

EDMONDS CITY COUNCIL APPROVED MINUTES

January 6, 2015

Following a reception for Councilmember Strom Peterson at 6:00 p.m., the Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Diane Buckshnis, Councilmember
Kristiana Johnson, Councilmember
Lora Petso, Councilmember
Strom Peterson, Councilmember
Joan Bloom, Councilmember (arrived 6:40 p.m.)
Adrienne Fraley-Monillas, Councilmember
Thomas Mesaros, Councilmember

ALSO PRESENT

Noushyal Eslami, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks & Recreation Director
Scott James, Finance Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Jerry Shuster, Stormwater Eng. Program Mgr.
Rob English, City Engineer
Carolyn LaFave, Executive Assistant
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. **CONVENE IN EXECUTIVE SESSION TO DISCUSS A REAL ESTATE MATTER PER RCW 42.30.110(1)(c).**

At 6:30 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss a real estate matter per RCW 42.30.110(1)(c). He stated that the executive session was scheduled to last approximately 20 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, Petso, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Parks & Recreation Director Carrie Hite, and City Clerk Scott Passey. At 6:53p.m., Mayor Earling announced to the public present in the Council Chambers that an additional 5 minutes would be required in executive session. The executive session concluded at 6:58 p.m.

2. **MEET WITH SISTER CITY CANDIDATE NORIKO TSENG FOR CONFIRMATION TO THE EDMONDS SISTER CITY COMMISSION**

At 6:59 p.m., the City Council met with Sister City Candidate Noriko Tseng. The meeting took place in the Council Chambers, located in the Public Safety Complex. All City Councilmembers and Mayor Earling were present.

Mayor Earling reconvened the regular City Council meeting at 7:05 p.m. and led the flag salute.

3. **ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present.

4. **APPROVAL OF AGENDA**

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

5. **APPROVAL OF CONSENT AGENDA ITEMS**

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

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 16, 2014
- B. APPROVAL OF CLAIM CHECKS #212021 THROUGH #212168 DATED DECEMBER 18, 2014 FOR \$1,400,051.90, #212169 DATED DECEMBER 22, 2014 FOR \$8,759.24 AND #212170 THROUGH #212285 DATED DECEMBER 31, 2014 FOR \$629,152.24. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61408 THROUGH #61418 FOR 463,333.53, BENEFIT CHECKS #61419 THROUGH #61425 AND WIRE PAYMENTS OF \$440,831.50 FOR THE PAY PERIOD DECEMBER 1, 2014 THROUGH DECEMBER 15, 2014. APPROVAL OF PAYROLL REPLACEMENT CHECK #61426 FOR \$708.90. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61427 THROUGH #61435 DATED JANUARY 5, 2015 FOR \$485,727.78, BENEFIT CHECKS #61436 THROUGH #61446 AND WIRE PAYMENTS OF \$415,215.01 FOR THE PAY PERIOD DECEMBER 16, 2014 THROUGH DECEMBER 31, 2014
- C. APPROVAL OF RESOLUTION THANKING COUNCILMEMBER DIANE BUCKSHNIS FOR HER SERVICE AS COUNCIL PRESIDENT
- D. APPROVAL OF RESOLUTION THANKING COUNCILMEMBER STROM PETERSON FOR HIS SERVICE AS A COUNCILMEMBER
- E. CONFIRMATION OF NORIKO TSENG TO THE EDMONDS SISTER CITY COMMISSION

6. **SELECTION OF COUNCIL PRESIDENT FOR 2015**

Mayor Earling reviewed the selection process: The Mayor will call for nominations. No Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second. The Mayor will repeat each nomination until all nominations have been made. When it appears no one else wishes to make a nomination, the Mayor will ask again for nominations. If none are made, the Mayor will declare the nominations closed. After the nominations are closed, the Mayor will call for a vote in the order that the nominations were made. Councilmembers will be asked to signify their vote by raising their hand. As soon as a nominee receives four votes, the Mayor will declare the Council President elected and no votes will be taken on the remaining nominees. The same process will be repeated for the election of the Council President Pro Tem.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO DO THE ELECTIONS BY BALLOT RATHER THAN IN ORDER OF NOMINATION.

Mayor Earling clarified it would be a written ballot. Councilmember Petso agreed State law does not permit a secret ballot.

MOTION CARRIED (6-1), COUNCILMEMBER PETERSON VOTING NO.

Mayor Earling opened nominations for Council President.

COUNCILMEMBER PETERSON NOMINATED ADRIENNE FRALEY-MONILLAS FOR THE POSITION OF COUNCIL PRESIDENT.

There were no further nominations.

NOMINATION OF ADRIENNE FRALEY-MONILLAS FOR COUNCIL PRESIDENT FOR 2015 CARRIED UNANIMOUSLY.

7. SELECTION OF COUNCIL PRESIDENT PRO TEM FOR 2015

COUNCILMEMBER BLOOM NOMINATED LORA PETSO FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM.

COUNCILMEMBER BUCKSHNIS NOMINATED KRISTIANA JOHNSON FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM.

COUNCILMEMBER PETERSON NOMINATED THOMAS MESAROS FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM.

There were no further nominations.

Councilmember Bloom made a statement regarding her nominee; since she has been in on office there has been an ongoing, not so subtle campaign to diminish the status of the legislative branch of Edmonds government. Today Council is considering taking part in diminishing its own status, considering breaking precedent by electing a member, Councilmember Mesaros, who has less than ten months of experience, to a position of authority within the Council. She felt this disrespected the Council's role in government and also disrespects the voters who place the Council in a position of responsibility. She nominated Councilmember Petso because she has over eight years of experience as a Councilmember and is the most qualified to be Council President Pro Tem.

Councilmember Peterson said he proudly nominated Councilmember Mesaros; although he has served on the Council a short time, his work has been exemplary. His ability to work within the community, with staff, and with Councilmembers; his even demeanor; and his view for moving the process forward no matter the outcome says a lot for his legislative stance. His professional work outside the community has been tremendous. He was honored to nominate Councilmember Mesaros for this position.

Councilmember Buckshnis explained she nominated Councilmember Johnson who served as Council Pro Tem last year and could have been Council President this year. She served on a number of committees last year, her leadership is well known and she should continue for another year as Council President Pro Tem.

City Clerk Scott Passey distributed Roll Call sheets to be used as ballots and read the results of each ballot:

Nominee	Votes	Councilmember
Ballot 1		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom

Abstain		Fraley-Monillas
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Councilmember Fraley-Monillas asked for clarification that four votes for one person were required to select the Council President Pro Tem. City Attorney Jeff Taraday agreed.

