

# EDMONDS CITY COUNCIL APPROVED MINUTES

## October 20, 2015

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

### ELECTED OFFICIALS PRESENT

Dave Earling, Mayor  
Adrienne Fraley-Monillas, Council President  
Diane Buckshnis, Councilmember  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember  
Joan Bloom, Councilmember  
Thomas Mesaros, Councilmember  
Michael Nelson, Councilmember

### ELECTED OFFICIALS ABSENT

### ALSO PRESENT

Ari Girouard, Student Representative

### STAFF PRESENT

Al Compaan, Police Chief  
Phil Williams, Public Works Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Deb Sharp, Accountant  
Brian Tuley, IT Supervisor  
Rob English, City Engineer  
Bertrand Hauss, Transportation Engineer  
Jen Machuga, Planner  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### 1. ROLL CALL

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

### 2. APPROVAL OF AGENDA

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.**

### 3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Petso requested Item B be removed from the Consent Agenda.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

- A. **APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF OCTOBER 13, 2015**
- C. **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM NATHAN GRAFF (\$763.14) AND PATRICIA RAMIREZ HALL (AMOUNT TO BE DETERMINED)**
- D. **INTERLOCAL AGREEMENT FOR EMERGENCY MANAGEMENT SERVICES**
- E. **RENEWAL OF CONTRACT FOR SERVICES WITH S. MORRIS CO**

**F. INTERLOCAL AGREEMENT FOR IN-SERVICE POLICE SKILLS TRAINING**

**G. SR-104 COMPLETE STREET CORRIDOR ANALYSIS**

**ITEM B: APPROVAL OF CLAIM CHECKS #216676 THROUGH #216779 DATED OCTOBER 15, 2015 FOR \$188,996.92**

Councilmember Petso reported she is working with staff regarding a question on the claims so she will abstain from the vote on this item.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE ITEM B. MOTION CARRIED (6-0-1), COUNCILMEMBER PETSO ABSTAINED.**

**4. PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH ~ YWCA WEEK WITHOUT VIOLENCE**

Mayor Earling read a proclamation declaring October 2015 as Domestic Violence Awareness Month and the third week of October as YWCA Week without Violence in Edmonds. Mary Anne Dillon, YWCA Senior Regional Director, Snohomish County, accepted the proclamation on behalf of the YWCA.

On behalf of the clients the YWCA serves, the YWCA staff and board of directors, Ms. Dillon thanked the City, the City Council and Mayor Earling for raising awareness about domestic violence via this proclamation. As the proclamation states, domestic violence affects all communities regardless of age, race, ethnicity, religion, ability, sexual orientation, gender, socioeconomic status and educational background and still one in four women in the United States are victims which means we all know someone who is a victim of domestic violence. She was grateful for the City's partnership and support of YWCA as they work together to build a stronger community and real solutions.

**5. AUDIENCE COMMENTS**

**Roslyn Bell, Edmonds**, stated her opposition to the crumb rubber field that has been installed as well as crumb rubber throughout the State of Washington. She was opposed to crumb rubber primarily because there are alternatives.

**Laura Johnson, Edmonds**, referred to precautionary principle which states when an activity threatens to harm health or the environment, precautionary measures must be taken. Precautionary principle is invoked whenever there is a serious threat or irreversible damage or when there is scientific uncertainty as to the extent of possible damage; crumb rubber presents this possibility. The majority of Councilmembers if not all are very concerned about the use crumb rubber on play and athletic fields. She thanked the Council for trying to change the outcome of the infill used on the Woodway fields, however, the School District was unwilling to consider alternatives. Today Mayor Earling told KIRO 7 that the City Council could ban the use of crumb rubber on athletic fields in the future. The Council now has the opportunity to ensure the City is never in this position again. Almost 1,000 citizens are requesting the Council ban the use of crumb rubber on play and athletic fields in the City of Edmonds. The Council can ensure nontoxic infill is used for all future fields by making it part of the Edmonds building code. The Council can ensure all future fields are non-toxic and safe to play on and not produce a toxic dust that is a health and environmental hazard.

Ms. Johnson said the City is at a crossroads on this issue; the Council can continue to thank citizens for raising awareness and cheer them on or take real action and it can act on this request. She asked which side of history Councilmembers wanted to be on when the science finally comes in and it is known for a fact that crumb rubber has harmed the health of millions and that the environment has been polluted; the

side of those who took a wait and see approach or the side of those who decided to look at the overwhelming potential for harm and practice the precautionary principle and protect the public. She urged the Council to help protect children, the community, and the public and help the City not being in this situation again. She asked for protection so that her child could return to playing sports on athletic fields and she could feel confident he was not being harmed by something that easily could be prevented. She submitted two copies of a petition to the City Clerk.

**Jen Carrigan, Edmonds**, referred to NBC's 2-part story regarding the national issue of the growing early evidence linking crumb rubber to various forms of cancer in young soccer goalies as well as the growing national concern of parents and communities on the use of crumb rubber. The federal government no longer stands behind its statement that crumb rubber is safe. The U.S. Consumer Product Safety Commission Chairman Elliott Kaye recently said that safe to play on means something very different to parents that he didn't think was intended to convey. U.S. Congressman Frank Pallone also stated in the absence of definitive information on crumb rubber, our children cannot be the guinea pigs. Decision makers and communities locally and around the country such as Maryland, New York City and Los Angeles listening to concerns of their constituents and choosing nontoxic alternatives including plant-derived infills such as Geo-Plus which has proven to be a successful alternative in over 400 fields worldwide. She asked the City Council to ban the use of crumb rubber in Edmonds. She has had the opportunity to speak with many citizens over past months while assisting with gathering signatures for the petition who strongly disagree with the choice to put material containing carcinogens on children's fields as well as in the environment. The Council has heard from toxicologists and PhD's, experts in the field who understand the impact of carcinogens in the environment and who have also expressed concern over the use of crumb rubber in Edmonds. She referred to the signs on drains, "Puget Sound Starts Here," noting the federal government's wavering on the safety of the use of crumb rubber gives much reason to stop and take notice. If there is any chance that crumb rubber could make children sick, in the absence of a current national ban on the product, the Council has the ability to discontinue the use of crumb rubber in Edmonds. She, along with many other citizens urged the Council not to just listen to industry funded or biased limited studies but to hear from those vested in the lives of children who could be impacted and to ban the use of crumb rubber in Edmonds and set an example as a progressive city.

**Erin Zachey, Edmonds**, referred to numerous pictures she received on Facebook on a very rainy, blustery Saturday a few weeks ago of kids playing soccer beaming, covered in mud and thrilled to be out in the wet. She pointed out kids love mud; at some point in everyone's childhood, they were covered in filth, out in nature and loved it. There is a trend in the community and the world of children of leaving nature or parents pointedly exposing their kids to nature. She created an outdoor education program because she understands there is not enough happening for kids in the natural world. She urged the Council to think about how the world was being plasticized and to take options into consideration such as a plant based infill if plastic fields are required. She chose to move to Edmonds because of its beaches and access to parks and the woods. She did not want her family or other families not to have those options by plasticizing the rest of Edmonds' parks. She urged the Council to consider a ban via the building code in order to leave a better world for our kids. She concluded with a Dr. Seuss quote, "Unless someone like you cares a whole awful lot, nothing's going to get better, it's just not."

**Kortney Hamilton, Edmonds**, recalled getting muddy as child and as an adult and loving it. She asked the Council to ban crumb rubber because she believed in future of children. She urged the Council to join the growing number of communities practicing the precautionary principle for this infill, based on an alarming potential for negative health and environmental impact. She referred to the sign on street storm drains, "dump no waste, drains to streams," and questioned why athletic fields full of toxic material would be installed in the same vicinity. There need to be additional studies and analysis and she hoped Edmonds along with other communities would stop using themselves and the environment as guinea pigs in this uncontrolled experiment.

**Senator Marilyn Chase, Edmonds**, provided written information that included an update regarding the science of crumb rubber. She has been talking with Ecology who is close to announcing the inclusion of crumb rubber in their upcoming studies. On October 12 Ecology opened the Chemical Action Plan to revise permissible chemicals, modeled on the European REACH program, so there will be more global consistency with regard to the use of chemicals. She invited the Council to the Edmonds Senior Center on November 12, 9:30 – 11:30 a.m. for presentations from Dr. Steve Gilbert, an expert on toxicology and the impact on children, and Dr. David Anderson who will provide information on the temperature and atmosphere above fields. She was excited about the presentation, a collaboration on environment and health that has about 100 members statewide who work on environmental health issues. She concluded progress is being made so that when decisions are made, for example on crumb rubber, there will be hard science to back up the decisions.

