

EDMONDS CITY COUNCIL APPROVED MINUTES

March 20, 2012

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

ELECTED OFFICIALS PRESENT

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

ELECTED OFFICIALS ABSENT

Michael Plunkett, Councilmember*
*Participated via phone for Agenda Items 1 & 11
Lora Petso, Councilmember*
*Participated via phone for Agenda Item 1

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Stephen Clifton, Community Services/Economic Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Doug Fair, Municipal Court Judge
Joan Ferebee, Court Administrator
Carl Nelson, CIO
Frances Chapin, Cultural Services Manager
Rob English, City Engineer
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. **CONVENE IN EXECUTIVE SESSION REGARDING A REAL ESTATE MATTER PER RCW 42.30.110(1)(b), AND 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 a real estate matter per RCW 42.30.110(1)(b), and 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 Yamamoto, Fraley-Monillas, Buckshnis, Peterson, and Bloom. Councilmembers Plunkett and Petso participated via telephone for a portion of the executive session. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, Finance Director Shawn Hunstock, Parks and Recreation Director Carrie Hite, Community Services/Economic Development Director Stephen Clifton, and City Clerk Sandy Chase. At 6:35 p.m. Ms. Chase announced in Council Chambers that 5 additional minutes was required in executive session. The executive session concluded at 6:45 p.m.

2. **MEET WITH FOUR CANDIDATES FOR APPOINTMENT TO THE FOLLOWING BOARD/COMMISSIONS: ARCHITECTURAL DESIGN BOARD (1), ARTS COMMISSION (1), AND SISTER CITY COMMISSION (2)**

At 6:45 p.m., the City Council met with candidates for appointment to the Arts Commission and Sister City Commission (Beverly Shaw-Starkovich, Marlene Friend and Kay Vreeland). The meeting took place in the Jury Meeting Room. Elected officials present were: Mayor Earling, and Councilmembers

Yamamoto, Fraley-Monillas, Buckshnis, Peterson and Bloom. Parks & Recreation Director Carrie Hite was present as well as Cultural Services Manager Frances Chapin. Members of the public also attended.

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

3. APPROVAL OF AGENDA

Council President Peterson asked to pull and amend Agenda Item 5, Confirmation of Appointments to the Architectural Design Board, Arts Commission and Sister City Commission. Due to questions regarding the Architectural Design Board (ADB) process and appointment, he requested the ADB appointment be removed from Agenda Item 5 and rescheduled on a future agenda.

Councilmember Fraley-Monillas asked to remove Agenda Item 13, Proposed Ordinance Amending the Provisions of ECDC 18.000.050 for Apprenticeship Participation on City Construction Contracts, and reschedule it on April 3. She explained this item was discussed by the Parks, Planning and Public Works Committee. Councilmember Petso is out of town and she needs to confirm the committee's recommendation regarding that item.

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

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, 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 MARCH 13, 2012.**
- C. APPROVAL OF CLAIM CHECKS #130945 THROUGH #131106 DATED MARCH 15, 2012 FOR \$720,444.13.**
- D. APPROVAL OF LIST OF BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD, FEBRUARY 2012.**
- E. APPROVAL OF 2012 TAXICAB OPERATOR'S LICENSE FOR NORTH END TAXI.**
- F. AUTHORIZATION TO APPROVE AN EASEMENT FOR STORM PIPE AND A CATCH BASIN AT 220 7TH AVE N.**
- G. AUTHORIZATION TO PURCHASE LIGHT POLES AND ELECTRICAL COMPONENTS FOR THE SR 99 INTERNATIONAL DISTRICT ENHANCEMENTS PROJECT THROUGH US COMMUNITIES INTERLOCAL COOPERATIVE PURCHASING AGREEMENT.**
- H. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HERRERA CONSULTANTS TO PROVIDE CONSULTING SERVICES FOR THE PERRINVILLE CREEK CULVERT REPLACEMENT AT TALBOT ROAD.**

- I. **AUTHORIZATION FOR MAYOR TO APPROVE A RELEASE OF EASEMENT AT 633 2ND AVENUE NORTH.**
 - J. **AUTHORIZATION TO APPROVE UTILITY EASEMENT FOR THE SEWER LIFT STATION REHABILITATION PROJECT.**
 - K. **TRAFFIC IMPACT FEE ANNUAL REPORT.**
 - L. **REFERRAL TO PLANNING BOARD OF PROPOSED CODE AMENDMENT TO PROVIDE EXPANDED NOTICE REQUIREMENTS FOR STREET VACATIONS.**
 - M. **PARK IMPACT FEE STUDY PROCESS.**
 - N. **FIBER OPTIC SERVICE AGREEMENT FOR INTERNET SERVICE.**
 - O. **LEASE AGREEMENT FOR ACCESS TO FIBER FROM 110 JAMES ST.**
5. **CONFIRMATION OF APPOINTMENTS TO ARTS COMMISSION (1), AND SISTER CITY COMMISSION (2).**

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO CONFIRM THE APPOINTMENT OF BEVERLY SHAW-STARKOVICH TO THE ARTS COMMISSION AND MARLENE FRIEND AND KAY VREELAND TO THE SISTER CITY COMMISSION. MOTION CARRIED UNANIMOUSLY.

