

EDMONDS CITY COUNCIL APPROVED MINUTES

June 7, 2016

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.

ELECTED OFFICIALS PRESENT

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

ELECTED OFFICIALS ABSENT

Adrienne Fraley-Monillas, Councilmember

STAFF PRESENT

Phil Williams, Public Works Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Bertrand Hauss, Transportation Engineer
Rob English, City Engineer
Leif Bjorback, Building Official
Kernen Lien, Senior Planner
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Andrew Price, Legislative/Council Assistant
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. ROLL CALL

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

2. APPROVAL OF AGENDA

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

3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Buckshnis requested Item 1 be removed from the Consent Agenda so that she could abstain from the vote.

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

2. APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS

3. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM CHRIS AND LESLIE MCGINNESS (\$58,740.00), AND G. CHRIS GRADWOHL (\$6,725.97)

4. **2015 SANITARY SEWER REPLACEMENT PROJECT CLOSEOUT**
5. **CONFIRMATION OF APPOINTMENT OF WILLIAM PHIPPS TO THE CITIZENS' TREE BOARD**
6. **APRIL MONTHLY BUDGETARY FINANCIAL REPORT**
7. **ACCEPTANCE OF THE FIVE CORNERS ROUNDABOUT PROJECT**
8. **ORDINANCE AMENDING SECTION 8.16.040 OF THE EDMONDS CITY CODE (ECC); AMENDING THE SPEED LIMIT ALONG A SECTION OF SR-104**
9. **AUTHORIZATION FOR MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH MURRAY, SMITH & ASSOCIATES FOR THE DESIGN OF THE 2017 WATERLINE REPLACEMENT PROJECT**
10. **AUTHORIZATION FOR MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH BHC CONSULTANTS FOR THE 2017 SEWERLINE REPLACEMENT PROJECT**
11. **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH COMCAST FOR THE UNDERGROUND CONVERSION OF OVERHEAD UTILITY LINE WITHIN THE 76TH AVE W AND 212TH INTERSECTION IMPROVEMENTS PROJECT LIMITS**
12. **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH WAVE BROADBAND FOR THE UNDERGROUND CONVERSION OF OVERHEAD UTILITY LINES WITHIN THE 76TH @ 212TH INTERSECTION IMPROVEMENTS PROJECT LIMITS**
13. **AUTHORIZATION TO CONTRACT WITH JAMES G. MURPHY TO SELL SURPLUS CITY EQUIPMENT**
14. **AUTHORIZATION TO PURCHASE (1) NEW CATERPILLAR 420F2 HRC BACKHOE LOADER FROM NC MACHINERY. WASHINGTON STATE CONTRACT #00410 AND AUTHORIZATION TO SURPLUS THEIR EXISTING BACKHOE, UNIT #18, AT AUCTION**

ITEM 1: APPROVAL OF COUNCIL MEETING MINUTES OF MAY 24, 2016

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO APPROVE ITEM 1. MOTION CARRIED (5-0-1), COUNCILMEMBER BUCKSHNIS ABSTAINED.

4. PRESENTATIONS/REPORTS

1. MUSIC4LIFE PROCLAMATION

Mayor Earling read a proclamation declaring June as Music4Life Month in the City of Edmonds and encouraging citizens to donate any lovingly used musical instruments they may have to www.Music4Life.org and show what financial support they can to this fine home-grown organization.

Mayor Earling presented the proclamation to David Endicott, Co-Founder of Music4Life. Mr. Endicott two years ago, with the blessing of Edmonds School District Nick Brossoit, the Music4Life program began for Edmonds School District. During the 2014-2015 school year, the program provided 20 ready-to-play instruments to Edmonds schools with an estimated retail value of \$15,430. Since September 1, 2016 of this school year, they delivered another 33 music instruments with an estimated retail value of

\$28,680, far outpacing the 2014-15 school year and the year is not yet over. Included in the instruments is a very rare violin now being played by the concert master in an Edmonds High School orchestras. Public support is important to fund instrument repairs; support is provided by the Hazel Miller Foundation, the Rotary Club of Edmonds, First Choice Health and others. He encouraged the public to donate instruments as well as make financial donations to repair instruments.

2. SNOHOMISH COUNTY TOURISM BUREAU PRESENTATION

Development Services Director Patrick Doherty introduced the presentation by Snohomish County County Tourism Bureau (SCTB), explaining Edmonds has a great collaboration with SCTB in promoting tourism. The City provides an annual contribution of \$6,000 to the SCTB from Lodging Tax funds. He introduced **Amy Spain, Executive Director of the Snohomish County Tourism Bureau**, who presented the SCTB 2015 Annual Report. She described the importance of tourism to economic development; visitors to Washington spent \$20.7 billion in 2015, accounting for \$1.2 billion in local/state tax revenues and creating 170,500 jobs. She displayed a drawing illustrating the impacts of tourism on many different aspects of the community.

She commented on the State's lack of a Tourism Office:

- All other states have some form of state funding and/or involvement
- Washington Tourism Alliance is not a sustainable organization using a membership-funded model
 - Receive funds from members and \$500,000 bridge funding from the legislature to keep the website open and distribute the Visitors Guide.
- Legislation was introduced in Olympia in 2015 to create a state tourism funding program - not passed
- Legislation will be introduced in 2017 to create a state tourism funding program

She provided a comparison of competitor states' budgets:

- Washington \$481,000 (WTA 2013-2015 budget)
- Alaska \$17 million
- Idaho \$7 million
- Oregon \$12 million
- California \$50 million
- Nevada \$15 million
- Montana \$12 million
- Wyoming \$13 million
- Utah \$14 million
- Arizona \$13 million
- Colorado \$15 million
- New Mexico \$7 million
- Vancouver BC \$53 million

She described the impact of travel to the local economy:

- Overnight travelers to Washington State (staying in commercial lodging)
 - Average 2.2 people per travel party
 - Stay 2.5 nights
 - Spend \$477 per travel party per day
- Overnight travelers to Snohomish County (staying in commercial lodging)
 - Average 2.1 people per travel party
 - Stay 2.1 nights

- Spend \$360 per travel party per day

Ms. Spain displayed a bar graph illustrating the impact of travel to local economy, day traveler compared to overnight travelers. She described the effect of tourism in Snohomish County:

- Visitor spending in Snohomish County is \$1 billion/year, up 1.8% from previous year
 - Restaurants: \$308 million
 - Transportation and Fuel: \$146 million
 - Retail Stores: \$136 million
 - Accommodations: \$141 million
 - Recreation and entertainment: \$136 million
 - Grocery stores: \$63 million
- 10,750 Jobs
- \$273.9 million payroll
- \$21.1 million local taxes
- \$50.9 million state taxes

Ms. Spain provided a brief overview of SCTB's accomplishments in 2015:

- Generated 4,577 requests for information from ads
- Website visitation up 3% - over 228,000 unique visitors
- Achieved over \$296,000 of free media coverage, up 8%
- 22,091 definite and 9,406 tentative group and convention room nights were processed in 2015 representing \$44.3 million in economic impact
- Visitor centers served 38,000 visitors. Countywide centers served 107,651 visitors
- Tourism spending and economic impact of tourism in Snohomish County was \$1 billion – up 1.8%
- Hotel occupancy levels were down 2% to 70.9%; ADR was up 4.3% leading to an increase in RevPar of 2.2%
- Hotel/motel tax collections were up 12.9%

