

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **April 19, 2016**

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

### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Kristiana Johnson, Council President  
Michael Nelson, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember  
Dave Teitzel, Councilmember  
Thomas Mesaros, Councilmember  
Neil Tibbott, Councilmember

### **STAFF PRESENT**

Phil Williams, Public Works Director  
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Rob English, City Engineer  
Kernen Lien, Senior Planner  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

Mayor Earling relayed a tragic accident occurred on the waterfront today, a pedestrian was killed by a train. Little additional information is available at this time. This highlights the importance of the work being done on the Alternatives Analysis to identify ways to keep people safe and move them back and forth.

### **1. ROLL CALL**

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

### **2. APPROVAL OF AGENDA**

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO MOVE ITEM 6F TO FOLLOW ITEM 6A. MOTION CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

### **3. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

#### **A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF APRIL 12, 2016**

- B. APPROVAL OF CLAIM CHECKS #219441 THROUGH #219546 DATED APRIL 14, 2016 FOR \$405,746.96
- C. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM STEPHEN AND KAREN ERNST (\$7,829.25). CURT THOMPSON (319.53)
- D. RECREATION & CONSERVATION OFFICE (RCO) GRANT RESOLUTIONS
- E. SNOHOMISH COUNTY ILA AMENDMENT NO 3
- F. PEDESTRIAN ACCESS EASEMENTS FOR PLACEMENT OF TWO PEDESTRIAN CURB RAMP AT 21900 HIGHWAY 99

4. **PRESENTATIONS/REPORTS**

A. **SOUND TRANSIT 3 UPDATE**

Development Services Director Shane Hope relayed her pleasure to be working with **Kathy Leota**, **Sound Transit**, and others on the team presenting this draft ST3 Plan.

Ms. Leota explained the Sound Transit Board recently released the draft ST3 Plan and directed staff to present it to the region. The Sound Transit District includes 3 counties 52 cities, more than 1,000 square miles and 3 million people which represents approximately 40% of the State’s population. Sound Transit operates regional express bus service, Sounder commuter rail and link light rail. She displayed a graph illustrating annual increases in ridership 1999-2015 and projected increases 2017-2025 as new services come on line. She highlighted ST2 projects underway:

<b>Projects</b>	<b>Scheduled Completion</b>
University Link Extension	2016
Angle Lake Link Extension	2016
Northgate Link Extension	2021
Tacoma Link Extension * partnership project to be baselined in Q2 2017	2022*
East Link Extension	2023
Lynnwood Link Extension	2023
Extension to Kent/Des Moines	2023

According to Puget Sound Regional Council (PSRC), more people are calling our region home:

- 2014 2.8 million
- 2040 3.7 million

She relayed the ST3 timeline:

- Long range plan update: 2014
- Revenue authority from Legislature: 2015
- System planning (develop ballot measure): 2015-mid 2016
- ST3 ballot measure: November 2016

With regard to why ST3, Ms. Leota explained bold transit infrastructure investments:

- Benefit quality of life, economy and environment
- Increased transportation capacity in busiest corridors
- Delivered steadily over 25 years
- Regional 112-mile light rail system
  - Fast, frequent, reliable service

- Serving more riders and communities
- 470,000 – 580,000 daily riders by 2040

Ms. Leota described early deliverables in the draft ST3 Plan (2019-2024):

- To improve bus speed and reliability
  - Bus-on-shoulder opportunities: 1-5, 1-405, SR 518, SR 167
  - Capital improvements for RapidRide C and D routes
  - Bus capital improvements for Pacific Ave (Tacoma)
  - Bus capital improvements in East Pierce County
- To improve system access
  - Parking on SR 522 in Kenmore, Lake Forest Park and Bothell
  - I-405: Parking at Kingsgate and new transit center with parking in South Renton
  - Parking for Sounder north and south lines
  - Passenger amenities, including pedestrian and bicycle improvements

She highlighted projects in the draft ST3 Plan:

Projects	Draft Schedule
<b>Light Rail</b>	
Redmond Technology Center to Downtown LRT	2028
Kent/Des Moines to Federal Way LRT	2028
Federal Way to Tacoma Dome LRT	2033
West Seattle to Downtown Seattle LRT	2033
Lynnwood to 128 <sup>th</sup> St SW (Mariner) LRT	2036
Infill Light Rail Station: Graham Street	2036
Infill Light Rail Station: Boeing Access Road	2036
Ballard to Downtown Seattle LRT (with new downtown rail tunnel)	2038
Tacoma Link Extension to Tacoma Community College	2041
128 <sup>th</sup> SW (Mariner) to Everett LRT via Southwest Everett Industrial Center and Evergreen Way	2041
Bellevue to Issaquah LRT	2041
<b>BRT-ST Express</b>	
Approx. 600,000 annual hours to continue providing interim express bus service in future HCT corridors	Ongoing
I-405 BRT: Lynnwood to Burien	2024
SR 522 and NE 145 <sup>th</sup> Street BRT <ul style="list-style-type: none"> <li>● UW Bothell to NE 145<sup>th</sup> light rail station</li> <li>● Includes service from Woodinville</li> </ul>	2024
<b>Sounder</b>	
Lakewood to DuPont Sounder with station in Tillicum	2036
South Sounder Capital Improvements Program <ul style="list-style-type: none"> <li>● Funds capital items as such as track improvements, platform extension and access projects to meet growing demand</li> </ul>	2024-2036
<b>Environmental &amp; Future Investment Studies</b>	
HCT Environmental Study: Bothell to Bellevue via Kirkland	
HCT Study: Northern Lake Washington	
HCT Study: Light rail extending from West Seattle to Burien and connection to light rail spine	
HCT Study: Connections from Everett to Everett Community College	
HCT Study: Commuter rail to Orting	

Ms. Leota displayed and reviewed the project delivery timeline (2016-2041) for ST2 projects and projects in the draft ST3 plan, noting new projects will come online every 3-5 years. The Sound Transit Board has challenged staff to improve the timeline for delivery of ST3 projects.

She reviewed potential funding the Sound Transit Board will be considering for the draft ST3 Plan:

<b>Revenue Source</b>	<b>2017-2041 (in billions, YOE)</b>
Sales Tax	16.8
License Tabs	6.9
Property Tax	3.9
Total Taxes	27.6
Other Revenue	22.
Total estimated source of funds	\$50.1 billion

She summarized the total cost is \$200/year or \$17/month per person. The Board will also be considering policies related to transit oriented development, affordable housing, sustainability, and access.

Opportunities for input include:

- Online survey at [soundtransit3.org](http://soundtransit3.org)
- Public and stakeholder outreach
  - April 19 Ballard High School, 5:30 pm
  - April 21 Evergreen State College, Tacoma, 5:30 pm
  - April 25 Everett Station, 5:30 pm
  - April 26 West Seattle High School, 5:30 pm
  - April 28 Old Redmond School House, 5:30 pm
  - April 28 Todd Beamer High School, Federal Way, 5:30 pm
  - April 28 Union Station, Seattle, 11:30 am
- June: Adoption of Final System Plan
- November: Ballot measure for voter consideration

Councilmember Buckshnis expressed appreciation for the light rail extensions that have occurred in recent years, commenting it is has been needed for a long time. She asked whether the Lynnwood extension would cross the freeway to the west side to assist commuters from Woodway and Edmonds or would it continue on the east side of I-5. Ms. Leota responded the Northgate to Lynnwood link project will follow I-5 on the east side, crossing to the west side north of Mountlake Terrace to the Lynnwood Transit Center. Councilmember Buckshnis commented she used via Sounder recently and found it a wonderful way to commute.

