

EDMONDS CITY COUNCIL APPROVED MINUTES

October 6, 2015

The Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Pro Tem Fraley-Monillas in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

Adrienne Fraley-Monillas, Mayor Pro Tem
Diane Buckshnis, Councilmember
Lora Petso, Councilmember
Joan Bloom, Councilmember
Thomas Mesaros, Councilmember
Michael Nelson, Councilmember

ELECTED OFFICIALS ABSENT

Dave Earling, Mayor
Kristiana Johnson, Councilmember

STAFF PRESENT

J. Shier, Police Officer
Phil Williams, Public Works Director
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Scott James, Finance Director
Shane Hope, Development Services Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Frances Chapin, Arts & Culture Program Mgr.
Kernen Lien, Senior Planner
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

SPECIAL MEETING

1. CONVENE IN EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING PER RCW 42.30.140(4)(a)

At 6:30 p.m., Mayor Pro Tem Fraley-Monillas announced that the City Council would meet in executive session to discuss collective bargaining per RCW 4230.140(4)(a). 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: Councilmembers Fraley-Monillas, Buckshnis, Petso, Bloom, and Mesaros. Others present were City Attorney Jeff Taraday, Sharon Cates, City Attorney's Office, Human Resources Manager Mary Ann Hardie, and City Clerk Scott Passey. The executive session concluded at 6:40 p.m.

Mayor Pro Tem Fraley-Monillas reconvened the regular City Council meeting at 7:00 p.m. and led the flag salute.

BUSINESS MEETING

2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Mayor Earling and Council President Pro Tem Johnson.

Mayor Pro Tem Fraley-Monillas reported Mayor Earling is on a Sound Transit business trip and Council President Pro Tem Johnson is ill.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF CONSENT AGENDA ITEMS**

Councilmember Mesaros requested Item A be removed from the Consent Agenda so that he could abstain from the vote.

ITEM A: APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF SEPTEMBER 22, 2015

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

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

- B. APPROVAL OF CLAIM CHECKS #216279 THROUGH #216383 DATED SEPTEMBER 24, 2015 FOR \$1,177,636.44 AND CLAIM CHECKS #216384 THROUGH #216502 DATED OCTOBER 1, 2015 FOR \$840,178.61. APPROVAL OF PAYROLL CHECK #61803 FOR \$232.97 FOR THE PAY PERIOD SEPTEMBER 1, 2015 THROUGH SEPTEMBER 15, 2015
- C. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61804 THROUGH #61815 FOR \$527,006.93, BENEFIT CHECKS #61816 THROUGH #61823 AND WIRE PAYMENTS OF \$478,300.18 FOR THE PAY PERIOD SEPTEMBER 16, 2015 THROUGH SEPTEMBER 30, 2015
- D. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM MICHAEL SCOTT (\$916.79) AND FROM CURT CUNNINGHAM (\$400.00)
- E. POLICE DEPARTMENT SURPLUS PROPERTY
- F. ESCO IV FUNDING USE
- G. ADOPTION OF AN ORDINANCE FOR A SITE SPECIFIC REZONE REQUEST BY MERLONE GEIER PARTNERS TO REZONE A PORTION OF A 9.1 ACRE PROPERTY AT THE NORTHWEST CORNER OF 220TH STREET SW AND HIGHWAY 99, AS APPROVED BY THE CITY COUNCIL ON SEPTEMBER 15, 2015. THE PROPERTY IS CURRENTLY ZONED GENERAL COMMERCIAL (CG2) WITH THE WESTERN HALF OF THE PROPERTY ENCUMBERED BY A CONTRACT REZONE (R-02-90). THE REZONE REQUEST WOULD REMOVE THE CONTRACT REZONE AND ITS RESTRICTIONS ON THE WESTERN HALF OF THE PROPERTY AND LEAVE THE PROPERTY UNDER THE CG2 ZONE. (FILE #PLN20150024)
- H. AMENDING ECC 8.48 ADDING COLUMBUS DAY AS A HOLIDAY FOR PARKING ENFORCEMENT

5. **PRESENTATIONS**

A. **PROCLAMATION IN HONOR OF ARTS & HUMANITIES MONTH**

Mayor Pro Tem Fraley-Monillas read a proclamation declaring October Arts and Humanities Month in Edmonds.

