

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **Study Session**

### **October 14, 2014**

The Edmonds City Council meeting was called to order at 6:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

#### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Diane Buckshnis, Council President  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember  
Strom Peterson, Councilmember  
Adrienne Fraley-Monillas, Councilmember

#### **ELECTED OFFICIALS ABSENT**

Thomas Mesaros, Councilmember  
Joan Bloom, Councilmember

#### **STAFF PRESENT**

Al Compaan, Police Chief  
Phil Williams, Public Works Director  
Scott James, Finance Director  
Shane Hope, Development Services Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Rob English, City Engineer  
MaryAnn Hardie, Human Resources Manager  
Renee McRae, Recreation Manager  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Gerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

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

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session regarding potential litigation per RCW 42.30.110(1)(i). He 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: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Peterson and Petso. Others present were City Attorney Jeff Taraday, Finance Director Scott James and City Clerk Scott Passey. The executive session concluded at 6:34 p.m.

Mayor Earling reconvened the regular City Council meeting at 6:38 p.m.

#### **2. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmembers Mesaros and Councilmember Bloom.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO EXCUSE COUNCILMEMBER BLOOM. MOTION CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXCUSE COUNCILMEMBER MESAROS. MOTION CARRIED UNANIMOUSLY.**

3. **APPROVAL OF AGENDA**

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO REMOVE ITEM 15 FROM THE AGENDA AND SCHEDULE IT ON THE OCTOBER 28, 2014 AGENDA. MOTION CARRIED UNANIMOUSLY.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

4. **APPROVAL OF CONSENT AGENDA ITEMS**

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF OCTOBER 7, 2014
- B. APPROVAL OF CLAIM CHECKS #210891 THROUGH #211017 DATED OCTOBER 9, 2014 FOR \$577,599.59
- C. APPROVAL OF SETTLEMENT AGREEMENT WITH TYROOT AND SUN SM RELATED TO THE 228TH STREET SW CORRIDOR IMPROVEMENT PROJECT

6. **AUDIENCE COMMENTS**

There were no audience members who wished to provide comment.

7. **REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2013 WATERLINE REPLACEMENT PROJECT AND ACCEPTANCE OF PROJECT**

City Engineer Rob English explained this project, awarded in 2013 to D&G Backhoe, replaced approximately 7,000 linear feet of water main in 9 locations throughout the City. The original contract amount was \$1.3 million. There was one reconciliation contract change order in the amount of -\$15,000 and the project was completed 1.2% under the contract amount.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.

8. **REPORT ON FINAL CONSTRUCTION COSTS FOR THE LIFT STATION REHABILITATION PROJECT AND ACCEPTANCE OF PROJECT**

City Engineer Rob English explained this \$3.8 million project upgraded 9 sewer lift stations. The contract was awarded in August 2012 and reached physical completion in May 2014. Throughout the course of construction there were 5 change orders for various items totaling \$75,000. The project was completed 1.9% over the award amount.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.

9. **ACCEPTANCE OF STREET DEDICATION FOR SAFFOLD 3-LOT SHORT PLAT LOCATED AT 19327 88TH AVE W**

City Engineer Rob English explained this short plat, located on 88<sup>th</sup> Avenue north of 196<sup>th</sup>, is for the existing home and 2 additional lots. The 10-foot street dedication on the east side of the road increases the 20-foot existing right-of-way on the east to 30 feet for a total right-of-way width of 60 feet. The plat has 130 feet of frontage; curb, gutter and a 5' asphalt sidewalk will be installed to tie into the existing walkway.

Councilmember Petso referred to the unusual lot shapes and asked if there were any restrictions on how creative lot lines can be and the reason for the lot shape. Mr. English answered there are restrictions that Planning considers in developing setbacks, etc. Councilmember Petso advised she will follow up with Planning via email.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.**

**10. APPROVAL OF THE MUNICIPAL COURT JUDGE JOB DESCRIPTION & CONFIRMATION OF POSITION SALARY AND BENEFITS INFORMATION**

Human Resources Manager MaryAnn Hardie explained the current Municipal Court Judge Fair is running unopposed for a position in the South District Court. Judge Fair is currently serving the first year of a four year term; Mayor Earling will appoint his successor. The City is in the process of preparing an RFQ for the position which includes the salary and benefit information for the position which is confirmed by Council. The Council approved the current wage for the Judge of \$106,078 as a .75 full-time equivalent effective September 1, 2014. The Judge currently receives the following benefits; no change is proposed:

1. 90% medical insurance premiums (employee, spouse and dependents) paid by the City
2. MEBT participant (includes a \$75,000 life insurance policy)
3. Participation in state retirement PERS Judicial Benefit Multiplier program

She requested the Council approve the new job description and confirm the salary and benefits before the position is advertised.

Mayor Earling explained unlike a City Council appointment where an election is held in the next municipal election, an appointed Judge will fulfill the complete term which in this case is an additional three years.

Councilmember Fraley-Monillas assumed Judge Fair helped prepare the job description. Ms. Hardie explained when preparing the RFQ, it was discovered there was no job description for the Municipal Court Judge. Staff surveyed comparator cities; the job descriptions for other cities are very similar.

