

# EDMONDS CITY COUNCIL APPROVED MINUTES

## August 15, 2011

At 6:00 p.m., Mayor Cooper announced that the City Council would meet in executive session regarding potential litigation. He stated that the executive session was scheduled to last approximately 60 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 Cooper, and Councilmembers Bernheim, Plunkett, Fraley-Monillas, Buckshnis, Peterson, and Wilson. Others present were City Attorney Jeff Taraday, Attorney Sharon Cates, Parks & Recreation Director Carrie Hite, Public Works Director Phil Williams, City Engineer Rob English, Park Maintenance Manager Rich Lindsay, and City Clerk Sandy Chase. The executive session concluded at 6:58 p.m.

The regular City Council meeting was called to order at 7:02 p.m. by Mayor Cooper in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Mike Cooper, Mayor  
Strom Peterson, Council President  
Steve Bernheim, Councilmember  
D. J. Wilson, Councilmember  
Michael Plunkett, Councilmember  
Lora Petso, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember

### ALSO PRESENT

Peter Gibson, Student Representative

### STAFF PRESENT

Al Compaan, Police Chief  
Gerry Gannon, Assistant Police Chief  
Jim Lawless, Assistant Police Chief  
Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Carl Nelson, CIO  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. APPROVAL OF AGENDA

**COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

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

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF AUGUST 2, 2011.

- C. APPROVAL OF CLAIM CHECKS #126969 THROUGH #127096 DATED AUGUST 4, 2011 FOR \$459,322.72, AND CLAIM CHECKS #127097 THROUGH #127227 DATED AUGUST 11, 2011 FOR \$308,455.96. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #50652 THROUGH #50708 FOR THE PERIOD JULY 16, 2011 THROUGH JULY 31, 2011 IN THE AMOUNT OF \$734,924.24.
- D. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES SUBMITTED BY SOEUN MANGKORNKEO (\$3,200).
- E. APPROVAL OF INTERLOCAL AGREEMENT WITH OKANOGAN COUNTY FOR JAIL SERVICES.
- F. REPORT ON FINAL CONSTRUCTION COSTS FOR WEST DAYTON EMERGENCY STORM REPAIR PROJECT AND ACCEPTANCE OF PROJECT.
- G. REPORT ON SMALL WORKS ROSTER SOLICITATION FOR THE DAYTON ST. CIPP STORM PIPE REHABILITATION PROJECT AND AWARD CONTRACT TO MICHELS CORPORATION IN THE AMOUNT OF \$64,020.00.
- H. ORDINANCE NO. 3851 – AMENDING THE EDMONDS CITY CODE, ADDING 4-HOUR PARKING LIMITATIONS TO BRACKETT’S LANDING NORTH PARKING LOT.
- I. AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH COMMUNITY TRANSIT FOR COMMUTE TRIP REDUCTION 2011-2015.
- J. AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH THE CITY OF LYNNWOOD TO INSTALL WATERLINE AS PART OF LYNNWOOD’S 76TH AVE W SEWER IMPROVEMENT PROJECT.

**3. SWEARING IN CEREMONY FOR CORPORAL MICHAEL B. RICHARDSON.**

Police Chief Al Compaan commented one of the highest honors he has as Chief of Police is celebrating achievement by department members. An oath is an important public recognition of personal achievement and a personal pledge to the highest legal, ethical and professional standards critical to the law enforcement mission.

Chief Compaan described Corporal Richardson’s background. He graduated from Meadowdale High School, attended Shoreline Community College and was hired by the Edmonds Police Department in February 1991. During his tenure with the department, Corporal Richardson served four years as a detective on the South Snohomish County Narcotics Task Force and has been the special assault and crimes against persons detective since 2003. He also spent five years as an investigator on the Snohomish County Multiple Agency Response Team that investigates major incidents such as officer-involved fatalities. He has been a member of the SWAT Team and is a department firearms instructor. He was the department’s Officer of the Year in 1993, an award he received for administering CPR and reviving an individual suffering from a drug overdose. He has also received formal letters of commendation in 2005 and 2009.

Corporal Richardson introduced his wife Traci, mother Carol, and daughters Victoria “Tori” and Ashley.

Chief Compaan administered the oath of office to Corporal Richardson. Corporal Richardson’s wife pinned his badge. Chief Compaan presented Corporal Richardson with a framed Certificate of Promotion.

Corporal Richardson thanked the Mayor, Council, Chief Compaan, and Assistant Chiefs and his colleagues for their support. Over the past 20 years the department has allowed all his dreams to come true and his wife has done everything she can to make his life great. Working for the Edmonds Police Department has been a privilege and he wants to give back to the City and demonstrate the leadership that other officers and leadership in the department have shown him to continue the tradition of greatness in the Edmonds Police Department. He thanked the members of the Police Department and his family who attended tonight to support him.

