

EDMONDS CITY COUNCIL APPROVED MINUTES

October 27, 2015

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Adrienne Fraley-Monillas, Council President
Diane Buckshnis, Councilmember
Kristiana Johnson, Councilmember
Lora Petso, Councilmember
Joan Bloom, Councilmember
Thomas Mesaros, Councilmember
Michael Nelson, Councilmember

ALSO PRESENT

Ari Girouard, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Scott James, Finance Director
Linda Coburn, Municipal Court Judge
Rob Chave, Planning Manager
Leif Bjorback, Building Official
Rob English, City Engineer
J. Hwang, Police Officer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. ROLL CALL

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

2. APPROVAL OF AGENDA

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

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

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**
- B. APPROVAL OF CLAIM CHECKS #216780 THROUGH #216891 DATED OCTOBER 22, 2015 FOR \$792,803.62. (CHECK #216834 FOR \$250.00 WAS VOIDED AND CHECK # 216891 WAS RE-ISSUED FOR \$100.00. \$792,953.62 - \$250.00 + \$100.00 = \$792,803.62). APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61825 THROUGH #61836 FOR \$500,277.21, BENEFIT CHECKS #61837 THROUGH #61841 AND WIRE PAYMENTS OF \$529,679.37 FOR THE PAY PERIOD OCTOBER 1, 2015 THROUGH OCTOBER 15, 2015**

- C. **ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FOR CARMELA SULLIVAN (\$206.51)**
- D. **APPROVAL OF EDMONDS DOWNTOWN ALLIANCE 2016 WORK PLAN AND BUDGET**
- E. **WRIA8 (WATER RESOURCE INVENTORY AREA 8) SALMON RECOVERY INTERLOCAL AGREEMENT**

4. **PRESENTATIONS**

A. **ARBOR DAY PROCLAMATION**

Mayor Earling read a proclamation declaring October 17, 2015 as Arbor Day in Edmonds and thanking the Edmonds Citizens Tree Board and City Staff for their efforts to replace fallen trees in Yost Park with a planting day on October 17, 2015. Tree Board Chair Steve Hatzenbeler accepted the proclamation.

Mr. Hatzenbeler reported on the planting in Yost Park by Tree Board Members, Councilmember Bloom, Parks Maintenance Supervisor Rich Lindsay and another Parks staff member. He commented Arbor Day can be observed in the spring or fall. The Tree Board recommended Edmonds observe it in the fall because it is a more appropriate time to plant trees in this climate. The planting in Yost Park included cedars, firs and other native plants in an area where trees came down during the August windstorm. The Tree Board looks forward to bigger and better events in the future.

5. **AUDIENCE COMMENTS**

Teresa Simonton, Edmonds, requested the initiation of a vacation of the unnamed alley located between Daley and Sprague Streets between the blocks of 81st and 84th. This is a landlocked alley that has been vacated from west and there is a retaining wall to the east making it completely inaccessible. The City also informed her no sewer lines go through the area. All four abutting land owners agree they would like to maintain the property. A vacation is beneficial to the City because property owners will pay property taxes on the vacated portion. One of the difficulties they have encountered is Leland Cypress trees in the alley in excess of 20 feet extend over their roof allowing access for pests. She was informed by the Engineering Department that she cannot do anything with the trees because the property is owned by the City.

Ron Wambolt, Edmonds, thanked the Mayor and staff for their work producing the well-done, comprehensive 2016 budget. He relayed the Association of Washington Cities states public safety is the number one mandatory service cities must provide. He recommended the City give more resources to the Police Department, recognizing that giving the police more will result in other departments getting less. He recommended adding three more people to the Police Department budget including a couple for traffic enforcement. There have been traffic fatalities in each of the last two years and there undoubtedly will be more in the future if traffic is not slowed down. He has lived in the area for 36 years and recalled 20-30 years ago it was not uncommon to encounter radar traps in many areas of the City. Drivers better controlled their speeds back then because they feared getting a ticket; today driver fearlessly speed throughout the City. He referred to recent comments about the shortage of parking spaces downtown; the primary cause of the shortage is too many spaces occupied all day by employees of the nearby businesses due to the lack of parking enforcement. Two officers are dedicated to parking enforcement and animal control; there used to be three a few years ago, and it is time to restore the third position. The prior peak in the economy was 2008; at that time the Police Department had 69 personnel, Development Services, Public Works and Engineering had a total of 40.1. The 2016 budget provides 65 positions for Police, 4 below 2008 levels and a combined total of 46.6 for Development Services, Public Works and

Engineering, 6.5 more people than in 2008. He recognized second floor activities have increased; there are bubbles in construction activity like the current apartment building and the expansion of Swedish Edmonds but traffic constantly increases. He proposed expenditure priorities be reordered; the safety of drivers and pedestrians needs to be elevated to a higher priority than reducing the workload for some or funding a legislative assistant for City Council.

Jim Feldman, Feldman & Lee, the public defender for Edmonds for 30 years, explained his comments were regarding Agenda Items 7B and C, awarding the 2016-2018 Public Defender Contract for Edmonds to the Snohomish County Public Defender's Office. Feldman & Lee has never had any complaints or been sanctioned for their conduct or procedures in court and Edmonds has never faced any claims or exposed to any liability for any of their actions. They have always worked well with the City, Court, Police Department and Prosecuting Attorney's Office while vigorously and zealously representing their clients' interests. He recognized 30 years of excellent service and loyalty to the City should not guarantee renewal of their contract but believed that past actions are a good indication of future results. They were vigilantly preparing for the many changes required by State statute that adopted public defender standards as well as the federal district court case and decision. They hired additional staff and lawyers, bought a new computer database system at considerable expense and hired a person to operate that system to comply with the requirements of the standard as well as provide the City the necessary information. He enjoys the work and has faith in their ability to ensure their clients receive justice. He referred to previous communications they sent to Council regarding their concern the entire review process was one meeting with the committee and Eileen Farley, the person hired to establish the procedures, wanted a more complete investigation performed, including discussions with jail staff members and mental health professionals. He asked the Council to consider not adopting staff's recommendation, review the process and provide additional input.

Brandon Feldman, Feldman & Lee, the public defender for Edmonds, asked the Council to consider awarding the public defender contract for the next three years back to Feldman & Lee. He highlighted two strengths of their law office and the reason they should be awarded the contract. First, they are a family-owned business; his father raised him and his three brothers to look out for people on the fringes because they were the ones that needed help. As a stakeholder in the law firm, he is not going anywhere and has been fortunate and honored to be in a position to help others and that is the life lesson for public defenders, to help those that are in need of help. He referred to instances in Burlington and Grant County where the public defender categorically failed to represent individuals they were assigned. He assured Feldman & Lee has done everything to comply with the requirements of the Washington State Supreme Court and takes their job and duties very seriously. Second, during the interview process Professor Bob Boruchowitz asked what it meant to be client centric. Mr. Feldman said client centric in this context means clients' access to the public defender and to justice. Feldman & Lee is located 5 miles from the Edmonds court; the Office of Public Defense is located 18 miles away. Forty percent of the people Feldman & Lee represents are either charged with Theft 3 or Driving while License Suspended. Entering into a contract with Snohomish County Public Defender Association will require those people travel 18 miles to meet with a public defender. In representing Mukilteo, the Office of Public Defense's case closure rate is 34%; only 55% of the 167 cases since January 1, 2015 have been closed. Feldman & Lee has closed 56% of its cases which he believed was due to the proximity of their location in relation to the court.

