

EDMONDS CITY COUNCIL APPROVED MINUTES

August 18, 2015

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

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
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
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Scott James, Finance Director
Rob Chave, Planning Manager
Jerry Shuster, Stormwater Eng. Program Mgr.
Kernen Lien, Senior Planner
Mary Ann Hardie, Human Resources Manager
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. ROLL CALL

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

2. APPROVAL OF AGENDA

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD TO THE AGENDA A RESOLUTION TO REQUEST EDMONDS SCHOOL DISTRICT TO STOP CONSTRUCTION OF WOODWAY FIELDS.

Councilmember Bloom explained she learned a few minutes ago that Councilmembers Buckshnis and Nelson will not be here next week which means the discussion on the interlocal agreement (ILA) will again be delayed, giving the Edmonds School District (ESD) more time to proceed with the fields without working with the City on a potentially different infill. She requested an opportunity to discuss the resolution tonight and ask Council's support to stop construction of the Woodway fields until an agreement is reached with ESD. She noted the enormous response from the community in opposition to the installation of the crumb rubber infill.

Council President Fraley-Monillas relayed Councilmember Bloom had asked her to add the resolution to the agenda. In light of direction the Council gave the City Attorney at the last meeting to negotiate an ILA with the District that included everyone's input, she did not feel the resolution was appropriate and suggested Councilmember Bloom propose it as an amendment to the agenda. She was aware of negotiations occurring between the City Attorney, ESD, the Mayor's office and Ms. Hite and preferred those negotiations continue before adopting this resolution.

Councilmember Petso suggested the negotiations Council President Fraley-Monillas referred to could be discussed if the resolution was added as an agenda item. Council President Fraley-Monillas said she has not participated in the negotiations and cannot provide any specifics. Her understanding is the parties have met and there has been some movement with regard to the ILA.

Councilmember Mesaros asked the status of construction of the fields at old Woodway High School. Parks & Recreation Director Carrie Hite responded they are approximately 70-75% along; they expect to lay the synthetic turf in the next few weeks and be finished by September 30.

Councilmember Buckshnis did not feel it was appropriate to discuss the proposed resolution and preferred to figure out the ILA first.

Councilmember Bloom said her understanding of the discussion two weeks ago was the Council directed the City Attorney to return to the Council with an ILA that incorporated all the Councilmembers' suggestions. She did not recall directing the City Attorney to negotiate with ESD on the Council's behalf before presenting an ILA to the Council. Council President Fraley-Monillas said she may have misstated; she did not mean the parties were negotiating, it was her understanding they were discussing the ILA. The ILA still needs come to the City Council and the School Board for approval. The parties will not necessarily develop a final product until the Council sees it.

City Attorney Jeff Taraday commented since the last Council meeting when the ILA was discussed, several Councilmembers have sent him emails regarding what they would like to have included in the ILA. He said it was not possible for him to reconcile all of the comments into one document. Councilmembers have very different perspectives about what they want to see in the ILA. At some point he will either need to make some assumptions about what the majority's decision/direction is and bring back a document that he thinks reflects the majority or the Council needs to give him very clear direction in an open meeting about what the majority is directing him to do.

Councilmember Buckshnis commented that is why she wants to discuss the ILA before approving another formal document like the resolution.

Councilmember Bloom referred to Ms. Hite's statement that the turf field will be installed within the next two weeks which means the Council will be voting on an ILA after the crumb rubber has already been installed. There has been an enormous amount of input from citizens who are strongly opposed to crumb rubber as the infill of choice. Given the time sensitive nature, the Council should have an opportunity to discuss her proposed resolution and decide whether to request ESD stop work to give the Council more time. If The Council does not at least ask ESD to stop work, the fields will be installed and the crumb rubber will more than likely be in before the Council negotiates an ILA with ESD. She felt that was backward given the enormous amount of opposition expressed by citizens to crumb rubber.

Councilmember Petso said Mr. Taraday's comments strengthen the reasons for discussing the resolution tonight.

Councilmember Buckshnis asked if the City would have liability if the Council imposed an injunction on a property owner to stop something. Mr. Taraday said as he reads the resolution proposed by Councilmember Bloom, it is only a request of the ESD. The Council has absolutely no power to stop work in the absence of a violation of law and to his knowledge, there is no evidence of a violation of law. ESD can choose to listen to the request or ignore it. The City would not have any liability by considering or adopting the resolution but it was also completely non-binding; it was simply saying please to ESD.

Council President Fraley-Monillas said that is her concern. She contacted Mr. Taraday to ask if there was any legal way to stop ESD from proceeding and he indicated there was no cause for the Council to stop the work. Her concern with going in another direction with an ask was the conversation regarding the ILA would be put off another few weeks. She recalled two different groups of Councilmembers plus City administration have talked with ESD about stopping work and they made it clear they are not going to do that. She preferred to work on an ILA that everyone agrees to and felt that was the most plausible way to move forward.

Mayor Earling asked if could make comment. Councilmember Bloom raised a point of order, stating the chair was not supposed to comment on a motion. She suggested he hold his comments until the Council was discussing the resolution.

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, THAT MAYOR EARLING HOLD HIS COMMENT UNTIL THE COUNCIL DECIDES WHETHER THEY WILL DISCUSS THE RESOLUTION. UPON ROLL CALL, MOTION FAILED (2-5), COUNCILMEMBERS BLOOM AND PETSO VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BUCKSHNIS, JOHNSON, MESAROS AND NELSON VOTING NO.

Mayor Earling commented the Council was beginning to debate the issue; he suggested the Council vote whether or not to put the resolution on the agenda.

Councilmember Petso suggested adding the resolution to the agenda as Item 5C following the public hearings.

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

3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Bloom requested Items F and H be removed from the Consent Agenda.

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

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF AUGUST 4, 2015**
- B. APPROVAL OF CLAIM CHECKS #215502 THROUGH #215658 DATED AUGUST 6, 2015 FOR \$241,589.67. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61722 THROUGH #61736 FOR \$479,183.88, CHECK #61745 FOR \$862.78, BENEFIT CHECKS #61737 THROUGH #61744 AND WIRE PAYMENTS OF \$435,189.94 FOR THE PAY PERIOD JULY 16, 2015 THROUGH JULY 31, 2015**
- C. APPROVAL OF CLAIM CHECKS #215659 THROUGH #215756 DATED AUGUST 13, 2015 FOR \$434,021.38**
- D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM YOON KIM (\$50.00) AND GEORGE SLY (\$500,000)**
- E. APPROVAL OF CITY COMPUTER EQUIPMENT SURPLUS FOR DONATION OR RECYCLING**

G. MUNICIPAL COURT JUDGE SALARY ORDINANCE

I. AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH PSE TO FUND THE OVERLAY FOR THE 238TH ST. SW WALKWAY AND DRAINAGE PROJECT

ITEM F: AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH EDMONDS SCHOOL DISTRICT #15 FOR MADRONA K-8

Councilmember Petso referred to the termination provision which currently reads 30 days. She suggested 90 days may be more appropriate for playfields as it would allow a sports league to complete their season. In an email exchange, Ms. Hite indicated she would contact the Edmonds School District (ESD) to determine if that was acceptable. Parks & Recreation Carrie Hite explained the two contacts at ESD were out of the office today. This is the exact same agreement the City has had with ESD in the past; there are no changes to the 30 day clause. She liked the idea of a 60 or 90 day termination clause but did not know if that would be acceptable to ESD.

Councilmember Petso asked if there was any downside to delaying the ILA to determine whether the termination clause could be changed. Ms. Hite answered the only downside was if it was delayed a week and the Council did not approve the ILA next week, the agreement expires at the end of August and there are many fall programs scheduled on the fields through November 15. If ESD was amenable to a 60 or 90 day termination clause, that change to the ILA would need to be approved by the School Board. The School Board approved this ILA because it was the same agreement that existed in the past. She was uncertain when the next School Board meeting was and concluded there could be issue with timing.