Councilmember Tibbott referred to the \$200/person/year cost and asked if that was every person in a household and how many years that would continue. Ms. Leota answered it is per adult, likely over age 18, and continuing for 25 years.

Councilmember Mesaros referred to the opportunities to speak and learn more regarding ST3, noting it was unfortunate that only one will occur in Snohomish County and the next closest one is occurring tonight in Ballard. He noted there was also only one opportunity to speak in Pierce County. He suggested next time there be more opportunities for Snohomish County and Pierce citizens to participate.

Councilmember Fraley-Monillas inquired about the cost to operate the Sounder train, relaying she has been told it operates in the red on a continuous basis. Ms. Leota responded ridership of the north Sounder line is lower than ridership on the south Sounder line and offered to report back on whether it operates in the red. Mayor Earling relayed one of the reasons ridership is lower is there is land on both sides of the line in Pierce County; there is only land on one of the tracks on the north Sounder Line to Everett. Sound

Transit knew ridership would not be as high as the south Sounder line when it was developed. Ridership has improved dramatically in recent years with additional efforts to reduce slides. Councilmember Fraley-Monillas requested data regarding the operation of the Sounder line.

Councilmember Teitzel relayed due to the fast growing population in Snohomish County and increasing traffic there is concern with ST3 rail light link Lynnwood to Everett not occurring until 2041. He asked if it would be possible to serve that link with a vastly expanded BRT at less cost to address the growing transportation issue. Ms. Leota responded that has not been considered in this process. Issues that resulted in the light rail to Everett occurring late in the 25-year period included, 1) the Board's decision to have the light rail line serve the Southwest Everett Industrial Center rather than straight from Lynnwood to Everett which adds approximately \$1 billion to the cost and 2) because Snohomish County is the smallest area within the region, funding capacity for that project takes longer. At a December Board workshop, staff was asked to consider lower cost ways to serve the Southwest Everett Industrial Center; options developed included a hybrid light rail from Lynnwood to Everett along I-5 and a high quality BRT line serving the Southwest Everett Industrial Center. That option could be delivered in 15 years. The Board is still working through issues and options and taking public input.

Mayor Earling relayed the three members of the Snohomish County delegation sent a new proposal to Sound Transit staff and Sound Transit Chair Dow Constantine today that would greatly reduce buildout time to Everett.

**B. PROCLAMATION IN HONOR OF EARTH DAY, APRIL 22, 2016**

Mayor Earling read a proclamation pledging Earth Day, April 22 2015, to support green economy initiatives in Edmonds and to encourage others to undertake similar actions. He presented the proclamation to Council President Johnson.

Councilmember Nelson provided a list of Earth Day events:

- Lifting our Voices for the Earth – a concert of inspiration songs, displays and information on combatting climate change. Edmonds United Methodist Church, Friday April 22, 7 – 9 pm
- Low Tide Beach Walk and Cleanup, Meet at Olympia Beach Visitor Center, Sunday, April 24, noon – 2
- Seaview Elementary annual Perrinville Creek Clean-up led by acclaimed retired teacher Bob Shepherd, Friday morning near Perrinville Post Office
- Regional events including events at the UW and Seattle Center including the Science Center, further information available on the King County website.
- Tree Plantings – Renton, Seward Park, Marysville
- Clean-up activities – Duwamish waterway, Washington Park Arboretum
- Family activities – Newcastle, Duvall, Bellevue
- Block parties – Everett, Mill Creek and Seattle's Capitol Hill

**C. RESOLUTION ON ZERO WASTE POLICY**

Councilmember Nelson read the Zero Waste and Beyond Waste Resolution into the record:

**WHEREAS**, the State of Washington's Waste Not Washington Act ESHB 1671 of 1989, is a comprehensive solid waste management bill that establishes the fundamental strategies of waste reduction and source separation of solid wastes; and

**WHEREAS**, the Waste Not Washington Act also established an aggressive state goal to achieve a fifty percent recycling rate by 1995, which included the efforts of local governments to help achieve this goal by including waste reduction and recycling elements in their own comprehensive solid waste management plans; and

**WHEREAS**, the Washington Department of Ecology issued in 2004 a state solid and hazardous waste plan titled “Beyond Waste Plan” as required under Chapter 70.95 and Chapter 70.105, Revised Code of Washington [RCW] to be developed and regularly update d (updated in 2009 and 2015), which is a 30 year plan for eliminating wastes and the use of toxic substances; and

**WHEREAS**, the Beyond Waste Plan is the state plan to support the waste management hierarchy established in the main solid and hazardous waste statutes which both identify waste reduction as the highest priority. The 30 -year vision outlined in the Beyond Waste Plan seeks to eliminate most solid wastes and toxics and use any remaining waste products as resources; and

**WHEREAS**, the Beyond Waste Plan uses a sustainable materials management approach that looks at the full life cycle of materials from the design and manufacturing phase, through the use phase and to the end -of-life phase when the material is either disposed of or recycled, which is an approach also used by the U.S. Environmental Protection Agency; and

**WHEREAS**, the Snohomish County 2013 Comprehensive Solid Waste Management Plan embraces the State strategies and goals, including the Beyond Waste Plan, and has a vision that shifts to a more sustainable future, where people are generating less waste and handling wastes they do generate using environmentally sound and approaches; and

**WHEREAS** , the Snohomish County 2013 Comprehensive Solid Waste Management Plan includes waste prevention , reduction of waste and toxic materials pollution prevention, reuse, recycling, and equitable and efficient waste collection services for County residences and businesses, and supports product stewardship that acknowledges that not all products and packaging are suitable for reuse or recycling and that some products require special handling for disposal such as pharmaceuticals , pesticides and other hazardous waste ; and acknowledges that the reduction of waste and toxics, pollution prevention and reuse , make up the highest tier of the solid waste hierarchy; and

**WHEREAS**, the City of Edmonds is a signatory on the interlocal agreement to follow the County’s Comprehensive Solid Waste Management Plan and indeed continually carries out waste reduction and recycling actions and activities as outlined in the Plan; and

**WHEREAS**, Zero Waste is a philosophy and visionary goal that supports the Beyond Waste Plan and is ethical, economical, and efficient and will guide people in changing their lifestyles and practices to emulate sustainable natural cycles, where all discarded materials are designed to become resources for others to use; and

**WHEREAS**, Zero Waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not dispose of them; and

**WHEREAS**, implementing Zero Waste strives to eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health; and

**WHEREAS**, Edmonds 2015 Comprehensive Plan identifies Zero Waste as a strategic goal for consideration.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Edmonds hereby adopts both Zero Waste and Beyond Waste as long -term goals in order to prevent and eliminate waste and pollution in the extraction, manufacture, transportation, storage, use, reuse, and recycling of materials.

These goals can be achieved through action plans and strategies that significantly prevent and reduce waste and pollution. These strategies will include 1) encouraging residents, businesses and agencies to use, reuse, and recycle materials judiciously, in addition to encouraging manufacturers to produce and market less toxic and more durable, repairable, recycled, and recyclable products; 2) investigating mandatory waste collection in support of the Snohomish County Comprehensive Solid Waste Management Plan; and 3) investigating construction and demolition waste source separation strategies such as permit incentives, mandatory source separation and recycling , education and outreach.

In order to establish short- and long-term goals, and monitor city efforts, City staff will first identify quantitative metrics and establish dependable baseline measurements. Staff may collaborate with the Climate Protection Committee to assist in program evaluation. Data measures should mirror State and

County measures when possible, and should include reasonably attainable local per capita rates, and other pertinent data. Quantitative targets should strive to meet or exceed State and County targets and be updated accordingly.

