

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
November 28, 2011

1
2 10. CALL TO ORDER - The November 28, 2011 Business Meeting of the Lynnwood City
3 Council, held in the Council Chambers of Lynnwood City Hall, was called to order by
4 Mayor Gough at 7:00 p.m. The flag salute was led by Councilmember Ed dos Remedios.
5

6 20.

ROLL CALL

Mayor Don Gough

Council President Mark Smith

Council VP Kerri Lonergan-Dreke

Councilmember Ted Hikel

Councilmember Loren Simmonds

Councilmember Jim Smith

Councilmember Kimberly Cole (Excused)

Councilmember Ed dos Remedios

Others Attending:

Finance Director Hines

Public Works Director Franz

Deputy PW Director Elekes

Human Resources Director Itaoka

Interim Fire Chief Macke

Assistant Fire Chief Gates

Asst. City Administrator Art Ceniza

Council Assistant Beth Morris

7
8
9
10 30. APPROVAL OF MINUTES

11
12 *Motion made by Councilmember Jim Smith, seconded by Councilmember Loren Simmonds,*
13 *to approve the minutes of:*

14 *A. Work Session – Committee of the Whole 10/19/2011*

15 *B. Work Session – Committee “A” 10/19/2011*

16 *C. Work Session – Committee “B” 10/19/2011*

17 *D. Business Meeting 11/14/2011*

18 *Motion passed unanimously.*

19
20 *Motion made by Councilmember Lonergan-Dreke, seconded by Hikel, to excuse the absence*
21 *of Councilmember Kimberly Cole from the 11/21 Work Session. Motion passed*
22 *unanimously.*

23
24 40. MESSAGES AND PAPERS FROM THE MAYOR

25
26 Mayor Gough thanked Council Ed dos Remedios for his service to the Council.
27

28 50. COUNCIL COMMENTS AND ANNOUNCEMENTS

29
30 50.1 Loren Simmonds expressed gratitude for Councilmember dos Remedios' friendship
31 and service to the community. He wished him well on his future endeavors.

- 1 50.2 Kerri Lonergan-Dreke also expressed appreciation to Councilmember dos Remedios
2 for his service and his contributions to the Council.
- 3 50.3 Mark Smith concurred with the previous comments. He stated that it has been a
4 pleasure working with Councilmember dos Remedios and he will be missed.
- 5 50.4 Jim Smith stated that the Lynnwood Chamber is doing very well and they are looking
6 forward to a wonderful 2012. He applauded Fairwinds Brighton Court for the excellent
7 care they have provided to his mother. He thanked Ed dos Remedios for his years of
8 service and wished him well in his golf game.
- 9 50.5 Ed dos Remedios reminded everyone that the Lynnwood Police and Fire Departments
10 have joined with the South Snohomish County Toy Shop and are looking for
11 unwrapped new gifts for the holiday toy shop. Gifts can be dropped off at the police
12 station or at the fire station on 44th. Checks written to SHCH Toy Shop will also be
13 accepted at those locations. He thanked his fellow Council members for the pleasure of
14 working with them. He congratulated Councilmember Simmonds and new Council
15 members Benjamin Goodwin, Sid Roberts, and Van AuBuchon for their success in the
16 recent election. He wished them all well.
- 17 50.6 Ted Hikel commented that the election results would be certified tomorrow. He
18 reported that the voters continue to want the right to vote for their mayor and the
19 current mayor will complete his term. Three out of four Council members have
20 apparently lost their seats and a fourth has narrowly been retained. He believes the
21 voters have expressed their displeasure with the current Council. He discussed
22 challenges facing the new Council and called on them to unite with the Mayor, the
23 department directors, and the staff to get the City's business accomplished in the face
24 of continuing financial challenges. He wished them luck and expressed his support for
25 them.

26
27 60. PRESENTATIONS AND PROCLAMATIONS

28
29 A. Proclamation: Pancreatic Cancer Awareness Month – November

30
31 Councilmember Jim Smith read the proclamation recognizing the month of
32 November as Pancreatic Cancer Awareness Month.