Councilmember Bloom relayed her understanding the Council had established a procedure whereby items were first reviewed during a Council study session and placed on the Consent Agenda only with the agreement of Council. She referred to Ms. Hite's email that stated this was renewal of an agreement and she felt it could be scheduled on Consent. Ms. Hite responded there have been several discussions with Council regarding what can be put on Consent and what needs to be reviewed at a study session. Several criteria have been discussed; items that are very similar or the same can go on Consent. Based on those conversations, she made the determination this could be scheduled on the Consent Agenda because it was exactly the same as the existing ILA.

Councilmember Bloom pointed out this agreement was made in 2010 when the majority of current Councilmembers were not on the Council; therefore, she did not feel the ILA fell into that category. She suggested the Council determine what should/should not go on Consent without review at a study session. She did not feel it was appropriate to place the ILA on Consent because she did not have the information she needed to make a decision. Given that the ILA was approved in 2010 and expires in August 2015, staff had plenty of time to get it to Council in advance. Ms. Hite said this five-year agreement has been very successful for the City operationally as well as for community leagues. There is nothing in the ILA that she recommended be changed. Councilmember Petso had a good point regarding the termination clause but the City has been very happy with the ILA operationally for the past five years. Councilmember Bloom preferred to postpone the ILA to allow further discussion.

Council President Fraley-Monillas pointed out there is an issue with timing. If the Council discusses the ILA at the August 25 meeting, the contract is only in place for 6 more days and any change would require approval by the School Board. Unless the ILA is approved by the end of August, the City will lose the fields for fall. Ms. Hite anticipated something could be worked out with ESD between now and then; the School Board approved the ILA on their Consent Agenda because it was the same agreement that had been in place for the past five years. If ESD indicates they are amenable to changing the termination clause to 60 or 90 days, it will still require School Board approval although she does not anticipate any issue at the School Board level.

Council President Fraley-Monillas said she had no problem with approving this on Consent with direction to staff to contact ESD and attempt to negotiate a longer termination clause and return with an amendment.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, THAT THE COUNCIL ASK MS. HITE TO BRING THIS BACK NEXT WEEK ON CONSENT WITH A NOTE IN THE AGENDA MEMO AS TO THE SCHOOL DISTRICT'S RESPONSE AND HER RECOMMENDATION BASED ON THAT RESPONSE.

Councilmember Buckshnis commented the Council was micromanaging things that shouldn't be micromanaged. She found it very tiring to continually look at things that have been around for a long time and question competent directors. She did not support the motion and did not have a problem with approving the ILA on the Consent Agenda.

Council President Fraley-Monillas asked whether the action described in Councilmember Petso's motion was reasonable. Ms. Hite answered that could be done; she expected to hear from ESD tomorrow. If ESD was agreeable to a 60 or 90 day termination clause, it would still require School Board approval. A better option would be to approve the ILA and for staff to return in September or October with an amendment to change the termination clause to 60 or 90 days.

Councilmember Nelson supported approving the ILA on Consent and staff returning with an amendment.

MOTION FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE ILA AS STATED AND INSTRUCT MS. HITE TO BRING BACK AN AMENDMENT WITH AN EXTENDED CANCELLATION CLAUSE TO 60 OR 90 DAYS. MOTION CARRIED UNANIMOUSLY.

ITEM H: PURCHASE OF FORKLIFT

Councilmember Bloom asked why this was on the Consent Agenda without being discussed at a study session. Public Works Director Phil Williams said the timing was inadvertent due to the cancellation of last week's meeting. The intent was to discuss it at a study session on August 11 and schedule approval on tonight's Consent Agenda. He explained the existing forklift is 26 years old and can no longer be repaired. The cost is approximately \$26,000.

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE ITEM H. MOTION CARRIED UNANIMOUSLY.

4. AUDIENCE COMMENTS

Christi Davis, Brier, PhD, referred to toxic infills in crumb rubber, relaying the World Health Organization and the International Agency for Cancer Research estimate that at least 7-19% of all cancer cases are caused by background exposure to environmental toxins. She questioned whether that information was used to look for non-toxic alternatives to reduce environmental exposure or to allow corporations to continue to pollute the environment, only intervening after a specific product is proven to cause cancer in one of every thousand people. She recalled earlier this year Mayor Earling declared May Puget Sound Starts Here Month in Edmonds and encouraged citizens to clean up pet waste, have cars washed in commercial car washes and practice natural lawn care; great ways of reducing water pollution and improving the health of Puget Sound. Yet according to the logic of crumb rubber proponents, there should be no problem with a person dumping a bottle of poison down a drain since by the time it reaches Puget Sound, it will be diluted and the effect on salmon or orca will be negligible. She pointed out the

effects of dumping pollutants down the drain adds up with catastrophic effects She found it ironic that Mayor Earling encouraged the reduction of water pollution while at the same time he and his staff supported dumping 80,000 ground up, used tires full of toxic chemicals on pristine open space. She envisioned grinding up waste tires and spreading them on open space was the most polluting, legal way of dealing with waste tires. Grinding up the tires maximizes the potential to off-gas toxic chemicals and possibility for them to break down and create fine particulate matter that gets into the air and pollutes everything. She found it unfathomable how the EPA ever supported that idea. If the public truly believes in sustainable development and wants a healthy environment for future generations, good choices need to be made now which includes taking care of the environment. She recommended banning crumb rubber before it gets on the fields. She urged the Council to tell the small vocal minority that wants crumb rubber and waste tires that children, everyone, deserves better.

Al Rutledge, Edmonds, reported the Taste of Edmonds, sponsored by the Chamber, was well attended in spite of the weather. He thanked the Chamber for putting on a great event for the community. He reported a holiday market will be held downtown beginning the week before Thanksgiving and continuing into December.

Isaac Carrigan, Edmonds, asked the Council to please not put in crumb rubber as it might make him sick. He loves the fields and goes on them all the time. Crumb rubber is toxic for food, water, and air.

Jen Carrigan, Edmonds, circulated samples of crumb rubber and Geo Plus organic turf for Councilmembers to smell. Over the past few months the Council has heard many people express concern with the health and safety implications with the use of crumb rubber on athletic fields. She asked that the Council not sign the interlocal agreement which would support the use of crumb rubber on the Woodway Fields. Toxicologists have publicly express concern with crumb rubber, including Suzanne Worthell, a retired EPA toxicologist who felt the EPA made a mistake in promoting crumb rubber on fields; making something with hazardous materials into something kids play on is a really dumb idea. The US Consumer Products Safety Commission as of May 2015 publicly states they no longer stand behind a 2008 statement that crumb rubber is okay to install and play on. The Chairman of the Consumer Products Safety Commission, Elliot Kay, also states that safe to play on means something very different to parents that they did not intend to convey and should cause us to begin making different choices. Ms. Carrigan said many neighboring communities are making different choices. She urged the Council to begin a ban on the use of crumb rubber in the City and to renegotiate for a non-toxic infill.

Laura Johnson, Edmonds, said many continue to call information regarding health anecdotal information submitted by some in an attempt to downplay the list of 152 players with cancer. All evidence starts somewhere; the list could also be called preliminary evidence. The fact that tires contain known carcinogens and toxins cannot be downplayed and the distinct possibility of a connection exists. She questioned whether a 10-20 year wait was required to prove harm before a change was made. She referred to lessons taught by the marketing and use of lead paint, asbestos and tobacco. Although crumb rubber was the standard for many years, many communities, governments and school districts are now questioning its safety and choosing safer options such as Long Beach Parks & Rec, New York City Parks & Rec, Los Angeles School District, and Portland School District. This spring Issaquah School District installed two fields with Nike Grind and sand as did Burien's Kennedy High School. South Kitsap is currently installing a field with a non-toxic plant alternative; Seattle Parks & Rec is testing an alternative, thermoplastic elastomer, a food grade plastic; and King County Parks & Rec is also looking into safer alternatives. Opponents to crumb rubber at the Woodway fields have gathered 908 adult signatures asking for a ban on crumb rubber in Edmonds, 400 more than at the last City Council meeting; 54% are Edmonds residents and 46% are from surrounding communities but many will be using and exposed to the fields, not just Edmonds residents. She urged the City not to partner, not to encourage and not to take the financial risk of partnering on a project that will harm the environment, environmental health and risk

human health. She urged the Council to refuse to partner unless a non-toxic infill is chosen. She summarized everyone is on the same team, parents, coaches and citizens, all want to provide safe athletic fields for children to play on. Even Councilmembers who do not question the safety of crumb rubber, she requested they respect the concerns of almost 1000 others who question the safety. She relayed it was not true ESD has not heard any complaints about use of crumb rubber on other fields. She questioned the use of a 2005 infiltration system for the field instead of 2014 standards.