Roger Hertrich, Edmonds, agreed with Mr. Wambolt's comments that the most important service the City offers is public safety. Public safety comes in several forms; last week he spoke to the Council about public safety but in regard to children and crumb rubber. Last week he challenged the City Council to do something right, to ban the use of crumb rubber in Edmonds via an emergency ordinance to protect children. The majority of the Council said no, they preferred to wait a couple weeks. Only Councilmembers Bloom and Petso were committed to the safety of children and wanted to take

immediate action. He concluded it was a shame this was not a Council of action when there was something important to the community; the Council is responsible for the public's health and safety.

Scott Blomenkamp, Edmonds, referred to information he distributed to Council that showed how the Council had been bamboozled and sandbagged by the administration with regard to the Woodway Fields project. He referred to a 1999 letter from the previous Development Director regarding legal issues with the project in regard to the zoning and it was shut down on a rezone in 1999 due to those issues.. The 1999 letter clearly states any expanded use is not legal and is nonconforming. He referred to a critical areas waiver from 1993 signed by a planner, not the department director as required by the code. He recalled when the Council was reviewing revisions to the critical areas regulations, Mr. Lien stated up to a 5-year critical area waiver could be used; 1993 is 22 years ago, not 5 years ago. He referred to the third page of the information he provided which states any work within 50 feet of a critical area will require a new critical area checklist waiver. The Woodway Fields are graded to within 2 feet of a critical area. Because the project was approved, any permit would be a Type II review which only requires administration approval. As a result the school district can add fields at their whim with no hearing, no required approval by the City Council, and the administration can approve the permit "under the cloud of darkness" and until someone notices, it would not come to anyone's attention. He referred to a case, Gunderson v. Ravich, which required a city to remove a house and relocate it due to zoning issues. He suggested the Council pass a resolution to at least limit any permits until after the pending Snohomish County court case is adjudicated.

Robert Stivers, Edmonds, on behalf of the American Legion Post 66, thanked the Council and especially Mayor Earling for introducing their Boy's State candidate to the processes of local government which he found very useful at Boy's State. The candidate made several interesting comments at the last American Legion meeting when he reported on his experience including the ability to use his high school leadership experience. The candidate ended up in the State Legislature, House of Representatives, and it appeared they were having a fun time.

6. PUBLIC HEARINGS

A. PUBLIC HEARING ON PROPOSED 2016-2021 CAPITAL FACILITIES PLAN/CAPITAL IMPROVEMENT PROGRAM

City Engineer Rob English explained a study session was held on September 22, 2015 and a public hearing was held at the Planning Board on October 14, 2015; the Planning Board recommended approval. Minutes of the Planning Board public hearing are included in the Council packet.

Mr. English provided a diagram showing components found only in the CIP and only in the CFP and components found in both the CIP and CFP. The CIP contains 6-year maintenance projects with funding sources, the CFP contains long range (20-year) capital project needs, and both contain 6-year capital projects with funding sources.

He displayed photographs of the 228th corridor improvements and described elements that have been completed and elements yet to be installed including signals at Highway 99 & 228th as well as 76th & 228th. He displayed a photograph of a paving project on 220th that combined a federal grant project and a local pavement preservation project to pave from the city limits east of Hwy 99 to 84th Avenue. He highlighted projects in the 112 Street Fund:

- 228th Corridor Improvements (Construction)
- SR99 Lighting Phase 3 (Construction)
- 238th St. Walkway (Construction)
- Pavement Preservation Program

- 9.6 Paved Lane Miles (Completed)
- \$1.03M Proposed Budget for 2016
- 2015 Transportation Comp Plan (Completed)
- SR104 Corridor Study (Completed)

He highlighted 2016 projects in the 112 Street Fund, noting all three include grant funds:

- 76th/212th Intersection Improvements (2016)
- Citywide Bicycle Improvements (2016)
- 236th St. Walkway (2016)

He highlighted 2016 Transportation projects funded with 126/125 REET funds:

- Pavement Preservation Program (126/125)
- Trackside Warning System Main/Dayton (126)
- Signal Cabinet Upgrades (126)
- Curb Ramp Upgrades Program (126)
- ADA Transition Plan Update(126)
- Traffic Calming Program (126)
- Traffic Signal Conversions Protected/Permissive (126)
- Minor Sidewalk Program (126)

He displayed a photograph of a watermain replacement and identified other projects funded by the Water Utility Fund (421):

- 8,200 ft Watermain Replacement (Construction)
- Replacement of 2 PRV's (Construction)
- Overlay 1,700 feet of street affected by waterline replacements (Construction)
- 8,000 ft of Watermain Replacement (2016)
- Replacement of 1 PRV's (2016)

Mr. English displayed a photograph of a residential raingarden pilot program that installed six raingardens on Sierra Drive and identified other projects funded by the Stormwater Utility Fund (422):

- 238th St. Drainage Improvements(Construction)
- Rain Garden Pilot Program (6 rain gardens)
- Willow Creek Daylight Feasibility Study (2015)
- SW Edmonds 105th/106th Improvements (2016)
- Dayton St Pump Station; Design (2016)
- Seaview Infiltration Project; Design (2016)
- Willow Cr/Edmonds Marsh; Design (2016)
- Stormwater Comprehensive Plan Update (2016-17)

Mr. English displayed a photograph of a sewer main replacement project on Walnut Avenue and identified other projects funded by the Sewer Utility Fund (423):

- 2,700 feet sewermain replacement (Construction)
- Pavement overlay on 500 feet of street affected by sewermain replacements (Construction)
- 3,000 ft sewermain replacement (2016)
- 5,800 ft CIPP sewermain rehabilitation (2016)
- WWTP Improvements

Parks & Recreation Director Carrie Hite displayed photographs and described highlights of the Park CIP 2015:

- City Park spray area
- Dayton Street Plaza
- 4th Avenue Cultural Corridor
- Historical plaques and lighting project
- Marina Beach Master Plan
- Repairs needed at Yost: \$120,000 for spa rebuild (REET 125)
- Anderson Center stage replacement (REET 125)
- Veteran's Plaza (REET 125)
- Fishing Pier Rehab, mostly grant funded (Parks Construction Fund 132)
- Edmonds Marsh, daylighting of Willow Creek (125/132)

She highlighted Parks CFP 2015 projects:

- Civic Center acquisition
- Woodway HS Athletic Complex
 - 655,000 set aside
 - \$2.5 million Verdant
 - \$500,000 Edmonds School District
 - \$750,000 State appropriation

Ms. Hite identified projects in the Parks CIP 2016:

- Parklet development
- Outdoor Fitness Zones
- City Gateway Replacement
- Meadowdale Playfields
 - Partnership between Edmonds, ESD, Lynnwood and Snohomish County
 - Interlocal Agreement effective until 2025.
 - Interlocal Agreement gives each party a role in decision-making
 - Lynnwood is planning Phase 1, soccer fields. Edmonds uses only the softball fields for adult softball.

She identified projects in the Parks CFP 2016:

- Locate, construct and maintain a downtown restroom
- Senior/Community Center Walkway Design
- Civic Center Master Plan

She recommended consideration of the following changes to the Park CFP 2016:

- Delete Edmonds SnoIsle Library
- Delete Boys and Girls Club Building
- Change Arts Center/Art Museum to Cultural Arts Facility Needs Study

Mr. English reviewed the CFP/CIP schedule:

- July
 - City Staff begins development of capital budgets
- August/September
 - Submit proposed capital budget to Finance
 - Prepare Draft CFP and CIP
 - City Council presentation (September 22)
- October
 - Planning Board public hearing (October 14)
 - City Council public hearing (October 27)

- November/December
 - City Council approval
 - Adopt CFP w/budget into the Comprehensive Plan

Mayor Earling opened the public participation portion of the public hearing.

