

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **July 28, 2015**

The Edmonds City Council meeting was called to order at 6:30 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  
Lora Petso, Councilmember  
Joan Bloom, Councilmember  
Thomas Mesaros, Councilmember  
Michael Nelson, Councilmember

### **STAFF PRESENT**

Phil Williams, Public Works Director  
Scott James, Finance Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Rob Chave, Planning Manager  
Bertrand Hauss, Transportation Engineer  
Frances Chapin, Arts & Culture Program Mgr.  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### **SPECIAL MEETING**

#### **1. CONVENE IN EXECUTIVE SESSION REGARDING**

At 6:30 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss collective bargaining per RCW 42.30.140(4)(a) and real estate per RCW 42.30.110(1)(c). He stated that the executive session was scheduled to last approximately 30 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, Bloom, Mesaros and Nelson (joined executive session at 6:49 p.m.). Others present were City Attorney Jeff Taraday, Parks & Recreation/Human Resources Reporting Director, Human Resources Manager Mary Ann Hardie, Sharon Cates, City Attorney's Office, and City Clerk Scott Passey. At 7:03 p.m., Mayor Earling announced the public present in the Council Chambers that an additional 10 minutes would be required in executive session. The executive session concluded at 7:08 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:10 p.m. and led the flag salute.

### **STUDY SESSION**

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

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF JULY 21, 2015**
- B. APPROVAL OF CLAIM CHECKS #215303 THROUGH #215403 DATED JULY 23, 2015 FOR \$796,044.91**
- C. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM BONNIE BERKLEY (\$48.00)**
- D. APPROVAL OF THE ORDINANCE AMENDING THE 2015 BUDGET**

**5. ARTS COMMISSION ANNUAL REPORT FOR 2014**

Frances Chapin introduced Arts Commission Chair Kevin Conefrey. Mr. Conefrey explained the Arts Commission is a group of seven volunteer members who work with the Cultural Services Division on various projects. The Commission has existed for over 40 years with the ongoing mission to ensure the arts are an integral part of the central identity, quality of life and economic vitality of Edmonds. He highlighted 2014 projects:

- Write on the Sound
  - 29 year history
  - 2½ day conference
  - Draws attendees from through the country
  - 265 participants generated over 70 hotel night states
- Tourism Promotion Awards to community arts and cultural organizations who advertise their events to attract visitors outside of Edmonds
  - Awarded \$9,500 from lodging tax funds
- Performing Arts
  - Free summer in concert series
    - 4,000 attendees in 2014
  - Hazel Miller Plaza
    - 12 free concerts funded by the Hazel Miller Foundation
- Visual Arts
  - Manage rotating exhibit of visual arts in Edmonds Library, Frances Anderson Center and partner with the Arts Festival Foundation on joint exhibits including a special exhibit of the NW School Artists
    - 54 regional artists and 20 students participated in the shows
  - Stages of History Art by Seattle artist Judith Caldwell installed and dedicated
  - Five Corners Roundabout artwork by CJ Rench installed and dedicated
  - Oversee acquisition and upkeep of publicly owned work that includes 150 original pieces with over 30 permanently sited including the terrazzo floor in the Public Safety building lobby and outside sculptures
    - Curate the Hekinan collection and selections currently on exhibit in the Brackett Room
    - 22 artist-enhanced flower basket poles located in downtown Edmonds, partially funded by donations and intended as opportunity for commemoration

- Literary Arts
  - Best Book Poster Contest for 3<sup>rd</sup> grade students
  - First Edmonds literary walk
- Completion and City Council adoption of the updated Community Cultural Plan

The Edmonds community offers strong support for the arts through local sponsors, grants, community partnership and many volunteer hours. He thanked the Council and Edmonds community for their continued support of the arts and culture, a key component in the economic vitality and identity of Edmonds.

Ms. Chapin expressed appreciation for the seven Arts Commissioners who assist with programs. In addition to the volunteer commission members, many other volunteers assist with events and with the update of the Community Cultural Plan.

Councilmember Johnson recalled two years ago Mayor Earling convened an Arts Summit. She inquired about the mini Arts Summit held last Monday. Ms. Chapin explained the implementation process of the Community Cultural Plan can be challenging and it is important to keep the ideas and intent alive and people engaged. To that end, the Arts Commission has formed groups in various areas of interest; the 34 strategies in the Cultural plan were divided into 5 work groups related to arts education, space for arts, events and programs and communication. The meeting held last Monday, a mini summit, was an opportunity for all the work groups to come together to hear what others were working on and have breakout sessions/brainstorming to identify areas to focus for the coming year with the idea that another Arts Summit may be a kickoff for the cultural planning process that occurs every six years. She said a summary of the mini summit will be on the City's website by next week.

Ms. Chapin introduced the Arts Commissioners in the audience: Kevin Conefrey, Samantha Saether, Lois Rathvon, and Joanne Otness.

Councilmember Mesaros thanked the Art Commissioners for their service to the City, the volunteer hours they provide and for making arts flourish in the City.

## 6. AUDIENCE COMMENTS

**April Osborne, Edmonds**, said she is tired of talking about crumb rubber and was sure the City Council is tired of listening. She is tired of news vans in her driveway, calls from the media, and hate mail from people who read her quotes in newspapers and articles. She is here on behalf of the hundreds of citizens who signed petitions over the last month. The Edmonds School District (ESD) did not seriously looking into alternative infill; citizens contacted a local supplier of organic, non-toxic infill being installed around the region including in South Kitsap and collected facts about the project. ESD had not called to ask about it. Citizens called local communities who have installed non-toxic infill and offered names and contact information to the ESD; the ESD did not make any phone calls. Citizens collecting signatures outside PCC spoke with the president of Verdant Health and followed up with meetings with Verdant to ask them to consider additional funds for a non-toxic infill; the ESD had not asked. Citizens compiled environmental data on ground water, endangered species, air quality and the impact of heavy metals and carcinogens contained in crumb rubber on these community resources; the ESD did not. She recognized the politics of this issue were difficult and she understood ultimately the City Council did not have decision-making authority over the infill choice on ESD properties. On behalf of hundreds of citizens she asked the Council to do what it could to make their desire for non-toxic infill a reality.

**Andrew Markiel, Brier**, suggested in light of known health issues associated with crumb rubber in addition to the potential health issues, the Council consider putting signs on any fields that use crumb

rubber to notify the public of the possibilities. For example, it is well known crumb rubber can reach very high temperatures, up to 140 degrees. It would be prudent to inform parents and athletes so they can prepare for the possibility of heat stroke. He pointed out tires contain latex; it would be valuable for those with a latex allergy to be warned so they can take appropriate precautions. It would also be valuable to list the recommend precautions with regard to crumb rubber as recommended by CDC that include 1) do not eat on the field, 2) as much as possible avoid tracking crumb rubber away from the field into car and home, and 3) wash things off as quickly as possible. He summarized these were basic and prudent considerations and should be made available to the public using the fields.