Roger Hertrich, Edmonds, circulated information, explaining Washington State Ferry (WSF) still has a purchase and sale agreement to construct a ferry terminal trestle and utilities necessary for operation of the Edmonds Crossing ferry terminal at the site of Marina Beach. He referred to a letter from WSF in the packet for the Marina Beach Master Plan public hearing. He asserted WSF's right to use the property has been left out of discussions regarding Marina Beach and daylighting of Willow Creek.

5. PUBLIC HEARINGS

A. MARINA BEACH MASTER PLAN PUBLIC HEARING

Parks & Recreation Director Carrie Hite explained the draft Marina Beach Master was the culmination of approximately 9 months of work that included public open houses and key stakeholder meetings. She thanked Councilmember Buckshnis who served on the Project Advisory Committee (PAC), for her input and commitment to the project. She also thanked the PAC for their participation and recognized members in the audience.

Chris Jones, Landscape Architect, Walker | Macy, identified members of the Project Advisory Committee:

- Carrie Hite – Recreation and Cultural Services Director, City of Edmonds
- Renee McRae – Interim Assistant Park Director, City of Edmonds
- Keeley O'Connell– Senior Project Manager, Earth Corps
- Jerry Shuster – Stormwater Engineering Program Manager, City of Edmonds
- Rich Lindsay – Park Maintenance Manager, City of Edmonds
- Diane Buckshnis – City Council, Floretum Garden Club, OLAE
- Val Stewart – Planning Board, City of Edmonds
- Rick Schaeffer – Tetra Tech
- Susan Smiley – Edmonds Floretum Garden Club
- Joe Scordino – Community Member (retired NOAA fisheries)
- Ron Brightman – City of Edmonds Tree Board
- Laura Leeman – Community Member (Edmonds Moms Group)
- Kevin Conefrey – Edmonds Arts Commission

Stakeholder meetings have been held with the following:

- Dave Earling (Mayor of Edmonds)
- Joan Bloom (City Council)
- Dr. Kent Saltonstall (City of Woodway)
- Susie Schaefer (Friends of Edmonds Marsh)
- Marla Kempf, Bob McChesney and Jim Orvis (Port of Edmonds)
- Kojo Fordjour (WSDOT)
- Tammy Armstrong (Department of Natural Resources - DNR)
- Karen Andres and Susan Tarpley (Ranger Naturalists)
- -Kristiana Johnson, Lora Petso, Adrienne Fraley-Monillas (City Council)
- Susan Morrow (Seal Sitters)

- Ann Aldrich, Diane Buckshnis, Julie Nealey (OLAE, Off Leash Area Edmonds)
- Kernen Lien (Senior Planner, City of Edmonds)
- Walter Smith (Burlington Northern Santa Fe - BNSF)
- Neil Tibbott and Phil Lovell (City of Edmonds Planning Board)

In response to Mr. Hertrich's comment, Mr. Jones said they first met with Kojo Fordjour, Washington State Ferries (WSF), on February 10, 2015 to discuss the alignment of the Edmonds Crossing project and integrated that schematic alignment in the Master Plan. Two follow-up meetings were held with Mr. Fordjour and his team.

Mr. Jones reported the public outreach process included three public open houses; approximately 30-40 attended the first open house; 100 people attended the second to discuss the dog park; and when attendees were assured at the second open house that the dog park would be retained, fewer people attended the third open house. He commented on public input provided at the open houses, noting the most successful projects engage the community and reflect the community's sentiment. As Marina Beach is a significant natural resource, steps were taken to engage the community as well as document and integrate their input into the current master plan. As part of their team, Enviroissues, a Seattle-based outreach group, documented all the public input at the three open houses and the 2-week online open house. There were 130 participants online and 29 provided feedback; many of the comments at the online open house paralleled comments received at the public open houses.

Mr. Jones described the process of site context and analysis. He recalled the first time the Edmonds Crossing alignment was identified as part of the master planning process was in March 2015. They meet with WSDOT in February and engaged the schematic alignment in the plans in early 2015. They also analyzed pedestrian and vehicle connections, inventory of park components including counting the number of parking stalls. The community indicated the existing number of parking stalls is sufficient.

He displayed Stream Alignments A, B and C, explaining Options A and B, developed by Shannon & Wilson, were presented at the first open house. The community relayed strong sentiment that Option A displaced the dog park and Option B bisected the park and there was concern about their being enough useful space. Public input at the first open house included:

- Beach, views, environment, picnic tables, seating, walking, active/passive recreation opportunities
- Retention of dog park
- Parking capacity
- Restroom facilities
- Provide more habitat and educational opportunities
- Willow Creek alignment and impacts
- Dog and human conflicts. Dog impacts to environment

Option C was then developed and Options B and C were presented at a second public open house as Options 1 and 2. Public input included:

- 75% of attendees preferred Option 1
- Like parking turnaround
- Like restroom location – make it centrally located and/or include an additional restroom for dog park users
- Prefer larger lawn areas
- Prefer two overlooks
- Separate dog and people best
- Dislike Option 2 as it bisects the park leaving little space for active and passive recreation

He described elements of the preferred Master Plan that was presented at the third open house:

- Two overlooks at north end that utilize natural materials
- Topography change, berm
- Parking turnaround with radius that accommodates drop-off and emergency vehicles
- Restroom and space for concessions, bike parking
- Four ADA stalls
- Personal watercraft staging on the beach
- Open lawn area
- Playground in the center
- Paths to the creek away from the play area
- Open lawn space reduced by several thousand square feet
- Second restroom adjacent to dog park, could be a single unit restroom facility like Portland Loo
- At south end of park, landscape, flow of water and engagement similar to Carkeek Park
- Buffer will contain alders, small trees, dune grass, paths and locations with access to creek
- Maintain dog park, reduced by about one third, little change other than moving agility course from the north edge to the south edge

Mr. Jones displayed the preferred Master Plan with an overlay of the Edmonds Crossing alignment. WSF is currently in the schematic phase of that project and locations of piers and posts that may be in Marina Beach Park have not been determined. They have been working with Mr. Fordjour and his team to integrate future planning with Marina Beach. He envisioned the park could exist for 10-30 years prior to the Edmonds Crossing project. The location of the parking lot and adjacency to the Edmonds Crossing project is the best marriage of uses that could occur on the site. If the Edmonds Crossing project happened tomorrow, not much change would change in the Master Plan other than integrating the piers and posts.

Councilmember Mesaros referred to Slide 21 that shows 2 pedestrian bridges crossing the creek, noting the bridge to the west is identified as a possible bridge and the bridge to the east seems more definite. He asked what factors would turn the possible bridge into a definite bridge. Mr. Jones said the bridges are the highest ticket items in the park development. Working with the PAC, it was felt two bridges were important for safety. As the bridge is a significant cost item, approximately \$90,000, it was included as an additive alternate. Councilmember Mesaros commented that was all the more reason to create a Parks Foundation.