Councilmember Johnson inquired about the medical insurance premium, recalling the medical insurance premium for other elected officials was modified several years ago, making the coverage available for spouse and dependents but paid for by the elected official. Ms. Hardie explained the Judge position has a different medical benefit; the position receives spouse and dependent medical coverage at 90%; Councilmembers pay for spouse and dependent coverage out of pocket. Her understanding the reason the benefits were similar to an employee was due to the hours, .75 FTE, and the position's supervisor duties.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.**

11. CIGNA LIFE, LONG TERM DISABILITY (LTD) AND ACCIDENTAL DEATH & DISMEMBERMENT (AD & D) INSURANCE PLAN(S)

**Keith Robertson, Alliant**, explained about a year ago Ms. Hite, Ms. Hardie and he met to discuss the 7 status of the employees' life and disability plan and it was decided go to market to see if the plan could be improved. For the past two decades there have not been any competitive alternatives because Standard Insurance had a monopoly on municipal and county plans. Another major carrier, Cigna, filed identical policies with the OIC so there is now a competitive alternative in the marketplace. This proposal has been reviewed by the MEBT Board and the current insurance plan language was updated. He summarized the plan saves the City money, increases the benefit from \$75,000 to \$100,000 which is in keeping with the requirements of MEBT to keep benefits comparable to social security benefits, has a 3-year rate guarantee, and includes contract enhancements.

He commented on the strength of Cigna:

- 90+ years Life and AD&D experience
- 8.8 million individuals insured
- 1.7 billion on annual disability premium
- Rated "A" by A.M. Best
- Rated "A2" by Moody's

System upgrades include telephonic claim intake; employees can file a claim over the phone and provide an electronic voice signature.

The current coverage with Standard Insurance was established:

- Life and AD&D 1976
- Long Term Disability 1977
- MEBT 1999

The contracts are outdated according to industry standards. For example:

- Life and AD&D
  - Does not include waiver of premium
  - AD&D schedule is limited compared to industry standard
    - Does not provide coverage for coma or paralysis
- Long Term Disability
  - Total disability is required to qualify for a disability
  - 100% earnings loss is required to be benefit eligible

Under the proposed Cigna plan:

- Life (for the City and MEBT) and AD&D
  - Waiver of premium will be included
    - No premium required during the waiting period
  - Repatriation and Medical Evacuation with no dollar limit
  - AD&D schedule will include coma and paralysis benefit
  - Conversion of the full in-force amount is available
    - Currently only \$2,000 after 5 years
- Long Term Disability
  - No limit on temporary recovery days during the elimination period
  - Partial disability is covered (100% earnings loss is not required)
  - Return to work incentive program will be included, allowing an employee to collect up to 100% of their pre-disability income

He provided the following comparison:

<b>Benefit</b>	<b>Standard</b>	<b>Cigna</b>	
Life and AD&D	\$0.195 and \$0.045	\$0.18 and \$0.022	Cigna matching rate of \$0.29 per unit for dependents
MEBT Life	\$13.50 (\$75k benefit)	\$13.94 (100k benefit)	Cigna matching rate of \$0.54 for disabled lives
Long Term Disability	\$0.595	\$0.49	
Total Cost Differential	-11.9% (\$15,713)		

Councilmember Petso relayed her understanding that the Cigna plan provides greater benefits, less cost and a three year rate guarantee; there are no hidden fees or fine print. Mr. Robertson agreed it seemed too good to be true. Typically when a firm has a monopoly and no competition, their fees are higher. The person who designed and programmed the policy that most municipalities in Washington participate in at Standard, left Standard and went to Cigna.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED (4-0). (Councilmember Johnson was not present for the vote.)**

**5. PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH ~ YWCA WEEK WITHOUT VIOLENCE**

Mayor Earling read a proclamation declaring October 2014 as Domestic Violence Awareness Month and the third week of October as YWCA Week Without Violence.

Mary Ann Dillon, Senior Regional Director, YWCA Snohomish County, on behalf of the YWCA, thanked the City Council and Mayor Earling for raising awareness about domestic violence via the proclamation. She noted there were several members of the YWCA in the audience as well as Dr. Suzanne Poppema, President, Zonta Club of Everett. Zonta is a women’s organization that works on many women’s issues including eliminating human trafficking locally, nationally and internationally.

Ms. Dillon explained recent incidents involving NFL players and domestic violence has put the spotlight on the problem and has men and women participating in important dialogue about domestic violence. There are great opportunities to keep the conversation going and make systemic changes. She commented a week without violence would be 7 days, 168 hours, 10,080 minutes free of domestic violence, sexual assault, early childhood enforced marriages, etc. She thanked the Council and Mayor for their commitment to ending violence and the making community safer for all.

**12. DISCUSSION REGARDING STUDY SESSION FORMAT**

Council President Buckshnis recalled in a test of the study session format a couple weeks ago the Council used a round robin, three question format. She asked for Councilmembers’ input regarding how study sessions should be run, the configuration, whether to have a time limit on questions, a round robin with a limit on the number of questions, etc., noting the microphones needed to be improved.