**Steve Margo, Edmonds**, relayed his concern with unsafe crumb rubber on playfields in Edmonds. Edmonds prides itself on being a safe, caring community to live; crumb rubber seems to have turned caring on its head. He was concerned there were too many unanswered health-related questions about crumb rubber including cancer and water quality. Edmonds is not the only town concerned with crumb rubber; several other cities are considering similar bans. A search for the word “crumb” on Change.org provides examples of other cities concerned with crumb rubber. Before he learned about crumb rubber hazards, his son played and practiced on crumb rubber fields. It took weeks to get out the rubber pieces out of blankets, chairs and clothes and now he is worried about his son’s future health. He has been told the ESD superintendent wants warning signs posted on the fields after crumb rubber is installed. Like the superintendent and the school board, his job as an engineer is to ensure people’s safety but unlike them, he is not trying to bring a dangerous material in contact with the people he is trying to protect. He has volunteered as a soccer coach and assistant coach with SnoKing Youth League and his son has been a goal keeper in the SnoKing League. Goal keepers dive and slide on the fields, players on the sidelines throw their water bottles on the ground between plays, players sit on the ground, younger siblings do cartwheels and tumble while watching, players eat mid-game and end of game snacks without washing their hands and babies put things in their mouths. He would like his son to continue to play soccer but if crumb rubber fields replace grass fields and SnoKing schedules games on crumb rubber, his son will not be allowed to play on that material. He recognized people have different beliefs but he preferred to not believe the science published by big business and its interests. He thanked the Council for their service to the community.

**Roger Hertrich, Edmonds**, said he did not attend the public hearing regarding the “toxic fill” that the ESC plans to install at the former Woodway High School. His three children played sports from a young age; parents trusted that children were safe on public fields. That cannot be said today. If ESD is allowed to install crumb rubber without any action by Council, the Council is condoning an unsafe practice and condemning children to problems later in life. The people speaking to the Council are a small, vocal group who have been exposed to the problem up close, carrying a message from all future Edmonds children, “don’t play on Edmonds fields if it has toxic fill.” the Council needs to say no to ESD with regard to the Interlocal Agreement until they considered look another fill. He suggested the Mayor Earling and Council should be talking about this in newspaper; he has not heard anyone talking about it except at Council meetings. He summarized he was very emotional about this issue and although it did not affect him personally it affects his friends who have children.

**Laura Johnson, Edmonds**, said contrary to what a school board member stated last week, they are not a small but vocal minority. They are part of a growing national movement urging precaution with a product that people do not know enough about. The school board member’s comment was made as she stood beside Senator Marilyn Chase who months earlier had urged the school board to delay their vote on the use of crumb rubber until more was known about the affects. Like the Senator, they are working to educate others so they can make informed decisions with regard to their children’s health. It was beyond her understanding how the ESD has treated them; it is as if they feel they should have no say on a matter that concerns the health of their children, citizens and environment. It appears the ESD is so set in their decision that they are willing to risk their relationship with the City. With one simple change, substituting

the infill, everyone wins. One school board member said there are alternatives widely used in Europe but somewhat unproven in the United States and the district is concerned with being leaders and taking a risk on a somewhat untested product. ESD never considered a non-toxic alternative and would not allow a western state supplier, a bidder on the field, to give them a bid for plant based infill even as citizens pleaded for safer alternatives. It appears ESD relied solely on the advice of their contractor who lumped all plant-based infill together, those that failed and those that are current proven, and wrote them all off. Crumb rubber is not the standard because it is a superior product; it is an environmental waste product that is cheap, unregulated and has almost no safety oversight. There are pros and cons for every type of infill; the main pro of plant-based infill is it is non-toxic. She agreed it was a bit more expensive but it is also better for the environment. The main con of crumb rubber infill is it contains known carcinogens and toxins. The Council has a chance to prevent exposure to a potentially harmful substance that has a suitable alternative. The question isn't whether to use the alternative, now that the City, ESD, Verdant know the facts, the question is why not use the safe alternative.

**Barbara Peterson, Edmonds**, said what is not talked about a lot is what cannot be seen, the dust, the carbon black nanotubes. Carbon black is considered the second worst culprit for global warming. Tires contain 20-40% carbon black. There will be 80,000 tires on the 2 fields but it apparently is okay to have them on the fields when they are cut into tiny pieces that produce dust. If they were actual tires, there would be laws against it. Once the fields' lifetime is up, the crumb rubber is toxic waste which does not make sense. The issue is not just about children but every resident within windfall of the dust as well as fish, moss, lichen within windfall of the lead, zinc, arsenic that will be eaten by animals and down the chain eaten by people. She summarized carbon black will get into people in ways that have not yet been studied. The EPA and CPSC have backed away from the studies the ESD likes to quote. She asked the Council to do everything they could not to be strong-armed by ESD trying to flex its muscles. Citizens will stand behind the Council and be proud of the Council.

**Jen Carrigan, Edmonds**, said like many others, a few months ago she had no idea crumb rubber was being used on playfields fields was made from shredded tires and has only been used since approximately 2002. Even proponents of crumb rubber willingly admit tires contain toxic substances such as butadiene, benzene and carbon black, known carcinogens that get into the body via contact with the skin, through inhalation and ingestion of material during active play in which developing bodies of young children are more prone to absorb. As more young athletes are showing up with various cancers, the dots are being connected and awareness has been raised on a national level. They do not represent a small vocal group, but a nationwide group of public and scientific community members who are raising concerns about the use of crumb rubber. Communities such as South Kitsap, Portland, Los Angeles and New York are listening and responding to concerns by using non-toxic alternative infill. There may be unknowns about crumb rubber but the facts to date about this unregulated product provide enough reason to stop installing it on new fields and to choose a non-toxic infill option.

**Kellen, Edmonds**, said he and his friend play sports. He read from a bottle crumb rubber ordered from Amazon: "Black crumb rubber. 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 skin thoroughly with soap and water. Eye contact occurs, rinse immediately with plenty of water for at least 15 minutes. For further precautionary and handling information, please review material safety data sheet MSDS. Warning: keep out of reach of children."

**Maggie Pinson, Edmonds**, hoped the Council would decide to ban crumb rubber within Edmonds. She has several concerns with Ms. Black's presentation which can be found in the Everett Herald. Many of the people who spoke asked the Council to listen to the science. She asked about Ms. Black's credentials, noting they are not listed in her report nor did she state them prior to her presentation. The speakers at the public hearing included three PhDs including one toxicologist, at least two people with Master's degrees,

at least two engineers who have expressed concerns about environment and human health concerns of crumb rubber. She clarified that was not to say people without degrees have any less value. She questioned why Ms. Black's opinions had more validity than the citizens who spoke. Crumb rubber is a new material, only used in artificial turf since the early 2000s and fields have been installed at an increasing rate over the last 10-15 years. The bulk of people being exposed to crumb rubber have only been exposed in the recent years and it is too early to begin to see cancers. She was also concerned with putting the best and brightest athletes at risk. Preliminary data indicates goalies comprise approximately 9% of soccer players but 69% of soccer players with cancer; more than enough information to raise concern. She agreed more studies were needed but recommended erring on the safety and caution and protecting children and neighborhoods. She referred to a comment that football players have been exposed to this material since the first artificial turf was installed in the Astro Dome in 1964; she clarified that was a different material, not crumb rubber. There are not decades of data available on crumb rubber and not very good data is only available from 2001. She summarized there could be organic grass fields at the old Woodway fields.