Councilmember Bloom commented the master plan looks absolutely amazing. She referred to Slide 19 which illustrates a circular overlook and asked where that would be located. Mr. Jones answered that illustrated natural materials that could be used for an overlook; the overlooks likely would not be circular and may be a short wall made of natural materials. Councilmember Bloom asked whether the paths would be constructed of natural materials. Mr. Jones explained 4-5 foot wide mulch or dirt paths go through the buffer space; the code does not allow impervious surfaces. Councilmember Bloom asked about the use of alders and whether soil would be brought in. Mr. Jones said that will be determined once a geotechnical report determines the overburden that will be excavated from the creek bed. A lot of that likely will be used but amended topsoil may be brought in for planting.

Councilmember Bloom referred to the schematic that includes the future Edmonds Crossing, noting it appears to go over trees. Mr. Jones agreed. Councilmember Bloom observed none of structure interfered with the park. Mr. Jones said that is unknown. The drawings provided by Mr. Fordjour are not far enough along to identify the location of specific elements within the park. Councilmember Bloom relayed her understanding the trees in that location may/may not need to be removed in the future. Mr. Jones recalled at the Planning Board meeting Mr. Fordjour anticipated the height of the roadway would be 30 feet; it

may be appropriate to plant smaller trees in that location. Councilmember Bloom asked the height of the alders. Mr. Jones answered 30-40 feet.

Councilmember Buckshtnis commented a great job had been done on the master plan and she was excited this was finally coming to fruition. She explained the PAC felt a second bridge was necessary because the first bridge will accommodate dogs accessing the dog park as well as trucks/emergency vehicles; the bridge to the west would be a pedestrian bridge. She commented on the need for tree canopy to shade the creek.

Mr. Jones said the stream buffer was reduced to 50 feet from the center of Willow Creek on the north side. A more significant buffer of 60-70 feet is provided on the south side due to concern with pet waste entering the creek.

Councilmember Nelson thanked Mr. Jones, Ms. Hite, Park staff and the public for their input and the adjustments made from A, B, C to Option 1 and 2 to the preferred master plan. With regard to the restroom on the east being a lower cost option, he disliked the example, the Portland Loo, because it looked like jail cell. He preferred a cost effective restroom option that fit better with the park. He also thanked the Planning Board for their input. He agreed a Tribal stakeholder would be a great contribution, relaying his understanding that that would occur as part of the approval process

Councilmember Johnson asked Mr. Jones to summarize project costs, separating out the cost to daylight Willow Creek. Mr. Jones said the estimate in the packet for park improvements, \$2.5 million, does not include costs associated with daylighting Willow Creek. The \$2.5 million is a gross estimate based on available information and it is hoped when the park is designed it will not exceed that amount and possibly be less.

Councilmember Johnson asked the cost and funding source for daylighting Willow Creek. Stormwater Engineering Program Manager Jerry Shuster said last year's early feasibility study estimated the cost of daylighting the entire creek at \$5 million. That is an early planning level estimate with a 30% contingency. Councilmember Johnson asked the status of grant funding for that project. Mr. Shuster answered the final feasibility study is being completed using the current grant. A second grant has been obtained to do preliminary design of the entire channel; that project will begin at the end of 2015.

Councilmember Johnson asked how the two projects fit together time wise. Ms. Hite answered Keeley O'Connell is working with staff as the Project Manager. The goal is to marry the projects during 2018 - 2020, a 3-5 year timeframe to gather the funds to daylight Willow Creek. The draft CIP also includes funds for Marina Beach. The goal is to continue to plan the two projects, apply for grants and hopefully put the puzzle pieces together in 3-5 years.

Councilmember Johnson referred to the public hearing the Planning Board held last week. The agenda memo includes a summary of their meeting; she requested the minutes be included future agenda packets. Ms. Hite answered the public hearings at the Planning Board and City Council were planned so close together the Planning Board minutes were not available to include in the packet.

Mayor Earling opened the public participation portion of the public hearing.

Kojo Fordjour, Environmental and Permitting Manager, Washington State Ferries, agreed with the gentleman who recommended looking at how the WSF's easement through the park will be integrated with the design. WSF has worked with the Parks Department including exchanging notes and letters and plan to reach an agreement to ensure the two projects do not conflict with each other. Anytime a project goes through a park, Federal DOT requires WSDOT to consider Section 4(f) which governs how

roadways go through parks. In this situation, the park and the transportation facilities go hand in hand so there needs to be an agreement to avoid forcing the City to remove elements of the park in the future. To the question of when Edmonds Crossing will be built, he pointed out the alternatives study regarding the at-grade crossing will impact planning for the transportation facility and the NEPA completed in 2005 will need to be reevaluated before anything is built. The coordination has been very cordial; WSDOT will continue working with the City to ensure a beautiful park and transportation facility.

Roger Hertrich, Edmonds, said materials similar to what he distributed as well as the letter regarding the purchase and sale dated June 19, 2015 can be found on pages 229, 232 and 234 of the packet. He offered the Council a copy of the Planning Board minutes that he obtained from staff. He found some of the Planning Board's comments very interesting; for example one board member said the purpose of daylighting Willow Creek is to increase salmon habitat and concern was expressed with the effect activities in the park will have salmon habitat and that park space may be condensed by the ferry dock. Mr. Hertrich reiterated his concern that the ferry system was never considered a partner in this project along with the dogs, people and the fish. He feared Edmonds Crossing would condense the park elements to the south, there would be no room left for people and dogs would have the bigger portion of the park. He suggested redesigning the project to run the creek as far south as possible and completely remove it from the park, fence it off from dogs and provide a better habitat.

Don Hall, Edmonds, said he attended the three open houses and found the master plan a great balance between people, dogs and fish. The consultant listened to everybody and the design tried to accommodate everybody's ideas. He remarked Marina Beach was a wonderful place to carry a boat to the water except that it requires climbing over large logs. He suggested placing 8'x8' boards in the sand similar to what is done in other parks on Puget Sound to provide a base for carrying a boat to the water. He acknowledged the board would not stay in place forever due to tides and the wind. He was unaware citizens got two opportunities to speak on a public hearing topic by addressing it during Audience Comments and at the public hearing.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing. He advised no decision was anticipated tonight; this was an opportunity for a public hearing and Council comments. Ms. Hite suggested Councilmembers provide input regarding any changes prior to presenting it for final adoption. Parks staff is working with Planning staff on the SEPA. She anticipated the Master Plan will be presented to Council in September for final adoption.

Councilmember Petso said she watched the Planning Board meeting; the Planning Board identified six items for the Council to discuss. At Councilmember Petso's request, Ms. Hite reviewed the status of the six items:

1. Depth of the buffer on south side of creek: increased to 60-70 feet
2. Fire pits: The PAC discussed and recommended no fire pits at Marina Beach. A few Planning Board Members wanted beach fire pits to be considered. There are currently no fire pits; the Fire Department instructed they be removed when the Unocal piers existed due to the high risk of fire.
3. Coordination with Ferries: Information regarding coordination with WSF that began in February and throughout the process was presented to the Planning Board. This plan satisfies minor changes to the park if WSDOT/Edmonds Crossing comes to fruition such as the lookout to the north and possibly some trees. Staff has not responded to WSF's letter (included in the packet) but intends to have further discussion regarding an agreement if Edmonds Crossing is included in WSF's long term plan.
4. Emergency safety considerations due to at grade train crossings: It is hoped Marina Beach Master Plan and daylighting Willow Creek can be part of the alternatives study discussion.
5. Tribes as a stakeholder: Consultation with the Tribes is part of the process. Ms. Hite did not anticipate any huge issues with the Tribes as this project enhances salmon habitat.

6. Phasing and scheduling: This was addressed in the response to a question from Councilmember Johnson.

Councilmember Petso asked how the master plan could be revised if plans for Edmonds Crossing changed or other circumstances changed such as salmon were not recovering at the expected rate. Ms. Hite answered there was always an opportunity to open a master plan and change it. She recommended as the project moves closer to being funded, the concerns of any funders will need to be mitigated. This is a schematic design as part of the master plan; more details will be flushed out once the project gets into 30%, 60% and 90% design.