Council President Peterson thanked the citizens for volunteering to serve as well as those already serving on the Commissions. They will bring exciting additional expertise to the Commissions, a reflection of the talent pool in Edmonds and the willingness of citizens to volunteer.

Councilmember Buckshnis commented on the qualifications of Ms. Shaw-Starkovich, Ms. Friend and Ms. Vreeland.

6. **ANNUAL REPORT - SNOHOMISH COUNTY TOURISM BUREAU**

Amy Spain, Executive Director, Snohomish County Tourism Bureau, commented on the importance of tourism to economic development. Visitors to Washington State spent \$16.4 billion in 2011; accounting for nearly \$1 billion in local/state tax revenues. Travel spending increased by 5% in Washington state from 2010 to 2011. The Washington State Tourism Office closed July 2011, making Washington the only state without a state tourism office. Washington Tourism Alliance (WTA) was established by industry stakeholders with the sole mission of sustaining destination tourism marketing for Washington State. The organization is governed and overseen by the tourism industry and is not a state government organization. The organization is evaluating other state organizational structures and funding models and plans are being developed for a three year program of work. The state's tourism website and content is now managed by WTA. A state tourism summit will be held April 5 to bring together all sectors of the tourism industry. She encouraged the City to advocate for tourism development because tourism is economic development.

Ms. Spain provided several statistics regarding tourism:

- The economic impact of tourism in Snohomish County includes 8,980 jobs, \$190.8 million payroll, \$13.4 million in local taxes and \$47.9 million in state taxes
- Visitor spending in Snohomish County was \$880 million in 2011, up 8.6% from the previous year
- Visitors from outside of Washington (residents of other states or countries) generated \$245 of tax revenue for each Washington household. Resident travel within the state generated an additional \$145 of tax revenue per household.

- Recovery in the travel industry is being led by increased revenue (room rates) which saw a 6.8% increase in Washington State over 2010 while room demand increased by just 3.3%
- Snohomish County saw a 11.4% increase in revenue and a 6.6% increase in demand over 2010

Ms. Spain compared the 2011 Snohomish County Tourism Bureau's (SCTB) marketing budget and economic impact to Whatcom, Pierce, Tri-Cities, Yakima, Spokane, Seattle and Vancouver WA, summarizing SCTB is one of the least funded tourism organizations in the state.

Through the efforts of the lodging industry, SCTB and Snohomish County Sports Commission (SCSC), the Tourism Promotion Area (TPA) was created. She noted that Mr. Clifton serves on the TPA Board. Applications were submitted in December 2011 for funding. The TPA Board reviewed the applications and funded 7 applicants for a total of \$255,000. The SCSC was not funded; however, the TPA is interested in supporting sports marketing and asked the SCTB to reapply specifically for the sports market. SCTB recently learned they were funded to increase sports marketing for Snohomish County. Tourism related organizations are encouraged to apply directly to the TPA Fund managed by the Snohomish County Office of Economic Development.

Ms. Spain also reported the following:

- Ads generated 15,123 requests for information, a slight increase from 2010. Additionally, there were 11,152 visits to RoomsAtPar/StayShopAndSave websites as a result of advertising presence
- Ads placed in meeting and event planner, reunion and sports related publications generating over 500 requests for information, in addition to referrals from our meeting and packaged travel CD. An additional 14,627 requests were received from leisure travelers (a slight increase).
- SCTB conducted 18 familiarization tours for group tour and international tour and travel planners and domestic and international media in the communities of Arlington, Bothell, Edmonds, Everett, Lynnwood, Marysville, Monroe, Mukilteo, Snohomish and Tulalip
- SCTB conducted 4 sales missions to Vancouver BC, Portland, Olympia and Colorado Springs, resulting in 49 new leads for hotels and attractions in Snohomish County and distribution of 227 tourism guides
- SCTB participated in 16 trade shows generating 4,494 direct leads and distribution of 3,659 tourism guides in 2011
- SCTB assisted 43 local, state, regional and national groups with conference services, tour itinerary planning and wedding assistance distributing 2,519 guides to attendees
- SCTB Visitor Information Centers (VIC) served 14,232 visitors. Visitor centers countywide served 113,649 visitors in 2011.
- SCTB achieved \$440,191 of free media coverage – up 13.5%
- 6,248 definite and 7,969 tentative group and convention room nights were booked in 2011 representing \$23.4 million in economic impact, a 55% increase.
- Hotel occupancy levels were up 4.7% to 65.5%; average daily rate (ADR) was up 4.5% leading to an increase in RevPar (revenue per available room) of 9.4%
- Hotel motel tax collections were up 10.6%
- The sports market continues to be a significant segment, contributing \$18.2 million in economic impact
- Online ads, SEO and key word buys continues to grow in relation to our print ad presence. Website visitation was up over 2010 by 28.9%.
- SCTB distributed 50,000 copies of an official visitor guide and 55,000 seasonal calendars of events
- SCTB developed four new cyber-tours in 2011 in concert with local partners highlighting the aviation attractions, Granite Falls, City of Snohomish and the Mountain Loop Highway. Recently completed a cyber-tour regarding historic buildings in concert with Everett

Ms. Spain commented on the publication of StoryLine, a bimonthly newsletter distributed to travel writers, media sales missions, travel writers who visited Snohomish County in 2011; press releases and media pitches that resulted in 58 articles regarding Snohomish County communities and attractions; and expanded social media campaign with Facebook (five accounts specific to Snohomish County, sports, weddings, meetings and convention market, and VIC), Twitter, blogs, and a Pinterest page. She provided information regarding the VICs including the opening of a new center in Smokey Point, decrease in visitors to VICs, 125 volunteers donated 11,786 hours to VICs which represents an in-kind contribution of \$254,813, 96 area businesses donated \$68,811 worth of goods and services for SCTB and VIC programs and 22 new volunteers joined the Bureau in 2011. Five familiarization tours were held in 2011 of attractions in Mukilteo, Lynnwood, Everett, Arlington/Snohomish and Tulalip.