**Erin Zachey, Edmonds**, speaking on behalf of the hundreds of petitioners from whom they gathered signatures and as a concerned citizen and parent as well as her husband who is an environmental scientist, relayed many studies done thus far, as reflected in Ms. Black's report, looking at the exposure to toxins in crumb rubber by indirect ingestion or contact. In reality the crumb rubber pellets get into cuts, skin, and coat mouthpieces which significantly increases exposure to toxins in crumb rubber. Pathways to toxins are the primary driver for determining the safety of a product. Given the recent debate on the matter and the CPSC's retraction of approval of the product, new studies will be conducted and crumb rubber levels will exceed acceptable levels which will affect public health as well as soil contamination. At that point the issue will be a costly cleanup effort. She hoped forward-thinking leaders like the Council would step forward to make the environmentally sound choice to ban crumb rubber in Edmonds.

**Christi Davis, Brier**, PhD in Health Services Research, said Elizabeth Black's presentation discussed PM10 which she referred to a particulate mass 10; it is actually particulate matter, less than 10 microns in diameter or dust measured by its size not how much it weighs. Elizabeth Black's presentation stated crumb rubber was not found in minute particle sizes in any of the articles she read. Apparently she did not carefully read the Norwegian article. Ms. Davis provided the Council information from the Norwegian study. The first page details dust found in three fields, two with crumb rubber infill and a third with a thermoplastic elastomer infill. She referred to a table that identifies the weight of the dust, pointing out there was not a clear difference in the amount of PM10 between the field types but there was significantly more PM2.5 in crumb rubber fields. She referred to elementary carbon, another name for carbon black; fields with crumb rubber have significant more carbon black than the field with thermoplastic elastomer, 50% of the dust was rubber dust compared to 5% in thermoplastic elastomer fields.

**Haley Zachey, Edmonds**, 7 years, Edmonds, wished Edmonds a happy 125<sup>th</sup> birthday. She loves the grass and trees and creatures and people, sky, and water in Edmonds. She hoped the Council would choose the right decision for all kids in Edmonds.

**7. UNFINISHED BUSINESS (Items carried over from July 14, 2015)**

**A. ADOPTION OF 2015 COMPREHENSIVE PLAN**

Planning Manager Rob Chave explained this is a continuation of the City Council's discussion regarding the Comprehensive Plan when the meeting ran out of time last week. The only change made in the plan was page 50 in attachment A where language was inserted at the Council's request. He explained in reviewing the minutes, two additional words should have been added so that the first bullet reads, "Emphasizing *and prioritizing* near term solutions..." Otherwise all the language is the same.

Councilmember Bloom agreed with Mr. Chave's suggestion, recalling the Council voted unanimously to include that language. She recalled the intent to also include that language in the Transportation Plan.

**Amendment #1**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD TO THE FIRST BULLET UNDER DEVELOP A SHORT TERM PLAN AND STRATEGY TO RESOLVE WATERFRONT ACCESS ISSUES, "EMPHASIZING AND PRIORITIZING NEAR TERM SOLUTIONS TO PROVIDING EMERGENCY SERVICES ACCESS."**

Councilmember Buckshnis asked if all the amendment the Council made last week needed to be made again. Mr. Chave said the Comprehensive Plan in the packet reflects the amendments made at last week's meeting. The Council voted last week on the addition of this language but it was not accurately reflected in the Comprehensive Plan in Attachment A.

Council President Fraley-Monillas asked the difference between emphasizing and prioritizing. Councilmember Bloom explained prioritizing means to do it first; emergency services access would be done first. Council President Fraley-Monillas asked what was meant by emphasizing. Councilmember Bloom answered that was the language provided by former Community Services/Economic Development Director Stephen Clifton and the intent was to adopt that language. Last week Mr. Williams recommended including all four bullet points instead of just the first one.

Council President Fraley-Monillas asked Mr. Chave to read the language provided by Mr. Clifton. Mr. Chave referred to the December 17, 2013 minutes: "Community Services/Economic Development Director Stephen Clifton provided proposed language: Alternatives Analysis to Study, 1) Waterfront Access Issues *Emphasizing Near Term Solutions to Providing Emergency Services Access...*" The minutes also reflect Councilmember Buckshnis' suggestion to use the word prioritize and Mr. Clifton's suggestion to add "and prioritizing" following "emphasizing." Later at that meeting the Council voted to include "Emphasizing and prioritizing..." He missed that when inserting language on page 50 of Attachment A.

Councilmember Buckshnis asked whether the Comprehensive Plan needed to be that detailed. Mr. Chave said he originally proposed the strike-out language on page 50; he preferred to keep Comprehensive Plan language more general. That language provides opportunity to be more specific during a project.

Councilmember Bloom pointed out Mr. Chave was only suggesting correcting it to make it consistent with what those four points actually said. She was baffled why the Council was debating it when the Council voted unanimously last week to adopt all four points.

Councilmember Buckshnis recalled previous discussions with Mr. Williams that this language was not in the CIP or CFP; those documents were more detailed than the Comprehensive Plan.

Councilmember Bloom recalled she suggested a briefer version last week and Mr. Williams recommended including all four bullet points which included "and prioritizing." The Council voted unanimously last week to include that language.

Council discussed whether a motion was made last week to adopt the Comprehensive Plan. Mr. Taraday recommended the Council move the ordinance again and then make any amendments. Mr. Chave recalled a motion was approved to incorporate the four points from the December 17, 2013 meeting in the Comprehensive Plan.

**Action on Amendment #1**

COUNCILMEMBER BLOOM WITHDREW THE MOTION WITH THE AGREEMENT OF THE SECOND.

**Main Motion**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO ADOPT ORDINANCE NO. 4003, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY OF EDMOND COMPREHENSIVE PLAN; ADOPTING THE 2015 UPDATE TO THE CITY'S COMPREHENSIVE PLAN AS PRESENTED.**

**Amendment #2**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO TO AMEND PAGE 50 SO THAT THE FIRST BULLET READS, "EMPHASIZING AND PRIORITIZING NEAR TERM SOLUTIONS TO PROVIDING EMERGENCY SERVICES ACCESS."**

**Action on Amendment #2**

**CARRIED UNANIMOUSLY.**

Councilmember Bloom asked about adding those same words to the Transportation Element. Mr. Taraday said the Transportation Element is incorporated as Exhibit B. Mr. Hauss said that was not added in the latest version but all future documents will include those four items. The Transportation Plan is a more general description but it could be added if the Council wished. He had not interpreted the action last week to include that language in the Transportation Plan. Councilmember Bloom asked if Mr. Williams' recommendation was to add that language to both plans. Mr. Williams recall suggesting that the four bullets from the December 17, 2013 meeting be included in the Comprehensive Plan; no change was made to the Transportation Element. He advised that language will be repeated in future planning efforts and that exact language will be include in the scope of work for the alternatives analysis. Councilmember Bloom was satisfied with that.