Councilmember Fraley-Monillas suggested Councilmembers take turns asking questions to ensure everyone is able to participate. She noted typically the first person asks multiple questions. She preferred Councilmembers ask one question at a time unless there was a follow-up or clarification question.

Councilmember Petso disagreed with Councilmember Fraley-Monillas. Her understanding of a study session format was to promote interactive discussions in a less structured atmosphere. At the study

session regarding Westgate, the meeting included questions in a much more structured format than when Councilmembers are seated at the dais and there no discussion. She envisioned a less formal study session would provide opportunity for more dialogue and discussion.

Council President Buckshnis commented there was discussion at the end of the study session regarding Westgate. The length of the agenda that evening also limited the amount of discussion regarding Westgate. She favored the round robin format because it allowed each person to speak.

Councilmember Fraley-Monillas commented she liked the more informal setting with Councilmembers seated at the table; her preference was to allow all Councilmembers to ask questions and participate in the process versus one Councilmember with a lot of questions monopolizing the subject matter.

Councilmember Peterson said he also likes the informal nature of sitting at a table but he has heard from citizens who watch the Council meetings that they are not able to engage due to the poor sound quality and the camera angles. The Council needs to balance what makes them comfortable with the public's ability to engage in the discussion. The technology is not currently set up to accommodate the format with Councilmembers seated at the table. He suggested gathering feedback from people who watch the Council meetings.

Councilmember Johnson said it was beneficial to have rules for study sessions; the Council can make them up as they go or rely on Roberts Rules of Order although Roberts Rules may be too restrictive. She suggested either establishing a time limit or a number of questions. She suggested playing with the table layout, recalling the original configuration did not have Councilmembers in a line and allowed them to see each other. Councilmember Fraley-Monillas commented the problem with the current configuration is some Councilmembers have their backs to the audience.

Councilmember Johnson said she can see the screen better from the table; it is nearly impossible to see the screen when seated at the dais. She noted it would be helpful to provide Councilmembers with presentation materials. Councilmember Petso noted she could see the screen better from the dais than from the table.

Council President Buckshnis summarized for future study sessions:

- Work on a different table configuration
- Round robin with 1-2 questions each

Council President Buckshnis asked whether Councilmembers wanted discussion after each question. Councilmember Petso commented it depends on the issue. For Westgate, it may have been more productive to allow discussion after each question was raised. For items on tonight's agenda that previously would have been handled by committee, few questions arose. She summarized less formality would be preferable.

Councilmember Johnson asked whether Councilmembers wanted to start meetings at 6:00 or 7:00 p.m. She preferred all the meetings start at 7:00 p.m.

Councilmember Fraley-Monillas said either 6:00 or 7:00 p.m. was acceptable. With regard to the number of questions, she said to drive democracy the number of questions cannot be limited. She suggested a Councilmember who had a number of questions could continue to ask questions after other Councilmember's questions had been answered.

Council President Buckshnis commented she was surprised by the 6:30 p.m. start time tonight. She preferred to start meeting at 7:00 p.m. because that was what citizens are used to. Unless there were

objections, she will continue with a 7:00 p.m. start time and, when necessary, hold executive sessions prior to Council meetings.

Mayor Earling commented staff's understanding was study sessions would start at 6:00 p.m., if there was an executive session, the meeting would start at 6:00 p.m., followed by the executive session and convene the study session at the conclusion of the executive session. There may be an advantage to starting the study session earlier; for example, tonight's agenda was a 4-hour meeting.

Councilmember Fraley-Monillas suggested all Council meetings could start at 6:00 or 6:30 p.m. to avoid confusion.

Mayor Earling summarized Council President Buckshnis will take the Council's comments and present a recommendation at the next study session.

### **13. PRESENTATION REGARDING FIRE DISTRICT 1**

Mayor Earling explained the invoice was provided at an initial meeting with Fire District 1 (FD1) on August 21. Several subsequent meetings have been held including a meeting with Brier's Mayor, Mountlake Terrace's City Manager and himself where it was agreed the three cities' Finance Directors would meet to discuss concerns with the billing. Following that meeting the Finance Directors met with FD1's Finance Director. During these meetings, further information has been requested from FD1. He met with Chief Widdis and Commissioner Chan last Friday where it was agreed the timing and the way the information regarding the increase was presented was handled poorly by FD1. It was also agreed to have further discussion on issues of concern to Edmonds and likely all three cities.

Following tonight's presentation and discussion, there will be a follow-up meeting this week with the three cities' Finance Directors, Brier's Mayor, Mountlake Terrace's City Manager and him. He will be seeking a meeting with the three cities and FD1 late this week or early next week. He summarized there has been a good dialogue to this point.