She reviewed convention, sports and group tour sales and services, explaining ads generate leads, support branding and generate interest in Snohomish County as a meeting/event destination:

- 22 trade shows
 - Packaged Travel
 - Sports Marketing
 - Consumer Travel
 - Meeting and Events
 - 237 direct leads
 - 199 groups assisted
- Distributed 3,886 group tour, convention and sports events collateral materials at 22 trade shows and 5 sales missions
- 5 sales missions to Vancouver BC, Olympia, Seattle, Indianapolis and Colorado Springs
 - 31 new leads for hotels and attractions
 - Distribution of 76 guides
- 18 familiarization tours conducted
 - 237 direct leads
 - 199 groups assisted
- Bar graph of tentative, definite and total room nights for 2011, 2012, 2013, 2014 and 2015
 - Group tour, meeting and event planner bids were prepared which resulted in 22,091 total definite room nights
 - Additional pending bookings at year end totaled 9,406 room nights

- Totaling 31,497 room nights
- Bar graph of economic impact of room nights 2011-2015 - \$44,252,079

Tammy Dunn, Sports Development Director, SCTB, explained Snohomish County is a premier sports destination, generating \$35.6 million in economic impact from international, national, regional and local events. She relayed recognitions and awards:

- Sports Events Magazine Readers' Choice Award – 5-time winner
- Champions of Economic Impact in Sports Tourism

Ms. Spain advised Ms. Dunn received the NSC Game Changer Award and the Women in Sports Tourism - inaugural recipient. Ms. Spain reported on tourism development:

- 4,577 requests for information from ads
- Online presence
- Print publications have online version
- New E-Newsletters
- Website visitation up 3%
- Over 6,400 visits to RoomsAtPar and StayShopAndSave websites
- New collateral
 - East County Backroads
 - Hiking guide
 - Golf in Snohomish County
- 85,000 copies of the official visitor guide distributed
- 6 issues of StoryLine were mailed to over 1400 travel writers with each issue

She commented on public relations and media:

- 6 media fam tours for travel writers
- 34 press released
- 92 media pitches
- 56 articles
- \$296,518 free media coverage
- Social Media: Flickr, Twitter, Facebook, Instagram and Pinterest, You Tube
- 3 television ads aired

She described visitor information services:

- Implementing strategic tourism plan initiatives
 - Traditional advertising in Alderwood Mall
 - Ambient advertising at Everett Mall
 - Electronic kiosks at Future of Flight, Lynnwood Convention Center and Tulalip Resort
- Mobile VICs operating at events and festivals
- Visitor snapshot:
 - 76% from more than 50 miles away
 - 4% from other WA counties
 - 32% from other states
 - 40% from other counties
 - 24% from local area
 - Served 107,651 visitor countywide

She described industry education

- Conducted three countywide tourism related programs
- Industry Training Tools

- Monthly hotel hot sheet
- Tourism Industry monthly tours

Councilmember Nelson asked how the economic impact of tourism is calculated. Ms. Spain answered they use a number of different measurement tools; the Destination Marketing Association International tracks cities and provides an economic impact figure for a convention attendee, a leisure traveler, etc. That is overlaid with information from the National Association of Sports Commission regarding what a sports team brings to a community, overlaid with the Dean Runyan Report which is specific to Washington State as well as the Smith Travel Research Report that reports average daily occupancy rates and revenue for hotels in Snohomish County.

Councilmember Nelson referred to the report that overnight visitors spend four times the amount a day visitor does and asked how that data was tracked. Ms. Spain answered that data is provided by Dean Runyan & Associates, the company that provides visitor spending information in Washington State; they have a proprietary method of determining spending.

Councilmember Nelson referred to the 4,577 requests for general information from ads and asked what they learn from the types of requests that can be applied moving forward. Ms. Spain answered those are requests for leisure travel information, requesting a print visitor guide or a special interest guide. With regard to meetings, events and groups, they are constantly learning what they are looking for with regard to convention space, field space, court space and targeting their efforts to those that can be accommodated.

Councilmember Tibbott asked what cities in Snohomish County receive most overnight stays. Ms. Spain answered SCTB receives county data not individual city data. South county has more hotels than north county; Lynnwood has more hotel rooms than any other city in Snohomish County. Due to their location on the south end of the county, Edmonds, Bothell, etc. tend to receive overflow when when Seattle hotels are full.

Councilmember Tibbott asked what type of accommodations guests are seeking, whether it was 4 or 5 star hotels, bed & breakfasts, etc. Ms. Spain answered the Tulalip Resort is the only 4-star hotel in Snohomish County and has a very high occupancy rate, often pushing business to other hotels. All the other hotels in Snohomish County are 3-star. Airbandb and VRBO are beginning to impact the B&B market and hotel stays.

Councilmember Teitzel referred to the report that tourism spending in Snohomish County was up 1.8% and asked how that compared statewide. Ms. Spain offered to provide that information, noting state travel is also up.

Council President Johnson said she looks forward to this presentation every year and remembers Ms. Spain's mantra, tourism is economic development. Although she understood most of the information was aggregate to Snohomish County, she asked how Edmonds could increase sports tourism or general tourism to increase economic development. Ms. Spain said Mr. Doherty and Program Coordinator Cindi Cruz have held a series of workshops this spring with community members and Kitsap County and Lynnwood to develop partnerships. SCTB is a partner in those workshops and also participates to help those organizations work collectively and cooperative to get more bang for buck from their efforts.

With regard to sports tourism, Ms. Dunn recalled meeting with Parks & Recreation Director Carrie Hite about four years ago when they toured the City, looking for sports niche. She continues to look for unique events to hold in Edmonds. One possibility is a criterium, a downtown bicycle race, similar to the race in

Ballard. That requires finding the right event owner and working with the City. The SCTB has a great relationship with Edmonds Parks.

With regard to Ms. Spain's comments regarding the impacts that Airbandb and VRBO are having, Councilmember Mesaros suggested rather than viewing those as something taking away, it is a shift in how people around the world think. He suggested considering how to track and encourage it. Ms. Spain said Airbandbs began collecting room tax within the last couple months. Until that time, SCTB was not promoting them at all because they were taking away. She referred to a meeting this morning with east Snohomish County, which is woefully short of lodging opportunities, to determine how many Airbandbs and VRBOs are operating in that area. There is an effort to contact Airbandbs and VRBOs to establish a list and promote them on the website.

Councilmember Buckshtnis commented the brochures are fabulous.

5. AUDIENCE COMMENTS

Hank Landau, Edmonds, a member of the Edmonds Bicycle Group and the Mayor's Climate Change Committee, reported there were a number of events last month which was Bicycle Month. He thanked the City and staff for all they have done to support those programs. Six years ago he requested Council support for the Basics of Bicycling Program, intended to teach young children in the Edmonds School District how to safely ride bicycles to improve safety, improve health, reduce obesity and diabetes and interact better with traffic. Edmonds and several surrounding communities endorsed the program; fundraising followed with cooperation from the Edmonds School District Cascade Bicycle Club and the Edmonds Bicycle Group and with financial support from donors including the Hazel Miller Foundation and Verdant. The program has served thousands of children to date and is currently serving 15 elementary schools, 4 middle schools and they hope to go to the high schools soon to train for bicycle races. He gave special appreciation to the PE teachers who implement the program. Another program the City has been instrumental in is Bike to Health, formerly Bike-Link, which promotes interconnectivity and improvements to routes that connect Edmonds to surrounding communities. City staff has also been very supportive of Safe Routes to Schools; the City has successfully obtained grants for sidewalks and walkways leading to schools including 220th Street, 228th, and 238th. He thanked the City for their support on Bike Everywhere Day.