Nominee	Votes	Councilmember
Ballot 2		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas
Ballot 3		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

Councilmember Fraley-Monillas explained she abstained from the vote because all three nominees have valuable input and ways to serve the City and she did not want to alienate anyone. If the vote is a 3-3 tie, she will have to break tie but at this point she did not intend to enter into the election.

Nominee	Votes	Councilmember
Ballot 4		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas
Ballot 5		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

Mayor Earling relayed a question whether the Council wanted to adjourn to executive session for discussion or continue voting. Council President Fraley-Monillas asked whether adjourning to executive session would be appropriate. Mr. Taraday offered to review the statute; he did not believe it would be appropriate because although the Council can adjourn to executive session to discuss the qualification of a candidate for appointment to a vacancy, but did not think it was appropriate in this circumstance.

Councilmember Johnson observed it would take four votes to select a Council President Pro Tem not just a simple majority. City Clerk Scott Passey agreed four votes would be required. Mr. Taraday advised four votes is a simple majority of the seven Councilmembers present.

Nominee	Votes	Councilmember
Ballot 6		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

In response to the earlier question, Mr. Taraday advised in his opinion the exemption for evaluating the qualifications of a candidate for appointment to elective office did not apply. While each Councilmember holds elective office, he did not consider the Council Presidency to be an elective office in the way that the phrase is used in the RCW. He recommended the Council not go into executive session to discuss the qualifications of the candidates.

Nominee	Votes	Councilmember
Ballot 7		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

Mayor Earling declared a five minute recess.

Nominee	Votes	Councilmember
Ballot 8		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas
Ballot 9		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

Councilmember Petso asked whether the candidates could make a statement regarding their interest in the position. Mayor Earling answered that was not in keeping with past protocol. Mr. Taraday advised the Council can alter its own procedure.

Councilmember Petso thanked Councilmember Johnson for her work this year and Councilmember Mesaros for his interest in serving in this role. She would be happy to serve in the role of Council President Pro Tem for the coming year, having worked with Council President Fraley-Monillas in the past. She would serve without the expectation of it being a building block toward the future. She expressed the goal of being inclusive of all Councilmembers and trying to ensure everyone is aware of things she is working on and her plans.

Councilmember Mesaros was pleased Councilmember Peterson nominated him. He was excited to serve as Council President Pro Tem. He brings new ideas and ways of doing things and a fresh approach to the Council. In response to Councilmember Bloom’s comment about his lack of longevity on the Council, he viewed that as a strength with regard to what he can bring to the table such as his leadership experience working in healthcare and consulting. He was eager to serve the City in this role.

Councilmember Johnson said her primary goal was to serve the residents and citizens of Edmonds. She agreed Councilmember Petso has had quite a lot of experience including serving as Council President Pro Tem twice and Council President once. Councilmember Mesaros brings a fresh set of eyes and his lack of experience should not disqualify him. She offered continuity between the old and new Council administration. The Council needs to work together and she found these discussions uncomfortable because they seem so divisive at a time when the Council should be working together.

Council President Fraley-Monillas asked whether the Council President Pro Tem must be selected tonight. Mr. Taraday read from ECC 1.02.031, Following the initial six month term, the Council President shall be elected for one year terms by the City Council at the first Council meeting of each year and shall serve a one year term until his/her successor is elected. At the same time, the City Council shall elect the Council President Pro Tempore. He summarized according to the City Code it needed to be done at this meeting but there was no State law that required it.

Nominee	Votes	Councilmember
Ballot 10		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas
Ballot 11		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

Council President Fraley-Monillas offered a list of things she needs from a Council President Pro Tem in order to be efficient and do her job well:

- Makes decisions quickly and efficiently
- Think outside the box, just because something has been done one way doesn't mean that has to continue
- Help manage special projects that may come up, again thinking outside the box
- Ability to be easily reached for discussion

Council President Fraley-Monillas suggested if the Councilmember did not fit those qualifications, he/she not be successful in the position in the coming year.

As outgoing Council President, Councilmember Buckshnis commented the Council started last year and the previous year on a rocky road; she had thought tonight would be a seamless process and suggested the Council work together. The resolution commending her for her service as Council President enumerates all the work the Council accomplished last year as a team. Similar to Councilmember Johnson, she found this process embarrassing and disruptive. She reiterated Councilmember Johnson is the best candidate for the position of Council President to provide continuity.

Nominee	Votes	Councilmember
Ballot 12		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas
Ballot 13		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Bloom
Abstain		Fraley-Monillas

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO MOVE #7, SELECTION OF COUNCIL PRESIDENT PRO TEM, TO ITEM 18A. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.

8. APPOINTMENT OF COUNCIL COMMITTEE REPRESENTATIVES FOR 2015

Council President Fraley-Monillas read the appointments:

Committee	Representative
Community Transit	Mayor Earling & Councilmember Buckshnis (Alt)
Disability Board	Councilmember Bloom & Council President Fraley-Monillas
Economic Development Commission	Councilmembers Mesaros & Petso
Highway 99 Task Force	Council President Fraley-Monillas & Councilmember Johnson
Historic Preservation Advisory Commission	Councilmembers Petso & Johnson
Lake Ballinger Work Group	Councilmember Buckshnis
Lodging Tax Advisory Committee	Position #2
Mayor's Climate Protection Committee	TBD
PFD Oversight Committee	Councilmember Petso
PFD Task Force	Not meeting at present Councilmember Petso if meetings resume
Port of Edmonds	Councilmembers Bloom & Mesaros
Regional Fire Authority	Not meeting at present Councilmember Petso and Mayor Earling if meetings resume
SeaShore Transportation Forum	Councilmember Mesaros
Snohomish County Emergency Radio System Governing Board	Position #2
SNOCOM	Councilmember Mesaros
Snohomish Health District	Council President Fraley-Monillas
Snohomish County Tomorrow	Councilmembers Buckshnis & Bloom
Salmon Recovery – WRIA-8	Councilmember Buckshnis
Transportation Committee	Councilmember Johnson
Tree Board Liaison	Councilmember Bloom

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE APPOINTMENT OF COUNCIL COMMITTEE REPRESENTATIVES FOR 2015. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADOPT RESOLUTION 1330 APPOINTING COUNCIL PRESIDENT FRALEY-MONILLAS TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD.

Councilmember Johnson said she had no problem with appointing Council President Fraley-Monillas. She expressed concern with the wording in Section 1 that identifies the appointee for the calendar year 2015 and thereafter until such time as the Council shall make a new appointment. She preferred to make the appointment for the calendar year 2015 and make the appointment annually as has been done in the past.

Councilmember Peterson asked whether the resolution reflected the same language that was used in the past. City Clerk Passey advised the same wording was used in the past. He referred to a scrivener's error at the end of the resolution, the date of January 6, 2016 should be January 6, 2015.