SCTB also sponsored four countywide tourism related programs:

- Four Secrets of Marketing Success
- Lodging Tax 101 – Understanding the Hotel/Motel Tax
- Facebook For Business
- Washington State Tourism Alliance – The Future of State Tourism
- Mobile Technology Seminar

The SCTB continued a pro-active role in state and local issues affecting the tourism industry by serving on several local, regional and statewide boards and committees.

Councilmember Buckshnis commented on the amount of information SCTB has available to smartphone users. She suggested adding information regarding off-leash areas in Snohomish County. Ms. Spain invited the Council to provide any additional suggestions in the future via Mr. Clifton.

Councilmember Bloom asked how SCTB is funded. Ms. Spain answered SCTB is funded via a portion of Snohomish County lodging taxes. SCTB is not a membership organization; there is no charge to individual businesses for SCTB's efforts.

Councilmember Bloom asked how SCTB allocates its time and funding to cities in Snohomish County. Ms. Spain responded there are 19 cities in Snohomish County; SCTB supports them all as best they can with their limited resources. They provide information on their website regarding cities, tourism entities, lodging and anything else that is tourism related. SCTB works with the designated person in each city to ensure the information they have about the city is accurate and portrays the city the way they want to be portrayed.

7. ANNUAL REPORT - MUNICIPAL COURT

Municipal Court Judge Doug Fair welcomed new Councilmembers Bloom and Councilmember Yamamoto and Mayor Earling. He also expressed his appreciation to Councilmember Plunkett for his service to the City. He thanked Court Administrator Joan Ferebee Assistant Police Chief Gerry Gannon, and Probation Officer Sherrie Conway for the data they provided for the annual report.

Judge Fair displayed a comparison of filings 2005-2011, explaining 2011 was a record year for filings, 7,919 compared to approximately 7,700 the previous 3 years. He explained courts are reactive in nature; their workload is driven by forces outside the court's control, legislation and filings in the Police Department. He cautioned the Council that statutory changes that affect the court as well as Police Department personnel decisions impact the municipal court and drive the number of filings up or down.

Judge Fair displayed and reviewed a comparison of case filings by year 2006-2011. Filings in 2010 and 2011 were relatively stable in most categories; traffic infractions were up approximately 8% and parking infractions were down 12%. To those who may think the City is writing more traffic infractions to

address its budget gap, Judge Fair explained if the police were interested in increasing revenue, they would write more parking infractions because all that money is collected by the City and there is no split with the state. He explained for any infraction written on the statewide code, the vast majority of moving infractions, once a finding is made, the City owes the state approximately \$75. In 2011 the police wrote 5,319 traffic citations. That amount divided by 365 days is approximately 15 traffic citations per day in the entire City over a 24-hour period or approximately one citation every 90 minutes. Adding the parking infractions increases that number to approximately 17/day. He summarized 17 infractions a day in a City the size of Edmonds was not astronomical or outrageous.

Judge Fair displayed a comparison of gross revenues 2005-2011. Revenue for 2011 totaled \$1,393,752, up approximately 9.5% over 2010. He displayed net revenues by category which totals \$857,606 in 2011, a 7% increase over 2010. He displayed a comparison of expenses, summarizing the court ended 2011 with \$398,000 over their appropriation. Net revenue less net expenses results in a net positive of \$98,000. He cautioned the Council not to look at the court as a revenue-generator. The court's budget does not include the public defender, jail or prosecutor. He summarized public safety is an expensive but necessary endeavor for cities to undertake.

Judge Fair commented on the continuing downward trend in passport applications and revenue. The availability of the enhanced driver's license as well as the economy has impacted the passport program.

Judge Fair reported the court continues to save substantial amounts via alternatives to jail such as electronic home monitoring, alcohol sensor-monitoring bracelet and community service. He explained the alcohol sensor-monitoring bracelet is typically a pre-trial release mechanism; it allows a person with an alcohol problem to continue to be a contributing member of society until their trial date. A person found to be in violation can be remanded back into custody. These three confinement alternatives saved the City approximately \$233,000 in 2011.

Judge Fair described the video in custody calendar. Previously the court had an in-custody calendar where defendants were brought to the court weekly, a maximum of ten because that was the number the police could reasonably, safely control. Video equipment was purchased for a video in-custody calendar. The prosecutor, the clerk and he are in the court; the defendant and their attorney are at the jail where there is also a video monitor. Hearings are held via remote video, eliminating safety issues and saving approximately \$28,000/year in police overtime. The video equipment was purchased from the Trial Court Improvement Account which is provided by the state because he is an elected part-time municipal court judge. The current State House budget proposes to cut that fund. He urged Councilmembers to inform the City's legislators how important the funds are for cities like Edmonds. He invited Councilmembers to visit the court to see the video in-custody calendar on Monday afternoon or Thursday morning.