Fire District 1 Chief Ed Widdis commented he provided this same presentation to Mountlake Terrace, illustrating the benefits of contracting with FD1. The primary reasons Edmonds contracted with FD1 were:

- More efficiencies
  - A 12-station fire department
  - A larger group of employees to pool from
  - More specialized equipment
  - More resources for the community
  - Re-classed the City fire service from a Class 4 to Class 3
- Save Money (He displayed the following spreadsheets):
  - City Revenue – Edmonds Fire (2010-2016)
  - Edmonds Fire Budget (2010-2016)
  - Contract Cost
    - Edmonds Fire Revenue Loss (Woodway and Esperance Contracts)
    - Costs Transferred to District
  - Estimated 5-year outlook (2010-2014)
    - Estimated savings via contracting : \$5.8 million
    - Actual 5 year savings: \$6 million

He displayed photographs of the air/light unit, technical rescue unit, Taste of Edmonds, tours, honors, smoke detector distribution, 4<sup>th</sup> of July parade, Waterball, Sister City, After the Incident briefings, a meeting with the Senior Center and car seat checks.

Commissioner David Chan commented Councilmembers are welcome to call Fire Chief Widdis or him with questions. He clarified there was no problem with the service; the concern was with the process. He commented they rely on staff for communication and the turnover in Edmonds' Finance Directors may be why information was not communicated. He assured FD1 is exploring long term alternatives to improve communication with contract cities.

Councilmember Fraley-Monillas expressed concern with Commissioner Chan's indication that the change in Finance Directors played a role in the City not receiving a bill until recently. Chief Widdis clarified it may have had an impact on communications with staff. The bill was retroactivity for a union contract for 2013-2014. He noted in 2012 the union was provided a 3.7% COLA; they took it for one month and let go for the rest of year. Mayor Earling did not agree with comment about the City's Finance Directors. Commissioner Chan commented the new Finance Director Scott James has been with the City for six months and has gotten on top of things quickly but there can be communication lag during personnel changes.

Councilmember Fraley-Monillas asked whether FD1 only speaks with the Finance Director. Chief Widdis said the Finance Directors talk to each other; when there is a new Finance Director or City Manager, staff tends to give them some space and time.

Council President Buckshtnis referred to language in the contract stating the contract payment shall be adjusted each year no later than September 1. She recalled the City had had 3 Finance Directors since 2011, not 7. She expressed concern that notification did not occur as specified in the contract. She also referred to Section 8.1 that states the District Fire Chief will meet quarterly with Finance, the Mayor and two Councilmembers. She was shocked by the numbers in the bill as well as upset by the comment that the turnover in Finance Directors was the issue when the contract states the District should be meeting quarterly with two Councilmembers and the Mayor. Mayor Earling urged caution regarding topics discussed in executive session.

Councilmember Johnson commented communication is even more important when there is turnover. She encouraged FD1 to have quarterly meetings regardless of turnover in Finance Directors. She noted surprises are not helpful in annual budget process.

Councilmember Petso referred to reports that FD1 had hired 12 new firefighters. She asked whether they were hired because FD1 was understaffed, if there was a policy change or had there been a mass retirement. Chief Widdis answered both. In 2013 and 2014, FD1 hired 22 new firefighters. The first 10 were to staff 2 peak activity units that work 12 hours shifts 7 days/week. The other 12 were hired due to retirements. When the economy was tight, FD1 did not hire and back-filled with overtime.

Mayor Earling advised he will report to Council his discussions with FD1.

Commissioner Chan commented labor negotiations are very sensitive; they hired a negotiator and the negotiations took two years. Chief Widdis advised in the current labor negotiation, they plan to file for mediation/arbitration sooner.

Councilmember Petso asked if the concluded labor contracts are available to the public. Chief Widdis said they are.

Council President Buckshnis said the Council will review the contract and consider making some changes.

**14. PRESENTATION ON THE SUSTAINABILITY ELEMENT OF THE 2015 COMPREHENSIVE PLAN UPDATE**

Development Services Director Shane Hope relayed the deadline for updating the Comprehensive Plan and development regulations to be consistent with State law is mid-2015. The first element to be reviewed is the Sustainability Element. The packet includes a memo regarding the Planning Board's review process as well as the draft proposed changes to the Sustainability Element. She sought the Council's general sense that the element is acceptable. Actual adoption of all the updated elements will be considered in mid-2015 as the final step in the Comprehensive Plan update. The Sustainability Element consists of a short background; three topics, 1) climate change, 2) community health, and 3) environmental quality; and implementation.

Ms. Hope reviewed the changes proposed by the Planning Board:

- Add Edmonds Marsh to the list of unique environmental assets (page 18)
- Add "energy efficiency" to Sustainability Goal D (page 20)
- Add "minimize waste" to Goal D.3 (page 21)
- Add "green infrastructure (emphasizing natural systems and processes)" to Goal 4.3 (page 21)
- Add "energy efficiency" to Sustainability Goal E (page 21)
- Add to the introduction of Community Health, "Transportation systems, development patterns, community design, and planning decisions can have profound effects on health and wellbeing. All citizens should be able to live, work, and play in environments that facilitate physical activity and offer healthy choices."(page 27)
- Add to Community Health Goal B.3, "Integrate land-use, transportation, community design, and economic development planning with public health planning to increase opportunities for recreation, physical activity and exposure to the natural environment. One example is." (page 27)

Councilmember Johnson referred to B.3, noting public health has a different meaning than community health. Councilmember Fraley-Monillas said the Health District references community health as in public health, the health of the community. The Health District has contacted all cities to include that in their plan. Councilmember Johnson suggested staff work on the language with Councilmember Fraley-Monillas who is on the Snohomish Health District Board.