Mayor Earling answered the language "until such time as the Council shall make a new appointment" would address a situation where a successor was not named immediately, the previous appointee could continue until a new appointment was made. Council President Fraley-Monillas found the language in the resolution acceptable.

MOTION CARRIED UNANIMOUSLY.

10. RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE RESOLUTION 1331, APPOINTING DAVE EARLING AS THE REPRESENTATIVE AND COUNCILMEMBER BUCKSHNIS AS THE ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION.

Councilmember Bloom relayed she did not understand why the Mayor was appointed to this position rather than a Councilmember. Instead of voting tonight, she suggested postponing a decision to allow discussion at a work session. She was not opposed but she wanted to understand.

Councilmember Buckshnis relayed Mayor Earling has a tremendous amount of knowledge related to Snohomish County Public Transportation and she believed he was the best fit for this appointment.

Mayor Earling offered to provide some background. Councilmember Bloom reiterated she did not understand why this was not a Council position and she preferred to discuss it at a study session.

Council President Fraley-Monillas explained the reason she assigned Mayor Earling was there were so many other committee positions to fill, if the Mayor was willing to take on a committee, she was willing because it was one less committee meeting for a Councilmembers to attend.

Councilmember Johnson suggested it was appropriate to move a topic to a study session when one Councilmember wanted to discuss it at a study session.

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO POSTPONE THIS ITEM TO A STUDY SESSION.

Councilmember Peterson asked if the motion to postpone was in order. Mr. Taraday offered to research.

Council President Fraley-Monillas advised no one on the Council asked to serve on this committee.

Councilmember Buckshnis asked whether this appointment was time sensitive. She was concerned postponing to a study session and scheduling it on a subsequent business meeting agenda would mean the representative would miss a meeting. Mayor Earling advised postponing a decision would mean the City would not have a representative at Thursday's board meeting.

Councilmember Mesaros suggested voting on the assignment but still have a study session regarding the role of the position and how it benefits the City.

Mayor Earling explained the appointment to Community Transit is a position that could be filled by the Mayor or a Councilmember. If he is not appointed, the City will also lose its seat at on the Sound Transit Board because one follows the other. Community Transit has a two year election cycle; elections were held last year. Although there are three larger cities, Lynnwood, Marysville and Edmonds, there are only two seats and which cities fill those seats is decided by those three cities. If he was not the representative, the other two members would have the discretion to appoint the Lynnwood representative who was currently an alternate. He summarized if he is not appointed tonight, the City runs the risk of not having a Community Transit seat and guarantees the City does not having a Sound Transit seat.

In response to the earlier question, Mr. Taraday advised the motion to postpone is in order even when another motion is pending.

Councilmember Bloom expressed her appreciation for Mayor Earling's explanation. This has confused her every year for the past three years and this is first she has heard about the connection between the positions. That was the reason she wanted to postpone the appointment to clarify and understand the role of the two positions and the value of appointing the Mayor rather than a Councilmember. She acknowledged they are two very important positions and the Council should consider whether it was better to appoint a Councilmember rather than the Mayor.

Council President Fraley-Monillas did not support a motion to postpone, reiterating no Councilmember requested this appointment.

If the Council made this appointment tonight, Councilmember Petso asked whether Council President Fraley-Monillas planned to schedule this on an upcoming study session. Council President Fraley-Monillas agreed that would be appropriate.

UPON ROLL CALL, MOTION TO POSTPONE FAILED (3-4), COUNCILMEMBERS BLOOM, JOHNSON AND PETSO VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BUCKSHNIS, MESAROS AND PETERSON VOTING NO.

MAIN MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.

11. AUDIENCE COMMENTS

Natalie Shippen, Edmonds, requested Council review of the Edmonds sign code be scheduled for March 10, 2015. This date gives the Planning Board ample time to review the sign code and submit revisions. The Planning Board's February 25, 2015 agenda includes Urban Design Element which fits well with the sign code review since good sign codes seek to maintain the attractiveness that good urban design produces. She explained her appeal of the Planning Department's decision on an Old Mill Town sign was directed to the Hearing Examiner. She did not believe her complaint was a matter for the Hearing Examiner who decides only whether an action complies with the code. The Planning Department correctly decided that the sign did comply with the code. The sign code section that permitted the sign needs to be changed, one of several sign code sections that need to be revised. Since only the legislative branch enacts and amends ordinances, she requested the Council execute its early 2014 decision to make review of the sign code a priority. The legislative branch sets its own agenda and the date when items are heard.

Nathan Proudfoot, Edmonds, a volunteer with Emergency Services Coordinating Agency (ESCA), explained ESCA provides volunteers for Edmonds as well as several neighboring communities in South Snohomish County and North King County including Kenmore and Woodinville. He invited community members to get involved in ESCA by visiting their website, ESCA1.com or sign up for a Community Emergency Response Team (CERT) or radio class. CERT training is designed to prepare citizens to help

themselves, their family and their neighbors in the event of catastrophic disaster. Professional emergency services personnel will not be available to help everyone immediately so citizens can make a difference by using their CERT training to protect and save lives. ESCA began providing CERT classes in 1996 and has graduated 800 citizens from the CERT program. The next class is January 15 – March 5, Thursdays from 7:00 – 10:00 p.m. at Northshore Fire Station 51 in Kenmore. Training is provided in emergency preparedness, fire safety, light urban search and rescue, medical triage and treatment, damage assessment, incident command, disaster psychology and terrorism.

Roger Hertrich, Edmonds, wished the Council Happy New Year, commenting the Council was off to the usual start as illustrated by the Council President Pro Tem election. He referred to public comments made by bicycle enthusiasts at meetings late last year, noting it was unfortunate they did not speak out when Public Works painted over the bike lane on Sunset Avenue. The bike lane on Sunset worked very efficiently for 20 years; the current situation, bicycles sharing the substandard pathway or larger sidewalk is problematic. He recalled the bike lane was created to reduce the width of Sunset to prevent kids from cruising and parking in the middle of the street. The bike lane has existed since then and there has not been any real controversy on Sunset other than the threat of fence and planting brambles to keep people off the bluff. He suggested the City was assuming liability for injury on a sidewalk with pedestrians and bikes as well as liability for the poor design of the angle parking. He recommended it be corrected now and not allowed to continue for a year.