**Christi Davis, PhD, Brier**, said crumb rubber proponents like to talk about how they are recycling scrap tires and keeping them out of landfills. Each year crumb rubber fields need to be topped off with about 3-5% of the original infill applied. Over a 10 year period, the life of a field, 30-50% of the original infill is added, up to 112,500 pounds of infill. She questioned why it was necessary to add 100,000 pounds of infill and asked where that infill went. Did the original material degrade and compact, breaking down into smaller particles?. Did the particles float away? They can float in water which was one of gardeners' complaints with crumb rubber in mulch. Did the crumb rubber break down into very small particles, become airborne and fly away? Did it get on athletes' clothing, hair and skin and get taken home? She questioned whether the plan was to break tires in small pieces and disperse them throughout the environment and whether that was recycling. At the end of the crumb rubber's lifecycle, the crumb rubber goes into a landfill, just what recycling was trying to avoid. She concluded tires were not being kept out of landfills; tires were just being broken into small pieces, dispersed into environment, maximizing the damage they do and then putting them in landfill. That does not solve the problem; what solves the problem is what Europe is doing, not putting toxins in tires in the first place and making tires recyclable. She urged the Council to ban crumb rubber in Edmonds.

**Alex Davis, Edmonds**, asked the Council to ban crumb rubber because it may cause cancer and it does not get along well with the environment especially fish who do not like crumb rubber. If fish could talk and understand this matter, she was pretty sure they would urge the Council to ban crumb rubber and keep it out of their water.

**Maggie Pinson, Edmonds**, urged the City to ban crumb rubber. She asked whether Mayor Earling, who has a new family member, other Councilmembers or City employees with tiny loved ones would allow a baby or toddler to crawl on the garage floor where vehicles have been parked, picking up bits of oil, gas and other materials that come off cars or would they be reluctant to do that because things made for vehicles have not been tested for safety in babies, tires fumes are not safe for children to breathe, and synthetic rubber particles are not safe to swallow or be rubbed into open wounds. Crumb rubber has not been adequately tested; this is an important opportunity for the Council to safeguard citizens today and in the future. When pollutants get loose, people, the environment and fish are harmed. As a former board-certified oncology nurse who has cared for hundreds of people with cancer, she is very well informed about the causes of cancer. Carcinogens need to be avoided and children should not be exposed to them. It is the Council's turn to do the right thing, the protective thing; she asked the Council to take this seriously and to ban crumb rubber.

**Roger Hertrich, Edmonds**, referred to coal trains, oil trains and crumb rubber, commenting they are all related to protecting Puget Sound and if someone was concerned about one, they should be concerned about all three because water runs downhill and ends up in Puget Sound. This is an opportunity for the Council and the Mayor to have an effect on history and the health of children, the future adults in the community. He suggested the Council ask themselves what they could do to possibly save the life of a child; the answer is easy, change the building code so alternative materials are substituted when building

new fields and prohibit the construction of any recreational area that uses crumb rubber including all future ballfields. He asked which Councilmember would make that proposal. He reiterated comments he made at a previous meeting regarding the attitude of Edmonds School District superintendent about this subject; he doesn't care and dismisses all claims that there is a problem, even saying he is not interested in the City's \$600,000 contribution. The City Council has an opportunity tonight to create an emergency ordinance banning the use of crumb rubber and making it part of the City's building code.

**6. ACTION ITEMS**

**A. CLOSED RECORD REVIEW AND ACTION ON THE PLANNING BOARD'S RECOMMENDATION TO APPROVE AN APPLICATION BY RDJ GROUP LLC TO REZONE THE EASTERN PORTION OF THREE EXISTING SINGLE-FAMILY LOTS OF RECORD ADDRESSED 16404 AND 16414 75TH PL. W AND 16420 76TH AVE. W FROM SINGLE-FAMILY RESIDENTIAL, RS-20, TO SINGLE-FAMILY RESIDENTIAL, RS-12. (FILE NO. PLN20150034)**

Mayor Earling explained the purpose of the closed record hearing is for the City Council to consider the recommendation of the Planning Board to rezone portions of property located at 16404 and 16414 75<sup>th</sup> Place West and 16420 76<sup>th</sup> Avenue W from RS-20 to RS-12. A rezone is a Type IV-B application where staff makes a recommendation to the Planning Board and the Planning Board forwards a recommendation to the City Council for a final decision.

Mayor Earling opened the closed record hearing. He explained parties of record would normally include the applicant and any person who testified at the open record public hearing on the application and any person who individually submitted written comments regarding the application at the open record public hearing. In this case, the applicant was the only party to speak before the Planning Board other than the presentation from staff. Therefore only presentations from staff and the applicant will be allowed at the close record hearing.

The Appearance of Fairness Doctrine (AFD) requires that this hearing be fair in form, substance and appearance. The hearing must not only be fair, it must also appear to be fair. He asked whether any member of the decision-making body has engaged in communication with opponents or proponents regarding this matter outside the public hearing process. Councilmembers Bloom, Johnson, Nelson, Petso Buckshnis, and Mesaros, Council President Fraley-Monillas and Mayor Earling advised they had had no communication with opponents or proponents.

Mayor Earling asked whether any member of the Council had a conflict of interest or believed he/she could not hear and consider this application in a fair and objective manner. Council President Fraley-Monillas, Councilmembers Mesaros, Buckshnis, Petso, Nelson, Johnson, and Bloom and Mayor Earling indicated they could hear the matter in a fair and objective manner. Mayor Earling asked whether any member of the audience objected to the Council's or his participation in this matter. There were no objections voiced.

Mayor Earling proposed staff be allowed five minutes for their presentation and the applicant be allowed five minutes for oral argument. There are no other parties of record. There were no objections to the time limits proposed by Mayor Earling.

Planner Jen Machuga explained the subject application was submitted by Ron Johnson on behalf of RDJ Group LLC. The proposal is to rezone the eastern portion of three existing single-family lots of record addressed as 16404 and 16414 75<sup>th</sup> Place West and 16420 76<sup>th</sup> Avenue W from Single-Family Residential RS-20 to RS-12. Pursuant to ECDC 20.01.003, site specific rezones are a Type IV-B decision which require a public hearing before the Planning Board makes a recommendation to the City Council.

Ms. Machuga explained the subject site contains six tax parcels which comprise three lots of record. Each of the lots of record is developed with a single-family residence and associated improvements. The western side of the subject site is currently zoned Single-Family Residential RS-12 and the eastern side of the site is zoned Single-Family Residential RS-20. The proposal is to rezone the eastern RS-20 portion of the site to RS-12 so that the entirety of all 3 lots would be within the RS-12 zone.

The plat of Meadowdale Beach initially subdivided much of the north end of Edmonds in 1904. This plat reserved a street right-of-way running north-south along the section line separating Sections 7 and 8. She display 1964 and 1981 zoning maps, explaining the transition between the RS-12 and RS-20 zones was established along this same section line to reflect the location of the intended street right-of-way. Following subsequent divisions of property in the area, the subject site was developed and the 76<sup>th</sup> Avenue West/75<sup>th</sup> Place West right-of-way was shifted to the east so it no longer runs between Sections 7 and 8. She displayed a current zoning map, explaining the portion of the right-of-way originally reserved for the 76<sup>th</sup> Avenue West/75<sup>th</sup> Place West was vacated which caused the split zone in the middle of these parcels.

Rezone applications must be reviewed for compliance with the six criteria found in ECDC 20.40 which include consideration of the Comprehensive Plan, Zoning Ordinance, surrounding area, changes, suitability, and value. These criteria were discussed in detail in the staff report and during the Planning Board presentation. No public comment letters were received during review of the proposal. Following the Planning Board's review of the proposal, the Board found the requested rezone met the criteria of ECDC 20.40, adopted Finding of Fact, Analysis and Conclusions and recommended the City Council approve the request to rezone the eastern portion of these properties from Single-Family Residential RS-20 to RS-12.

#### Applicant

**Ronald Johnson, Shoreline**, on behalf of RDJ Group LLC, agreed with what staff and the Planning Board have said.

#### Council Questions and Deliberation

Councilmember Petso asked if all property owners had been advised that these properties were in the landslide hazard area. Mr. Johnson answered they are all very aware and told him the same.

Councilmember Petso observed the EIS shows the properties are in the landslide hazard area but she did not find any discussion of that fact in the staff report or at the Planning Board. She felt that was fairly critical in finding compliance with the Comprehensive Plan and benefit to the public. She asked why there was no discussion regarding the landslide hazard area. Ms. Machuga answered critical areas were discussed at the Planning Board meeting but she did not recall a specific discussion regarding the Earth Subsidence Landslide Hazard Area regulations at the Planning Board meeting.

