

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
November 23, 2009

1
2 10. CALL TO ORDER - The November 23, 2009 Business Meeting of the Lynnwood City Council,
3 held in the Council Chambers of Lynnwood City Hall, was called to order by Mayor Gough at 7:00
4 p.m. The flag salute was led by Council Vice President Stephanie Wright.
5

6 20.

ROLL CALL

Mayor Don Gough

Council President Ruth Ross

Council Vice President Stephanie Wright

Councilmember Ted Hikel

Councilmember Loren Simmonds

Councilmember Jim Smith

Councilmember Mark Smith

Councilmember Lisa Utter

Council Assistant Beth Morris

Others:

Hilary Bingman, Census 2010 Rep.

Marcel Maddox, Census 2010 Rep.

AFSCME President Navage

Others Attending:

Finance Director Moir

Assistant Finance Director Heilman

Economic Development Director Kleitsch

Public Works Director Franz

Deputy PW Director Elekes

Courts Administrator O’Cain

Fire Chief Olson

Assistant Chief Macke

Assistant Chief Gates

Community Development Director Krauss

Assistant Finance Director Haugan

Budget Analyst Harrigan

City Attorney Frimodt

Labor Relations Program Manager Itaoka

Deputy Chief Stanifer

Community Affairs Director Yim

Judge Steven Moore

Detention Commander Deppa

Crime Prevention Dana

7
8
9 30. APPROVAL OF MINUTES

10
11 *Motion made by Councilmember Jim Smith, seconded by Council President Ross, to approve the*
12 *minutes of the Business Meeting 10/26/2009, the Business Meeting Minutes 11/09/2009, and the*
13 *Work Session 11/16/2009.*

14
15 *Councilmember Hikel moved to include the following corrections to the minutes of the 10/26/09*
16 *Meeting:*

- 17
18 • On Page 8 of 10, remove the phrase “microphone off” and insert an asterisk in the brackets on
19 lines 29, 37 and 41 so it would appear as [*]. At the bottom of the page insert: **[* Comments**
20 **inaudible, Microphone system malfunction]**
- 21 • Replacing lines 25 and 26 on Page 9 of 10:
22 **Councilmember Utter asked Councilmember Hikel if he planned on going through this**
23 **entire process again when we go through the hearing or is he expecting a response.**
24 **Councilmember Hikel said he was.**
- 25 • On Page 9 of 10, at the end of line 33, add the sentence:
26 **Councilmember Hikel said he would certainly yield the floor if he may have it back again.**
27

28 *The motion to approve the corrections was divided into three parts. The corrections on page 8 of 10*
29 *regarding the microphone system were approved with the consensus of the Council.*

1
2 Councilmember Utter pointed out that since Councilmember Hikel was taking his statements
3 verbatim in that section she would be more comfortable with her version of that section. On lines 25
4 and 26 of page 9 of 10, Councilmember Utter requesting that the following section be inserted
5 instead of Councilmember Hikel's version:

- 6 • **Councilmember Utter asked Councilmember Hikel if he was planning on going through all
7 these comments and questions, many of which don't have answers, again at the hearing, or
8 is he expecting a response? Councilmember Hikel said he was.**

9
10 *The above amendment was adopted by unanimous consent.*

11
12 *The amendment on page 9 of 10 at the end of line 33 was also adopted with unanimous consent.*

13
14 *The corrected minutes from October 26 were approved unanimously.*

15
16 *The minutes from the Business Meeting on November 9 and the Work Session on November 16 were
17 approved unanimously.*

18
19 *Motion made by Councilmember Mark Smith, seconded by Council President Ross, to excuse
20 Council Vice President Stephanie Wright from the November 16 Work Session. Motion passed
21 unanimously.*

22
23 40. MESSAGES AND PAPERS FROM THE MAYOR

24
25 Mayor Gough thanked the 2010 Census workers who attended the last meeting. He reminded
26 everyone that this is a very important matter for the city. He also gave a brief update on the
27 community college golf course lease agreement.

28
29 50. COUNCIL COMMENTS AND ANNOUNCEMENTS

30
31 50.1 Councilmember Simmonds welcomed the two newly elected councilmembers, Kerri
32 Lonergan and Kimberly Cole, to the meeting. He invited everyone to a gang awareness
33 community meeting on December 8 from 6:30 to 8:30 at Meadowdale High School.