Councilmember Petso said several people in the community have ideas about incorporating details into the plan related to art, history, etc. She asked when that would be considered. Ms. Hite anticipated she will recommend a PAC to reach out to the community regarding design details.

In response to Mr. Hertrich's suggestion to move Willow Creek as far south as possible, Councilmember Buckshtnis explained that was considered but environmentalist said it was not a good location for salmon recovery and the further north the better. She said WRIA 8 has a great deal of funding available for salmon recovery. Edmonds is a poster child; the culverts under the railroad tracks are a perfect example of working with BNSF, WSDOT and other transportation entities on salmon recovery.

Councilmember Johnson commented issues the Council has discussed include Shoreline Management Program (SMP) and its buffers. Observing Willow Creek was part of the overall marsh, she inquired about the buffers and what Department of Ecology (DOE) and the Tribes recommend and their impact on funding. Ms. Hite said some due diligence was done with DOE; DOE has done buffer averaging between 30 and 70 feet. The City's SMP and Critical Areas Ordinance (CAO) also allows for buffer averaging which is why buffer averaging was included. Buffer averaging is not a given and the City will need to apply for a permit. The City also has not talked to the Tribes yet but adjustments can be made if necessary.

B. PUBLIC HEARING ON A PERMANENT ORDINANCE AMENDING CHAPTER 20.02 ECDC INCLUDING A NEW SECTION ECDC 20.02.004 TO DEEM A DEVELOPMENT APPLICATION WITHDRAWN IF AN IRRECONCILABLE APPLICATION IS SUBMITTED LATER AND RELOCATING SECTION ECDC 20.07.007 REGARDING RESUBMISSION OF APPLICATIONS AFTER DENIAL TO NEW SECTION ECDC 20.02.006

Senior Planner Kernen Lien provided background on Interim Ordinance 3992:

- Passed by City Council on March 17, 2015 as an emergency ordinance
- Effective for six months (September 17, 2015)
- Planning Board reviewed language for permanent ordinance and forwarded a recommendation to Council to approve the same language in the interim ordinance.

He described irreconcilable applications:

- Cannot have two active applications on the same property that are in conflict with each other
- If a second application is made that is on the same property as a previous application and the two projects have locations or features that would be "irreconcilable," the first application would be deemed withdrawn and will not be process further.

Mr. Lien provided irreconcilable examples:

- Applicant submits an application for a four-lot short plat on a particular property. Subsequently, another application is submitted for a three-lot short plat on the same property. Assuming there is

not enough land for seven lots, the two applications are irreconcilable because one could not construct both short plats. Hence, the four-lot short plat is deemed withdrawn.

- Applicant submits a design review application for a twenty-unit multi-family housing development. Subsequently, another design review application is submitted for a thirty-unit multi-family housing development whose footprint would substantially overlap with the footprint of the structure shown for the twenty-unit application. Because both structures would occupy substantially the same space, they are irreconcilable and the twenty-unit application would be deemed withdrawn.

He described inconsistent examples:

- Applicant submits an application for a four-lot short plat on a particularly property. Subsequently a building permit application is submitted for a single-family home, the footprint of which would encroach into the setbacks as measured from the proposed short plat lot lines. Because the building permit application could be corrected to properly locate the footprint, the applications are reconcilable and do not effect a withdrawal of the short plat application.
- Applicant submits a landscape plan that is inconsistent in an insignificant way with civil site-improvement plans that are submitted for the same property. If the two sets of plans can be reconciled by submitting a corrected version of at least one of the two plans, then City staff would seek corrections and withdrawal would not be deemed to occur.

The ordinance also addresses resubmission after denial:

- Existing code language
- Moved from Chapter 20.07 ECDC – Closed Record Reviews to Chapter 20.02 ECDC – Development Project Permit Applications
- Cannot resubmit an application within 12 months unless there has been a significant change

Mr. Lien relayed staff’s recommendation to adopt the resolution included as Attachment 1.

Mayor Earling opened the public participation portion of the public hearing. There was no one present who wished to provide testimony and Mayor Earling closed the public participation portion of the public hearing.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO ADOPT ORDINANCE NO. 4006, AS FOUND IN ATTACHMENT 1. MOTION CARRIED UNANIMOUSLY.

Mayor Earling declared a brief recess.

6. STUDY ITEMS

A. 2015 NONREPRESENTED COMPENSATION SURVEY POLICY DISCUSSION

Human Resources Manager Mary Ann Hardie relayed staff is seeking direction on several items before finalizing the survey. The first item is comparator cities. The policy adopted by Council is 2012 uses comparator cities with population size of 10,000 above and below the Edmonds’ population of approximately 40,000 in King, Snohomish, Pierce, Thurston, and Kitsap Counties. In looking at comparator cities’ practices and best practices for compensation, the cities in these counties do not necessarily reflect the labor market in which Edmonds competes for employees. In analyzing employees who have left to go to other cities in the past 4 years, they had gone to Lynnwood, Snohomish County, Marysville and Seattle. External cities also use additional factors to define their labor market; that is reflected in staff’s recommendation to increase the population spread from 10,000 above and below

Edmonds' population to 20,000 above and below or a range of 20,000 to 60,000 population and to use comparator cities in King, Snohomish and Pierce Counties.

The second issue is the total cost of compensation. The survey being prepared by Human Resources under the policy is a total cost of compensation policy. When the compensation survey was conducted three years ago, it included the salary or base pay for exempt employees as well as fixed and incentive pays such as deferred comp, longevity, insurance, educational incentives, etc., anything that other comparator cities received as cash compensation. In order to maintain a fair and competitive process, staff recommends both salary and fixed and incentive pay again be considered in the survey.

The third issue is related to starting salary. Edmonds minimum salary range appears to be consistently lower than the minimum starting salary for comparator cities. To bring the range into the median which the policy states all ranges should be, staff recommends removing the first step of the seven range salary spread, making the existing second step the first step in the range.

Councilmember Buckshnis recalled the City paid a consultant \$50,000 to do this work two years ago. Ms. Hardie answered it was in 2012. Councilmember Buckshnis asked if the work the consultant did was not sufficient/adequate. She recalled reviewing the consultant data and the ranges were not low at that time. Ms. Hardie clarified one of the items staff is seeking direction on is related to total cost of compensations. The last time the process was considered, the base salary was reviewed as well as additional compensation such as deferred compensation, longevity, etc. She was not saying that process was null and void but things have changed in three years. For example compensation, there are other items included in the compensation package that need to be considered.

Councilmember Buckshnis said she was not aware there had been a huge turnover in staff. Ms. Hardie agreed there was not a huge turnover; the reason employees leave are often discovered during the exit interviews and they often are leaving for other cities, Snohomish County, Fire District 1, etc.

Councilmember Buckshnis did not support defining the labor market as cities plus or minus 20,000 and to include King and Pierce Counties as they have different industrial environments. She preferred to survey only cities in Snohomish County. Ms. Hardie relayed the current, adopted policy includes King, Snohomish, Pierce, Kitsap and Thurston Counties. The recommendation is to expand the population by 25% above and below Edmonds' population which would allow the survey to include Marysville whose population is close to 60,000. Historically the City has surveyed King, Snohomish and Pierce Counties. Councilmember Buckshnis still preferred to survey cities in Snohomish County.

Mayor Earling commented the challenge is cities in Kitsap and Thurston Counties tend to draw the market down. Although the City does not have a great deal of turnover, hiring can be a challenge when the steps are lower and in order to secure a highly qualified candidate, they are often hired at a step higher. He recalled that occurring 2-4 times in the past couple years. He recommended include King County in the survey in order to include Shoreline and Kirkland. Councilmember Buckshnis agreed Kitsap and Thurston Counties should not be included.