Ms. Hope continued her review of the changes proposed by the Planning Board:

- Add to Community Health Goal E.2, "Reduce material consumption, waste generation and resource depletion." (page 29)
- Delete from Goal F, "to the extent feasible" (page 29)
- Add "other" to Environmental Quality Goal A (page 30)
- Add to Implementing Sustainability, paragraph regarding Implementation Action and Performance Measures (page 34)
- Add Performance Measure 1: Annual report on energy usage within the City, both by the City government and by the larger Edmonds community. (page 34)
- Add Action 1: By 2017, update the City's Hazard Mitigation Plan to reference emerging risks and hazards related to climate change, such as rising sea levels and ocean acidification. (page 34)

Councilmember Petso suggested in addition to a public hearing on all the updated elements, the Council hold an extra public hearing as the draft elements are completed. This would allow staff to explain how questions raised by Councilmembers have been addressed. Mayor Earling clarified a second public hearing would be held on all the elements. Councilmember Petso agreed that was her intent.

Ms. Hope explained the intent is to make this information available on a dedicated page on the City's website. Staff also plans to hold 1-2 open houses to provide information more informally and allow the public to provide comments.

Councilmember Johnson inquired about the schedule for review of the next element. Ms. Hope advised next is the Housing Element; it is tentatively scheduled to be presented to the Council on October 28.

**15. PRESENTATION AND DISCUSSION OF THE PROPOSED 2015-2020 CAPITAL FACILITIES PLAN/CAPITAL IMPROVEMENT PROGRAM**

This item was postponed until October 28 via action taken in Agenda Item 3.

**16. PRESENTATION AND DISCUSSION OF PROPOSED SOCIAL MEDIA POLICY**

Economic Development & Community Services Director Patrick Doherty provided background:

- Communication via an array of methods is an effective and important way of engaging and involving public and stakeholders
  - Newsletters, cable TV channel, website, press etc.
- To an increasing degree over recent years, social media have been added such as:
  - Facebook
  - Twitter
  - Flickr
  - Google+
  - YouTube

He provided the following information regarding social media:

- Increasingly effective way for municipalities to engage/involve public
- Provide real time updates/info on events, accomplishments, encourage dialogue, and propagate info easily (like, share, etc.)
- Many of neighboring communities have implemented social media tools (Everett, Bellevue, Redmond, Lynnwood, Renton, Shoreline, Mukilteo)
  - Often have separate City and Police Facebook page

For these reasons, he proposed initiating usage of social media in Edmonds. The City Attorney has reviewed and vetted the proposed policy and supporting documents. To do so requires approving Social Media Usage Policy. He reviewed the proposed Social Media Usage Policy:

- Section 1.0 *Purpose*
  - Supplements Information Services Acceptable Use Policy of City's Personnel Policy
  - Applies to all employees, officers, volunteers
  - Related to the conduct of City business
- Section 2.0 *Policy*
  - Consistent with City policies
  - Users are accountable for the form and substance
  - Maintain propriety and professionalism
- Section 3.0 *Related Documents*
  - Social Media Comments and Use Guidelines
  - Social Media Style Guide
  - Social Media Usage Application Form
- Section 4.0 *Definitions*

- Public Information Officer: employee or contractor who manages overall usage, monitors content, etc.
- Social Media Content Contributor – Department representative, trained and recognized by PIO, who contributes, manages and monitors posts by department
- 5.0 *Guidelines and Procedures*
  - Department designates and trains Content Coordinator, uses one-time Application Form for usage
  - No other employee per department posts, monitors, responds
  - Facebook, twitter, YouTube, Flickr, Goggle+
  - Each new medium requires City Attorney review of usage policies, etc.
  - Content contributors shall not post content that:
    - Violates copyrights
    - Promotes/advertises political campaigns
    - Promotes illegal activity
    - Promotes outside organization
    - Promotes commercial enterprise with no City purpose
    - Contains libelous/slandorous material
    - Violates privacy rights
    - Unrelated to City mission or department purpose(s)
    - Violates standards of propriety or professionalism
  - Most appropriate uses of social media are:
    - Time sensitive or urgent information
    - Communication/promotional/marketing tool to increase awareness and distribution of City activities, achievements, events, etc.
  - Frequent monitoring, updating, etc. to ensure usefulness of medium
  - Open Public Meeting Act Considerations
    - Councilmembers, Commissioners other appointed officials should not comment or otherwise communicate on City social media sites
    - Participation in online discussion could constitute a meeting under the OPMA
    - OPMA provisions existing to protect elected/appointed officials and protect the City
  - Content posted by public:
    - Must be monitored to ensure appropriateness
    - Must to related to posted topic(s)
    - Inappropriate comment may be removed:
      - Not topically related
      - Promotes/advertises commercial services etc.
      - Supports/opposes political campaigns or propositions
      - Is obscene
      - Illegal activity
      - Promotes discrimination
      - May compromise public safety
      - Violates copyrights
      - Libelous or slanderous
      - Violates privacy rights
  - Records Retention/Disclosure
    - Posted content subject to Public Records Act
      - Avoid original content when possible
      - Original content, comments, etc. must be retained
      - Removals must be documented/retained
      - Hard copy + files or social media archiving services may be used

Mr. Doherty explained when inappropriate comment is removed, it must be documented. In polling three other communities, he found two communities have never deleted anything and one community deleted something once.