Councilmember Petso requested the Council deny the requested rezone because the properties are in the North Edmonds Earth Subsidence and Landslide Hazard Area, the SEPA document indicates there is a history of unstable soils in the area and all the properties contain slopes. In light of Oso and other recent examples, if there is an area in Edmonds where the density does not need to be increased, this may by definition be that area. She read from the Comprehensive Plan: A.5.D: "private property must be protected from...slides," A.6: "new residential development be compatible with the natural constrains of slopes, soils, geology, drainage, vegetation and habitat." She had serious concerns about the proposal; she was happy to consider a rezone to RS-20 but felt a rezone to RS-12, nearly twice the density, would be a mistake.

Councilmember Mesaros asked the percentage of property proposed to be rezoned. Ms. Machuga estimated 30%; 50% of the northern property, 40% of the middle property and 10-20% of the southern

property. Councilmember Mesaros commented most of views provided are aerial views which do not show the topography. He inquired about the slope from 75<sup>th</sup> Place West to the railroad tracks. Ms. Machuga answered the eastern portions of the property are more gradually sloped; the steepest slopes are the bluff on the western side. Councilmember Mesaros observed the western side is already zone RS-12 and the property proposed to be rezoned is the least sloped. Ms. Machuga agreed, pointing out regardless of the zoning, the same critical area regulations and regulations related to the Earth Subsidence Landslide Hazard Area would be applied.

Mr. Johnson referred to the site plan that shows all three lots, explaining the drop in topography is fairly gentle, approximately 40 feet from Puget Sound up to 75<sup>th</sup> Place in about 240 feet. The southern lot has more steep slopes and is already developed with a house. When they were in the process of purchasing the property, the City informed them it would be a prime candidate to correct the split zoning. He referred to the site plan which show vertical lines through the middle of the southern lot which represent 76<sup>th</sup> Avenue West which was vacated decades ago when the RS-20 and RS-12 zoning was done. With regard to the percentage of property to be rezoned, it is approximately half of the southern lot, one-third of the middle lot and one-fourth of the northern lot where they propose to construct a new house. There is also a sewer main that runs through all three properties. The City is not interested in moving the sewer line and they are not interested in paying to have the sewer main moved, so the City said they will not be allowed to do any development beyond the sewer main. He also recognized they will be required to go through an extensive review related to the landslide hazard.

Council President Fraley-Monillas asked whether the applicant was aware this was a slide zone prior to the request. Ms. Machuga answered yes. Council President Fraley-Monillas asked the City's liability if this was approved and a slide occurred. City Attorney Jeff Taraday reminded the City Council this is only an application for rezone; there is no application to construct anything. In the future when a different permit is submitted in the future, consideration of the critical areas ordinance, engineering studies, etc. will occur to address where it is safe to build. He pointed out the Council is in a closed record review capacity; this was not addressed by the Planning Board and it was not clear to him that the Council has the authority to consider this issue at this stage in the proceedings. In order for the Council to consider this issue, it would have needed to be have been addressed at the open record hearing and to create a full record for the Council's review and that did not occur.

Councilmember Bloom relayed her understanding that there was no increase in density; it was a request to rezone one lot in order to allow more leeway in where the home is placed on that one lot because of the sewer main and the property owners of the other lots have agreed to the rezone. Ms. Machuga answered the reason this arose was Mr. Johnson's client is interested in redeveloping the northern property with a new home. The rezone will allow them more flexibility with regard to side setbacks. The other two property owners have agreed to the proposal. The proposed rezone would rezone all three properties. Technically the RS-12 zone is a denser zone, the minimum lot size for the RS-12 zone is 12,000 square feet, minimum lot size for the RS-20 zone is 20,000 square feet. The applicant has not indicated any plans to subdivide the properties. The location of home on the properties would make further subdivision difficult but it technically would be greater density, 12,000 minimum lot size which already exists on the western side of the properties.

Councilmember Bloom asked whether subdivision would require purchasing all the properties as each one could not be divided into two lots. Ms. Machuga answered it would be difficult to individually divide each lot. It would be more likely with the gross area of all three properties or two of them or a lot line adjustment between the properties to get enough lot area. The middle property is the largest; the total area based on Snohomish County records is slightly under 24,000 square feet. The existing home is located in the middle of the property so it would not be easy to subdivide. If someone purchased all three properties, demolished the existing homes and proposed a subdivision, it would be reviewed under all applicable code requirements.

Councilmember Bloom inquired about the location of the sewer line. Ms. Machuga referred to the last map in Attachment 1 that illustrates the sewer easement that overlaps diagonally where the vacated 76<sup>th</sup> Avenue West line was. With regard to the percentage of property to be rezoned, she said the amounts provided by Mr. Johnson were more accurate.

Councilmember Petso confirmed the maximum densities: RS-20 is 2.2 homes/acre and RS-12 is 3.7 homes/acre. Ms. Machuga agreed. Councilmember Petso said the environment documents in the packet indicate the site is within the mapped North Edmonds Earth Subsidence and Landslide Hazard Area and that there is a history of unstable soils. She was unclear why the Council was not allowed to consider those fact in their review. Mr. Taraday agreed that is a fact stated in the document but that fact was not discussed at the Planning Board with regard to how it related to the criteria and the staff report does not address that issue and how that relates to the criteria. From a process standpoint, the City Council is to review recommendations in a closed record capacity which essentially does not allow questions to be asked that were not asked at the Planning Board level.

Councilmember Petso said she could understand that if the Council was hearing an appeal but this was a rezone request. It was her understanding in a rezone the City Council must ensure all six conditions have been met. One of the conditions is Comprehensive Plan compliance. Mr. Taraday responded to his knowledge the Comprehensive Plan does not say properties cannot be zoned RS-12 if they are within the North Edmonds Earth Subsidence and Landslide Hazard Area. It would be a different story if the code stated property in the North Edmonds Earth Subsidence and Landslide Hazard Area cannot be rezoned to RS-12 but the code does not say that.

Councilmember Petso referred to language in the Comprehensive Plan that states private property must be protected from slides and that new residential development should be compatible with the natural constraints of slopes, soils, geology, etc. The Comprehensive Plan also states in 2004 the land use and zoning maps were refined to more closely relate large lot zoning to the existing critical areas pattern, the landslide hazard area being the critical area. She was unclear why she would ignore that just because the Planning Board did not discuss it. Mr. Taraday responded as soon as a hearing becomes a hearing on any phrase in a 200 page Comprehensive Plan and how it might apply to the rezone criteria, the Council is no longer having a closed record hearing. In that scenario, the Council might as well get rid of the Planning Board and have the open record hearings at the City Council. In his opinion a closed record hearing is restricted to discussion/debate on matters that were considered at the hearing below. Councilmember Petso disagreed, she believed the intent was to not take new evidence that wasn't considered below.

Councilmember Buckshnis relayed Councilmember Petso's concern was what happened if staff omitted something that she believes was very important to this rezone request and because it was omitted, it was not considered by the Planning Board. She inquired about the City's liability if in five years a house is built, a landslide occurs and it was not considered in the rezone. Mr. Taraday did not see any significant legal risk in approving a rezone because a rezone does not change anything on the ground. There would be marginally higher legal risk if this were a permit to actually build something. Then the Council would be legitimately asking if it was okay to build near the slide area. Staff does that analysis when an application for construction is submitted.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO DENY THE REZONE APPLICATION.**

Councilmember Petso reiterated the property lies within a landslide hazard area and is appropriate for the RS-20 designation. There is no requirement to change it and she preferred to leave the zoning as it currently exists.

Councilmember Mesaros said he will vote against the motion because the Council is only being asked to approve zoning. There will be ample opportunity for the City to review a building permit and consider engineering requirements.

Councilmember Johnson asked whether the rezone would permit an additional house on the southernmost property. Ms. Machuga answered, based on Snohomish County records, the area of the southernmost property is approximately 24,000 square feet. An additional house was a potential but it was difficult to say without exact survey information and consideration of other factors such as critical areas, placement of existing home, etc. Councilmember Johnson observed the existing home is pushed to the western side. Ms. Machuga agreed the existing home was on the RS-12 side. Councilmember Johnson observed the home on the middle lot is located in the middle and on the northern lot there is intent to raze the existing building and build a new home. She was trying to determine if there was a potential based on the zoning to add another home on the southern lot. Ms. Machuga said although she could not predict their future plans, there could potentially be close to enough lot area or via a lot line adjustment or subdividing the southern two lots into three. The middle and southern lots are each approximately 24,000 square feet. She could not guarantee they would not find a way to propose that in a way that met the code requirements. She summarized a 24,000 square foot lot in an RS-12 zone may still not have enough area for a subdivision.