Councilmember Bloom recalled in discussing the terms "mixed use" and "mix of uses," Mr. Chave said they were used interchangeably. She suggested using mixed use to mean buildings that have commercial with residential above and mix of uses to be a variety of things exclusive of residential. She recalled Mr. Chave said that wasn't possible because they were used interchangeably and he suggested she identify areas that would be exclusive of residential and commercial only.

Councilmember Bloom read the paragraph on page 54 of the Comprehensive Plan Master Plan under Master Plan development, "The waterfront area south of Olympic Beach, including the Port of Edmonds and the Point Edwards and multi modal developments. This area is recognized by master plans for the Port of Edmonds, Point Edwards, and the Edmonds Crossing project as described in an FEIS issued on November 10, 2004. These areas are also developed consistent with the City's Shoreline Master Program, as it applies."

**Amendment #3**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD "THIS AREA IS APPROPRIATE FOR A MIX OF USES WITH THE EXCLUSION OF RESIDENTIAL."**

Councilmember Bloom described her rationale; the WSDOT stated in a Parks, Planning & Public Works Committee last year that their multimodal development which includes the Unocal property only needs commercial space, not residential. Another reason is this area needs to be identified as not including residential because the Port Master Plan which included possibly 350 condos was withdrawn by the Port and subsequently voted down by Council. At that time Council supported a small amount of affordable housing only. Affordable housing would not be possible on the Port property because the view property



would drive the purchase price up and it could not possibly be affordable. The cost to build on an earthquake liquefaction zone which the Harbor Square Master Plan includes can double in order to secure buildings to the bearing soil which makes affordable housing untenable. Harbor Square is currently zoned General Commercial. She was certain the Port will return with their Master Plan which includes residential unless that door is closed. The Port was able to propose residential because the Comprehensive Plan states that area is appropriate for a design drive master plan with a mix of uses; that phrase allowed the introduction of residential on property zoned General Commercial. She recalled one citizen accused the Council of breaking the law by not allowing the introduction of residential on that property based on that language. The City's Shoreline Master Plan has not been finalized by the State. The Port has invested \$25,000 of taxpayer money to sue the City based on the 100-foot setback. The setback recommended by the State is 150 feet; the City reduced it to 100 feet. She was convinced the Port will return with a master plan that includes residential; this amendment would prevent that.

As a resident of Point Edwards and realizing that more building will occur in the Point Edwards area, Councilmember Mesaros questioned how residential could be restricted. He observed there were a number of residential units on the west side of the tracks across from Edmonds Crossing. He will vote against the amendment, noting it is a great location to consider residential in the future. He did not support including a statement in the Comprehensive Plan that there could not be residential in that area in the future.

Council President Fraley-Monillas respectfully disagreed with the thought that there could never be residential on the Port property as there may be areas appropriate for 2-story residential buildings within current zoning. She did not want to "throw the baby out with the bathwater" to ensure the Port Master Plan did not include residential. She understood the concerns about liquefaction but did not hear a good reason other than the Port Master Plan to say absolute no residential. She urged caution, pointing out a decision not to have any residential could potentially be a mistake in the future.

Councilmember Buckshnis appreciated what the Port Commissioners have done recently, adding new HVAC and roofs to the Harbor Square buildings. They have shelved the Harbor Square Master Plan. Harbor Square is doing well as a small business/industry park. She agreed with Councilmember Mesaros that Point Edwards is residential so she could not support no residential in that area because it already exists. With regard to WSDOT's plans for the Unocal site, what may happen in the future is unknown and she did not want a future Council saddled with a prohibition on residential in that area.

Councilmember Petso said she will support the amendment because her memory of the development on the Unocal hillside was intended to be mixed use. When the upper hill was developed 100% residential, a question arose regarding the mix of uses. She recalled being told commercial would be developed on the lower portion of the property. Her understanding is the Port Master Plan as originally presented to the Council is still the adopted Master Plan for the Port of Edmonds and formally adopted as one of their planning documents. That was a good enough reason to support the amendment.

Mr. Chave said there are potentially two different areas, the Downtown Master Plan area which is largely what Councilmember Bloom read, which only applies to Harbor Square, Salish Crossing and up toward Main Street. The other area is the southern area, the rest of the Port and Unocal/Point Edwards development which is termed Master Plan Development. The paragraph Councilmember Bloom read is silent with regard to a mix of uses, it only refers to different agencies that will be involved.

Councilmember Bloom said she understood the difference and planned to make a motion to add the same language to the Downtown Master Plan paragraph.

Council President Fraley-Monillas asked if there was anything in that language that increased heights in the downtown area. Mr. Chave answered no, height limits are controlled by zoning; the Comprehensive Plan is silent about increasing heights. A sentence regarding increased building heights outside of view corridors has been removed.

Mr. Taraday asked for clarification about the motion; he understood it to be addressing the paragraph that begins with the words "Downtown Master Plan." Councilmember Bloom clarified that was not the paragraph she read; Master Plan Development includes waterfront south of Olympic Beach, Point Edwards, the multimodal development, the Port and the Unocal property. WSDOT's statement to the Parks, Planning & Public Works Committee was they did not need that area for residential, only for commercial. Her intent was to address that area in particular and the Port. Mr. Taraday said it was clear now.

Councilmember Bloom understood Point Edwards was included; she was amenable to including Unocal without the others because the Port property on the west side of the railroad tracks is limited by the Shoreline Master Plan and cannot include residential. She asked if there was a way to limit it to the Unocal property. Mr. Chave said it could be described; however, if it was referred to as the Unocal property, at one time the Unocal property was the entire Point Edwards area. That is the reason Comprehensive Plans tend to be broader in nature; specific properties and differentiating lower and upper yard, etc. is the providence of zoning. He understood what Councilmember Bloom was trying to do but said it was difficult in the context of the Comprehensive Plan. He pointed out the Council prioritized the Planning Board looking at the Unocal property; that would be the avenue to address residential via zoning review

**Action on Amendment #3**

**COUNCILMEMBER BLOOM WITHDREW THE MOTION WITH AGREEMENT OF SECOND.**

**Amendment #4**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, ON PAGE 54 OF DRAFT COMPREHENSIVE PLAN, PARAGRAPH ENTITLED DOWNTOWN MASTER PLAN, AMEND THE SECOND SENTENCE TO READ, "THIS AREA IS APPROPRIATE FOR DESIGN-DRIVEN MASTER PLANNED DEVELOPMENT WHICH PROVIDES FOR A MIX OF USES WITH THE EXCLUSION OF RESIDENTIAL AND TAKES ADVANTAGE OF ITS STRATEGIC LOCATION BETWEEN THE WATERFRONT AND DOWNTOWN."**

Councilmember Bloom said the rationale for this amendment is the same as the previous amendment, Harbor Square, the liquefaction zone, and that affordable housing will not happen due to the cost to build and views. She recalled the only thing the Council supported about the Port Master Plan was a small amount of affordable housing.

