

EDMONDS CITY COUNCIL APPROVED MINUTES

May 24, 2016

ELECTED OFFICIALS PRESENT

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

ELECTED OFFICIALS ABSENT

Diane Buckshnis, Councilmember

STAFF PRESENT

J. Burrell, Police Officer
Phil Williams, Public Works Director
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Shane Hope, Development Services Director
Bertrand Hauss, Transportation Engineer
Rob English, City Engineer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. CALL TO ORDER/FLAG SALUTE

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

2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmember Buckshnis.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXCUSE COUNCILMEMBER BUCKSHNIS. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF AGENDA

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

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

- 1. APPROVAL OF COUNCIL MEETING MINUTES OF MAY 17, 2016**
- 2. APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS**
- 3. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM BARBARA ACETI (\$70.76)**

4. CIVIC PLAYFIELDS RIGHT-OF-WAY VACATION

5. AUDIENCE COMMENTS

Marilyn Lindberg, Edmonds, a resident on Sunset Avenue, recalled her comments to the Council a few weeks ago regarding almost being hit by a southbound car driving in pedestrian pathway. The vehicle stopped when the driver realized they were in the walkway. She reporting seeing the same thing happen again about 2 weeks ago when a car going approximately 30 mph the wrong way down Caspers made a left onto the walkway. The vehicle traveled on the walkway approximately 9-10 houses before she and others were able to alert them that they were on walkway. She has been told that a motorcycle recently did the same thing, driving south on walkway. She concluded this was a dangerous situation that the City should pay attention to.

Sally Wassell, Edmonds, a resident on Sunset Avenue for 27 years, commented the photo on the cover of the survey taken near corner Caspers & Sunset at the north end was not what most people see; the photo should have been taken at the Sunset & Edmonds Street corner which would show a parking lot of diagonally parked cars, obstructing the roadway and blocking the view. She quoted, “The goal of the project is to improve the quality and safety of public access and the enjoyment of Olympic Mountains and Puget Sound views. This can be accomplished by extending the City’s existing waterfront trail another 2,500 feet north where it will link to the City’s existing sidewalk system.” She felt the Sunset Avenue project had been a miserable failure. She read comments in response to two survey questions:

- Question 2 (page 45): My primary use of Sunset Avenue between Main Street and Caspers Street is as a:
 - 83.2% pedestrian
 - 47.2% motorists.
 - Comment 19: I no longer use Sunset Avenue. It is too congested. The lane is too narrow. It is a shame Edmonds will continue with this project regardless of this survey.
 - Comment 22: I used to walk my dog every day but now I can’t due because of the congestion and no space.
 - Comment 28: I’ve been in Edmonds since 1975. Both my children were raised there. We used to go have ice cream and to park on Sunset or sit on the grass, eat our cones and enjoy the view. Trying to navigate Sunset now is like driving through a circus in progress and we avoid Sunset unless necessary
- Question 3: The availability of parking on Sunset Avenue is.
 - 9.5% said parking should be removed.

Jim Wassell, Edmonds, resident on Sunset Avenue continued relaying comments from the survey in response to Question 3:

- Angle parking is too dangerous, drivers cannot see when they pull out, almost hit several times. The old parking was better. Put it back the way it was or remove parking totally
- Edmonds has other parks and watch opportunities such as Brackett’s Landing North and South, Stamm Overlook, Marina Beach and Edmonds Marsh but none that interfere with fair pedestrian access as much as Sunset Avenue.
- Comment 42: I think we were on the right track to make Sunset more of a focal point of our community. Art and extended paths and bicycle access, etc. all a plus. Seems like parking for access to it doesn’t need to be on Sunset. All of the parked cars are a negative for the beauty of which we are trying to encourage enjoyment.
- Comment 54: It was fine before the angle parking. Now it looks awful and doesn’t appear to work well; it certainly is not an improvement.
- Comment 79: Parked cars are a safety hazard.

- Comment 103: Really, do you think the City should be proud of this configuration?
- Comment 134: This project is for a walkway, it should not be to encourage people to drive to Sunset and park there, sometimes all day.

Mr. Wassell requested the the 4-hour parking signs be removed and replaced with no parking except with a permit. We still have wrong way drivers on our one-way street. There are two signs to prevent people from entering Sunset and Caspers because Sunset is a one-way street headed north. These signs are too easy to ignore. People ignore the no-parking stencil was placed on the street in areas where parking is not allowed. There is no law enforcement on Sunset and there should be.

John Pauls, Edmonds, resident on Sunset for 41 years, suggested his perspective may be useful as the Council deliberates future modification of the Sunset Avenue walkway. He thanked Mr. Williams and his staff who have tried to respond to concerns by widening the driveway apron and moving parking spaces further away. As someone who walks throughout Edmonds, he recalled an incident in 1979-1980 near the Union Oil pier led to the closure of a gravel area where kids used to park. The kids then moved to Sunset which resulted in a wild scene. The City responded, tried several options and eventually disbursed parking along Sunset Avenue into groups of five spaces separated by a yellow zone to provide a viewshed for residents. That configuration worked well but has been destroyed by the current plan. Sunset was a place for people to come to watch the sunset and residents didn't even mind drivers parking in the yellow zone. Now vehicles leave their motors running; one day there were 15 cars with engines idling, one for up to an hour before he asked them to stop. He cited wild kid behavior, relaying last night there was a young woman standing in the back of a pickup truck as it backed into a parking space. He assured there were other things happening as well.