Councilmember Bloom asked the process if the southernmost property decided to subdivide into two 12,000 square foot lots. Ms. Machuga said it would require an application for a 2-lot subdivision which includes surveys, public notice to property owners within 300 feet, public notice in the newspaper, posting the site, etc. A short plat of four lots or less is an administrative review and decision unless appealed.

**MOTION FAILED (1-6), COUNCILMEMBER PETSO VOTING YES.**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE AS RECOMMENDED BY STAFF (APPROVE THE PROPOSAL AND DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE APPROVING THE REQUESTED REZONE). MOTION CARRIED (6-1), COUNCILMEMBER PETSO VOTING NO.**

**B. AUTHORIZATION FOR MAYOR TO SIGN LOCAL AGENCY PROFESSIONAL SERVICES CONSULTANT AGREEMENT WITH TETRA TECH FOR THE EDMONDS WATERFRONT ANALYSIS PROJECT**

City Engineer Rob English summarized changes made to the scope of work since this item was discussed last week:

- Page 1: Description of work revised to reflect the project description approved by Council in the CIP
- Tasks 2 and 3: The progress report to the Legislature was moved into Task 3
- Task 5: Added “near-term solutions” to Level 1 Analysis and deleted “or”
- Task 6: Added “near-term solutions”

At Councilmember Bloom’s request, Mr. English read the change on page 1: “Prepare the Edmonds Waterfront Analysis which will focus on the following: (1) waterfront access issues emphasizing and prioritizing near term solutions to provide constant emergency access; (2) at- grade conflicts where Main and Dayton Streets intersect BNSF rail lines; (3) pedestrian and bicycle access; and (4) options to the Edmonds Crossing Multimodal Terminal Project, identified as Modified Alternative 2 within the 2004 Final Environmental Impact Statement . Upon project completion, a preferred alternative and near - term solutions will be identified.” Councilmember Bloom observed the difference was the addition of the four points but the ending was the same. Mr. English agreed the four points had been added and the last sentence was revised slightly to add “near-term solutions.”

Councilmember Petso observed the public participation only occurs upfront in Task 1. For example, Task 5 when the alternatives are being reviewed and refined, there is a charrette involving members of the Tetra Tech team, the Advisory Task Force and City staff but does not seem to include the public. Likewise the screening process will be completed by workshopping with Advisory Task Force and summarized in a report. Task 6 has the same structure; the City will conduct a meeting to brief regulatory agencies and update through workshopping with the Advisory Task Force. She requested the public be added into the process on Tasks 5 and 6 rather than taking input upfront. Upfront public input has already been taken and responded to; the public has spoken about a train trench, access from Bell Street or Pine Street. What prompted this study was a desire to give the public facts to use in choosing an alternative. For example one alternative may be more expensive but is better for the marsh, or it protects views but has a negative environmental impact or is too expensive. If the public input is limited to the beginning of the process, she feared it would only be whether people liked or disliked the tunnel, trench or overpass. She preferred to involve the public once information was available upon which the public could base their input.

Mr. English referred to the schedule, pointing out three open houses throughout the duration of the study. The third open house is June 2016, after the first level alternative analysis. That would be an opportunity to show the public the findings of the Level 1 Analysis and to receive their input. Councilmember Petso asked whether that would occur prior to Level 2 work. Mr. English answered yes.

Councilmember Bloom said she has similar concerns and wants to ensure the public process occurs throughout. Mr. English answered the current schedule includes an open house in June 2016, after the Level 1 work is completed. Another open house could be added at the end of Level 2 if desired. He clarified Level 1 is screening which is followed by a second level screening. The third open house is scheduled after the Level 1 screening which is Task 5 in the scope of work.

Councilmember Bloom observed there seem to be three different issues. She thanked Mr. Williams for talking to her after last week's meeting about, 1) very near-term solutions for safety, 2) near-term solutions such as pedestrian overpasses at either Bell or Pine, and 3) resolution of the ferry and at-grade crossing issue. She asked whether the scope of work was broken down so that a decision is reached about very near and near-term solutions in advance of identifying a final alternative. Mr. Williams said that's the first time it has been said there is a very near term and a near term solution; he lumped it all into near-term solutions. They intend to work with Fire District 1 and the Edmonds Police Department to see if there is any "low hanging fruit" that is fairly inexpensive to improve response with existing conditions. That is the near-term solution that needs to be prioritized early on in deliberations and discussions of the task force, the public and the City Council. That is a somewhat separate track from the rest of the alternatives analysis that is looking at longer term solutions to the same problem, emergency services access on both sides of the tracks as well as other conflicts. He clarified there only near-term solutions and the rest of the study.

Councilmember Bloom said that mid-point is what a lot of people want and what she is hearing, looking at emergency vehicle and pedestrian access in the shorter term. As everyone knows, it will take a long time to reach a decision how to address all the problems as well as to fund and build whatever alternative is selected. The issue is solving the immediate problem such as having an emergency vehicle on the other side and how to provide emergency vehicle and pedestrian access across the tracks faster than the final solution. Mr. Williams agreed, but pointed out a pedestrian/emergency vehicle access at Bell or Pine Street that was sufficient to accommodate an aid car or a pumper truck would be a big project and was not really a near-term solution.

Councilmember Bloom thanked staff for making the changes in the contract. She also thanked Mr. Doherty for putting the Reid Middleton study online, noting although that study was done in 1992, it

contained valuable information. She asked whether that study had been shared with Tetra Tech. Mr. Williams answered yes, noting the first part of any serious study, particularly this sizeable of an effort, starts with reviewing all available existing information; even dated material contains valuable information.

Councilmember Buckshnis also expressed appreciation for the changes and thoroughness of the report. She pointed out the Gant chart illustrates the amount of public input. She recalled the Marina Beach Master Plan process had a great deal of public input and she assumed this would be the same.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS,  
TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.**

Councilmember Buckshnis commented this is a great and exciting time. Tetra Tech is a wonderful, very experienced company. She worked with Rick Schaefer on the Marina Beach Master Plan; he understands the importance of the public process. She looked forward to Councilmember Nelson and Port Commission Orvis chairing the effort.

Councilmember Johnson reiterated her earlier concern about the public information process. According to the contract, the goal of the public outreach process is to inform the public of the project's purpose and involve them at key points in the process. She was concerned with doing business as usual where a lot of attention is focused on the open house which engages a small number of people and is not an effective way to inform the public. She previously suggested asking the consultant to prepare information that could be mailed citywide which she was told was very expensive. Approximately 10% of the contract amount is allocated to the public process; it would be better to spend that money on mailing information instead of postcards inviting people to a public meeting. A public meeting is a passive way of involving the public and she preferred to send information out to the public rather than expecting them to attend an open house.

Councilmember Johnson noted the redline version of the contract did not reflect any changes related to her request. She recalled a similar process was used when the Port was updating their Harbor Square Master Plan; the Port mailed an informational newsletter. There appear to be three decision points, 1) baseline information, informing the public about the study and the timeline, 2) when recommendations are made and the public has an opportunity to weigh in, and 3) the Task Force's recommendation to the Mayor. Mr. English said the public outreach effort is significant and represents 20% of the contract amount. One of the reasons this consultant team was selected was their creative, out of the box ideas for engaging the public, not just the typical open house. They plan to bring information to events, display posters in downtown business and in other areas, establish a project website, social media updates, display boards and public meetings, surveys as part of public meeting and online website to gather information, public meetings in November and three more open houses, informal outreach events such as the Holiday Market or Art Walk, online open houses, bank of language and FAQ to respond to constituents, and an online database to track and report comments. He summarized the public outreach plan is pretty robust. Staff could return with a cost estimate for a full City mailing and a decision could be made on that in the future.

Councilmember Johnson asked the cost of the 20% component. Mr. Williams answered 20% of the \$570,000 contract amount will be over \$100,000. Councilmember Johnson estimated it cost less than \$10,000 for a citywide mailing. She disagreed with the approach that Mr. English described, finding it rather passive and she wanted a better way of communicating information to the public. Mr. Williams said he would be happy to consider that, commenting an 8 x 11 sheet can be added to utility bills without additional postage. There may be a small cost to insert it into the utility bill and it would take time to distribute to all citizens due to bimonthly billing. Councilmember Johnson said the utility billing method does not address her concerns. Mr. Williams offered to research the cost and let her know.