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ADOPT RESOLUTION 1357, ZERO WASTE AND BEYOND WASTE RESOLUTION.**

Council President Johnson thanked everyone who has worked on this over the past two years including Public Works Director Phil Williams, Recycling Coordinator Steve Fisher and members of the Climate Change Committee.

**MOTION CARRIED UNANIMOUSLY.**

**5. AUDIENCE COMMENTS**

**Maggie Fimia, Edmonds**, representing SmarterTransit.org, a nonpartisan, pro-transit, all volunteer organization (previously the Coalition for Effective Transportation Alternatives) responded to the Sound Transit's representative's presentation. Ms. Fimia pointed out Seattle is not behind in its high capacity transit system; in fact, transit ridership is in the top 10 in the nation with its mostly bus transit. The high capacity transit system includes the bus tunnel and 310 miles of HOV lanes that carry more transit riders than any city with light rail. The area is only behind cities with heavy rail like New York and Chicago. Light rail is related to capacity not weight; light rail cars are actually very heavy because they often operate on the surface and must be able to withstand the impact of vehicles. Light rail can only be four cars long, cannot block intersections or travel more often than 4-5 minutes which results in less capacity than a high capacity bus in a bus-only lane. Their organization was not aware of a 25-year sunset on the taxes in ST3 like there in ST1 and ST2. According to the PSRC adopted Transportation 2040 Plan, this area goes from over 16 million to 19 million trips per day by all forms of transportation. She requested SmarterTransit.org have an opportunity to make a 15-minute presentation at a future meeting.

**Dave Buelow, Edmonds**, relayed three requests related to the potential increased building heights in the frequently flooded area in the CAO:

1. Councilmembers, particularly new Councilmembers, remember their campaign promises not to support increased building heights in the bowl. The voters are watching.
2. Do not make a far-ranging decision based on emotion regarding a specific project. He doubted building height would be an issue in the CAO discussion if not for the pending senior center project. If two 2 attractive, useable floors cannot be accommodated in 28 feet, the plans should be revised and possibly an alternate location sought. To those who say it's only two feet, give it to them, he said it's only two feet, don't give it to them. He feared if the additional height were allowed, other property owners in the multi-acre frequently flooded area would request it. That area include much of the waterfront as well as Harbor Square, Salish Crossing and adjoining properties. As BAS evolves, 2 feet may prove not to be enough for the senior center and 4-8 feet may be requested for future projects.
3. The City has many citizen commissions and study groups; most are well intended but the results frequently include wish lists that seep their way into plans or governing documents which are used to drive the necessity to change building codes to meet the desired study or plan. If the Council wants to discuss amending building heights in Edmonds, it should take up that topic, but it should be done openly and not through the backdoor such as via the CAO.

Mr. Buelow summarized: keep campaign promises and credibility, raising the height of buildings is the same as raising building heights; vote with your head not with your heart and don't drive building code changes via inappropriate vehicles.

**Bruce Farris, Port of Edmonds**, relayed the Port represents the economic and environmental health of the community. The City is in the process of updating the Shoreline Master Plan (SMP) and the CAO. The Port has formally submitted comments opposing some of the SMP elements. The CAO must be reviewed and approved by the Department of Ecology (DOE) and Growth Management Board. The CAO will have significant impact on the economic health and environmental future of the community; potentially affecting homeowners who live by streams and businesses interested in expanding and developing their properties and improvements to the Marsh and shoreline property. DOE is awaiting completion of the City's CAO before approving the SMP and have cited the importance of consistency between the plans. DOE has stated under state law there is no science supporting a buffer greater than 50 feet and has supported the categorization of the Marsh as a Category 2 wetland. He quoted from the BAS addendum with regard to buffer effectiveness, in highly developed community's such as Edmonds, standard buffer widths may be difficult to achieve as noted in the 2004 BAS Report. Many wetlands and stream buffers extend into residential yards that have been previously developed and are likely to provide limited function in terms of wetland protection. Furthermore, some buffers are substantially developed and can contain impervious surfaces, commercial or residential buildings. While not specifically stated in BAS and buffer guidance documents, a scientific judgment of these areas would conclude they do not provide the same function and values as vegetated or undeveloped due to the physical separation. He commented the City Council's process with regard to the CAO update has been lengthy, confusing and seemingly at odds with DOE and Growth Management Board's guidance and review process. Amendments have been proposed after formal public testimony with little time for public comment or to understand the proposals including a large volume of new information released last Friday regarding possible revisions to the CAO. The Port respectfully suggests the CAO be brought into conformance with the SMP, the Council cease proposing new amendments without providing adequate time for community review and comment and the Council work to comply with applicable state law in finalizing both the CAO and the SMP.

**Doug Swartz, Edmonds**, expressed the following concerns with increasing building heights:

1. Liability – requiring a building to be two feet above flood level implies that level is sufficient and no one know whether that will be sufficient. It is up to the designer to build a building in a flood zone that is both conservative and safe.
2. This type of change opens flood gates for further requests for building height increases
3. FEMA documentation, a key element for this change, is in process. The amendment can wait until the new FEMA document is completed

Mr. Swartz relayed after meeting with the Senior Center Executive Director today, he was impressed with the building and the director's knowledge of the building but it appeared the building would be just as functional and beautiful without the extra two feet. He urged new Councilmembers to remember their campaign pledge not to raise building heights in the downtown core.

**Kathleen Rath, Edmonds**, recalled several Councilmembers were opposed to increased building heights when campaigning for election. The waterfront and downtown areas have been declared a frequently flooded zone by FEMA due to rising sea levels. She was concerned with allowing a 32-33 foot total height for a new building such as the senior center because it opened the City to exceptions. She recalled at the March 15 public hearing, when the Port of Edmonds expressed interest in 35-foot building heights, another citizen said he was glad home heights could be raised in frequently flooded areas. The proposed building is beautiful and would be a vibrant part of the City, but architects and engineers could reduce the ceiling height on one or two floors.

**Rowena Miller, Edmonds**, a resident of the Seaview area, said she has no vested interest in views from the Edmonds bowl area. As an Edmonds resident since 1967, she has seen numerous building height increases, and was again concerned about building height creep. The proposed change in the CAO to allow an additional two feet of building height in the waterfront area invites development in addition to

the proposed senior center. Higher building heights downtown or on the waterfront decrease light and diminish the charm of Edmonds and higher buildings have eroded Edmonds' charm enough. During election campaigns, all Councilmembers promised to keep building heights at currently required levels; constituents expect Councilmembers to abide by their promises. Because the senior center wants to build in the floodplain is no reason to change the CAO. This waterfront area is already a development risk; king tides and winds have resulted in costly damage. The Earth Day Proclamation and the Zero Waste Resolution state global warming will bring rising sea levels. Remembering the tragedy and cost of Oso, code changes to prohibit any development in floodplains is more sensible, wiser, less costly and safer. She implored Councilmembers to retain the present building height regulations and prohibit floodplain development.