34 50.2 Councilmember Hikel invited everyone to the Civic Lights Celebration and the Lexus Tree
35 Lighting Ceremony on December 1 at 6 p.m. at the Lynnwood Convention Center. He
36 encouraged people to bring food for the food bank and toys for the South Snohomish County
37 Holiday Toy Workshop.

38 50.3 Council Vice President Wright had no comments.

39 50.4 Council President Ross wished everyone a Happy Thanksgiving.

40 50.5 Councilmember Jim Smith restated the following questions: Why do we proceed with
41 projects and non-emergency hires when we knew a year ago that we had major problems?
42 And why were pay increases proposed for the parks and recreation area during this recession
43 period? Why keep so many parks and recreation employees when the pool is scheduled to be
44 closed? Why continue with the City Center fiasco and the weight room? Why the branding
45 project now when we are out of money? Why are we surprised at the 3.5% cut and another
46 1.5% cut? He emphasized that we should not continue at this time with the \$27M recreation
47 center project since we are out of money. He stated that he hopes to have these questions
48 answered. He expressed thanks for many things and wished everyone a Happy Thanksgiving.

49 50.6 Councilmember Utter had no comments.

50 50.7 Councilmember Mark Smith pointed out that when the Council passes ordinances or
51 resolutions they also are subject to them. He stated that he recently received a ticket in one of
52 the school speed zones. He discussed a report by the Washington Traffic Safety Commission
53 which states that a child has an 80-90% chance of survival if struck by a car travelling 20

1 mph; however that same child would be killed 90% of the time if struck by a car going only 5
2 to 10 mph faster.

3
4 60. PRESENTATIONS AND PROCLAMATIONS

5
6 Proclamation: 2010 Census: Mayor Gough read the petition in support of the 2010 Census.

7
8 *Motion made by Councilmember Utter and seconded that the Council concur in the proclamation.*
9 *Motion passed unanimously.*

10
11 70. WRITTEN COMMUNICATIONS AND PETITIONS - None

12
13 80. CITIZENS COMMENTS AND COMMUNICATIONS

14
15 80.1 Reverend Steven Greenebaum, 4224 184th Street SW, Lynnwood, urged councilmembers to
16 speak clearly into the microphones. He expressed concern regarding the inconsistency between
17 the flashing lights and the school zone photo enforcement program on 44th Avenue W and
18 188th. He urged the Council to be consistent with school zones and reconsider this program.
19 He also discussed the unintended consequence of an artificial traffic jam on an already busy
20 street, which is resulting in cars resorting to side streets and endangering children who are
21 playing there. He requested to know who voted for the speed cameras in the school zones. He
22 asked why the police are burdened with fielding public questions and outrage about this item
23 when they have so much else to do. Mayor Gough asked Chief Stanifer to get in touch with
24 Rev. Greenebaum.

25 80.2 Jason Turner, 8018 151st Place SE, Snohomish, a lieutenant of the City of Lynnwood Fire
26 Department and Vice President of Lynnwood Professional Firefighters Local 1984 IFF, spoke
27 against reducing the staffing levels of the fire department.

28 80.3 Mark Brinkman, POB 744, Clinton, WA, President of Lynnwood Police Officers Guild, spoke
29 against proposed budget cuts, non-essential projects, unwise spending and poor budget
30 structure. He stated that the Police Guild would be actively working against layoffs in order to
31 balance the budget.

32 80.4 Al Rutledge, 7101 Lake Ballinger Way, Edmonds, discussed a food tax which is being
33 proposed by the state. He also gave an update on Steven's Hospital. Regarding concerns about
34 school zones and speeding he recommended raising the legal age of drivers to 17.

35 80.5 Anthony Muzrietta, 14675 Interurban Avenue S #305, Tukwila, WA 98168, Business
36 Representative for Teamsters Local 763 who represent Lynnwood public works and utilities
37 employees, urged the Council to make necessary budget cuts without sacrificing jobs.

38 80.5 Steve Rider, 17309 16th Drive, Mill Creek, WA 98012, praised the level of service provided
39 by the police department. He discussed ramifications on the proposed annexations if there are
40 reductions in public safety.

41 80.6 Kerri Lonergan, 20403 63rd Place West, Lynnwood, commended and expressed appreciation
42 for the Lynnwood Police Department and Fire Department. As a newly elected councilmember
43 she stated that she would be working very hard to protect cuts to essential services and to work
44 against frivolous spending in Lynnwood.

45 80.7 Bryan Stanifer, Lynnwood Police Department, expressed concern about the proposed budget
46 cuts from an already strained budget. He encouraged the City to do the right thing and protect
47 public safety.