Council President Buckshnis asked about the estimated cost, observing it appeared there will need to be a new PIO position. Mr. Doherty answered the budget includes a proposal for contracted services in the amount of \$30,000 as a pilot in 2015 to assist help with many issues including this. The content contributors from the departments will do the majority of the work such as posting content and monitoring comments. The full range of duties for the Communication/PR/Outreach position includes serving as the PIO for these purpose as well as press inquiries, etc.

Councilmember Johnson asked about the model for content, citing Municipal Research Service Center (MRSC) as one example where questions/answers become a research tool. Another model is My Edmonds News where there is ongoing discussion about a topic. Mr. Doherty said in looking at other cities websites, the intended use is to portray achievements, accomplishments and upcoming events, feel-good items and to create a sense of community. It is not intended to be a medium for introducing controversial topics for debate. In reading comments posted in other cities, he found they are positive for the most part. If there are questions about a post, the content contributor can interject a comment if necessary.

Council President Buckshnis asked how what is inappropriate is determined, noting what is inappropriate to one person may not be inappropriate to another. Mr. Doherty acknowledged there will be a great deal of judgment and discussion. If a content contributor has posted something and an appropriate comment is made, he suggested the contributor seek input from the PIO, the Mayor or him before removing it.

Councilmember Peterson asked when comments would be stopped such as persistent questioning about a project or achievement. Mr. Doherty explained in reading the policy and talking with PIOs in other cities, if someone asking a lot of needling questions, they are thanked for their comments and not engaged further. The City does not have a duty to respond to questions. This is an interactive newsletter to get information out that people do not necessarily know is happening. In the case of negative comments, the City can either not respond or if it is really inappropriate, delete the comment.

Mayor Earling commented the only issue that specifically involves the Council is entering into a conversation on Facebook and potentially establishing a quorum if four Councilmembers comment. City Attorney Jeff Taraday said the policy speaks to that. There is no law on how the OPA will treat social media, therefore, it cannot safely be assumed that a discussion is an open meeting because it occurs on Facebook. Until there is a law that says social media is an open meeting, it should be assumed it is not.

It was the consensus of the Council for this item to return to the full Council for a short discussion.

#### **17. FISHING PIER REHABILITATION DESIGN**

Public Works Director Phil Williams explained the City is partnering with the Washington Department of Fish and Wildlife (WDFW) to rehabilitate the fishing pier. The structure is deteriorating and needs to be rehabbed. The pier is owned by State; the City has programmed, managed and maintained it such as changing lightbulbs, etc. WDFW wants the City's Engineering Division to manage the design process and construction project when it reaches that phase. There is \$190,000 available from WDFW for the design phase. Several firms were interviewed following an RFQ process for design services; staff recommends a contract with BergerABAM for \$128,600 for design costs and permitting. The packet includes the scope of services and the standard City Engineering Services contract.

The packet also includes the contract with the State for the design funds. The remaining funds will cover the City's costs of administering and implementing the design phase. Once a design has been prepared, it is hoped construction funds will be available. Construction funds are being sought from funds appropriated by the Legislature to the Washington Wildlife Recreation Program (WWRP) in two grant categories, \$500,000 from Aquatic Lands Enhancement Account (ALEA) and \$800,000 from Water Access Account (WAC) for a total of \$1.3 million. The applications were submitted and the project scored very highly in a recent competition; assuming the Legislature appropriates funds to WWRP in the budget, the two grants are expected to be received which will cover 100% of the construction cost. In the event those funds are not appropriated, WDFW has its own capital budget and this project is the top project in their 2015 CIP. If the construction costs are higher than the estimate of \$1.3 million, WDFW could also be a source for additional funds. He requested the Council authorize the Mayor to sign a contract for design of \$128,600 with BergerABAM.

Councilmember Fraley-Monillas commented she has two family members who spend 50-75 days/year on the pier. She suggested visiting the dock and asking the people who use it what they want. Mr. Williams answered some of that has been done and he expected more would be done. The scope of this project is focused on structural rehab, painting, etc. There will be some thought given to enhancements such as art and landscaping.

Councilmember Fraley-Monillas suggested some communication between the users and the planners. For example, the shelters and windbreaks are very small.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO FORWARD THE ITEM TO THE CONSENT AGENDA FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.**

Mayor Earling declared a brief recess.

#### **18. DISCUSSION REGARDING THE 2015 PROPOSED CITY BUDGET**

Mayor Earling advised there departments will make presentations in the coming weeks.