Judge Fair explained because few people now come to the court for video court, he has opted not to have security. He is reconsidering adding security to video calendars and at the front door in light of the recent shooting in Grays Harbor. That will be an additional expense. Lynnwood subcontracts with Edmonds on the video courts and has agreed to pay half the cost of court security.

The Court Improvement Fund has a fair amount of reserve funds. The court is tentatively considering an online payment system, a payment/information kiosk in the lobby and establishing a paperless file system. Judge Fair summarized it is a privilege and pleasure to serve as the Edmonds Municipal Court Judge.

Councilmember Fraley-Monillas asked whether eliminating the Trial Court Improvement Account is on the City's legislative agenda. Judge Fair advised he has talked to several legislators. Councilmember Fraley-Monillas encouraged him to speak with Mr. Clifton to ensure the City's lobbyist is aware. Mayor Earling reported Mr. Doubleday is aware and has kept the City informed. Judge Fair commented the

Association of Washington Cities and the District Municipal Court Judges Association are also working on this.

Councilmember Buckshnis asked Judge Fair's opinion about the recent Supreme Court decision to uphold the use of red light cameras. Judge Fair answered he was not surprised because the legislature gave that authority to the governing bodies in their enacting legislation. The dissenting opinion was that it was a moot point because it has been resolved by the City Councils. In reality it was a good issue to resolve because it has become a concern in many cities.

8. AUDIENCE COMMENTS

There were no members of the public who wished to provide comment.

9. FLOWER BASKET DONATION PROGRAM

Parks & Recreation Director Carrie Hite announced a new program, Adopt a Flower Basket. She thanked Councilmember Buckshnis for her assistance with launching the program and credited Jack Bevan for the idea.

Ms. Hite distributed an Adopt a Flower Basket brochure. The program allows community members to donate \$100 in support of each of the City's flower baskets. Each basket will have a name tag stating who this basket was donated by or in memory of. Councilmember Buckshnis donated the first \$100 in memory of her dog, Buddy.

Ms. Hite also thanked Recreation Manager Renee McRae who worked closely with Councilmember Buckshnis on this program.

10. DISCUSSION REGARDING TAKING MINUTES/NOTES DURING EXECUTIVE SESSIONS.

Council President Peterson explained this issue was discussed at the Council retreat. He explained there are limited reasons under RCW for the Council to meet in executive session. There is legislation under consideration regarding the recording of executive sessions and limiting what must be provided via a Public Records Request.

City Attorney Jeff Taraday provided an overview of the issue. The Council adopted Resolution 853 in 1996 which is when the Council began taking notes during executive sessions. He emphasized the notes that are currently taken are notes, rather than minutes. The distinction is minutes are reviewed and approved at a subsequent meeting by the body conducting the meeting. While the notes taken of executive sessions are generally accurate, they do not have a review and approval process. That is significant because it does not provide an opportunity for a Councilmember to review them or request a change.

Mr. Taraday explained he has been uncomfortable with the current practice because in his opinion if the Council records the meeting, it should be recorded completely with an audio recording so there would not be any question regarding what really happened. The Council could then discontinue the practice of note taking. He pointed out Edmonds is one of the few if not the only city in Washington who keeps notes of executive sessions. It is up to the Council to decide whether to continue or change the current practice.

Council President Peterson commented his intent was to have a discussion; he did not foresee any action tonight other than scheduling it on a future meeting agenda for public comment/public hearing and potential action.

Councilmember Bloom referred to SB 6109, recently passed by the Senate 39-9, exempting video and audio recordings of executive sessions. She recognized the bill had not yet been finalized. Mr. Taraday offered to research the progress of SB 6109 and comment later in the discussion. His understanding of SB 6109 was it may give Public Records Act protection from disclosure of executive session records. One of his concerns with taking notes is that although an argument can be made that the notes are attorney-client privileged or work product protected or both, there is not a clear exemption in the Public Records Act for executive session notes.

Councilmember Buckshnis suggested amending Resolution 853 because the current practice creates notes, not minutes. Mr. Taraday agreed the Council either needed to change its practices to conform with the resolution or change the resolution to conform to the practice. Councilmember Buckshnis advised she was ready to do that tonight. Councilmember Bloom advised she was ready to begin recording executive sessions now. Mayor Earling pointed out Council President Peterson's intent that this item was for discussion only.

Council President Peterson commented his discomfort with note taking, minute taking or recording executive sessions was because an executive session was an opportunity for the Council and Mayor with the City Attorney and preferably not the City Clerk to have a free flow of ideas and discussion on a limited number of sensitive topics including litigation, personnel, and real estate. He understood citizens' concerns that things might happen behind closed doors or that deals are being struck; the Council, Mayor and City Attorney keep each other in check should the discussion drift off topic. He recognized there is distrust in government, pointing out Washington was one of the first states to have a Public Records Act. The topics that can be discussed in executive session are not intended for the public and that is one of the reasons Councilmembers are elected. The ability for Councilmembers, Mayor and City Attorney to keep each other in check ensures the system works.