33
34 *Motion made by Councilmember Jim Smith, seconded by Council President Mark*
35 *Smith, that Council concur in the proclamation. Motion passed unanimously.*

36
37 *Councilmember Jim Smith presented the Proclamation to pancreatic cancer survivor*
38 *Scott Strong.*

39
40 Scott Strong, 1509 – 151st Place SW, Lynnwood, stated that he is fortunate to be a
41 pancreatic cancer survivor. He stated that he has the same cancer that Steve Jobs had
42 and he intends to spend his remaining time promoting and advocating awareness of
43 pancreatic cancer. He thanked the Council for bringing this issue to light.

44
45 70. WRITTEN COMMUNICATIONS AND PETITIONS - None

46
47 80. CITIZENS COMMENTS AND COMMUNICATIONS

1
2 80.1 Douglas Kerley, 16624 – 37th Place W, Lynnwood, WA 98057, discussed his
3 involvement in the Occupy movement. He was in Olympia today and visited Senator
4 Shin. Mr. Kerley suggested that the City might want to sell off the pool to a private
5 enterprise. They might want to consider this for the maintenance facility as well as
6 private entities might be able to provide the duties at a lower cost with more efficiency.
7 This might reduce the huge increase in property tax. He expressed dissatisfaction with
8 the current property tax rate in Lynnwood.
9

10 80.2 Nadine McCray, 6205 Dale Way, Lynnwood, WA 98036, thanked the Council
11 members for their service and their dedication to the Council. She encouraged unity,
12 working together, and building a real team. She discussed the importance of looking at
13 all people as equals, listening to what the public says, and loving the beautiful cultures
14 that we have in Lynnwood.
15

16 80.3 Rennie Grossman, 6615 - 180th Street SW, Lynnwood, WA 98037, a commissioner of
17 the Lynnwood Arts Commission, submitted her resignation from the Arts Commission
18 due to the lack of funding and the laying off of Fred Wang in addition to Marianne
19 Johnson last year. She thinks that the funding of arts programs is vital to the City.
20

21 80.4 Jordan Light, 6608 - 191st Street SW, Lynnwood, WA 98036, another commissioner of
22 the Lynnwood Arts Commission, also submitted his resignation. He made this decision
23 in response to the lack of support that the City will provide for arts and programs
24 necessary for community development and enrichment.
25

26 80.5 Ruth Ross, PO Box 2624, Lynnwood, WA 98036, a member of the Arts Commission
27 also resigned her position on the Lynnwood Arts Commission effective January 1,
28 2012. She discussed the difficulty she had in making this decision, but pointed to a lack
29 of support from top staff and a lack of funding as primary reasons for her decision. The
30 loss of Fred Wong was the final blow to the Arts Commission. She emphasized that
31 there is more to public good than just public safety and there is more to a good quality
32 of life than just a nice, new recreation center.
33

34 90. BUSINESS ITEMS AND OTHER MATTERS

35 90.1 UNANIMOUS CONSENT AGENDA

36
37
38 *Councilmember Ted Hikel moved for unanimous consent of the following items:*

39
40 *A. Confirmation: Arts Commission Re-Appointments*

41 *Confirm reappointment of Kay Wood to position 6 of the Arts Commission for three-*
42 *year terms expiring December 31, 2014.*

43
44 *B. Confirmation: Neighborhoods & Demographic Diversity Advisory Commission*
45 *Re-Appointments*

1 *Confirm reappointment of Shirley Sutton to position 6 of the Neighborhoods &*
2 *Demographic Diversity Advisory Commission for a three-year term expiring December*
3 *31, 2014.*

4
5 *C. Confirmation: Tourism Advisory Committee / Lodging Tax Advisory Committee*
6 *Re-Appointments*

7 *Confirm reappointments of the Tourism Advisory Committee / Lodging Tax Advisory*
8 *Committee members for one-year terms ending December 31, 2012:*

9 *Position 2, Lodging Tax Collector, Shawn Walker, 360 Hotel Group*

10 *Position 3, Lodging Tax Collector, Julie Horrigan, Embassy Suites Hotel*

11 *Position 4, Lodging Tax User, Grant Dull, Lynnwood Public Facilities District*