Council President Fraley-Monillas disagreed, commenting she did not have a problem with residential if it was done appropriately via zoning and not the Comprehensive Plan. She did have a concern with the height of residential ruining the aesthetics of Edmonds.

Councilmember Nelson did not support the amendment as he had an issue with being that specific in the Comprehensive Plan.

Councilmember Petso said one of problems with this Comprehensive Plan and the pattern of Council decisions is that commercial zones throughout City are being eliminated which eliminates opportunities and the chance of ever prioritizing and emphasizing the City's job creation targets. For example, when Highway 99 was rezoned to not require commercial, that wiped out a lot of commercially viable property,

increasing economic leakage. She will vote in favor of the Comprehensive Plan because it is so huge she feels she should not oppose it due to only one issue but she is very concerned by the continued destruction of commercial zones in Edmonds. She was fine with this area being commercial rather than residential.

Councilmember Buckshnis said this is a great plan and she did not view it as a destruction of commercial as a mix of uses includes residential and commercial. She recalled the discussion regarding Highway 99 included commercial, just not commercial with residential above.

Councilmember Petso recalled when Highway 99 first came to Council it included mixed use. The requirement for commercial on the first floor was removed but the requirement for some commercial on the property was retained, even flexible mixed use that was not the standard Puget Sound mixed use, commercial topped by residential. That decision was later changed to entirely eliminate the commercial requirement on Highway 99.

Council President Fraley-Monillas suggested Council consider how commercial uses affect the City and neighborhoods. The City collects property tax from commercial uses; the City gains more in property taxes long term than it does from commercial.

Councilmember Bloom pointed out the Downtown Master Plan area is identified as the Waterfront Activity Area. When the Council considers adding residential to that area, it is not only the 350 potential condominiums in the Harbor Square Master Plan but also a minimum of 350 more parking spaces and a lot more traffic. This area is most appropriate for a destination and is key to drawing visitors. Eliminating residential ensures the focus will be on a making it a destination. She feared allowing residential would allocate that area to people who live there and not visitors. The more cars and parking spaces there are for residential, the more difficult it will be for visitors to enjoy the beautiful waterfront and ribbon of parks.

**COUNCILMEMBER BUCKSHNIS CALLED FOR THE QUESTION. VOTE ON THE CALL FOR THE QUESTION CARRIED UNANIMOUSLY.**

**Action on Amendment #4**

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

**Amendment #5**

**COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO REMOVE “SUBJECT TO FURTHER ANALYSIS” ON PAGE 3-77 OF THE COMPREHENSIVE TRANSPORTATION PLAN (WITH REGARD TO 9<sup>TH</sup> AVE S, 100<sup>TH</sup> AVE W).**

Councilmember Nelson said the page refers to Recommendation Bicycle Facilities, the language “subject to further analysis” is very open ended and he did not understand what it meant.

Councilmember Bloom asked why that phrase was added. Mr. Hauss answered 9<sup>th</sup>/100<sup>th</sup> was identified as a primary north-south bicycle route. During discussion, staff was not certain sure if there would be bike lanes throughout corridor or sharrows.

Councilmember Petso thanked staff for adding that phrase. There are questions with regard to how bike lanes or sharrows will be provided on 9<sup>th</sup>/100<sup>th</sup> under the current geometry such as 238<sup>th</sup>/Firdale, Westgate, 220<sup>th</sup>, 9<sup>th</sup> & Main, and 9<sup>th</sup> & Walnut. She will not support the motion.

Councilmember Johnson expressed support for motion because this is a planning level analysis and any implementation will look at details.

**Action on Amendment #5**

**AMENDMENT CARRIED (5-2) COUNCILMEMBERS BLOOM AND PETSO VOTING NO.**

**Amendment #6**

**COUNCILMEMBER JOHNSON MOVED TO AMEND, SECONDED BY COUNCILMEMBER PETSO, ON PAGE 100 OF 135, FIGURE 3-18 (AND 3-90) IN THE TRANSPORTATION ELEMENT OF COMPREHENSIVE PLAN, FUTURE PRIORITY TRANSIT CORRIDORS, ADD TWO SWIFT BRT PROPOSED STOPS, ONE ON SR 104 IN THE WESTGATE AREA AND THE OTHER ON SR 104 AT THE TRANSIT CENTER.**

Councilmember Johnson explained the current Swift service goes from the Everett rail station to the Aurora Village transit center. Sometime in future, hopefully in the next 20 years, that will be extended as the SR 104 corridor is developed. This was discussed by the Transportation Committee. Adding those two potential locations would strengthen the plan. The plan identifies a proposed Swift BRT stop at 228<sup>th</sup> and the link light rail station in Mountlake Terrace. She suggested adding the two proposed locations as placeholders.

Council President Fraley-Monillas said since Swift is operated by another agency and Swift currently follows Highway 99. She asked whether the Council could affect where Swift puts their stops. Mr. Hauss said that has been discussed with Community Transit. One of the Swift trials Community Transit is considering is on in SR 524/196<sup>th</sup> from Lynnwood to downtown Edmonds; there are no plans for Swift on SR 104. Council President Fraley-Monillas asked who determined having a Swift route on SR 524. Mr. Hauss clarified Community Transit has been discussing land use and ridership; there is more ridership on SR 524 than on SR 104 and SR 524 is a much longer corridor.

Council President Fraley-Monillas asked if there was any harm in including those two stops. Mr. Hauss suggested if stops on SR 104 were included, stops on SR 524 should also be included because that is a more likely location based on Community Transit's discussions. Mayor Earling explained Community Transit will be on ballot this fall to request a 0.3% increase in sales tax. Part of that proposal focuses on one Swift line in particular, from Boeing Field to Canyon Park. They have also looked at a number of potential Swift lines with the eventual goal of connecting with other modes such as light rail. One of those is 196<sup>th</sup> from Lynwood or further east to Edmonds. He concluded there was no harm in identifying stops on SR 104 but he did not want to raise hopes that it would solve any immediate problems.

Councilmember Bloom asked about discussions at the Transportation Committee about adding these stops. Councilmember Johnson recalled the stops were discussed six years ago when Councilmember Bloom and she were on the Transportation Committee and again this year. The consultant agreed to revise the language in the Plan regarding the stops; her intent was to provide more specificity about the location because SR 104 and 196<sup>th</sup> are identified as transit priority corridors. She acknowledged the City does not have control over Community Transit; Mayor Earling is the City's representative on Community Transit. Adding those stops would strengthen the Plan in view of efforts to increase livability at Westgate and the transit station at the waterfront.

Councilmember Bloom asked why the stops were not included in the Transportation Plan. Mr. Hauss answered there is reference to it in the policy section but no specifics. He referred to Figure 3-18 that identifies and east-west bus link from the Mountlake Terrace Park & Ride and the future light rail station connecting to Edmonds. Councilmember Bloom expressed support for the motion.