Councilmember Bloom pointed out the RCWs address everything Council President Peterson said. The RCW identifies when the Council can have an executive session rather than a public meeting. The advantage of recording executive sessions is it would provide proof in the event of challenge. A judge would then review the recording and determine whether the Open Public Meetings Act was violated. It was her opinion that recording executive sessions would instill more trust. She concluded it was very important for the Council to "show our work."

Councilmember Buckshnis commented she was undecided about this issue but in light of the personnel issues that occurred last year, feels note taking is the appropriate way to proceed in the future as they provide a record. Audio recording may be problematic because some Councilmembers prefer to speak less professionally in an executive session; that candor would not be possible if executive sessions are recorded. She did not support recording executive sessions unless only notes could be taken for executive session regarding personnel matters.

Councilmember Fraley-Monillas agreed recording executive sessions would reflect positively on Councilmembers for the purposes of openness and transparency. Conversely, she questioned why Edmonds is the only city currently taking notes. This may be a moot point depending on what the legislature does.

Mr. Taraday explained SB 6109 has not yet passed the House. If it were signed into law it would exempt video and audio recordings of executive sessions from disclosure under the Public Records Act. If someone made a request for an audio recording of an executive session, under this exemption the City would not be required to provide it. Currently if someone requests notes of an executive session, a roundabout argument has to be made regarding why the notes should be exempt from disclosure. The bill would provide an exemption for audio recordings but not for notes.

Councilmember Yamamoto commented for each executive session he has attended, Councilmembers know the topic in advance. The Council discusses only that topic and if anyone gets off track, another Councilmember, the Mayor or the City Attorney brings them in check. He appreciated the opportunity for Councilmembers to have a frank discussion; recording executive sessions could hamper that ability. He clarified the Council only has discussions in executive session and does not make decisions.

Council President Peterson suggested the Council wait to see what the legislature does. There is currently no hard and fast laws regarding what can be exempted under the Public Records Act with regard to executive sessions. Until protection was provided, he was concerned that a Public Records Request could require release of sensitive information. If SB 6109 is not passed into law, the Council can consider amendments to the resolution.

11. CONTINUED DISCUSSION OF PROPOSED ORDINANCE AMENDING EDMONDS CITY CODE SECTION 10.75.030(A)(2), EXTENSION OF ECONOMIC DEVELOPMENT COMMISSION SUNSET DATE, AND OTHER ITEMS RELATED TO THE ECONOMIC DEVELOPMENT COMMISSION

Community Services/Economic Development Director Stephen Clifton explained the Council packet contains a draft ordinance and attachment which, if approved by the City Council, would amend ECC Chapter 10.75 regarding the Economic Development Commission (EDC). The Council discussed potential amendments on December 20, 2011, January 23, 2012 and March 6, 2012. During the March 6 meeting, the Council discussed four amendments:

- Section 10.75.030(A)(2): insert language that the EDC would focus primarily on economic development related activities
- Section 10.75.030(A): extension of the sunset date of the EDC approximately 4 years to December 31, 2015
- Section 10.75.010(B)(d): elected officials shall not be allowed to serve on the EDC but may serve as non-voting ex-officio members. This would also apply to elected Port Commissioners.
- 10.75.030(C): staggering commission terms. Existing Commission members would be allowed to serve through the end of the year. Commissioners have indicated their interest in continuing to serve; approximately two-thirds expressed interest in remaining on the Commission. This will ensure some continuity and institutional memory on the EDC. Staff will advertise immediately to fill the remaining positions; terms filled this year would expire in 2014. Staff would re-advertise at the end of the year and either new Commissioners or existing Commissioners could be appointed. Appointments made in 2013 would expire at the end of 2015.

Mr. Clifton explained another option related to staggering is to have terms expire at the end of the Councilmember's term who appointed the Commissioner. City Attorney Jeff Taraday clarified in addition to the ordinance, the Council needs to provide direction regarding staggering of Commissioners' terms.

For Councilmember Buckshnis, Mr. Clifton explained approximately 5-6 Commissioners have stated they do not plan to continue serving on the EDC. Upon confirming existing members' desire to continue serving on the Commission, staff will advertise to fill the vacant positions. As the former Council liaison on the EDC, Councilmember Buckshnis commented there are often less than a handful of Commissioner present at EDC meetings. She suggested each Councilmember have an opportunity to appoint at least one Commissioner.

As Chair of the former EDC, Councilmember Yamamoto clarified there was always a quorum present at EDC meetings. Most Commissioners informed staff when they would be absent and the absences were for legitimate reasons. He agreed there were a couple Commissioners who did not attend meetings regularly or notify of their absence. He agreed with the proposal to stagger terms.

Councilmember Fraley-Monillas clarified the options are: Option 1 is based on the appointing Councilmember's term; and Option 2 staggers terms based on when the Commissioner is appointed. She asked if a Commissioner appointed by a Councilmember who is on the Council now and reelected would serve for eight years. Mr. Clifton answered Option 2 would provide more opportunity for new Commissioners. Under Option 1, when a Councilmember leaves the Council, the Commissioners they appointed would leave the EDC and whoever replaces the Councilmember would appoint two new members. Under Option 1 the only new members would be the two new members Councilmember Plunkett's successor appoints and the appointments to fill the vacant positions.