48
49 90. BUSINESS ITEMS AND OTHER MATTERS

50
51 90.1 UNANIMOUS CONSENT AGENDA

1 Public Works Director Franz requested that item F, the Resolution regarding 26th Avenue Street
2 Vacation Hearing Date for Legacy Improvement, be moved to the 12/7 Business meeting.

3
4 Councilmember Smith pulled item E: Recreation Center Renovation and Expansion Project
5 Hazardous Materials Abatement.

6
7 *Motion made by Councilmember Hikel for unanimous consent of the following items:*

8
9 *A. Addendum to Interlocal Agreement with Okanogan County for 2010 Jail Services*
10 *Authorize the Mayor, on behalf of the City, to sign the addendum for inmate housing services*
11 *with Okanogan County.*

12
13 *B. Appointments: Confirm Appointments to the Tourism Advisory Committee / Lodging Tax*
14 *Advisory Committee for 2010.*
15 *Move to confirm reappointments of the Tourism Advisory Committee / Lodging Tax Advisory*
16 *Committee members, Positions 2, 3, 4, 5, 7, and 8 for one-year terms ending December 31,*
17 *2010.*

- 18 ➤ *Position 2, Lodging Tax Collector, Shawn Walker, 360 Hotel Group*
- 19 ➤ *Position 3, Lodging Tax Collector, Julie Horrigan, Embassy Suites Hotel*
- 20 ➤ *Position 4, Lodging Tax User, Grant Dull, Lynnwood Public Facilities District*
- 21 ➤ *Position 5, Lodging Tax User, Amy Spain, Snohomish County Tourism Bureau*
- 22 ➤ *Position 7, Retail Representative, Jerry Alder, Alderwood*
- 23 ➤ *Position 8, Citizen Representative, Debby Mueller*

24
25 *C. Final Approval: 2008 Bicycle Route Striping and Signing Project*
26 *Grant final approval of the work performed under the contract for the Bicycle Route Striping*
27 *and Signing Project, subject to the requirements of appropriate federal and state agencies, if*
28 *any, and ultimately the release of retainage to the contractor.*

29
30 *D. Interlocal Agreement with Sunnyside Jail for 2010 Inmate Housing*
31 *Authorize the Mayor, on behalf of the City, to sign the updated interlocal agreement for inmate*
32 *housing with the City of Sunnyside.*

33
34 *G. Resolution: 48th Ave W Block Grant*
35 *Approve Resolution #2009-22 expressing support for the 48th Ave W sidewalk project and*
36 *authorizing the Mayor of the City of Lynnwood to pursue and execute application and all*
37 *contractual agreements or other documents necessary to obtain the approval of any CDBG*
38 *grants to analyze, design, and construct such improvements.*

39
40 *H. Re-appointment of Niniva Tupua to Historical Commission*
41 *Re-appointment Niniva Tupua to the Lynnwood Historical Commission for a three-year term*
42 *expiring December 31, 2012.*

43
44 *I. Voucher Approval*
45 *Approve claims and payroll in the amount of \$1,293,614.13 and \$1,181,034.30 respectively,*
46 *and that the lists be made a part of the record of this Council meeting.*

47
48 *The consent agenda was approved unanimously.*

49
50 *Motion made by Councilmember Hikel, seconded by Councilmember Utter approve item E.*
51 *Recreation Center Renovation and Expansion Project Hazardous Materials Abatement:*
52 *Authorize the Mayor to sign Addendum Number 2 to the existing contract with PBS*
53 *Engineering & Environmental, located in Seattle, Washington, in an amount not to exceed*

1 \$3,350.00 for hazardous materials Abatement Period Services for the Recreation Center
2 Renovation and Expansion Project.

3
4 Councilmember Jim Smith spoke against the motion until the financial crisis is under control.
5 Councilmember Simmonds asked about the necessity of doing this tonight. Councilmember
6 Hikel spoke against calling this a financial crisis, noting that Lynnwood is more stable than
7 other cities around us. He stated that Lynnwood is very financially sound and stable.
8 Councilmember Utter said she would be supporting this but expressed concern about moving
9 forward when they do not have a contract yet.

10
11 Councilmember Simmonds moved, Councilmember Utter seconded, to continue this matter for
12 consideration on December 14, 2009. Motion passed unanimously.