Shirley Pauls, Edmonds, resident on Sunset Avenue, relayed Sunset Avenue had a 3-hour parking limit for many years, it was now 4 hours. Sunset Avenue is not really a walkway, it is a parkway. People park on Sunset and board the ferry or park there all day and there is no parking enforcement. She has called several times for enforcement regarding loud music after 10 pm, and last night regarding the backed in pickup. Typically the police respond; last night at midnight the police were ticketing a car with no one in it but no one respond to the report of the pickup backed in, facing the wrong way. She concluded enforcement would help address the situation. Angle parking is very dangerous, the neighbors' houses, fences, and porches have been struck. Drivers cannot see when backing out and drivers often honk at cars backing out. The angle parking impedes the view corridor for drivers because they are avoiding cars backing out and because drivers cannot see the view past the parked cars. She concluded this was a dangerous situation that needed to be addressed so that people could use the walkway. She has heard people say they do not use Sunset Avenue anymore because it is not a nice place to come which is contrary to the goal to make it better.

Thalia Moutsanides, Edmonds, a resident of Sunset for 30 years, provided written information, recalling a former resident of Sunset Avenue, Carol Nickisher collected 165 signatures opposed to the walkway as well as comments people made. Ms. Moutsanides relayed her opposition to the Sunset Avenue walkway and willingness to compromise. She felt the opinions of those who have spoken against the project have not been considered and that public comment was simply a formality. She recalled at the February 9 meeting Mr. Williams did not know how much had been spent on the project to date; after asking someone, it was estimated at \$70,000 - \$80,000. The City has received approximately \$304,000 for the project; Mr. Williams has quoted different amounts whenever he is asked. Many questions have been asked, often without an answer including with regard to Burlington Northern. She recalled after discussing this project for nearly five years, Mr. Williams informed that grant funds would not apply to the north portion of the project where property is owned by Burlington Northern, approximately half the project. She assumed the City would be responsible for funding that portion and a portion of the south end of the project. She suggested modifying the project to a narrower sidewalk, push parking further west and not allow motorized vehicles on the pathway. She questioned the effort to make this configuration of the

project work, noting picnic tables are now proposed within the angled parking. She doubted anyone would want to sit at a picnic table between cars with their engines running. She urged Councilmembers who are opposed to the project to take a stand against it. There is time to redesign the project; this design was thrown together and does not work.

Unidentified Speaker, a resident on 84th & 220th, relayed a drunk driver hit someone in the crosswalk yesterday. When the street was done, it was not intended to have that high a rise. Drivers approach the signal and when they see a yellow light, they speed up. He feared a child will eventually be hit crossing to the school. He recalled the same issue in Shoreline on 15th & 160th where there eventually was a fatality.

Royce Napolitano, Edmonds, a City employee but speaking as a resident, said he has been part of the Edmonds community for 17 years, including living downtown for over 10 years. He, his wife and daughter love Sunset Avenue. Although they may not love all of the current configuration such as the parking and the increase in traffic, he urged the Council not to let the vocal minority steer this decision. The community wants this project to move forward. The naysayers also love Sunset Avenue because they walk there, bring out-of-town guests there, push strollers and wheelchairs there. Walking communities are healthier communities; walking has been found to be the most accessible form of physical activity and being physically active is one of most important steps people can take to improve their health. He cited the 2015 Step It Up program, the Surgeon General's call to action to promote walking and walkable communities, that recognizes walking as a great way get physical activity critical for preventing and treating chronic conditions. The program calls for increasing walking opportunities to increase access to safe and convenient places to walk, wheelchair roll and create a culture that supports walking for people of all ages and abilities. While individuals make the decision to walk, the decision can be made easier by improving community walkability and programs and policies that provide opportunity and encouragement for walking. His home is in close proximity to Sunset Avenue and they see the pedestrian and vehicular traffic but they want to share the community's resources with citizens and guests. Tonight the Council will see concepts; he urged the Council to support Sunset Avenue. He understood the need to work with homeowners on Sunset so they do not suffer any undue burden and minimize impact on their properties.

Val Stewart, Edmonds, referred to a variance granted for property at 742 Daley Street (PLN2015-0052), an undeveloped lot totally encumbered by the buffer on Shell Creek which is an anadromous fish stream. The property was purchased for \$20,000 by a developer who apparently saw opportunity; the previous owner also applied for a variance but it was not granted. The new owner was able to obtain a variance utilizing a technicality in the ordinance related to reasonable economic use. The Planning Board learned a variance had been granted via the Development Services Director's report, after the 14-day appeal period expired. She was pleased the developer was asked to contact adjacent land owners; his offer to sell the property to those landowners for \$29,000 expired in late January. Unfortunately, only the adjacent property owners knew about the offer; had the City known, the City could have purchased the property and protected it in perpetuity due to its location on an anadromous fish stream. The Students Saving Salmon were disappointed to learn it was too late to appeal. She provided a quote from Holy Father Francis Laudato Si regarding Care for Our Community Home, "Caring for ecosystems demands far-sightedness, since no one looking for quick and easy profit is truly interested in their preservation. Where certain species are destroyed or seriously harmed, the values involved are incalculable. We can be silent witnesses to terrible injustices if we think that we can obtain significant benefits by making the rest of humanity, present and future, pay the extremely high costs of environmental deterioration."

Heidi Napolitano, Edmonds, relayed Sunset Avenue was part of their traditional evening walking loop. She appreciated how much more space there was now for pedestrians; she enjoyed walking there and felt the current configuration was less crowded. She encouraged the Council to work with residents on Sunset to ensure it is a good situation for them as well.

Roger Hertrich, Edmonds, said he primarily visits Sunset Avenue by car and there needs to be more opportunity for that. He relayed the angle parking did not work well, was not safe and the problems it caused could be a liability for the City. This project has reached a point that a resolution for the City's residential areas is needed, declaring this a residential district not a park to protect the residential character of Edmonds. Residents on Sunset have made a big investment; their enjoyment of the view includes enduring the traffic. There is not enough space for bicycles on the walk; the City has tried to do too much with too little space. He recommended a reduced sidewalk on the west similar to most sidewalks in the City and not allowing bicycles which would provide more space for a safe roadway and vehicle parking. He recalled people walked on the east side of Sunset Avenue for years and there were not a lot of complaints although there were some traffic problems. He summarized the City needed to provide safety, better traffic control and protect the neighborhood.