Dave Page, Edmonds, wished the Council Happy New Year. He relayed following the last Council President Pro Tem vote, he commented to Ron Wambolt that it was democracy in action. Mr. Wambolt's response was it beats the alternative. Mr. Page agreed, relaying he was grateful to live in a country where citizens can have it out at Council meetings and have an opportunity to make a difference. In response to Mayor Earling's inquiry about topics for the State of the City address, he suggested talking about the good things that have been happened. The City has been through hell and walked a fine line; some cities have not recovered and are deeply in debt. The Mayor and Council have done a remarkable job in the last 2-3 years.

12. PRESENTATION OF RESOLUTION AND PLAQUE TO COUNCILMEMBER DIANE BUCKSHNIS FOR HER SERVICE AS COUNCIL PRESIDENT IN 2014

Council President Fraley-Monillas read Resolution 1328 thanking Councilmember Buckshnis for her service as Council President beginning January 7, 2014 for a one year term. Council President Fraley-Monillas presented the resolution and a plaque to Councilmember Buckshnis.

Councilmember Buckshnis commented she just drove the car last year; she thanked the Council team for all the wonderful accomplishments and the tremendous job everyone did during 2014.

13. PRESENTATION OF RESOLUTION AND PLAQUE THANKING COUNCILMEMBER PETERSON FOR HIS SERVICE AS AN EDMONDS CITY COUNCILMEMBER

Council President Fraley-Monillas read Resolution 1329 thanking Councilmember Peterson for his service on the City Council since he was appointed January 20, 2009 to fill Position 2 and during his subsequent election to two consecutive terms. Council President Fraley-Monillas presented the resolution and a plaque to Councilmember Peterson.

Councilmember Peterson thanked the City for the resolution. With regard to the environmental work the City has worked on, when packing for his desk in Olympia he found a jar of disgusting water distributed when Algalita Marine Research Foundation made a presentation to the Council in 2009, the year the plastic gyre was discovered in the Pacific Ocean, his inspiration for the plastic bag ordinance. The community has rallied around environmental issues and has often led the way. He thanked City staff, an

incredible group of people, for their dedication which is reflected in the environmental initiatives and awards the City has won. It has been a true honor to work with such dedicated professionals who care about the City and its citizens in everything they do.

Councilmember Peterson thanked Mayors Earling, Cooper and Haakenson and current and past Councilmembers. He recognized being a Councilmember was a tough job, one that Councilmembers all relish and appreciate. While Councilmembers may disagree, he assured everyone was serving for the right reason and that's what makes democracy work. He summarized he was proud to have served the citizens of Edmonds as a Councilmember and looked forward to continuing to serve the citizens of Edmonds and the 21st District in Olympia.

14. WELCOME TO THE NEW EDMONDS LIBRARIAN, CHY ROSS

Parks & Recreation Director Carrie Hite explained the new Edmonds Librarian, Chy Ross, replaces former Librarian Leslie Chaplin who retired. She invited the Council to join her in welcoming Mr. Ross to the community; he has great ideas for the library and the community.

Librarian Chy Ross expressed his appreciation for the warm welcome he has received in Edmonds. He is excited about the opportunity to manage the Edmonds Library. He illustrated why he loves working in the library and was excited to be at the Edmonds Library; today in a half hour on the library floor he helped a 4-year old sign up for her first library card, helped a teen select a mystery for a class assignment, helped a patron find a manual online for an electronic item, and helped another patron get set up on a public computer to complete an online job application. The Edmonds Library is busy and vital and the people of Edmonds enjoy and value the library by using in variety of ways. This is illustrated in how much library is used; in 2014 an average of 720 people visited the library each day taking advantage of a variety of resources and checking out an average of 1,000 books and materials.

His focus will be to continue that good work as well as to work hard to ensure the library remains relevant and responsive to the community and to provide viable information services that the Edmonds community needs. He wants the library to be engaged with community and be a catalyst for a connected, economically sound community. His goal was that the library be the first place people think of when they have an informational need and that the library continues to be Edmonds' community doorway to reading, resources, and lifelong learning and a center for people, ideas, and culture. He invited the Council to stop in and say hello.

15. EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ISSUES

Economic Development & Community Services Director Patrick Doherty recalled when the Council last discussed this at a study session, there were three issues raised during consideration of the Edmonds Downtown Business Improvement District (BID) 2015 work program and budget, 1) the rate structure, 2) the BID's boundaries, and 3) collections. He referred to the memo and attachments included in the agenda packet that were reviewed at the study session and requested the Council consider whether to direct the Mayor and staff to study any of the issues and return with alternatives for Council consideration. He described the three issues:

- Bid assessment rate structure
 - Questions have been raised regarding current rate structure.
 - Information provided indicates there are a variety of rate structures, no trend line to follow.
- Delinquent payment collections
 - Current procedure
 - Members who do not pay are sent a notice with 30 days to reply.
 - Staff works with members who reply, even up to a year.

- Members who not reply, they are sent to collections
- Boundary
 - BID offered to study whether to expand the boundaries
 - Determined that was a Mayor/staff work item, not a BID task

Councilmember Bloom recalled the Council had a very lengthy discussion during the study session. She expressed concern that none of the previous discussions including comments made by BID members during Audience Comments were attached to agenda as is typically done. The Council was essentially starting from ground zero because she was unable to reference what had been stated during previous discussions. She felt the Council needed information regarding previous discussions to be able to discuss this.

Main Motion #1

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO POSTPONE THIS ITEM TO NEXT WEEK'S WORK SESSION.

Councilmember Petso suggested discussing this at the Council retreat.

Amendment #1

COUNCILMEMBER BLOOM MOVED, SECONDED BY /COUNCILMEMBER PETSO, TO AMEND THE MOTION TO POSTPONE THIS ITEM TO THE COUNCIL RETREAT.

Councilmember Buckshnis recalled the Council had decided not to pursue some items and the biggest issue was the rate structure. Councilmember Bloom recalled that as well but the agenda materials did not reflect that discussion. She preferred to discuss the issues at length at a retreat with the attachments.

Council President Fraley-Monillas envisioned the retreat as an opportunity to work on goals for the next year, not as an extension of a Council meeting. She preferred to discuss this at a work session.

Action on Amendment #1

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

Councilmember Peterson commented the Council has had at least two work sessions on this and he was uncertain what a third work session would accomplish. The Council has discussed these issues ad nauseam and he was ready to make a decision. Finding the related information in this electronic era is simple if Councilmembers felt there was not enough information attached to the agenda. The Council has a lot of issues on future agendas including Highway 99, transportation studies, the Comprehensive Plan update, sign code, etc. He felt it was a bad way to start 2015 discussing items that have already been discussed 3-4 times in 2014. He did not support the motion to postpone.