Kortney Hamilton, Edmonds, took offense to being characterized as a NIMBY. She said the Comprehensive Plan lists it will be developed into a community park along with an athletic facility with four fields. She asked how that would be possible as there is not room for a park and the community has not been involved since 2009. She urged the Council to consider what not having a say regarding the field infill meant. Many members of the public have testified regarding carcinogens in crumb rubber and have proposed a ban on crumb rubber. She urged the Council to do the right thing and practice the precautionary principle.

Laura Johnson, Edmonds, observed the second phase of the Woodway fields is included in the CFP. She compared crumb rubber to a horror movie, “The Attack of the Toxic Crumb Rubber Monster.” She has been trying to protect her children from the toxic crumb rubber monster for the past eight months. The characters in the horror film, the citizens, nearly 1,000 opposed to dumping of a toxic substance on the fields, are a broad range of characters: parents of athletes who desire nontoxic athletic fields for their children, neighbors who fear the potential of toxic dust from the fields or toxins that may enter their water supply, environmentalists concerned about toxins harming fish and wildlife, and those who do not like the idea of dumping hazard waste in their beautiful town. A main character, the school district, is unwilling to the citizen’s pleas or negotiate with the City Council for the use of a nontoxic alternative. The City Council, temporarily unavailable to the people due to a quasi-judicial process that blocked them from hearing early pleas. The Mayor, who citizens went to for help and protection from the toxic monster who said it was a school district decision and he could not offer any protection. The Parks Director has called those in opposition to crumb rubber NIMBYs and consulted with a lobbyist to work against their attempts to get help from the outside. Phase 2, aka toxic crumb rubber monster, the sequel, is included in the CFP. It takes place on the same set with the same characters but this time she wanted a different ending. This time the monster can be prevented; everyone is wiser and has the information necessary to suspect serious harm from the toxic crumb rubber monster. The monster is packaged as harmless; citizens are told although he is full of toxins and carcinogens, they cannot get out, they are locked inside like mercury inside a glass thermometer but she noted glass can break. The City Council is better educated on the issue, prepared and aware of citizens’ concerns. The Council can choose not to partner with the school district, tell staff to stop writing the script until more research has been done. The goal is to protect children and the environment from a product or monster than can inflict great harm, a product that will pollute the environment and add to global warming. She asked the Council to do its part to protect the citizens via the CFP/CIP and a ban on crumb rubber. She recommended only grass be considered for Phase 2.

Roger Hertrich, Edmonds, referred to Ms. Hite’s comment that Meadowdale fields have been in the plans for a long time and said crumb rubber was never part of the plan and was never discussed. He asked the Council to include over the track pedestrian and vehicular access in the Comprehensive Plan as a park project as discussed on September 9, 2014. At that time it was considered for both a park and traffic safety project. He recalled Ms. Hite said the recreational value of a walkway over the track would definitely qualify for RCO funding but emergency vehicle access would require other funding. He referred to page 13 where there is a diagram/map of the Edmonds Crossing, WSDOT ferry and multimodal facility. He envisioned access through Marina Beach Park along with daylighting of Willow Creek would consume much of the park. He observed Mukilteo recently received federal funds for that type of project so there is money available. Next he suggested the sidewalks from the ferry to 4th Avenue be improved to promote tourism. He referred to the road widening project on 76th, commenting there is

barely enough space for two cars to drive through when school is getting out; there is not enough room to do everything that is proposed in that area.

Scott Blomenkamp, Edmonds, suggested the Council read the OS zone regulations. Contrary to Mr. Taraday's indication that natural grass is not natural, the dictionary states natural grass is not manmade. In the OS zone natural vegetation cannot be removed without a conditional use permit (CUP). Phase 2 proposes to remove 192,000 square feet of natural grass and replace it with a manmade substance. Staff says that does not require CUP but he felt it does. He referenced *Lauer v. Pierce County* where the school district was fraudulent on their application and a fraudulent application does not vest.

Gary Osher, Edmonds, said although he thinks crumb rubber is bad, it is at least undetermined whether it is good or bad. In 10-15 years when there is more science, he asked whether the Council wanted to be seen as not allowing crumb rubber because of its potential harm or allowing it to be installed because they didn't know for sure. He did not understand what the harm was in using grass.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing. He advised the CFP/CIP will be brought back to Council in early November for approval. In the interim, he encouraged Councilmembers to provide questions to staff who would provide their response to all Councilmembers.

Councilmember Petso asked what year the project to reduce 9th and 100th to 3 lanes through Westgate intersection versus the current 5 lanes was planned. Mr. English answered it is not planned for next year.

7. STUDY ITEMS

A. ADOPTION OF INDIGENT DEFENSE SERVICE STANDARDS

Parks & Recreation/Human Resources Reporting Director Carrie Hite explained the State of Washington recently passed RCW 10.101, requiring cities and counties to adopt standards for indigent defense services. Lighthouse Law Firm recommends the City adopt the Washington State Bar Association Standards for Indigent Defense. The packet contains the original standards for indigent defense services and the revisions that were recently adopted.

Councilmember Buckshnis asked if the standards should have been adopted last year or adopted this year. City Attorney Jeff Taraday responded the State law that requires the City adopt indigent defense standards has been in effect for some time. It came to their attention recently that the City had not previously done so; this is a housekeeping item to take care of something should have done a long time ago.

It was the consensus of the Council to schedule approval on next week's Consent Agenda.

B. AGREEMENT FOR INDIGENT DEFENSE SERVICES

Parks & Recreation/Human Resources Reporting Director Carrie Hite recommended the Council consider Mayor Earling's recommendation to appoint the Snohomish County Public Defender Association as the provider of the City's public defense services beginning in 2016. The RFQ process has been discussed with Council several times, dating back to when the new defense standards were adopted. She made a correction to the memo in the packet, Feldman & Lee provided notice to the City to terminate their contract on December 6, 2013. Council discussion occurred in early 2014 and on March 18, 2014 Council approved a contract extension and increased amount in lieu of termination. In December 2014 Council reviewed the new standards and several recommendations from staff, including a one-year extension with Feldman & Lee, and continuing to work with Eileen Farley to evaluate the City's system, draft an RFQ,

and recommend a process to evaluate the RFQ. Ms. Farley recommended amendments to the contract with Feldman & Lee which occurred in June 2015. She also drafted an RFQ that was published in June. The City worked with Ms. Farley to develop an objective process to evaluate RFQ applicants. She recommended the City work with Bob Boruchowitz and John Ostlund to assemble an experienced panel, draft questions, review RFQs and coordinate the evaluation process. The packet includes a memo from Mr. Boruchowitz outlining the process he developed; he is also present to explain the process.

Bob Boruchowitz said he was pleased to provide advice to the City on the selection of a public defense provider. The City's process has been a thoughtful response to the issues raised in the federal court mitigation *Wilbur v Mt. Vernon*. The City wanted an objective assessment of the candidates for its public defense contract. In a way, the City's approach could be seen as a model for other cities to address the concerns raised by Judge Lasnik in his opinion in the Wilbur case. The City employed an experienced defender attorney, the same one appointed by Judge Lasnik as supervisor for the two cities, Eileen Farley, to help prepare the RFQ and then engaged him and John Ostlund, a former Whatcom County public defender, to advise the City further. They assembled a panel of experienced defenders and a community faith leader selected by Mayor Earling to review the applications for the public defense contract. The panel interviewed all candidates, reviewed references and written materials provided by the candidates and reached a unanimous recommendation.

