10. CALL TO ORDER - The January 26, 2009 Business Meeting of the Lynnwood City Council, held in the Council Chambers of Lynnwood City Hall, was called to order by Mayor Gough at 7:00 p.m. The flag salute was led by Councilmember Ted Hikel.

20. ROLL CALL

Others Attending:

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
Executive Asst. Stephanie Simpson

Assistant Finance Director Heilman
Parks & Recreation Director Sordel
Economic Development Director Kleitsch
Public Works Director Franz
Police Chief Jensen
Fire Chief Olson
Community Development Director Krauss
Assistant Finance Director Haugan
Budget Analyst Harrigan
City Attorney Frimodt
Labor Relations Program Manager Itaoka
Human Resources Director Hall
Community Affairs Director Yim

Motion made by Council Vice President Stephanie Wright, seconded by Council President Ross, to approve the absences of Jim Smith and Lisa Utter for the January 20 Work Session and Councilmember Mark Smith for the January 21 Work Session. Motion passed unanimously.

30. APPROVAL OF MINUTES

Motion made by Councilmember Hikel, seconded by Councilmember Simmonds, to approve the following minutes:

A. Work Session 01/05/2009
B. Business Meeting 01/12/2009

Councilmember Hikel referred to page 30A-2, line 34, and noted that it should read, “Appointment will be on the agenda for approval approved at the January 12, 2009 Business Meeting.” There was unanimous consent for this correction.

Councilmember Jim Smith referred to 30A-3, line 67. In order to clarify that action was not taken at the work session, he suggested revising the second sentence to read: “Resolution 2008-11 stands as adopted earlier at a business meeting.” There was unanimous consent to approve the revision.

The minutes were approved unanimously as revised above.

40. MESSAGES AND PAPERS FROM THE MAYOR
40.1 Mayor Gough invited everyone to a civic celebration of the life of former Mayor Meryl "Herk" Hrdlicka on January 29, from 5 to 7 p.m. at the Lynnwood Convention Center.

50. COUNCIL COMMENTS AND ANNOUNCEMENTS

50.1 Councilmember Simmonds announced he was starting his 10th year on the Council and had some comments on the new seating arrangement.
50.2 Councilmember Mark Smith had no comments.
50.3 Councilmember Lisa Utter had no comments.
50.4 Councilmember Jim Smith announced he was starting his 22nd year on the Council.
50.5 Council President Ross had no comments.
50.6 Council Vice President Wright shared that she has been appointed to the National League of Cities’ Energy, Environment and Natural Resources Committee. They will be meeting on March 15 in Washington DC before the National League of Cities conferences.
50.7 Councilmember Hikel discussed the Dr. Martin Luther King celebration and the inauguration of President Obama.

60. PRESENTATIONS AND PROCLAMATIONS

A. Resolution: Appreciation Stan Finkelstein, AWC Executive Director

Councilmember Hikel read and moved for adoption of Resolution No. 2009-03, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RECOGNIZING THE CONTRIBUTION OF STAN FINKELSTEIN TO THE CITIES OF THE STATE OF WASHINGTON AND THE CITY OF LYNNWOOD." The motion was seconded by Council President Ross and approved unanimously.

70. WRITTEN COMMUNICATIONS AND PETITIONS - None

80. CITIZENS COMMENTS AND COMMUNICATIONS - None

90. BUSINESS ITEMS AND OTHER MATTERS

90.1 UNANIMOUS CONSENT AGENDA

Councilmember Mark Smith requested the removal of item A: Approval: 2009 Equipment Rental Replacement Schedule.

Council President Ruth Ross moved for unanimous consent of the following Consent Agenda items B, C, and D as follows:

B. Reappointment of Sandy Wong to Neighborhoods & Demographic Diversity Advisory Commission
Re-appoint Sandy Wong to another term as a member of the Neighborhoods and Demographic Diversity Advisory Commission.
C. Revised Budget & Planning Calendar – 2009

Adopt the 2009 Budget & Planning Calendar for 2009.

D. Voucher Approval

Approve claims and payroll in the amount of $1,254,299.90 and $278,723.84 and $1,113,994.68 respectively, and that the lists be made a part of the record of this Council meeting

The Consent Agenda was approved unanimously.

Councilmember Mark Smith requested that item 90.1A regarding Approval: 2009 Equipment Rental Replacement Schedule be brought back to a work session with a date to be determined.

90.2 PUBLIC HEARINGS OR MEETINGS

A. Civic Banners and Signs/Special Events Exemption

Mayor Gough opened the public hearing at 7:15 p.m. The staff presentation was given by Community Development Director Paul Krauss.