**Phil Lovell, Edmonds**, explained due to ongoing scientific investigation, it appears the federal guidelines will designate certain shoreline areas with a new and higher 100-year floodplain elevation; this would be elevation 12.0 for the Edmonds Senior Center site which is currently elevation 11.0. These elevations are in accordance with the national datum standard identified as NAVD 88. In shoreline areas of the Puget Sound, this is in anticipation of sea level rise and/or storm sea level surge. The current senior center building is at approximately 12.0 and it already gets flooded by Puget Sound under certain conditions. To address the federal designation, the first floor of the new waterfront community center on the same City-owned site should be at least 2 feet higher than the new 100-year floodplain elevation which would be elevation 14.0. However, the senior center and its design team, in an effort to be extra vigilant and conservative, would like to place the first floor at elevation 15.0. The surrounding site will need to be raised by approximately two feet to accommodate the new higher floodplain while maintaining level building conditions at the entrances to the new building. The proposed fix to the CAO in anticipation of the new federal guidelines is an amendment establishing the 2-foot criteria, raising the first floor of any new building this reasonable amount above the new 100-year floodplain elevation. Such as provision has nothing to do with building heights in Edmonds. ACE appears to be saying do whatever you need to do to accommodate this sea level rise but don't modify any building height measurement criteria within the development code to accommodate the new waterfront community center because others will use the precedent to gain extra building height downtown in the future. Mr. Lovell summarized ACE's posture is an insult to the greater community who will benefit from the new community center and the highly responsible governance structure within the City who are seeking solutions to enable continued movement forward.

**Don Osterhaug, Edmonds**, President Board of Directors Edmonds Center, expressed support for Mr. Lovell's comments. The City is facing a simple choice; the Council needs to provide a path through the bureaucratic maze to allow the Edmonds Senior Center to build a new community center under its proposed design parameters or the City will inherit the liability of supporting and maintaining the current building indefinitely at increasing expense, money the City does not have. With sea level change a reality of science, these maintenance and liability issues will only get worse. The City cannot walk away from this as the property was acquired and dedicated as a senior center and long term lease documents have been executed between the Senior Center and the City locating the center at the current site. There are currently major maintenance issues with existing building; several years ago the City and the Senior Center recognized the west wooden wall was in serious condition and the City chose not to investigate it further with the assumption the building would be replaced. The floors continue to settle due to subsoil consisting of decomposing sawdust. The floors have been repaired several times at significant cost and are due for repair again. If the cost of repairs ever exceeds 25% of the replacement cost of the building, it was his understanding the City would be required to do seismic upgrades.

## **6. ACTION ITEMS**

### **A. FINAL PLAT APPROVAL FOR SEABROOK ESTATES AT 860 CASPERS STREET (PLN20140061)**

Senior Planner Kernen Lien displayed the final plat map, explaining Seabrook Estates is a 7-lot plat located at the corner of Caspers Street and 9<sup>th</sup> at 860 Caspers Street, next to the United Methodist Church. The Hearing Examiner held a public hearing on April 9, 2015 and granted approval of the preliminary plat on April 23, 2015. Final plat approvals are Type IV-A decisions made by the City Council; if the City Council finds the public use and interest will be served by the proposed subdivision and that all requirements of the preliminary approval have been met, the final plat shall be approved and the Mayor and City Clerk shall sign the statement of City Council approval on the final plat.

The applicant has completed all the requirements of the preliminary plat approval or, in the case of some Engineering and Planning Division requirements, a performance bond has been posted to ensure completion. Upon completion of required improvements, maintenance bonds will be posted as required. Since all the conditions and requirements of the preliminary plat have been completed or provided for, staff recommends the final plat be approved. The packet includes the final plat, signed by the Public Works Director and Development Services Director.

Councilmember Buckshnis asked if all the Hearing Examiner's conditions have been met. Mr. Lien answered yes.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE RESOLUTION 1358 IN PREPARATION FOR RECORDING OF THE PLAT WITH THE SNOHOMISH COUNTY AUDITOR**

Councilmember Teitzel noted the soil structure is very dense and drainage is not great. Typically the City requires all roof runoff to be managed on site; he asked how that would be accomplished if the soil does not drain well. Mr. Lien answered the stormwater plan calls for detention rather than infiltration. Councilmember Teitzel observed any overflow from the detention facility would be into the City storm system. Mr. Lien agreed.

**MOTION CARRIED UNANIMOUSLY.**

**F. CRITICAL AREAS ORDINANCE**

Senior Planner Kernen Lien reviewed:

- Tonight
  - Recap of amendment decision
  - Continue Council discussion and decide which proposed amendments to carry forward
- Next Council meetings:
  - April 24<sup>th</sup> – present draft copy of code with all amendments

Mr. Lien reviewed potential amendments:

**ECDC 23.90.040.C.1 –Native Vegetation**

- 5.A – Apply to RS-8 and RS-10 zones
  - Would greatly expand the area the provision would apply to
  - RS-12 and RS-20 established because of the presence of critical areas
  - Comprehensive Plan designation
    - Single-family Resource (RS-12, RS-20)
    - Single-family Urban (RS-8, RS-10)
- 5.B – Consider different native vegetation percentage for RS-8 and RS-10 zones
- 5.C – Change “...native trees over 10 inches in dbh make up more than 70 percent of the canopy cover” to “...native trees over 6 inches in dbh make up more than 40 percent of the canopy cover.”

- May trigger the requirements of this provision on more properties than the original proposal
- Original proposal based on specific habitat features
- Amendment intended to preserve more canopy coverage
- May be further refined through development of UFMP

Councilmember Tibbott referred to proposed development on undeveloped land zoned RS-8 or RS-10 land and asked how this amendment or low impact development (LID) would instruct the City on the preservation of native vegetation. Mr. Lien answered that is not really a critical area issue. Updated subdivision regulations will be presented to the City in the future; if the City wanted to maintain more canopy coverage, LID could provide flexibility in the way plats are designed to cluster lots to preserve trees or other features. LID techniques include stormwater infiltration, less impervious surface, etc. Councilmember Tibbott acknowledged it was not a CAO goal but it was a policy the City could pursue in the future. Mr. Lien agreed, via the UFMP.

Councilmember Buckshnis said forests and steep slopes are critical areas. Mr. Lien agreed steep slopes, streams, wetlands are critical areas. Councilmember Buckshnis asked if 5.C would include R-8, 10, 12 and 20 zones. Mr. Lien explained 5.C would only apply to the RS-12 and RS-20. Councilmember Buckshnis asked the timing of the UFMP. Mr. Lien said the Comprehensive Plan anticipates adoption by the end of 2017.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE AMENDMENT 5C.**

Council President Johnson asked how canopy coverage requirements in 5.C would be managed and implemented in advance of the UFMP. Mr. Lien explained the canopy coverage requirements in 5.C are related to subdividable properties. For example, if a subdivision was proposed in the RS-12 or 20 zone, staff would consider whether the specific conditions/criteria are met such as is there a stream, wetland or landslide hazard associated with that potential subdivision. If yes, the makeup of the native vegetation would be considered. If 5.C passed, whether 40% of the canopy coverage consist of trees of 6 inch dbh or larger would be considered. If yes, this provision would apply. He summarized it is site specific.

Council President Johnson asked how the canopy cover would be measured. Mr. Lien referred to Amendment 12 which requires native trees over 6 inch dbh or larger be identified. He provided an example of a subdividable property, identifying trees 10 inch or greater dbh and trees 6 inch or greater dbh. In this example the trees do not make up more than 70% of the canopy coverage so in the draft proposal this requirement would not be triggered. If 5.C were adopted, trees greater than 6 inch dbh make up more than 40% of the canopy coverage so it would be triggered.