Ms. Hite said the professional service agreement was drafted by Ms. Farley and Sharon Cates, Lighthouse Law Group. City staff has been in active negotiations with Kathleen Kyle, Executive Director, Snohomish County Public Defender Association. The amount of the contract is somewhat higher than the current contract due to Snohomish County Public Defender Association's plans to provide 1.75 FTE for the City's current caseload which satisfies the new standards. They also provide investigative services and social work services as part of a wraparound program. In addition, Section 27D addresses a system to acknowledge both an increase and decrease in caseload and potential savings in the contract. This can be reviewed on a quarterly basis versus a yearly basis. In conversations with Ms. Kyle, she is committed to providing access to their services and if needed, will meet clients in Edmonds. The fee for service has a 4% increase per year which is consistent with the City's current agreement with Lighthouse.

Kathleen Kyle Snohomish County Public Defender Association, explained the Association is a nonprofit organization, governed by a board of directors including Karen Miller who is here tonight, a former Snohomish County Councilmember. Other board members consist of retired judges, retired law enforcement, practicing attorneys, a banker and two community college administrators who help them in their mission to provide quality public defense to an indigent population. The Association has been in business over 42 years and already represents many of the people who come to Edmonds Municipal court; they represent juvenile youth in the juvenile center when charged as a juvenile, Edmonds adults when they are in unincorporated Snohomish County, people charged with felonies in Superior court, and the mentally ill population when faced with civil commitment. They are excited for the opportunity to represent Edmonds community members in the municipal court.

Ms. Kyle explained their proposal funds not only the two lawyers that will be assigned to the City but also provides a broader service base. They has 19 administrative staff who go to the Snohomish County Jail to visit clients on a daily basis to interview them, pick up written communication and begin release planning at the earliest possible time. They have seven investigators on staff who provide consultation and direct services to the lawyers to develop a fact investigation in the criminal case as well as two social workers on staff. Lawyers working in Edmonds also have access to all the other lawyers working in Snohomish County in a coordinated effort. They have more than 40 lawyers with a broad base of experience. Although they are willing to locate attorney offices to meet clients more directly proximate to Edmonds Municipal Court, they believe there is some benefit to having a body of lawyers representing Edmonds clients who they can confer with. They also want to be good community partners. The proposed

contract, although complicated, is designed to be responsive to the City of Edmonds' needs. They have a similar structure with Snohomish County who has realized great cost savings when the number of referrals goes down. It also protects the City if the number of referrals goes up, to ensure the City is meeting its constitutional requirements per the Wilbur decision and allocating the right number of lawyers per number of defendants coming through the court.

Ms. Kyle also pledged to assist the City in obtaining grant money available for improving public defender services. For example the Washington State Office of Public Defense administers annual grants and she believed Edmonds would be an excellent candidate to receive funds in the future. As a nonprofit, the Association is also able to be very creative in developing funding sources, understands the trickle-down effect where the City has had to absorb more and more costs of public defense and committed to providing quality public defense at an economic cost.

Council President Fraley-Monillas inquired about the social worker program. Ms. Kyle explained they have two social workers, one primarily serves a special unit of lawyers, the special commitment unit, the 7109 unit or the sexually violent predator contract, who work with the State Office of Public Defense. The second social worker, Eric Johnson, works directly with lawyers providing criminal services. The social worker provides a broad array of services, from release planning which can include finding access to housing, chemical dependency treatment, mental health treatment, etc. and just knowing the community availability of programs. He also does mitigation packages where he meets with clients, assesses their needs and makes recommendations regarding how to structure a plan to be respectful of the client's needs and future planning so they are more successful upon exiting the criminal justice system in the hopes of slowing recidivism in the future.

Council President Fraley-Monillas agreed providing those services helps people not reoffend. Ms. Kyle said lack of available housing is a huge countywide problem; the social worker understands that and is able to figure it out. In the interview with the City, the community representative, Pastor Crane, asked several questions about the social worker. She described a situation where the lawyer figured out a way to get a release plan, the social worker did an assessment while the person was in custody and a treatment agency accepted the person straight from the jail and the only missing piece was the \$40 bus ticket to get them from the jail to the inpatient treatment. Pastor Crane sent \$1000 for their bus ticket fund. She commented the community is responsive when they outline their needs, identify the gaps and work together to solve those problems.

Councilmember Johnson recalled Ms. Hite saying the Association may consider offices in Edmonds, but Ms. Kyle cited the benefit of networking with other attorneys. Councilmember Johnson asked how the Association would accommodate the legal requirement for the client to have a private consultation with their attorney prior to their court date. Ms. Kyle agreed that is a concern. All their lawyers have an individual, private office to meet with clients in a confidential setting. They are also very proximate to the Snohomish County Jail to meet with clients early and regularly even if they are detained. They have a conflict case load in Skagit County, district courts are spread through the County; Edmonds is not the only location that clients commute from. She hoped to provide a central location where client could meet their lawyer to discuss their criminal matters. They are prepared to meet clients where they are if they are unable to get to their office, either via telephonic interviews at the client's request or meeting them in the community to effectuate a meaningful opportunity to have a confidential conversation with their lawyer and develop a strategy prior to their court date.

Councilmember Johnson asked how that could be accommodated in Edmonds. Ms. Kyle recalled asking the panel what demographic the City sees for their indigent defendants, whether they are Edmonds residents or passers through. They have a historical practice of serving the needs of people living in remote areas of Snohomish County who may not have a license. She acknowledged it may be detrimental

to people's employment, child care, etc. as well as the cost of gas or bus fare to get to Everett to meet with their lawyer. Councilmember Johnson relayed her understanding of Ms. Kyle's explanation that the Association deals with it on a case-by-case basis. Ms. Kyle answered yes, advising for the most part they are able to have confidential client meetings in their offices in Everett for clients who are out of custody. Their administrative staff facilitates scheduling appointments and accommodating client needs and communicating with the lawyer. They will need to determine a way to gather meaningful data to evaluate that issue in future. They want to provide good service to clients and meet clients where they are. Councilmember Johnson remarked Edmonds has SWIFT bus service directly to Snohomish County.

Councilmember Petso asked how much more expensive this contract is. Ms. Hite answered this contract is \$30,000 more per year than the City currently pays.

Councilmember Buckshnis complimented Ms. Hite on the packet; she found it very informative and it answered all her questions.

It was the consensus of the Council to schedule this on next week's agenda as a 5 minute item following Audience Comments.

C. AGREEMENTS FOR REPRESENTATION OF INDIGENT DEFENDANTS - CONFLICT COUNSEL

Parks & Recreation/Human Resources Reporting Director Carrie Hite explained there is a need for conflict counsel in the event there is a conflict of interest with the public defense services. This is a housekeeping item. Sharon Cates, Lighthouse Law Group, worked with Judge Coburn in developing these agreements. She recommended the agreements be approved on the Consent Agenda.

Councilmember Petso asked if there were already contracts in place with these lawyers. Ms. Hite answered they will be expiring at end of year, this is a renewal of the contracts.

Councilmember Buckshnis asked why there are so many. Ms. Hite assumed there could be several conflicts. Municipal Court Judge Linda Coburn said the reason there needs to be multiple people on the conflict counsel is exactly as Ms. Hite suggested; there are often multiple defendants in an incident and each must be represented by a different attorney.

It was the consensus of the Council to schedule approval on next week's Consent Agenda.