6. STUDY ITEMS

1. SUNSET AVENUE WALKWAY PROJECT CONCEPT PROPOSALS

Mayor Earling relayed tonight's presentation is information only; the Council does not plan to make any decision tonight.

Public Works Director Phil Williams provided background on the project:

- Why should we build the Sunset Avenue Walkway?
 - Maximize View Access
 - Improve safety or non-motorized users
 - Provide accessibility
- August 19, 2014 – Council approves a trail project along with a small budget to get experience with a pathway on the west side of Sunset
- Between August 19 and September 18, 2014 – Public Works crews restriped, placed bumpers, painted curbs, adjusted and placed new signage, built ramps, marked crosswalks, and placed stencils to delineate a pathway. Parks crews added mulch and made targeted low-level plantings to discourage foot traffic west of the curb line

He described the Sunset Avenue Walkway proof-of-concept (pilot project):

- Only deals with the "railroad line" segment where the geometry has been questioned
- Is mostly a painting project where we can get experience with the concept at very little cost
- Redistributes some parking along the street but keeps total parking spaces the same
- Does not require approval of BNSF
- Cost, at approximately \$20,000, is less than 1% of the full project cost – cheaper than moving forward with detailed design
- Data can be gathered that will either be used in the design of a follow-on walkway project or used to make a decision not to pursue the concept further
- \$89,000 has been spent to date

He provided photographs of people walking on the mud pathway on the west prior to the pilot project and the pathway on the west today. He provided a summary of changes since September 18:

- Compact car restripe
- Wheel stops (safety issue)
- Pathway speed signs
- Parking and no parking signage
- 218 Sunset driveway (remove 1 parallel space)
- PUD box moved out of pathway
- Altered one driveway

- Moved parking signs/boxed-in spaces

Mr. Williams identified the primary issues from the pilot study:

- Parking (general)
 - How much angle parking, parallel parking, how many total parking spaces?
 - Where to put it?
 - 4-hours versus 3-hours, signage changes, code changes and enforcement
- Bicycles on pathway – yes or no?
- Angle parking (specifically)

He displayed an aerial of the south end - current configuration, identifying the BNSF right-of-way and area in City's ownership where the Sunset Avenue overlook was intended to be built and area that was restriped. He displayed an aerial of the south end – concept configuration that includes the overlook and lengthening of the lane transition. He displayed an aerial of the intersection of Sunset/Edmonds – current configuration, identifying crossings and ramps added in the pilot project. He displayed an aerial photograph of the concept configuration of the intersection of Sunset/Edmonds, and described an intersection table and additional crosswalk. He explained the intersection table operates like an elongated speed bump to slow traffic. The aerial photograph also illustrates shifting the alignment of walkway westward to provide more space behind the angle parking.

Mr. Williams displayed an aerial photograph of the angled parking – current configuration, 21 spaces including 2 ADA spaces. An aerial photograph of the concept configuration illustrates moving the walkway 4-5 feet west to create more space behind the angle parking and the addition of 3 periodic parklets (using 2 parking spaces each) with grass and a picnic table to create view corridors for drivers and residents. He also proposed increasing the angle of the parking. Moving the walkway to the west and increasing the angle of the parking would increase the 13 feet behind the angle parking to 17-19 feet.

He displayed an aerial photograph of the parallel parking – current configuration that illustrates 8 of the 12 marked stalls. Parallel parking was limited due to the location of existing driveways. He displayed parallel parking – concept configuration that illustrates 7 additional parallel parking spaces for a total of 19.

He displayed an aerial of Caspers Street - existing condition, relaying the street is in poor condition and needs to be redone fairly soon. Utilities in Caspers and Sunset also need to be replaced. He displayed and reviewed a Caspers Street – possible solution for wrong-way driving that included a bump-out and signage. He anticipated working with the residents to develop a good plan.

Councilmember Fraley-Monillas asked if a model had been prepared for eliminating the angle parking and returning to only parallel parking. Mr. Williams answered there had not; approximately 9 parallel parking spaces could be located where the 21 angle space are. Angle parking previously existed on Sunset but it was located 10 feet further west allowing additional roadway behind it. The proposed changes would increase the roadway to 17-19 feet of pavement behind the angle parking. With parallel parking, the roadway width would be an additional 8 feet.

Councilmember Fraley-Monillas commented people come to Sunset to walk and can park elsewhere; she did not see the loss of 8 parking spaces having a major long term effect. She suggested developing a model that eliminated the angle parking. Mr. Williams advised it would reduce the number of parking spaces. He recalled people speaking to the Council in the past expressing appreciation for the angle parking which allowed them to look out the windshield instead of the side window.

Councilmember Tibbott agreed people like the angle parking for the reasons Mr. Williams mentioned. He found rotating the angle of the parking slightly and adding parklets an interesting idea. With regard to comments made tonight regarding prohibited activity on Sunset, he asked whether any consideration had been given to new regulations or signage to address those such as no back-in angle parking. Mr. Williams said signage could get extensive; common sense would suggest not backing into an angle parking space. The City has anti-idling zones such as the ferry holding lanes; Sunset Avenue could be added and signage installed to prohibit idling. The City has ordinances to address loud music and partying; it is an enforcement issue. He agreed signage could be tried but signs are not attractive.

Councilmember Tibbott preferred 3-hour parking. Mr. Williams asked if any of the Council was aware why the parking was changed to 4 hours. None of the Councilmembers knew why it had been changed.

Councilmember Teitzel observed the walkway was currently about 8 feet wide, slightly less in the middle section. He asked whether reducing the walkway to 6 feet would allow more parallel parking along Sunset. Mr. Williams answered it would not necessarily allow more parallel parking although extra space is always helpful. He felt taking 2 feet from the walkway would have a dramatic effect on the users of the walkway but a less dramatic improvement to the street. More parallel parking could be added on the street without creating additional safety hazards.