Council President Fraley-Monillas preferred to consider the issues tonight and suggested Mr. Doherty could reference any additional information. Mr. Doherty advised this was not an opportunity to decide what to do but to decide whether to direct staff to research and return with options. The information in the minutes from previous meetings are opinions and observations from the public, BID and Council regarding the importance or veracity of the issues; there is no conclusory information in the record. What was discussed at the last study session was the potential of not pursuing two of the items but a definitive decision could not be made because it was study session. The intent at this business meeting was to decide which if any of the issues to direct staff to pursue.

Councilmember Bloom reiterated there was no information attached to agenda. Although it is easy to find, it is also easy to attach to the agenda. She did not support proceeding with discussion tonight when all the information was not attached to the agenda for the Council and public's reference. It should not be

the Council's burden to sort through materials; it should be attached to the agenda for easy reference. It is helpful but also necessary to have that information available.

Councilmember Johnson asked Mr. Doherty to summarize the Council's discussion at the study session and indicate whether he has a recommendation.

Call for the Question & Action

COUNCILMEMBER BUCKSHNIS CALLED FOR THE QUESTION. VOTE ON CALL FOR THE QUESTION CARRIED UNANIMOUSLY.

Action on Main Motion #1

MAIN MOTION FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.

Mr. Doherty recalled several people expressed opinions at previous study sessions. With regard to the rate structure, the BID currently has a two-tiered system whereby open door and by appointment businesses are assessed different rates. Questions have been raised regarding whether the difference between the open door and by appointment assessments rates is appropriate, whether there should a lower rate for by appointment businesses, whether the square footage ranges are too large, and concern by some that the structure is not fair to by appointment businesses and the rate is too high. Staff's research found other BIDs utilize a variety of rate structures including square footage, size of property, gross income of the business, number of employees, etc. As he stated at the study session, staff's soft recommendation is it may be early in the life of the BID to make a change.

With regard to expanding the boundary, there was discussion at the study session that this may not be the time to raise that issue. With regard to the collection of delinquent payments, Councilmembers expressed concern at the study session with how an assessment program could be operated if members could simply opt out and not pay. As illustrated by the BID's work program and budget, the BID projects and programs a certain income stream to fund activities in the work plan. If the BID could not count on that income because members could decide whether to pay, it would be difficult to fund a work program.

Main Motion #2

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO REQUEST THE MAYOR AND STAFF RESEARCH ALL THREE AREAS AND RETURN WITH MORE CHOICES.

Councilmember Peterson reiterated the Council has had two work sessions specifically about this as well as other study sessions and presentation by the BID and staff. He was unsure what other information staff would provide. With regard to the assessment structure, there is no standard structure and he was doubtful new research would find a standard. With regard to delinquent payments, if BID members do not pay their assessment and are not willing to work with the BID, it is a delinquent payment. Expanding the BID boundaries cannot be studied if there is this much unease about how it is operated. He supported staff's soft recommendation to allow the BID to proceed and to continue to provide feedback to the Council.

Councilmember Petso asked City Attorney Jeff Taraday whether he had had an opportunity to review Washington State case law and appellant court decisions with regard to the equity of fee assessments. Mr. Taraday answered no. Councilmember Petso asked the same of Mr. Doherty. Mr. Doherty said he reviewed one case that was outlined on Municipal Services Research Center (MSRC) regarding assessments. His understanding from that case was the Edmonds Downtown BID's assessments did not violate the conclusions of the case. That case was related to the use of the fees having some benefit for the members; the question of benefit is ultimately almost schematic and philosophical. Mr. Taraday relayed his understanding of this agenda item was to determine whether he should do that research.

Amendment #1 and Action

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND THE MOTION TO BREAK IT INTO THE THREE OPTIONS AND VOTE ON THEM SEPARATELY. AMENDMENT CARRIED (6-1), COUNCILMEMBER PETERSON VOTING NO.

Council President Fraley-Monillas expressed interest in more information on how to expand the boundaries. She understood now may not be the right time but research would provide information regarding what to expect. She also expressed interest in how other BIDs do collections. She agreed enough information may have already been provided regarding the rate structure.

Councilmember Mesaros agreed enough information has been provided on the assessment structure. It would be interesting to learn how other BIDs collect delinquent collections. He agreed it would be good to know the process for expanding the boundary, recalling the boundary could be expanded up to 10%.

Councilmember Petso explained the reason she was concerned about the rate structure was it may be illegal to charge businesses disproportionate to the benefit they receive. If the BID was overcharging by appointment businesses or small businesses relative to the benefit they could arguably be receiving, that was a concern and she preferred to allow Mr. Taraday to research that question.

Councilmember Bloom agreed with Councilmember Petso, pointing out the rate structure is the most controversial issue. The information Mr. Doherty presented only illustrated the difference in the rates and nothing about fairness. She also recommended the Council consider the comments made at previous Council meetings by BID members Tom Wilks and Brent Malgarin regarding the rate structure. More than the other two issues, she felt it was very important for the Council to consider and get more information regarding the rate structure, particularly the legality.

Councilmember Johnson was satisfied with the work that has been done by the Finance Director regarding delinquent payments and staff has also thoroughly described the process for expanding the boundaries. The first year a business is part of the BID, they are not assessed. She was satisfied if the Council chose to have further discussion regarding the rate structure but felt the Council did not need any additional information on the other two issues.

Main Motion #3

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, THAT THE COUNCIL REQUESTS A PRESENTATION AT A STUDY SESSION REGARDING THE RATE STRUCTURE AND SPECIFICALLY INCLUDING A LEGAL REVIEW OF THE GUIDELINES FOR AN APPROPRIATE RATE STRUCTURE.

Action on Main Motion #3

UPON ROLL CALL, MOTION CARRIED (5-2), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BLOOM, BUCKSHNIS, PETSO AND JOHNSON VOTING YES; AND COUNCILMEMBERS MESAROS AND PETERSON VOTING NO.

Main Motion #4

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO REVIEW THE METHOD OF COLLECTION AND MAKE A DETERMINATION AS TO WHETHER OR NOT TO PURSUE COLLECTIONS AGAINST THE MULTIPLE PEOPLE WHO ARE NOT PAYING THEIR FEES.

Councilmember Petso asked for clarification regarding the motion. Councilmember Bloom explained she was interested in a review of how collections are being done, how many people are not paying and reviewing the appropriateness of pursuing collections.

Action on Main Motion #4

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

Main Motion #5

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO DIRECT THE MAYOR AND STAFF TO RESEARCH THE APPROPRIATENESS OF THE POTENTIAL BID BOUNDARY EXPANSION AND WHAT OTHER CITIES HAVE DONE.

Action on Main Motion #5

MOTION FAILED (2-5), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBER BLOOM VOTING YES.

Mayor Earling declared a brief recess.