12 *Position 5, Lodging Tax User, Amy Spain, Snohomish County Tourism Bureau*

13 *Position 7, Retail Representative, Brenda Klein, Alderwood*

14 *Position 8, Citizen Representative, Debby Mueller*

15
16 *D. Confirmation: Planning Commission Re-Appointment*

17 *Confirm reappointment of Maria Ambalada to a six-year term expiring December 31,*
18 *2017*

19
20 *E. Grant Agreement: Hospital District No. 2 and City of Lynnwood for Move 60*
21 *Teens! Program*

22 *Authorize the Mayor to sign the agreement between the Hospital District No. 2 and the*
23 *City of Lynnwood to provide after school programming for students who attend College*
24 *Place and Alderwood Middle schools.*

25
26 *F. Resolution: Community Development Block Grant (CDBG) Application for*
27 *Sidewalks*

28 *Approve Resolution # 2011-15 supporting the 204th Street SW Improvement Project*
29 *and authorizing the Mayor of the City of Lynnwood to pursue and execute application*
30 *and all contractual agreements or other documents necessary to obtain the approval of*
31 *any Community Development Block Grant (CDBG) to analyze, design, and construct*
32 *such improvements.*

33
34 *G. Voucher Approval*

35 *Approve claims and payroll in the amount of \$1,052,712.01 and \$1,149,655.37*
36 *respectively.*

37
38 *Motion passed unanimously.*

39
40 **90.2 PUBLIC HEARINGS OR MEETINGS**

41
42 **A. Public Hearing: 2011-2012 Biennial Budget**

43
44 Mayor Gough opened the hearing at 7:45 p.m. He stated the purpose of the
45 hearing, the process, and order of the hearing. He recommended that the record be
46 left open until next Monday, December 5 at 5 p.m. for any comments that people
47 might want to make on this topic.

1 Staff Report:

2
3 Finance Director Lorenzo Hines provided an overview and staff report. He stated
4 that there were adjustments made to the agenda item on 90.2-A-1 after it was
5 entered into the system. Everything starting with, "Below is a list of potential or
6 proposed budget augmentations of revenue and expenses . . ." was entered after he
7 put the item into the system. He stated that most of these items would be taken up
8 when they address the mid-biennial amendments at the next meeting. Most of the
9 items on the list will either be in the mid-biennial amendment, be addressed at the
10 first or second quarter next year, or will not be seen again. He then proceeded to
11 review the 2011-2012 Biennial Budget as provided in the PowerPoint presentation
12 distributed to Council and the public at the meeting. He pointed out that one of the
13 things that is currently being implemented is a 5.5% reduction in our operational
14 expenses for each department. This Budget Task Group is currently asking for
15 three alternatives to the Mayor's proposal.

16
17 Mayor Gough solicited written comments. There were none. He then solicited
18 public testimony.

19
20 Public Testimony:

21
22 Douglas Kerley, 16624 – 37th Place W, Lynnwood, WA 98037, discussed the
23 Council's decision a few years ago to move ahead with the new pool. He
24 commented on the need for more of a rainy day fund to sustain the City during
25 these hard economic times and stated that 10% (\$10 million) of the annual budget
26 is not out of the question. He recommended making cuts in order to build up the
27 rainy day fund.

28 Maria Ambalada, 455 176th Street SW, Lynnwood, WA 98037, discussed the
29 proposed cuts and suggested that Council share in the sacrifices by doing away
30 with their full-time benefits.

31 Van AuBuchon, PO Box 121, Lynnwood, WA 98046, criticized a recent
32 recommendation by a councilmember to fund a subscription to the Lynnwood
33 Chamber of Commerce, an organization that at the time of the recommendation
34 was not even licensed to do business in the City, and, according to its website, had
35 nothing to offer in terms of member benefits. He also criticized Council's
36 recommendation to cut the Mayor's budget and salary and urged the Council to
37 end the contentious environment and work together.

