

**MINUTES  
FEDERAL WAY CITY COUNCIL  
REGULAR MEETING  
Council Chambers - City Hall  
August 7, 2012  
7:00 p.m.  
[www.cityoffederalway.com](http://www.cityoffederalway.com)**

**1. CALL MEETING TO ORDER**

Mayor Priest called the meeting to order at 7:04 pm.

Elected officials present: Mayor Skip Priest, Deputy Mayor Jim Ferrell, Councilmember Linda Kochmar, Councilmember Susan Honda, Councilmember Jeanne Burbidge, Councilmember Bob Celski, Councilmember Roger Freeman and Councilmember Dini Duclos.

City staff present: City Attorney Pat Richardson and City Clerk Carol McNeilly.

**2. PLEDGE OF ALLEGIANCE**

Police Support Services Manager Cathy Schrock led the Pledge of Allegiance.

**3. PRESENTATIONS**

Prior to starting the presentations, Mayor Priest extended condolences on behalf of the City Council, City staff and himself to the friends and family of the young man who was lost in the accidental drowning at Steel Lake Park on Sunday.

Mayor Priest also extended condolences to the family of Wayde Rodrigues-Fale who was struck by a vehicle while riding his bicycle in the Westway neighborhood.

a. Certificate of Appointment – Human Services Commission

At their July 17, 2012 meeting the Council appointed Michael Capenos to the Human Services Commission as a voting member with a term of January 31, 2015. Councilmember Honda read the certificate of appointment into the record.

b. CrimeReports.com Demonstration

Police Support Services Manager Cathy Schrock reported that in February 2012 the Council approved a subscription to CrimeReports.com, a web-based crime mapping service that provides real-time crime incident data that has occurred in the city as well as registered sex offenders. You can access the site via a link on the Federal Way Police

Departments webpage. This tool is beneficial for citizens as well as businesses. Ms. Schrock provided a demonstration of the website, which populates at 5:00 am every day directly from a Police Department records database. Mayor Priest stated this tool is very complimentary to the Safe Cities website. Ms. Schrock added the Police Department has been training their Officers on the tool and a media release is scheduled to go out next week to the public.

c. Mayor's Emerging Issues

Public Defender Grant Application:

In June the Supreme Court issued an order that will impact how cities provide public defender services. The Order establishes that public defenders can accept 300 cases for misdemeanors. The city conducted an analysis of public defender services and the results showed that we are protecting the rights for representation to the indigent defendant with our contracts for public defenders. The Order also mandates the City to provide administrative support for the public defenders. One example identified in the Order was case management systems. Last week the City submitted a grant application to the Office of Public Defender for \$140K to purchase a case management system which would track the number of cases assigned to public defenders as well as provide tools for electronic filing of cases.

Sound Transit – Proposed Parking Fee:

Sound Transit recently announced that they are considering a policy for parking fees at their regional facilities as a means to address over-crowding. They will conduct a long-term study on the issue and present some initial ideas to their board later this Fall. The City has been in communication with Sound Transit and other transit agencies regarding over-crowding at the transit center and will monitor this issue. The City will continue to advocate for sensible solutions to the address the issue and will follow this parking fee policy.

Waste Management:

Due to recent labor issues Waste Management has failed to provide service to Federal Way residents. City staff reviewed the contract with Waste Management and determined the service disruption violated the terms of their contract. Last week Mayor Priest notified Waste Management that they were in default of the contract and that the City would levy fines in accordance with the terms of the contract. While service for Federal Way residents resumed last Thursday the city will be monitoring service more closely. If your service has been disrupted or has not been reinstated please contact the City at 253-835-2700.

Deputy Mayor Ferrell stated that he was informed of the Sound Transit parking fee proposal by watching the news. He is disappointed that Sound Transit did not communicate directly with the City regarding this issue.

Councilmember Duclos stated the proposed parking fee will more than likely discourage people from using transit systems and drive their own vehicles.

#### 4. CITIZEN COMMENT

Charlene Fale on July 22, 2012 her son was struck by a vehicle while riding his bicycle in the Westway neighborhood and later that day passed away. The media has not accurately reported on this event and she provided some clarification. She stated what is important is how people can learn from this tragedy. There needs to be an increased awareness about speeding and stopping times necessary for vehicles to avoid injury to pedestrians/cyclists, especially in residential neighborhoods.

Norma Blanchard spoke regarding the 90-day timeframe to collect signatures on initiatives. She stated she the Council has the authority to change or remove the timeframe as well as the required number of signatures.

Libby Bennett with Occupy Federal Way. Ms. Bennett submitted written comments for the City Clerk to read into the record regarding their upcoming "Know the Vote Campaign" and the booth they will have at the August 11, 2012 Federal Way Farmers Market.