Councilmember Fraley-Monillas asked whether a category forest could be considered a critical area. Mr. Lien answered potentially. The Priority Habitat Species Map maps forested urban corridors. A forest could be a critical area if it was on the Priority Habitat Map but it may not be if it is just a flat, forested 2-acre property that is not connected to anything else. Councilmember Fraley-Monillas observed the way a forest becomes a critical area is if it has habitat. Mr. Lien clarified if it is associated with another critical area, stream, wetland or slope or identified on the Priority Habitat Species layer.

Council President Johnson recalled a proposal to include other zoning areas. She wanted assurance any critical area would be evaluated regardless of the zone. Mr. Lien assured the critical area regulations apply to all properties in the City regardless of the zone.

**MOTION CARRIED UNANIMOUSLY.**

It was the consensus of the Council that Amendments 5A and B were off the table.

### Frequently Flooded Areas

- 6 – Do not consider amendments to ECDC 19.00.025 and 21.40.030 at this time
  - Frequently flooded areas are critical areas by definition
  - Building code regulates development in the flood plain
  - Proposed amendment to definition height intended to compensate for requirement to build two feet above base flood elevation
  - Is appropriate to consider at this time

Council President Johnson asked whether discussion of all the CAO amendments had been concluded. Mr. Lien explained this is a CAO amendment; frequently flooded areas are critical areas by definition. The City regulates frequently flooded areas in the building code rather than what is normally thought of as the CAO, Chapters 23.40 – 23.90. Council President Johnson asked whether there were any other Council amendments to be considered tonight before the Council directed the City Attorney to bring back the CAO for Council consideration and final adoption. Mr. Lien answered yes, this is a CAO amendment. Council President Johnson asked if there were any further amendments for the Council to consider other than the frequently flooded areas amendment. Mr. Lien answered all the amendments other than frequently flooded areas have been reviewed. He stressed frequently flooded areas are critical areas and it is part of the critical area regulations.

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO DIRECT THE CITY ATTORNEY TO PREPARE THE CRITICAL AREA ORDINANCE IN TWO FORMS, THE UNDERLINED/REDLINED VERSION AND A CLEAN COPY FOR CONSIDERATION BY THE CITY COUNCIL.**

Council President Johnson relayed her understanding there were three components the Council was considering. The first, the CAO which is adopted as part of the GMA and when adopted will be in place immediately. There are two very important and related pieces of legislation before the Council, changing the building code and the Edmonds Community Development Code (ECDC). She recognized they are related to the CAO but were contained in different documents. The City Council's obligation was to complete the CAO which she felt the Council could do by concluding the amendments. If time remains, the Council can discuss the other two items.

Councilmember Buckshnis said she looks at things very differently; she looks at it globally; frequently flooded areas need to be considered as part of the CAO similar to the amendment that included reference to the definition of City Council. She did not support the motion.

Councilmember Tibbott asked for reference to frequently flooded areas in the CAO. Mr. Lien displayed Exhibit 1, page 59, Chapter 23.70.010 in the portion of the code that is generally thought of as the critical area regulations. This chapter specifically states, "... administration shall utilize such other data as may be reasonably available from the federal state or other sources in administering this chapter as provided in the current edition of the International Residential Code and International Building Code, as adopted in ECDC Title 19." He summarized the critical area regulations specifically reference frequently flooded areas are addressed in the building code. The COA update includes frequently flooded areas and since they are regulated by the building code, the change in Title 19 of the building code has been proposed. The proposed definition change is due to the implications the recommendation has for building height.

Councilmember Tibbott relayed his understanding Mr. Lien was suggesting floodplains be identified the same as identified on FEMA maps. An amendment has been proposed to increase the base by two feet for any new buildings constructed in the floodplains. Mr. Lien clarified the proposed Council amendment was not to consider the proposed changes. During Planning Board review, the Planning Board

recommended all structures be required to be at least 2 feet above base elevation and to consider a potential amendment to the definition of where height is measured, 2 feet above base elevation.

Councilmember Tibbott said if the Council approves the CAO as written without any further amendments, it contains the 2-foot provision. Development Services Director Shane Hope clarified if the proposal before Council as recommended by the Planning Board along with the other amendments is approved by the City Council, it would have the two feet above base elevation provision and it would not dock the height of new buildings constructed in the floodplain at the new base flood elevation.

City Attorney Jeff Taraday asked for clarification regarding the ordinance he is being directed to draft. From the discussion it appears a least a couple Councilmembers seem to think the motion contemplates the original frequently flooded areas language would remain in the ordinance he would be drafting.

Council President Johnson clarified her motion was to direct the City Attorney to prepare the CAO contained in all of the discussions to date, meaning it only addresses the CAO and does not include any proposed amendments from December 15, 2015 and does not include the Planning Board recommendations. Her intent was to recognize there are three separate, legal instruments, 1) the CAO which is part of the GMA, 2) the building code, and 3) the ECDC. Her motion was directed toward the CAO as presented by staff. Mr. Taraday relayed his understanding is the Council has already adopted amendments as part of this process that are contained in Title 21. He asked whether Council President Johnson's motion was directing him to take out those Title 21 amendments from the ordinance. Council President Johnson said it was difficult to answer that question but basically yes, she wanted the ordinance to focus on the CAO first and foremost and the Council can adopt that and then discuss the related building code and ECDC amendment separately.

Mr. Taraday said it would be more clear if the Council spoke with regard to titles; until now, when discussing the CAO, there has not been a distinction between the Title 21, Title 23 or Title 19 portions of the CAO. He suggested the motion may be more clear if it directed him to draft the Title 23 portions of the CAO.

Mr. Lien relayed his understanding of Council President Johnson's intent, to direct the City Attorney to draft an ordinance that would include all the proposed amendments, Exhibit 1, pages 1 – 90, but not include the proposed amendments to 19.025.Q requiring all structures to be built 2 feet above base flood elevation or the amendment to ECDC 21.40.030.D related to the height exception.

**COUNCILMEMBER MESAROS MOVED TO AMEND THE MOTION TO INCLUDE THE PLANNING BOARD'S RECOMMENDATIONS RELATED TO 19.025.Q AND HEIGHT EXCEPTIONS.**

Councilmember Fraley-Monillas raised a point of order that the amendment changed the intent of the motion. Mr. Taraday agreed that given how expressly Council President Johnson intended to remove those portions of the proposal in her motion, the amendment seems to go in the opposite direction which typically is not allowable for an amendment. He suggested it would be more appropriate to speak against the motion rather than to make the proposed amendment.

Councilmember Mesaros said this portion of the CAO is important as the City moves forward. He appreciated that Council President Johnson was trying to put things in silo format. However, issues in the City are not siloed, they are integrated. He recommended voting down Council President Johnson's motion.

City Clerk Passey described a process in Roberts Rules of Order for a substitute motion which is used when a motion presents a radically different solution than the motion on the table. The form would be to

move to substitute for the motion this other solution. If the motion to substitute is seconded, the debate is taken on the first motion, then debate and conclusion occurs on the second motion, and then Council votes whether to substitute. Councilmember Mesaros suggested the cleaner version was Mr. Taraday's suggestion to vote on the first motion.

**COUNCILMEMBER MESAROS WITHDREW HIS AMENDMENT.**

**UPON ROLL CALL, MOTION FAILED (3-4); COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON AND FRALEY-MONILLAS VOTING YES; AND COUNCILMEMBERS BUCKSHNIS, MESAROS, TEITZEL, AND TIBBOTT VOTING NO.**

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO APPROVE THE CRITICAL AREAS ORDINANCE AND ASK THE CITY ATTORNEY TO DRAFT THE ORDINANCE AND PRESENT IT TO COUNCIL NEXT WEEK TO INCLUDE THE PLANNING BOARD'S RECOMMENDATIONS ON TITLE 19 AND THE HEIGHT EXCEPTION.**

Councilmember Mesaros commented this has been a great process and a long process, the Council has been reviewing the CAO since September. Mr. Lien added this is the 12<sup>th</sup> City Council meeting regarding the CAO update. Councilmember Mesaros referred to an email he received from a citizen regarding how hasty the Council was being. This has been a thoughtful process and staff has been very interactive. An ordinance was originally approved by the Council and vetoed by the Mayor. There are others in addition the senior center awaiting the Council's decision on the CAO.