Roger Hertrich, Edmonds, commented it was nice to see the new arrangement on the dais. Next, he recalled the Council approved a moratorium on crumb rubber but it has a short life. To educate the Council about new information related to crumb rubber, he suggested contacting the principals of the citizen groups who provided comment to Council and ask them to give a presentation regarding what's new in crumb rubber, new regulations, organizations that have decided stop using crumb rubber, etc.

6. PUBLIC HEARINGS

1. PUBLIC HEARING ON THE 2017-2022 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Transportation Engineer Bertrand Hauss presented the 2017-2022 Six-Year Transportation Improvement Program (TIP):

- RCW requires that each city update their TIP by July 1
- Document contains all significant transportation projects that a city possibly plans to undertake in next six years
- City of Edmonds policy: TIP financially constrained first three years
- Federal grants, state grants and local funds are programmed as revenue sources for TIP projects

He identified completed/soon to be completed project in 2016:

- 220th St. SW Overlay from 84th Ave. to 76th Ave
- 228th St SW Corridor Safety Improvements
- Hwy 99 Lighting (Phase 3) 220th St SW to 212th St SW
- 238th Street SW walkway from 100th Ave W to 104th Ave W
- Citywide protective/permissive left turn traffic signal conversions

He reviewed scheduled construction projects in 2017:

84th Ave W Overlay from 220th St SW to 212th St SW

- Project Description
 - Pavement overlay
 - Curb ramp upgrades
 - Mid-block crossing improvements (near Chase Lake Elementary)
 - New project in TIP
- Funding
 - Federal Grant \$691,000
 - Local \$249,000
- Schedule
 - Design Spring '17
 - Construction Summer '17

76th Ave W @ 212th St SW Intersection improvements

- Project description
 - Add left turn lane for NB and SB movements on 76th Av. W
 - Add right turn lanes for SB, NB, and EB movements
 - Improve intersection delay
 - Add bike lanes / wider sidewalk
 - Various utility upgrades (including conversion of overhead utility lines to underground)
- Schedule
 - Start of Construction July '16
 - Construction Completion Spring '17
- Funding
 - Estimated total project cost
 - Design \$582,000
 - ROW \$789,000
 - Construction \$4,966,000
 - Funding sources
 - Federal Grant secured: \$3,960,000
 - Local Funds (Fund 112, Utility): \$2,377,000

Trackside warning system/quiet zone at Dayton St & Main St Railroad Crossings

- Project description
 - Install Wayside Horns at (2) Railroad Crossings to reduce noise level (within Downtown Edmonds) created during daily train crossings
- Schedule
 - Construction completion 2017
- Funding
 - General Fund Transfer: \$300,000

236th St SW Walkway from SR-104 to Madrona School

- Project description
 - 600 feet of sidewalk along 236th St from SR-104 to school entrance
 - Pavement Overlay
 - Bicycle sharrow markings

- Stormwater upgrades
- Schedule
 - Completion of Design 2016
 - Construction Completion 2017
- Funding
 - Secured Safe Routes to School grant \$494,000
 - Local Funds (Fund 422) \$250,000
 - General Fund: \$202,000

Citywide Bicycle Improvements (formerly known as Bike-Link)

- Project description
 - Complete critical missing links of bicycle's network (bike lanes / sharrows in Lynnwood, Mountlake Terrace, and Edmonds)
 - Bicycle route signage and parking at key locations
 - Bicycle education and outreach
- Status/Schedule
 - Design Completion Fall 2016
 - Construction Completion Spring 2017
- Funding
 - Secured Verdant grant (Lynnwood, MLT, and Edmonds)
 - \$1.9 Million (~ \$737,000 allocated to Edmonds)

Other projects in 2017-2022 TIP

- New projects / not identified in 2016-2021 TIP
 - Corridor Intersection/Improvements
 - Hwy 99 from 216th St SW to 224th St SW
 - Pavement rating study
 - Determine future overlay projects (based on pavement condition of all City Streets)
 - Previous study completed in 2013
 - Citywide pedestrian crossing enhancements
 - 9 crossings
- Preservation / safety / capacity projects
 - Annual street preservation (REET & General Fund)
 - Signal upgrades
 - Puget Dr. @ OVD (2020– 20201)
 - 238th St. SW @ 100th Ave. W (2020)
 - Main St. @ 3rd Ave. (2021 – 2022)
 - Intersection Improvements
 - 220th St. SW @ 76th Ave. W (2017 – 2020)
 - 196th St. SW @ 88th Ave. W (2020-2022)
 - Hwy. 99 @ 212th St. SW (2020–2022)
 - Hwy. 99 @ 216th St. SW (2020-2022)
 - Hwy. 99 @ 220th St. SW (2020-2022)
 - SR-104 @ 95th Pl. W (2020-2021)
 - SR-104 @ 238th St. SW (2020-2021)
 - Non-motorized transportation projects
 - Sunset Ave. (2017-2020)
 - 4th Ave. Corridor Enhancement Walkway (2020-2022)
 - Walkway projects near schools / parks
 - Maplewood Dr. Walkway (2017-2020)
 - Elm Way Walkway (2017-2019)
 - Walnut St. Walkway (2020)
 - Short Walkway projects

- 2nd Ave. S from James St. to Main St. (2020)
- 216th St. SW from Hwy. 99 to 72nd Ave. W (2020)
- Minor Sidewalk Program (2017-2022)
- ADA Curb Ramp Improvements (2017-2022)

Mr. Hauss provided a summary of secured transportation grants over the last four years:

Project Name (year grant secured)	Grant Type	Total Grant Amount
228 th St SW Corridor Improvement project (2013)	Federal/State	\$ 5,934,000
236 th St SW, 238 th St SW & 15 th Ave W Walkway projects (2013)	Federal/State	\$ 1,459,000
ADA curb ramp upgrades along 3 rd Ave S (2013)	Federal	\$ 90,000
School Zone Flashing Beacons (2013)	Federal	\$ 37,500
Bike-Link (2014)	Local	\$ 737,000
220 th St SW Overlay from 84 th Ave to 76 th Ave (2014)	Federal	\$ 780,000
76 th Ave @ 121th St Intersection Improvements (2014)	Federal	\$ 3,020,000
Waterfront At-Grade Crossing Study (2015)	State	\$ 500,000
238 th Walkway from SR104 to Hwy 99	State	\$ 348,000
84 th Ave W Overlay from 220 th St SW to 212 th St W (2016)	Federal	\$ 691,000
Total Amount		~\$13,500,000

He provided a summary of recently submitted transportation grants:

Project	Grant Type	Total Request
80 th Ave W Walkway from 212 th to 206 th	Pedestrian and Bicycle	\$ 210,000
Maplewood Dr Walkway from Main to 200 th	Pedestrian and Bicycle	\$ 230,000
Elm Way Walkway from 8 th to 9 th	Safe Routes to Schools	\$ 789,000
Citywide Pedestrian Crossing Enhancement	Safe Routes to Schools	\$ 1,310,000
Edmonds Multimodal Grade Separation Project	FAST Act	\$79,390,000
Total Request		\$81,929,000

Mr. Hauss relayed staff's recommendation that the City Council approve the TIP.