Councilmember Teitzel was in favor of reducing the walkway to 6 feet, observing sidewalks are typically 4-5 feet, 6 feet would provide a generous sidewalks on the west side. That would also assist residents backing out of their driveways, possibly without increasing the driveway radius. With regard to vehicles driving the wrong way, 6 feet looks less like a travel lane. Mr. Williams said there are solutions to maintain the functionality of 8-foot walkway that would prevent cars from mistaking it for travel lane. There has not been a budget to do meaningful things other than paint. An actual design effort would include solutions, some of them physical, LED signs, etc. Those solutions could also be incorporated into the design on Caspers.

Councilmember Nelson observed one of the purpose of the Sunset Avenue walkway was to improve safety for non-motorized users. After hearing about challenges with the pathway itself, he wanted a physical barrier to separate pedestrian from the travel lane. Mr. Williams said the pilot project did not include that due to the cost; the fire department would not allow something like a jersey barrier to separate the pathway from the travel lane. A C-curb could be used throughout the walkway to separate it from the travel lane and/or parking to create a sense of physical separation. The waterline on Sunset needs to be replaced which will provide opportunity for additional fire hydrants in the right location. C-curbs cannot be installed 50 feet from a fire hydrant. With regard to bicycles, he has talked to the bicycle clubs and read all 1568 comments; the results are mixed regarding bicycles and not very many use the pathway. He hated to exclude that obvious non-motorized use but in the interest of the project overall, he recommended restricting bicycle use on the pathway to bikes with training wheels and young people attended by an adult. Others could ride their bikes to Sunset, store them in a bike rack or walk them on the path.

Councilmember Nelson expressed interest in addressing challenges related to extended parking, idling, etc. either via enforcement or stricter ordinances.

Councilmember Fraley-Monillas reported during the five years she served on the Parking Committee, they never discussed 4-hour parking on Sunset other than an interest in having the same parking limits throughout the City. She preferred a 2-hour parking limit on Sunset, noting it should not be used for ferry parking. She asked about the required pathway width for ADA accessibility. Mr. Williams answered it was less regarding the width and more about cross slopes, curb heights, etc. The entire project must be

ADA accessible. Councilmember Fraley-Monillas wanted to ensure there was enough space for people using walkers or needing assistance to have someone walk next to them.

With regard to parking enforcement, Councilmember Fraley-Monillas relayed seeing a van parked on Sunset at all hours and it appears there is no enforcement. Mr. Williams said the person driving the van enjoys Sunset and spends a great deal of time there. The police department is familiar with vehicle and the individual; he was uncertain whether the driver was fully compliant with moving his vehicle every 4 hours. Councilmember Fraley-Monillas said there should be limits on returning to same location, noting other areas of the City restrict parking in a block to once a day. She noted there were other vehicles in addition to the van that park on Sunset for extended periods. Mr. Williams commented construction-related activity in the Sunset Avenue area has also impacted parking. Regardless of whether the pathway is constructed, several significant utility projects will occur in the area over the next five years that will have impacts.

Councilmember Mesaros recalled when he joined the Council in March 2014 this was one of the hot topics. There has been opportunity for good discussion and the Council is discussing solutions and he appreciated staff presenting those ideas. He pointed out enforcement has nothing to do with the design; it is enforcing the rules the Council establishes related to parking, one-way traffic, etc. With regard to Councilmember Teitzel's proposal to reduce the width of the walkway, Councilmember Mesaros preferred to keep the walkway as wide as possible, to make it a boulevard, a thoroughfare, a place to walk. To those that suggest eliminating the angle parking, he has heard many say that they like to park there to look at the view through windshield. He agreed with Councilmember Fraley-Monillas' suggestion to limit parking to two hours, noting that was also an enforcement issue.

Councilmember Mesaros also favored having a conversation with BNSF to reach a bigger solution that would address parking, walkway and roadway widths, etc. He suggested integrating that into the discussion regarding the at-grade crossing. He acknowledged BNSF did not care about the walkway and only cared about operating their trains and preventing access to tracks. Mr. Williams assured there have been numerous discussions with BNSF, those discussions have not gotten formal because the informal discussions have not been favorable. BNSF's perspective is that it is their property; they might lease it to the City but the terms are not very attractive. In addition, grant funds cannot be used on property owned by BNSF. If the project stays within the current street footprint and does not add anything different, it will probably be okay. He viewed replacing the existing curb and repaving the street as maintenance.

Councilmember Teitzel observed the agenda memo states a motion to replace the term multiuse with walkway was approved on October 8, 2015 which he assumed also made the decision regarding bicycle use. Mr. Williams said that was also his interpretation; the motion did not specify what that change meant but may suggest that was the consensus of Council related to bicycles. His advice throughout this process has been to allow the pilot project to be completed, gather the data, and fully evaluate bicycle use on the pathway and then have that conversation with the granting agencies. That has been done and guidance has been provided with regard to how to package that to avoid a request to repay design funds. He recommended that approach versus a decision not to allow bicycles which could have resulted in a bad outcome with regard to the granting agencies.

Councilmember Teitzel said due to the change in the term to "walkway," the Council needs to take proactive action. He observed the Segway company located on 5th is moving to Salish Crossing which he assumed would increase Segway use on Sunset. Mr. Williams answered people on Segways currently use Sunset. Councilmember Teitzel asked whether Segways are considered motorized vehicles. Mr. Williams answered yes, but they are specifically covered in an RCW that allows them anywhere pedestrians are allowed. He did not believe a local ordinance could trump that. His concern with Segways was they reach speeds of 15-18 mph which was not a pedestrian speed. Councilmember Teitzel commented most of the

Segway users are novices; whether the pathway is 6 or 8 feet, they pose a safety issue. He requested Mr. Williams research where the City had any ability to restrict their use on the walkway.