Councilmember Johnson expressed concern that she was told that previously and it was not included. She did not feel social media efforts drawing people to open houses was as effective as providing information. Mr. Williams said although the proposed public process was not patterned after the Marina Beach Master Plan, that was seen as very successful and many of the elements in that process were duplicated in this process. If the Council is interested in a citywide mailer, staff can research the cost and determine how it fits into the budget.

Councilmember Petso asked if Councilmember Johnson's suggestion was an amendment to the motion. Councilmember Johnson said it was discussed previously and she was disappointed with the lack of response. She has extensive working on public information programs for transportation studies and sees this is a flawed program and suggested there be something more robust. Mayor Earling suggested the Council approve the contract and he will follow through with staff to price a heavier stock mailer to all registered households in the City. A recent mailing cost approximately \$10,000 although there may be more design costs associated with this mailer.

Council President Fraley-Monillas observed the Council budget is underspent this year and funds could contributed toward a mailer.

Councilmember Mesaros agreed with the intent of Councilmember Johnson's approach, that communication is important, but did not necessarily agree direct mail was the best methodology. In today's communication era, there are many more methodologies that are less costly and would do a better job of communicating. He did not want approval of the contract to hinge on the methodology for communication. The Council agrees it wants an informed citizenry and to get input from the citizenry. He agreed with Mayor Earling's suggestion to research the cost and to look at ways take the message to citizens versus coming to meeting. He reiterated direct mail may not be the best methodology; where he lives there is a recycling bin near the mailboxes and a lot of direct mail pieces are deposited there. He did not want the City to go to the expense of a mailer and have it end up in the recycle bin.

Councilmember Nelson agreed with having the public engaged; if the public needs to be engaged via multiple different ways whether it be slow mail, fast mail, email, newsletter, etc. He liked Tetra Tech's proposal but also agreed it could be supplemented with a newsletter or other mailed piece to ensure effort is made to interact with the public via all available mediums. He was excited to move the contract forward.

As someone who has doorbelled throughout the City, Council President Fraley-Monillas said there are many households where English is not the first language and Edmonds has the highest senior population in Snohomish County and many do not have computers or smartphones and need to be notified via mail. She reiterated there were funds in the Council budget to assist with the effort.

Councilmember Johnson thanked Councilmembers for their comments, feeling the discussion was moving in the right direction.

**MOTION CARRIED UNANIMOUSLY.**

Mayor Earling declared a brief recess.

**7. STUDY ITEMS**

**A. PRESENTATION OF EDMONDS DOWNTOWN ALLIANCE 2016 WORK PLAN AND BUDGET**

Economic Development & Community Services Director Patrick Doherty explained pursuant to Ordinance 3909 approved in January 2013 creating the Edmonds Downton Business Improvement District, now known as the Edmonds Downtown Alliance, required the Alliance provide its work plan and budget for the following year by October 1<sup>st</sup>. The Alliance submitted their work plan and budget on time and they are presenting it tonight. The work plan is intended to itemize activities and corresponding expenditures for next year as well as a breakdown of projected revenue and corresponding budgetary impact. The ordinance also requires all programs and activities comport with the scope of services which include marketing and hospitality, safety and cleanliness, appearance and environment, transportation, business recruitment and retention, and organization.

**Cadence Clyborne, President, Edmonds Downtown Alliance**, recognized the elected Members Advisory Board:

President - Cadence Clyborne, HDR Engineering

Vice President - Robert Boehlke, House Wares

Secretary – Kimberly Koenig, Rogue

Treasurer – John Rankin, Rankin Jewelers

Clayton Moss, Forma

Jacob Comstock, Comstock Jewelers

Natalie Pascale-Boisseau, Innate Radiance

Jordana Turner, Kai Body Therapies

Pam Stuller, Walnut Street Coffee

Kim Wahl, Reliable Floor Coverings

Juliana Van Buskirk, Edward Jones

The Alliance contracted with Nicole Herrin this year to provide five hours of administrative assistance per week. Ms. Clyborne identified elements of the 2015 Work Plan

- Website launch and outreach
- Media strategy
- Holiday campaign
- Bike racks
- Directional signage
- Umbrella program
- Tote bags
- Grant program
- Member engagement

She explained the Alliance worked hard to balance the needs and benefits to all members but it is difficult to measure direct and indirect value. She recalled a NAOIP survey Mr. Doherty referred to in a previous presentation that showed service businesses chose amenity rich environments by 85% over office parks and strip malls. Creating an amenity rich environment is a strong focus of the BID. In response to Council comments last year regarding opportunities for member input, the Alliance conducted two surveys, one via email in January to all members for whom they have email addresses (90%) and another at the annual 2015 meeting provided at the annual meeting and via the May newsletter. Survey results are summarized and available on the BID's website.

**Kimberly Koenig, Secretary, Edmonds Downtown Alliance** provided highlights of the implementation of the 2015 work plan:

- Website launch (fall 2015)
  - Continuing to gain traction in search listings due to small but strategic budget with Google AdWords as well as organic growth.
- Website Outreach

- Website hosts 250 business pages, 78% of membership
- Media Strategy
  - Geo-focused: targeting 10+ mile radius
  - Utilize media with the most amount of exposure, to encourage recall, and reinforce top of mind
  - Support digital search efforts to increase awareness and drive interaction to EdmondsDowntown.org site

She described media considered and the cost:

<b>Medium</b>	<b>CPM (cost per thousand)</b>
Television	\$13.70
Radio	\$11.82
Magazine	\$7.18
Digital	\$4.81
Transit	\$2.16

She provided further information regarding transit advertising:

- Bus advertising is an excellent way to reach a large audience and offers high visibility with consistent daily views. Over 7 million impressions over a 2 month period
- Ads go where people are and will be seen by pedestrians as well as motorists daily. It reaches every demographic, business people, shoppers and tourists alike.

She described the Transit Ad Campaign

- Continued branding of DelightEd!
- Targeted late spring to early summer
- Anecdotal feedback indicates a lot of new customers

She explained feedback from member surveys influences the strategy and 2016 budget recommendations; marketing was member's top ranked priority. She described the 2014 holiday campaign:

- Direct mail campaign to over 15,000 households, supplemented with social media
- Free holiday trolley supported by the City, Rick Steves and ten merchants
- Carolers
- Roaming Santas
- Gifting elves
- Free family movies

The 2015 holiday effort will continue many of the 2014 elements and the 2016 budget includes continuing the holiday experience.

Ms. Clyborne continued the review of the 2015 work plan implementation:

- Bike racks
  - Feedback from businesses and bicyclist identify need for bike racks
  - Research indicates cyclists spend 24% more per month than people traveling by car
  - Every bike on the street is one less car, opening up more parking
  - In partnership with Edmonds Bicycle Advocacy Group, City departments and input from Cascade Bicycle Club, Ed! created and implemented a plan to increase bike racks downtown
  - Edmonds Advocacy Group funded 2 of the 17 bike racks
  - 16 bike racks installed, 1 will be installed before the end of the year
  - Benefits the entire downtown area
  - Bike racks located downtown, waterfront, Dayton, Fifth, and Main Streets
- Directional signage

- Several direction signs had been created for the downtown area but not installed. The Alliance brought together funding and organization to have the smaller signs installed
- Scheduled have to larger signs installed by end of year based on partnership between the Alliance, the Port, City, and waterfront restaurants and businesses
- Umbrella Program
  - Program continued in 2015
  - New umbrellas more durable and economical
  - Instituted a steward program where businesses adopt bins
  - Continue feedback and make any changes or whether continue 2016
- Tote bags
  - Funded entirely by local businesses
  - Board members volunteered their time to create design, order bags and work with local businesses on resale to consumers
- Implemented Ed! Grant Program
  - Purpose is to allow members and partners to assist with implementing programs that fit within Ed! purpose and mission
  - Application received in 2015 from Edmonds-South Snohomish County Historical Society Museum to assist with funding a display in front of the museum that will include a walking tour of Edmonds.
    - Showcases brand and website and hidden gems downtown
    - Museum draws over 100,000 visitors market to the downtown area for the Saturday Market
    - Opportunity to increase visibility
- Member Engagement
  - Increased significantly in 2015 and plan to continue in 2016
  - Annual Meeting in April
    - Email notification and hardcopy mailings and ballots to members
    - Showcased active and completed projects and keynote speaker from Seattle's Pioneer Square Business District
- Outreach
  - Publish and email monthly newsletter to all members to communicate what board working on and opportunity to provide other community-related information and events important to business owners
  - 42.7% open rate, industry standard is 19.2%
  - Regular communication with media via press releases
  - Monthly column in Beacon, Ed! Says
    - Community events
    - 125<sup>th</sup> anniversary
    - 4<sup>th</sup> of July parade

Ms. Clyborne summarized how lucky the BID and community are to have such a dedicated group of board members and business owners who support the work plan and projects. The Board is very functional and the donated hours of its strategic, smart and conscientious members allow great things to happen. She advised the complete work plan is contained in the Council packet along with the budget. She expressed appreciation for Council questions and requests for information received prior to tonight's meeting. She highlighted categories in the 2016 Proposed Work Plan:

- Administration
- Communication and & Outreach
- Marketing/Advertising
- Professional Business Resources
- Appearance and & Environment

- Ed! Grant Program
- Public Restroom Commitment \$10k contribution

**John Rankin, Treasurer, Edmonds Downtown Alliance**, presented the 2016 proposed budget:

<b>Estimated Year-end Balance</b>	<b>\$ 65,000</b>
Estimated Assessment Collections	<u>82,000</u>
<b>Estimated Total Revenue</b>	<b>147,000</b>
Estimated Expenditures	
Admin	17,000
Marketing	22,000
Communication and outreach	15,000
Professional Business Resources	5,000
Grant Program	10,000
Appearance and Environment	20,000
Public Restrooms Commitment	10,000
2016 Additional Expenditure Marketing	<u>14,000</u>
<b>Estimated Total 2016 Expenditures:</b>	<b>\$113,000</b>

He also displayed a 2013-2016 budget summary.