16. PRESENTATION UPDATE ON THE WILLOW CREEK DAYLIGHT FINAL FEASIBILITY STUDY

Stormwater Engineering Program Manager Jerry Shuster advised the City recently received a \$157,000 grant to continue the project. Tonight's presentation will show preliminary route options for the daylighted channel through Marina Beach Park and Ms. Hite will describe the Master Plan process. He acknowledged the City's partners in this project: Recreation Conservation Office (RCO) who has provided three grants since 2011; Keeley O'Connell, EarthCorps, who has helped the City with this project for past 3 years and has been a great advocate in the community; and Dave Cline, Shannon & Wilson, the primary consultant on the project.

David Cline, Shannon & Wilson, Inc. explained tonight's presentation will provide an overview of the feasibility study, the alignment options and how they dovetail with the Marina Beach Master Plan process, a separate yet parallel process. He provided a lidar image of the study area, the 32-acre marsh under consideration for restoration with SR 104 on the east, Harbor Square and Dayton Street to the north, the Unocal property to the south and the BNSF railway property to the northwest that parallels the daylighted area. The image identified the existing open channel and the proposed daylight route that would need to be excavated that would cross underneath the railroad and onto Marina Beach Park. The stream currently flows along the open channel along the Unocal and BNSF property, turns into stormwater pipes, a portion owned by the Port of Edmonds, through a tidegate on the park property, through City property and discharges to Puget Sound.

Mr. Cline displayed a photograph of the existing open channel looking north (Unocal property on the right and BNSF property on the left). The feasibility study looked at using the same channel alignment and the same general configuration but providing enhancements and improvements including riparian treatments such as shrubs, possibly trees, plantings and modifications to the channel to improve fish passage habitat in the form of structure allowing the appropriate velocity with tidal exchange as well as riparian cover, shading and food for fish as they move along the long, straight migration corridor.

He displayed a photograph of the existing open channel looking south, identifying the area on the Unocal property that was excavated, cleaned up and filled. He identified the approximate daylight alignment that would be excavated to create a channel similar to the upstream area that would be enhanced with the same riparian wood treatments. He displayed photographs of the existing stormwater pipe outfall and the tidegate (floodgate). The project will replace the tidegate because hydrodynamic modeling in the feasibility study show flooding conditions can be improved with a daylight channel. In the current configuration, the stormwater pipes and tidegates create a chokepoint that backs up water toward SR 104 and Dayton Street. A floodgate is still needed to protect from tidal inflow into low lying interior areas.

Mr. Cline reviewed the Willow Creek Daylight Project schedule:

- Early Feasibility Study – Completed (May 2013)
- Final Feasibility Study – In progress (July 2015)
- Marina Beach Park Master Plan – In progress (July 2015)
- Will Creek Daylight preliminary design – Starting (summer 2015), complete (fall 2016)

Mr. Cline displayed the image of the channel, identifying the location of a pre-fabricated bridge as mitigation for Sound Transit work in the area. He described Marina Beach Preliminary Daylight options:

Option A: Southerly Route near Off-Leash Dog Area

After the prefabricated bridge Channel turns south of the parking lot in the off-leash dog area. He identified the location of geotechnical borings, test pits, etc. used to inform whether there was any contaminated soils, soil conditions, bank stabilization, etc. He provided photographs with a depiction of the channel alignment through the off-leash dog area, explaining this would be a large excavation, 40-50 feet across, with fairly flat side slopes and 10-foot bottom widths. The size is based on geomorphology of other tidal channels in the area.

Option B: Northerly Route along Existing Grass, Parking and Beach area

After the prefabricated bridge, channel goes in a northwesterly direction, through the south parking lot, the existing grassy knoll, and out through the woody debris beach area. He provided photographs with a depiction of the alignment through Marina Beach Park and the beach.

Councilmember Buckshnis referred to the microalgae beds at the off-leash dog area. Mr. Cline answered that is a good food source for fish. The feasibility studies considered the shoreline attractants for migrating fish which include drift, food sources such as the microalgae beds, and the stream flow.

Councilmember Buckshnis asked what happens at very low tides. Mr. Cline answered there are a lot of coastal creeks and streams that experience similar conditions at very low tide. There may not be fish passage at that time but there will be access to the channel at higher tide. The excavation will extend to the sandy area in front of the woody debris; the elevation of the channel is near the mean tide level. The tide is expected to inundate the area 50% of the time. He anticipated there would continue to be low flow at low tides due to good stream flow plus the marsh will take a long time to drain.

Parks & Recreation Director Carrie Hite explained the Marina Beach Master Planning process has begun. The two preferable channels for the creek over Marina Beach will drastically change the landscape. Staff went through an RFP process; following an evaluation panel and reference checks, Walker Macy was hired to lead the public process for the Marina Beach Master Plan and they are in the process of gathering information. A Project Advisory Committee has been formed comprised with representatives of the Planning Board, Off-Leash Area, Friends of the Edmonds March, Marina Beach users, as well as Keely O'Connell and Mr. Shuster who will work with Mr. Cline and his team to match science with the Master Plan and have a robust public process to consider how Marina Beach Park look and feel with daylighting of Willow Creek. She assured there would be several touch points with the Council in the coming months and was hopeful the Master Plan would be adopted by July 2015.

Councilmember Mesaros asked about plans for people to traverse the stream. Ms. Hite answered there is no plan yet. As part of the interview process, consultants were asked to provide ideas of how the stream would be incorporated into the park. Walker Macy suggested footbridges as well as adding an educational and environmental component to the park.

Councilmember Petso referred to the fee the City pays the Port of Edmonds for the use of the storm pipe and asked if that pipe was connected with this project. Public Works Director Phil Williams identified the

section of pipe on the Port's property that the City's stormwater flows through and the City pays a quarterly lease for use of the pipe. Councilmember Petso asked whether this project offers an opportunity to relocate that pipe to eliminate that lease. Mr. Williams answered the project offers opportunity to have that conversation with the Port. The pipe could have a use in the after condition as part of an active system to help with flooding problems. The flooding study, which is also a companion to this project, has not been completed. This project will remove the creek flow from that pipe and may provide opportunity to use the pipe for another useful purpose. Councilmember Petso commented the payment is not an insignificant amount and she was hopeful the project would reduce that obligation.

Councilmember Johnson pointed out the City's Comprehensive Plan includes a significant unfunded project, the relocation of the ferry to this general area. She asked whether that was considered in the feasibility studies. Ms. Hite answered yes; Walker Macy is considering the conceptual drawings in the Master Plan of Marina Beach.