Councilmember Petso agreed with Councilmember Buckshnis, she was not in favor of including cities 20,000 above and below Edmonds' population unless it could be demonstrated there were not comparable cities within the 10,000 range. She recalled from the survey three years ago there were a lot of comparator cities within the 10,000 population range. Surveying cities with populations half Edmonds' size or cities with populations as high as 60,000 seemed unnecessary when there were other comparator cities. Unlike Councilmember Buckshnis, she favor keeping Thurston and Kitsap Counties in order to include Olympia and Bremerton which she considered reasonably comparable to Edmonds' size and other aspects make

them legitimate comparables. She requested a list of employees who have voluntarily left the City's employment in the past three years for reasons other than retirement.

Council President Fraley-Monillas suggested including Skagit County instead of Thurston County. She referred to a magazine article regarding why people are leaving jobs especially public sector jobs. Age is a large factor; young people, ages 30-40 are not buying homes, are not driving vehicles in many cases or have one vehicle for multiple people and they change jobs more often. She suggested the City look at not only where people go when they leave Edmonds but why they leave. She acknowledged long term employees leaving for better pay may potentially be more of an issue. She pointed out Seattle city limits start at 145th and run south and Shoreline's city limits start at 145th and run north to Edmonds' border at 205th. The minimum wage in Seattle increased on July 1 which results in people working in fast food in Seattle making \$15/hour but across the street in a grocery store in Shoreline they make \$9.47/hour. She agreed with Councilmembers Petso and Buckshnis about not surveying cities 20,000 above and below Edmonds' population.

Councilmember Mesaros expressed support for eliminating Thurston and Kitsap counties as comparables, noting those counties have a different cost of living. He supported surveying cities 10,000 above and below Edmonds' population in King, Snohomish and Pierce Counties.

Councilmember Johnson said it would helpful if the Council knew the comparator cities that are 10,000 above and below Edmonds' population. She recalled in 2012 all employees were placed on one of the steps in the seven-step range. She asked the impact of eliminating the steps established in 2012, whether the recommendation was just a hiring policy or eliminating a step in the range. Ms. Hardie answered it could be an internal policy where new employees were started at the second step. However, salary ranges may lead to a false perception for people considering the position. She recommended removing the first step to align with the median; the only difference would be six steps instead of seven. When an employee reaches the top step, they would be capped at the sixth step. The difference between steps is 5%. The Mayor has the discretion to start employees at a higher step. Another reason for removing the first step is to avoid skewing comparisons with other cities.

Council President Fraley-Monillas commented public sector jobs used to be great jobs because they were known to have good benefits and a comparative salary. Public sector salaries compared to private sector salaries have eroded over time. She recalled a manager who left for the private sector and immediately almost doubled his salary. She summarized the public sector does not have the funds that the private sector has to encourage people to work for them.

Councilmember Petso recalled three years ago the Council did not choose to provide longevity pay. Ms. Hardie agreed. Councilmember Petso asked if staff was suggesting the Council consider adding that. Ms. Hardie said staff was in the process of gathering information and she anticipated staff will make some recommendations to be competitive and equitable. The purpose of tonight's review is to seek direction before the survey is completed. With regard to surveying cities 20,000 above and below Edmonds' population, Ms. Hardie explained a 50% spread above and below is a standard practice. She acknowledged the City may not need to use that much of a spread as there are plenty of cities, but sometimes there are not matches for some benchmark positions. She said the intent would be to look at the closest spread and extend in order to find a match.

Ms. Hardie recapped Council direction to use comparator cities in King, Snohomish and Pierce counties with populations 10,000 above and below. Councilmember Bloom recalled the Council was mixed with regard to the counties and Council President Fraley-Monillas suggested substituting Skagit County for Thurston. Ms. Hardie said there is a cost of living difference with cities in Skagit County such as Mt. Vernon who also has 38 hour work weeks. With regard to cities in Thurston County such as Olympia and

Lacey, there is a definite cost of living difference and it is difficult to factor a geographical pay differential.

Councilmember Nelson said he was not on the Council for the 2012 discussion; he was hesitant to add counties without data to back it up and the implications.

Councilmember Petso recalled when the Council discussed this previously issues were not combined such as population size and counties. Each item was considered separately and resolved via a series of votes. She suggested using that approach when this came to Council instead of combining issues. Ms. Hardie said staff wants to be able to bring comps forward and she was hoping to get Council direction tonight regarding cities to include in the survey. When the data is presented, she wanted it to be presented in an objective manner and for the Council to have an opportunity to consider it in an objective manner.

B. DISCUSSION ABOUT POSSIBLE CREATION OF AN HISTORIC PRESERVATION DISTRICT

Planning Manager Rob Chave explained this issue arose from Council retreat where working groups were established to discuss various ideas. Development Services Director Shane Hope and he met with Councilmembers Petso and Johnson on this subject. The City currently has a historic preservation program certified through the State based on a registry of historic places that lists individual properties voluntarily added to the registry. He described historic properties versus historic districts:

- Both sites and districts authorized by code
- Individual properties are listed on the Edmonds Historic Register with the owner's permission
- Districts are established for an area rather than a single property
 - Every property within the district must be surveyed to determine whether it contributes to the historic character
- Properties within the district boundary are automatically within the district; mandatory rather than voluntary.

He described benefits of districts:

- Retain historic character of the area
 - Inventories done in the past indicate the possibility of districts based on characteristics of areas such as south of the Frances Anderson Center and the downtown core
- Can enhance/support property values
- Potential for financial and advisory assistance for building owners (e.g. tax breaks for restoration or compatible improvements)
- Opportunities for recognition, promotion, and tourism
 - Note that promotion and tourism don't require a formal historic district. Branding/advertising can offer many of the same benefits.

Mr. Chave reviewed the process for establishing a formal historic district:

- What do you want to accomplish (informal/promotional or formal review and designation)?
- Amend code to establish threshold for establishing a district
- Survey and outreach
- Identify boundaries and draft design guidelines
 - Consultant cost: \$40,000 - \$50,000
- Ordinance to establish district

He reviewed other considerations:

- A district is mandatory – properties can't "opt out"
- Staffing is essential

- Specialized technical expertise required
- Review of improvements is detailed and ongoing
- Current staffing is insufficient - \$100,000/year
- Outreach is crucial to success
 - Advise of benefits
 - Consulting with building/business owners before they apply for changes to buildings

Several options to consider

- Gage current potential/interest
 - Survey of building owners/business owners
 - Consultant could be hired to do a one-time workshop
- Take initial steps
 - Survey and identify potential districts(s)
- Support BID in branding/identifying “Historic Downtown Edmonds”
- Defer for future action or interest

Council President Fraley-Monillas relayed a citizen’s suggestion for another option, a historic zoning overlay. Mr. Chave answered that was not really a historic district. That has been done to a degree for example in the downtown BD zones where very specific design guidance attempt to regulate things that contribute to the historic retail corridor such as windows, building materials, etc. Districts have very specific rules and a very specific level of detail such as color, window design, cladding, materials, etc. that refer to historic building forms. An overlay is a zoning regulation and is more of a one-size-fits-all and cannot get to the level of detail that distinguishes between historic buildings from others.

Councilmember Buckshnis asked if the intent was a historic district that would go on the national historic registry. Mr. Chave said that was another level; he was assuming a local historic district that would be recognized in the City’s codes. There are very specific criteria for national registry. Councilmember Buckshnis recalled a presentation she made to the Historic Preservation Commission (HPC) in 2009; a property she owns in Portland is in a historic district that is on national historic district and their townhouse in Charlotte is part of the Dillworth historic district. She commented historic districts have very strict limitations with regard to what can be done to a house including paint colors. There are benefits such as a plaque and tax benefits, but it is a lot of work. She said Sunset would have been great example of an historic district in the past but many of the older houses no longer exist. She asked whether Sunset could be considered a historic district when old houses are mixed with new. Mr. Chave answered old can be mixed with new, the question is critical mass. He agreed Sunset looked very different ten years ago. He would defer to a professional to make a determination whether there was enough critical mass.