Finance Director Scott James provided context for the 2015 budget:

- The budget picture for Edmonds has improved in 2015 because of:
  - Increasing revenues
  - Increasing property values
- Future budgets becoming more challenging
  - New ongoing costs from FD1
  - City will have to look for either new ongoing revenues or ongoing expenditure savings

With regard to the economic environment:

- The Puget Sound economy continues to be one of the healthiest in the county
- Home values continue to increase and housing sales remain healthy
  - Assessor's Office advised of an increase in values of 10.8%. This is the reason for some banked capacity in EMS levy
  - Building permits this year had a valuation estimated at \$65.1 million, compared to \$24.5 million for the same period a year ago
  - Permit fees are over \$514,000 this year compared to \$314,000 last year
  - Review fees this year are \$364,000 compared to \$178,000 last year
- Anticipate stable or 2015 modest growth and moderating over the next few years
- 2015 budget is cautiously optimistic

Mr. James displayed and reviewed:

- Graph of unemployment rates January 2004 – September 2014 for Seattle/Tacoma/Bellevue, Washington and National.
- Chart and table of Revenue Trend Analysis (All Funds) 2011, 2012, 2013, 2014 YE and 2015 budget for other financing, transfers-in, miscellaneous, charges for services, intergovernmental, licenses and permits and taxes
- Chart of Revenue Trend Analysis with lines between years to highlight movement to revenue between categories
- Pie chart of revenues by type
- Expenditure Comparison All Funds
  - 2015 expenses anticipated to grow nearly 16% or \$12.9 million over what we are projecting to spend this year
  - However, compared to the 2014 budget, decreasing this year’s request by \$2.7 million
  - Increase in Special Revenue Fund related to increases in funding for street construction and park construction
  - Increase in Enterprise Fund also relates to projects moving forward funded by bonds
- Pie chart of expenditures by type
  - Salary and benefits account for 27.08% or \$25.4 million of the total 2015 budget
  - Capital outlays make up 24.73% or 23.2 million of budget expenses for 2015

Mr. James explained General Fund revenues are down by 4.9% or almost \$2.74 million under projected year end revenues for 2014. If the effects of the \$2.76 million bond refunding is removed, 2015 revenues would only be \$23,000 higher than 2014 projected revenues. He displayed and reviewed:

- Chart and table of Revenue Trend Analysis (General Fund) for FY 2011 – FY 2015 for other financing, transfers-in, miscellaneous, charges for services, intergovernmental, licenses and permits and taxes

- General Fund Key Revenues

Revenue	2014 YE	2015 Proposed	Variance	%	Discussion
Property Tax	\$9,819,160	\$9,960,190	\$141,030	1.4%	Includes 1% increase
EMS Levy Tax	\$3,051,206	\$3,095,002	\$ 43,796	1.4%	Includes 1% increase
Sales Tax	\$5,750,000	\$5,627,000	(\$123,000)	-2.1%	Fewer major projects

- Table of Property Tax 2009 – 2015: Total Assessed Value, New Construction Assessment and Regular Property Tax Revenue from New Construction
  - Property taxes in 2015 budget includes a 1% levy increase
- Table of Sales Tax revenues 2012 – 2015 budget
  - 2015 sales tax revenues are anticipated to decline from 2014 levels as some of major projects wind down
- Pie chart of General Fund expenditures

He provided highlights of 2015 General Fund expenditures:

- The 2015 General Fund expenditures budget is 0.78% smaller than 2014 estimated year end expenditure
  - Includes transfers from Contingency Reserve to help offset Fire District bill
  - Includes new dollars to address needs in streets
- The 2015 proposed budget is a prudent and conservative budget and funds specific one-time investments such as the \$706,000 transfer to the Street Construction Fund

Council President Buckshnis asked why the funds to pay the FD1 bill would be taken from Contingency Reserve. Mr. James explained the bill is a one-time expense; one of the purposes of the Contingency

Reserve is to pay unexpected, one-time expenses. Funding for the Contingency Reserve originally came from the General Fund. For Council President Buckshnis, Mr. James clarified only the retroactive bill from FD1 would be paid from the Contingency Reserve.

Mr. James explained the 2012-2019 Financial Plan:

- Is a combination of:
  - 2012 and 2013 history
  - 2014 projection
  - 2015 recommended budget
  - 2015-2019 projections
- Provides a high level view of where we are and where we are going from a financial perspective if there are no major unanticipated changes in the economy, revenues or expenditures
- Located on page 15 of the budget book

He displayed and reviewed:

- Strategic Outlook Total Revenues and Expenditures 2012-2019 Analysis
- Strategic Outlook General Fund Fund Balance 2012-2019 Analysis
  - 2015 budget does not include any new revenues
  - 2015 budget does not anticipate unexpended dollars
- Chart REET revenues
  - Anticipate \$2 million in REET I n2014, may decline to \$1.8 million in 2015

Mr. James commented on decision packages:

- Departments needing to change how they operate or need to expand services will complete a decision package
- 48 decision packages
- Funding for each request identified at the bottom of the decision package
- A Summary of Decision Packages on pages 30 and 31 of the Preliminary Budget book
- Each Cost Center also includes brief narrative for major 2015 budget changes

Mayor Earling suggested overview questions from the Council tonight. After a brief discussion, the following budget review schedule was agreed on:

October 21 and 28	Department presentations
October 21	Public hearing (already noticed)
November 3	Public hearing
November 10	Study Session
November 18	Deliberation and decision

Councilmember Petso referred to the comment about banked capacity in the EMS levy. She recalled the Council tried to bank capacity last year and asked if that effort was assisted by the increase in property values. Mr. James answered the City banked \$79,000 last year. For 2015 with property values increasing 10.8%, there is \$803,000 available to the City. When voters approved a permanent levy in 2009, the levy effective in 2010 had maximum revenue of approximately \$3.9 million. Since 2010 citizens have received a tax break compliments of declining assessed values. This year assessed values have increased; if the Council enacted the \$803,000, it would bring the levy back to the \$3.9 million approved by voters in 2009.