Councilmember Fraley-Monillas expressed appreciation for all the work that has been done. She pointed out the Council approved the CAO in December; it was the Mayor's veto that took it back through the process. She was shocked by the lack of environmental concern demonstrated by several Councilmembers. Not enough is known about frequently flooded areas, there has been discussion about climate change, the marsh, waste management, etc. Whether two feet is enough had not been discussed to her satisfaction; she felt six feet was more appropriate. One of the recommendations related to sea level rise is to move buildings to the back side of the property which has not been discussed. She recalled being laughed at when she made that suggestion with regard to the senior center due to dislike for cars between the building and the water. She has learned a lot during the process but also viewed it as a hurry-up-and-wait process.

Councilmember Fraley-Monillas said she refused to be held hostage to the senior center saying they will not construct a new building if they do not get exactly what they want, finding that blackmail at its best. She expected better than that from the senior center, noting she had the right to say that because she serves on the Board of Directors and is a frequent volunteer. She wanted to do the right thing for the waterfront and for all of Edmonds, not the right thing for one area. She assured there would be a better outcome if the Council looked at the building codes and determined the responsible approach. Stating two feet is the right thing is a travesty when the floodplains are expected to extend to SR104. She concluded she did not have enough information to make a decision tonight.

Councilmember Nelson observed all Councilmembers agree sea level rise is a real threat and concern to the City; where Councilmembers differ is how respond, address and adapt to it. In doing his homework, he looked at Olympia, one of only a few cities who began looking at this issue over 20 year ago. Olympia updated their CAO in February 2016. One of the things that struck him was how sea level rise is being impacted by the current El Nino events, a greater hazard than climate-driven sea level rise. In November/December tides were 6 inches higher than predicted; on December 11 and 13, tides were 30 inches higher than predicted. This is a problem identified by science, quoting Albert Einstein, "The significant problems of our time cannot be solved by the same level of thinking that created them." He urged caution over expediency and did not support motion.

Councilmember Buckshnis suggested taking emotion out of this; everyone agrees sea level rise is going to happen. After spending a great deal of time working with WRIA 8 and the marsh, she did not like being told she did not understand the environment. She understood there is never right answer; even if all the world's scientists were put in a room, there would never be the right answer. This is an issue that either Councilmembers get or they don't; if they get it and want to do something about it, they either do it or don't. It has nothing to do with height, there is still a 30-foot height limit at the senior center and the waterfront and a 35-foot height limit at Harbor Square. The issue is water levels will rise, plain and simple. The Council can guess at the number but sooner or later a decision needs to be made. She relayed Lake Washington has been raised and lowered 2 feet every year for years, anticipating a great deal of discussion was necessary to make that decision. The fact of the matter is something has to be done and there appears to be enough support for this something.

Council President Johnson estimated the Council had 1 hour and 25 minutes' worth of agenda items left. This one of the reasons she wanted to simply adopt the CAO because she knew this would require a great deal of discussion and debate. Based on a review of the Planning Board minutes, there was a lot of discussion at the Planning Board regarding sea level rise; the City Council has not had any presentations on sea level rise or been educated on how the two-foot recommendation was made. It was her understanding that recommendation was made by staff based on their best estimate of all the scientific estimates. She felt the Council would benefit from a larger, longer discussion regarding sea level rise. She favored adoption of the CAO and would support on an interim basis the two-foot height adjustment for the building code but did not support the recommendation made by Phil Lovell at the Planning Board to define a new base level for evaluating height. She viewed this as three distinct and interrelated decisions.

Councilmember Fraley-Monillas said her hope would have been to pull together groups and information, have good solid base information regarding sea level rise as well as look at what other cities on Puget Sound and on open waters have done. In her opinion this was a travesty to the environment and although she may not be the biggest environmentalist, she understood that going to a few meetings did not make her an environmentalist; what made her an environmentalist was standing up for the environment.

Councilmember Teitzel relayed he had done a significant amount of research regarding this issue, studying many difference pieces of research related to sea level rise. The mean level that can be expected is 2 feet or possibly little bit more over the next 100 years. He noted 100 years is a long time; governments across the world are making efforts to work together to limit greenhouse gases; he was hopefully sea level rise could be arrested over time. Based on the available data, the time is right to adjust the base level elevation and measurement as proposed. There is a great deal of emotion related to this issue; he agreed with Councilmember Buckshnis' suggestion to take the emotion out of the discussion and to talk about facts and logic. Logic would say to proceed; not proceeding is not responsible. With regard to comments about honoring his campaign pledges, he said his predominate campaign pledge was to take all the input he received, process it properly and make the very best decision he could for the City; he intended to do that tonight.

Councilmember Tibbott said the complete CAO proposal includes Title 19, the provision related to an additional 2 feet in the floodplain. When this came to Planning Board, they considering data provided by the federal government. FEMA does not make recommendations without a great deal study and input from scientists. FEMA's recommendation is that it would be advisable for cities to use their information as a basis for establishing a base two feet above the floodplain. In his opinion that recommendation from the federal government was responsible and allowed cities to look at the reality of sea level rise and plan for it. It is also equitable; all humans and possibly animals have contributed to the problem of sea level rise and global warming. As a result, it is only equitable to plan for sea level rise plan and establish a two-foot base for buildings in those locations. The proposal is simply to establish a new way of measuring the

base in a frequently flooded area. The same option will not be extended to other areas of the City nor will new standards be created for measuring on a hillside. This simply adjusts the way the base is measured for new buildings in the floodplain. With regard to a campaign pledge not to increase building heights, he assured the base is responsible and equitable and buildings will be the same as they have always been. He summarized this was doing the best possible with the knowledge available and making use of the information received from FEMA.

Council President Johnson asked when the FEMA map was due to be promulgated. Mr. Lien responded the draft FEMA map is currently scheduled to be effective June 2017. Council President Johnson asked if the FEMA states the elevation for building heights. Mr. Lien advised the FEMA map establishes the base flood elevation; in the waterfront area it is 12 feet.

Council President Johnson said there is no direction from FEMA regarding the base flood elevation. She recognized that is an important issue but there are many different opinions and she would like to hear those opinions. For example, the University of Washington plans to convene a conference on this subject and she was interested in what they said. She relayed there is no requirement for a new way of measuring building height. It may be an equity issue, for example if a building is constructed two feet above the current level to accommodate sea level rise, there is no requirement to allow an additional two feet in building height. This is strictly a policy decision and a political decision; the Council cannot rely on what the Planning Board said, the decision needs to be made independently and the Council must be responsible for the decision.

Councilmember Mesaros asked Mr. Lien to review the bar graph related to sea level rise. Mr. Lien explained the graph relates to the two most recent studies related to sea level rise, NRC 2012 and Mote et al 2008. The NRC projection is about a two-foot sea level rise in the Puget Sound region; that is one of the criteria used for establishing two feet above base flood elevation.