38
39 Questions by Council:

40
41 Councilmember Hikel asked Finance Director Hines about an apparent
42 discrepancy in the amount of the regular levy shown in the 2012 Property Tax
43 Ordinance and the amount shown in his presentation. Finance Director Hines
44 explained that this is because typically they only collect 93% of the total tax levy
45 in a given year. Councilmember Hikel referred to Finance Director Hines'
46 estimate for Budget Revenues for 2012 he had \$46,884,062. He asked if this
47 includes any reductions that are likely to result from state budget cuts. Finance

1 Director Hines replied that it does not. Councilmember Hikel stated that the
2 ending balance for 2012 could be as low as \$1,268,000. He asked if the Council's
3 requirement to keep \$4,000,000 as the balance applies. Director Hines replied that
4 that is the goal and it is something that the Council and the Mayor are going to
5 have to decide. The Task Group's request for additional alternatives has allowed
6 him to weigh in and possibly come up with alternate solutions for Council to
7 consider. Councilmember Hikel expressed concern about the gigantic problem
8 that the incoming Council is going to have to deal with this year.
9

10 Councilmember Ed dos Remedios asked if the projection given by Director Hines
11 was for the General Fund. Director Hines affirmed that it was. Councilmember
12 dos Remedios pointed out that in the years 2011 and 2012 he was deducting
13 \$3,000,000 for the Utility loan repayment. He asked why this wasn't a net zero
14 effect on the General Fund. Director Hines replied it was because of the way he
15 displayed it. Councilmember Dos Remedios explained that they were going to
16 relieve their liability to the City, which they owe to the Utility Fund, with cash.
17 Therefore, the net effect on the General Fund should be zero. Director Hines
18 stated that he was comfortable with the way he had laid things out.
19 Councilmember dos Remedios asserted that Finance Director Hines was incorrect.
20

21 Council President Mark Smith referred to the last slide of the presentation
22 showing the Executive Summary and asked Finance Director Hines if the \$4.9
23 million includes the \$3 million restricted fund balance in the General Fund from
24 the sale of property. Director Hines stated that it does. The \$3 million was
25 included as a component of the beginning fund balance. Council President Mark
26 Smith referred to the 2011 Year End Revenue Projection slide. He noted that back
27 when Director Hines gave his third quarter report on October 31, he had indicated
28 that he was going to look into why the telephone/pager utility tax collections are
29 \$300,000 lower than projected budget. He asked if he had had an opportunity to
30 do that. Director Hines said he had not. Council President Mark Smith referred to
31 Director Hines' implication that there was no regularity to payment of these and it
32 was up to the companies to self report and pay them. He asked if there is a
33 possibility that this money may be coming in. Director Hines affirmed that there
34 was. Council President Mark Smith noted that this would certainly have an impact
35 on decisions that the Council needs to make. Director Hines stated that he will be
36 giving them a fourth quarter final budget report and some of the revenue estimate
37 numbers will shift. Council President Mark Smith stated that the Council will be
38 voting on the Mid-Biennial Budget Amendments on December 12, prior to
39 Director Hines' fourth quarter report. He pointed out that there are three or four
40 layoffs slated for the end of the year and there is a direct relationship between
41 Council's decisions and the information that they get. He requested that they get
42 this information prior to the December 12 Council Meeting if possible. Mayor
43 Gough added that it would be preferable to receive it by December 5 for review at
44 the Work Session. Council President Mark Smith stated that he was mostly
45 concerned with the \$300,000 difference in the telephone tax revenue. Director
46 Hines indicated they would try to provide that.
47

1 Council Vice President Lonergan-Dreke referred to page 4 of the handout Director
2 Hines had distributed and asked the differences in Budgets by Departments. She
3 noted that Police is greatly under-budget due to positions not being filled and
4 asked if he knew why Fire is so over their budget. Director Hines explained that
5 he did not know, but it could be related to the retirement they had earlier this year.
6 Council Vice President Lonergan-Dreke then stated that there seems to be a
7 difference of opinion in how to handle the repayment of the Utility Fund loan that
8 the Council approved back in December of 2009. She asked if this question has
9 been vetted through the state auditor. Director Hines said it has not; tonight was
10 the first he has heard of this question. He stated he would sit down with his staff
11 and make sure he is up to speed on this matter. His opinion is that this is a liability
12 that they have to repay and this is his way of reflecting the payment of that bill.
13

