an unincorporated area could be appointed to the EDC. Some citizens have suggested that some boards or commissions should include a small number of non-residents. Another issue is whether someone who is a property owner in Edmonds should have the right to serve on a board or commission.

Councilmember Peterson commented there have been changes made to the EDC when it was realized the legislative intent was not clear. For example, the Port Commission representative on the EDC was changed to a liaison position. Another change was the issues the EDC considers must be related only to economic development. To the comment that business owners or any interested party do not have an opportunity to have input, Councilmember Peterson pointed out the EDC has an opportunity for audience comments during their meetings. With regard to a person living in an unincorporated area but has an Edmonds address, the PSP Committee determined a person's address does not determine their residency. Mr. Taraday agreed if the code stated resident of Edmonds that would not include Esperance.

Councilmember Peterson preferred not to delay this discussion when the intent was clear the change was simple and directed toward the EDC. The PSP Committee and/or Council can consider the requirements for other boards and commissions in the future. For example, it may be appropriate to have members of the Sister City Commission who live outside the City due to language, history expertise, etc. The ADB also allows non-resident members due to professional requirements. He suggested passing the resolution as it is straight forward and reflects the legislative intent.

Councilmember Fraley-Monillas pointed out the Sister City Commission is actually the Edmonds Sister City Commission. She did not see any urgency in this issue. She pointed out not all business owners live in Edmonds but businesses and landowners are the City's economic drivers. The proposed resolution would prevent business owners from having a voice and a vote at EDC meetings. She pointed out not all the 60 members of the Levy Committee were residents of Edmonds, some lived in Woodway. She summarized passing the resolution tonight would be jumping the gun to prevent one person from serving on the EDC.

Councilmember Bloom reiterated citizens have brought up issues related to all boards and commissions including whether to name the EDC the Citizen EDC. She summarized it made no sense to look at the EDC in isolation; it was simply an action to block a Councilmember's appointment.

Councilmember Mesaros asked Councilmember Peterson his thoughts regarding tonight's agenda item when he left the PSP Committee meeting. Councilmember Peterson did not view the title of agenda item and the committee's recommendation as being not that far apart. He anticipated the Council would deal with the issue at hand and have a discussion about the more comprehensive issue. Councilmember Mesaros spoke in favor of the ordinance as written and never discussing the subject ever again. A majority of the Council understands the spirit of the law in the original ordinance and with exception of boards and commissions that need expertise, he preferred the members be citizens of Edmonds.

Council President Pro Tem Johnson expressed concern the Council was over-complicating the issue; what was needed was a minor course correction and there was no need to reevaluate all boards and commissions to make that course correction. She was a member of the original 60 member Levy Committee; the intent was for the EDC to be only Edmonds citizens and here was never any intent to have absentee landlords, business owners or developers on the EDC. With regard to past practice, no one has ever been appointed to the EDC that was not a citizen. She urged the Council to vote on this matter tonight.

**COUNCIL PRESIDENT PRO TEM JOHNSON MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE ORDINANCE NO. 3970, AN ORDINANCE OF THE CITY OF EDMONDS, AMENDING ECC 10.75.010 REGARDING THE CITIZENS ECONOMIC DEVELOPMENT COMMISSION TO REQUIRE EDMONDS RESIDENCY FOR MEMBERSHIP ON THE COMMISSION, TO INCLUDE ITEMS 6 AND 7 AND DELETE ITEM 5.**

Councilmember Peterson expressed support for the motion, pointing out it does not say anything about property ownership. He did not want to give preference to property owners versus renters. With regard to business owners, the legislative intent was for this to be a citizen, not business owner, commission. The Council approved a Business Improvement District (BID) and other areas are encouraged to form BIDs. The BID will make a presentation at tomorrow's EDC meeting; other business groups have been invited to make presentations to the EDC. He disagreed the EDC was shutting out businesses, noting he has not heard that from fellow business owners, from the Chamber, etc. This action is not directed at any one person and, in fact that person endorsed his previous and current campaigns.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO DELETE PARAGRAPH 7.**

Councilmember Petso noted the effect of the amendment would be to allow current commissioners to continue to serve until the end of their term.