Councilmember Mesaros suggested including SR 524 to address Community Transit's consideration of that corridor. Councilmember Johnson said that would be absolutely appropriate in the policy discussion. In terms of the map, she was not certain of the locations on SR 524; she knew the exact locations on SR

104. Councilmember Mesaros asked Mr. Hauss where the stops would be on SR 524. Mr. Hauss answered there needs to be further analysis by Community Transit. He referred to a map that highlights the Swift route on Highway 99 and suggested highlighting SR 104 and SR 524 as potential future routes; it is too early to identify proposed stops. Councilmember Mesaros agreed with Councilmember Johnson those were the logical stops on SR 104 and the Council likely could identify logical stops on SR 524. Mayor Earling suggested putting Councilmember Mesaros in touch with the Community Transit staff doing the analysis. There is no reason for a connector to Lynnwood until 2023 when the light rail station opens.

Councilmember Johnson said it was appropriate to add language in the Comprehensive Plan to identify SR 524 as a transit priority corridor and possible extension of future BRT.

**Amendment #6A**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS TO AMEND THE AMENDMENT TO HIGHLIGHT SR 524 AS A POTENTIAL SWIFT BRT ROUTE.**

**Action on Amendment #6A**

**MOTION CARRIED UNANIMOUSLY.**

**Action on Amendment #6 as amended**

**MOTION CARRIED UNANIMOUSLY.**

**Action on Main Motion as amended**

**MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

Mayor Earling thanked Mr. Chave, Ms. Hope and others for the extraordinary amount of work they have done on the Comprehensive Plan update. He asked to be advised of the next staff meeting so he could congratulate staff. Mayor Earling declared a brief recess.

**B. ORDINANCE AMENDING THE EDMONDS CITY CODE RELATING TO COUNCIL COMMITTEE MEETINGS AND FORMALLY ESTABLISHING COUNCIL WORK SESSIONS**

**Main Motion**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE ORDINANCE NO. 4004, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS CITY CODE PROVISIONS RELATION TO COUNCIL COMMITTEE MEETINGS.**

Councilmember Bloom referred to Section 2, B.1, related to Council President duties, finding the language, "Make assignments to any council committees, schedule committee hearings, and otherwise supervise the committee system, if one is used." confusing.

**Amendment #1**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO REVISE SECTION 2, B.1 TO READ, "ASSIGN COUNCILMEMBERS AS MEMBERS AND LIAISONS TO BOARDS, COMMISSIONS AND COMMITTEES AND OTHERWISE SUPERVISE THE COMMITTEE SYSTEM THAT EXISTS."**

**Action on Amendment #1**

**MOTION CARRIED (5-1). (Councilmember Johnson was not present for the vote.)**

Councilmember Bloom referred to Section 2, B.3 which states, “supervise any staff member whose primary responsibility is to support council.” The current support person is equally divided between the Council Executive Assistant and working under Shane Hope.

**Amendment #2**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO REVISED SECTION 2, B.3 TO READ, “SUPERVISE AND DIRECT THE ACTIVITIES OF THE EXECUTIVE ASSISTANT TO COUNCIL.”**

Council President Fraley-Monillas preferred the existing language. The Council President directs the activities of any staff whose primary responsibility is to support the Council such as the video camera operator, office assistant, etc. The position that provides support to Council may not always be an executive assistant, it may have another title.

Councilmember Bloom said her concern was the current Executive Assistant’s primary responsibility was not supporting Council because she works 20 hours for Council and 20 hours for Development Services. Council President Fraley-Monillas clarified Ms. Spellman is a contract employee. Mr. Taraday explained while it is true the Executive Assistant currently holds two different positions in the City, in the position of Executive Assistant, her primary duty is to support the City Council. While she holds a second position in the City, this language would not apply to her position on the 2<sup>nd</sup> floor. Council President Fraley-Monillas said the Council also signs an annual contract with Ms. Spellman.

Councilmember Bloom assumed the Council would always have an Executive Assistant. She preferred B.3 read, “supervise and direct the activities of the executive assistant to council and any other staff member whose primary responsibility is to support council.”

Councilmember Mesaros said the language “any staff” is fine as any staff could be the council assistant, a research assistant, a legislative assistant, etc.

**COUNCILMEMBER BUCKSHNIS CALLED THE QUESTION. VOTE ON THE CALL FOR THE QUESTION CALLED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

**Action on Amendment #2**

**MOTION FAILED (0-7).**

**Amendment #3**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND SECTION 2, ITEM C, TO READ, “IN ADDITION TO THE SALARY AS A MEMBER OF THE CITY COUNCIL, THE COUNCIL PRESIDENT SHALL BE ENTITLED TO RECEIVE A SALARY OF \$100.00 PER MONTHS AND \$25.00 PER COUNCIL MEETING IN ORDER TO COMPENSATION HIM OR HER FOR THE TIME NECESSARY TO PREPARE THE AGENDA AND OTHER ASSOCIATED RESPONSIBILITIES. THIS TOTAL AN ADDITIONAL COMPENSATION SHALL NOT EXCEED OF \$200 PER MONTH.**

Councilmember Buckshnis explained this clarified the additional \$200/month paid to the Council President.

Council President Fraley-Monillas asked whether the intent was to retain the last sentence in the paragraph, “When the council president is absent and council president pro tempore is serving in his or her place, the city council president pro tempore shall receive the \$25.00 per meeting payment.” Councilmember Buckshnis agreed that was her intent although she did not think it had ever been done.

Councilmember Bloom did not support the amendment because it would result in paying the Council President \$200 month even if they did not attend every meetings and an additional \$25 for the Council Pro Tem if he/she were filling that position. She preferred the current language where the Council President received \$100/month plus \$25/meeting. She also did not support the amendment without a commensurate increase for councilmembers. If anything was done to increase the Council President salary, the Council's salaries also needed to be increased. She said the Council President did not have that much responsibility compared to what all Councilmembers do; he/she was only responsible for three additional items.

Council President Fraley-Monillas suggested Councilmember Bloom follow her around and see the two days a week she spends in the office unpaid. She said the \$25 per Council meeting originated when Councilmembers were paid for each meeting they attended and just was not removed from the code as it related to the Council President. She supported a flat \$200/month additional salary for the Council President. She preferred to retain the language regarding compensating the Council President Pro Tem, noting he/she could choose to ask for the additional compensation.

**Amendment #3A**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND THE AMENDMENT TO REMOVE THE SENTENCE REGARDING \$25 FOR THE COUNCIL PRESIDENT PRO TEM.**

Council President Fraley-Monillas supported the amendment; she did not recall a Council President Pro Tem ever asking for the compensation.

Councilmember Bloom did not support the amendment because if the Council President Pro Tem assumed the duties, he/she should not have to ask to be paid.

**Action on Amendment #3A**

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

**Action on Amendment #3**

**MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

Council President Fraley-Monillas observed the changes will take place until next year. Mr. Taraday agreed.

Councilmember Bloom said she will vote against the main motion because she does not support eliminating the committee system.

**Action on Main Motion as amended**

**MOTION CARRIED (5-2), COUNCILMEMBERS BLOOM AND PETSO VOTING NO.**

**8. ACTION ITEMS**

**A. AUTHORIZE MAYOR TO SIGN A CONTRACT CHANGE ORDER FOR THE 228TH ST. SW CORRIDOR IMPROVEMENT PROJECT**

Mayor Earling said this is a rush so that work can continue.