Councilmember Fraley-Monillas referred to Councilmember Tibbott's comment that FEMA indicated buildings needed to be two feet above base flood elevation. Mr. Lien explained FEMA sets the base flood elevation. The 2-foot recommendation was a result of, 1) most recent information indicates the average projection are 2 feet at year 2100, and 2) the existing building code requires some structures to be at base flood elevation and potentially up to 2 feet above base flood elevation. The amendment requires all structures to be at two feet above base flood elevation. Councilmember Fraley-Monillas asked whether that was from FEMA. Mr. Lien answered no. Councilmember Fraley-Monillas relayed her understanding FEMA did not recommend two feet. Mr. Lien said FEMA establishes the base flood elevation and he was not aware of any specific FEMA recommendation to require structures be above base flood elevation.

Councilmember Buckshnis commented it is a simple question, either you get it or not; either you are ready to make decision or you won't. She used the example that Edmonds passed a plastic bag ban before other cities.

**COUNCILMEMBER BUCKSHNIS CALLED FOR THE QUESTION. MOTION FAILED (4-3) COUNCILMEMBER NELSON, COUNCILMEMBER FRALEY-MONILLAS AND COUNCIL PRESIDENT JOHNSON VOTING NO. [MOTION REQUIRES A SUPER MAJORITY TO PASS.]**

**UPON ROLL CALL, MAIN MOTION CARRIED (4-3), COUNCILMEMBERS BUCKSHNIS, MESAROS, TEITZEL AND TIBBOTT VOTING YES; AND COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON AND FRALEY-MONILLAS VOTING NO.**

Mayor Earling declared a brief recess.

**B. FIRST QUARTER BUDGET AMENDMENT**

This item was postponed to a future meeting.

**C. NATIONAL CITIZEN SURVEY**

Economic Development & Communal Services Director Patrick Doherty relayed the Council approved up to \$19,000 for the National Citizen Survey (NCS), a survey conducted across the nation by the National Research Center (NRC). The NCS is statistically significant survey utilizing a standardized questionnaire to allow comparison to other communities. The City has the ability to request specific geographical comparisons or comparisons based on community characteristics as well as to add 5-6 customized questions. The wording of the customized questions will be vetted by NRC as well as space availability.

Mr. Doherty reviewed the customized questions, explaining Questions 14 and 15 were reworded to be more similar to Question 17:

14. How likely or unlikely would you be to support increased funding for the following transportation-related services: (Strongly support, somewhat support, somewhat oppose, strongly oppose, don't know)
  - Repair and/or maintenance of City streets
  - Construction of new sidewalks and repair/replacement of existing sidewalks
  - Expansion of bicycle facilities
15. How likely or unlikely would you be to support increased funding for the following parks and recreation-related services: (Strongly support, somewhat support, somewhat oppose, strongly oppose, don't know)
  - Upgrading maintenance levels of existing parks
  - Upgrading Frances Anderson Center
  - Capital projects such as Civic Field, Marina Beach Park, etc.
  - Acquisition of parkland, beachfront
16. Please indicate whether or not you currently experience discrimination in Edmonds based on your:
  - Age
  - Gender
  - Race
  - National origin
  - Religion
  - Disability
  - Sexual orientation or gender identity
17. How likely or unlikely would you be to support increased funding to enhance the following Police-related services: (Strongly support, somewhat support, somewhat oppose, strongly oppose, don't know)
  - Increased patrol presence for crime deterrence, detection and apprehension
  - Traffic enforcement
  - Crime Prevention Services
  - 24-hour coverage at Police Department front counter
  - Youth Services programs (High School Resource Officer, DARE, GREAT, etc.)
  - Crime analysis
  - Domestic Violence Services
18. Rate how much the following are regular sources of information for you about City functions, activities, programs and events through the following channels: (Major source, minor source, not a source.)
  - Printed media (newspaper, magazine, etc.)

- City website or Facebook page
- Online media
- Posters, banners or other signage
- Word of mouth

Mr. Doherty advised Question 18 could be eliminated due to space availability.

Council President Johnson suggested two categories under 14, repair and/or maintenance of existing sidewalks and construction of new sidewalks. She noted many streets lack sidewalks; it is the City’s policy to have sidewalks on at least one side of the street. A question that combines the two may provide a different answer. This change was agreeable to Council.

Councilmember Teitzel questioned what the Council would do with the response to Question 14, pointing out a respondent may respond one way if the intent was to pursue a grant and another way if the intent was a special levy. Mr. Doherty suggested adding “municipal” or “public” funding. He noted NRC likely will have the appropriate wording; while NRC has been very accommodating with concepts, they will not specify the wording until they are under contract. Councilmember Teitzel suggested adding “local” funding.

Councilmember Buckshnis suggested adding that it cost \$1 million to maintain current streets. Mayor Earling relayed at one point Public Works Director Phil Williams said \$1.25 million/year would be required to get caught up. Councilmember Buckshnis suggested quantifying the amount of transportation-related services, noting the answer may differ depending on the cost. Mr. Doherty said that would be difficult to do; strong support indicates that issue is a priority. Mayor Earling cautioned NRC will make the final determination regarding wording.

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE WITH THE UNDERSTANDING THERE WILL BE FURTHER CHANGES TO THE WORDING. MOTION CARRIED UNANIMOUSLY.**

**D. DOWNTOWN RESTROOM BUDGET AUTHORIZATION AND APPROVAL OF PURCHASE**

Economic Development & Communitality Services Director Patrick Doherty provided background on the project:

- Preliminary cost estimates: \$300,000
- City Council approved \$260,000 in the 2016 budget with the remainder expected from grants
  - \$10,000 received from the Edmonds Downtown Alliance
  - \$5,000 received from the Rotary with the potential of an additional \$5,000 from the Rotary District Office
- Two concepts presented at March 22 Council meeting
- Council preferred Concept Two
- Council proposed enhanced Concept Two with addition of unisex/family restroom
- Cost estimates:
  - Concept One: \$311,000
  - Concept Two: \$352,000
  - Enhanced Concept Two: \$390,000

He displayed drawings and reviewed the concepts:

**Concept One:**

- Male and female restroom, each with two WCs

- Located on the north (or south) side of the parking lot
- Retains parking opposite the restroom
- Bollards to define the protected sidewalk.
- During Ad hoc design process with members of the Art Commission, BID and ADB, concern was expressed with the perception of safety and welcoming with cars backing up into the waiting area which led to Concept 2.

Concept Two:

- Restroom located on the south side of the parking lot
- Located in 2-3 parking spaces
- Provides plaza with larger landscaping area
- Restripes and re-landscapes
- Removes only 1 parking space
- Canopy for weather protection

As a result of Council discussion on March 22, a concept incorporating a unisex/family room was proposed. This concept was not provided by the vendor on Washington State Master Contract. After staff described it, they designed it and plan to include it in their list of options.

Enhanced Concept Two

- Includes unisex/family room
- Takes up no more east-west space
- Slightly deeper north-south to accommodate the unisex/family
- Separate doors to ADA accessible women's restroom with 2 stalls, a unisex/family restroom and a male 2-stall restroom
- Utility area is smaller

Mr. Doherty recommended the Council:

- Select the enhance Concept 2 (with unisex/family restroom)
- Appropriate additional \$115,000 from REET 1 (Fund 126)
- Approve purchase of prefab building with male, female and unisex restroom from CXT, Inc. (approved vendor on Washington State Master Contract)

Councilmember Fraley-Monillas referred to the drawing of the enhanced Concept Two and suggested eliminating one stall in each restroom. Mr. Doherty cautioned that reduces the capacity to only three stalls. Councilmember Fraley-Monillas said she thought there were three stalls in the male and female restrooms. Mr. Doherty reviewed the drawing, explaining the symbol in the entryway indicated the restrooms were ADA accessible; there were two stalls in each restroom including one ADA accessible stall in each.