14 Mayor Gough asked Finance Director Hines to provide for next Monday a copy of
15 the plan approved by the Council for the borrowing and the repayment of the loan.
16

17 Councilmember Hikel asked for clarification on this matter. Director Hines stated
18 that temporary loans can be made between funds; however, those loans have to be
19 paid back with interest within a certain period dictated by law. These funds are
20 separate business entities; they have their own sets of books and balance sheets.
21 The money that is paid back to the Utility Fund will stay there and can only be
22 used for Utility projects.
23

24 Councilmember dos Remedios stated that when they received the loan from the
25 Utility Fund surely a liability would have been recorded on the City's books. The
26 General Fund is the assets minus the liabilities so if they take one asset and pay
27 off a liability, the net result is zero. Director Hines concurred. Councilmember dos
28 Remedios suggested that that Director Hines' numbers were understated by \$3
29 million. Director Hines reiterated that he would sit down with his staff and review
30 the issue. Councilmember dos Remedios referred to Director Hines' statement
31 that this is the first he has heard of it and noted that it had been addressed in a
32 detailed fashion by a document given to him by the Budget Task Group. Director
33 Hines requested that Council re-forward those documents to him.
34

35 Mayor Gough solicited additional public testimony focused on what has been
36 discussed already.

37 Additional Public Testimony:

38 Mark Dreke, 20403 – 63rd Place W, Lynnwood, WA 98036, asked Director Hines
39 when the fire department will be asked the question asked by the Council.
40

41 There being no further testimony, the public testimony portion of the hearing was
42 closed at 8:32 p.m. Mayor Gough asked if there was any objection to closing the
43 hearing to additional oral testimony but allowing the record to remain open for
44 additional comments or questions to be asked until next Monday, December 5.
45 There were no objections to this recommendation. The public testimony portion of
46 the hearing was closed, but the record remained open until 5 p.m. on December 5.
47

1 90.4C. Executive Session

2
3 Council recessed at 8:35 into Executive Session for 55 minutes from 8:40 until
4 9:35 to discuss existing litigation concerning a claim on the City and to receive an
5 update on fire. Council reconvened at 9:35 p.m. with Council President Mark
6 Smith leading the remainder of the meeting.
7

8 90.3 UNFINISHED BUSINESS – None
9

10 90.4 OTHER BUSINESS ITEMS

11
12 A. 2012 Property Tax Ordinance
13

14 Finance Director Hines explained that the statutes currently allow us to increase
15 our Regular Property Tax and our EMS Property Tax Levy. This Ordinance would
16 increase the 2012 Regular Property Tax by 1.66%. That would include an increase
17 of \$146,054.60. There are other increases involved here as well such as increases
18 for new construction, improvements in property, newly constructed wind turbines,
19 and other things. This brings the total levy from \$8.836 million to \$9.060 million
20 which is the ceiling that the City can collect property taxes. The EMS levy is
21 already capped out and will remain the same. This document is due to Snohomish
22 County by the end of November.
23

24 *Motion made by Council President Mark Smith, seconded by Council Vice*
25 *President Lonergan-Dreke, to adopt Ordinance No. 2926, "AN ORDINANCE OF*
26 *THE CITY OF LYNNWOOD, WASHINGTON, PROVIDING FOR THE ANNUAL*
27 *TAX LEVY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2012, BY*
28 *INCREASING THE REGULAR PROPERTY TAX LEVY BY THE CURRENT*
29 *LEVY LIMIT, THEREBY LEVYING AN ESTIMATED REGULAR PROPERTY*
30 *TAX LEVY OF \$9,060,000, AND EMS LEVY OF \$2,363,202 AS REQUIRED BY*
31 *THE LAWS OF THE STATE OF WASHINGTON; ESTABLISHING AN*
32 *EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION."*
33