Council President Johnson summarized the issues raised by audience members and Councilmembers and requested staff look into them:

1. How to control wrong way drivers from Caspers Street
2. How to improve angle parking and increase viewsheds by removing spaces
3. Parking enforcement
4. Reduce idling engines
5. Reduce parking time limits
6. Consider adding parallel parking
7. Allow bicycles northbound in sharrows
8. Preserve BNSF right-of-way
9. Consider width of the pathway
10. Finalize a concept plan for Sunset to allow staff to proceed with a design, and to proceed with sewer, water and stormwater improvements in the area

Councilmember Mesaros said he originally was not a fan of allowing bicycles on the walkway. He and his wife recently visited Vancouver BC where there are a number of boulevards on the waterfront, some with designated bike and walking lanes and some without. When walking in an undesignated area, he remarked to his wife how well pedestrians and bicycles got along; his wife responded, they know better up here. His response was they have been at it longer. He suggested if bicycles and pedestrians were allowed, people would eventually figure it out, neither user wants to hit the other.

2. **BRIEFING ON THE 2017-2022 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM**

Transportation Engineer Bertrand Hauss introduced the 2017-2022 Six-Year Transportation Program (TIP), advising a public hearing is scheduled on June 7. He explained the TIP is a transportation planning document that identifies funded, partially funded, and unfunded projects that are planned or needed over the next six calendar years. The TIP also identifies the expenditures and secured or reasonably expected revenues for each of the projects included in the TIP. The first 3 years (2017-2019) are financially constrained, the last 3 years (2020-2022) are not. All projects in the TIP are identified in the 2015 Transportation Plan. He reviewed projects that have been completed or will be completed later this year that do not appear in the TIP:

- 220th St. SW Overlay from 84th Ave. to 76th Ave
- Five Corners Roundabout
- Citywide protective/permissive left turn signal conversions
- 238th Street SW walkway from 100th Ave W to 104th Ave W

He highlighted projects that were added, modified or funding available since last year:

- 84th Ave W Overlay from 220th St SW to 212th St SW
 - Good chance will secure federal funding
- 76th Ave W @ 212th St SW Intersection Improvement
 - Half funding this year and half in 2017
- Hwy 99 Safety Improvements from 216th St SW to 224th St SW
 - High accident location
- 76th Ave W 220th St SW Intersection Improvements
 - Unlikely to receive federal grant funds for design and right-of-way phase
- Walkways – grant requests submitted to Safe Routes to Schools and Pedestrian & Bicycle Program

- Maplewood Walkway from Main St to 200th St SW
 - Grant request for \$230,000 for design phase
- Elm Way Walkway from 8th Ave S to 9th Ave S
 - \$800,000 grant request for design and construction funding
- 80th Ave W Walkway from 212th St SW to 206th St W
- Citywide Pedestrian Crossing Enhancements
 - Grant request for design and construction funding
 - Add flashing beacons, HAWK signal or pedestrian actuation at existing signals
- 238th St SW Walkway from SR 104 to Hwy 99
 - Secured TIB funds, 70% grant 30% local match
 - Design in 2016 and complete construction in 2017
- Edmonds Waterfront Analysis
 - Unlikely to receive federal grant funds
 - Funding request to complete project through construction Fast Act
 - Will learn results of grant application late 2016/early 2017
- Pavement rating study
 - Rating study evaluates all minor arterials, collectors, local streets to determine which should be paved during future annual overlay programs
 - Last pavement rating completed at the end of 2012, needs to be updated

Councilmember Mesaros asked how projects are included in the TIP and how they are prioritized. Mr. Hauss answered all the projects were identified in the 2015 Transportation Plan; projects must be included in the TIP to be grant eligible. Councilmember Mesaros asked if there were projects that staff was not aware of that should be on TIP. Mr. Hauss said projects can be added to the TIP. Councilmember Mesaros relayed his understanding that most projects are staff driven. City Engineer Rob English explained development of the 2015 Transportation plan included a great deal of public outreach which included the identification of potential projects as well as scoring the projects to develop priorities. When projects are added to the TIP, staff tries to select those that will score well for grants. Mr. Hauss commented the Walkway Plan in the Transportation Plan identified approximately 40 projects; not all 40 can be completed in the next 6 years so a priority list was developed and only the 10 top ranked projects were added to the TIP.

Councilmember Teitzel referred to the 76th Ave W 220th St SW Intersection Improvements, installation of a new traffic signal and adding a right turn lane for a total cost is \$8 million. On that same page, rebuilding a traffic signal at 238th @ 100th Ave with new signal mast arms, cabinet and video detection cost \$765,000. From that he deduced the addition of a right turn lane cost \$7 million, triple the cost of any other lane addition. Mr. Hauss explained that project is not just a signal upgrade, it includes water, sewer and stormwater improvements as well as undergrounding of utilities. He offered to enhance the project description. Councilmember Teitzel requested a breakdown of costs for that project.

Councilmember Fraley-Monillas explained the City used to have a Transportation Committee comprised of citizens who looked at walking and bicycling routes, roads, etc. Citizens and Councilmembers have also brought issues to staff's attention in the past. She suggested Councilmembers and citizens bring to staff's attention any problem areas they were aware of so they can be added to the Transportation Plan. Projects are prioritized and one of the priorities is suitability for grant funding. She asked about bike-related projects in the TIP and inquired about the secured grant for the Bike-Link project. Mr. Hauss advised Edmonds, Lynnwood and Mountlake Terrace received a \$1.9 million grant to do connections between the cities. For example, bike lanes on 76th from 220th to 196th, bike lanes on both sides of 212th between Five Corners and 72nd, and adding missing links via the 76th @ 212th project. He summarized a good distance of bike lanes will be created within the next year.

Council President Johnson recalled a study was done approximately 10 years ago regarding SR 524 @ 88th and an intermediary project prior to improving the signal was identified. The intersection is currently LOS E and WSDOT said it not meet their standard for a signal. She asked the status of the intermediary project for right turn restriction on 88th north and south. Mr. Hauss recalled that was due to the number of left turns and through movements and the limited sight distance. Since the right turn only restriction for northbound movement was rejected by Council, staff has not applied for grants for that project. Council President Johnson observed there is a new Council and the need still exists. She requested that project come forward to the Council, noting it may be a lower cost than the full project but would improve safety in that area.