City Engineer Rob English recalled the change order was introduced to the Council a few weeks ago. The change order is in regard to 3 retaining walls on the 228<sup>th</sup> project, 2 on the east side that support the new

roadway on 228<sup>th</sup> and 1 on the west side of Highway 99. The original contract called for modular block; through the submittal process the contractor discovered conflicts with the geogrid reinforcing fabric. A 150-foot section of Wall 2 was changed to a soldier pile wall as well as a 30-foot section of Wall 3.

The additional cost for soldier pile walls is \$168,000. The addition of the soldier pile walls results in a reduction in the cost of the modular block walls of \$16,400, the net result is an increase of \$151,600. That is the expected cost of the change order with Rodarte Construction. The total request is \$165,000, an additional approximately 10%. A portion of the change order will be via force account cost payment, reimbursing the contractor for time and material; the addition 10% will be used to cover any additional costs that arise via that process.

Mr. English explained much of the utility work is in the ground; there is still potential for future changes in the Mountlake Terrace portion that includes grinding Lakeview Drive. This change order requires City Council approval in accordance with the purchasing policy.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT CHANGE ORDER FOR THE 228TH STREET SW CORRIDOR IMPROVEMENT PROJECT. MOTION CARRIED UNANIMOUSLY.**

Mayor Earling suggested Councilmembers look at the amazing work being done on Highway 99.

## **9. STUDY ITEMS**

### **A. PRESENTATION FOR AWARD OF THE CONSTRUCTION CONTRACT FOR THE 220TH OVERLAY PROJECT**

City Engineer Rob English explained this project will overlay 220<sup>th</sup> between 84 and 76<sup>th</sup> Avenues and will include a 2-inch grind and pavement overlay, upgrade pedestrian curb ramps to ADA compliance, and add bike lanes. The project was advertised earlier this month and bids were opened today. Three bids were received. The apparent lower bidder was \$493,693, but there appears to be problems with the disadvantaged business enterprise goal and the low bid may be rejected. The second low bidder, Lakeside Industries, was \$668,866 which is within \$10,000 of the engineers estimate. He expected to recommend award of the contract to Lakeside Industries on next week's Consent Agenda.

Councilmember Mesaros observed this borders Esperance on the south and asked whether Edmonds owned the complete right-of-way. Mr. English answered yes, the City owns the complete street right-of-way; Snohomish County starts on the backside of the City's right-of-way on the south side. Councilmember Mesaros observed Snohomish County was not contributing anything to the improvement of abutting property. Mr. English answered no, advising the City received a federal grant for this project that totaled \$780,000.

Councilmember Johnson commented the agenda memo states the estimated total project cost is \$1.04 million and the costs will be paid by a \$780,000 federal grant and \$260,000 in REET funds. She observed the project was considerably less than the estimates. Mr. English agreed it was, commenting there may be funds left over. Bids were opened this afternoon; staff will compile the budget numbers in next week's agenda memo.

It was the consensus of the Council to schedule this on next week's Consent Agenda with clarification regarding the low bidder.

### **B. PRESENTATION OF THE CONSTRUCTION CONTRACT AWARD FOR THE 238<sup>TH</sup> ST SW WALKWAY PROJECT**



City Engineer Rob English reported this project was advertised earlier this month; bids will be opened tomorrow. This project will construct approximately 1200 lineal feet of sidewalk on 238<sup>th</sup> Street between 100<sup>th</sup> and 104<sup>th</sup> Avenues, 5 rain gardens and over 2500 lineal feet of storm pipe to improve the stormwater system in the area. The new stormwater system will connect to the Hickman Park infiltration system and includes restriping on 238<sup>th</sup> to add bike sharrows. The engineer's estimate was \$1.25 million; he anticipated the total construction cost will be upwards of \$1.5 million which includes a 10% management reserve. Current funding sources are approximately 10% short of \$1.5 million. He was hopeful bids will be favorable and the complete budget will be identified once all the costs are known. If the project is awarded at the August 4 meeting; the project is 80 working days or approximately 3-4 month duration. The recommendation is approval on the Consent Agenda but if the bid requires the budget be adjusted, staff will make a presentation.

Councilmember Nelson commended the City for installing five rain gardens to help infiltrate stormwater in that area. He was appreciative of rain gardens which are a great filter system for stormwater as well as more sidewalks for students.

It was the consensus of the Council to schedule this on the Consent Agenda or a presentation to Council if necessary.

**C. DISCUSSION OF AGREEMENTS WITH FRONTIER AND PUD FOR THE UNDERGROUND CONVERSION OF OVERHEAD UTILITY LINES WITHIN THE 76<sup>TH</sup> AVE AND 212<sup>TH</sup> ST. INTERSECTION IMPROVEMENTS PROJECT**

City Engineer Rob English advised draft agreements that outline the City's and the utilities responsibilities to design the undergrounding as well as construct have been sent to PUD and Frontier and staff is awaiting their comments. The City Attorney has reviewed and approved documents. There will be a cost to the City to complete the undergrounding which is eligible to be reimbursed by federal funds. When comments are received from PUD and Frontier, staff will return to Council to finalize.

Councilmember Mesaros asked how far from the intersection the undergrounding will occur. Mr. English answered those limits have not been identified; this contract will initiate the design. In preliminary discussion with PUD, most of the utilities will be undergrounded within the limits of project, 200-300 feet outside the intersection. Frontier requires a smaller footprint due to major above-ground utility lines on the north side, adding that would be a significant cost increase.

**10. MAYOR'S COMMENTS**

Mayor Earling announced the City will be celebrating its 125<sup>th</sup> anniversary on August 11. Four former mayors have confirmed their attendance, Harv Harrison who was the mayor for 16 years beginning about 1997, Laura Hall, Barb Fahey and Mike Cooper. Former Mayor Haakenson is returning from Europe the next day and Larry Naughton is unable to attend. Staff has done a great job obtaining sponsorships from Dicks Drive In and Harbor Square. Bartell Drugs and Washington State University will also be celebrating their 125<sup>th</sup> anniversaries.

Mayor Earling said the work on the Museum Plaza will be completed by August 11 and will be dedicated as part of the celebration. There will be a street dance between the Museum and City Hall between 5:30 and 8:30 p.m. He encouraged the Council and the public to attend.

**11. COUNCIL COMMENTS**

Councilmember Buckshnis reported the Snohomish County Tomorrow meeting included passage of the local Interlocal Agreement which will be on a future Consent Agenda, review of legislative bills for next year, and a presentation from PSRC regarding the Economic Alliance of Snohomish County. She reported WRIA 8 passed their Interlocal Agreement which will be on a future Consent Agenda. WRIA 8 received \$37 million in 2015-2017 to support the Puget Sound Acquisition and Restoration (PSAR) grant program, \$30 million for watersheds and \$101 million for large capital projects (Edmonds Marsh is in WRIA8's capital project restoration plan). WRIA 8 also received \$35,560,000 for Support the Floodplains by Design grants, \$16.5 million to support state salmon recovery to match federal salmon recovery funding, \$907,000 for salmon recovery and \$600,000 for the operating budget for Chinook salmon. The WRIA 8 meeting also included a presentation from NOAA regarding the effects of unfiltered stormwater.