Councilmember Buckshnis said the Salish Crossing building could be considered historic because the 60s building is relatively unchanged. Mr. Chave commented the improvements to Salish Crossing actually enhance the building in some ways. Councilmember Buckshnis agreed a historic district would be very labor intensive and would require extensive outreach. Mr. Chave said he is a proponent of historic preservation; he studied historic preservation in graduate school and his late wife was the Landmarks Coordinator for Seattle. A historic district is another order of commitment; there is a cost associated with it and it absolutely requires community support.

Councilmember Nelson asked if there was a geographic limitation such as a number of blocks. Mr. Chave answered anything less than a couple blocks would be difficult. In a single block it is difficult to understand the streetscape and character of the area. It is not impossible to have a one block historic district but most districts are several blocks. Councilmember Nelson observed it was not limited to businesses; a neighborhood could establish a historic district. Mr. Chave answered there are a number of

residential neighborhoods in Seattle that are historic districts as well as Pike Place Market, Fort Lawton, and Sand Point.

Councilmember Petso recalled the work group discussed which of the initial steps had opportunity for grant funding. She asked whether grant funding could be expected for either approaching property owners or determining possible districts. Mr. Chave anticipated a grant for outreach was a good possibility. Those grants are usually due in April and have not required a match in recent years. If the Council was interested, staff could research and make a proposal to Council in February Councilmember Petso asked whether a decision package could be included in the budget that states the funds are not spent unless a grant is obtained. Mr. Chave agreed that could be done.

Councilmember Petso asked whether the ongoing or long term staffing requirement could be reduced via a simpler code or piggybacking on the design guidelines for the downtown zones. Mr. Chave answered he honestly did not think so because in his experience districts are very time consuming, detailed, technical work. Councilmember Petso referred to Chehalis and asked whether that was marketing of a historic district and not a formal district. She did not picture Chehalis having a full-time historic preservation staff member. Mr. Chave answered it is sometimes hard to tell; Chehalis may have individual homes on a historic register rather than a district. Chehalis also may have a strong, cohesive downtown merchants program or may have done a Main Street Program that encouraged property owners to improve facades. He summarized there are other ways of getting there without a formal historic district that are more voluntary than regulatory. Councilmember Petso summarized the first step is outreach. Mr. Chave agreed.

Councilmember Bloom referred to the statement in the agenda memo, “commercial building owners can benefit from being in a district by accessing beneficial tax write-offs on building improvements” and asked whether people placing their home on the historic registry could benefit from tax incentives. Mr. Chave answered it is more difficult for a homeowner and easier for a commercial property. Properties only need to be on the registry to obtain tax benefits for improvements that are consistent with the historic character.

Councilmember Bloom relayed her understanding that once a district was identified, everyone within the boundaries would be included even if they didn't want to be included. Mr. Chave agreed that was how a district worked; the district benefits all the properties within the district even non-contributing buildings simply by their location within the district. Councilmember Bloom asked how big a district had to be; whether there was a number of homes or commercial buildings. Mr. Chave answered there was no threshold with regard to the size; they are generally several blocks. It is hard to have a very small district because the character can get overwhelmed by the surrounding area. For example the buildings around the fountain probably are not enough for a district but it was a judgment call, thus the reason for the early steps of survey and assessment.

Councilmember Bloom referred to Mr. Chave's indication that there were other ways to accomplish this without a district. Mr. Chave agreed, noting the City already has a voluntary program for listing individual properties on the City's historic registry; there are 18 structures on the registry now. He noted listing individual properties, especially when properties are recruited, can have some of the benefits of a district. There are also other ways such as ways promoting Edmonds' historic downtown.

Councilmember Bloom asked for examples of other cities that have created districts where some property owners were strongly opposed to being included. She recognized this is a property rights issue and recalled the backlash regarding the tree code due to concern with private property rights. Mr. Chave said the concern that arises with the historic registry is whether it will restrict what a property owner can do. The answer is yes and no; in some cases it will but in other cases there are options. For example it does not mean an addition cannot be added to a historic house but it needs to be done in a way that does not

compromise the historic character. Sometimes property owners are encouraged to make the addition look non-historic so the difference between the historic building and the addition is clear. Historic preservation is not about making things look old but also allowing modifications without jeopardizing the historic character. Councilmember Bloom asked if there was data available regarding historic districts in other cities. Mr. Chave answered only anecdotal information.

For Councilmember Johnson, Mr. Chave explained the City obtain a \$7500 grant from the State to conduct a third survey, mid-century modern 1950-1960 homes. The survey included 50+ properties and a mailing was sent to the houses that were surveyed as well as an advertisement in the newspaper. Approximately 40 people attended the HPC meeting where the consultant/architecture provided a slide show. He summarized history often generates pride and interest in the community. Councilmember Johnson remarked especially since the City just celebrated its 125th anniversary.

C. SNOHOMISH COUNTY ILA AMENDMENT

Parks & Recreation Director Carrie explained in November 2013 the Council authorized the Mayor to sign an ILA with Snohomish County for grant awards of \$500,000 to purchase beachfront property. After many discussions and three formal offers, the owner of the property declined to sell. In June 2015 the City asked Snohomish County to reallocate the funds to the purchase of Civic Fields. The request was unanimously approved and the proposed amendment to the original ILA was prepared for Council consideration.

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

D. PRESENTATION OF COUNCIL GRANT REQUESTS FOR TREE BOARD AND DIVERSITY COMMISSION

Economic Development & Community Services Director Patrick Doherty explained there was \$20,000 in the 2015 budget for grants from the City Council to Boards and Commissions. Of that amount \$5,000 was allocated to the Historic Preservation for their calendar, \$1400 to the Tree Board for minute taking and \$2,000 to the Planning Board for videotaping, leaving \$11,000. The current proposal is for \$3,000 for the Tree Board and \$3,000 the Diversity Commission for the remainder of the year. The consultant to the Tree Board would assist by:

1. Attending the Tree Board's monthly meetings and helping address questions/information about tree issues—especially to follow up with city departments as needed.
2. Coordinating/developing the Board's application (with Board input) to continue being certified for Tree City USA
3. Facilitate planning for an Arbor Day event (including ideas for outreach & education)
4. Providing other information/support, as time allows

The Diversity Commission has similar needs for a consultant to:

1. Work with the Diversity Task Force to develop application, recruit and review applicants to seat the first Diversity Commission.
2. Assist Council/Mayor to appoint the first Commission.
3. Facilitate first Commission meetings, until officers can be appointed.
4. Assist the chair in development of the agenda, participate in monthly meetings.
5. Be a liaison between the Diversity Commission and City staff
 - Address issues raised by the public at meetings. Direct to appropriate staff for follow up.
6. Be the primary contact for the Diversity Commission, assist the commission in developing yearly work plan, outreach, programs and events.
7. Coordinate the provision of information, education and communication

8. Post meeting notices, coordinate meeting locations, update website and post summary minutes of the meetings.

The allocation of \$6,000 (\$3,000 each for the Tree Board and Diversity Commission) would leave \$5,600 in grant funds. The HPC has a grant request pending for \$5,000. He recommended the allocation be approved on next week's Consent Agenda.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO SCHEDULE THIS ON THE CONSENT AGENDA.

Councilmember Nelson said he will not be at next week's Council meeting and he would like to vote in favor of the request. He expressed support for the requests.

Councilmember Johnson asked if \$750/month was an hourly contract. Mr. Doherty said it was difficult to determine the exact amount of time although the estimate is 10 hours/week. Due to the amount of start-up tasks, it would be better if the consultant agreed to a flat fee for the remaining three months. The person may put in more time during those three months but may have an opportunity to continue the following year. He feared if it was an hourly contract not enough would be accomplished this year.

Councilmember Johnson questioned the involvement of the Diversity Task force in reviewing the applications which is a different process than the Mayor and Council's involvement in appointments to other boards and commissions. Mr. Doherty said it was desirable to have the task force involved in developing the application, determining qualifications and helping recruit; he was uncertain they would have a role in reviewing the applications.