Council President Johnson referred to short pedestrian projects, advising a lot of good, school-related projects are included on the list, but it has been over 10 years since any short walkway projects have been funded. She recalled a conversation with Mr. Williams who suggested it may be possible to some of them in-house to reduce the cost. As her personal goal, she wanted to see those funded over the next 3 years. She acknowledged those would not be funded by grants. Mr. Hauss said last year's TIP allocated \$50,000 for a minor sidewalk project; it was increased to \$100,000 in 2017 to fund 1-2 sidewalk projects as project costs range from \$50,000 - \$150,000.

Council President Johnson asked the total cost of the short walkway projects. Mr. Hauss offered to provide that information. Council President Johnson suggested consideration be given to doing those projects in-house to reduce the cost. Mr. English said staff has been successful in securing a number of grants, one of the challenges is the limited availability of funds in Fund 112 to match grants. During the next budget, staff plans to discuss increasing funding in Fund 112 for matching funds or to do smaller projects in-house.

Councilmember Tibbott echoed Council President Johnson's comments about the priority of finishing short walkways. He suggested exploring the use of REET funds, commenting walkways are recreation. He asked how much would be available if REET Funds were split 50/50 between parks and walkways. Staff answered a lot. Councilmember Tibbott concluded that would provide more matching funds as well funds to complete walkways.

Councilmember Tibbott observed there are a number of walkways on Highway 99 and asked how those sequence with the Highway 99 planning process. Mr. Hauss answered the Highway 99 study is looking at intersections upgrades. If a corridor improvement project were done, those would be included. Councilmember Tibbott expressed support for intersection projects and suggested it may be preferable to hold off on them until the Highway 99 planning process is complete and consider them as part of a complete Highway 99 strategy.

Mayor Earling declared a brief recess.

3. **ORDINANCE AMENDING SECTION 8.16.040 OF THE EDMONDS CITY CODE (ECC); AMENDING THE SPEED LIMIT ALONG A SECTION OF SR-104**

Transportation Engineer Bertrand Hauss displayed a map of the section where the change would occur, westbound on SR-104 from the west side of the 95th Place intersection to the east side. As part of last year's SR-104 Study, one of the identified project was relocating the speed limit sign east of the intersection due to the significant roadway curvature, westbound left turn accidents into the apartment complex and limited sign distance. Before a speed limit modification can be done on a State route, WSDOT must complete a speed study; the speed study found the 85th percentile was 42 mph in the east and west bound direction. Based on those results, WSDOT concluded the speed reduction from 40 to 35 mph in that area was warranted.

Councilmember Nelson expressed support for reducing the speed limit and asked whether there were plans to continue the reduction further east on SR-104. Mr. Hauss said that was not a recommendation in the SR-104 Study but if there are high collision intersections, staff could request WSDOT do a speed study. Councilmember Nelson asked if the percentile had to be within a certain range to be acceptable. Mr. Hauss explained 85th percentile means 85% of vehicle are traveling under 42 mph; 7-8 mph is what the State looks for.

Councilmember Teitzel expressed concern with reducing speed limits in an incremental manner. He recalled the speed limit on SR-104 near City Park was reduced from 40 mph to 35 mph when the sidewalk was installed. He noted children use the the crossing on SR-104 near Madrona School and there are numerous single family and multifamily residences and businesses in that area. He agreed with considering a speed reduction the entire distance of SR-104. Mr. Hauss said the speed limit at the Pine Street crossing was changed by the State because it is in the limited access area. Before the speed limit can be reduced east of 95th, a good reason for the request needs to be provided for the State to conduct a speed study.

Councilmember Mesaros referred to SR-104 @ 232nd, commenting people take their life in their hands crossing there because there is no light. He recalled seeing an elderly couple trying to cross at that location where the speed limit is 40 mph. He suggested that intersection would be a good reason to request a speed study. Mr. Hauss said that intersection is one of the citywide pedestrian crossing enhancements identified in the SR-104 Study where a pedestrian crossing is proposed. The cost will be minimal as there is already an emergency signal in that location. Staff is working with the State due to regulations related to spacing between crossings; there is only about ¼ mile between 232nd and 95th.

Councilmember Fraley-Monillas provided justification for reducing the speed limit, commenting many drivers use side streets as a short cut from SR-104 to Highway 99. She has seen numerous accidents in those locations as well as pedestrians hit trying to cross SR-104. She agreed with this proposed reduction as well as extending the reduce speed limit further east.

Council President Johnson expressed support for staff's recommendation to forward this to the June 7 Consent Agenda. She noted this project was identified in SR-104 Study, steps were taken by the State to warrant it and this is the next step.

It was the consensus of Council to schedule this item for approval on the Consent Agenda.

4. **PRESENTATION OF A SUPPLEMENTAL AGREEMENT WITH MURRAY, SMITH & ASSOCIATES FOR THE DESIGN OF THE 2017 WATERLINE REPLACEMENT PROJECT**

City Engineer Rob English explained in February 2015 the City issued a RFQ to design the 2016 and 2017 waterline replacement projects. The 2016 waterline replacement project has been designed, the project awarded, and work will begin next week. The supplemental agreement covers design work for the 2017 program. The scope is 7,300 feet of pipeline replacement in 3 locations. The scope of work includes 9 tasks; the total fee is \$281,000 which includes a \$25,000 management reserve for changes or unforeseen conditions. If approved, staff plans to advertise the project in early 2017 for construction in spring 2017. Staff recommends approval on the June 7 Consent Agenda.

It was the consensus of Council to schedule this item for approval on the Consent Agenda.