#### **4. AUDIENCE COMMENTS**

**Al Rutledge, Edmonds**, congratulated Corporal Richardson on his promotion and hoped he would remain with the Edmonds Police Department. Next, he referred to the update provided by Community Transit at the last Council meeting, and suggested the City consider instituting its own bus service to transport residents around Edmonds. He commented on the aging population, potential that younger people will locate in Edmonds and the expectation that an additional 3,000 residents will locate in Edmonds. He also commented on the importance of parks.

**Roger Hertrich, Edmonds**, explained at a recent Hearing Examiner meeting, the City was represented by the City Attorney rather than staff. He suggested if staff was not competent enough to make their own presentations, their workloads be adjusted and their salaries reduced. He recalled in the past when the City had sued residents, citing the totem pole issue as an example. The subject of the recent Hearing Examiner meeting was a resident who completed and filed the appropriate documents, paid the appropriate fee and obtained a permit to trim trees. The trees were then over-trimmed, but not removed. The resident is now required to plant over 50 trees, a decision he questioned because the trees were not removed. He suggested Mayor Cooper remind code enforcement personnel that they are dealing with real people who are citizens. He summarized many of the decisions made by code enforcement are arbitrary and not supported by code.

#### **5. APPOINTMENT OF PRO AND CON COMMITTEES FOR GENERAL ELECTION PROPOSITIONS.**

Council President Peterson explained the City Council is required by Washington State law to appoint members to Pro and Con Committees for the levies the Council placed on the ballot. The committees are comprised of up to three people who write pro and con statements. He identified the members of the committees as follows:

##### City Services Levy

Pro Committee: Strom Peterson, Dave Page and Kelly Schwarting

Con Committee: DJ Wilson and Harry Gatjens

##### Roads Levy

Pro Committee: Walter Peale, Graham Marmion, Darrol Haug

Con Committee: DJ Wilson

##### Parks/Building Maintenance Levy

Pro Committee: Steve Bernheim, William Keppler and Daniel McMillin

Con Committee: DJ Wilson

Council President Peterson advised the statements are due at the end of the month. They will be submitted to the Snohomish County Auditor as well as the opposing committee who can write a rebuttal statement. He invited anyone interested in providing input to the committees to contact him at

[Peterson@ci.edmonds.wa.us](mailto:Peterson@ci.edmonds.wa.us) and he will put them in contact with the committee chair. The committees are officially comprised of three members but they can have input from others. He thanked the citizens and Councilmembers who offered to participate on the committees.

**COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BERNHEIM TO APPROVE THE COMMITTEES AS STATED.**

Councilmember Fraley-Monillas asked whether additional members would be appointed to the Con Committees for the Parks/Building Maintenance and the Road levies. Council President Peterson responded the names need to be submitted to the Snohomish County Auditor on August 16; additional assistance can be provided but the individuals will not be identified as committee members. Mayor Cooper clarified the committees are not required to have three members; an effort needs to be made to identify members for the committees. City Clerk Sandy Chase agreed.

**MOTION CARRIED UNANIMOUSLY.**

**6. DISCUSSION REGARDING NEW ENERGY CITIES CONTRACT**

Mayor Cooper explained the partners in the New Energy Cities Action Plan include Climate Solutions, New Energy Cities and the City.

He summarized the process to date:

- A Stakeholder group of over 60 community leaders including Council, staff, and representatives of the School District, Puget Sound Energy, SnoPUD, Chamber of Commerce and citizens at large participated in a 2-day workshop to develop the first draft action plan
- Final Plan delivered to Mayor and Council approximately 3 week ago
- Plan reviewed by Mayor's Climate Protection Committee
- Action items prioritized by Climate Protection Committee and staff
- Progress reviewed with Council

Mayor Cooper identified 2011 priorities:

- *Community outreach and involvement branding* – Mayor Cooper displayed the brand for the City's energy plan, advising additional information was available at [Edmondsenergy.org](http://Edmondsenergy.org)
- *Electric vehicle infrastructure, municipal and public* - The first of six electric vehicle charging stations is located in the parking lot adjacent to City Hall. The next two are being installed in the parking lot of the Public Safety building and the next ones will be installed on Main Street. The City has Prius vehicles and the Nissan Leafs are being readied for service. Charging stations for City-owned all electric vehicles are installed in the garage under City Hall. The City received federal energy block grant dollars that paid the difference between the cost of a gasoline vehicle and the Nissan Leafs. The cost of the Leafs was approximately \$17,000 rather than \$34,000.
- *Municipal building analysis and retrofit* – Analysis of City building, lift stations, use of fuel, etc. is underway by a consulting team. Funding for the analysis was included in the 2011 budget.
- *Residential retrofit analysis* – Mayor Cooper highlighted next steps in the Scope of Work that includes residential retrofit analysis:
  - White paper: analyze work done by Sustainable Works and Sustainable Edmonds to examine successes and determine how residential energy audits and retrofits can be taken to the next level.
  - Utility assessment: Research PSE and SnoPUD incentives for the purpose of integrating an ongoing single family retrofit program and how those programs integrate with federal funds.