Councilmember Buckshnis relayed compliments she has received about the 228th project. She inquired about the upgrade to traffic signals such as at Puget Drive & Olympic View Drive. Mr. Hauss answered the signal at Puget Drive/Olympic View Drive signal is on a span wire and has no mast arms; the existing signal would be upgraded to install mast arms on all approaches. The signal poles are 25-30 years old and need to be upgraded.

Councilmember Buckshnis inquired about the Safe Routes to Schools grants. Mr. Hauss referred to a list of non-motorized transportation project list, advising they are either Safe Routes to Schools or Pedestrian and Bicycle program grants. For Councilmember Buckshnis, Mr. Hauss identified walkway that were funded with federal Safe Routes to Schools grants and State TIB grants.

Councilmember Teitzel referred to the Pavement Rating Study, recalling one of the highest priorities in the Strategic Action Plan (SAP) was the pavement condition. He asked if the Pavement Rating Study will be completed in 2017. Mr. Hauss answered yes, it takes about six months to complete. Councilmember Teitzel asked if it would consider all the streets in Edmonds. Mr. Hauss answered yes. Councilmember Teitzel asked what effect the study will have on prioritization decisions. Mr. Hauss answered the study will provide a pavement condition index (PCI) of 0-100 for minor arterials, collector and local streets. The City will prioritize repaving based on the PCI as well as citizen requests/complaints. Councilmember Teitzel commented there are numerous projects on the TIP with large numbers but it is difficult to determine what is front loaded. Citizens prioritized streets in the SAP and the City stopped maintaining its

streets during the recession. He favored front loading the schedule to address streets. Public Works Director Phil Williams said the PCI is one piece of information used to identify pavement priorities. There are other considerations such as where utility work is being done; operations and engineering staff and the PCI are used to determine the best investments each year.

Councilmember Nelson said the wayside horns were originally planned in 2016 but are now into 2017. Mayor Earling said he was also surprised by that change. Mr. Williams commented where that got high centered was with the railroad. He explained passenger trains, which fit between the two crossings (freight trains do not) always stop at the station. For example, a northbound crossing Dayton will sound their horn manually, the signal arms operate automatically, the train slows and stops at the station. The train reaches the triggering point on the track for the Main Street station before it comes to a complete stop at the station which brings the signal arms at Main down briefly until the train completely stops and the signal arms go up until the passenger train is loaded. Once the train begins moving, the signal arms go down again. The current option given to the City for triggering the wayside horns is the same signal that operates the signal arms. That would mean every time a passenger train comes through there would be two sets of horns for 17 seconds each, in this example at Main for a northbound train or at Dayton for a southbound train.

Instead of increasing the number of horn blasts, staff is trying to keep them the same, quieter but the same number. The City and the railroad are trying to determine if the railroad can reprogram their signal cabinets to accomplish that. If the railroad can't, and to date that is the answer that has been given, he will return to Council to inquire whether to proceed with the project. His recommendation would be to proceed but that would be a glitch in the system. The railroad has not yet provided a firm answer, hence the expectation the project will be extended into 2017. Mayor Earling said he knew of the technical problem but not the delay in the project to 2017. Mr. Williams said it may be done in 2016 but this issue would need to be cleared up quickly for that to happen.

Councilmember Mesaros relayed his neighborhood is very concerned about the timing and strongly anticipate the project being concluded. When a passenger train is in the center between Dayton and Main, the gates open at Main for a southbound train and the horn will stop once it passes through. He asked if the Main Street crossing would be activated as the train passed through Dayton. Mr. Williams answered it would not impact the Main Street gates but there would be two sets of horn blasts at Dayton if the train is traveling south. Northbound there would only be one horn because the train is moving and it will hit the trigger point south of Dayton, bringing the signal arm down and activating the horn when the train comes into the station. The first signal the train arrives at would work normally; the second horn would also be activated due to the proximity. Councilmember Mesaros asked how many passenger trains travel through Edmonds each day. Mr. Williams answered 12.

Councilmember Teitzel said the citizen's expectation is that this project will reduce the amount of noise from horns within hearing distance of the tracks. He asked if it was possible after the project is complete there would be the same or more horns in a 24-hour period. Mr. Williams answered there would be more horn blasts heard locally unless the railroad provides a different answer. The number of people in Edmonds that hear the train horns will be reduced dramatically either way. For those closest to the crossings, the experience would not be much different. Of 40 trains per day, 12 are passenger trains which will have twice as many horn blasts as before, that is an outcome the City would rather avoid so are trying to get that changed. The ferries, beaches, and other places close to Main would still be within the 92 decibel footprint but that is a much smaller footprint than before although there would still be noticeable noise near the crossing. Councilmember Teitzel summarized more horn blasts could be expected for passenger trains but the distance they were heard would be reduced.

Mayor Earling opened the public participation portion of the public hearing. Hearing no comment, Mayor Earling closed the public hearing.

As the TIP does not need to be submitted until July 1, Council President Johnson suggested discussing it at the next study session and taking final action the following week.

7. **ACTION ITEMS**

1. **CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTION 853 REGARDING THE TAKING OF MINUTES/NOTES IN EXECUTIVE SESSION**

City Clerk Scott Passey explained this was originally presented to Council on May 10 with rationale, implication and impacts. Council directed staff to bring it back May 24 to allow time for public comment. One public comment was received opposed to the idea of no longer taking minutes/notes in executive session. Following discussion at the May 24 meeting, Council directed the City Attorney to prepare a resolution repealing Resolution 853 that requires taking executive session minutes. The draft resolution is included in the packet.

City Attorney Jeff Taraday explained the whereas clauses in the resolution add additional detail. One of the points in the whereas clauses that he may not have clearly explained previously was it has been suggested with regard to executive session notes that involve a level of attorney client privilege, the Council could take affirmative action in the future to over waive that attorney-client privilege so the public could read the executive session notes. The issue with that is under the rules of evidence when a party takes a deliberate action to disclose privileged material, the party cannot strictly confine the extent of that disclosure in the way they may think. In other words, by making deliberate disclosure of executive session notes on a particular lawsuit, the Council may be waiving much more than just the content of the executive session notes; they may be opening the door to allow for other privileged material to be released as well by court order.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCIL PRESIDENT JOHNSON, TO APPROVE RESOLUTION 1360, RESCINDING RESOLUTION 853.

Councilmember Mesaros said the Council has created an atmosphere that minutes are being kept but they are actually notes because the Council never reviews, corrects or approves them. That has given the public an unreal impression and he felt it was time to stop doing that. In addition, both the City Clerk and City Attorney have informed that few organizations kept minutes/notes and the only other they could find was the Port of Seattle. Further, the Council does not make decisions during executive session; decisions are made during an open public meeting. He expressed support for this action.