Mr. Taraday clarified five elected officials began on January 1, 2012, Mayor Earling and four Councilmembers. The Councilmembers themselves may not be new but their term was reset. Under Option 1, with each resetting of the term, the office holder would appoint EDC Commissioners to a 4-year term. If a Councilmember were reelected to a second term, he/she would have the ability to replace their EDC appointments at the beginning of the second term. Mr. Clifton advised staff has a record of which Councilmembers appointed the existing members.

Mr. Clifton pointed out the ordinance will be adopted after the Mayor and four Councilmember have taken office and there is no language in the ordinance about retroactive appointments. Mr. Taraday clarified Option 1 has Option 1a and 1b: Under Option 1a, the appointments of an elected Councilmember continue through the term regardless of whether the Councilmember remains in the office. Under Option 1b, as soon as there is a vacancy on the Council, all related appointments are vacated and subject to reappointment by the Councilmember's successor. If the Council did not want to have 4-year EDC terms, there could be a hybrid of the options such as each Councilmember makes a 1-year appointment and a 3-year appointment. He summarized staff understood the concept of staggering terms but was uncertain of the goal of staggering terms. Mr. Clifton advised under Option 2, the Council has the ability to appoint new commissioners or reappoint existing commissioners in approximately 9 months.

Councilmember Buckshnis suggested researching commissioners' attendance during the past year; Commissioners who missed three consecutive meetings should not be allowed to continue. She preferred to reappoint existing commissioners or new commissioners in April. Mr. Taraday pointed out Section 10.75.010(B)(c) addresses Councilmember Buckshnis' concern with attendance; for any commissioner who fails to attend three consecutive meetings the position is deemed vacant and the office holder may appoint a new member.

Councilmember Fraley-Monillas asked whether a hybrid model, where appointments are connected to Council terms, would be difficult to track. Mr. Clifton answered it would not.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE OPTION #2.

Student Representative Springer supported the flexibility provided by Option 2 because it allows Councilmembers to either reappoint existing EDC members or appoint new members based on attendance, contributions to meetings, etc.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE MOTION SO THAT TERMS EXPIRE ON THE CURRENT SUNSET DATE OF APRIL 29, 2012.

Councilmember Buckshnis explained under staff's proposal, the terms of commissioners who wish to continue serving would end on December 31, 2012 and new members would be appointed or existing members reappointed. Her amendment was to move that process up to the current sunset date of April 29, 2012.

Councilmember Fraley-Monillas asked Mr. Clifton's opinion of the amendment. Mr. Clifton responded it would require staff to embark on a new application process by the end of next month. Mr. Taraday commented if all commissioners were appointed/reappointed in April 2012, under the current language in Option 2, there would be no staggering as all those terms would expire in December 31, 2014. If the Council approves the amendments, another staggering mechanism will need to be developed.

Mr. Clifton pointed out there is a great deal of institutional memory on the EDC with existing members. At least for the first six months of the EDC, staff embarked on an effort to educate commissioners including identifying City issues, describing what economic development is and providing speakers from the Economic Development Council, the Port of Edmonds, other cities, etc. If the Council approved the amendment and chose to not reappoint existing commissioners, that process of reeducating the 17 members would begin again. The reason Option 2 appeals to staff is it retains at least two-thirds of the existing members through the end of 2012. The Council would then have the opportunity to reappoint existing members or appoint new members.

COUNCILMEMBER BUCKSHNIS WITHDREW HER MOTION WITH THE AGREEMENT OF THE SECOND.

THE VOTE ON THE ORIGINAL MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO ADOPT ORDINANCE NO. 3876, AMENDING EDMONDS CITY CODE, CHAPTER 10.75, RELATING TO THE CITIZENS ECONOMIC DEVELOPMENT COMMISSION. MOTION CARRIED UNANIMOUSLY.

12. CITY OF EDMONDS MUNICIPAL ENERGY PLAN

Public Works Director Phil Williams explained in late 2010, the Council gave approval to a line item in the General Fund for the Public Works Department to seek a consultant for developing a municipal energy plan. In early 2011, staff conducted a selection process and selected Cascadia Consulting Group to develop the plan. He pointed out that the City spends approximately \$1.1 million/year on energy, the equivalent of \$28 from each citizen.

Spencer Reeder, Project Manager, Cascadia Consulting Group, explained the purpose of the project was to document energy use, efficiencies and accomplishments and to recommend energy efficiency actions and initiatives. He thanked Mr. Williams and his staff and particularly Jim Stevens and Steve Fisher for the information they provided for the analysis. Their approach included the following:

- Compile baseline energy use data
- Audit selected facilities
- Extensive staff interviews
- Research best practices and record of success
- Identify and evaluate opportunities
- Conduct qualitative and quantitative assessment to development recommendations

Mr. Reeder explained the City's energy use was categorized into categories: facilities, fleets, outdoor lighting, water delivery and wastewater. He provided pie charts that identified the 2010 energy use and expenditures in each of those categories. He pointed out outdoor lighting represents about 13% of energy used but 22% of total energy expenditures. That is related to Snohomish PUD's charge for outdoor lighting on a flat rate rather than energy use. There may be an opportunity to negotiate with PUD regarding charges for outdoor lighting. Expenditures for wastewater represent 35% of total energy expenditures, facilities 23%, fleet 20%, and water delivery .2%. He also provided a comparison of 2010

energy use for the five categories based on fuel source, summarizing electricity was the dominant fuel source. He noted hydrocarbon is a particular risk for local government due to price variability.