D. PRESENTATION OF A GRANT AGREEMENT WITH THE DEPARTMENT OF ECOLOGY FOR \$633,750 TO DESIGN & CONSTRUCT A STORMWATER CONTROL FACILITY IN SEAVIEW PARK

City Engineer Rob English explained this is a grant agreement for an infiltration facility in Seaview Park. A study that started in 2013 and concluded in late 2014 identified potential projects to reduce stormwater flows in Perrinville Creek. This project was identified in that study and staff applied for a grant in early 2015 and was awarded the funds. The project will direct 53 acres of urban development stormwater runoff out of the Perrinville system into this facility and infiltrate in a tight system within the park. The preliminary cost estimate was \$845,000; the grant funds represent 75% and the City will contribute 25% local funds via the 422 Stormwater Fund. Design will begin later this year and into 2016 with a goal of building the project in 2017.

Councilmember Johnson recalled this is one of two very large projects. She asked about the impact this project will have on the overflow in Perrinville Creek. Mr. English answered there will be a definite improvement; this facility will take stormwater runoff from 53 acres of urban development but that is a

fragment of the entire watershed. He did not have a flow percentage available. For Councilmember Johnson, Public Works Director Williams explained another project that will be pursued is a small expenditure to improve the function of an existing pond in the Blue Ridge development in Lynnwood. There were several other large projects considered but this was at the top of the list in terms of dollars spent versus impact on the stream. The goal is to reduce peak flows when water velocities mobilize the sediment in the creek bed downstream. This project will be helpful; it will not reduce the flows by half, but will take the top off of peak flows.

It was the consensus of the Council to schedule approval on next week's Consent Agenda.

E. DISCUSSION ON AN ORDINANCE AMENDING THE 2015 BUDGET

Finance Director Scott James reviewed the 3rd quarter budget amendments:

- 14 Decision Packages
- \$2,009,941 in new revenues to pay towards
- \$2,066,566 in new expenditures

He displayed and reviewed the Change in Fund Balance Summary, advising the net change in ending fund balance was a decrease of \$56,625. He reviewed new items for Council to consider:

- Fire District 1 is in labor negotiations and cannot give the City the cost increase for 2015. FD1's estimate is \$7,289,514 for 2015 services or \$23,800 higher than the 2015 budget
- Move budget from Non-Departmental line item salaries to the Police Traffic cost center for the reimbursement of Steve Harbinson's retirement payout.
- Sally Lider, Recreation Coordinator, retired July 2, 2015. Her payout was process out of the recreation budget. Request to move the payout to the Non-Departmental budget where this is actually budgeted.
- In September 2015, the Edmonds Arts Festival Association made an unanticipated donation of \$2,778 to be used for mats in our gymnastics program
- Cover contractor expense (\$17,500) to repair water damage to Fire Station #17 plus \$2,500 in additional costs
- Increase estimated transfer within 112 Street Fund to account for use of traffic impact fees for project costs related to Five Corners Roundabout (\$286,000), 76th Ave/212th St. Project (\$121,710) and the annual debt service for the 220th St. payment (\$41,105)
- The 2015 budget estimated \$3,950,400 would be spent on the SR99-228th Street Corridor and Safety Improvements project with the balance (approximately \$1.9M) to be spent in 2016. The Contractor is expected to complete more work in 2015 then anticipated in the 2015 budget. This amendment will increase project expenditures and corresponding revenue to match the contractor's progress.
- Donation from the Edmonds Arts Festival Foundation for the purpose of funding additional artist installed light fixtures in keeping with the approved project design for the 4th Avenue Cultural Corridor Interim Art Project.
- 2014 year-end adjustment to the 2015 beginning fund balance in the REET 2 Fund created a negative ending fund balance for 2015. The City is reducing the capital expenditure BARS number bringing the ending fund balance to a positive number.
- 2014 year-end adjustment to the 2015 beginning fund balance in the Parks Construction Fund created a negative ending fund balance for 2015. The City is reducing the capital expenditure BARS number bringing the ending fund balance to a positive number.
- In 2014 the City did not have enough budget authority to transfer the full amount of the TBD revenue received.
 - Increases the expenditure allocation to include the remaining \$27,935 not transferred in 2014.

- Increases the interfund transfer budget so the City does not encounter the same issue at the end of 2015.
- Three year audit that was not included in the 2015 budget and insurance was less than anticipated.
- \$60,000 is needed from the B-Fund reserve to replace patrol car # 450-POL, it was involved in an accident and was totaled. Insurance has already paid \$14,724 for our loss

Mr. James reviewed items previously discussed by Council:

- Sister City Commission requested \$5,000 from the General Fund as a decision package during the 2015 Budget process, attached is a copy of Decision Package #47 from the 2015 Budget Hearings. Council approved the decision package but the request did not include the transfer from the General Fund. In order to transfer the \$5,000 from the General Fund, a budget amendment is needed to complete the request.
- Risk Management Fund was created and funded to pay for claims not covered through WCIA. In 2015, two claims were paid that were not covered by WCIA; (1) claim for a public records settlement for \$53,218 and,(2) claim for a utility tax reimbursement settlement, \$18,311.Both payments were placed on the consent agenda for Council approval of claims checks.

Mr. James summarized:

- Revenues increased \$2,009,941
- Expenditures increased \$2,066,566
- Ending Fund Balance Decreased \$56,625

Council President Fraley-Monillas asked whether it was normal for retirement payouts to be shifted away from the department. Mr. James answered an estimate of people who may retire is built into the budget; \$100,000 is included in the Non-Departmental Budget for retirements. The reason the amounts are returned to the department is to provide a better idea of the department's true expenses which includes any retirement payouts. Council President Fraley-Monillas asked whether that was a new practice or has it been done in the past. Mr. James answered it was a long practice. Long term employees may accumulate significant amounts of vacation, sick leave and other leave which must be paid upon termination or retirement. Council President Fraley-Monillas questioned the difference between it being a departmental expense versus a General Fund expense. Mr. James answered Police and Parks Department are General Fund employees. Budgeting retirement payouts in the department skews the true cost of the department. These are General Fund dollars shifted from one fund to another; if it was a Utility Fund employee, the General Fund dollars would be shifted to the Utility Fund.

Councilmember Buckshnis thanked Mr. Scott for answering her questions. She asked if the Risk Management Fund was fully funded. Mr. James answered it exceeds the 2%. Councilmember Buckshnis asked why the City only received 25% proceeds from the insurance company on a \$60,000 car that was totaled. Mr. James answered as a car ages, the value decrease. In this case, the car did not have a great deal of life left and since it was scheduled to be replaced soon, funds set aside for its replacement were combined with the insurance proceeds to purchase a new vehicle. Councilmember Buckshnis observed the car wasn't totaled but need \$15,000 in repairs. Mr. James explained \$15,000 represents the remaining vehicle value. The City's insurance policy is not a full replacement policy.

It was the consensus of the Council to schedule approval on next week's Consent Agenda.

F. DIVERSITY COMMISSION APPOINTMENTS

Mayor Earling requested Councilmembers announce their appointments.

Economic Development & Community Services Director Patrick Doherty explained in April 2015, the Council approved the creation of a Diversity Commission. The purpose of the Commission is to:

- Serve as a resource for City government and the community by providing information, education, and communication that facilitates a better understanding and celebrates our differences;
- Provide recommendations to the Mayor and City Council that would identify opportunities to address diversity issues, promote diversity programs, and/or provide guidance to create a more accessible, safe, welcoming and inclusive government and community; and
- Assist the City of Edmonds in supporting and challenging all areas of government and the community to eliminate and prevent all forms of discrimination.