Councilmember Tibbott agreed with Councilmember Mesaros comments. In conversations with various members of the public, he assured the Council only discussed topics that qualified for executive session; those eight topics are listed in the packet. The Council also states in advance the topic for the executive session. He recommended any time an executive session topic arises at a Council meeting that the Council inform the public that it was previously discussed in executive session. He also requested the Council commit to a robust discussion regarding anything that was previously discussed in executive session. There may be an impression that because a topic has been discussed in executive session, it is not fully discussed in public. He assured that has not been practice; anytime a topic comes to a public meeting, there is a robust discussion of issues. The City is well-served by allowing Councilmembers to have confidential discussions in executive session. He committed to citizens any time an executive session item comes to a public meeting, that the public be informed and the Council have a robust discussion.

Councilmember Teitzel also expressed support for rescinding Resolution 853. The Council does not review the notes so they are archived and rarely subsequently reviewed. The Council has an obligation to its citizens to analyze the cost/benefit; it costs the City a great deal to take notes and archive them, time that could be spent responding to appropriate public records requests for example. For those reasons, he supported discontinuing the practice of taking notes in executive session.

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

8. STUDY ITEMS

1. UPDATE ON THE EDMONDS WATERFRONT ANALYSIS

Rick Schaefer, Tetra Tech, displayed an aerial photograph of the waterfront and identified the purpose and need for the Waterfront Analysis:

- Safe and reliable access to the entire waterfront area by emergency responders
- Ferry loading and unloading
- Access to the waterfront area by people driving, walking or biking
- Ferry, rail and bus connections

He displayed the schedule and described how the alternatives will be studied, identifying five study milestones, technical analysis steps and ways to be involved. The Level 1 screening of the solution concepts has been completed and the analysis is advancing into the Level 2 evaluation of more comprehensive alternatives. A fourth public meeting will be held at the conclusion of the Level 2 analysis to review the outcomes of the evaluation and the recommendations. He anticipated recommendations will be presented by September.

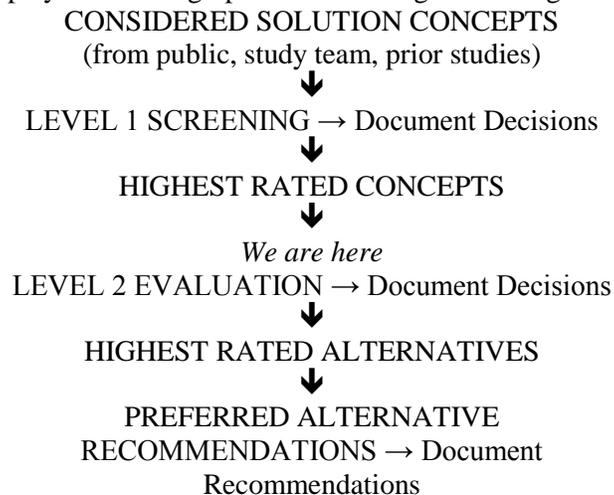
He described how rail traffic affects access:

- Gate closures at Main Street and Dayton Street crossings
 - 37.5 closures average per day
 - 80 minutes average per day (5.5% of the day)
 - 2:12 average closure duration (3:54 for unit trains)
- At Main Street crossing (daily average):
 - Vehicles delayed (84%) ferry traffic
 - 709 delayed by closures
 - 28.7 vehicle-hours
 - Pedestrians Delayed
 - 115 delayed by closures
 - 4.7 person-hours
 - 10-11 people/day crossing under/around gates
 - Over 10 ferry loadings/off loadings affected daily
- Three extended closures since the study began last fall
- 50-100% increase in number of trains passing through Edmonds daily in next 15 years (primarily through freight traffic)
 - BNSF's installation of second track has the potential to mitigate amount of closures

Mr. Schaefer displayed a graph of response time for emergency calls across the tracks (Fire District 1 records July 1, 2010 – December 8, 2015)

- 277 incidents
- 64 had response times of 7 minutes or longer
- Variety of causes for delays

He displayed graphs of hourly distribution of emergency calls west of tracks and average number of Main Street gate closures. He displayed another graphic of the 2-stage screening/evaluation process:



He displayed a graphic of the initial 51 concepts that included:

- Overpass solutions
- Underpass solutions
- On-site solutions
- Operational solutions
- Railroad modifications
- Ferry facilities modifications

He reviewed Level 1 concept screening criteria that were screened as to yes, somewhat, not very well, with challenges, no-fatal flaw:

1. Does the concept improve reliable emergency response to the west side of the railroad?
2. Does the concept reduce delays to ferry loading/unloading of vehicles?
3. Does the concept reduce delays and conflicts at street-railroad crossings for people walking, biking or driving?
4. Does the concept provide safe and efficient passenger connectivity between available modes of travel?
5. Is the concept feasible to implement?
6. Does the concept avoid creating social and/or economic impacts?
7. Does the concept avoid negative environmental effects

Mr. Schaefer displayed a sample Level 1 Rating sheet of the overpass solutions that identified projects that would/would not be advanced to Level 1. The concepts were reduced in the Level 1 screening from 51 to 6 early recommendations and 13 concepts that were combined into 10 alternatives for consideration in the Level 2 process. He reviewed the 6 early recommendations from Level 1:

- Recommend City advance independently
 - Crosswalk improvements at Main Street/Railroad Avenue (Onsite 4)
 - Crosswalk improvements at Dayton Street/Railroad avenue (Onsite 5)
- Recommend City advance with BNSF
 - Emergency notification to stop trains outside of Edmonds (Operational 4)
- Recommend local agencies create/implement a Waterfront Emergency Evacuation Plan
 - First aid training for waterfront staff and residents (Onsite 1)
 - Helipad operational planning (Onsite 3)
 - Tsunami evacuation plan (Operational 7)

He identified the Level 1 outcomes – 13 advancing concepts, consolidated into 10 alternatives:

Level 1 Concepts →	Level 2 Alternatives
Overpass 1	Admiral Way Pedestrian/Emergency Vehicle Overpass
Overpass 4B	Dayton Street Pedestrian/Emergency Vehicle Overpass
Overpass 9	Edmonds Street Pedestrian/Emergency Vehicle Overpass
Overpass5/Onsite 2	Midblock Pedestrian Overpass, with stationed equipment
Overpass7A/Onsite 2	Main Street Pedestrian Overpass, with stationed equipment
Underpass 4/Onsite 2	Main Street Pedestrian Underpass, with stationed equipment
Ferry4/Ferry8	Main Street Ferry Overpass 1
Overpass 6	Main Street Ferry Overpass 2
Underpass1/Ferry 5	Main Street Ferry Underpass
Ferry3	Dayton Street New Ferry Terminal

He provided a map identifying the location of the above Level 2 alternatives:

- Pedestrian/bicycle/emergency vehicle
 - Admiral Way Overpass
 - Dayton Street Overpass
 - Edmonds Street Overpass
- Pedestrian/Bicycle
 - Mid-block overpass (pedestrian/bicycle)
 - Main Street overpass
 - Main Street Underpass
- General traffic/pedestrian/bicycle
 - Dayton St New Ferry Terminal
 - Main Street Ferry Overpass 1 (Full Build)
 - Main Street Ferry Overpass 2 (Minimum Build)
 - Main Street Ferry Underpass