13
14 Motion made by Councilmember Hikel, seconded by Council President Ross, to move item F:
15 Resolution: 26th Avenue Street Vacation Hearing Date for Legacy Development to the 12/7
16 Special Business Meeting. Motion passed unanimously

17
18 Council recessed from 8:32 until 8:45 p.m.

19
20 90.2 PUBLIC HEARINGS OR MEETINGS

21
22 A. Code Amendments Commercial Vehicle Parking and Yard Maintenance

23
24 Mayor Gough opened the continued hearing at 8:45 p.m. He stated the purpose of the hearing
25 and the order of speaking. He then solicited any additional written materials. There were none.
26 Public Works Director Paul Krauss gave an abbreviated staff presentation regarding this item.
27 He noted that at the last meeting they received photographs from a city resident showing
28 commercial vehicles in city neighborhoods. He was unable to discern with certainty that these
29 vehicles were over the allowable weight because he did not have license plate numbers, but
30 based on similar vehicles it looks like they would exceed the 10,000 pound limit.

31
32 Public Comments:

- 33
34 ▪ Jackie Locke, PO Box 2223, Lynnwood, WA 98036 (17312 37th Avenue West,
35 Lynnwood), discussed issues she has in her neighborhood with commercial vehicles.
36 She also discussed the poor image this portrays to others about Lynnwood.
37 ▪ Mark Echelbarger, 3830 189th Place SW, Lynnwood, expressed support for allowing
38 commercial vehicle parking in residential areas. He commented on the need to protect
39 property rights. He explained that there are working people in the city who have heavy
40 trucks which are needed to do their jobs.
41 ▪ Sergey Abramenko, 18415 Blue Ridge Drive, Lynnwood, discussed how difficult the
42 construction industry is right now and how difficult it would be to have to find parking
43 elsewhere. He agreed with the importance of home and yard maintenance, but did not
44 feel that commercial vehicle parking should be incorporated into this.
45 ▪ Alvin Rutledge, 7101 Lake Ballinger Way, Edmonds, suggested that the proposed
46 amendments could go into effect at a certain date at which point they would let people
47 know that they could not use the city streets to park their vehicles.
48 ▪ Bill Lasby, 18906, 52nd Avenue West, Lynnwood, WA 98036, said that he supervises
49 solid waste and vector nuisance for Seattle King County Health Department. He spoke
50 in support of the ordinance which would give the City tools to deal with keeping the
51 landscaping down and therefore keeping unwanted critters away. Regarding
52 commercial parking his only concern is the difficulty they present with visibility and
53 navigation of streets.

- 1 ▪ Kerri Lonergan, 20403 63rd Place West, Lynnwood, spoke in support of the yard
2 maintenance ordinance, but noted that many yards have grass that is at least 12” high.
3 She felt this number should be raised to possibly 18” in order to be realistic and not
4 present a burden to code enforcement officers. She recommended looking to see what
5 works in other cities.
- 6 ▪ Sue Goans, 5125 194th Street SW, Lynnwood, discussed how commercial vehicles
7 take away from the attractiveness and traffic safety of neighborhoods. She reiterated
8 that many of these are businesses which are not allowed to be run out of the homes in
9 the first place. She expressed great frustration with this situation.
- 10 ▪ Mark Derek, 20403 63rd Place West, Lynnwood, stated that he has called code
11 enforcement on three occasions in the past two months for a car lot across the street
12 from him on 204th. On all three occasions he has gotten a recorded message and no
13 return phone call. He stated that this would be burdensome on code enforcement who
14 cannot even handle the calls that are there.
- 15 ▪ Judi Martin, 4916 192nd Street SW, Lynnwood, WA 98036, read an article from Inside
16 Lynnwood from August 2007 entitled *Quality of Life Code Enforcement Concern*. She
17 stated that she hopes city government still feels this is an important issue.

18
19 Council Questions:

20
21 Councilmember Utter asked Director Krauss to explain where small trucks could park under
22 this proposed code. Director Krauss replied that commercial trucks under 10,000 would be
23 allowed; commercial vehicles over 10,000 pounds could not be parked on your property or on
24 the street unless it is providing some sort of service at the time they are parked. He suggested
25 that if a vehicle is not allowed in a residential area the owner would have to rent space
26 elsewhere. He pointed out that if you could put it inside a structure where it was not visible it
27 would be acceptable.

28
29 Council President Ross asked if the Planning Commission had considered only prohibiting
30 parking on the street and allowing it private property. Director Krauss did not recall. Council
31 President Ross asked if they might be able to do that. Director Krauss said they could. Council
32 President Ross asked about the regulations surrounding home occupations. Director Krauss
33 commented there should not be visible signs that a home occupation even is there.