- Snohomish County Loan Program: Research Puget Sound Cooperative Credit Union and connect this loan program to the City of Edmonds' expansion of the Sustainable Works program. The City develop a "one-stop shopping" opportunity for Edmonds residents to do residential audits.
- Europe through the Backdoor: Explore creating a voluntary carbon reduction fund with Europe through the Backdoor to offset the carbon emissions of their customers.

Mayor Cooper explained the scope of work is being negotiated. The cost of the contract is approximately \$10,000; there are funds available in the professional services budget. If a consultant were used instead of Climate Solutions, the cost would be approximately \$40,000. Climate Solutions is a 501(3)(c) non-profit and receives corporate funding. The Mayor's Climate Protection Committee unanimously endorsed this project.

Council President Peterson commented the home energy retrofits are an opportunity for citizens of Edmonds to save money, determine the amount of energy they use, how they use the energy and how they can address their use. There are energy audit/assessment programs available via SnoPUD and PSE but few people take advantage of them. The City is interested in providing residents "one-stop shopping" for energy assessments. This will be beneficial to homeowners as well as provides an opportunity for local contractors to assist homeowners with finding low interest loans and free/subsidized energy assessments. He acknowledged an assessment had the potential to reduce energy use for environmental reasons but also to lower energy bills.

Mayor Cooper explained the City's hybrid and all electric vehicles will save the City in excess of \$7,000/year in fuel costs which lowers costs to the taxpayer. Work on City buildings has already lowered costs for electricity and natural gas fuel.

Councilmember Buckshnis pointed out some of the items in the plan have been completed such as adopting the Complete Streets ordinance and work on a Business Improvement District (BID). She inquired about the budget for this effort. Mayor Cooper explained the action plan includes 6-12 month and longer tasks. The Mayor's Climate Protection Committee is considering what to recommend to Council as next steps, some of which will need to be addressed in the budget. He will include recommendations to the Council as part of the 2011 budget process. A preliminary meeting was held with representatives of the Chamber of Commerce and PCC regarding commercial retrofits. The Chamber is developing a conversation with commercial building owners and large users of electricity and natural gas to encourage retrofits as well as work with tenants in those buildings to convince the building owners to do retrofits. A long term step that will require a small feasibility study capturing the energy from the wastewater treatment plant for a heating district, which was done very successfully in Vancouver B.C. during the Olympics.

Council President Peterson commented New Energy Cities' goal is not to work with the City after a year; they want to turn the structure over to the City and move on to other cities. A heating district is a great partnership opportunity with the Port of Edmonds.

Councilmember Bernheim expressed his support. He pointed out there is a limit to what the government can do to establish programs to save energy and encourage citizens to save energy. The most important thing citizens can do to save money is to voluntarily reduce their energy use, in particular gasoline via wasteful trips.

Mayor Cooper summarized an action plan on the residential retrofit program will be presented to the Council in the next couple months.

**7. QUARTERLY REPORT REGARDING FIBER OPTIC OPPORTUNITIES**

CIO Carl Nelson reported Resolution 1234 required quarterly update on fiber optic opportunities. Fiber is progressing similar to previous quarters; payback is expected approximately April 2015. The report in the Council packet is drawn from financial statements and a model was prepared last year. An agreement was signed by SNOCOM that will be on next week's Consent Agenda and other opportunities are being pursued.

Councilmember Plunkett expressed his appreciation for the work done by Mr. Nelson and the CTAC Committee. Councilmember Plunkett observed that after payback in approximately April 2015, the City will begin to net cash and savings even if no further businesses/organizations are connected. Mr. Nelson agreed. Councilmember Plunkett observed the next step is for CTAC and staff to connect businesses/organizations to net more money for the City. Mr. Nelson commented there were several opportunities being considered.

**8. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF AUGUST 9, 2011.**

Finance Committee

Councilmember Buckshnis reported Mr. Nelson provided the committee a quarterly report regarding fiber optics. The committee also discussed the SNOCOM contract which will be on next week's Consent Agenda. Staff reviewed housekeeping amendments to the Park Trust Fund ordinance to make it consistent with the code. The committee reviewed the Old Milltown courtyard budget review and recommended Council consideration of a \$60,000 reallocation from the REET fund to begin construction this fall. The final item was a discussion regarding financial reserve policies. During public comment, Darrol Haug asked whether the forecast includes the 1% annual property tax increase (Mr. Tarte informed him it did), Roger Hertrich recommended the budget reflect salaries and benefits by department and suggested the City consider how to reestablish its Fire Department in five years, and Joan Bloom inquired about the Mayor's budget committee.