## **19. REPORT ON OUTSIDE BOARD AND COMMITTEE MEETINGS**

Councilmember Fraley-Monillas reported the Health District is going through the budget process and has a number of financial challenges related to providing services in Snohomish County. Dr. Goldbaum,

Health Officer and Director of the Snohomish Health District, will provide a report at the cities dinner on Thursday. The Health District may cut some programs they provide due to limited funding. Today's Health District meeting included a report on Ebola; the Health District is working with hospitals and clinics on federal and state guidelines and are confident if an Ebola situation arose in Snohomish County, it would be handled in an appropriate manner.

Councilmember Peterson reported on the Snohomish Emergency Response Services (SERS) meeting; the new system is progressing well and test results have been positive.

Councilmember Johnson reported the Economic Development Commission heard a presentation from Nick Echelbarger regarding Salish Crossing. She suggested Mr. Echelbarger be invited to make the presentation at a Council study session. Tomorrow's EDC meeting will include a presentation from Swedish-Edmonds CEO Dr. Jaffe regarding expansion of the hospital.

Councilmember Johnson reported on the Mayor's Climate Protection Committee effort to have businesses make a Green Business Pledge. Approximately 40 businesses have pledged, up from only 6 a few months ago. In the coming months, she will identify the businesses that have taken the pledge. Those that have taken the pledge include:

- The Cheesemonger's Table
- Gallery North
- Merri Lee Jacobs, PhD Psychologist
- Landau Associates
- Walnut Street Café
- City of Edmonds Public Works Department

Council President Buckshnis reported WIRA 8's federal priorities include support of appropriation of at least \$65 million for the Pacific Coast Salmon Recovery Funds from the Department of Commerce, Justice, Science and related agencies; Puget Sound Recovery Act; and Army Corp of Engineers to help with the Ballard Locks. In the State budget, WIRA 8 asked for \$140 million this year, up from \$70 million last year, for the Puget Sound Acquisition and Restoration Fund. Of that, \$110 million would be dedicated to fund large high priority capital projects submitted by the Puget Sound Watershed including \$1.4 million for WRIA 8. Edmonds is one of 4 WIRA 8 projects. WIRA 8 also supports \$40 million in General Obligation Bonds to support the Salmon Recovery grant program. The WRIA 8 meeting also included a presentation about salmon by the Friends of Cedar River.

Mayor Earling reported the Executive Director of Community Transit retired a few months ago. A nationwide search has been launched for her replacement; the selection is anticipated to be made by February.

## **20. MAYOR'S COMMENTS**

Mayor Earling thanked the Council for the first study session, commenting it was a good start and will continue to be fine-tuned. Several items were forwarded to next week's Consent Agenda.

Mayor Earling advised he will forward appointments to the ADB and Planning Board for interviews prior to next week's Council meeting.

## **21. COUNCIL COMMENTS**

Councilmember Petso suggested being careful about citing businesses that have signed up for the Green Business Pledge. The comment was made that 40 businesses have pledged but the names of only 6

businesses were read. Her business should be on the list of businesses that have pledged; if the businesses are named, all of them should be listed.

Councilmember Fraley-Monillas agreed with Councilmember Petso, commenting the Council should be careful not to use public air time for business publicity. She urged everyone to get a flu shot.

Councilmember Peterson announced the Veterans Day Ceremony at the Veterans Plaza on November 11 at 11 a.m. put on by various veterans groups and the committee working on Veterans Plaza. He noted all Veterans Day Ceremonies are on November 11 at 11 a.m. because that is the day and time that WWI ended.

Councilmember Johnson relayed the meeting regarding the Green Business Pledge was held in September; only the first six are listed on the City's website. When the remainder becomes public knowledge, she will share the names.

Councilmember Johnson reminded tomorrow, October 15 is the registration deadline for the Edmonds Scarecrow Festival. Voting occurs October 16 – November 1.

Council President Buckshnis expressed her appreciation for the Mayor, Staff and Council for the first study session. Agenda items were processed quickly and she anticipated the study session process will improve.

Council President Buckshnis invited dog owners to the Halloween Howl at the Dog Park on Saturday, October 18, 11 a.m. – 2 p.m. The event includes great gifts, auction items and raffle items and costume judging at 1 p.m.

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

This item was not needed.

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

This item was not needed.

24. **ADJOURN**

With no further business, the Council meeting was adjourned at 9:08p.m.

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DAVID O. EARLING, MAYOR

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SCOTT PASSEY, CITY CLERK