34
35 Councilmember Simmonds asked if proposed code regarding vehicles would supersede the
36 rules and regulations of homeowners associations. Director Krauss said that homeowners’
37 covenants are private and they can and generally do exceed what a city would administer.
38 Councilmember Simmonds commented that there are 399 home occupation licenses active in
39 the city today. The number of commercial business licenses is 2181. He commented that there
40 is not a system in place to catch these problems before they arise since the process does not
41 focus on this. He asked how long it would take the City to modify the existing home occupation
42 licensing process. Director Krauss indicated they could examine the home occupation code to
43 look at options. This would probably take three or four months.

44
45 Councilmember Hikel pointed out that the Ford F450 has a Gross Vehicle Weight (GVW) less
46 than 10,000, but that it has towing capabilities. He wondered if a car being towed was included
47 in the weight. Director Krauss said it wasn’t. Councilmember Hikel suggested adding tow
48 trucks specifically. Director Krauss expressed concern about this.

49
50 Councilmember Jim Smith asked about specifics of the proposed code. Director Krauss restated
51 that under the code any commercial vehicle in excess of 10,000 pounds would not be allowed
52 to park in residential areas. He noted that they could look at numbers other than 10,000 for the
53 weight limit. He also pointed out that as long as it is not a commercial vehicle it would be

1 allowed on your property. Councilmember Jim Smith expressed concern about the impact this
2 could have on contractors.

3
4 Councilmember Jim Smith referred to Ms. Goan's concerns and the 12 photos she distributed at
5 the last hearing and noted that there seems to be a plethora of violations there already under the
6 current code. Director Krauss explained that staff has been unable to confirm a violation except
7 for the truck that is often loaded and parked in the driveway at that home. Establishing a weight
8 requirement for vehicles parked on street and on private property would be something that
9 would make enforcement easier.

10
11 Councilmember Jim Smith asked how long grass and unkempt yards was any more of a health
12 risk than some of the very natural parks. Director Krauss said that the natural park or wetland is
13 part of an ecosystem that supports wildlife.

14
15 Council President Ross asked about the most appropriate way of addressing restrictions
16 regarding parking of commercial vehicles on public streets. There was discussion about ways to
17 address this.

18
19 *Motion made by Councilmember Mark Smith, seconded by Council President Ross, at 9:56 p.m. to extend*
20 *the meeting for one hour. Councilmember Mark Smith urged the Council to get on with the more pressing*
21 *business of the budget. Motion passed unanimously.*

22
23 Councilmember Hikel asked how removing the section on page 90.2A33 about parking "on
24 property residentially zoned, or property occupied by a single-family residence or duplex"
25 would change what was allowable on private property. Director Krauss said they would not
26 have any regulations to prohibit any type of vehicle on private property. Councilmember Hikel
27 expressed concern about this possibility.

28
29 Public Comments:

- 30
31
 - 32 ▪ Al Rutledge, 7101 Lake Ballinger Way, Edmonds, recommended raising rates for
33 commercial licenses. Councilmember Jim Smith raised a point of order. Mayor Gough
34 reminded Mr. Rutledge that no new issues could be raised at this time. Mr. Rutledge
35 discussed how this was handled in Edmonds.
 - 36 ▪ Mark Echelbarger, 3830 189th Place SW, Lynnwood, referred to the definition of
37 commercial vehicles. He asked Director Krauss how they would know how much a
38 particular truck weighs. Director Krauss replied that they run the license plate with the
39 state. There was discussion about whether they were looking at the Gross Vehicle
40 Weight or the Vehicle Weight Rating.

41 The public testimony portion of the public hearing was closed at 10:04 p.m.

42
43 B. Ordinance: Mid-Biennial Budget Changes; Economic and Budget Information; Assessed Value

44
45 Mayor Gough opened the hearing at 10:04 p.m. for the budget related items (agenda items 90.2
46 B and C). He reviewed the purpose of the hearing and the order of speaking. He noted that
47 statements made under item 80 on the agenda and anything that was handed in at that time
48 would be included here as part of the hearing.

49
50 Finance Director John Moir reviewed a PowerPoint presentation which he stated would be on
51 the website the following morning. He reviewed details about how they propose to reduce the
52 officially adopted budget by approximately 4% or \$6.2M.