Councilmember Johnson referred to the alternatives analysis that may include a train trench and asked how that was considered. Mr. Williams answered the alternatives analysis could provide more information than currently exists regarding what a train trench would look like, design options for the trench, etc. There may be ways to make this project and that project compatible but that would need to be studied further. He recalled challenges identified during Tetra Tech's presentation regarding vertical curves, linear distance required to reach a certain depth, etc. Initial estimates of the length of the train trench would put it in conflict with the current location of the bridge. Further preliminary design would need to be done to provide answers.

Councilmember Johnson inquired about the public information process for the Marina Beach Master Plan. Ms. Hite answered the Project Advisory Committee will help guide the process and three public open houses are planned as well as touch points with the Planning Board, Council and public hearings. The process will include public open house, outreach to park users on initial concepts, schematic design process, another public open house to look at alternatives, presentation of alternatives to the Council and final decision on a concept. She summarized this is a Master Plan so it will be a concept design.

17. AUTHORIZATION FOR MAYOR TO SIGN PARK CONCESSION AGREEMENT WITH DOG DAY AFTERNOON FOR AN ATM AT RICHARD F. ANWAY PARK

Parks & Recreation Director Carrie Hite advised this is the same agreement signed last year. The Edmonds City Code allows her and the Mayor to authorize concessions in parks. Because the code addresses seasonal concessions and this is a year-round concession, she brought this to the Council for approval. This concession is appropriate for the park, many people use the ATM before boarding the ferry and it adds to Park Department revenues.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AUTHORIZE THE MAYOR TO SIGN PARK CONCESSION AGREEMENT WITH DOG DAY AFTERNOON FOR AN ATM AT RICHARD F. ANWAY PARK.

Council President Fraley-Monillas asked how much the City receives from this concession. Ms. Hite answered \$200 during the first 6 month; she offered to inform the Council when a full year's revenue was reported. In total the City receives \$10,000 for all park concessions.

MOTION CARRIED UNANIMOUSLY.

18. DISCUSSION ON POTENTIAL UPDATE OF COUNCIL VACANCY INTERVIEWS, APPOINTMENT PROCESS, AND APPLICATION FORM QUESTIONS

Mayor Earling advised Council President Fraley-Monillas and Councilmember Peterson have been working on this. Council President Fraley-Monillas referred to Attachment 1, Edmonds City Council Candidate Interview and Voting Process. She clarified neither she nor Councilmember Peterson had any vested interest in the process but were presenting options in an effort to make the process smoother than it was the last time.

Councilmember Peterson explained he and Council President Fraley-Monillas were tasked with codifying the process. Proposed changes include:

- Expanding the application to include some basic questions
- Councilmembers submitting interview questions so there was consistency between interviews
- In lieu of interviewing all applicants, each Councilmember would identify five to be interviewed

Councilmember Peterson explained the addition of basic questions and Councilmembers each identifying five candidates to be interviewed may allow the Council to begin the interview process with some semblance of agreement. He clarified Councilmembers were not required to vote for a candidate they identified to be interviewed. When the process reaches voting, many cities do different things; he felt voting was democracy in action.

Council President Fraley-Monillas said Councilmember are also encouraged to contact applicants in advance of the interview to get questions answered. She recalled a lot of time had been spent during past interviews asking candidates questions related to Councilmember's individual interests. Extra Council questions are proposed to be limited to one per Councilmember and the suggested interview timeframe is 40 minutes which is an increase from the current 30 minutes. The proposed process addresses the order of appearance, not allowing candidates in the Council Chambers until they are interviewed, two minute opening statement, formal and informal questions, two minute closing statement, and adjourning to executive session.

Due to the late hour, Councilmember Buckshnis suggested the Council address the application tonight and continue discussing the other issues at future meetings. She asked what changes had been made to the application. Council President Fraley-Monillas advised volunteer experience, strengths and weaknesses, and greatest challenge were added.

Councilmember Mesaros suggested changing the title to reflect Position 2. Council President Fraley-Monillas suggested eliminating the position number from the application.

Councilmember Bloom relayed her understanding that whoever was appointed to Position 2 would run for office in the fall to retain their position. Councilmember Peterson agreed. Council President Fraley-Monillas suggested adding that information at the top of the application.

Councilmember Buckshnis suggested the Council also discuss live streaming of the interviews at a future meeting.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ACCEPT THE APPLICATION WITH THE CHANGES DISCUSSED AND SCHEDULE THE REMAINDER OF THE DISCUSSION FOR A WORK SESSION.

Councilmember Johnson asked when applications were due. Mr. Taraday advised it is up to Council to make that decision. Councilmember Peterson suggested making the changes to the application, make the application available Monday, January 12, and require applications be submitted by Monday, February 2 which would provide three weeks to apply. The deadline for submitting the application is provided on the last page of the application.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXTEND FOR 15 MINUTES. MOTION CARRIED UNANIMOUSLY.

Student Rep Eslami commented when filling out college applications, the question was often asked why this college. He suggested adding a question to the application about why the person wanted to serve. President Fraley-Monillas suggested amending Question 6 to read, “Why do you wish to serve and what do you believe to be the greatest challenge for our council?”

Councilmember Johnson pointed out a typo in Question 5, yours should be your.

MOTION CARRIED UNANIMOUSLY.

18A. SELECTION OF COUNCIL PRESIDENT PRO TEM FOR 2015 (Continued)

Councilmember Petso asked if the meeting could be continued to a date certain, January 13, and therefore comply with the requirement that the Council President Pro Tem be elected at the first meeting. City Attorney Jeff Taraday responded that is an interesting idea but raises questions regarding the Open Public Meeting Act Special Meeting notice and seems a little contrived. Councilmember Petso agreed it was contrived but thought the Council had the ability to continue a meeting to a date certain. Mr. Taraday answered the Council can certainly continue hearings but he was not certain how Roberts Rules of Order addressed continuing a meeting. If this matter is not decided tonight, whether the meeting is continued or adjourned, the Council has given itself an argument that they have technically complied with City code. Councilmember Petso relayed her preference to comply with the code.

Councilmember Buckshnis asked whether the language was at the first meeting or could this agenda item be moved to another meeting and the current Council President Pro Tem remain until a new one is elected. Mr. Taraday relayed the language in the code states, “at the same time.” Whether a continued meeting would be at the same time was an interesting question.

Nominee	Votes	Councilmember
Ballot 14		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	1	Petso
Abstain		Fraley-Monillas
Ballot 15		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	1	Petso
Abstain		Fraley-Monillas

Councilmember Bloom reiterated her earlier statement that electing Councilmember Mesaros who only has ten months in office was a bad precedent to set and it was disrespectful to citizens. Councilmember Johnson has much more experience than Councilmember Mesaros. She still strongly supports Councilmember Petso and feels she is the best candidate for job but she strongly opposes appointing someone with so little experience and felt it was a disservice to the voters. She commented nothing prepares a person to be a Councilmember except being a Councilmember, not previous leadership, or any previous experience. A Councilmember is a political position and it is not comparable to anything Councilmember Mesaros had done in the past. She could not support someone who had so little experience.

