

# EDMONDS CITY COUNCIL APPROVED MINUTES

## July 14, 2015

The Edmonds City Council meeting was called to order at 6:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

### **ELECTED OFFICIALS PRESENT**

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

### **STAFF PRESENT**

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

### **1. CONVENE IN EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING AND PENDING OR POTENTIAL LITIGATION PER RCWS 42.30.140(4)(a) AND 42.30.110(1)(i)**

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss collective bargaining and pending or potential litigation per RCWs 42.30.140(4)(a) and 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 60 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Petso, Mesaros, Bloom and Nelson. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, Human Resources Manager Mary Ann Hardie, Parks & Recreation Director Carrie Hite, and City Clerk Scott Passey. At 7:02 p.m., Mayor Earling announced to the public present in the Council Chambers that an additional 10 minutes would be required in executive session. The executive session concluded at 7:12 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:15 p.m. and led the flag salute.

### **2. ROLL CALL**

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

### **3. APPROVAL OF AGENDA**

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

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

Councilmember Bloom requested Item A 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:**

- B. APPROVAL OF CLAIM CHECKS #215079 THROUGH #215168 DATED JULY 9, 2015 FOR \$219,169.51**
- C. FINAL ACCEPTANCE FOR THE WASTEWATER TREATMENT PLANT INTERIOR IMPROVEMENTS PROJECT BY TEC CONSTRUCTION INC.**

**ITEM A: APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF JULY 7, 2015**

Councilmember Bloom said she emailed City Clerk Scott Passey and they agreed on the following clarification in the minutes:

- Page 7, 3<sup>rd</sup> full paragraph, revise the first sentence to read “*Referring to Sunset Avenue*, Councilmember Bloom referred to Mr. Williams’ indication that an intern is being hired to do data collection...”

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE MINUTES OF JULY 7, 2015 AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

**5. PROCLAMATION IN RECOGNITION OF PARK AND RECREATION MONTH, JULY 2015**

Mayor Earling read a proclamation declaring July Park and Recreation Month in Edmonds.

Parks & Recreation Director Carrie Hite commented on the tremendous participation from the community, from the waterfront parks to the marsh, trails at Yost Park, Interurban Trail, the City’s two newest parks Haines Wharf and Hickman, Hazel Miller Plaza, and the new spray pad. She recognized the 20 full-time Parks & Recreation staff members and numerous seasonal employees for everything they do for the citizens of Edmonds. She encouraged citizens to enjoy the City’s parks and to let staff know if they needed anything.

**6. AUDIENCE COMMENTS**

**Jenny Anttila, Edmonds**, commented even though the Edmonds Conference Center is located on the arts corridor and will be a vital property in the future, the City will likely lose it because there is no impetus from Councilmembers to make it happen. She recalled at one time the present City Hall was a compulsory purchase from a property owner who had to move and build a new building. She envisioned that could happen again in the future. No one has mentioned Rick Steves needing a building like the Edmonds Conference Center which he has used for several years. She suggested the City could hire a competent management company who could be given instructions to make it profitable and cover expenses. There is already guaranteed revenue from the church. She suggested any Councilmembers who are members of the church wishing to purchase the Conference Center recuse themselves from voting due to a conflict of interest.

**Alex Markiel. Brier**, said there are a lot of problems with the studies on crumb rubber. Scientists’ studies have looked at how the toxins in crumb rubber leach out into simulated body fluids like synthetic lung fluid and sweat. They look at the bioavailability of these toxins and claim that if the toxins do not leach into the fluids they do not pose a threat. The problem is their studies are conducted with crumbs of rubber, not crumbs floating in the air. Dust particles that stick to skin have a much greater surface area than

crumbs so have a greater potential to leach chemicals into the simulated fluids. She demonstrated the difference that surface area makes using 30 grams of granulated sugar and 30 grams of rock candy in water. Another problem with bioavailability studies is they were only run for 24 hours; fine particulate matter can stay in the lungs for months and smaller particles can penetrate the lungs and enter the bloodstream. She summarized we have no idea how harmful crumb rubber dust is when inhaled or gets on the skin, just that it is full of chemicals that can cause cancer and other health problems like asthma. If the crumb rubber fields are put in, her mom will pull her out of Edmonds Heights and she really wants to stay.

**Christie Davis, PhD, Brier**, said everyone has heard about studies that supposedly prove the risk from crumb rubber is minimal and that the fields are safe. However, according to EPA's guidelines studies on how to assess the risk, those studies are worthless. The only way to reliably assess the risk of a complex chemical mixture like crumb rubber is to study the effects of the whole mixture in humans or lab animals. Risk assessment based on the toxicity of individual chemicals in a complex mixture is useless because of the degree of uncertainty. For example, in the well-known Connecticut study, risk assessment of the 13 carcinogens is from standard governmental data bases. The other nine risk estimates they needed had to be assumed or gathered from non-standard sources. There is also significant uncertainty among the unknown effects of possible interactions between chemicals once they enter the body. She referred to warnings on a pharmacy bottles; pharmacies and doctors rely on a computer databases to keep track of drug interactions. For example the warning label on a medication she takes for migraine headaches that balances the neurotransmitters in her brain can also decrease the efficacy of hormonal contraceptives. Chemical reactions are important for risk assessments but toxicologists do not have massive databases detailing the interactions because the research has not been done.

Ms. Davis explained of the 13 carcinogens studied in the Connecticut study affect the lungs, 5 affect the liver. When different carcinogens affect the same organ the risk of significant interaction increases greatly which was not included in the assessment. There are also interactions between carcinogens and non-carcinogens. A recent study by EHHI & Yale University found 96 chemicals in crumb rubber, half of which there is no carcinogen information. The EPA's definition of a complex mixture is one that contains so many components that any estimation of its toxicity based on the components' toxicity contains too much uncertainty and error to be useful. She summarized until there were human epidemiology studies or laboratory studies on live animals, the risks of exposing children to crumb rubber are unknown; they are being unnecessarily exposed to carcinogens and other toxic chemicals.

**Sam Markiel, Brier**, said there should be no crumb rubber because crumb rubber includes carbon black and other poisons and increases the risk of cancer and other diseases. He did not like crumb rubber because it is bad for the environment and for people.

**Andrew Markiel, PhD, Brier**, displayed a bottle of crumb rubber he purchased from Amazon. He did an experiment using a drinking water which a pH test strip indicated had a pH of 7. He added crumb rubber to the water. He read the label on the crumb rubber bottle, "Al's Liner Black Rubber Crumb. Caution: avoid contact with skin and eyes. Can cause irritation. Avoid breathing vapor. Use in a well ventilated area. May cause coughing and lung irritation. If skin contact occurs, wash thoroughly with soap and water. If eye contact occurs rinse immediately with plenty of water for at least 15 minutes. For further precautionary handling and information, please review material safety data sheet MSDS. Warning: keep out of reach of children." He recognized that was legalese to prevent a lawsuit. The more relevant question is why the warning. The reason is it is not designed for children. Crumb rubber is made from tires which have two functional requirements stick well to a road during wet conditions and last a long time while being ground against asphalt at 60 mph. All the chemistry and engineering is designed for traction and durability, not playfields. He tested the pH of the water and crumb rubber mixture after 2 minutes, finding a pH of 10 which is very alkaline. He summarized the good thing about turf fields with crumb rubber is they perform well in rainy conditions. That is fine as long as one was willing to have kids

get the stuff on their bare hands. The wet crumb rubber sticks to the hands and all that pH 10 water and whatever else is leaching out of the crumbs is stuck to the hands until it is washed off.