Public notice announcing the period to accept applications for membership on the Commission was provided on September 2 and 21, 2015. Fifteen applications were received by the September 30, 2015 deadline. The applications were shared with all Councilmembers and the Mayor for consideration in making their appointments. By ordinance, the initial appointments to the Diversity Commission are staggered in one, two and three year terms. The Mayor may appoint two members, one with a one-year term and another with a three-year term. Councilmembers each have one appointment with staggered terms. Councilmembers and the Mayor will announce their appointments and sign the Certificate of Appointment Form to create a record of the appointment, position and term.

Councilmembers announced their appointment as follows:

Elected Official	Appointee	Term Expires
Councilmember Mesaros	Adam Khan	2018
Councilmember Bloom	Mario Brown	2017
Councilmember Johnson	George Basioli	2016
Councilmember Nelson	Maria Montalvo	2016
Councilmember Petso	Gayle Ketzell	2018
Councilmember Buckshnis	Patricia Valle	2017
Council President Fraley-Monillas	Tung Bui	2017
Mayor Earling	Ed Dorame	2016
	Diana White	2018

Mayor Earling declared a brief recess.

G. DEPARTMENTS CONTINUE TO PRESENT THEIR 2016 BUDGET REQUESTS

Economic Development & Community Services

Economic Development & Community Services Director Patrick Doherty reviewed

- 2015 Accomplishments:
 - Community Services
 - Launched social media – Facebook pages, Twitter.
 - 47,246 total persons reached; 7,895 persons “engaged”
 - Together with services of Carolyn Douglas as part-time public information officer/press relations coordinator, substantially enhanced public communications, press coverage, social media activity, etc.
 - Concluded year-long review and revision of the Strategic Action Plan, culminating in Council approval in April
 - Successfully lobbied on behalf of issues of importance to Edmonds and Snohomish County and secured over \$13M in funding commitments for Edmonds from Legislature
 - Initiated the At-Grade Rail Crossings Alternatives Analysis and staffed start-up of the Mayor’s Advisory Task Force
 - Produced 125th Anniversary Celebration

- Started up Diversity Commission

Economic Development

- Related to Tourism:
 - Launched new tourism website – visitedmonds.com
 - Launched new arts/culture/events calendar
 - Substantially increased ad presence in the region – radio, print, online
 - Created Edmonds tourism Facebook page for arts/culture/tourism social media presence
- Worked with BID on new initiatives, especially small grants program, marketing/outreach, finances.
- Together with BID created substantially enhanced 2014 Holiday offerings/activities, with even more on tap for 2015
- Initiated the 2015 Holiday Market – as pilot and in response to SAP Action Item that seeks year-round market
- In July began first-ever business-attraction advertising in regional media
- In collaboration with the EDC Business District Enhancement subgroup created Business District info webpages
- Provided support to property owners and/or architects & developers on potential redevelopment projects, such as downtown hotel, Highway 99 area projects, etc.

- 2016 Challenges:

Community Services

- Re-engage public for updates and refinement of the Strategic Action Plan
- Pursue Legislative agenda and capital \$
- Enhance and expand communications and public engagement
- Conduct community survey (National Citizen Survey)
- Support the At-Grade Rail Crossings Alternatives Analysis and Mayor’s Advisory Task Force
- Support the Diversity Commission and its 2016 Work Plan

Economic Development

- Participate in and support Highway 99 Subarea Plan efforts, with continued outreach to property owners to pursue appropriate redevelopment
- Support property owners in Downtown, Westgate and other business districts to assist with appropriate redevelopment
- Enhanced and expanded business-attraction advertising, including foreign appeal in concert with EASC
- Recruitment of new business/investment and retention/expansion of existing business

- Expenditures

Expenditures	2015 Approved Budget	2015 YE Estimate	2016 Recommended	% Change
Community Services	\$392,926	\$394,190	\$400,000	2%
Economic Development	60,370	59,700	82,600	37%
Total	\$453,296	\$453,890	\$483,580	7%

- Decision Packages:

Community Services:

- DP #25: \$3,000 for Diversity Commission program support
- DP #26: \$6,000 for Diversity Commission contracted staff services
- DP #27: \$30,000 to continue public information/community relations contracted staff
- DP #28: \$3,600 for social media support, back-up, archiving services
- DP #29: \$19,000 for community survey

Economic Development

- DP #30: \$26,000 for expanded business-attraction advertising (\$24,000 in 2015 July-Dec)

- DP #31: \$5,500 for arts/events calendar software

Mr. Doherty reviewed the LTAC Tourism Promotion Program:

- Lodging tax revenues are used to fund the City’s Tourism Promotion Program
- Only permissible use of these funds (RCW 67.28.1816)
- Revenues are up in 2015 (approx. 10%, expected YE total: \$107,575); same expected in 2016
- City’s Tourism Promotion Program consists of:
 - Support of arts, culture and other events that attract visitors
 - Marketing and promotion (ads, website, rack cards, etc.)

He reviewed the proposed 2016 Tourism Promotion Program – Use of Funds

- Arts/Culture-related (25% of revenue):

- \$31,500 to grants for EAC tourism-promotion awards:

\$2,000 – Cascade Symphony	\$2,000 – Olympic Ballet Theater
\$1,000 – Art Studio Tour	\$2,000 – Driftwood Players
\$1,500 – Sno-King Chorale	\$1,500 – Phoenix Theater
\$2,000 – DeMiero Jazz Fest	\$750 – Art Walk
\$1,000 –Arts Festival	\$750 – Cascadia Art Museum
\$8,000 – Write on the Sound	\$2,000 – Public art brochure
\$1,000 – Concerts in the Park	\$6,000 – Potential 2016 events

- General tourism promotion:

- \$ 7,500 – Printing/distribution of rack card
- \$ 1,500 – Promotion/support of Bird Fest
- \$ 6,000 – Support of Snohomish Co. Tourism Bureau
- \$25,000 – General advertising
- \$12,500 – Advertising in ECA Season Brochure
- \$ 4,000 – Promotion of Edmonds arts/culture events in Snohomish County Visitors Guide, CRAZE recreation guide and “Arts Access” (Snohomish Countywide)
- \$15,000 – Contracted staff support for tourism promotion/website/arts-events calendar
- \$ 2,500 – Edmonds Visitors Center
- \$ 2,575 – Miscellaneous, includes ad design work, photography, emerging issues, etc.
- \$ 2,575 – Contingency
- \$82,150 TOTAL
- One-time expenditures:
 - \$60,000: Support for Downtown Restroom construction
 - \$ 4,500: Log Cabin Maintenance (every 3 years)
 - \$ 3,000: Support RevitalizeWA Conference
 - \$67,500 TOTAL

Mr. Doherty reviewed proposed 2016 Tourism Promotion Program Decision Packages:

- DP #21: \$60,000 to support Downtown Restrooms construction
- DP #53: \$4,500 for Log Cabin maintenance (every 3 years)
- DP #54: \$3,000 for potential RevitalizeWA Conf.
- DP #55: \$4,650 increase for miscellaneous expenditures
- DP #56: \$4,000 increase for tourism advertising
- DP #57: \$3,500 increase for contracted services to support tourism promotion, website, calendar

Development Services

Development Services Director Shane Hope explained Development Services includes building, planning and engineering but also covers a number of subjects including natural environment, housing,

administration of various state and local laws and regulations, and direct engagement with the public. She reviewed:

- 2015 Accomplishments
 - Handling high level of permit & inspection activity (new and renovation)
 - Permit valuation and revenue—significant increases in 2015
 - Positive feedback from most customers
 - GMA- Major Comp Plan Update—completed
 - Westgate zoning proposal—completed
 - Development Code Update—preliminary drafts being developed
 - Critical Area Code Update—draft refined & undergoing City Council review
 - Highway 99 Subarea Planning project getting started
 - Staffing for several boards & commissions
- Challenges
 - Given continued high levels of permit activity per employee, difficult to:
 - Have time to complete Code Rewrite project & work on other projects
 - Be open for customers 5 days/week
 - Provide thorough & timely plan reviews & building inspections
 - Need funding to complete Hwy 99 subarea planning project, including strong public involvement
 - Need to enter huge inventory of paper files, maps, & plans into electronic database
- Graphs:
 - Building Permits and Revenue for January through August period 2001-2015
 - Building Permits per Development Services Employee 1985-2014
- Expenditures:

Expenditures	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
Total Dept	\$2,441,763	\$2,382,400	\$2,464,970	1% Increase
Salaries	1,349,115	1,316,700	1,433,430	2 new FTEs
Benefits	505,727	484,920	530,270	
Prof Services	454,437	449,440	397,960	

- Revenue

Revenue	2015 Budget	2015 YE Estimate	Discussion
Building Permits/Reviews	\$772,000	\$950,000	Healthy economy & interest in Edmonds
Dev Service Surcharge (technology)	37,200	42,000	Strong permit activity
Permits/Approvals (excl engineering)	387,900	538,750	Healthy economy & interest in Edmonds

- Decision Packages:

DP #32: Digitization & archiving - \$48,000

DP #33: Completion of Hwy 99 Area Plan - \$75,000

DP #34: Building Inspector (approved for Q4 2015) – \$95,190

DP #35: 0.5 Permit Coordinator – \$33,880

DP #36: 0.5 Advance Planner – \$38,530

DP #37: Urban Forest Management Plan – \$65,000 in 2016 (+ \$65,000 more in 2017)

Parks, Recreation and Cultural Services

Parks & Recreation Director Carrie Hite explained the Parks & Recreation Department services thousands of residents who visit parks and the Frances Anderson Center weekly, and sports leagues. The Department offers over 1,000 programs per year and manages over 62 sites including 31 active parks, nearly 325 acres of land, 20,000 square feet of flower beds and over 1,000 linear feet of waterfront. They

also manage the memorial cemetery, serve as liaison to the Edmonds Library, Edmonds Senior Center, and Edmonds Arts Commission and provide ongoing partnerships with numerous community organizations including the Edmonds School District, Boys & Girls Club, Edmonds Community College, SnoKing Youth Club and many sports and athletic organizations. She reviewed:

- 2015 Accomplishments
 - Installation of new spray area at Edmonds City Park
 - Yost spa repair
 - Marina Beach Master plan
 - Civic Field acquisition
 - Dayton Street Plaza
 - YMCA Yost Partnership
 - Pickle ball courts
 - Health & Fitness Expo
 - Puget Sound Bird Fest
 - Anderson Center stage replacement
 - Veteran’s Plaza
 - Fishing Pier Rehab: Mostly grant funded, fund 132
 - 4th Avenue Cultural Corridor artist selection
 - WOTS Conference: 270
 - Community Cultural Plan: 12 mtgs/70 participants
 - Mini Arts Summit
 - Student Conservation Association
 - 4,160 volunteer hours, or 2 FTE’s
- Challenges
 - Woodway Fields Project
 - Spray Park
- 2016 Projects
 - Outdoor Fitness Zones
 - Community Garden: Woodway campus?
 - 4th Ave Cultural Corridor: Parklet
 - Playground replacements: Marina Beach, Meadowdale clubhouse
 - Veteran’s Plaza
 - Downtown Restroom
 - Sr. Center walkway design
 - Civic Center Master Plan
- Expenditures

Expenditures	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
Administration	\$347,976	\$341,110	\$348,010	
Recreation	1,228,937	1,211,540	1,267,160	DP #38, 39, 40
Programs	417,357	386,910	426,300	Reclass of Gymnastics Supr
Park Maint.	1,624,291	1,620,260	1,657,750	DP #41 and 42
Flower Program	66,135	52,340	48,330	
Total Budget	\$3,684,696	\$3,612,160	\$3,747,550	Decision packages

- Revenue

Revenue	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
Program Fees	\$935,000	\$888,850	\$880,838	Lower enrollment, ambitious budgeting
Rentals	120,000	124,960	128,000	
Leases	166,772	166,772	168,910	

Parks Donations	11,250	11,282	8,500	2015 included a grant for the wildlife poster
Total	\$1,233,022	\$1,191,864	\$1,186,248	

- Decision Packages/Changes:
 - Parks Seasonal Laborer – Cemetery: \$18,300
 - Restores summer seasonal laborer for Cemetery ongoing. This helps with level of service in peak season.
 - Restore .5 FTE Arts Assistant: \$27,700
 - John Deere Gator Utility Tractor: \$14,400
 - Operations and Maintenance of downtown restroom: \$25,000
 - FAC classroom chairs and tables: \$5,830
 - Recreation software: \$6,970

Human Resources

Human Resources Reporting Director Carrie Hite explained Human Resources provides oversight and services to all City departments and over 200 employees. It includes recruitment, testing, job classification, compensation administration, administration of benefit programs, training, employee relations, labor and union relations and negotiations, policy development, program development, support for the Disability and the Civil Service Boards, and the maintenance of employee records. She reviewed:

- 2015 Accomplishments
 - Updated City Personnel Policies
 - Completed 2015 Non-Represented Compensation Study
 - Settled 2 union contracts – Teamsters & SEIU
 - Hired and trained part-time HR Assistant
 - Provided onsite supervisory training series for all supervisors
 - Continued ongoing internal HR audit process
 - Completed internal I-9 audit
 - Started training on Accident Prevention Program
 - Offered City Health & Wellness Fair
 - Had successful MEBT audit
 - Had successful WCIA personnel audit
 - Started HR Roundtable of quarterly meetings with HR professionals
 - Completed the RFQ/RFP for Public Defender (including hiring consultants for this process) and Municipal Court Judge.
- Challenges
 - Legislation/regulation considerations – Legal mandates, the Affordable Care Act (ACA) implications, Department of Labor (DOL) audits
 - Labor relations issues
 - Applicant tracking program inadequacies
 - Launching updated (full) Accident Prevention Plan (including developing and identifying trainers)
- 2016 Projects:
 - Health Benefits Committee process to review medical insurance plan options
 - Medical re-opener negotiations (Teamsters & SEIU)
 - Union negotiations – EPOA and Law Support
 - City-wide Anti-Harassment Training & Workplace Violence Training
 - Safety Training - implementing the updated Accident Prevention Program (APP)
 - Working through continued internal HR Audit
- Expenditures:

Expenditures	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
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Human Resources	\$376,508	\$363,550	\$442,610	Decision packages
Civic Service	23,180	21,180	23,180	

- Decision Packages/Changes:
 - NEOGOV – Applicant Tracking System
 - \$14,000. Improves the recruitment process to attract more candidates for position through ease of applying on line.
 - \$6,000 ongoing yearly subscription fee.
 - Reclassification of the HR Analyst to Senior HR Analyst: \$6,650
 - Public Defense supervisor consultant: \$16,000

Ms. Hite recognized the tremendous team in Parks and Human Resources who carry a lot of the weight: Rich Lindsay, Renee McCrae and Francis Chapin in Parks and Mary Ann Hardie in Human Resources.