Nominee	Votes	Councilmember
Ballot 16		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	1	Petso
Abstain		Fraley-Monillas
Ballot 17		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	1	Petso
Abstain		Fraley-Monillas
Ballot 18		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	3	Peterson, Mesaros, Fraley-Monillas
Councilmember Petso	1	Petso

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXTEND THE MEETING UNTIL 10:35 P.M. MOTION CARRIED UNANIMOUSLY.

Nominee	Votes	Councilmember
Ballot 19		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	3	Peterson, Mesaros, Fraley-Monillas
Councilmember Petso	1	Petso
Ballot 20		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	3	Peterson, Mesaros, Fraley-Monillas
Councilmember Petso	1	Petso

COUNCILMEMBER PETSO MOVED TO TAKE UP THE EXECUTIVE SESSION ITEM NOW AND RETURN TO THIS AFTERWARD. MOTION DIED FOR LACK OF A SECOND.

Council President Fraley-Monillas asked whether Mr. Taraday had determined the Council needed to stay all night voting or could voting be continued at the next meeting. Mr. Taraday answered if each meeting is considered to be a session under Roberts Rules which Edmonds has historically done, each meeting has new agenda. That is the reason reconsideration is appropriate at the same meeting. If the goal is to be as technically correct and compliant with the code as possible, it would not be proper to add to this to the agenda of the next meeting along with other new items that were not on this agenda. To be technically correct, this meeting/session would be continued to a separate meeting. There is a distinction under Roberts Rules of Order between one session and another. The continued part of this session could occur on January 13 at a certain time and the next session could be the regular January 13. The code does not talk about sessions or Roberts Rules; it states the first meeting of year and at the same time. If the Council wants to be true to the code, the decision should be made tonight. He clarified no one is going to sue the City if a decision is not made tonight; there is not a lot of legal risk associated with not making a decision tonight.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO MOVE THIS TO 5:30 ON JANUARY 13.

Councilmember Buckshnis asked if the intent was to have this meeting on January prior to the study session. Mr. Taraday said he would advise City Clerk Scott Passey to prepare a special meeting notice

that states continuation of agenda item 7 from January 6. The regular January 13 meeting would have its own agenda, notice, etc.

Council President Fraley-Monillas explained she made this motion because the Council was on ballot 21 and it is 10:30 p.m. Now that the Council knows who is interested in the job, those Councilmember can think about whether they wanted the job of Council President Pro Tem, have discussions with coworkers, etc. and possibly a quicker resolution may be reached on January 13.

Councilmember Petso said to the best of her knowledge she is at present the swing vote and she assured this is more likely to be resolved on January 13 than tonight.

Councilmember Mesaros pointed out there will be one less Councilmember on January 13.

Councilmember Buckshnis asked how much work Mr. Taraday did with the Council Pro Tem last year when she was not around. Mr. Taraday answered he was not sure if the work he did with Councilmember Johnson in her capacity as Council President Pro Tem was materially different than any other Councilmember; it did not seem she asked anything more of him than any other Councilmember asked of him. Councilmember Buckshnis said she did not mean to marginalize the Pro Tem position, but clarified the Pro Tem fills in when the Council President is not available.

Councilmember Petso clarified if was up to her to choose one of the other candidates, based on the information she has at this time, she was not able to do so. It was not specifically related to the duties of the office or the individual seeking to serve; in at least one instance, other issues were impacted by the choice and she was not able to change her vote tonight.

Councilmember Johnson asked if tonight was Councilmember Peterson’s last meeting. Councilmember Peterson said tonight was his last meeting. For that reason, Councilmember Johnson felt it was important to press on.

Councilmember Petso suggested if there were only six Councilmembers, the candidate receiving three votes would be elected. Mr. Taraday clarified three is not a majority of six. Council President Fraley-Monillas clarified four votes would still be needed to make a selection even with six Councilmembers. Mr. Taraday said if there was a 3-3 tie with 6 Councilmembers, Mayor Earling could break the tie.

UPON ROLL CALL, MOTION FAILED (3-4), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBER BLOOM AND COUNCILMEMBER PETSO VOTING YES; AND COUNCILMEMBER BUCKSHNIS, JOHNSON, MESAROS AND PETERSON VOTING NO.

Councilmember Petso requested a two minute break to confirm her information. Mayor Earling declared a brief recess.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO EXTEND THE MEETING TO 10:50 P.M. MOTION CARRIED UNANIMOUSLY.

Nominee	Votes	Councilmember
Ballot 21		
Councilmember Johnson	2	Johnson, Buckshnis
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	3	Petso, Bloom, Fraley-Monillas
Ballot 22		
Councilmember Johnson	2	Buckshnis, Johnson
Councilmember Mesaros	3	Peterson, Mesaros, Fraley-Monillas

Councilmember Petso	2	Petso, Bloom
Ballot 23		
Councilmember Johnson	3	Johnson, Buckshnis, Bloom
Councilmember Mesaros	2	Mesaros, Peterson
Councilmember Petso	2	Petso, Fraley-Monillas
Ballot 24		
Councilmember Johnson	2	Johnson, Buckshnis
Councilmember Mesaros	3	Peterson, Mesaros, Fraley-Monillas
Councilmember Petso	2	Petso, Bloom
Ballot 25		
Councilmember Johnson	2	Johnson, Buckshnis
Councilmember Mesaros	2	Peterson, Mesaros
Councilmember Petso	3	Petso, Bloom, Fraley-Monillas
Ballot 26		
Councilmember Johnson	4	Johnson, Buckshnis, Mesaros, Peterson
Councilmember Mesaros	1	Fraley-Monillas
Councilmember Petso	2	Petso, Bloom

Mayor Earling announced Councilmember Johnson was elected Council President Pro Tem.

19. MAYOR'S COMMENTS

Due to the late hour, this item was omitted.

20. COUNCIL COMMENTS

Due to the late hour, this item was omitted.

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

At 10:47 p.m., Mayor Earling announced that the City Council would meet in executive session regarding pending or potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately five 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, Petso, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Finance Director Scott James, and City Clerk Scott Passey. The executive session concluded at 10:55 p.m.

22. RECONVENE IN OPEN SESSION

Mayor Earling reconvened the regular City Council meeting at 10:55 p.m.

23. ADJOURN

With no further business, the Council meeting was adjourned at 10:55 p.m.