Ms. Clyborne commented Ed! has a good track record of staying under budget. She invited the Council to join them at Advisory Board meetings on the second and fourth Thursdays at 8:00 – 9:30 a.m. at the Edmonds Center for the Arts (except November and December).

Councilmember Bloom thanked Ms. Clyborne and Ms. Stuller for meeting with her yesterday to addressing some of her concerns. As an appointment only business owner in the BID, it was apparent to her that the majority if not all the effort provides direct benefit to open door businesses (retail and restaurants) compared to appointment only businesses. is doing. She asked if there were specific plans for determining how to benefit appointment only business in a more direct versus an indirect way. Ms. Clyborne said there are very substantial indirect benefits to by-appointment businesses. She manages a by-appointment business and definitely recognizes the indirect benefits which can be construed to turn into direct benefits. Some of things discussed over the past year are workshops for by-appointment businesses to assist with websites, a business expo, etc. There was not a strong response to those suggestions in this year’s survey. She acknowledged there was an issue with getting by-appointment businesses to provide feedback. The Board is split almost evenly between by-appointment and open door businesses so it is a topic of discussion whenever decisions are made about a program.

Councilmember Bloom asked the response rate to the survey. Ms. Clyborne answered there was not a very strong response to survey; surveys were sent to approximately 90% of the membership via email and there were under 20 responses to each survey, a response rate of 5%. She concluded surveys do not seem to be the best way to reach people although they did not plan to give up on surveys. The newsletter has over 40% open rate; there may be more success with survey response now that there is a better track record of providing information to members. Councilmember Bloom suggested a survey via the newsletter. Ms. Clyborne agreed that was possible, noting the last survey was sent with the newsletter. Councilmember Bloom asked if there were ways to provide anonymous responses. Ms. Clyborne provided said the Board’s post office box was provided which is best way to provide an anonymous response. The newsletter also provides a method for anonymous responses. Councilmember Bloom recalled Ms. Clyborne and Ms. Stuller indicated they were open to having members call them to express concerns.

Councilmember Bloom recalled she previously asked the BID to consider its fees although that was not approved by the Council. She acknowledged efforts to make fees as fair as possible and appointment only

fees are less than open door fees. She expressed concern with the range of the fee for an appointment only business based on square footage. She recalled discussing with them yesterday breaking the square footage into more ranges so that it was fairer with regard to square footage, number of employees and likely the amount of income generated. Ms. Clyborne said some research has been done; there is no consistent way to structure BID assessments. It was her understanding when the BID was formed, the best known way at the time was selected. Members have a variety of concerns about the rate structure depending on the type of business; it would be difficult to find a solution that makes everyone happy. The BID intends to continue looking at those concerns and develop other options which would be brought to the City Council for review and further discussion.

Councilmember Buckshnis said bravo to the Alliance, recognizing the amount of work board members do as volunteers and business proprietor. She viewed the BID as beneficial to all. She did not support making any changes yet because the BID is still in its infancy. She asked about parking, specifically Item E.i in the work plan. She doesn't have a problem with parking because she parks and walk but some people need to park closer to their destination. Ms. Clyborne said the survey results and community interaction/discussion indicate parking is one of the biggest issues for businesses and residents in downtown Edmonds. Parking has been included in the work plan since the BID existed. When the Parking Committee existed, BID represented attended their meetings. The BID has a committee tasked with making recommendations regarding parking who is working directly with the City to move some ideas forward. The Alliance is interested in developing options. Councilmember Buckshnis agreed with developing options and suggested thinking outside the box. She recognized some businesses are interested in developing a parklet/park pod in a parking space outside their business. She thanked the Alliance for the \$10,000 contribution to downtown restrooms.

Councilmember Nelson commented the greatest gift you can give is your labor, the Board has done that. He has attended Ed! Board meetings and annual meetings and was aware of the level of work and detail they do. He agreed social media was great but transit ads are also a great way to get the word out about the Edmonds business district. He agreed with Councilmember Buckshnis that parking was an issue and he appreciated the Alliance looking into that. He summarized the Alliance has definitely improved the business district.

It was the consensus of the Council to schedule approval on next week's Consent Agenda.

**B. DISCUSSION PRESENTATIONS REGARDING THE 2016 PROPOSED CITY BUDGET**

Mayor Earling explained the intent this week and next week is to have budget presentations; budget discussions will occur during subsequent meetings.

Finance Director Scott James described how to find the 2016 Proposed Budget on the City's website:

1. Start from the City's home page
2. Select the "Government" drop down menu
3. Select the "Department" menu option
4. Select the Administrative Services menu option
5. Select the 2016 Proposed Budget, the 2016 Decision Packages or the Department Budget Presentations

Mr. James acknowledged staff and the Mayor for all their hard work producing this budget.

**Police Department**

Police Chief Al Compaan reviewed the following

- 2014 Highlights
  - Part 1 Crimes Solved - 31.1%

- Felony Filings - 305
- Traffic Citations and Infractions - 3,611
- DUI Arrests - 81
- Total Misdemeanor Arrests - 1,046
- Animal Control Incidents - 1,183
- Parking Citations - 1,307
- Firearms Related Requests (CPL, Transfers) - 884
- Public Disclosure Requests - 1,774
- Traffic Collisions Investigated - 651 Decision packages/Changes
- Decision Packages
  - DP # 22: Part-Time DV Coordinator Hours Increase
    - Adds 7 hours per week
    - Position will continue to be shared with City of Mill Creek, presently 6 hours for Edmonds and 6 hours for Mill Creek. Decision package results in 13 hours for Edmonds and 6 hours for Mill Creek
    - Cost: \$14,210
  - DP # 23: Street Crimes Unit
    - Reinstates Street Crimes Unit (cut in 2012) with two additional Police Officer FTEs, plus funding to promote existing FTE to Sergeant
    - Cost: \$207,570
  - DP # 24: Ballistic Vest Replacement
    - 21 ballistic vests due for replacement
    - Cost: \$20,600
- Expenditures

<b>Expenditures</b>	<b>2015 Modified Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Salaries, benefits	\$7,719,018	\$7,640,900	\$8,217,060	Incl DP 22 DV Coord & DP 23 Street Crimes
Overtime	400,355	447,440	396,240	
Supplies/Equip	120,830	109,790	107,130	
Prof. Services	114,662	111,780	117,170	
Other	158,492	155,270	185,300	
Rental/Lease	575,500	574,510	595,100	
Intergovernmental	10,237	10,550	10,550	
<b>Total Budget</b>	<b>\$9,099,094</b>	<b>\$9,050,240</b>	<b>\$9,628,550</b>	

- Revenue

<b>Revenue</b>	<b>2015 Modified Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Intergovernmental	\$49,500	\$51,000	\$49,500	
Special Events	38,300	39,003	38,300	
Animal Licenses & Adoptions	44,800	35,000	44,800	\$38,800 license \$ 6,000 adoption
Grants	14,470	15,143	10,500	
Other	10,800	7,150	10,800	
<b>Total</b>	<b>\$157,87</b>	<b>\$147,296</b>	<b>\$153,900</b>	

Mayor Earling encouraged Councilmembers to email questions to staff. Council President Fraley-Monillas requested answers be sent to all Councilmembers. In order to comply with the Open Public

Meetings Act, Mr. Taraday recommended the staff person receiving the questions compile them in an anonymous way and forward the questions and answers to Councilmembers.