**Scott Blomenkamp, Edmonds**, a resident on 92<sup>nd</sup> Avenue West, behind the “Edmonds Way clear cut,” requested the City Council move to require the City administration enforce the ECDC in regard to his code violation complaint about the development at 23230 Edmonds Way, project number PLN20130066. He urged the City to learn from the most recent history and not allow City administration to force citizens to pursue legal action to compel staff to its duties. This is costly to the City as well as erodes the trust of citizens. He referred to the Mayor’s duties in 2.01.010 and the Planning Manager’s duties in 18.45.010. On June 29, 2015 he submitted an application for a miscellaneous review of the project. The City has not responded except to acknowledge receipt of the application. He referred to ECDC 20.100.040.B.3 that states he and two other residents have this right. He referred to ECDC 20.10.040.C.1 that states the director of community services shall notify the permittee of the alleged deficiencies and if the only reasonable way to correct these deficiencies is to propose new or changed conditions, the matter shall be referred to the hearing examiner. Allegations 3 and 4 below would require at least new or changed conditions. There is no allowance in the ECDC for any determination by the department as to the validity of the allegations.

Mr. Blomenkamp provided his allegations: 1) the project has created a nuisance, 2) the code violations of ECDC 18.45.050.H.1, 2 and 5 have caused a hazardous condition, 3) the code violations of 18.45.050.H.1, 2 and 5 destroyed the required type 1 buffer between zones, and 4) the code violation of ECDC 18.45.050 does not allow for the retaining wall as designed. The Development Services Department has stated the development is exempt under 18.45.035; that is incorrect. In an excerpt from the July 6, 2004 City Council minutes when 18.45.035 was enacted, the director is asked to clarify the purpose of the ordinance, “Mr. Bowman answered the section indicated a developer did not need to go through the land clearing process if it had ADB review, but the standard requirements and penalties under the chapter would apply to all violations.” He requested the Council require administration to enforce the code.

**Ron Wambolt, Edmonds**, recalled Councilmembers voting last week to return to the study session format said they preferred the study session format because it provided better transparency. This Council has demonstrated transparency is not one of its priorities. For example, 38 executive sessions were held in 2014, only 1 was made public in 2014. The Council approved paying more than \$2 million to former Human Resources Director Debi Humann; the source of those funds has not been revealed. The Council also approved paying a \$50,000 settlement to Finis Tupper; that may be explained shortly. The elimination of Council committees is a blow to transparency, particularly the loss of the Finance Committee. When the Finance Committee existed, the two Councilmember generally came to meetings well prepared to discuss agenda items and most of an hour was often spent reviewing the monthly or quarterly financial reports and there was typically more discussion at a subsequent City Council meeting. Since the demise of committees last September, 9 financial reports have be prepared with only 2 presented at a Council meeting, for a total of 33 minutes, and 7 were approved on Consent Agendas with no discussion. He urged the Council to assess whether they were taking the correct actions to promote transparency.

**Jen Carrigan, Edmonds**, said crumb rubber made from tires contains many known carcinogens. The use and safety of crumb rubber is an emerging national issue; many communities are grappling with the same questions. While all can agree research needs to be done, at a May 19, 2015 meeting of the Commerce, Manufacturing and Trade Committee of the US House of Representatives, the use of crumb rubber and a link to the growing list of young soccer athletes who have reported developing various forms of cancer was reviewed with Chairman Elliott Kay of the US Consumer Products Safety Commission. In the meeting he publically stated the Consumer Products Safety Commission no longer stands behind its 2008 statement that crumb rubber is okay to install and play on. Around the country other communities such as

Portland, South Kitsap, Los Angeles and recently Friday Harbor have received non-toxic play and athletic options. She urged the Council to set an example and create a non-toxic plant-based synthetic turf field that parents and families can use without concern. Families increasingly look to reduce exposure to chemicals and to choose natural products for their children. Although the Council may have been told crumb rubber has been proven safe, the fact is there are no sufficient, long term studies being done other than children playing on fields.

Ms. Carrigan said crumb rubber is a multi-billion dollar industry with funds to lobby, pay for public relations and attorneys to work to convince those in public office that the product is proven safe including through organizations such as the Synthetic Turf Council. Children who rely on adults to look out for their best interests are being told the fields are healthy and encouraged to play on them, meanwhile they are exposed to carcinogens, heavy metals and hormone disrupting chemicals through ingesting and inhaling tire crumbs over many years of active play on fields in a way that was never intended. The materials also seep into the air and ground water. She summarized carcinogens and children don't mix and urged the Council to keep athletic fields safe, non-toxic and crumb rubber free for the sake of children, communities, pets, natural resources, water and wildlife.

**Rebecca Wolfe, Edmonds**, co-chair of the Snohomish County Sierra Club, said she was just beginning to research crumb rubber; some friends are very concerned about it. She knew several Councilmembers well enough to know they cared about everyone who uses the City's parks and playfields. She questioned how the process has evolved to the point that crumb rubber is being laid down. As trustees of the public's trust, it is the Council's responsibility to make sure nothing harmful is put on the fields and to ensure it is safe. She referred to a lawsuit against the City of San Francisco to which the Sierra Club was a party that asked the court to order the city to immediately stop the Beach Chalet soccer fields project until a legally adequate environmental impact report (EIR) could be prepared and adopted by the city. The Sierra Club said, "The city should be protecting the health of its residents. Without giving a reason, it decided not to analyze the potential dangers of using artificial turf that has been identified as toxic in several peer reviewed scientific articles and exceeds the California Environmental Quality Act threshold for acute toxicity and cancer risk by 120% as the EIR admits." She urged the City to reconsider and explore options, expressing concern with toxic runoff ending up in Puget Sound and the marsh.

**Doug Swartz, Edmonds**, found the city's position on the issues of crumb rubber and the Edmonds Conference Center very illogical. As an engineer, following 10 minutes of research, he concluded if he had kids he would keep them off of crumb rubber fields. Just because there is no study that says if a child plays on the field for 3 hours/52 weeks they were 20% more likely to get cancer does not mean the material is safe. He found it unfathomable that the City was trying to ram something down the citizens' throats that they don't want. Next, he spoke in favor of the City purchasing the Edmonds Conference Center; his interest was using it for business incubators, but there are many other potential uses for the facility. In a previous meeting he said there must be some price at which the City would be interested; the Council came up with \$300,000, an amount the State could not in good faith accept. He requested the Council look at the value of this property, strategically located in a downtown corridor that should be owned by the City rather than a private party.

**Laura Johnson, Edmonds**, said synthetic turf is big business with a lot of money and a very creative and effective marketing strategy to send the message that studies have shown crumb rubber is safe, a story much like tobacco, asbestos and lead paint. She acknowledged studies have been done but they were done by groups with some level of interest in the continued use of crumb rubber. They are short term, limited in what they look at and site the need for further study. No long term studies have been done other than the experiment currently happening with the nation's children. Precautionary principle implies there is a social responsibility to protect the public from exposure to harm when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result. When tires are whole they are regulated and safety measures are

taken and there are laws on how and where they can be disposed of because they are a hazardous waste product. For science experiments there is a required safety handling sheet. But since crumb rubber is a recycled product and therefore unregulated, no one is overseeing the safety and it is spread over hundreds of sports fields where children play. She questioned why the tire industry and environmental disposal of whole tires require safety disposal and regulation but grinding them up and spreading them on open space for children to play on was not regulated and did not require the same safety standards. Apparently it is up to watchdog groups, grassroots efforts and cities like Edmonds to look at the whole picture and decide to protect the health of the community's children while they wait for science to catch up.

Ms. Johnson cited the increasing suspicion that crumb rubber is cancer-causing in young developing bodies. The recycled mix contains more than a handful of toxins and carcinogens. A growing list of young athletes with cancer suspect their cancer may be caused by years of playing on crumb rubber fields; the list is up to up to 152 athletes, 82 are goalies who have the greatest exposure to crumb rubber. Crumb rubber is a major concern of parents of athletes in favor of developing the fields, parents of students attending the schools, neighbors and environmentalists. Replacing the crumb rubber with a plant based infill will remove the concerns of most and provide two new fields. She summarized it was an easy choice to protect kids, the environment and the community. She displayed a picture of the school building where the fields are being developed, noting even without playing on the fields, students will be exposed to the dust. While she can choose to keep her son from playing lacrosse she questioned whether she had to choose not to have her kids attend the school to avoid the hazards presented by the fields.