Mr. Schaefer reviewed the Level 2 Alternative Evaluation Criteria:

- Purpose & Need
 1. Reliable emergency response
 2. Reduce ferry delays
 3. Reduce delays and conflicts at crossings
 4. Safe/efficient passenger connections
- Other Function
 5. Emergency evacuation
 6. Urban design and community goals
 7. Consistent with transportation operations
- Implementation
 8. Fundable and permittable
 9. Temporary construction impacts
 10. Environmental effects
 11. Address sea level rise impacts

He provided information regarding the three public meetings held to date:

- November 18
 - 116 attendees
 - 326 online visits
 - 259 unique visitors
 - 54 comment submittals

- January 27
 - 83 attendees
 - 38 newcomers
 - 175 online visits
 - 131 unique visitors
 - 33 comment submittals
- May 12
 - 58 attendees
 - 28 newcomers
 - 268 online visits
 - 191 unique visitors
 - 20 comment submittals

Councilmember Tibbott recalled at the May 12 public meeting, he asked WSDOT representatives how often traffic has been a problem for loading ferries. Their response was it was minimal, they have an over 90% on-time schedule. This raised the question to him how necessary it was to have a solution for loading ferries when it did not seem to be a problem; the primary issue was emergency, pedestrian and bicycle access. Mr. Schaefer agreed there was some slack in the ferry schedule; they eliminated some sailings providing more turnaround time and ability to absorb delays. However, traffic is increasing and they may add sailings reducing the turnaround time which could increase delays. Mr. Williams commented the Director of Ferries and the Regional WSDOT Director are members of the Task Force, and several other Ferries representatives attend Task Force meetings; WSDOT is very interested in this project. He recalled WSDOT totally supported Edmonds Crossing which was a very large project that ended up being too expensive. The net effect of Edmonds Crossing would have been to allow loading/unloading of ferries without interference from the railroad. He did foresee any lack of commitment on WSDOT's part, they would like to have the problem of the train tracks removed. WSDOT just started their long range ferry plan, and this analysis will coordinate with their planning efforts.

Councilmember Tibbott relayed his understanding of Mr. Williams' comments that WSDOT would prioritize a vehicle crossing in addition to pedestrians and emergency access. Mr. Schaefer answered yes, noting Ferries anticipates costs for rehabilitating the existing terminal and some of those costs may be avoided as part of one of the alternatives. Mr. Williams commented any of larger projects will require State funding partners such as the Ferries Division as well as Transportation. He recalled the State as well as federal transportation funds were the primary contributors to Edmonds Crossing; he expected that same commitment to any large project that Edmonds sought to develop. At some point the City will have guided the project to a point where consensus has been achieved locally and with the State; he did not see the City delivering a project of this size locally, the State would end up taking on the project therefore it needed to be one they were enthusiastic about.

Councilmember Buckshnis referred to the hourly distribution of emergency calls and gate closures for a period of five years, not one year. She asked whether the emergency was defined or whether they were 911 calls. Mr. Schaefer answered they were 911 calls which are primarily emergency medical. He learned last week in a meeting with FD1 that they did not include calls to Marine 16 in this data which total about 40-50/year, doubling the number of calls shown in the graph. Mr. Williams commented it was difficult to use the boat moored at the marina if personnel are unable to reach it, noting it was similar to having an engine on other side of the tracks, the key is the ability for personnel to reach it.

Councilmember Buckshnis recalled Edmonds Crossing was a pie in sky because the plan was to get rid of the Mukilteo dock. Now that a new dock is being constructed at Mukilteo, she did not foresee WSDOT having the money to move the ferry terminal.

Councilmember Mesaros referred to the map of options and asked for a description of the Admiral Way overpass and the merits of that location. Mr. Schaefer said although it may seem out of the way for emergency response, it is a distinct location and it is screened from view or back-dropped visually by hillside. It can drop into the Port property which may provide flexibility for a landing. It would follow the Unocal access road along the bottom of the hill, climb to an overpass structure, clear the to-be-relocated Willow Creek and the railroad and drop down into the edge of Port parking area. Councilmember Mesaros asked whether it would have pedestrian access. Mr. Schaefer said it would be routinely used for pedestrian and bicycle access and could accommodate an emergency vehicle when necessary.

Councilmember Mesaros commented another benefit of that alternative is the ability to circumnavigate the marsh. Mr. Schaefer said the ability to tie it into the trails, through marina and Marina Beach Park was identified as a community amenity. Mr. Williams said the same could be said for the Edmonds Street alternative; it would be available for emergency vehicles to provide aid on the west side of the tracks as well as allow pedestrians and bicycles to access waterfront amenities. Councilmember Mesaros commented that alternative did not circumnavigate the marsh. Mr. Schaefer said the grades in all alternatives provide ADA access.

Councilmember Teitzel asked if the Dayton Street Overpass would require Port property and demolition of existing buildings. Mr. Schaefer agreed it would require some property but would not require any demolition. It would launch from the north side of Dayton along the edge of the Salish Crossing property, climb over the parking area south of the rail station, diagonally over the intersection and drop into the Port property behind their sign. It would encroach into the yard area of new Jacobson Marine but would not impact their building.

Council President Johnson commented one of the advantages of this presentation is it gives the public an opportunity to hear everything that has been considered to date, especially those not able to attend public meetings or visit the website. She asked where the Level 2 evaluation criteria were firm. Mr. Schaefer answered they were drafted and presented to the community at the last meeting. Some comments were received although fewer than at past meetings which is the reason the online open house was extended an additional week and another notice issued.

Council President Johnson observed the language on the working draft page and the criteria were similar but not exactly the same. Mr. Schaefer advised the language on the working draft had to be more brief; the language on the working draft page is not the criteria, it is the purpose and need. He pointed out there are multiple components of each criterion. In Level 1 the consultant team did the first assessment against the criteria which was then validated by the Task Force. In Level 2 the consultant team is providing information and the Task Force is taking the first cut at the rating.

Council President Johnson offered to provide Mr. Schaefer send her notes. She recalled an operational issue that has been discussed intermittently over the last 10 years was having a ferry reservation system on the Edmonds-Kingston route. She suggested that be considered in this effort.

Councilmember Nelson (Co-Chair of the Task Force) recognized how hard the Task Force and and Mr. Schaefer have been working.

Mayor Earling declared a brief recess.

2. **DISCUSSION OF WHETHER TO CONTINUE CITY'S PRACTICE OF CONDUCTING QUASI-JUDICIAL LAND USE HEARINGS**

Senior Planner Kernan Lien said this topic was discussed at the retreat and the May 10 Council meeting. Currently, there are three ways a land use action can come before the City Council for a quasi-judicial

decision under a closed record review: 1) site specific rezone, 2) appeal of Type III-B decision (ADB or Hearing Examiner), and 3) public agency variance request. The Woodway Playfields quasi-judicial hearing was an appeal of a public agency variance request.

The three issues the Council requested further information on included, 1) the history of quasi-judicial decisions before the Council, 2) recent decisions by the Council, and 3) what other jurisdictions are doing. With regard to the history, Mr. Lien explained the current code framework was established in 1980 and since then the City Council has been doing quasi-judicial hearings for appeals of Hearing Examiner, ADB and public agency variance requests. Prior to that time, the City had a Board of Adjustment, a 7-member board that heard variances, condition use permits, etc., things the Hearing Examiner now hears. Decisions of the Board of Adjustment went to Superior Court.