Councilmember Petso reported the Historic Preservation Commission plans to submit a grant request to the Council for a once in a lifetime opportunity to record the history of Edmonds underwater piling near the old shingle mill before it is destroyed. This will count as the first notice to Council and approval will be scheduled on the Consent Agenda

Councilmember Petso reported the Economic Development Commission's Tourism Subgroup is on hiatus. The EDC discussed how to improve communication regarding the Strategic Action Plan including advising the public about the status of items and items that have been completed.

Councilmember Petso reported the Edmonds Public Facilities District (EPFD) is not meeting this month. She relayed information Executive Director Joe McIalwain suggested she report:

- The EPFD received a state appropriation of \$250,000 to make major repairs to the aging roof over the gymnasium and school building and to replace the flashing cap around the perimeter of the facility. This will extend the life of the roof by approximately 20 years and will also prevent water intrusion into the perimeter walls and internal structure. The Board and staff of the EPFD/ECA thank the City Council and Mayor for their support of this request and for making it a legislative priority.
- The ECA has been very active during the summer with summer camp programs and rental events. ECA has never been as busy over the summer as it is this year.
- Ticket sales for upcoming season are about 10% ahead of last year's sales at this time. Three new events will be added to the season which will be announced in September.

Councilmember Johnson reported on the Walk Back in Time at the Edmonds Cemetery. She also attended the Arts Commission's mini art summit last Monday. She found it very exciting to see a room full of people excited about promoting the arts in Edmonds. She attended the South County Cities Dinner. She asked Mayor Earling to report on the award the group received from AWC.

Councilmember Nelson reported on the Mayor's Climate Protection Committee which is in urgent need of citizens to join the committee. He also attended a Lodging Tax Advisory Committee meeting to work on their 2016 budget. Lodging is up in Edmonds which means more lodging tax to distribute. He will be introducing the summer concert in the park on August 2 which features Clave Gringa, Cuban Jazz.

Councilmember Mesaros reported he has been working with Council President Fraley-Monillas and Councilmember Nelson on planning for the August 9 annual volunteer appreciation picnic at City Park. He acknowledged two sponsors of that event, The Hotel Group and Coldwell Banker.

Councilmember Bloom reported the Tree Board did not have a quorum, the Disability Board had a great meeting, and the second Port meeting of month that she attends was not held due to vacations.

Councilmember Bloom reported on the meeting Councilmembers Petso, Johnson and she had with Edmonds School Superintendent Nick Brossoit and School Board President Diana White and School Board Member April Nowak. She recalled at last week's public hearing, Council President Fraley-Monillas relayed the Superintendent made it very clear that if the Council does not enter into this partnership with the Edmonds School District, the Edmonds School District will no longer consider the City a partner in this and potentially other items. Dr. Brossoit gave Councilmember Petso, Johnson and her a different message than he gave Councilmember Buckshnis, Nelson and Council President Fraley-Monillas, saying the Interlocal Agreement is completely separate from their working relationship and separate from any negotiations about other properties in the future.

Councilmember Bloom said in their meeting it was very clear the three parties were not open to discussing an alternative infill. She requested someone other than Diana White attend the meeting because she had been very clear at the public hearing where she stood and Councilmember Bloom wanted to hear from other board members. In an email, Ms. White said as President of the School Board she was elected by her colleagues to represent the views of the Board. Ms. White invited Board Member April Nowak to attend because she was the dissenting vote and is a parent at Edmonds Heights K-12.

Ms. White and Dr. Brossoit felt they had done their due diligence in reviewing infills, had made the selection and were not willing to consider anything else. Ms. Nowak was the lone vote against crumb rubber and who supported the only other option offered, Nike Grind. Ms. Nowak stated said three things at the meeting that Councilmember Bloom found concerning, first she felt very alone standing up against crumb rubber and that Council had more than enough opportunity to state their opinion about crumb rubber and not done so. Ms. Nowak said emails had been sent to Council, there was information in press, and their meetings were well publicized. It became clear during the meeting that this had occurred when the Council was involved in the quasi-judicial hearing and not allowed to open emails due to the Appearance of Fairness. Ms. Nowak thought the Council had received a great deal of information but failed to come to their support.

Second, Ms. Nowak said during that process Senator Chase recommended a decision on crumb rubber be delayed a year. The Board voted 2-3 not to delay the decision (Board Members Nowak and DeMun were in favor of delaying). Third, the most concerning statement was that Ms. Nowak felt the City was in support of crumb rubber because it apparently was represented by Mayor Earling's staff that there was support for the crumb rubber infill. She requested Mayor Earling explain how and if that was conveyed to the School District.

Councilmember Bloom summarized the School Board is not willing to consider a different infill, Dr. Brossoit said it will not affect other negotiations or the City's relationship with the school district, and that there was misinformation and things that were not shared with the School Board. She was still hopeful the Council could schedule a meeting with the School Board in advance of the August 4 Council meeting and Councilmember Petso has requested that meeting be scheduled. Councilmember Bloom suggested if the entire School Board, Verdant and the City Council are present, it may be possible to relook at the issue and convince them an alternate infill is a possibility. She conveyed an urgent request for a meeting with the School Board as they have made it clear they are moving forward.

Councilmember Bloom commented on the number of people who are strongly opposed to crumb rubber; she has received 45 emails from people strongly opposed to crumb rubber and only 1 email from someone who was okay with crumb rubber but not strongly in support. The 45 emails represent a large group of people, not just a small vocal group. The Council needs to do its due diligence and give the School Board another opportunity to consider a safer infill. She requested Council President Fraley-Monillas schedule that meeting on the Council's and citizens' behalf.

Council President Fraley-Monillas said the request she received previously was to meet with School Board Members and she felt that was accomplished via the two separate meetings with the Board. She was happy to send an email inviting the School Board to a meeting with the Council. She stood by the statement she made last week, "The superintendent made it very clear that if the Council does not enter into a partnership with the Edmonds School District, the Edmonds School District would no longer consider the City a partner in this [the fields] and potentially other items."

Council President Fraley-Monillas reported on a private tour she took of Salish Crossing and the museum the day after the new distillery had its soft opening; she was unable to attend the public open house. She anticipated it will be an exciting place to visit. She reminded of the volunteer picnic at City Park at 2:00 p.m. on August 9. She asked anyone planning to attend to call or email her or Jana Spellman.

Mayor Earling reported Snohomish County Cities was recognized for cities working together, agreeing on common goals and speaking with one voice on 2-3 specific issues. Snohomish County Cities was very successful during this legislative session and received accolades from legislators acknowledging their work and the work the Snohomish County Alliance has done. During the past legislative session there were three editorials in the Herald, the most recent last Thursday, acknowledging the work of Snohomish County Cities.

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

This item was not needed.

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

This item was not needed.

**14. ADJOURN**

With no further business, the Council meeting was adjourned at 9:55 p.m.