Mayor Pro Tem Buckshnis commented the issue is whether members of the EDC are residents or non-residents. The intent and the spirit of the ordinance was for members to be residents.

**AMENDMENT FAILED (3-4), COUNCILMEMBERS BLOOM, PETSO AND FRALEY-MONILLAS VOTING YES.**

Councilmember Fraley-Monillas did not support the motion as she preferred to address all boards and commissions, there was no urgency and business owners and landowners are the City's economic drivers.

Councilmember Bloom commented although Councilmembers say this had nothing to do with Councilmember Petso's appointment, four Councilmembers voted to retain paragraph 7 which would retroactively invalidate Councilmember Petso's appointment. She pointed out three Sister City Commissioners are not Edmonds residents.

Councilmember Mesaros explained he voted against the amendment because any future commissioner who moved out of the City would be required to resign.

Councilmember Petso asked whether Councilmember Mesaros' concern could be addressed if paragraph 7 were amended to read, "from the effective date of this ordinance forward." Mr. Taraday answered not without ambiguity. She suggested Mr. Taraday draft an ordinance to effectuate that intent for Council consideration on May 27.

Council President Pro Tem Johnson commented it would be nice to address this only once but as Councilmember Peterson indicated, several course corrections have been made to the EDC. She preferred to make this course correction now to preserve the integrity of EDC and to support past practice. She respected each Councilmember's ability to appoint whomever they wanted but, in this case, an error was made that she wanted to correct.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO POSTPONE TO MAY 27, 2014. MOTION FAILED (3-4), COUNCILMEMBERS PETSO, BLOOM AND FRALEY-MONILLAS VOTING YES.**

Councilmember Bloom questioned why Councilmembers wanted to eliminate the ability for a Councilmember to appoint a non-resident but would allow a City employee to serve on the EDC.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO INCLUDE PARAGRAPH 5.**

Councilmember Peterson commented if an employee was a resident of Edmonds, he was unsure why their employment status would prevent them from serving on the EDC. Councilmember Petso responded the EDC was a citizen commission versus an employee workgroup.

**AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.**

Mayor Pro Tem Buckshnis declared a short recess.

Councilmember Petso explained she worked with Mr. Taraday during the break to develop an amendment to effectuate the intent expressed by Councilmember Mesaros.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO ADD TO PARAGRAPH 7, "THIS SECTION SHALL APPLY ONLY TO COMMISSIONERS APPOINTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE."**

Councilmember Mesaros responded his intent was that current as well as future commissioners would be ineligible to serve on the EDC if they moved out of the City.

**AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.**

**UPON ROLL CALL, MAIN MOTION CARRIED (4-3), MAYOR PRO TEM BUCKSHNIS, PRESIDENT PRO TEM JOHNSON AND COUNCILMEMBERS PETERSON AND MESAROS VOTING YES; COUNCILMEMBERS BLOOM, FRALEY-MONILLAS AND PETSO VOTING NO.**

**15. OPEN PUBLIC MEETINGS ACT TRAINING**

City Attorney Jeff Taraday suggested deferring this training to a future meeting due to the late hour.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO POSTPONE THE OPEN PUBLIC MEETINGS ACT TRAINING TO THE MAY 27, 2014 MEETING. MOTION CARRIED UNANIMOUSLY.**

**15a. (New Item) DISCUSSION REGARDING COMMUNICATION CONSULTANT**

Councilmember Bloom explained the Council allocated \$40,000 in the 2014 budget to hire a communications consultant. She participated in the interview process for the communications consultant. The position was to work on marketing the City to promote economic development and communication

with the public in general. In the first RFQ, the person was to work with Economic Development Department, the Mayor, the City Council Department Directors, Cultural Services Manager, Economic Development Commission and Chamber of Commerce to help identify ways departments can more effectively communicate on a consistent basis with the City Council, general public and interdepartmental. That section of the RFQ was very important to her due to her interest in open government and communicating with the public in a variety of ways.