#### 5. CONSENT AGENDA

*Items listed below have been previously reviewed in their entirety by a Council Committee of three members and brought before full Council for approval. All items are enacted by one motion. Individual items may be removed by a Councilmember for separate discussion and subsequent motion.*

- a. Minutes: July 17, 2012 Special and Regular Meetings
- b. Vouchers
- c. Monthly Financial Report – June 2012
- d. Interlocal Agreement Transferring CDBG Funds from King County to the City of Federal Way's CDBG Program
- e. 2012 Human Services Commission Work Plan
- f. Monument Sign Bid
- g. King County RSO Grant Funding Cost Reimbursement Agreement
- h. Cingular Wireless (AT&T) Site Lease Renewal – Saghalie Park
- i. Cingular Wireless (AT&T) Site Lease Renewal – Sacajawea Park

**Motion: Deputy Mayor Ferrell moved approval of items 5a through 5i. Councilmember Duclos second.**

**Vote:**

|                               |            |
|-------------------------------|------------|
| <b>Deputy Mayor Ferrell</b>   | <b>Yes</b> |
| <b>Councilmember Kochmar</b>  | <b>Yes</b> |
| <b>Councilmember Honda</b>    | <b>Yes</b> |
| <b>Councilmember Burbidge</b> | <b>Yes</b> |
| <b>Councilmember Celski</b>   | <b>Yes</b> |
| <b>Councilmember Freeman</b>  | <b>Yes</b> |
| <b>Councilmember Duclos</b>   | <b>Yes</b> |

**Motion carried 7-0.**

## 6. COUNCIL BUSINESS

### a. Purchase of Bridges Property

Mayor Priest stated as part of the vision for conservation along the Hylebos Creek one of the properties identified to continue the conservation plan was the Bridges property.

Surface Water Manager Will Appleton reported that on May 4, 2010 the Council authorized staff to pursue the acquisition of the Bridges property. The property is located in the Spring Valley riparian corridor, and is comprised of two parcels totaling 17.3 acres. The purchase price for the property has been negotiated at \$610K. King County Conservation Futures funding in the amount of \$305K and matching Surface Water Management funds will be used to pay for the purchase. Mr. Appleton highlighted key points of the agreement: closing costs will be split between the seller and the City, the seller has asked to be able to name both ponds on the property and the closing date would be September 15, 2012.

**Motion: Councilmember Celski moved to authorize the Mayor to execute the settlement agreement dated August 7, 2012 and direct staff to proceed with the purchase of the Bridges property, consisting of two parcels totaling 17.3 acres in the amount of \$610K. Councilmember Duclos second.**

**Vote:**

|                               |            |
|-------------------------------|------------|
| <b>Deputy Mayor Ferrell</b>   | <b>Yes</b> |
| <b>Councilmember Kochmar</b>  | <b>Yes</b> |
| <b>Councilmember Honda</b>    | <b>Yes</b> |
| <b>Councilmember Burbidge</b> | <b>Yes</b> |
| <b>Councilmember Celski</b>   | <b>Yes</b> |
| <b>Councilmember Freeman</b>  | <b>Yes</b> |
| <b>Councilmember Duclos</b>   | <b>Yes</b> |

**Motion carried 7-0.**

### b. Selection of Vendor for Health and Wellness Program

Mayor Priest stated this item did not go through a Council Committee. He noted rising healthcare costs pose a significant challenge to the city. Earlier this year the city changed healthcare providers for many of our employees. Recently, the City's Wellness Committee was expanded to the Health and Wellness Committee in an effort to focus on the health of employees. Janet Shull, Chair of the Commit provided a presentation on the selection of a new vendor to assist the Committee in developing a program to encourage participation in a Wellness Campaign.

Ms. Shull stated the Committee has been tasked with developing and implementing a program that is aimed at improving overall employee health/wellness. Implementation for the program would require assistance of a qualified wellness program vendor. Ms. Shull reviewed the benefits of a program which include reduced health care costs for the city and employees, positioning the city to move toward self-insured status and improvements in "presenteeism" and productivity. On July 19, 2012 the Health and Wellness Committee interviewed two vendors to assist in developing an employee wellness program. The Committee is asking for authorization to enter into an agreement with Worksite Wellness. The contract amount is estimated to be between \$32K and \$50K annually. The budget range is dependent on level of participation. If the Council approves this item, the Committee will meet with the vendor to develop city specific program elements, conduct biometric testing for individuals that want to participate and identify incentives to encourage participation.

Councilmember Kochmar asked what additional service would be provided by the vendor. Ms. Shull stated a third party vendor is necessary to perform biometric testing and comply with HIPAA confidentiality requirements. The vendor would provide individual results to participants and compile the testing results and provide the city with a picture of participants overall health. Councilmember Kochmar stated she would prefer this item go through a Council Committee prior to coming before full Council. Mayor Priest stated that the matter was brought to full Council because of the importance of controlling healthcare costs.