Mr. Reeder explained Edmonds City government has taken important steps to reduce its energy consumption:

- Reduction in energy use by 15% from 1999 to 2010
- Since 2006, Edmonds has realized over \$400,000 in reduced municipal government energy costs, equivalent to a 6% reduction over that timeframe
- Invested \$1.8 million in upgrades that will reduce city expenditures by \$100,000 annually

Mr. Reeder provided a bar graph identifying historical energy use for the five categories in 1999, 2006 and 2010, noting total municipal energy use has decreased 15% since 1999. He also provided a graph of trends in energy expenditures 2006-2010. He summarized the more the City can move to alternative fuels and electrifying energy use, it will insulate the City from swings in hydrocarbon costs.

Edmonds City government is transforming the way it does business:

- Entire diesel fleet converted to biodiesel mix
- LED signal lighting upgrades resulting in 60% energy savings
- Installed LED street lighting in Emerald Hills and working to improve street light efficiencies on Main Street
- Maintains four hybrid vehicles and has purchased two electric vehicles for the City’s fleet
- Tracks facility energy use and cost using EPA’s energy Star Portfolio Manager
- Converted 217 computer monitors from CRT to LCD and retired nine servers

Mr. Reeder provided a chart of energy use per capita and cost per capita for Edmonds, Bremerton, Renton and Auburn, noting Edmonds is a leader in energy efficiency. With regard to opportunities, Mr. Reeder explained many cost-effective opportunities exist to further reduce energy use across all functions and departments:

- 30 opportunities identified and 17 ranked by capital costs, energy savings and efficiencies, net present value, and implementation risk
- Top recommendations include strategies addressing vehicle fleets, building energy use, and lighting

Mr. Reeder provided a schematic of the output of their methodology that considered implementation risk (maturity of the technology and perceived success rate), net present value, and estimated savings potential. He identified opportunities in each category and overall city practices and recommendations that include establishing a revolving energy fund. He provided their top five recommendations grouped by category:

Category	Capital Cost	Lifetime Energy Cost Savings	NPV	ROI
1. Invest in more efficient police fleet <ul style="list-style-type: none"> •Install idling management devices in newer police fleet vehicles •Pilot hybrid police vehicles (3.7 year payback period) •Introduce more advanced fleet management and tracking systems •Pilot propane-powered vehicle conversion for a subset of Crown Vics (3.9 year payback period) 	\$243,000	\$445,000	\$157,000	80%
2. Invest in key short-term facilities upgrades <ul style="list-style-type: none"> •Add occupancy/vacancy sensors in City Hall and 	\$6,000	\$17,000	\$15,000	170%

Public Safety building •Installation of fresh air ventilation for server room				
3. Work with PUD to improve streetlight efficiency •Establish monitoring technologies to assess actual vs. billed streetlight energy use (does expected use for billing equal actual use?) •Push for additional pilot LED projects •Work with PUD to negotiate lower rates for LED streetlights	\$1,052,000	\$3,304,000	\$200,000	210%
4. Where possible, de-lamp, reduce, or get off the grid •Continue choosing solar for new school zone signals •De-lamp or change bulb type of exterior lighting in Public Safety building •Reduce outer 5 garage parking lights by 6 hours a day at City Hall	\$1,500	\$25,800	\$25,000	1,500%
5. Conduct engineering and economic analysis of higher capital cost options •Recover energy from incinerated biosolids •Solar or geothermal water heating for Yost Pool boiler replacement •Cooler temperature asphalt mixes •Methane recovery from wastewater treatment plant	Further analysis required			
TOTAL	\$1,300,000	\$3,800,000	\$296,000	

*Increasing the time-in-service of the City's police cruisers from three to six years could realize an additional \$37,000 in present value energy cost 1

Mr. Reeder summarized Edmonds has already made significant achievements in reducing energy costs and improving efficiency. Edmonds can pursue energy savings opportunities that:

- Achieve an estimated energy cost savings of \$3 million or more over next 20 years
- The opportunities, adjusting for capital outlays and an 8% discount rate, represents a positive net present value of approximately \$300,000
- Free up funding for other City improvements
- Protect against future energy cost risks
- Reinforce Edmonds' position as a regional leader in energy efficiency and creative energy solutions

Council President Peterson referred to methane from the wastewater treatment plant as a potential energy source. Mr. Williams answered the wastewater facility does not have digesters and therefore does not generate methane like most wastewater treatment plants. The facility does generate a great deal of waste heat from incinerating wastewater solids. It would be worthwhile to pursue strategies to reuse waste heat although it is very expensive. Because the upfront costs are high, a market for the energy would need to be identified; a logical candidate would be the current and redeveloped Harbor Square.

Mr. Williams advised staff plans to make a presentation to the Council for a propane delivery system at the garage and as part of normal vehicle replacement, the purchase of three propane vehicles. He noted that will provide not only energy and cost savings benefits, but also environmental benefits.

Council President Peterson expressed interest in further information regarding establishing a revolving energy fund to keep these investments going. Mr. Williams advised he will work with the Finance Department on that.