**Kate Smith, Edmonds**, a resident east of the campus where the fields are being installed, said she initially did not talk to neighbors when this issue arose, assuming most of them would be pro fields as they are very sports minded families. In talking to her neighbors she was surprised to find that nearly all are very concerned about the materials being used and she was speaking on their behalf. Her children do not play sports that are played on turf fields but as a neighbor she was concerned about the effects of the crumb rubber on their neighborhood's water supply and air and felt they could not escape the material even if they chose not to play on it. She agreed it only took about 10 minutes to find information about crumb rubber and communities that have rallied and been listened to. She urged a compromise be made, and requested consideration be given to viable alternative infield materials that are much safer.

**Emma Johnson, Edmonds**, said it did not make sense that parents tell kids to eat healthy, wear a seatbelt, use sunscreen, wear a helmet, and not eat sugar, but adults say it is okay to play on tires that contain carcinogens and other bad and unhealthy things.

**Sierra Johnson, Edmonds**, commented on the beauty of Edmonds; she previously lived in Snoqualmie where there are many trees. Edmonds is beautiful and open and there are awesome flower baskets. She referred to the "It's an Edmonds Kind of Day" bumper sticker which sums up Edmonds. Crumb rubber does not mix with that; black pellets do not look pretty especially at the school. The school is full of kids running everywhere and she did want them running in crumb rubber. She feared kids would eat the crumb rubber because it looked like crushed up Oreos. Crumb rubber is a hot topic; while participating in a program at the UW campus recently, she looked into a classroom where four students were discussing the pros and cons of crumb rubber. Although she originally thought it was something her mom was concerned about, everyone is concerned about it. She urged the Council to do their part.

**Cade Johnson, Edmonds**, a 4<sup>th</sup> grader at Edmonds Heights, who plays lacrosse for Edmonds Eagles, said to stay safe when he plays on fields with crumb rubber, he wears long tights and a shirt to totally cover his body even in summer. He does not eat or drink while on the field. When he is done playing, he takes off his equipment and puts in his sports bag and takes a shower when he gets home. Even with all that, his mom still vacuums up crumb rubber pieces in the house. In the summer artificial fields stink like burning tires. He has heard the stinky tires may cause cancer. Lately his family learned more about the problem with crumb rubber including that breathing dust from the fields may be bad. He did not want to risk

breathing bad stuff so he may not play lacrosse. He also goes to school where fields are being installed; his classrooms look onto the fields. One teacher said the dust will get into the classroom. If crumb rubber is not used on the new fields he would not have to worry and could just wear shorts while playing lacrosse. He urged the Council to build fields that do not risk his health.

**Josh Johnson, Edmonds**, has noticed when taking his children to sports practices, other kids are playing in the crumb rubber because it fun to play with and it is kind of like Oreos. After playing with it, the kids' hands are black and they smell. After his kids play on crumb rubber fields, there are rubber tire particles in the car, on the walk leading to the house and inside the house. He noted no one would go hang out at the Les Swab because it is dirty and smelly; why are children allowed to play on this? He recalled lying in the grass while waiting for the Beat Brackett 5K race to start, something they would not do if the park was fully of a plasticized substance. He urged the Council to look into natural infill alternatives. He referred to choices people make, things that are good and bad for them. His children do not get a choice, he has to make that choice for them; the Council can help by giving them a safer, healthier alternative.

**Barbara Peterson, Edmonds**, a resident south of Westgate, said she no longer has children in the school system or any neighbors in favor of crumb rubber. It's easy to see crumbs and talk about children ingesting and inhaling them and having dermal contact; the dust is as tiny as asbestos fibers and the carbon black contains nanotubes that act like asbestos. It can run through the body, affecting the organs, blood, bone marrow, get into the brain, heart, liver, spleen and kidneys. There are many carcinogens that others have mentioned; the dust in the air goes everywhere including infiltrating into Willow Creek and the fish hatchery. She recalled a sudden rain after a dry period killed the hatchlings at the fish hatchery. If that is happening from fertilizer and pesticides, she feared how the crumb rubber runoff would affect the hatchery. She understood the school district planned some filtration, but not up to current codes. She urged the Council to do what they could to back-peddle, revoke permits, whatever is necessary to save the children, community, and environment.

**Trudy Biolick, Edmonds**, said she has worked in public affairs and public health policy for over 40 years. Although she no longer has children or grandchildren attending the schools or playing on the fields, her neighbors and friends asked her to look at the issue. Even a 10 minute Google search reveals an array of articles that raise more than enough concerns to say stop, something is wrong with crumb rubber, an unregulated material that cannot be sold as a product, it must be disposed of as a waste product. That raises the issue of who would support putting a toxic waste material on a playfield. She feared the use of crumb rubber would come back to haunt members of the School Board and Council who continue to support this. Her company was approached to support this publicly and declined because it was not directly in their mission. Parents and grandparents expect and trust elected officials to stand as gatekeepers against known toxins and poisons. She said the materials must be rolled off in 5-10 years and then must be disposed of as toxic waste. She urged the Council to help end the project as currently proposed due to the serious public health concern.

**Roger Hertrich, Edmonds**, said the Council has an opportunity to take a leading role in the community's concern with crumb rubber. He compared DDT and agent orange to crumb rubber, pointing out there was no difference when citizens need to be protected. The City's primary responsibilities are safety, health and welfare. He recommended the City tell the School District no with regard to the use of crumb rubber. He referred to the SR-104 Study which recommends reducing 100<sup>th</sup> Avenue to 3 lanes and narrowing SR-104, pointing out the most important thing is getting cars though; reducing travel lanes creates problems. He urged the Council not to take action regarding the SR-104 study until they had thoroughly read it.

## 7. STUDY ITEMS

### A. UPDATE CITY'S INVESTMENT POLICY

Finance Director Scott James explained:

- 1) On 9/17/13 (when Roger Neumaier was the Finance Director) Council voiced their support of the City investing in the Snohomish County Investment Pool
- 2) However, the City's Investment Policy was not updated to reflect this new investment option
- 3) The proposed amendments to the Investment Policy will address this issue

He reviewed the proposed amendments:

- Section 11.2:
  - Except that no more than seventy-five percent (75%) of the City's portfolio, at the time of purchase, shall be invested in the Washington Local Government Investment Pool, or the Snohomish County Investment Pool, and
- Section 11.4:
  - ~~The City's Finance Committee can recommend to the City Council variance to 11.1, 11.2 or 11.3 prior to purchase if it is deemed in the best overall benefit to the City.~~
- Section 11.54:
  - In calculating the City of Edmonds Investment Mix, deposits held with the City's banking institution, will be considered.
- Section 16:
  - The City's investment policy shall be adopted by resolution of the City Council, ~~upon recommendation from the Finance Committee~~. The policy shall be reviewed on at least a bi-~~n~~ annual basis by the Mayor and/or their designee ~~Finance Committee~~ and any modification to the policy will be made upon approval by the City Council.

Councilmember Petso said her concern was ensuring the City's funds remain sufficient liquid for not only expected expenditures but also so that the Council had the ability to seize an opportunity such as the conference center. She asked whether it was necessary to add language to the policies to ensure the investments are sufficiently liquid to allow staff and Council freedom to access the funds. Mr. James answered if the Council wanted to purchase property, typically there is a 30-60 day closing period which would be more than ample time to withdraw funds from the State pool. Funds can be transferred the same day or the next via day via phone call. Due to the County's interest in maximizing interest, they prefer more lead time; however, in an emergency they would draw down for the City. He commented the investments are there not so much to spend; the purpose of investments is reserve policies and ensuring sufficient funds for payroll. For example the City receives property tax twice a year; with the largest revenue amount received on a cyclical basis, it is important to ensure there is a cushion to meet payments. A sizeable balance is maintained in the State pool to meet cash flow needs. He did not see a need to amend the policy to reflect liquidity issues. In fact, the opposite should probably be done to maximize investment return.