Councilmember Teitzel relayed seeing more and more strollers downtown and inquired about fold-down diaper changing tables in each restroom. Mr. Doherty said he inquired about that and it was suggested the City purchase and install those.

Councilmember Nelson echoed Councilmember Teitzel's request for changing table. He thanked Mr. Doherty for articulating the Council's vision and making it a reality.

Councilmember Buckschnis expressed her support. She inquired about providing the additional funds from excess REET funds. Mr. Doherty relayed REET 1 funds in 2015 were \$250,000 over projections.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE. MOTION CARRIED UNANIMOUSLY.**

**E. RECLASSIFICATION OF ACCOUNTING MANAGER POSITION TO ASSISTANT FINANCE DIRECTOR**

Finance Director Scott James described the reasoning for reclassification:

- Began recruiting for Accounting Manager position in February
- Conducted multiple rounds of recruitment
- Posted job on several sites including Indeed & Craig's List
- Labor market is a "job seekers" market
- Edmonds' recruiting woes are being widely experienced

He described additional benefits of reclassifying the position:

- Fill the position sooner
- Candidate will be able to "hit the ground running: due to their experience
- Improve City's sales tax auditing program
- Add key staff support to development of the City's Long-range Financial Plan
- Integrate finance into development of the City's Capital Improvement Plan
- Improve performance of City's investment portfolio

He provided an overview of the job description:

- Acts in the capacity as Department Director in Director's absence
- Assist with development of City's Long-range Financial Plan
- Assist with management of the City's Risk Management Plan
- Assist with the development of the City's Capital Improvement Program
- Oversees the City's treasury functions

Mr. James provided an overview of the skill sets being sought:

- Higher level of experience with managing staff
- Displays confidence
- Effective communicator
- Experience with developing budgets and CAFR
- Willingness to engage Mayor, Council, staff and citizens
- Experience with investments

He described Human Resources' role:

- Conducted salary survey of comparable cities
- Recommends adjusting the salary range from step 14 to 16
  - Adjusted salary range will make the City more competitive in a tight labor market
  - Adjusted salary range increases the top step by \$11,265

He relayed ways to pay for the additional expense:

- Finance was able to increase 2015 investment earnings by \$174,000 over the previous year
- By paying off the last Public Safety payment early saved the City over \$13,000
- Expect investment portfolio earnings will continue to improve in 2016 with addition of new position

Mr. James recommended the Council approve reclassification of the Accounting Manager position to Assistant Finance Director tonight or on next week's Consent Agenda.

Councilmember Fraley-Monillas observed it was not an additional position, just an adjustment of a position. She asked the difference in cost between the old position and the new. Mr. James answered \$11,265 at the top step.

Councilmember Mesaros inquired about the salary range for the position. Mr. James answered it starts mid-\$90,000 and the top is \$121,000.

For Councilmember Buckshnis, Mr. James explained a Staff Accountant position was added during the budget process. The Accounting Supervisor was reclassified to Accounting Manager; the City has been unsuccessful in filling that position since January so the request is to reclassify it to Assistant Finance Director.

Councilmember Buckshnis observed the qualifications do not include municipal finance experience. Mr. James relayed the details identified in the job description such as experience with GASB, BARS and CAFR are unique to government. Councilmember Buckshnis expressed support for the reclassification.

For Council President Johnson, Mr. James clarified the request is to, 1) reclassify the Accounting Manager to Assistant Finance Director, and 2) adjust the salary range from step 14 to 16.

Councilmember Tibbott observed the job description also requires supervision of employees and accounting staff. He asked how many people the position would supervise. Mr. James answered there are currently six employees. Councilmember Tibbott asked who currently manages those employees. Mr. James said he does.

**COUNCILMEMBER TIBBOTT MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE RECLASSIFICATION OF THE ACCOUNTING MANAGER AND THE INCREASE IN THE SALARY. MOTION CARRIED UNANIMOUSLY.**

**7. MAYOR'S COMMENTS**

Mayor Earling advised of the ST3 open house in Everett on Monday, April 25 at 5:30 p.m. He encouraged the public to provide feedback on the ST3 proposal either at a meeting, email or mail.

Mayor Earling relayed the three Sound Transit Board members from Snohomish County forwarded a revised plan for Snohomish County that would save considerable time and move construction up dramatically.

**8. COUNCIL COMMENTS**

Councilmember Tibbott said the CAO discussions over last months have been broadening for him; he has learned a lot about how the City governs in discussions with Councilmembers, staff and citizens. He encouraged the public to submit emails to Council by Monday morning, noting he received 5-6 emails this afternoon that he was unable to read before the meeting.

Councilmember Teitzel reminded of the Edmonds Jazz Connection on Saturday, May 21 at three venues: Edmonds Center for the Arts, the Edmonds Theater and Holy Rosary. The event sponsors school jazz bands and vocalists from throughout the northwest. There is no charge to attend but donations are gladly accepted.

Councilmember Mesaros reported the City of Edmonds was featured on the front page of the Seattle Times this morning. Today was a glorious day to enjoy the sunshine. Unfortunately there was a tragedy in

the City today, a reminder of the contrast of life. Citizens are fortunate to live on the coast in a small town next to a big city with a population of 3 million struggling with transportation issues. He felt fortunate to live in Edmonds and was privileged to serve citizens as a Councilmember.

Council President Johnson thanked the Council for their courteous and thoughtful debate regarding the CAO. Although she did not prevail, she appreciated the way the Council conducted its business. She was glad after two years of effort to finally adopt a Zero Waste Policy.

Councilmember Fraley-Monillas agreed with Councilmember Tibbott about the difficulty reading citizen comments submitted on Tuesday. She noted the same was true for staff reports that the Council does not receive until Tuesday.

In view of today's tragedy where a pedestrian was killed by a train Councilmember Fraley-Monillas relayed Councilmember Nelson assurance that emergency access was part of the At-Grade Crossing Study. She noted having a safe way to cross the tracks was an important part of that study and she was pleased it was being considered by the Task Force.

Councilmember Nelson reported a 43-year old man was killed today by a train. Trains blocked access to/from the waterfront for three hours. During that time, three medical emergencies occurred including an injured child and a woman in labor. In each of those instances, emergency responders had to obtain permission from BNSF and crawl through a rail car to access the patient. Today's tragedy is a reminder of the important work the Mayor's At-Grade Access Task Force is doing. The first criteria for considering the potential alternatives is does the concept improve or provide reliable emergency access to the west of the railroad tracks.

Councilmember Nelson congratulated Council President Johnson, the Climate Protection Committee and staff for pushing through the Resolution on Zero Waste, an issue he worked on while serving on the Climate Protection Committee. He shared statistics of waste that other cities' produce that will never end up in a landfill: Seattle 57%, Portland 60%, San Diego 67%, San Jose 73%, Los Angeles 76% and San Francisco 80%. Edmonds joins a respectful list of cities that are seeking to make a tangible difference in the environment.

Councilmember Buckshnis reminded April 22 is Earth Day. She complimented staff, citizens, Ms. Hope, Mr. Lien and Mr. Taraday and Councilmembers for the tremendous amount of time that went into the CAO. She suggested the Council take a breather and enjoy the earth on Earth Day.

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

This item was not needed.

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

This item was not needed.

11. **ADJOURN**

With no further business, the Council meeting was adjourned at 9:54 p.m.