The interview committee forwarded its recommendation to the Mayor; the Mayor chose not to pursue that recommendation and notified the committee that a new RFQ would be issued on May 12. She contacted Mayor Earling on May 12 asking that he delay issuing the RFQ because it appeared there had been a change in the criteria for the communications consultant. The new RFQ does not include the section regarding communication with the public in general. The new RFQ does not contain the language originally in section b, help identify ways and develop materials to more effectively communicate with the general public using existing methods such as the City's website, government channel, press releases, articles, etc. soon to be created, social media tools such as Facebook, Google and YouTube and other social media tools.

In the new RFQ, the communication consultant's responsibilities do not include any language regarding working with the City Council and elected officials to engage the public and focuses on community marketing and event calendar, developing a consistent approach of messaging content for advertisements, review of the City's website and provide guidelines for enhanced content and messaging on the site. The RFQ also states in carrying out these tasks, the contractor will work directly with the Economic Development Director, Economic Development Program Coordinator and the Arts and Cultural Manager; nothing is said about City Council or the Mayor. In addition, the contractor will be expected to work with other organizations including the Chamber of Commerce, Business Improvement District, Downtown Edmonds Merchants Association, Edmonds Center for the Arts and Port of Edmonds in order to understand other marketing strategies in the community. She summarized the RFQ does not include communicating with the Economic Development Commission, the City Council and the Mayor.

Councilmember Bloom explained she raised this issue now because it is time sensitive; the RFQ went out May 9, applications are due by the end of today and interviews will be held next week. It appears the Mayor has decided to include only staff in the interviews and not Council or citizens; the first application process included citizens, staff, and council. Given the late hour, she suggested scheduling this on next week's agenda for full discussion.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD THIS TO THE MAY 27 AGENDA FOR FULL DISCUSSION AND TO INCLUDE BOTH RFQS.**

Councilmember Bloom explained The Finance Committee reviewed the communications consultant contract; Council President Pro Tem Johnson recommended she speak with Mayor Earling and Councilmember Petso recommended it come to full Council. She met with Mayor Earling today so both committee members' recommendations will have been met. She asked Mayor Earling if to consider having 1-2 Councilmembers on the interview committee and he said would think about it.

No vote was taken on the motion; Mayor Pro Tem Buckshnis agreed to schedule it on the May 27, 2014 agenda.

**16. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF MAY 13, 2014**

Parks, Planning & Public Works Committee

Councilmember Mesaros reported on the following items discussed by the committee:

- A. Solarize Edmonds Project Memorandum of Understanding (MOU) – *referred to full Council*
- B. Naming of City-owned Facilities – *referred to full Council*
- C. Special Event Contracts – *referred to Consent Agenda*
- D. Authorization for Mayor to sign a Local Agency Agreement with KPG, P.S. for design of walkway improvements on 236th St. S.W. from SR104 (Edmonds Way) to Madrona Elementary School – *referred to Consent Agenda*
- E. Report on final construction costs for the Main Street Lighting and Sidewalk Enhancements Project and acceptance of project – *referred to full Council*
- F. Authorization for Mayor to sign a Professional Services Agreement with KPG, P.S. for design of walkway improvements to 238th St. S.W. from 100<sup>th</sup> Ave W to 104th Ave. W – *referred to full Council*
- G. Authorization to award a construction contract for the Annual Sewer Replacement Project - Phase 2 – *referred to full Council*

#### Finance Committee

Councilmember Petso reported on the following items discussed by the committee:

- A. 2014 March Budgetary Financial Report – *referred to Consent Agenda*
- B. Update on funds for Historic Preservation Calendar – *referred to Consent Agenda*
- C. Contract Renewal with Lighthouse Law Group PLLC – *referred to May 27 Council agenda*
- D. Authorization to Contract with James G. Murphy to Sell Surplus City Vehicles and Sell a Parts Car to Pick-n-Pull – *referred to Consent Agenda*
- E. Communication Consultant Contract – *Councilmember Johnson recommended Councilmember Bloom speak with Mayor Earling and Councilmember Petso recommended referring the matter to full Council.*