In 2009 the City established the current process framework, Type I through V permits. At that time there was considerable discussion regarding the Council's involvement in the quasi-judicial decision process. Discussion was focused primarily on the Type III-B decisions by the Hearing Examiner and ADB. He referred to minutes from the 2009 update that were emailed to Council today. Also included in the packet, Exhibit 3, is a list of pros and cons prepared by Rob Chave in 2009 regarding Council involvement in quasi-judicial decisions.

When the Title 20 update was passed in June 2009, Hearing Examiner and ADB appeals were taken out of the City Council and became appeals to Superior Court. At the first Council meeting in January 2010, an interim ordinance was passed that again inserted the Council into closed record appeals. The discussion at that time did not focus on rezones or public agency variances, only appeals and whether to have oral or written arguments to Council on appeals as it is easier to track whether something is in the record when the record is written versus oral. A permanent ordinance was passed in September 2010.

Mr. Lien reviewed quasi-judicial decisions since 2010 in the 3 categories:

- Seven site specific rezones
 - Planning Board makes recommendation to City Council
 - Council upheld 6
 - One was denied on a 3-3 vote

Four public agency variance requests

- Council approved most requests
- Woodway Playfields was more complex and included five permits
 - Hearing Examiner recommended denial of two
 - By the time it reached the Council, the School District withdrew those two
 - Council essentially upheld Hearing Examiner decision and added a few conditions of approval to the Hearing Examiner's recommendation
- Type III-B decisions
 - Four projects
 - 5 appeals (Building 10 appealed to City Council twice)
 - 2 reversed
 - Regarding Building 10, the City Council reversed the ADB decision and a critical area variance request

With regard to other jurisdictions' quasi-judicial procedures, Mr. Lien referred to Exhibit 4, explaining most jurisdictions have a quasi-judicial process for site specific rezones. Some include an appeal to City Council from the Hearing Examiner, others do not.

Councilmember Mesaros asked how many times a City Council decision has been appealed to Superior Court. Mr. Lien answered in the last 10 years, Building 10 and Woodway Playfields were appealed to

Superior Court. There was a settlement agreement for Building 10 so no decision was issued and the City prevailed with regard to the Woodway Playfields. City Attorney Jeff Taraday explained the court never ruled on Building 10 decision so it was unknown whether the Council's decision would have been upheld had the court ruled. That project was of a magnitude that had the Council's decision not been upheld, there could have been real damages resulting from that application process.

Councilmember Teitzel recalled the Council previously discussed the cost to appeal a decision to Superior Court versus to the City Council. Mr. Lien answered the fee for an appeal of a Type III-B decision to City Council is \$500. Mr. Taraday said the filing fee for Superior Court is \$250; the cost could be much more if the appellant hired an attorney.

Councilmember Buckshnis recommended the Council read the 2009 minutes. She commended Mr. Lien for his research and for summarizing it for the public.

Councilmember Mesaros commented there could also be attorney costs for an appeal to City Council if the appellant chose to hire an attorney.

Councilmember Nelson thanked Lien for the summary. He recalled going through one public agency variance request and found the information regarding other decisions very comprehensive and helpful.

Council President Johnson commented there is also a cost to the City Council for the more elaborate appeals that come to the City Council. For example, Burnstead and Building 10, the City engaged separate counsel for the City Council at a cost of approximately \$5,000 per case. There is also the expense of time; they were not easy decisions and required many meetings. She said it makes sense for some quasi-judicial proceedings to come to the City Council, those that are quick and efficient. However, for the ones that seemingly take endless amounts of reading, study and evaluation, she preferred they go to Superior Court because they usually end up in Superior Court anyway. She asked if a distinction could be made in the Type III-B decisions between large and small application. She recalled two of the Type III-B decisions were very small involving one property and two were very large and required tremendous time and effort. Mr. Taraday said the City probably could distinguish; there would need to be criteria established in advance for distinguishing between them. For example, the current categories of decisions are not the universe of possible categories. One category the City Council is stuck with hearing is site specific rezones.

Council President Johnson referred to the risk associated with Council serving in a quasi-judicial capacity; if the City lost in an appeal to Superior Court, the City would be responsible for much more than just the filing fee. Mr. Taraday explained the City could be required to pay damages if the City Council's decision was found to be arbitrary and capricious. In extreme cases Councilmembers as individuals can be held personally liable for decisions made when serving in a quasi-judicial capacity. In its legislative capacity, the Council has nearly absolute personal immunity. In a quasi-judicial capacity, there is the theoretical possibility of a personal liability lawsuit because the immunity is only qualified not absolute. For example, in the Mission Springs in Spokane Councilmembers were found not to be immune from the personal suit filed against them.

Councilmember Tibbott thanked staff for the synopsis the Council received this afternoon and suggested it be included in a future packet. Development Services Director Shane Hope agreed it would. Councilmember Tibbott recalled the Planning Board heard four quasi-judicial cases, three were straightforward and the questions Planning Board Members asked provided material for the City Council. One was more complex and the Planning Board needed more preparation to process it adequately. If the Council continued to hear site specific rezones, he asked if they would still go to Planning Board for a recommendation to City Council. Ms. Hope answered yes, the process would stay the same.

Councilmember Tibbott recommended providing Planning Board enough notice regarding upcoming hearings so they do not engage with a project before it comes to Planning Board to avoid tainting the process. He discussed this with two former Planning Board Members, one was in favor of the Council moving away from quasi-judicial reviews and the other was in favor of retain the Council in that role so he was able to see benefits on both sides, especially with rezones. If the Council continued to hear site specific rezones, he recommended identifying ways to improve the process; for example, inform the Council in advance so they do not engage with proponents or opponents.

Councilmember Tibbott preferred the Council not hear more extensive appeals. While on the Planning Board, he felt members were asked to provide input regarding topics they were not trained for. There was one lawyer on the Planning Board who was able to look at the issue from a legal perspective but other Planning Board Members were not. There are benefits from a diversity of views looking at a project and offers insight; however, on complex appeals that require a great deal of study, he preferred to delegate them to the Hearing Examiner or other body. Ms. Hope agreed the Planning Board needed to have the proper training; staff has been more proactively recently in helping the Planning Board understand their role and legal requirements. Staff will consider how to distinguish between small and large projects for example according to the value of the project, property size, etc.

With regard to whether the Planning Board would continue to make recommendations to the City Council regarding rezone, Mr. Taraday said they could but they do not have to; it could be done by the Hearing Examiner.

Quoting Councilmember Councilmember Nelson, Councilmember Mesaros said citizens elected Councilmember to primarily be legislators, not judges. The skill set Councilmembers bring to the Council is for pondering legislative opportunities and making choices for citizens; serving in a quasi-judicial role puts the Council in a difficult position, a role they not be as equipped for.