**City Clerk**

City Clerk Scott Passey explained the City Clerk’s Office is a small division comprised of five employees: City Clerk, Deputy City Clerk, Business License Clerk, Senior Office Specialist Public Records Specialist. He reviewed the following:

- City Clerk Programs
  - City Hall Front Desk/Reception
  - Business Licensing
  - Records Management
  - Public Record Requests
  - City Council Agenda & Meeting Management
- Expenditures

<b>Expenditures</b>	<b>2014 Actual</b>	<b>2015 Budget</b>	<b>2016 Estimate</b>	<b>Discussion</b>
Total	\$504,023	\$595,274	\$585,310	2016 Estimate includes DP 8

- Reason for increase from 2014 and 2015
  - 2015 included increase in Record Specialist from 0.5 FTE to 0.75 FTE
  - Business License Clerk Retirement
  - Backfill Deputy Clerk during medical leave
- Decision Package
  - DP #8: Add \$17,340 to 2016 costs by increasing public disclosure/records management specialist from 0.75 FTE to 1.0 FTE.

**Mayor’s Office**

Mr. James reviewed the following:

- 2015 accomplishments
  - Continued street resurfacing program
  - Continued success in achieving major grants in Parks, Engineering and Public Works
  - Expanded public communication program with continuation of Town Halls and the addition of Facebook
  - Success in Olympia: assembled funding for Alternatives Analysis, \$10M for Highway 99, ECA roof, and rehab of Fishing Pier
  - Maintained strong financial position
  - Progress made in economic development
- Challenges
  - Continued vigilance of Edmonds long-term financial health
  - Access to and from Waterfront
  - Resolution of Fire District 1 contract
  - Creating new revenue streams
  - Strategy to maintain long-term street repaving needs
  - Maintain and advance infrastructure needs
- Expenditures

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Total	\$257,113	\$257,830	\$260,250	

**City Council**

Mr. James reviewed the following:

- Expenditures

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Total	\$256,160	\$258,789	\$287,750	Includes Decision Packages

- Decision Packages:
  - DP #1: \$42,160 for Council Legislative Assistant
  - DP #2: \$4,200 for Councilmembers travel to attend training seminars
  - DP #3: \$7,000 for Councilmembers registration fees to attend training seminars
  - DP #4: \$1,850 for salary for Council meeting camera operator

Council President Fraley-Monillas explained there has been no budget for Councilmembers to attend training or workshops, neither registration costs nor travel. For example Councilmember Johnson recently attended AWC training regrading municipal finance. Decision package #3 represents \$1000 per Councilmember to pay for training which could also include South County Cities’ monthly meetings.

**Finance**

Mr. James reviewed the following:

- 2015 accomplishments
  - Completed 2014 audit, clean opinion
  - Investment earnings:
    - Last year earned \$131,421
    - As of September 30, earned over \$186,000 in investment earnings
- Challenges
  - Develop long-range financial plans
  - Review financial policies
- Expenditures

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Total	\$863,730	\$821,220	\$939,820	New staff member

- Decision Package
  - DP #11: \$103,950 for Staff Accountant/Financial Analyst

**Information Services**

IT Supervisor Brian Tuley reviewed the following:

- Information Systems Status
  - Achieved system stability
  - Achieved redundancy – backing up data offsite
  - Security
- Next
  - Be proactive in how use information to provide services
  - Communication, bring information to staff and citizens to allow better and more timely decisions and reduce staff costs via self-service info
- Expenditures

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Fiber Budget	\$ 59,200	\$ 58,150	\$ 59,200	No change
Information Services	763,565	719,430	840,910	Equipment Replacement
Total	\$822,765	\$777,580	\$900,110	

- Decision Packages
  - DP #13: \$47,560 Microsoft licensing -Software True up
  - DP #14: \$10,000 storage for Security Video
  - DP #15: \$22,500 data wiring upgrades

- DP #16: \$15,000 Share point licensing
- DP #17: \$10,000 LIDAR imaging
- DP #18: \$7,090 GIS/Web integration

**Non-Departmental**

Mr. James explained Non-Departmental is used to segregate all costs not directly identifiable to departments and those expenditures and services that are required by law or contract that are beneficial to all citizens. The Finance Department provides oversight to the Non-Departmental budget. He highlighted key Non-Departmental expenditures:

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Liability & Property Ins.	\$ 423,600	\$ 418,370	\$ 534,440	Rate increase
Fire District Contract	8,067,700	8,091,500	8,327,000	Approx 2.9% increase
Prisoner Care	650,000	500,000	524,810	Booking & Housing
Fire Station 20 Loan	65,951	65,960	--	Paid off in 2015
Debt Service	214,436	214,930	214,450	Stabilized for 2016
Interfund Transfers	3,219,785	3,208,810	2,071,490	
Other ND Expenditures	2,465,489	2,251,410	2,367,410	Contact with questions
<b>Total</b>	<b>\$15,106,961</b>	<b>\$14,750,980</b>	<b>\$14,039,600</b>	

Mr. James provided additional information:

- Liability and Property Insurance
  - Liability allocation based on experience over past five years
  - Premium allocated 33% based on number of staff, 33% based on severity of total claims paid and 33% on frequency of claims
  - When we built the 2015 Proposed Budget, we estimated that we would pay WCIA a total of \$793,745 in 2015
  - The Proposed 2016 Budget includes \$873,790 for WCIA, an increase of \$80,045 or 10% increase
  - The General Fund’s contribution to the WCIA payment increased \$110,840
- Fire District 1 Contract
  - For 2015, estimate that the City will pay Fire District 1 \$8,091,500 for services
  - The 2015 estimate includes a “Retro” payment of \$802,000
  - The 2016 Proposed Budget includes a base payment of \$7,525,000
  - \$802,000 added for the last “Retro” payment
  - The 2016 FD1 Budget totals \$8,327,000 an increase of \$235,500 over 2015
- Transfers within General Fund

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
LEOFF Medical (009)	\$275,000	\$275,000	\$275,000	Target Balance
Risk Management (011)	--	--	--	Exceeds Target Balance
Contingency (012)	--	--	--	Meets Target Balance
Historic Preservation (016)	2,000	2,000	--	
Building Maintenance (016)	351,600	351,600	100,00	Increase Ongoing Transfer
<b>Total</b>	<b>\$628,600</b>	<b>\$628,600</b>	<b>\$375,000</b>	

- Transfers to Other Funds

<b>Expenditures</b>	<b>2015 Budget</b>	<b>2015 YE Estimate</b>	<b>2016 Recommended</b>	<b>Discussion</b>
Firemen’s Pension (617)	\$ 15,000	\$ 15,000	\$ 15,000	Continue Funding

LTGO Debt Serv (231)	169,875	169,870	166,950	Scheduled Payment
2014 Debt Serv (232)	925,310	925,310	949,540	Scheduled Payment
Cemetery (130)	40,000	40,000	40,000	Operating Transfer
Street Maint. (111)	400,000	400,000	400,000	Operating Transfer
Street Const. (112)	826,000	815,030	--	
Municipal Arts (117)	15,000	15,000	15,000	Per City Policy
Park Const. (132)	200,000	200,000	110,000	New Public Restroom
Total	2,591,185	2,580,210	1,696,490	

- Decision packages
  - DP #19: \$43,400 - increase annual operating transfer
  - DP #20: \$31,080 - cover increase of public defender
  - DP #21: \$110,000 - new downtown public restroom
- Other Finance Managed Funds
  - LEOFF Medical
  - Risk Management
  - Contingency Reserve
  - Employee Parking
  - LID and Debt Service Funds
  - Fireman's Pension

Mayor Earling advised the remaining department presentations will be made next Tuesday.

#### **8. MAYOR'S COMMENTS**

Mayor Earling thanked Councilmembers Johnson and Nelson and Council President Fraley-Monillas for attending the Snohomish County Cities meeting last week. It was an important meeting, an opportunity to hear about AWC's legislative program for next year as well as Snohomish County's legislative agenda and to assimilate that information with the recommendations from Lobbyist Jennifer Ziegler. The City's draft legislative agenda will be on the Council's November 10 agenda.

#### **15. COUNCIL COMMENTS**

Council President Fraley-Monillas relayed due to other items on the Council's agenda related to the budget, the soonest the crumb rubber issue could be scheduled was November 10. She will try to schedule it as a 60 minute item to allow a healthy debate regarding crumb rubber in the City of Edmonds but the meeting is already scheduled for 2 hours and 25 minutes.

Councilmember Mesaros commented there is nothing pressing related to crumb rubber but he did not want to tarry on the issue. There are no new fields proposed within the next three weeks and scheduling it on the November 10 was a safe date.