Councilmember Petso reported the Finance Committee also discussed the Strategic Action Plan Facilitation Work Group and the consultant hired to assist with implementing the Strategic Plan. The Work Group has met twice and plans to meet June 11, August 13, October 8 and December 10; the meetings are open to the public and meeting notes are available on the City’s website under Strategic Plan.

#### Public Safety & Personnel Committee

Councilmember Fraley-Monillas on the following items discussed by the committee:

- A. Interlocal Agreement with Yakima County for Jail Services – *referred to Consent Agenda*
- B. Amending Ordinance, Avoiding compliance with traffic devices – Penalty – *referred to Consent Agenda*
- C. Appointments to Boards and Commissions – *referred to full Council*

#### **17. MAYOR'S COMMENTS**

Mayor Pro Tem Buckshnis reported Mayor Earling was conducting a concert tonight.

#### **18. COUNCIL COMMENTS**

Councilmember Bloom reported the 27<sup>th</sup> Waterfront Festival will be held May 30 through June 1. SeaJazz, comprised of performers from local high schools, kicks off Saturday, May 31 and Sunday, June 1 at noon. SeaJazz’s regular schedule will be Wednesdays 5:00 p.m. to 7:00 p.m. and Sundays 1:00 p.m. to 3:00 p.m. She encouraged the public to attend the Waterfront Festival, advising there will be a shuttle bus available.

Councilmember Fraley-Monillas reminded of the Memorial Day ceremony on May 26 at 11:00 a.m. at the Edmonds Cemetery. She asked those present to observe a moment silence for the citizen killed tonight at 4<sup>th</sup> & Bell.

Councilmember Mesaros reminded of the Edmonds Jazz Connection this weekend, Saturday through Monday.

Councilmember Mesaros explained he reviewed eight applications for appointment to the Economic Development Commission (EDC). He interviewed three; any of the three were qualified to serve. He appointed Mike Schindler, CEO of Operation Military Family, to the EDC.

Councilmember Petso commented the ordinance the Council approved earlier on the agenda will create another vacancy on the EDC. She asked whether she could make an appointment to the EDC tonight. She also asked whether the vacancy needed to be re-advertised or if she could make her appointment from the applications previously received. City Attorney Jeff Taraday advised the vacancy will not take effect until the ordinance takes effect, five days after publication. He would need to research whether the vacancy needed to be re-advertised or if Councilmember Petso could choose from the applicants Councilmember Mesaros did not select.

Councilmember Peterson reminded of the dedication of the Veterans Plaza at 1:00 p.m. on Memorial Day and the fantastic Memorial Day ceremony at the Edmonds Cemetery at 11:00 a.m.

Council President Pro Tem Johnson indicated she would see everyone at the Memorial Day ceremony.

**19. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

At 9:45 p.m., Mayor Pro Tem Buckshnis announced that the City Council would meet in executive session regarding potential litigation per RCW 42.30.110(1)(i). She stated that the executive session was scheduled to last approximately 15 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Councilmembers Johnson, Fraley-Monillas, Buckshnis, Peterson, Petso, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Parks & Recreation Director Carrie Hite, and City Clerk Scott Passey. At 10:02 p.m., Mr. Passey emerged from the Jury Meeting Room and announced that the Council is extending the executive session for 15 minutes. At 10:18 p.m., Mr. Passey emerged from the Jury Meeting Room and announced that the Council is extending the executive session for an additional 10 minutes. The executive session concluded at 10:28 p.m.

**20. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION**

Mayor Pro Tem Buckshnis reconvened the regular City Council meeting at 10:29 p.m.

**21. ADJOURN**

With no further business, the Council meeting was adjourned at 10:30 p.m.