5. **PRESENTATION OF A SUPPLEMENTAL AGREEMENT WITH BHC CONSULTANTS FOR THE 2017 SEWERLINE REPLACEMENT PROJECT**

City Engineer Rob English relayed the City selected BHC in 2015 to design the sewerline replacement project for 2016 and 2017. The 2016 project was awarded and construction will begin in June. This supplemental agreement will provide design services for the 2017 program. The scope is 2,800 lineal feet of pipe replacement at 2 locations. The scope of work includes 12 tasks; the total fee is approximately \$163,000 which includes a \$20,000 management reserve. Staff recommends approval on the June 7 Consent Agenda.

It was the consensus of Council to schedule this item for approval on the Consent Agenda.

6. PRESENTATION OF AN AGREEMENT WITH COMCAST FOR THE UNDERGROUND CONVERSION OF OVERHEAD UTILITY LINE WITHIN THE 76TH AVE W AND 212TH INTERSECTION IMPROVEMENTS PROJECT LIMITS

City Engineer Rob English reported the 76th Ave W & 212th intersection improvement project is currently out for bid; bids will be opened June 9 and presented to Council for consideration and possible award. The project scope includes undergrounding utilities at the intersection including Comcast's overhead utilities. This agreement covers the City's and Comcast's responsibilities for that work. The City's contractor will construct a joint utility trench; Comcast will provide the vault and conduit and pay the City for their share of the cost to build the trench and install their facilities. The current estimate for that share is approximately \$80,000; staff is still negotiating with Comcast who feels the the design and construction management fees should not be included. Negotiations are ongoing and the estimate may be reduced to \$65,000 depending on wording in the franchise agreement. If the negotiations are worked out prior to June 7, staff recommends approval on the June 7 Consent Agenda.

For Councilmember Teitzel, Mr. English explained Comcast will reimburse the City for the cost to install their facilities; Comcast will provide the vault and conduit and pay to remove their overhead facilities and put them in the underground system, unlike Frontier and PUD where the City pays a large portion of that cost.

It was the consensus of Council to schedule this item for approval on the Consent Agenda.

7. PRESENTATION OF AN AGREEMENT WITH WAVE BROADBAND FOR THE UNDERGROUND CONVERSION OF OVERHEAD UTILITY LINES WITHIN THE 76TH @ 212TH INTERSECTION IMPROVEMENTS PROJECT LIMITS

City Engineer Rob English explained Wave Broadband has facilities within the 76th @ 212th intersection that need to be undergrounded. Their responsibilities are similar to Comcast and the cost sharing is nearly identical. Wave will reimburse the City for the cost to build the trench, they will provide the conduit and vault for the contractor to install and they will complete the overhead conversion to underground system. The estimated amount Wave will pay the City is \$85,000. Final costs for this and the Comcast project will not be known until the project is complete. Staff recommends approval on the June 7 Consent Agenda.

It was the consensus of Council to schedule this item for approval on the Consent Agenda.

8. CONTINUED DISCUSSION REGARDING EXECUTIVE SESSION RECORDS

City Attorney Jeff Taraday observed the Council has heard public comment and received emails. He was available to answer Council questions.

Councilmember Tibbott commented one way to keep track of information that was not available through executive session notes or minutes would be to keep his own handwritten notes. He asked whether his personal handwritten notes were subject to public disclosure. Mr. Taraday answered they can be; that is a

gray area. There are instances where personal notes are subject to the Public Records Act (PRA). Councilmember Tibbott said his personal notes often resemble hieroglyphics. Mr. Taraday said the Council did not have a policy expressly prohibiting Councilmembers from taking notes in executive session and that may be because there has been a note taker in the executive session. Some cities specifically prohibit notes during an executive session due to a concern the notes make it easier to relay information outside the executive session. The Council could discuss that as a policy. He summarized there are risks associated with Councilmembers taking notes in executive session the same as there are risks associated with the City Clerk taking notes in executive session.

Based on the Council's last discussion as well as emails and public comments, Councilmember Mesaros favored discontinuing taking minutes or notes during executive session. When staff distributes documents during executive session, they are often returned at the conclusion of the executive session. He found no need to take minutes as the Council did not review or approve them. The Council only formulates a path during executive session but does not take any action. The feedback from the City Attorney and City Clerk indicates Edmonds is the only city taking minutes. Taking minutes conveys a falsehood to the public that he preferred not be conveyed.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO DIRECT THE CITY ATTORNEY TO PREPARE A RESOLUTION OR ORDINANCE FOR ACTION AT THE JUNE 7 MEETING TO RESCIND RESOLUTION 853 WITH REGARD TO TAKING MINUTES IN EXECUTIVE SESSION.

Councilmember Fraley-Monillas said if Councilmembers were taking notes that left the room with the possibility of public disclosure, it would be preferable to have notes taken by a professional so they are accurate. Mr. Taraday said another concern with Councilmembers taking their own notes was the notes were not maintained by the City. In the event of a public records request, while it may be time-consuming to process the request under the current system, the City knows the location of the document, how to do redactions, which statute to cite with regard to redactions, etc. That becomes trickier when the City does not necessarily know whether a Councilmember has/has not taken notes. Repealing Resolution 853 is separate from a discussion related to Councilmembers taking notes during executive session. Councilmember Fraley-Monillas said the practice has been for Councilmembers not to take notes. If Councilmembers were interested in taking notes, she could not support the motion to rescind the resolution.

MOTION CARRIED (5-1), COUNCILMEMBER FRALEY-MONILLAS VOTING NO.

Councilmember Teitzel asked the process if a Councilmember was taking notes and the City received a public records request for all the Councilmember's personal notes for the past 12 months. Mr. Taraday prefaced his remarks with Patricia in his office is the public records expert. The first step would be to determine whether any public records exist via asking the Councilmember whether records exist and if so whether they are of a nature that constitutes public records. If records exist and they constitute a public record, the records would need to be inspected to determine if information in the record needed to be redacted prior to release. Any time the City does not have possession of records, it complicates the City's ability respond to a public records request which creates some risk for City.