Public Testimony: None

Council Questions:

Councilmember Utter asked if the intent of this is that anything that the City decides to sponsor will be exempted from requiring special events permits. Community Development Director Krauss affirmed this. He noted that this would pertain to events that staff brought to the Council for some sort of approval.

Motion made by Council President Ross, seconded by Councilmember Simmonds, to adopt Ordinance No. 2768, “AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 5.30.015 AND SECTION 21.16.260 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO SPECIAL EVENTS AND TO CIVIC EVENT BANNERS AND SIGNS, PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION” with the insertion of January 26 on the blank on line 21. Upon a roll call vote, the motion passed unanimously (7-0).

The hearing was closed at 7:23 p.m.

90.3 UNFINISHED BUSINESS

90.4 OTHER BUSINESS ITEMS

A. Visioning: Adopt Living Document of City-Wide Vision Statements
Motion made by Council President Ross, seconded by Councilmember Jim Smith, to approve and adopt the following living document: Lynnwood Moving Forward: Our Community Vision document as contained in the packet on pages 90.4A 2 and 3 with the strikeout of the word “Draft” in the title.

Council President Ross stated that the Council is very pleased to adopt this. It is the result of the visioning process of 400 citizens of Lynnwood.

Councilmember Jim Smith explained that this is an excellent tool that will be extremely useful for planning purposes.

Councilmember Simmonds acknowledged the many people who have worked diligently on this document. He emphasized his appreciation of their investment of time, effort, and energy throughout the process. He believes the document truly reflects the values and the vision of the community.

The motion passed unanimously.

B. Ordinance: Adoption of Salary Ordinance reflecting Compensation Study Recommendations for 2008

Motion made by Councilmember Simmonds, seconded by Council President Ross, to adopt Ordinance No. 2769, “AN ORDINANCE AMENDING CHAPTER 2.48 OF THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTION 2.48.175 RELATING TO THE BASIC PAY PLAN, AND SECTION 2.48.185 RELATING TO PAY GRADE CLASSIFICATION FOR REGULAR EMPLOYEES OF THE CITY OF LYNNWOOD NOT OTHERWISE COVERED UNDER A COLLECTIVE BARGAINING AGREEMENT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.”

Councilmember Simmonds asked Human Resources Director Hall if there are any mistakes or misprints on the grade level for any of the positions listed in the material. Director Hall stated that there is at least one position where the employee has talked about a request for an appeal. She was not aware of any other items that would constitute a mistake. Councilmember Simmonds asked how they would go about making correction if they were needed. Director Hall reviewed the process for making corrections. Councilmember Simmonds hoped that any corrections that need to be made would be brought back in a timely manner. Director Hall indicated that the process would probably take 5-6 weeks.

Councilmember Simmonds then asked about two positions that he did not see listed in the pay grade classification – the Outreach Aid and the Special Assistant to the Mayor. Director Hall stated that the Outreach Aid is treated as a limited term position and has been titled as a Recreation Coordinator. It is in the Salary Ordinance. The Special Assistant to the Mayor has been titled Assistant City Administrator in the Ordinance. Councilmember Simmonds expressed some concern about the duties of that position.
Councilmember Hikel pointed out that the two Assistant Directors for Finance appear to be on different levels. This is inconsistent with other departments.

Director Hall noted that the consultants slotted the positions based on market data and the job evaluation points. The City can make the decision to make an adjustment to place the Assistant Finance Director for Treasury above the Manager positions, which would be consistent with the way it has been done in the past. This could be dealt with at the Request for Review process. It is likely that this particular position will come back to the Council. Councilmember Hikel stated that he would be uncomfortable approving it at the level stated in the document.

Motion made by Councilmember Hikel, seconded by Councilmember Simmonds, to change the pay grade of the Assistant Finance Director – Treasury from 623 to 624.

Councilmember Jim Smith stated that he would be uncomfortable making this last-minute change without better information.

Councilmember Mark Smith concurred with Councilmember Jim Smith.

Councilmember Utter suggested as an alternative that this particular review be done and brought back for action by the end of February. Mayor Gough noted that the dates and times for review had not yet been determined. This would have to be considered in the normal course of all the other requests that are going on. She stated that she would be voting against the motion because of the last-minute nature of it.

The motion to approve the amendment to the pay grade of the Assistant Finance Director – Treasury to 624 passed.

Councilmember Mark Smith agreed that they need more clarity regarding the position of Assistant City Administrator in the Executive Department.

He referred to page 90.4B-2, lines 46-53 regarding the red-circled positions. He asked Director Hall to explain for the record what this means. Director Hall explained that red-circled employees are those who are above the maximum of their new pay ranges. She reviewed some of the options for dealing with those employees’ pay. Staff is proposing that this be brought back for a policy-level discussion at a later date.