Councilmember Buckshnis said she was not on the Finance Committee when this was discussed but she had discussions with Mr. Neumaier. Her concern at that time was the Snohomish County Investment Pool had only existed for five years so she obtained the credentials of the people doing the investing. She questioned whether the qualifications of those making the investments needed to be checked as the investments were not guaranteed like the State funds. Mr. James answered the State Pool, the County Pool and even the City's own investment policy are limited by RCWs, for example they cannot invest in stocks. The investment vehicles used are already safe.

Councilmember Buckshnis recalled the individuals at the Snohomish County Pool were going for their Charter Financial Analyst (CFA) designation but had not yet obtained it. She observed the RCWs automatically guarantee the State fund and asked whether there was still a guarantee with the Snohomish County Pool. Mr. James said the performance history of the State Pool versus the County Pool is very different, almost five times more for the County Pool. Councilmember Buckshnis clarified the State Pool has almost no risk, noting there is higher risk in the Snohomish County Pool. Mr. James answered in

reviewing the County investment policies, they are very similar to the City's policies so he felt it was a good fit for the City to invest there. He offered to send Councilmember Buckshnis a prospectus.

Councilmember Bloom thanked Councilmembers Petso and Buckshnis for their questions, noting they have expertise in finances and have done an excellent job in the past reviewing and providing input as members of the Finance Committee. She also thanked Mr. Wambolt for his comments about the careful review the Finance Committee has done in the past. She recognized the Council's decision to eliminate committees is reflected in the policy. She referred to the language, "The policies shall be reviewed on at least a biannual basis by the mayor and/or their designee" and suggested it say "the mayor and the finance director.: Mr. James answered as the finance director he is charged with overseeing the investments; whenever an investment opportunity arises, he presents it to the mayor and gets his approval. That process has been practiced in Edmonds and in other cities. There is usually an investment committee that consists of the mayor, finance director and maybe another official that reviews investments.

Councilmember Bloom asked why the policy was not written that way. The policy previously stated the city's investment policies shall be adopted by resolution of the Council upon recommendation of the Finance Committee; now the mayor reviews the policy. She asked why the finance director was not specifically designated in the policy versus just the mayor. Mr. James explained there may be some confusion; where investments are made is guided by RCW and that has not changed in some time.

Councilmember Bloom referred to the statement, the policies shall be reviewed on at least a biannual basis by the mayor and/or their designee, and said she would feel more comfortable if it said the policy shall be reviewed on at least a biannual basis by the finance director and the mayor. Mr. James said the rules established by RCW with regard to investments do not change. If the rules changed, the policy would be amended and presented to Council for approval. He did not envision other investment pools being created and offering their services to the City. In reviewing the policy, there is not a lot of reason for amendments. Councilmember Bloom said that did not really answer her question.

Councilmember Buckshnis said this is the first investment policy the City has ever had. Previously staff followed the RCWs; she and former Finance Director Shawn Hunstock developed the policy and the Council approved it in 2007. She clarified Mr. James' explanation, the policy shouldn't change much. The policy could be changed to say the mayor and finance director; the policy states any modifications will be approved by the City Council. Councilmember Bloom again suggested the policy state the finance director will review the policy on a biannual basis instead of the mayor and/or their designee. That would be clearer and make more sense as the finance director would be reviewing it. Mr. James agreed the policy could be changed in that manner.

Councilmember Buckshnis commented there needs to be a check and balance and for someone to review the finance director's work. She requested reference to review by the mayor also be included. Councilmember Bloom agreed.

Mr. James relayed the proposed change: "The policies shall be reviewed on at least a biannual basis by the mayor and/or their designee and the finance director."

It was the consensus of the Council to schedule the policy on the Consent Agenda as amended.

**B. AUTHORIZATION FOR MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH PERTEET FOR THE 228TH ST. SW CORRIDOR PROJECT**

City Engineer Rob English explained the plans called for 3 retaining walls, 2 on the east side of Highway 99, supporting the street section between 76<sup>th</sup> and Highway 99 and 1 west of Highway 99. The proposed wall system was a modular wall with geogrid fabric that extends from the face of the wall into the

embankment it is supporting. After receiving the contractor submittals on two walls, there was a need to change a portion of the walls to a soldier pile wall:

- Wall #2, 150-foot section on the south side of 228<sup>th</sup> between 76<sup>th</sup> and Highway 99
  - Some of geogrid reinforcing fabric would be over or in close proximity to existing utilities. Future maintenance could be problematic if trenching was necessary to access the utilities
- Wall #3, 30-foot section west of Highway 99 supporting an embankment
  - Modular block wall dimensions within this section do not fit with the existing right-of-way

The proposed fee is \$38,020 and the cost will be paid for by project funds. An adjustment will be made to the contractor's payment. A soldier pile wall is more expensive than a modular block wall; further information regarding cost will be available in the next few weeks.

Councilmember Nelson asked the difference between a cantilevered soldier pile wall and a modular block wall. Mr. English explained a modular block wall is 10-inch face blocks that are stacked on a slope. A geogrid fabric is placed between each layer that extends back into the slope. From the face of the wall it looks like a block wall. A soldier pile wall is I-beams drilled on a series of spacings that support individual wood blocks placed between the I-beams (lagging). An example is the wall on 195<sup>th</sup> Street off of Olympic View Drive.

Councilmember Bloom observed the agenda memo refers to supplemental agreements 1-4 and 7. She asked about supplemental agreements 5 and 6. Mr. English answered 5 was an extension of the completion date; it was extended to avoid any problems with the federal provisions regarding a completion date. Supplemental 6 for \$63,930 was to provide construction management support during the project. Councilmember Bloom asked why those were not listed. Mr. English said they should have been.

Councilmember Bloom inquired about the total of the supplemental agreements and whether the project was still within budget. Mr. English answered yes, the total contract is \$743,219 with the supplements. The original agreement was \$446,000. Councilmember Bloom observed it was \$300,000 in addition to the original agreement. Mr. English explained there were several scope additions to the project. The first was the Mountlake Terrace addition of a street reconstruction, Lakeview Drive. Paving of 76<sup>th</sup> Avenue and 228<sup>th</sup> was also added which were not part of the original scope. There were also adjustments to address private property ownership via right-of-way negotiations and utility information was added to the plans. Right-of-way support was also added; two properties were condemned, one has settled and the second is still in negotiations. That effort required additional support by an appraiser and a consultant.

It was the consensus of the Council to schedule this item on next week's Consent Agenda

### **C. DISCUSSION OF THE SR-104 COMPLETE STREET CORRIDOR ANALYSIS**

Transportation Engineer Bertrand Hauss explained the purpose of the analysis was to develop a corridor analysis, identifying safety, access management and streetscape improvements based on Complete Streets principles. He provided the guiding principles:

1. Support both local and regional mobility
2. Improve circulation and safety for biking, walking, and transit access
3. Reinforce land use vision, including at Westgate
4. Create a sense of arrival in Edmonds and tie to the waterfront
5. Coordinate with the state and other entities
6. Take a phased approach that provides benefits over time
7. Promote environmental sustainability and economic vitality

He provided a map of the SR-104 Corridor map and reviewed the project description:

- 5-miles of principal arterial from 76th Ave. W to the Edmonds Ferry Terminal

- Various modes of transportation interfacing along regional corridor
- Higher than average daily vehicle traffic
- Multiple bus stops
- High pedestrian activity along certain sections
- Bicycle connections
- Identify various multimodal transportation deficiencies

**Ryan Abbott, Fehr & Peers**, provided cross-sections of the corridor, noting much of the corridor has five lanes, some areas have sidewalks adjacent to travel lanes, and other areas have no sidewalks. He displayed a map of the corridor, identifying traffic volumes at several intersections:

- Traffic volumes higher than average compared to most other corridors in the City
- Traffic volumes drop nearly in half at 5<sup>th</sup> where the road splits toward the ferry terminal
- Volumes in the corridor are approximately 10,000/day
- PM peak approximately 1,000 northbound in the eastern edge of corridor
- PM peak 770-630 southbound

The traffic volume data was used to model existing conditions and future demand. He displayed a map identifying intersection operation level of service (LOS) in the corridor. The purpose was to identify deficiencies at intersection and determine projects needed to fix deficiencies. They did not find any significant deficiencies today or in the future for vehicle operations except in the south end at 238<sup>th</sup>, an unsignalized intersection, where LOS was E and F. Solutions are proposed to address this.