1 Public Comments:

- 2
- 3 ▪ Reverend Eileen Hanson, Trinity Lutheran Church, 6215 196th Street SW, Lynnwood
4 (speaking on behalf of Dave Gilbertson who had to leave), thanked the City for the
5 work they have done so far on homelessness and encouraged them to continue in that
6 effort. She stated that they have been working with city staff on a cold weather shelter
7 agreement with the City. With the economic downturn there has been an increase in
8 people who are struggling with homelessness. She urged the Council to consider an
9 ongoing match process which might help them to install a required permanent sprinkler
10 system.
- 11 ▪ Jean Kim, 6527 200th Street SW, Condo 104, Lynnwood, spoke in support of Rev.
12 Hanson and urged the Council to act to help homeless people in the city. She noted that
13 44% of the homeless people are working poor; they have jobs, but cannot afford
14 housing.
- 15 ▪ Charlotte Lawson, 6517 195th Street SW, Lynnwood, WA, discussed the crisis being
16 faced by the emergency cold weather shelter. This started out as a community project
17 and not just a faith-based initiative. It was supposed to be a true partnership between
18 city government and a coalition of area churches. This is the only cold weather shelter
19 in the region between Seattle and Everett and is a desperately needed resource. She
20 discussed the need for a warm and safe space other than the library for gathering before
21 transporting them to the shelter. The fire station has worked extremely well in the past;
22 the council chambers would also work.
- 23 ▪ Judge Steven Moore, Lynnwood Civic Justice Center, Lynnwood, discussed how they
24 have dramatically reduced jail costs and reduced the court's exposure to future jail
25 demands. They have now been asked to further reduce the budget of the municipal
26 court. There are restrictions on how they are able to comply since they respond to the
27 number of filings made by the Lynnwood police. They have pared the budget as best
28 they can and the only thing left to cut is personnel. He also has further restrictions on
29 him by state law and must give priority to criminal cases, as opposed to non-criminal
30 citations. He explained that this would seriously impact the City's revenues.
- 31 ▪ Al Rutledge, 7101 Lake Ballinger Way, Edmonds, commended the three prior
32 speakers. He noted that he volunteers with the food bank and the Kiwanis. He
33 encouraged the Council to consider putting money back into the budget.
- 34

35 Council Questions:

36

37 Councilmember Mark Smith asked for the amount of reductions that they have to make.
38 Director Moir replied that it was \$6.2M. There was discussion about what has already been cut
39 from the budget. Councilmember Mark Smith asked how delaying or terminating the recreation
40 center project might mitigate the budget problem. Director Moir stated that the revenue
41 generated by the two utility taxes is approximately \$1.2M per year. The garbage tax would be
42 approximately \$450,000 per year. Councilmember Mark Smith asked what savings would be
43 available from the ER&R fund without significantly impacting the ability of the City to deliver
44 services. Director Moir said they have estimated approximately \$210,000 and this is already
45 reflected in the budget memo. Councilmember Mark Smith asked if part of the \$3.8 million in
46 the street fund (Fund 111) might be available. Director Moir Fund replied that that is the street
47 operations and maintenance fund so any cuts would impact the level of service. Councilmember
48 Mark Smith stated that he was seeking ways for budget reductions without raising taxes or
49 causing layoffs or furloughs. He asked about sources of funding for the street fund. Staff
50 replied that 30% of the funding comes from the gas tax; the balance comes from the general
51 fund. Councilmember Mark Smith suggested the possibility that, given the current economic
52 situation, some one-time expenses be delayed to fund ongoing operating expenses. He asked for

1 details about other funds that might have money left by the end of the year to use to balance the
2 budget. Staff indicated they would continue to review those.

3
4 *Motion made by Councilmember Hikel, seconded by Council President Ruth Ross, at 10:58 p.m. to extend*
5 *the meeting to 11:30 p.m. Motion passed unanimously.*

6
7 *Motion made by Councilmember Mark Smith to suspend the public hearing (at 11:01 p.m.) to take up*
8 *other matters on the agenda. The motion was seconded by Council President Ruth Ross and passed*
9 *unanimously.*

10
11 With the consent of the Council items 90.4A-D were moved to the December 7 Special Business Meeting.
12 Item 90.4F was moved to Unfinished Business.