Councilmember Teitzel relayed his understanding of Mr. Taraday's explanation that personal notes create additional complexity in responding to public record requests. City Clerk Scott Passey agreed, explaining there is no firm retention value for Councilmembers' personal notes. The retention value is determined by how valuable/useful they are to the Councilmember and there is the risk a Councilmember could destroy them at any time. The criteria for determining a public record includes that it be a written record, it relates to City government/business, and has to have been prepared by, owned, prepared by or used by the City.

As there is no retention value, a Councilmember could destroy the notes if they were no longer useful. Mr. Taraday cautioned records cannot be disposed of after a request has been made.

Councilmember Teitzel observed rescinding Resolution 853 would not affect previous executive session minutes/notes, only the future practice. Mr. Taraday said the retention of existing executive session notes was a separate issue from the Council's future practice as it related to executive session notes.

Council President Johnson said it has always been her practice not to take notes in executive session.

7. **ACTION ITEM**

1. **AUTHORIZATION FOR THE MAYOR TO SIGN THE EMPLOYMENT AGREEMENT FOR THE LEGISLATIVE/EXECUTIVE ASSISTANT TO CITY COUNCIL**

Councilmember Fraley-Monillas relayed a new Legislative/Executive Assistant has been selected and if this item is approved, he will start work on June 1. He is very well qualified and she is excited about him starting work.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO SIGN THE EMPLOYMENT AGREEMENT WITH ANDREW PIERCE; HIS TERM OF EMPLOYMENT WILL BE JUNE 1, 2016 TO JUNE 1, 2017. MOTION CARRIED UNANIMOUSLY.

8. **UPDATES ON CITY COUNCIL BOARDS AND COMMISSIONS**

Councilmember Nelson reported the SERS Board agreed SERS representatives will participate in discussions regarding the SNOPAC/SNOCOM merger. There was no Snohomish County Tomorrow meeting in May.

Councilmember Fraley-Monillas reported she attended numerous meetings this month but would limit her report to the Diversity Commission who is developing guidelines related to when and how to respond to issues as well as ways to increase the visibility of the City's diversity. One of the ways will be via the parade; the Diversity Commission will have its own float and has invited other groups to join them.

Council President Johnson reported it was an exciting month due to conducting interviews and selecting an applicant for the Legislative/Executive Assistant position who starts June 1. She thanked Councilmember Fraley-Monillas and HR Manager Mary Ann Hardie for their efforts related to that process. She also reported on the ribbon cutting for the new intersection on Highway 99.

Councilmember Teitzel reported the closure of the recreational salmon season in Puget Sound has had a negative effect on the Port of Edmonds' boat lift revenue but operational revenues overall are above 2015 levels. The new restroom at the Port is open; the same vendor was selected for the downtown restroom. He planned to attend the special Port meeting tomorrow to interview three candidates to replace Commissioner Block. The Civic Field planning committee held individual stakeholder meetings with Councilmembers, the Boys & Girls Club, etc. The first Civic Field Master Plan public open house is June 23 in the library Plaza Room. He invited the public to attend the presentation of the historic plaque adding the North Sound Church to the local historic register on June 5 during the second service at 9:00 a.m. He notified the Historic Preservation Commission President and Vice President of the Council's decision last week to request the Commission to do an assessment of the Civic Field grandstand and Boys & Girls Club building as a preliminary step in determining the historic significance of the structures.

Councilmember Mesaros reported the SeaShore Transportation Forum meeting was cancelled. The SNOCOM Board approved SERS being a full participant in the discussions regarding the SNOAC/SNOCOM merger. The SNOCOM Board also evaluated the performance of the SNOCOM Executive Director Terry Peterson and approved a new letter of employment that includes conditions related to termination if the merger occurred and if he was not the executive director of the new organization. The SNOCOM Board also approved hiring a merger facilitator.

Councilmember Mesaros reported last month's Edmonds Public Facilities District (EPFD) meeting including discussion regarding the timing of revenue and cash flow management. He and Mr. James offered to assist with planning. The EPFD Board interviewed three candidates and will be recommending two new board members to the Council for appointment. He relayed by coincidence Council President Johnson and he both attended the Rotary District Conference in Coeur d'Alene, Idaho; each representing their Rotary Club. One afternoon he visited the veteran's memorial in a park adjacent to the hotel that included large service emblems for each of the five branches of service, an important element in a veteran's memorial. He reminded of the Memorial Day ceremony at the Edmonds Cemetery on May 30.

Councilmember Tibbott reported the Affordable Housing Alliance Board did not meet in May. He is involved in several activities related to housing options in Edmonds and the City is very interested in working on homelessness issues and housing option issues. One of the manifestation of that is the priority given to development of affordable housing options on Highway 99. He plans to attend training hosted by the Housing Consortium of Snohomish County on June 3 which is open to the public. At their last meeting, the Economic Development Commission reviewed the Strategic Action Plan; Commissioners will be contacting Councilmembers with regard to projects and priorities.

With regard to ST3 plan, Mayor Earling reported on Thursday each of the five subregions will offer amendments to the originally proposed staff plan. A special Sound Transit Board meeting will be held June 2 to discuss the amendments and final action by the Board is expected by the end of June.

9. MAYOR'S COMMENTS

Mayor Earling encouraged the community to attend the Memorial Day service at the Edmonds Cemetery. He has attended the last 15-20 ceremonies, a time to remember those who have given their lives in war. He invited the public to the ribbon cutting for the spray pad on Thursday at 4:30 p.m.

10. COUNCIL COMMENTS

Council President Johnson reminded there is no Council meeting next Tuesday because it is the fifth Tuesday of the month.

Councilmember Fraley-Monillas reported on the ribbon cutting for the 76th & Highway 99 project where she spoke representing the City. Many of surrounding neighbors liked the road, the signal and the crosswalk.

Councilmember Nelson reported his children plan to participate at the ribbon cutting of the spray park.

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

This item was not needed.

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

This item was not needed.

13. **ADJOURN**

With no further business, the Council meeting was adjourned at 9:50 p.m.