Mr. Abbott explained the study also considered collisions. He displayed a map of collisions on the corridor. The data regarding number and types of collisions was used to build smarter projects to reduce collisions. The study also considered vehicle speeds in the corridor. Using an 85<sup>th</sup> percentile, they found about 85% of the traffic speeds approaching the east end of the corridor are approximately 46 mph; speeds fluctuate around 100<sup>th</sup>, drops to 40 mph and then increases up and down the hill toward the water where there are few driveways or side streets.

The study also considered sight distances. He displayed a map of sight distance issues from a side streets or driveway based on the speeds. This information was also used in evaluating the project list. In evaluating the SR-104 corridor, they also considered walking networks that connect to the corridor. He displayed a map of existing and proposed walkway projects and pedestrian crossing treatments. He noted there is quite a lot of transit use on SR-104 so people are using the sidewalks on SR-104.

Mr. Abbott explained at the onset of the study, they confirmed no extra lanes were needed as well as that lanes would not be removed to provide bike lanes due to the speed and need to move traffic. They worked with the Transportation Plan update to determine whether there were strong connections throughout the City that would replace a facility on SR-104. He displayed a map of bike lanes, bike routes, trail/path, bike sharrows and major bicycle corridors.

He displayed a map identifying Community Transit commuter route 416 and local route 130, Sounder Station/Park & Ride Lot, bus stops, and a ¼ mile bus stop zone. It is difficult to obtain data regarding people walking in a corridor; the easiest way is to use transit data because most agencies track boarding and alighting. The bus stops in the corridor identify where people are walking and potentially crossing SR-104 on a daily basis. The study also considered future transit. He displayed a map identifying existing bus routes, new transit service options, priority transit corridor, proposed Link Light Rail route and station, Swift BRT route and stops, Park & Ride lot, and Sounder train station. He also displayed a conceptual Westgate access and internal circulation and proposed modifying access to improve operations and pedestrian experience.

Mr. Abbott described input into the plan:

- SR-104 committee
  - Councilmember
  - Planning Board Member
  - City Staff
  - WSDOT
  - Community Transit
- Bicycle Committee
- Public Workshop

He reviewed the study recommendations west to east (no priority order):

- Additional ferry storage
  - Provide more storage without widening using existing curb space
  - Reduce queue and backup on busy ferry days
  - Make pedestrian crossing safer
- Sign at Pine Street restricting pedestrian access
  - WSDOT installed new pedestrian crossing north of Pine
- Improve ADA ramps in corridor
- At 5<sup>th</sup> Avenue, add crosswalks and pedestrian activated flashing beacons to connect pedestrian path to/from bus stop
- Speed limit feedback sign (25 mph) on exit to 5<sup>th</sup> Avenue N for westbound traveling vehicles
- Provide ADA ramps to cross SR-104
- Implement flashing beacon
- At 226<sup>th</sup> Street SW / 15<sup>th</sup> Street SW
  - Provide signage directing pedestrians to cross south approach (across (SR-104)
  - Add “right turns yield to pedestrians” signage on eastbound 226<sup>th</sup> Street
  - Add bike detection for traffic signal
  - Add exclusive pedestrian phase
  - Extend SR-104 westbound left turn lane to 226<sup>th</sup> Street
- Welcome to Westgate Gateway sign in eastbound direction
- Access management 100<sup>th</sup> Avenue W to 102<sup>nd</sup> Place to address concern collisions
- On 100<sup>th</sup> Avenue W
  - Midblock pedestrian connection between QFC and PCC
  - Re-channel to include bicycle lanes
  - Mid-block pedestrian connection south of intersection of SR-104 and 100<sup>th</sup> (location to be determine
- At 95<sup>th</sup> Avenue W
  - Install Westgate gateway sign in westbound direction
  - Change traffic signal to protected left-turn signal phasing
  - Add C-curbs for access management
  - Relocate westbound speed limit to east of intersection
- At 232<sup>nd</sup> Street SW
  - Install HAWK signal with emergency vehicle activation (like what was installed by WSDOT at Pine Street)
  - Maintain early emergency vehicle detection
- At 236<sup>th</sup> Street SW
  - Provide updated curb ramps, signals, and pedestrian facilities to meet current ADA standards
  - Coordinate traffic signal with 238<sup>th</sup> St SW
- At 238<sup>th</sup> Street SW
  - Install traffic signal
  - Coordinate signal with 236<sup>th</sup> Street SW

- Revise geometry on 238<sup>th</sup> Street SW for safer turns
- Add bus pullouts on SR-104 on NE corner
- At 240<sup>th</sup> Street SW
  - Upgrade intersection to include current ADA standards for side streets
  - Add a sign restricting pedestrian crossings of SR-104
  - Install “Welcome to Edmonds” gateway sign westbound on SR-104
- At 76<sup>th</sup> Avenue W, add additional westbound left turn lane

Councilmember Petso observed the agenda item states the Council is to adopt the study; she has no intention of adopting the study, but rather to use the study to inform the Council’s work on other plans such as the Transportation Plan. She asked why the Council would be expected to adopt this study. City Attorney Jeff Taraday answered there is no legal requirement to adopt or approve it but it would signify to the administration that the work has been satisfactorily completed and there are no other aspects that need to be analyzed and future planning purposes can start from the same point.

Councilmember Petso relayed her understanding there was no legal requirement to adopt or approve the study. She pointed out in Westgate for example, the Council has taken action in contradiction to the study. She asked whether the Council could just agree it was done and put it on the shelf. Mr. Taraday responded that could be done but he encouraged Council to point out any flaws in the study or additional work that needs to be done.

Council President Fraley-Monillas clarified tonight is a study session. The Council moved back to the dais due to complaints about not being able to hear. Councilmember Petso said she had no intention of ever adopting this document and was hopeful that concept could be abandoned as the Council had already taken action in contradiction to parts of the document. For example, the location of the gateway sign at Westgate, it is proposed to be at the edge of the existing Westgate area rather than at the edge of the redefined future Westgate area. If the Council wanted to change that, should it be changed now or in the future when the signage program was adopted as part of the TIP. Mr. Taraday explained in general studies like this are used by the administration in any number of ways such as updating other plans, etc. If there are elements that are incorrect or inconsistent with other documents, he encouraged the Council to flag those so they could be corrected now or at least the issue noted in the minutes. If issues are not communicated, they can end up churning in inefficient ways for years.

Councilmember Johnson said as a result of her conversation with Ms. Hope about how this plan is adopted in Comprehensive Plan, it is her understanding the projects are already identified and are part of the Transportation Element and will be incorporated into the Comprehensive Plan. Mr. Hauss agreed the TIP in the Transportation Plan identifies a certain number of projects from the SR-104 study in the first six years and in the out years. Councilmember Johnson observed all the projects are identified in the Transportation Plan including non-motorized, bicycle plans, etc. Mr. Hauss agreed.

Councilmember Buckshnis complimented staff and the consultant, noting the study read very well. She found the detailed analysis about speeding, accidents, etc. fascinating. She asked what a HAWK signal is. Mr. Abbott answered it is a specialized pedestrian signal with mast arms on either side that go over the roadway. The signal is dark to vehicles unless activated by a pedestrian. The pedestrian must wait for the walk sign, providing a safe window to cross unlike a flashing beacon that activates immediately. When a pedestrian activates the signal, the lights turn on and vehicles see a series of flashes to warn them to slow and stop. A HAWK signal was installed at SR-104 and Pine Street.