Councilmember Buckshnis offered to assist with drafting a resolution. She reminded of the Town Hall she and Councilmember Nelson are sponsoring Wednesday, October 28 from 6:30 to 8:00 p.m. It will be a dual meeting, in the Cascadia Art Museum atrium and at Bridgid's Bottleshop. She will start in the under 21 venue in the atrium and Councilmember Nelson will start in the over 21 venue, Bridgid's Bottleshop. She has invited the Students Saving salmon to make a presentation in the atrium so they can become more familiar with making presentations and responding to questions. Everyone is welcome at the Town Hall and she encouraged them to bring a positive attitude.

Councilmember Petso was not sure the citizens were interested in having another robust discussion about crumb rubber and she feared it would take time away from working on the budget and other items.

**Main Motion #1**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO DIRECT THE CITY ATTORNEY TO BRING A DRAFT ORDINANCE BANNING NEW OR SIGNIFICANTLY REBUILT SBR PLAYFIELDS AND PLAY AREAS FROM PUBLIC PROPERTY IN EDMONDS FOR DISCUSSION ON NOVEMBER 10 AND POSSIBLY ACT ON IT SHORTLY THEREAFTER.**

Council President Fraley-Monillas said the Council needed to discuss banning crumb rubber on public property because that was more than City owned property. As there are no other fields being installed, she preferred to discuss whether a ban would be on City property, public property or all property. She did not support the motion as she did not think adopting an emergency ordinance tonight would change anything in the next three weeks. She preferred to have a good debate on November 10 regarding what type of ban the Council was interested in having.

Councilmember Petso preferred to have a draft ordinance for discussion on November 10. If there was interest in including private property, the ordinance could be amended. The intent was to have a minimal document in the packet for amendment and discussion.

Councilmember Bloom expressed support for the motion, commenting the draft ordinance needs to be specific and integrated into the building code.

Council President Fraley-Monillas said that is the reason she suggested scheduling a discussion on November 10 instead of having a draft ordinance prepared between now and then. She agreed with Councilmember Bloom that a ban will impact the code and she did not want a draft ordinance that would waste the Council's time.

Councilmember Nelson expressed interest in assisting with the preparing of a resolution, not just having it done by the City Attorney.

Councilmember Buckshnis said the Council can adopt a resolution prior to developing an ordinance. A resolution carries weight and would allow the Council time to work on an ordinance that impacts the build code.

Councilmember Bloom relayed her understanding that a resolution does not carry weight; it was her understanding this needed to be addressed via an ordinance. Mr. Taraday answered it depends on what was meant by "carry weight." Resolutions do not adopt law; the Council could not ban crumb rubber with a resolution. Councilmember Buckshnis said a resolution could indicate the Council's support for working on an ordinance. Councilmember Bloom referred to the 1,000 signatures on petitions and recommended the Council consider a draft ordinance instead of taking an additional step to adopt a resolution. A resolution is nonbinding and does nothing but show support; the Council has already shown support.

Councilmember Nelson clarified he would be happy to work on ordinance for Council consideration on November 10.

Council President Fraley-Monillas commented this is getting the cart before the horse. The City Attorney needs to consider liabilities; if the Council jumps into an ordinance or resolution, Councilmembers need to understand what they are doing. She preferred Mr. Taraday have that conversation with the Council and she was uncertain he could do so tonight.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO EXTEND THE MEETING FOR FIVE MINUTES. MOTION CARRIED UNANIMOUSLY.**

Councilmember Petso restated the motion:

**TO ASK THE CITY ATTORNEY TO BRING A DRAFT EMERGENCY ORDINANCE BANNING NEW OR SIGNIFICANTLY REBUILT SBR PLAYFIELDS AND PLAY AREAS FROM PUBLIC PROPERTY IN EDMONDS FOR COUNCIL DISCUSSION ON NOVEMBER 10.**

Councilmember Bloom asked whether it needed to be an emergency ordinance. Councilmember Petso explained as she understands the process, an emergency ordinance could take effect quickly. It would be followed by a public hearing and review at the Planning Board and final action by the Council.

**Action on Main Motion #1**

**UPON ROLL CALL, MOTION FAILED (2-5), COUNCILMEMBERS BLOOM AND PETSO VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BUCKSHNIS, JOHNSON, MESAROS, AND NELSON VOTING NO.**

Council President Fraley-Monillas volunteered to work with Mr. Taraday to bring back a resolution for Council consideration on November 10. She recognized it may not address every issue from all seven Councilmembers but it would be a good start for a discussion.

Councilmember Petso questioned the need for a resolution and preferred to have an ordinance in the Council packet for discussion as well. Mr. Taraday responded it entirely depends on what the Council is attempting to accomplish with one document versus the other. If the Council told him what they wanted to do, he could say which document would accomplish that. Council President Fraley-Monillas anticipated there would be at least a couple different suggestions regarding how to proceed. She asked how that could be presented to Council on November 10. Without knowing the different suggestions, Mr. Taraday said he was unsure how that would be accomplished. Several Councilmembers have mentioned a ban; a ban will require an ordinance. If the Council deemed an actual ban would take weeks or months of deliberation and fine tuning, the Council could adopt a resolution in the interim indicating the intent to ban crumb rubber in the future. That is not a necessary prerequisite but it could be done.

**Main Motion #2**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO DIRECT THE CITY ATTORNEY TO BRING A DRAFT ORDINANCE, NOT AN EMERGENCY ORDINANCE, BANNING NEW OR SIGNIFICANT REBUILT SBR PLAYFIELDS AND PLAY AREAS FROM PUBLIC PROPERTY IN EDMONDS.**

Councilmember Bloom spoke in favor of moving on this, acknowledging the Council has been told a resolution is nonbinding and will not do anything. If the Council is in agreement with moving forward, she questioned why the Council did not support having an ordinance drafted. If Councilmembers decided they did not want to ban crumb rubber or wanted to make changes to the ordinance that could be done at the November 10 meeting; a resolution just delays the process.

Council President Fraley-Monillas said Councilmember Bloom was assuming every Councilmember wants to ban crumb rubber on all property in Edmonds. Councilmember Bloom said she was not assuming anything; a draft ordinance will allow a thorough discussion. Council President Fraley-Monillas pointed out the motion was to ban crumb rubber on public land.

**Amendment #1**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND TO DIRECT CITY ATTORNEY A DRAFT ORDINANCE BANNING CRUMB RUBBER ON ALL CITY OWNED LAND.**

Councilmember Buckshnis preferred the Council pragmatically weigh all the information. She objected to adopting an ordinance or emergency ordinance on the fly. There is no urgency; no crumb rubber fields are being installed right now. She preferred a methodical legislative process.

Councilmember Bloom expressed her support for the amendment.

**Action on Amendment #1**

**COUNCIL PRESIDENT FRALEY-MONILLAS WITHDREW HER AMENDMENT.**

Councilmember Bloom restated the motion:

**TO DIRECT THE CITY ATTORNEY TO BRING A DRAFT ORDINANCE BANNING NEW OR SIGNIFICANTLY REBUILT SBR PLAYFIELDS AND PLAY AREAS FROM PUBLIC PROPERTY IN EDMONDS.**

**Action on Main Motion #2**

**UPON ROLL CALL, MAIN MOTION FAILED (2-5), COUNCILMEMBERS BLOOM AND PETSO VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BUCKSHNIS, JOHNSON, MESAROS, AND NELSON VOTING NO.**

Councilmember Nelson looked forward to discussion of an ordinance on November 10 regarding crumb rubber in the City of Edmonds. He thanked Councilmember Buckshnis for spearheading the Town Hall and apologized for the delay in getting the flyer out.

Councilmember Johnson announced the Friends of Edmonds Library will hold their annual book sale on Saturday, October 24 from 9:00 a.m. to 4:00 p.m. She also announced the Edmonds Historic Museum Heritage Dinner on November 13; tickets are selling fast.

Councilmember Bloom asked Mayor Earling if he had considered removing the police officer from Council Chambers. Mayor Earling said he considered her suggestion; Chief Compaan was here tonight and he plans to continue having a police officer at Council meetings at least in the short term.

Student Representative Girouard commented the Council has not had a lot of student perspective on crumb rubber. As a softball player, she loves turf fields and did not usually think about the health hazards. When she plays on dirt fields, she worries about twisting an ankle because the grass covers holes in the ground. When the Council makes a decision, she recommended retaining turf fields but with a cleaner, more environmentally friendly version.

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

This item was not needed.

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

This item was not needed.

**18. ADJOURN**

With no further business, the Council meeting was adjourned at 10:19 p.m.