Community Services/Development Services Committee

Councilmember Plunkett reported the Committee discussed the following:

- Report on final construction costs for West Dayton Emergency Storm Repair Project and acceptance of project – approved on tonight's Consent Agenda.
- Report on Small Works Roster solicitation for the Dayton Street CIPP Storm Pipe Rehabilitation Project and awarded contract to Michels Corporation in the amount of \$64,020 - approved on tonight's Consent Agenda.
- Ordinance Amending the Edmonds City Code, adding 4-hour parking limitation to Brackett's Landing North parking lot – approved on tonight's Consent Agenda.
- Authorization for Mayor to sign Interlocal Agreement with Community Transit for Commute Trip Reduction 2011-2015 - approved on tonight's Consent Agenda.
- Authorization for Mayor to sign Interlocal Agreement with the City of Lynnwood to install waterline as part of Lynnwood's 76<sup>th</sup> Avenue West Sewer Improvement Project - approved on tonight's Consent Agenda.
- Potential amendment to downtown BD zones – 1) the committee agreed to forward the first three amendments to the Council for further action, without a committee recommendation, 2) the committee agreed that the development agreement provisions should be scheduled for further discussion by the full Council when information from the City Attorney is available, and 3) Committee Members Plunkett and Fraley-Monillas support removing the taller building clause in the proposed development agreement for downtown.
- Public comment was provided by Natalie Shippen, Ron Wambolt and Mr. Adams, Seattle.

### Public Safety/Human Resources Committee

Councilmember Bernheim reported the committee discussed an Interlocal Agreement with Okanogan County for jail services. Housing prisoners in Okanogan County instead of Everett or Lynnwood saves \$10/day per prisoner as well as Okanogan County charges no transportation fees and no booking fees.

### **9. MAYOR'S COMMENTS**

Mayor Cooper reported the City received a letter from the National Complete Streets Coalition thanking the City for passing the Complete Streets ordinance and requesting the City sign on to a letter to Congress asking the delegation to sponsor and vote for the National Complete Streets law. The City's Congressman is already a sponsor. He will draft a letter on behalf of the City to the congressional delegation as well as sign a national letter requesting Congress pass a National Complete Streets law.

Mayor Cooper reported the applicants for the Finance Director position are much better than those submitted during the previous solicitation. The position was advertised as "open until filled" and a round of interviews was conducted last week. If reference checks are favorable and he is satisfied following his interview, he will schedule an opportunity in early September for the Council to interview two candidates prior to his requesting Council confirmation of his selection. He advised both candidates are highly qualified and are Finance Directors in cities with much larger budgets than Edmonds.

### **10. COUNCIL COMMENTS**

Councilmember Plunkett commented history shows the emphasis Councilmember Buckshnis put on transparency, user friendly documents, etc. has served the City well.

Councilmember Wilson referred to comments regarding terminating the FD1 contract, relaying the Snohomish County Prosecutor's Office advised the County Council they cannot enter into contracts that binds them to future appropriations. That clearly was done with the FD1 contract. He has asked City Attorney Taraday for an opinion. Next, he recalled during negotiations with FD1, there was a five year term wherein the City could not terminate the contract and two year's notice was required. At the time he asked whether that was five plus two years or three plus two years, then-Mayor Haakenson said it was five plus two. He has also asked Mr. Taraday for clarification regarding that requirement. He recalled the Council also requested an accounting of the FD1 numbers when a Finance Director was hired. He summarized the City was being well served by FD1 but those were questions that should be answered.

Councilmember Fraley-Monillas recognized the men and women who work at the City's treatment plant. She toured the facility today and found it an amazing process.

Councilmember Fraley-Monillas invited the public to the annual softball tournament between Mountlake Terrace and Edmonds at 6:00 p.m. at the ball field behind the pavilion on 228<sup>th</sup>. Councilmember Petso and she participated in the tournament last year and Edmonds won the trophy. She was hopeful Edmonds would win the trophy again this year.

Councilmember Buckshnis thanked the Chamber of Commerce and volunteers who worked at the Taste of Edmonds. Council President Peterson, Councilmember Wilson and she were food tasters. There were record crowds on Friday.

Councilmember Petso encouraged anyone interested in donating to the Edmonds Center for the Arts fundraising auction in September to contact Jamie Herlich at the ECA.

Council President Peterson encouraged voters to drop off or mail their ballots on Tuesday, August 16 and wished everyone on the ballot good luck.

**11. ADJOURN**

With no further business, the Council meeting was adjourned at 8:02 p.m.