Councilmember Mesaros referred to the Pine Street intersection, stating he often walks from this location on SR-104 to 234<sup>th</sup>/236<sup>th</sup>. While walking through the Pine Street/SR-104 intersection today, he noticed vehicles taking a left turn on Pine Street where vehicles are restricted to a right turn. He asked if there was a way to reconfigure it so it was not so easy to take a left westbound on Pine Street. Mr. Abbott said he

would need to look at it. Usually turn restrictions are designed for larger vehicles; a car or truck can sometimes sneak around it.

Councilmember Bloom referred to the collision data and asked if the collisions were motor vehicles only. Mr. Abbott answered yes, the number pedestrian collisions was very low only one or two in a location. There were no fatalities in the most recent five year period they looked at. Bicycle and pedestrian collisions and near misses are often are not reported; getting really good non-motorized collision data is very difficult. Councilmember Bloom asked how many of the collisions were car/pedestrian or car/bicycle. Mr. Abbott answered in each area there was only 1 and near 100<sup>th</sup>, there were 2.

Councilmember Bloom referred to a location between 100<sup>th</sup> and where 5<sup>th</sup> Avenue branches off where there was the highest number of collisions, 158 or 49% of the total along SR-104, 53 involving injury. She asked whether that was due to a ferry lane that blocked that area in the past near the bank. Mr. Abbott answered that collision data was not for a specific location, it was all along that section. He agreed the area Councilmember Bloom referred to was a source of some collisions but recalled the majority were west of 100<sup>th</sup> which is why access management and turn channelization is recommended. Access management would be a combination of driveway reconfiguration and median and curb in the street to control where turns occur. The two access management locations were aimed at reducing collisions.

Councilmember Bloom observed the majority of those collisions, 53 involving injury, were close to 100<sup>th</sup>. Mr. Abbott agreed a higher number occurred in that area. Councilmember Bloom asked if there were any other recommendations for the entire area where those collisions occurred. Mr. Abbott answered not really because some collisions in that area would be difficult to fix; for example rear-end collisions happen at signals, there is not a good way to reduce that type of collision. Mr. Hauss pointed out one of the improvements is to increase the left turn storage area at the 226<sup>th</sup> signal.

Councilmember Nelson thanked staff and the consultant for the report, finding the written and visual data very helpful. He appreciated the guiding principle to improve circulation and safety for biking, walking and transit access. He referred to Table 6, Recommended Projects, and the list of Quick Win projects and suggested a priority ranking be provided for the Recommended Projects similar to the projects on the Quick Win list.

Council President Fraley-Monillas referred to the lower right corner of slide 9 regarding collisions which indicates there are no collisions in that location, yet she was aware of frequent collisions at the light west of 76<sup>th</sup> where the road branches off to Shoreline. She questioned whether that data was reported in Shoreline because of its location between Shoreline and Edmonds. Mr. Abbott offered to obtain information for that location. Council President Fraley-Monillas asked if traffic flows at those lights were considered, noting that intersection is impacted by shopping in Shoreline such as at Costco. Councilmember Mesaros noted traffic increased in that area recently due to the closure of 200<sup>th</sup>.

Councilmember Petso agreed with Council President Fraley-Monillas that that intersection should be considered in this effort. She recalled the Council adopted a 16-foot setback in Westgate although the recommendation was 12 feet. This document includes a recommendation of 12 feet. If the Council adopts the document, she questioned whether the direction to administration regarding setbacks at Westgate was 12 or 16 feet. Mr. Taraday said when he suggested the Council approve or adopt the document he did not necessarily mean in its current form. If the Council saw an inconsistency with another document, they could direct that be reconciled. Councilmember Petso said if she preferred not to look for those inconsistencies, she only needed to convince three more Councilmembers that this should be called a study and not adopted. Mr. Taraday said all the work that has been done is part of the overall planning process. To do all the planning analysis and not take the final step of reconciling any inconsistencies with other planning work that has been done would seem to be somewhat wasteful of the planning process. He

suggested to actually get the value out of this study and to get something for the money paid, the Council might as well take the final step of reconciling any inconsistencies so it becomes a useable document.

Councilmember Petso said proceeding on that assumption, she would leave her efforts to convince Council to another time. She referred to the employment and growth targets in Table 1 on page 7 and asked 1) whether it was consistent with what the Council has been asked to adopt in the Comprehensive Plan, and 2) given the changes made in the Westgate zoning, how did the City expect to add 1100 jobs along that corridor. Mr. Williams offered to confer with Ms. Hope.

Councilmember Johnson asked the timeframe for the final review of the document and getting corrections/questions to staff. Mr. Hauss answered it is scheduled to go to the Planning Board next week and back to Council early/mid-August.

Councilmember Buckshnis said she did not find huge issue with the report. She referred to page 2 of the Westgate study where it addresses the 12-foot setback and a default of 15 feet.

Councilmember Mesaros concurred there was a lot of good information in the report, information that could be used in future planning. During the review with the Planning Board, he suggested staff identify any inconsistencies and bring them to the Council's attention; the Council can decide how to rectify those inconsistencies. He summarized most people come into Edmonds via this corridor. The report is a good start and will help with planning for the corridor.

Councilmember Bloom referred to slide 13 in the presentation and asked whether a bike sharrow or trail/path was indicated for Sunset Avenue. Mr. Williams answered the proposal is Sunset Avenue is one-way northbound; the travel lane northbound would be marked as a sharrow to indicate it is shared with bicycles and automobiles. Councilmember Bloom said another map in the document showed a dotted line on Sunset indicating a proposed walkway, but the sidewalk on the east side was not shown. She found that confusing as it was indicating there was currently no walkway and one would be installed in the future. Mr. Williams agreed there was a sidewalk on the east side of Sunset but there was also a proposal for a walkway on the west side of Sunset. Councilmember Bloom expressed concern the map on slide 9 only indicates the sharrow and does not illustrate the existing sidewalk. Mr. Williams said the intent was to identify the proposal for a more robust walkway on Sunset. Councilmember Bloom asked for assurance that this does not define anything with regard to a sharrow, multiuse path or walkway as that is still in process. Mr. Williams agreed, noting any reconfiguration on Sunset will include the creation of a marked sharrow instead of the current bike lane.

Councilmember Nelson referred to page 24 of the report regarding speed which states "The results show the majority of drivers exceed the posted speed limit throughout the study area. For example, in the northern section, over 80 percent of drivers exceed the posted speed." He asked if there were any recommendations from the analysis regarding best practices to reduce speeds besides obviously more traffic enforcement. Mr. Abbot said they did not propose any specific improvements on SR-104 that would address speeding; they used speeding as a factor to focus on ways to improve crossing safety and make it a pedestrian environment. They did recommend moving the speed limit in one location; although that would not address speeding, it would potentially slow drivers through the curve but the propensity to speed would still exist. The corridor lends itself to speeding because it is a big, wide street which is typical of corridors that are meant to move traffic. There could be improvements to reduce speeds.

Mr. Hauss explained speed studies were done at the end of last year. Near the Pine Street crossing the speed limit was reduced from 40 to 35 mph as well as adding a radar feedback sign which he anticipated would impact drivers traveling northbound toward the ferry terminal. Councilmember Nelson commented pedestrian and bicycle safety and slowing traffic go hand-in-hand. Mr. Hauss referred to the recommendation to add flashing beacons at several intersections which will increase pedestrian safety and

reduce speeds. Mr. Abbott said the recommendations also include 1 radar feedback sign as SR-104 turns onto 5<sup>th</sup>.

Council President Fraley-Monillas recalled the Council fought hard for the funding for this study and it took two budgets to accomplish it. She asked how Mr. Hauss wanted the Council to provide input between now and next week. Mr. Hauss said he was open to emails, phone calls or meeting with individual Councilmembers.