Councilmember Utter moved to add a section 7 at the bottom of page 90.4B6 that states: “A report of all appeals and suggested resolutions shall be brought to the Council by or before March 30, 2009.”

Council President Ross asked Director Hall if there is a deadline for people to appeal this. Director Hall stated that there will be a deadline, but they are in the process now of preparing the final letters and vetting the final information with
department heads. There will then be a period of time for people to express
concerns and have questions answered prior to filing an appeal.

*Council President Ross moved to amend the amendment to state that a report
would come back to the Council, on the process, including dates, times and
number of appeals that have been received, by March 30. The motion to amend
the amendment was seconded by Councilmember Hikel and approved
unanimously.*

*The amendment to the Ordinance was approved unanimously.*

*Upon a roll call vote, the Ordinance was approved unanimously (7-0).*

C. Ordinance: Adoption of Revised Salary Ordinance for 2009

*Motion made by Councilmember Hikel, seconded by Council President Ross, to
approve Ordinance No. 2770, "AN ORDINANCE AMENDING CHAPTER 2.48
OF THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTION 2.48.175
RELATING TO BASIC PAY PLAN, AND SECTION 2.48.185 RELATING TO PAY
GRADE CLASSIFICATION FOR REGULAR EMPLOYEES OF THE CITY OF
LYNNWOOD NOT OTHERWISE COVERED UNDER A COLLECTIVE
BARGAINING AGREEMENT; PROVIDING FOR SEVERABILITY, PROVIDING
AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION." And that the
second item in Finance Director section, the Assistant Finance Director –
Treasury, be changed from 623 to 624 and that a section 7 be added with the
same language identified in Ordinance No. 2769.*

Councilmember Hikel complimented the Human Resources Department and
Director Hall in particular for their hard work on this.

*Upon a roll call vote, the motion passed unanimously (7-0).*

Director Hall thanked the Council for their hard work on this.

D. Appoint Council Representatives to Internal Committees for 2009

Council President Ross made the following appointments:

Council Liaison to the Arts Commission - Ruth Ross

Audit & Insurance Committee:
Rep 1 - Mark Smith, Chair
Rep 2 - Loren Simmonds
Rep 3 - Stephanie Wright

Disability Board:
Rep 1 - Jim Smith
Rep 2 - Loren Simmonds
Historical Commission - Lisa Utter
Library Board - Ted Hikel
Lynnwood PFD - Mark Smith
Neighborhood & Diversity Commission - Loren Simmonds
Parks & Recreation & Cultural Arts - Stephanie Wright
Planning Commission - Ted Hikel
Rep/Housing Consortium - Stephanie Wright

E. Ordinance, Financial Plan and Consultant Contract: Lift Station #16 Design

Motion made by Councilmember Hikel, seconded by Council President Ross, to adopt Ordinance No. 2771, “AN ORDINANCE AMENDING ORDINANCE 2591 ESTABLISHING PROJECT COMPLETION FUNDING FOR PROJECT FUND 411, LIFT STATION NO. 16 PHASE 2, PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.” Upon a roll call vote, the motion passed unanimously (7-0).

Motion made by Councilmember Hikel, seconded by Councilmember Simmonds, to authorize the Mayor to enter into and execute on behalf of the City a contract with RW Beck Seattle, WA, for an amount not to exceed $429,200, including a management reserve of approximately 10%. Motion passed unanimously.

100. NEW BUSINESS

100.1 Councilmember Jim Smith requested that information be brought back to Council as to why residents were charged for garbage pickup when they missed days during the inclement weather in December. He said he also had a fuel surcharge on his bill, but no service was performed. Public Works Director Bill Franz will investigate and get back to Council.

100.2 Councilmember Hikel requested an outline of upcoming agenda items. Council President Ross indicated she would provide that.

100.3 Councilmember Loren Simmonds would like to discuss the upcoming AWC Legislative Session in Olympia (2/18-2/19). In particular, he would like a list of the legislative issues that the South County Cities members will be addressing at the session.

110. STAFF REPORTS

90.4. OTHER BUSINESS ITEMS
F. Executive Session

Mayor Gough recessed into Executive Session at 8:15 p.m. for 30 minutes to discuss the 204th Street contract and potential litigation involving a billboard in the City. There was an extension at 8:45 for fifteen minutes and another extension at 9:00 for ten minutes.

120. ADJOURNMENT

The Council reconvened and immediately adjourned the meeting at 9:10 p.m.

__________________________________________
Don Gough, Mayor

__________________________________________
John Moir
Finance Director