Municipal Court

Municipal Court Judge Linda Coburn said she has been the City’s Municipal Court Judge for nine months and loves the privilege of serving the community in this way. When she came to Edmonds she told the staff her goal was to make Edmonds the number one municipal court in Washington and they have started doing that. She reviewed:

- 2015 Accomplishments
 - Transition to new judge
 - Restructured Court Calendars – more video in-custody
 - Began compiling written Standard Operating Procedures for major court functions
 - Remote electronic review of search warrants and new in-custody bookings
 - Began creating online payment process
 - Paperless Court. Hope to begin process before end of year
 - Significantly reduced issues with court recording system (FTR); temporary fix to sound quality issues
 - Improved sound/video system in courtroom/council chambers
- Challenges
 - Increases/decreases in caseloads depending on police staffing and injuries
 - Begin hiring process for new Court Administrator in anticipation of Joan Ferebee retiring in early 2017 after 22 years
 - Implementation of electronic file management system
 - Continuing integrating new public defender standards
- Expenditures

Expenditures	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
Prof Services (court security)	\$39,000	\$39,000	\$39,000	Anticipate increase in cost; benefit in reduced jail costs because of new court calendars
Misc	\$54,000	\$40,000*	\$34,000	Electronic File Mgmt System is not expected to be fully implemented in 2015 *Court is contributing \$20,000 toward the audio visual upgrade of the court/council chambers

- Revenues

Revenues	2015 Budget	2015 YE Estimate	2016 Recommended	Discussion
Court Improvement Fund	\$12,630	\$12,630	\$13,000	Actually received \$16,423 in 2015

Infractions	\$328,000	\$272,800	\$295,200	Traffic infraction filings have slightly increased over 2014
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By statute, '[t]he court shall not order a defendant to pay costs unless the defendant is or will be able to pay them.' RCW 10.01.160(3). To determine the amount and method for paying the costs, 'the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.'

-- State v. Blazina, 182 Wn..2d 827, 838, 344 P.3d 680, 685 (2015)

- Courts are reactionary – filings, and in turn revenue, are significantly down in 2015.
- Decision Packages/Changes:
 - Electronic File Management System
 - Creates an electronic file for each defendant. Increases the court's time management skills and improves the court's case-flow management The automation will include:
 - Electronic documents (pleadings, filings, and orders)
 - Records can be accessed by entering a case number, a party's name or displaying the judge's calendar
 - All documents will be imaged as PDF and all required signatures will be recorded electronically.
 - Benefits:
 - Court's efficiency will increase as it relates to staff productivity and reduction in the expense for paper, pre-printed forms and other supplies
 - Improves efficiency and instant access to court documents for all judicial users and the general public
 - Eliminates need of additional file cabinets, storage area and office space
 - Existing Resources
 - The City receives funds from "Washington State Court Improvements Account". The funds are restricted and must to be used only for improving the court's efficiency. The balance in this account as of today is \$77,619.00.

Mayor Earling asked if the City Attorney would be making a presentation. Mr. James said the contract the Council approved last year for the City Attorney includes a 4% annual increase. That increase was included in the 2016 budget. City Attorney Jeff Taraday said he will provide an annual report to the Council in November or December.

8. MAYOR'S COMMENTS

Mayor Earling reported next week's meeting is on Monday, November 2 due to elections on Tuesday. He thanked the Cascade Symphony for giving him the opportunity to conduct last night. He reminded of Halloween trick or treating downtown on Saturday beginning at 5:30 p.m.

15. COUNCIL COMMENTS

Council President Fraley-Monillas recognized committee reports were not on tonight's agenda. She invited Councilmember to report on committees tonight. Councilmembers expressed a preference to have committee reports scheduled on next week's agenda.

Councilmember Buckshnis thanked the dogs and dog owners who participate in Halloween Howl and Ms. Whippel for covering it. She reminded of the Town Hall meeting tomorrow at Cascadia Art Museum Atrium and Bridgid's Bottleshop from 6:300 to 8:00 p.m. The Town Hall is not about elections but an opportunity to hear citizens' voices. Students Saving Salmon will make a presentation in the Atrium.

Councilmember Nelson looked forward to the Town Hall meeting and trick or treating with his children.

Councilmember Johnson wished everyone a Happy Halloween.

Based on last week's proposal during Audience Comments related to an ordinance to ban crumb rubber Councilmember Bloom reported Mr. Taraday suggested the Council may want to change when the agenda is approved during Council meetings. City Attorney Jeff Taraday clarified Councilmember Bloom asked him how the Council could respond in a more timely way to things that arise during Audience Comment. In response to that question he said the Council could reorder the agenda so Approval of the Agenda occurred after Audience Comment. If something urgent arose during Audience Comment that the Council felt it had to address that evening, it could be accomplishing by amending the agenda immediately after Audience Comment.

Councilmember Bloom asked how the order of the agenda could be changed, whether by motion or a request to the Council President to reorder the agenda items. Mr. Taraday explained it could be done by either not approving the agenda in its current form or by asking the Council President to propose it in a different form. Councilmember Bloom proposed changing the order of the agenda so that Approval of the Agenda occurred after Audience Comments.

Council President Fraley-Monillas asked if the request was for one night or to permanently change the Council's agenda. Mr. Taraday explained this was only if the Council wanted a mechanism to be more immediately responsive to things that arise during Audience Comments; there are pluses and minuses to that. On the plus side, the Council can be immediately responsive; on the minus side, the Council may make hasty decision without giving much thought to them. If the Council wanted that mechanism, it could be accomplished by having Approval of the Agenda occur after Audience Comments to allow Councilmembers to add items that arose under Audience Comments to the agenda.

Council President Fraley-Monillas asked the purpose of moving Approval of the Agenda. Mr. Taraday explained the purpose would be if the Council was looking for a mechanism to be more immediately responsive to things that arise during Audience Comments. Council President Fraley-Monillas asked if that would allow Councilmembers to put items on the agenda or to respond to comments made during Audience Comment. Mr. Taraday said it would provide an opportunity to add items to the agenda. For example something comes up during Audience Comment and it's deemed to be somewhat urgent. The Council would have the opportunity to add it to the agenda as a 30 minute item rather than waiting until the end of the Council meeting to bring it up.

Council President Fraley-Monillas said that could be done now; by a majority vote, the Council has the ability to add something to the agenda. Mr. Taraday observed there has been a long standing practice of bringing things up during Council Comments. The potential advantage of making a decision at the beginning of the meeting to add an item to the agenda is instead of discussing it at 10:00 p.m., the discussion could occur 7:15 p.m. and it could include an opportunity to shift priorities on the agenda. Council President Fraley-Monillas said that can be done now during Approval of the Agenda. She was concerned with amending the agenda on the fly based on citizen comments. Mr. Taraday agreed there were pluses and minuses.

Councilmember Bloom asked to place the issue on the agenda for a brief discussion next week. Council President Fraley-Monillas agreed.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO EXTEND THE MEETING FOR 3 MINUTES. MOTION CARRIED UNANIMOUSLY.

Councilmember Mesaros reported New World, a program that has been in the works for a long, long time, was finally launched today. He received an email from Terry Peterson, the new SNOCOM executive

director who reported after making the changeover at midnight, the first incident went through the new system at 4:46 a.m. By 6:44 a.m., all in-station police and fire computers were working well. The new systems will be more responsive to citizens.

Mayor Earling encouraged Councilmembers to submit questions regarding the budget to staff. He recognized there have been several questions from Councilmembers and answers from staff.

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

This item was not needed.

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

This item was not needed.

18. ADJOURN

With no further business, the Council meeting was adjourned at 10:08 p.m.