13
14 90.3 UNFINISHED BUSINESS

15
16 F. Ordinance No. 2804 Aegis Inn PUD

17
18 Councilmember Jim Smith expressed concern about a councilmember who made contact
19 with Aegis after the meeting was over. Mayor Gough asked Councilmember Hikel to
20 disclose the contents of his discussion with Aegis. Councilmember Hikel stated that he
21 had apologized to Aegis representatives for having to sit through the entire session and
22 then not have the item voted on at that meeting. He stated that he did not discuss the
23 merits of the hearing, the testimony, or the decision before the Council.

24
25 Director Krauss explained that based on the discussions of the Council at the hearing
26 there was a condition that was added on page 90.4F6, line 17 regarding potential conflicts
27 between future school calendar and change of shifts at Aegis.

28
29 Councilmember Jim Smith pointed out that if the ordinance in the packet has been
30 changed from last week then it is not the ordinance that is currently on the floor. Mayor
31 Gough concurred.

32
33 *Motion made by Council Ruth Ross, seconded by Council Vice President Wright to add*
34 *lines 17 through 21 on 90.4 of the ordinance in the packet to Ordinance 2804 pursuant to*
35 *the text on page 90.4F-6. Motion carried.*

36
37 *Upon a roll call vote, the amended Ordinance 2804, "AN ORDINANCE OF THE CITY*
38 *COUNCIL OF THE CITY OF LYNNWOOD ADOPTING A PLANNED UNIT*
39 *DEVELOPMENT REVISING THE DEVELOPMENT STANDARDS FOR THE USE ON*
40 *CERTAIN LANDS; REZONING SAID LANDS AS PLANNED UNIT DEVELOPMENT;*
41 *PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND*
42 *PROVIDING FOR SUMMARY PUBLICATION." was approved unanimously (7-0).*

43
44 90.2C Ordinance: 2010-2015 Capital Facilities Plan

45
46 The public hearing for this agenda item was included as part of the hearing on the ordinance for
47 mid-biennial budget changes (Agenda Item 90.2 B). No public comments were made relating
48 to the 2010-2015 Capital Facilities Plan.

49
50 90.4 OTHER BUSINESS ITEMS

51
52 A. Ordinance: Parking of Commercial Vehicles in Residential Zones – Continued to 12/7
53 Special Business Meeting.

- 1
2 B. Ordinance: Yard Maintenance Zones – Continued to 12/7 Special Business Meeting.
3
4 C. Ordinance and Financial Plan: Minor amendment to TMC financial plan - Zones –
5 Continued to 12/7 Special Business Meeting.
6
7 D. Ordinance for Financial Plan, Bid Award, Consultant Contracts: Hall Lake Water
8 Main Replacement - Zones – Continued to 12/7 Special Business Meeting.
9
10 E. Ordinance, Financial Plan, Consultant Supplement, WSDOT Construction
11 Agreements: 44th Avenue West Interurban Trail, Bridge Overcrossing and East Trail
12 Extension to 40th Avenue West Project Construction
13

14 *Motion made by Councilmember Hikel, seconded by Councilmember Utter, to adopt*
15 *Ordinance No. 2805, "AN ORDINANCE AMENDING THE PROJECT*
16 *COMPLETION FUNDING FOR FUND 319 ESTABLISHED BY ORDINANCE NO.*
17 *2563 AND AMENDED BY ORDINANCE NO. 2680, FOR THE 44TH AVENUE WEST*
18 *INTERURBAN TRAIL, BRIDGE OVERCROSSING AND EAST TRAIL EXTENSION*
19 *TO 40TH AVENUE WEST PROJECT CONSTRUCTION; PROVIDING PROJECT*
20 *DESIGN AND CONSTRUCTION COSTS; PROVIDING FOR SEVERABILITY;*
21 *ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY*
22 *PUBLICATION." Upon a roll call vote, the motion carried unanimously (7-0).*
23

24 *Motion made by Councilmember Simmonds, seconded by Councilmember Hikel, to*
25 *authorize the Mayor to enter into and execute on behalf of the City a construction*
26 *contract with Allied Construction Associates of Everett, Washington for purposes of*
27 *constructing the 44th Avenue West Interurban Trail, Bridge Overcrossing and East*
28 *Trail Extension to 40th Avenue West Project in the amount of \$2,268,244.86. Motion*
29 *carried unanimously.*
30

31 *Motion made by Councilmember Simmonds, seconded by Council President Ross, to*
32 *authorize the Mayor to enter into and execute on behalf of the City a consultant*
33 *contract with ABKJ of Seattle, Washington for the purposes of on-call engineering*
34 *work related to the construction of the 44th Avenue West Interurban Trail, Bridge*
35 *Overcrossing and East Trail Extension to 40th Avenue West Project in the amount of*
36 *\$95,000.00. Motion carried unanimously.*
37