In response to Council President Fraley-Monillas' earlier question about the signal at 244<sup>th</sup> & SR-104, Mr. Hauss was fairly certain that was a limited access, a WSDOT controlled intersection. He will double check and add that to the document for informational purposes. Council President Fraley-Monillas suggested the City staff interface with WSDOT regarding improvements in that area. Due to the difficulty getting through that area, many people use the residential streets to go around it. Mr. Hauss said he will also check whether improvements to the intersection are in WSDOT's long range plans

Mayor Earling suggested Councilmembers submit comments/suggestions to staff this week. He announced Item 7E, Discussion Regarding Boards and Commissions, will be postponed.

Councilmember Petso referred to a LOS chart and said it appears when 9<sup>th</sup> and Firdale Avenue are reduced to 1 lane northbound and 1 lane southbound and a turn lane to accommodate bike lanes, it increases the intersection delay at Westgate by 15 seconds. She asked whether that 15 second increased delay was per vehicle for each of the 30,000 vehicles that go through the intersection or something else. Mr. Abbott answered the way the models report delay is for a time period only, 15 minutes within the peak hour. The delay is only increased for every vehicle by on average 15 seconds within that small window. Outside of that window the delay is something less. During the middle of the day/night, there may be no increased delay.

Councilmember Petso said if the delay is presently 26 seconds at rush hour, that would be increased to 41 seconds, all she needed to determine was how many cars go through during rush hour and multiply by 15 second delay. Mr. Abbott answered roughly on average. In the Complete Streets process they were looking at space as real estate. The tradeoff is some vehicle delay but a safe bicycle facility Councilmember Petso asked how they determined the Council would rather have a delay and the bike lanes versus moving cars. Mr. Abbott assured vehicles are still moving; the intersection is within the acceptable LOS standard of D. The Complete Streets approach is balancing modes; that is a very strong north-south corridor for bicycles. He viewed Complete Streets as 8 to 80, a street is good if an 8-year old and an 80-year old can get through the network. A large percentage of the population does not drive; in a Complete Streets concept, they have the right to use that facility. In looking at the corridor consideration should be given to whether it is just moving vehicles with some pedestrian or whether it is creating a balance and moving bikes, pedestrians and vehicles within the accepted standards.

Councilmember Petso recalled Council's request was a Complete Streets analysis on SR-104 but bicycle lanes were quickly abandoned on SR-104. Mr. Abbott said the impetuous of the Complete Streets project, building on Main Streets and the layered network concept that is adopted in the Transportation Plan is not just looking at just the corridor but rather a broader look at how to move people through the City.

**D. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2014 CITYWIDE STORM DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF PROJECT**

City Engineer Rob English reported this was project was completed fall 2014; minor work was carried over into the spring. The project installed 415 feet of 12-inch diameter storm drain pipe on 4<sup>th</sup> Avenue between Walnut and Dayton where flooding occurred during a storm a couple summers ago. The project also included replacement of a drywell system with a water quality structure in the City's right-of-way

south of 107<sup>th</sup> and 106<sup>th</sup> in southwest Edmonds as well as a new infiltration system on church property on the south side of 238<sup>th</sup> Street west of 102<sup>nd</sup> Avenue. The original contract award was \$337,759; Council approved a management reserve of \$34,000. The final cost paid to the contractor was \$334,271.

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

**E. DISCUSSION OF BOARDS AND COMMISSIONS**

Due to the late hour, this item will be rescheduled.

**F. CONTINUED DISCUSSION REGARDING POTENTIAL PURCHASE OF THE EDMONDS CONFERENCE CENTER**

Economic Development & Community Services Director Patrick Doherty relayed on June 9, 2015, the City Council voted to submit an offer to purchase the Edmonds Conference Center for \$300,000, subject to a deed restriction requiring public use of the property for no less than 30 years. At its July 7, 2015 meeting the City Council discussed the City's offer to purchase the Edmonds Conference Center and the current state of affairs related to that sale process. In a discussion he and City Attorney Jeff Taraday had with the State Department of Enterprise Services staff person and State Assistant Attorney General, they disclosed there were 3 other offers for the property, all in excess of the City's offer of \$300,000; \$2,405,000, with an escalator clause to \$2,800,000, followed by an offer for \$1,200,000, followed by a third offer of \$1,000,000.

Mr. Doherty explained in the continuing spirit of providing another government agency an opportunity to purchase the property, State officials indicated they would allow until Wednesday, July 15, 2015 for the City to provide any additional response or amended offer. At the conclusion of the discussion at the July 7, 2015 meeting Councilmembers asked to place this issue on tonight's meeting agenda for continued discussion.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO INCREASE OUR OFFER FOR THE EDMONDS CONFERENCE CENTER TO \$1.2 MILLION.**

The following comment by Councilmember Bloom is included verbatim at her request:

*I intend to vote to increase Council's offer for the Edmonds Conference Center to 1.2 million dollars. We are making a mistake by not seriously considering the purchase. Increasing our offer to 1.2 million dollars allows time for a community conversation about the use of the building.*

*The consideration of purchase has not been transparent. Though the property was for sale back in October of 2014, Mayor Earling has done nothing to support a community conversation about how this property might be used for public benefit. On the contrary, he has stated, and demonstrated, that he does not support the City's purchase of the property.*

*Since a resident brought this to the attention of the Economic Development Commission in January of 2015, numerous possible uses for the building and property have been suggested by Council members, residents, and in online conversations in MyEdmondsNews. Among these ideas are*

- *Continue to use part or all of the building as a conference center.*
- *House one or more tech start-up projects. Let's bring new kinds of businesses to Edmonds.*
- *Move the Artworks program to the ECC building.*
- *Use as a museum, currently in our CIP/CFP.*
- *Use for a year round market, also in our CIP/CFP and in our strategic plan.*
- *Use for a holiday market.*
- *Use for a children's museum.*

- *Open the restrooms for public use. That would eliminate the need to build public restrooms, which would cost about 1 million, to build and maintain, while wiping out several parking spaces.*
- *Provide additional meeting space for city boards, committees and commissions, such as the Diversity commission.*
- *Contract with a company to run the building as conference space.*
- *Contract with the ECA to run the building, continuing to support the building's use as a key part of the Arts Corridor.*
- *Provide 17 additional parking spaces downtown for public use.*

*And, if the building must be torn down due to the cost to repair, replace with open space for a park, any of the above uses, a parking lot, or affordable housing.*

*I have always held the opinion that, when given the opportunity, the tax- payers of Edmonds can be creative, resourceful, and forward thinking. I will vote to increase our bid for the Edmonds Conference Center to provide the taxpayers this opportunity.*

Councilmember Petso asked the objective in increasing the offer to \$1.2 million when there is a \$2.4 million offer, whether it was in case the higher offer falls through. Councilmember Bloom answered it was that as well as the State saying they would accept offsets related to public use. If the Council increases its offer to be consistent with the second offer and the first offer falls through or the State is willing to give tradeoffs for public use of the property, the Council's offer could potentially still be in the running. The other objective is it would give lead time to get a community conversation going and potentially increase the offer. The main reason was she wanted to be on record as voting to increase the offer because she thinks the Council is making a huge mistake in not considering purchase of the property.

Councilmember Petso asked if there would be any benefit or gain in advising the State that if the \$2.4 million does not go through, to get back to the Council because they wanted to talk about \$1.2 million. Mr. Doherty said it was pretty clear that if the City was interested, the State wanted a counteroffer backup offer if the first offer fell through. The State was pretty clear that at the current amount, the City was not in the game.

Councilmember Petso asked how the Council got the initial impression that public agencies would have some priority with the State and now it was back to a bidding war. Mr. Doherty explained the property bulletin stated an implied priority for other government organizations before going to the private sector. Staff discovered that is an internal policy not a regulation and ultimately when it comes to cost, especially in disparities like this, cost trumps any potential discussion of the priority to a public agency for public use. In discussions about public use, the State said they were more compelled by uses that the State might otherwise provide such as a State agency office, activity or service offered in the area that could be incorporated into the potential reuse of the site. That would be more compelling to the State than any as yet undisclosed local municipal public use. Councilmember Petso relayed her understanding of Mr. Doherty's explanation was it was the State's policy but they were choosing not to follow it in this case. Mr. Doherty said the State is following it to the extent they are continuing to offer the City the opportunity, recognizing without that policy they could reject the City's offer without any further discussion.