Councilmember Johnson asked whether the intent was to have minutes or notes of Diversity Commission minutes. Ms. Hite said the task force was very interested in assisting with the development of the application, recruiting and reviewing applications. By ordinance the Council and Mayor confirm Diversity Commission appointments. To the extent the Council wants to interview applicants, that can be established similar to other board and commission appointments. Future Diversity Commission members will be selected by the seated Commission; the initial members are appointed by the Council and the Mayor. Councilmember Johnson expressed concern with the Commission selecting future commission members and preferred they be selected by the Mayor and Council. Ms. Hite recalled that was previously discussed with the Council and the code that was adopted allowed the Diversity Commission members to seat future commission members.

With regard to minutes versus notes, Mr. Doherty suggested a summary of discussion and any action by the commission.

Council President Fraley-Monillas observed the difference between the consultant's duties for the Tree Board and the Diversity Commission was Task #8 under the scope of services for the Diversity Commission. She preferred the consultant for the Tree Board also handle those duties. Mr. Doherty said the scope of services for the Diversity Commission consultant came from the Diversity Force; the scope of services for the Tree Board consultant was developed by Ms. Hope. He will add the task under #8 to the Tree Board consultant. Mr. Hite explained the Tree Board has some support from Council Executive Assistant Jana Spellman with regard to meeting notices, etc. Council President Fraley-Monillas suggested for consistency, both consultants do the same thing. Mr. Doherty offered to confer with Ms. Hope.

Councilmember Bloom observed the consultant to the Tree Board will have a lot to do such as gathering the data for Tree City USA, facilitate the Arbor Day celebration, etc. She suggested Ms. Spellman continue to do the tasks under #8 for the Tree Board and the consultant assume those tasks next year.

Ultimately she anticipated the consultant would take on those tasks, freeing Ms. Spellman for other Council-related tasks.

COUNCIL PRESIDENT FRALEY-MONILLAS WITHDREW HER MOTION WITH THE AGREEMENT OF THE SECOND.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER NELSON, TO APPROVE THIS TONIGHT.

Councilmember Petso suggested the original motion to approve this on the Consent Agenda next week be reinstated due to staff's offer to make the scope of services more consistent.

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

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO EXTEND THE MEETING FOR FIVE MINUTES. MOTION CARRIED UNANIMLSOUYSLY.

7. MAYOR'S COMMENTS

Mayor Earling thanked the community and Councilmembers who attended 125th anniversary celebration on August 11; approximately 2,000 – 3,000 people attended the celebration. He commended Mr. Doherty the fabulous job he did as the MC as well as the work done by staff and several volunteers. He was delighted to have four former mayors join him for lunch including former Mayor Harrison who is full of energy. All the Hekinan representatives have left the City, the adults left last Thursday and the students left today. When he took the Japanese delegation to dinner on August 11, they were greeted by a costumed George Brackett.

8. COUNCIL COMMENTS

Councilmember Mesaros acknowledged the work of his fellow Councilmembers especially Council President Fraley-Monillas on the volunteer picnic. He also acknowledged the sponsors, The Hotel Group, Coldwell Banker and Edmonds IGA, who provided resources that allowed family members to attend. He remarked on seeing Councilmember Johnson volunteering at the Taste of Edmonds.

Councilmember Bloom thanked Council President Fraley-Monillas for organizing the volunteer picnic, noting it went very well due to her organization.

With regard to crumb rubber, Councilmember Bloom expressed her profound disappointment that her fellow Councilmembers were not willing to discuss a resolution to request the Edmonds School District stop work on the Woodway fields. She wished everyone had an opportunity to smell the crumb rubber that was passed around by Jen Carrigan and her son and to compare it to the Geo Plus infill. The crumb rubber had a strong stench compared to the Geo Plus infill that is a natural organic. She was profoundly disappointed that her fellow Councilmembers were sitting on their hands while the school district moves forward with putting toxic waste on fields that children will play on.

With regard to the advisory task force formed to study alternative to the at-grade railroad crossing in downtown Edmonds, Councilmember Bloom relayed she learned at a Port meeting that the task force has already met. She never saw or received a notice of the meeting. She asked City Attorney Jeff Taraday whether the task force was subject to the Open Public Meeting Act (OPMA). Mr. Taraday responded it would depend on whether it was a governing body; he would need to analyze that but off the top of his

head, if it was just a task force formed by the Mayor that reports to the Mayor, he did not believe it constituted a governing body that was subject to the OPMA.

Mayor Earling said to the best of his knowledge, the task force has not met; he met with the two chairs. Councilmember Bloom said she heard at the Port meeting that the task force had already met. Mayor Earling said Mr. Orvis, one of the chairs, may have considered that a meeting; he simply wanted to give the two chairs an opportunity to meet as they did not know each other. The two chairs had a subsequent meeting with Patrick Doherty but the task force has not met. Councilmember Bloom thanked Mayor Earling for that clarification. She asked whether the task force's meetings will be noticed. Mayor Earling responded that was discussed but assured there has not yet been a formal meeting.

Councilmember Bloom requested all the task force's meetings be noticed as open public meetings. They will be discussing spending \$600,000 of citizens' money and her understanding is the task force will be establishing the scope of what will be analyzed which she viewed as a very important part of the process. Mayor Earling reiterated that has been discussed by the two chairs and possibly Councilmember Nelson can provide further information.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO EXTEND THE MEETING TO 10: 15 P.M. MOTION CARRIED UNANIMOUSLY.

Councilmember Buckshnis agreed the 125th anniversary was great fun. She thanked Mayor Earling and staff for their efforts. She remarked the costumed George Brackett was fabulous, a very historic, financially savvy guy.

Councilmember Petso reported on the 125th anniversary celebration, remarking the costumed George Brackett amazingly made his entire presentation without notes. She commented on the awesome gifts brought by the Japanese delegation, and asked where the beautiful flag is located. Mayor Earling suggested Frances Chapin will have something to do with where it is located.

Councilmember Nelson thanked everyone involved with organizing the 125th anniversary. He also thanked Council President Fraley-Monillas for organizing the volunteer picnic. With regard to the task force, he said the co-chairs meet with City staff to establish the agenda. Meetings will be noticed; the first meeting is September 2 at 9:00 a.m. in the Brackett Room and is open to the public.

Councilmember Johnson reported at the Taste of Edmonds she was volunteering at the Zero Waste Station, the first recycling of food compost at the Taste, a joint effort between Steve Fisher, the City's Recycling Coordinator, and Stephanie Leeper, Washington State University Extension Office. There were three stations this year and there are plans to have six next year. She summarized don't dump your food, compost it.

With regard to Councilmember Bloom's concerns regarding the fields, Council President Fraley-Monillas reiterated the City does not own the fields and cannot tell anybody what to do with their property without a law to support it. The School District told the Council/City on three separate occasions including in front of Councilmember Bloom that they would not consider changing the field. She was sorry Councilmember Bloom was disappointed and felt the Council was not doing anything but she did not view the proposed resolution as anything more than fluff that School District did not even have to respond to.

Council President Fraley-Monillas agreed the Taste of Edmonds was fun even though Friday night's festivities were cancelled due safety. She thanked the 50 people who attended the volunteer picnic. She also had a great time at the 125th anniversary celebration with the Japanese delegation from Hekinan. In speaking with the Council President she learned their Council is comprised of 22 members only 2 of

whom are women. They meet 4 times a year for 3-4 days per meeting and once a year they have a 20-day meeting that does not end until all their business is completed.

Mayor Earling commented Council President Fraley-Monillas joined him and the Japanese delegation for dinner. Council President Fraley-Monillas said it was interesting to ask questions about how they move business in Japan. It was a great experience to spend time with the group who is so dedicated to Hekinian as well as to Edmonds.

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

This item was not needed.

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

This item was not needed.

11. ADJOURN

With no further business, the Council meeting was adjourned at 10:15 p.m.