Student Representative Spring asked if propane vehicles or hybrid vehicles were more efficient. Mr. Reeder responded it depends on the capital outlay for the vehicle. The capital investment for propane

vehicles is quite low and existing vehicles can be retrofitted. The price of hydrocarbon fuel is projected to continue to increase; as those increase, the cost of propane will also increase. Other factors include the time horizon, vehicle turnover rate, the cost of fuel, etc.

Councilmember Bloom inquired about the suggestion to work with PUD to negotiate lower rates for street lights. Mr. Reeder responded it appeared there was a disconnect between the amount of energy used and what the City is charged. There is a potential opportunity to discuss with PUD how they bill the City for outdoor lighting. Mr. Williams explained the City pays a monthly flat rate for outdoor lights. The lights are owned by PUD; built into the monthly rate is eventual future replacement of the bulb and fixture and associated maintenance plus the energy.

Councilmember Bloom asked how more LED street lights could be installed. Mr. Williams stated PUD constantly evaluates the rapidly changing LED technology. He did not recommend a wholesale change of all outdoor lighting to LED due to the huge expense until the technology matures. The pilot project in Emerald Hills that replaced 23 lights was conducted by PUD. Other advantages of LED street lights include environmental as well as reduced maintenance for bulb replacement because the bulbs last longer.

Council President Peterson asked whether all the City's traffic signals were LED. Mr. Williams answered approximately 90-95% of the City's signals and all pedestrian signals have been converted.

13. PROPOSED ORDINANCE AMENDING THE PROVISIONS OF ECDC 18.00.050 FOR APPRENTICESHIP PARTICIPATION ON CITY CONSTRUCTION CONTRACTS.

This item was pulled from the agenda via action in Agenda Item 3.

14. SALARY RANGE TABLE

Finance Director Shawn Hunstock explained a salary range table had not been included in the discussions or documentation prior to adoption of the 2012 budget ordinance which is inconsistent with State law that requires either listing of actual salaries or listing of positions with a salary range. At the time of budget adoption, in the haste to comply with state law, a salary range table was inserted into the budget document. There have been changes/corrections to the table as noted on page 310 of the packet. His research found a salary range table has not been included in the budget for at least the past ten years. For any future budget amendments that include changes to budgeted positions, the salary range table will be updated to reflect the changes.

Councilmember Bloom observed the ordinance states the actual salaries or a range can be included in the budget. She asked why the ranges were chosen instead of actual salaries. Mr. Hunstock answered it is a preference; most cities include ranges in their budget documents. Some cities include both.

Councilmember Bloom asked if the Council could decide whether to include ranges or actual salaries. Mr. Hunstock answered it was his intent to include actual salaries in the body of the budget document as well as a salary range table.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE BUDGET AMENDMENT ORDINANCE NO. 3877, ADDING THE SALARY RANGE TABLE TO THE 2012 BUDGET DOCUMENT AS AN APPENDIX. MOTION CARRIED UNANIMOUSLY. (Councilmember Fraley-Monillas was not present for the vote.)

15. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF MARCH 13, 2012

Finance Committee

Councilmember Buckshnis reported the committee discussed the Fiber Optics Agreement for 110 James Street which was approved on the consent agenda. The committee also discussed the salary range table, a

leakage policy and a Finance Committee mission statement. During public comment, Mr. Wambolt commented on reporting of reserve funds.

Planning, Parks and Public Works Committee

Councilmember Bloom reported the committee reviewed the Development Services Director and Planning Manager job descriptions and delegation of authority by the Development Services Director. That discussion will continue at a meeting between Mr. Chave and her on Friday. The committee also discussed the reading of citizens' emails/letters aloud during Audience Comments. She will prepare guidelines for review by the City Attorney and Council.

Public Safety and Personnel Committee

Councilmember Fraley-Monillas reported most of the items the committee discussed were approved on the consent agenda. An amendment regarding expanded notice requirement for street vacations was referred to the Planning Board.

16. MAYOR'S COMMENTS

Mayor Earling thanked the public and staff who attended the recent charrettes, particularly Mr. Clifton and Ms. Cruz who assembled the charrettes. Approximately 150 citizens participated in the charrettes and he found all the discussion groups to be enormously helpful. During the two events, 15-20 staff members participated as scribes. An open house with a summary of options the citizens considered will be held on May 3.

17. COUNCIL COMMENTS

Councilmember Buckshnis apologized to Councilmember Yamamoto, Mr. Clifton and the Economic Development Commission; her research of the 2011 EDC minutes found the average absence was 4.8 people.

Councilmember Buckshnis urged the public to adopt a flower basket.

Councilmember Bloom commented since she became a Councilmember she has been talking with staff about the possibility of a blog on the City website. In the meantime she will continue writing on her blog, EdmondsForum.com, tweeting, and posting articles on My Edmonds News.

Council President Peterson announced the Edmonds Business Forum will be held on Saturday at the Edmonds Conference Center, also known as the Floral Center. It is an opportunity to learn about the variety of service businesses available in Edmonds.

Councilmember Fraley-Monillas thanked everyone who attended the charrettes. She was disappointed more young people did not attend and encouraged them to complete the survey.

Student Representative Springer thanked the students who attended the charrettes and encouraged students and youth to participate in community meetings like the charrettes and to complete the survey.

18. ADJOURN

With no further business, the Council meeting was adjourned at 9:27 p.m.