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

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO NOTIFY THE STATE THAT IN THE EVENT THE PRIME OFFER DOES NOT GO THROUGH, THEY CONTACT THE CITY. MOTION CARRIED UNANIMOUSLY.**

**G. DISCUSSION OF ORDINANCE AMENDING THE EDMONDS CITY CODE RELATING TO COUNCIL COMMITTEE MEETINGS AND FORMALLY ESTABLISHING THE COMMITTEE OF THE WHOLE**

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO EXTEND THE MEETING TO 10:20 P.M. MOTION CARRIED (5-2) COUNCILMEMBERS JOHNSON AND PETSO VOTING NO.**

City Attorney Jeff Taraday said this is the ordinance the Council requested be drafted at its last meeting. He amended the code consistent with the motion adopted by the Council. The Council can make further amendments or direct him to return with amendments at a future meeting.

Councilmember Petso recalled at the retreat she volunteered to work with Mr. Taraday to modify the regulations related to the duties and compensation of the Council President. Those matters have not been changed in the proposed draft. Rather than process this amendment, she suggested the Council provide her and Mr. Taraday direction to bring both sets of changes to Council at same time within a couple weeks.

Councilmember Bloom expressed concern with the committee of the whole issue. She did not understand the term and felt it was just a way to pretend the Council did not break its own ordinances by not having committee meetings. She preferred the Council admit it broke the ordinance by not having committee meetings. She recalled being told by Shane Hope that the ordinance needed to be changed, yet proposed changes were never presented to Council. She summarized this is a Council meeting, it is not a committee of the whole and calling it a committee of the whole is ludicrous. Mr. Taraday said the motion used the phrase “committee of whole” which is why he drafted the ordinance that way. It is not uncommon for local government councils including King County Council to call one of their committee meeting a committee of the whole. It did not matter to him whether it was called a committee of the whole or a study session. Councilmember Bloom requested committee of the whole be eliminated because she thought it was silly.

Council President Fraley-Monillas said she suggested committee of the whole/study session. She was disturbed the Council already voted to return to study session, yet now Councilmembers who voted against it were objecting. She felt it was disrespectful for Councilmembers to continue to repeat the same objections once the Council had made a decision. She relayed the Council Executive Assistant advised Section 2.B.3 was being followed. She suggested adopting the ordinance and revising the Council President section later. Mr. Taraday said one of revisions made to subsection B.3 was not shown in underline/strikethrough; the reference to “council recourse person” was changed to “executive assistant to council.”

Councilmember Buckshnis preferred the language “work session” and offered to send a list of typos to Mr. Taraday.

Councilmember Petso repeated her offer to work with Mr. Taraday to do some of the things the Council has discussed such as increasing the compensation for the Council President, simplifying the language for the Council President Pro Tem, etc.

Councilmember Bloom asked to be involved in the discussion if there was intent to increase the Council President’s salary and not increase the compensation for the rest of Council. She did not feel the Council President’s salary should be increased without increasing all Council salaries.

Councilmember Buckshnis suggested the Council pass this ordinance, noting the salary discussion is an entirely different issue and is part of the budget.

Council President Fraley-Monillas agreed with Councilmember Buckshnis that the changes to salary, etc. were a bigger conversation and said it behooves the Council to proceed with adopting this ordinance next week.

Councilmember Nelson concurred with Councilmember Buckshnis regarding calling the meetings a work session.

Councilmember Petso said she was asked at the Council retreat to pursue those items with Mr. Taraday. Based on tonight's discussion tonight she will not pursue any changes with regard to the Council President.

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

Mayor Earling reported the first concert in the parks last Sunday, Sedentary Sousa Band, was fabulous and included a sedentary baton twirler who is a library staff member. He reminded of the City's 125<sup>th</sup> Anniversary celebration on August 11, culminating in the afternoon with festivities on 5<sup>th</sup> between Bell and Main Streets.

#### **9. COUNCIL COMMENTS**

##### **COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO SCHEDULE A PUBLIC HEARING NEXT WEEK REGARDING THE ILA ON WOODWAY FIELDS.**

Council President Fraley-Monillas asked the purpose of the public hearing. Councilmember Petso responded it was primarily to have a scheduled public hearing to discuss the Interlocal Agreement rather than an unscheduled public hearing such as occurred this evening.

Council President Fraley-Monillas pointed out the City does not own the fields. As much as people would like the City to stop everything that is occurring, the City does now own the fields. The fields are owned by the School District. It is no different than the City telling Mr. Nelson he cannot put crumb rubber in his yard because it will runoff into the streams and damage the neighbors.

Councilmember Bloom expressed support for the motion because although they are not the City's fields, the City is being asked to enter into the ILA and contribute \$500,000 to the fields. Given the significant number of concerns expressed by residents during Audience Comments regarding potential health impacts of crumb rubber, a public hearing will give stakeholders an opportunity to weigh in on concerns related to crumb rubber infill that the School District intends to install and give the Council a chance to decide if they want to enter into the agreement.

Councilmember Buckshnis suggested she, Council President Fraley-Monillas and Mayor Earling meet with the School District before the public hearing. She agreed the City does not own the fields. She was aware of alternatives such as Nike grind which is made from tennis shoes.

Council President Fraley-Monillas said she will do whatever the Council asks. She felt a public hearing was giving false hope to citizens that the Council could actually make a difference on the ball fields and it was not fair to treat citizens in such a manner. She was sorry people feel they were not listened to by the School District but this was an area the City could not get into at this point.

Councilmember Nelson offered to participate in a meeting with the School District. He agreed there was a lot of information, some of it misinformation. This has been a very frustrating process and he supported having an open dialogue with the public.

Councilmember Bloom said the public hearing would be regarding the ILA; the Council has an option not to enter into it if the Council gets information at the public hearing that convinces them not to. She did not think the Council was giving anyone false hope; the School District is making this decision but if the Council reviews it in public, the Council can make a decision regarding how it wants to proceed. The intent of a public hearing is to get information out in the open and hear what citizens have to say. The Council heard from a number of people today; if a public hearing is scheduled, more people may express their concerns and inform the Council. She was supportive of a public hearing.

Councilmember Mesaros said a certain amount of hope was generated when public officials say they really want to listen to the citizens. Although he felt it was important to listen to citizens, he agreed with Council President Fraley-Monillas that there were limits to what the Council can do. The Council should not set up hopes that as a result of citizens' input the Council could stop something; the Council has no authority to stop anything. It needs to be clear that the public hearing is about ILA, not the installation of crumb rubber. Whether the Council agrees to the ILA or not, there still will be crumb rubber at the Woodway fields because the School District has made that decision. Although he would entertain the idea of input from citizens, he wanted to ensure people's expectations of the public hearing were in the right place. When expectations are in the wrong place and Council does not act, the Council is seen as being incompetent.

Mayor Earling said all Councilmembers are very aware of the community's interest in not having crumb rubber fields. He was happy to talk with the School District administration along with Councilmembers but from discussions with the School District, they intend to build the fields as proposed. If the City had broader jurisdiction, there would be a broader discussion. The City's adjudication was limited to fences and grandstands. Although it was within the Council's prerogative to have a public hearing, he suggested determining when it would be held as there were already three hours of agenda items next Tuesday.

**MOTION CARRIED (5-1-1), COUNCILMEMBER JOHNSON VOTING NO AND COUNCILMEMBER MESAROS ABSTAINING.**

Councilmember Johnson announced next Sunday at 3:00 p.m. the Seattle Shakespeare Company will present "As You Like It" at City Park.

Councilmember Bloom requested the public hearing on the ILA be scheduled next Tuesday, July 21.

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

This item was not needed.

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

This item was not needed.

**12. ADJOURN**

With no further business, the Council meeting was adjourned at 10:26 p.m.