Councilmember Honda inquired why a vendor would perform biometric testing when employees can get testing performed by their physician. Ms. Shull stated individuals who chose to participate would have the option of having their testing done at city hall; they could use a home test-kit, or go through their private doctor. The vendor would collect the data and provide a general overall health report to the Committee.

Councilmember Celski feels this is a worthwhile program. He asked if the program had a physical fitness aspect to it. Ms. Shull responded that the program would include a physical fitness aspect as well as healthy eating and other items.

Councilmember Kochmar requested a re-evaluation be performed at the end of the year on this program to ensure we are getting a return on investment. Mayor Priest noted that the City does this on an ongoing basis with every program.

**Motion: Councilmember Duclos moved to direct staff to enter into an agreement with Worksite Wellness to develop and implement an employee wellness program that is designed to improve employee health and reduce health-related expenses. Councilmember Freeman second.**

**Vote:**

|                        |     |
|------------------------|-----|
| Deputy Mayor Ferrell   | Yes |
| Councilmember Kochmar  | Yes |
| Councilmember Honda    | Yes |
| Councilmember Burbidge | Yes |
| Councilmember Celski   | Yes |
| Councilmember Freeman  | Yes |
| Councilmember Duclos   | Yes |

**Motion carried 7-0.**

## 7. ORDINANCES

### Second Reading:

- a. CB # 607: Amend Federal Way Revised Code Title 6 "Public Safety and Welfare"

*An ordinance of the City of Federal Way, Washington, relating to public safety; amending Federal Way Revised Code 6.40.010, "Frauds and Swindles," adding a new section to Chapter 6.55 FWRC, "Public Peace," and adding a new section to Chapter 6.75 FWRC, "Miscellaneous Crimes and Offenses."*

At their July 17, 2012 meeting the City Council forwarded this ordinance to second reading at enactment. Mayor Priest noted at that meeting, legal staff was directed to provide the Council with additional information on this item. He asked if there were any additional questions from staff on this item.

City Clerk McNeilly read the ordinance title into the record.

**Motion: Councilmember Honda moved approval of the ordinance amending Title 6 Public Safety and Welfare. Councilmember Duclos second.**

Councilmember Freeman stated he would be voting against the motion as he feels the punishment of a gross-misdemeanor for possession of electronic benefit card and roll your own cigarette machines in a retail establishment is too severe.

Deputy Mayor Ferrell asked City Attorney Richardson if the Council is able to adopt the proposed ordinance with a lesser punishment. City Attorney Richardson replied that State Law prohibits reducing the punishment of a criminal act, the proposal before Council is to incorporate State Law.

**Vote:**

|                               |            |
|-------------------------------|------------|
| <b>Deputy Mayor Ferrell</b>   | <b>Yes</b> |
| <b>Councilmember Kochmar</b>  | <b>Yes</b> |
| <b>Councilmember Honda</b>    | <b>Yes</b> |
| <b>Councilmember Burbidge</b> | <b>Yes</b> |
| <b>Councilmember Celski</b>   | <b>Yes</b> |
| <b>Councilmember Freeman</b>  | <b>No</b>  |
| <b>Councilmember Duclos</b>   | <b>Yes</b> |

**Motion carried 6-1. Ordinance 12-726**

## **8. COUNCIL REPORTS**

Councilmember Honda had no report.

Councilmember Kochmar had no report.

Deputy Mayor Ferrell had no report

Councilmember Burbidge reported the next Lodging Tax Advisory Committee is August 15, 2012. This weekend the Farmers Market is sponsoring a health run. August 23, 2012 is the sand sculpture event as well as the Federal Way Community Gardens tour. Centerstage Theatre is partnering with Central Washington University for a summer theatre festival.

Councilmember Celski stated the next Land Use, Transportation Committee meeting is September 10, 2012.

Councilmember Freeman announced that he attended a memorial service at Federal Way High School for the young man who lost his life in a drowning accident at Steel Lake Park. There were close to 200 students in attendance at the memorial. He commented on Sound Transits lack of insight and vision for how they are impacting Federal Way.

Councilmember Duclos reported the next Finance, Economic Development and Regional Affairs Committee meeting is August 28, 2012.

**9. MAYOR'S REPORT**

Mayor Priest had no report.

**10. EXECUTIVE SESSION**

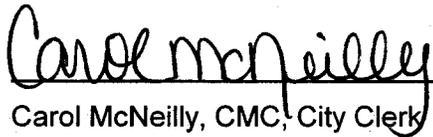
- ~~Collective Bargaining pursuant to RCW 42.30.140(4)(b)~~
- ~~Potential Litigation pursuant to RCW 42.30.110(1)(i)~~

The City Council did not adjourn to executive session.

**11. ADJOURNMENT**

Mayor Priest adjourned the meeting at 8:06 pm.

Attest:

  
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Carol McNeilly, CMC, City Clerk

Approved by Council: September 4, 2012