38 *Motion made by Councilmember Simmonds, seconded by Council President Ross, to*
39 *authorize the Mayor to enter into and execute on behalf of the City a Local Agency*
40 *Agreement Number GSA 6004 with WSDOT for construction administration,*
41 *engineering services and testing related to the construction of the 44th Avenue West*
42 *Interurban Trail, Bridge Overcrossing and East Trail Extension to 40th Avenue West*
43 *Project in the amount of \$296,194.00. Motion carried unanimously.*
44

45 *Motion made by Councilmember Simmonds, seconded by Councilmember Hikel, to*
46 *adopt Amendment No. 2 to Cooperative Agreement GCA 1747 with WSDOT to include*
47 *the project description for the 44th Avenue West Interurban Trail, Bridge*
48 *Overcrossing and East Trail Extension to 40th Avenue West Project. Motion carried*
49 *unanimously.*
50

- 51 G. Executive Session - None
52

1 90.2B Ordinance: Mid-Biennial Budget Changes; Economic and Budget Information; Assessed
2 Value

3
4 Question and Answer Section:

5
6 Councilmember Mark Smith stated that he has a number of questions still to be asked. He
7 asked for the consent of the Council to further suspend this hearing and go to new
8 business so that he could make a scheduling motion. Mayor Gough stated that they
9 needed to dispose of the hearing first.

10
11 Councilmember Simmonds referred to page 90.2B4 which discusses a proposed
12 ordinance for a 1% increase in the regular property tax with an estimated revenue of
13 \$76,876. On 90.2B8 there is another proposed ordinance. He asked for clarification of the
14 language on page 90.2B8 lines 22 and 23 regarding the levy limit of 101%. Staff
15 explained that they are asking for an increase of 1% above the levy amount that was
16 assessed last year. They are claiming substantial need based on the fact that the inflation
17 rate of the IPD was negative from last year to this year.

18
19 Councilmember Utter expressed concern that the proposed reductions which would be
20 coming to Council on December 7 would not be open for public comment. She asked
21 about keeping the public comment period open until the night when they actually pass the
22 amendments. City Attorney Frimodt explained that they need to have a two-week period
23 between the public hearing and when the budget is passed. Mayor Gough remarked that
24 they could close the hearing, but still have open microphone at the meeting.

25
26 Seeing no further questions, the public hearing was closed at 11:27 p.m.

27
28 *A scheduling motion was made by Council President Ross, seconded by Council Vice*
29 *President Wright, to include on the December 7 Special Business Meeting agenda a*
30 *public open microphone after the presentation for the purposes of the hearing any further*
31 *comments on the budget. Motion passed unanimously.*

32
33 *Motion made by Councilmember Mark Smith, seconded by Councilmember Hikel, to extend the*
34 *meeting for five minutes until 11:35 p.m.. Motion carried unanimously.*

35
36 *A scheduling motion was made by Councilmember Mark Smith to schedule a Special*
37 *Work Session on December 2 for further discussion on the budget. The motion was*
38 *seconded by Councilmember Utter and carried unanimously.*

39
40 *A scheduling motion was made by Council Vice President Wright, seconded by*
41 *Councilmember Hikel, to add two proclamations regarding Councilmembers Ross and*
42 *Utter to the December 7 Special Business Meeting. Motion carried unanimously.*

43
44 *A scheduling motion was made by Councilmember Mark Smith to schedule a Special*
45 *Work Session on December 9 at 7:00 p.m. for further discussion on the budget. The*
46 *motion was seconded by Council Vice President Wright. Motion carried unanimously.*
47

1 *Motion made by Councilmember Mark Smith, seconded by Council Vice President Wright, to*
2 *extend for five minutes until 11:40. Motion carried.*

3
4 100. NEW BUSINESS

5
6 *A scheduling motion was made by Councilmember Hikel to bring forth an ordinance*
7 *relative to holding elective office to both the 11/3 Work Session and the 12/14 Business*
8 *Meeting. The motion was seconded by Councilmember Ross and carried.*

9
10 110. STAFF REPORTS

11
12 120. ADJOURNMENT

13
14 The meeting was adjourned at 11:40 p.m.

15
16
17
18
19 _____
20 Don Gough, Mayor

21
22
23 _____
24 John Moir
25 Finance Director