Councilmember Nelson asked Mr. Taraday to explain qualified immunity versus absolute immunity, pointing out if Councilmembers are making decisions for which they are personally liable, they need to know what that entails. Mr. Taraday offered to provide a more in-depth analysis in writing. With qualified immunity, a Councilmember is not as fully protected personally from a suit; although there is a decent chance of having a suit dismissed, in extreme case a Councilmember could have personal liability. The prospect of a Councilmember being sued is not just a theoretically possibility; a Councilmember was named in the Building 10 lawsuit.

Councilmember Teitzel said he was also concerned about the Council's skill set to serve judges. It gives him pause personally to act in quasi-judicial fashion, reviewing the record to determine whether an Administrative Law Judge or Hearing Examiner made a legal error. He felt ill equipped to make that decision as he was not an attorney and wanted to avoid being in that role in the future. He agreed the Council could be involved in site specific rezones.

3. TITLE 19 BUILDING AND FIRE CODE UPDATES

Development Services Director Shane Hope introduced Building Official Leif Bjorback and Fire Marshal Kevin Zweber. She referred to a pile of books that represented thousands of pages; the ordinance summarizes key changes made to the code based on State requirements. Following the presentation and Q&A, she requested the ordinance be forwarded to the Consent Agenda.

Mr. Bjorback explained every three years the International Building Code (IBC) is updated and republished by the International Code Council. The IBC is a family of codes including commercial, residential fire, plumbing, energy, etc. that are used in most areas of the country including the State of

Washington. The codes are adopted with certain changes at the State level and mandated by RCW 19.27 to be adopted and enforced by all jurisdictions within the State. The 2015 IBC along with the State amendments become effective statewide July 1, 2016. The proposed revisions to ECDC Title 19 will adopt the 2015 codes along with the State amendments. In addition, Edmonds-specific amendments are proposed to provide clarification as well as better coordination with other portions of the City code. No substantial changes to the Building or Fire Code are being proposed at this time.

Attachment C contains the ordinance text as proposed, including comments in the margin explaining the changes. The two main building codes in the City are the IBC and the International Residential Code (IRC). Mr. Bjorback reviewed:

- Changes to the IBC:
 - Total reorganization of Chapter 5 which identifies how big, tall a building can be and the requirements
 - Rewrite of Chapter 5, not many impacts to actual building construction
 - Accessibility requirements increased in scope and specifics, most significantly for recreational facilities (amusement rides, boat slips, swimming pools)
 - The Building Code and the Existing Building Code have had duplicate language regarding alterations to existing building such as remodels, change of occupancy, etc. In this update, the IBC dispensed with the chapter because it was duplicated in the Existing Building Code.
 - New appendix for solar readiness developed by State and available for voluntary adoption by jurisdictions with regard to solar zones on a roof, roof penetration, structural design, etc.
- Changes to the IRC:
 - Swimming pools for single family homes are now regulated by the International Swimming Pool and Spa Code. Regulations previously in an appendix in the IRC.
 - Expanded regulations regarding solar provisions, increased scoping, specific regulations regarding access and array
 - New provisions in energy code to accommodate State and Federal mandates for increased energy efficiency
- State amendments
 - Added definition of nightclub and improve safety requirements
 - Align with regulations for licensed care facilities and medical facilities and Department of Health
 - Accessibility
 - Energy code tweaks

Fire Marshal Zweber reviewed changes in the International Fire Code (IFC).

- Authorization can be given to begin emergency repairs without a permit and apply for permit the next business day
- Decorative open flame tables
- Compressed CO2 - Over 100 pounds requires alarm
- Local: Banned sky lanterns
- Fire code gives him authority make fire lanes wider, added authority to make smaller

Councilmember Buckshnis asked about construction in a designated floodway and the difference between a flood hazard areas, a floodway and a floodplain. Mr. Bjorback said a flood hazard area is the general term for all areas that flood; a floodway is related to a river or stream and any adjacent land area expected to be inundated in a flood event. The City has very few properties that are in floodways. Councilmember Buckshnis asked if the critical area ordinance would trump locating a house in floodplain. Mr. Bjorback answered he believed it would. After consulting with Mr. Lien, it was agreed to retain the language in the IBC.

Councilmember Teitzel recalled controversy in the past regarding the definition of director; in Section 19.10.020 director is defined as, director shall mean director of development services as well as any authorized representative of the director. Section 23.40.230 of the Critical Area Ordinance defines director as, director means the City of Edmonds development services director or his/her designee. He requested the definitions be consistent with the recently approved CAO. Ms. Hope said that could be done although it is a distinction without a difference, it would not be interpreted differently.

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

9. MAYOR'S COMMENTS

Mayor Earling reported on the unveiling of the spray pad; hundreds of people, mostly children, have been visiting the spray pad. It was a great opening as reported in an article in today's Herald. With regard to the Proclamation for Music4Life, he invited anyone with an easily restorable instrument to contact his office for contact information for Music4Life.

10. COUNCIL COMMENTS

Councilmember Nelson said he and his two children have visited the spray pad twice and they love it. Next, he referred to the oil train derailment in Mosier, Oregon, relaying the words of their fire chief that they dodged a bullet because they did not have the resources to equip themselves to address even a minor oil incident. Sixteen oil cars derailed carrying Bakken oil which has been documented to be more explosive than crude oil. Although the oil was being transported in modern, safer steel cars, 42,000 gallons of oil were released and it took 15 fire departments to put the fire out. Ten oil trains a week pass through Snohomish County carrying a million gallons of Bakken oil. In future discussions regarding fire services, he urged consideration of the risks that face the community and the necessary resources to respond.

Councilmember Teitzel reported on Sunday's presentation of a plaque to the North Sound Church designating the church on the local registry of historic places. The church appreciates the plaque and the designation and are excited to be on the local registry.

Councilmember Buckshnis agreed the community needs to be conscious about what is happening with oil and the takers. She thanked all involved for the wonderful Waterfront Festival last weekend. It was a fun, well attended event. She expressed appreciation to the Port for allowing the use of their property.

Council President Johnson announced Edmonds was selected by Western Washington University and AWC as a participant in Western's collegiate program. She listed the ten projects that the students will work on with the City during the next year:

- Sea level rise mitigation planning
- Edmonds Memorial Cemetery inventory and mapping
- Stella's Landing environmental assessment
- Public relations campaign for the 4th Avenue cultural corridor
- Zero waste and food waste programs
- Edmonds Mash environmental enhancement
- Wastewater treatment plant information brochure and tour materials
- Downtown business tourism local application
- Playful city initiative
- Green business program

A contract as well as further information regarding the projects will be presented to the Council in the near future. Council President Johnson reported installation of the art feature, Illuminous Forest, has begun on the 4th Avenue Cultural Corridor.

Councilmember Mesaros reported on the Memorial Day ceremony at the Edmonds Cemetery attended by Mayor Earling and Councilmembers Teitzel, Nelson, Fraley-Monillas, Johnson and himself. Approximately 400 people attended the wonderful ceremony, an event the City should be proud of. The highlight was a student essay.

Councilmember Tibbott reported on last week's Town Hall meeting at the Meadowdale clubhouse, an opportunity to hear about the City as well as the neighborhood's concerns which include the Haines Wharf residue. He was hopeful that could be addressed in the coming years.

Councilmember Tibbott referred to the arts magazine published by the Meadowdale High School Art Department depicting artwork by local high students including a drawing by City Clerk Scott Passey's son.

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 9:54 p.m.