34 Council Vice President Lonergan-Dreke explained that in an effort to get a clear
35 understanding of how this ordinance would impact the average homeowner in
36 Lynnwood, she had asked Finance Director Hines to tell her what the additional
37 tax would be on a home in Lynnwood assessed at \$200,000. The current
38 Lynnwood portion of the property tax on a home assessed at \$200,000 is \$422. If
39 this ordinance were to be passed, that would increase to \$430.
40

41 *Upon a roll call vote, Ordinance No. 2926 passed (4-2) with Councilmembers*
42 *Hikel, Lonergan-Dreke, Mark Smith, and dos Remedios voting in favor and*
43 *Councilmembers Simmonds and Jim Smith voting against the motion.*
44

45 B. Proposed Changes to Council Rules
46

1 Mayor Gough asked to make a statement on this item. There were no objections.
2 He commented that there are three new Council members coming to the Council
3 and part of the rules have to do with how they will be restricted or not restricted in
4 terms of interacting with the audience. He suggested that they might want to wait
5 and take this up at the first business meeting in December when the new Council
6 members have a chance to look at it.

7
8 *Motion made by Council Vice President Lonergan-Dreke, seconded by Council*
9 *President Mark Smith, to adopt Resolution No. 2011-16, "A RESOLUTION OF*
10 *THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COUNCIL*
11 *RULES OF PROCEDURE; AMENDING RESOLUTION NO. 2008-11."*

12
13 Council Vice President Lonergan-Dreke gave some background on this resolution
14 for the benefit of the public. She explained that the major changes to the section
15 on Business Meetings are as follows:

- 16 • The Council is formalizing that Council Comments will be limited to two
17 minutes.
- 18 • Mayoral comments are limited to two minutes.
- 19 • Citizen comments will be limited to three minutes.
- 20 • The comments will be monitored and timed to ensure consistency.
- 21 • Citizen Comments would be moved to before Council Comments.

22
23 Councilmember Simmonds referred to 90.4-B-6 under Citizen Comments and
24 Communications, item 50. He commented that it was his opinion that there is too
25 much verbiage there to include on the backside of the Council Agenda unless they
26 use an extremely small font. Alternatively they could include it as a separate
27 document. Council President Mark Smith suggested a compromise that they had
28 before which was to print it out and have it available on the table.

29
30 *Council President Mark Smith proposed a friendly amendment to strike the*
31 *sentence under item G on page 5:*

32
33 *"Additionally, in an effort to better comply with Section 50 Citizens*
34 *Comments and Communication, Items A through F shall be printed on the*
35 *backside of Council agendas."*

36
37 *Council Vice President Lonergan-Dreke accepted this as a friendly amendment.*
38 *Councilmember Hikel objected to the amendment.*

39
40 *Motion made by Council President Mark Smith, seconded by Councilmember*
41 *Simmonds, that on page 90.4B-6, item G, that the sentence from "Additionally"*
42 *through "agendas" be struck.*

43
44 Councilmember Hikel stated that it would be better to have it specifically stated in
45 the last line which should read, ". . . shall be printed on a **separate sheet**
46 **available to citizens.**" Council Assistant Beth Morris indicated that this was
47 already available at each meeting. Councilmember Hikel was satisfied with this.

1
2 *The amendment passed unanimously.*

3
4 Council President Mark Smith asked for some flexibility with the implementation
5 date because of difficulties using the software used to print this. Council Vice
6 President Lonergan-Dreke asked if it was reasonable to have them printed by the
7 first of the year. Council President Mark Smith indicated that was his hope, but if
8 it was not possible they would provide an explanation as to why. Technically, the
9 changes would be effective at the next Business Meeting.

10
11 Councilmember Hikel requested that item 110, Staff Reports, be deleted while
12 they are revising this to be consistent with the rules.

13
14 Councilmember Simmonds expressed his appreciation to Committee Chair
15 Lonergan-Dreke and her fellow committee members who picked up on earlier
16 work and drove this through to completion.

17
18 *The motion to approve the rules as amended was approved unanimously (6-0).*

19
20 100. NEW BUSINESS - None

21
22 110. STAFF REPORTS - None

23
24 120. ADJOURNMENT

25
26 The meeting was adjourned at 9:57 p.m.

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for
Lorenzo Hines, Jr.
Finance Director