Arts & Culture Program Manager Frances Chapin said residents are fortunate to live in a community where arts and culture are integral to the way of life. Edmonds has many cultural organizations; hundreds of people volunteer thousands of hours to support the arts and many generous businesses provide support for the arts. For example, the Arts Commission's annual Write on the Sound Conference this past Friday, Saturday and Sunday brought about 270 participants to Edmonds, many for all three days. The conference takes hundreds of volunteer hours and the support of many local businesses to make it a nationally known event for writers. This year's conference, in its 30th year, attracted participants from 11 states outside Washington. She showed a short video to highlight and recognize the impressive number and variety of arts and cultural organizations and businesses in Edmonds. The original version of the video was produced by Dawn McLellan for the Arts Mini Summit held in July and is available on the City's website via a link under arts and culture. She recognized Dawn McLellan and representatives from several arts organizations in the audience.

Councilmember Buckshnis thanked all the volunteers, many of whom have volunteered for many years. Arts and culture make Edmonds a very special place and she was thankful for all the time they donate to the City.

Mayor Pro Tem Fraley-Monillas thanked Ms. Chapin and the volunteers.

6. AUDIENCE COMMENTS

Dave Tietzel, Edmonds, said he frequently walks his dogs on Sunset Avenue and finds it a great place to enjoy the views, changing weather and scenery. He enjoyed Sunset before the trial started and after the changes in the configuration including walking on the paved area. However, he does not enjoy the added congestion at the south end of Sunset near Edmonds Street. That area feels very busy, hectic and some of the magic and ambiance of Sunset has been lost. After experiencing Sunset primarily as a walker, he recently parked in the angle parking on Sunset to eat lunch, intentionally selecting a space in the center. He found backing out of the angle space very unnerving due to the inability to see oncoming cars, pedestrians or bicyclists and it felt very unsafe. As the Council considers whether to make the changes permanent, he encouraged the Council to consider what the public is saying in the surveys, hold a Town Hall to facilitate a two-way dialogue with citizens and for Councilmembers to park in the angle parking themselves and experience backing out on a busy day.

Roger Hertrich, Edmonds, said the parking on Sunset is an example of the Public Works Director. Next, Mr. Hertrich recalled the City Attorney informed the Council a few weeks ago that there was discussion occurring between the School District and the City regarding an Inter Local Agreement (ILA). At a recent School District Superintendent's Roundtable, Superintendent Brossoit's response to questions about the ILA was he did not know about any agreement other than one that wasn't put forth. Superintendent Brossoit said he wasn't concerned because the City was only providing \$500,000-\$600,000; the District has plenty of money. Superintendent Brossoit's attitude dismissed Edmonds' importance to the District, the financing and the fields. Mr. Hertrich said the Council has been led astray by the City Attorney and whoever else on staff may have told them that an agreement is being discussed by both parties; that is not true according to the superintendent.

Alicia Crank, Edmonds, thanked Councilmembers Nelson and Buckshnis for scheduling a Town Hall on October 26. She hoped it will be one of many, that future Town Halls will be more topical and that Town Halls will be held in different parts of the community and in kid-friendly places. She was hopeful Town Halls will make Councilmembers more assessable to community members.

Shannon Roeder, Edmonds, spoke regarding Seaview Woods. She was pleased the Council was reviewing the critical area regulations. She has lived in Edmonds for 29 years at this same location and has seen a lot of improvement and things left as they are to help citizens enjoy the Edmonds way of life. She loves the birds, trees and wetlands. She and her son have hiked Seaview Woods and nearby areas for many years; her son's Eagle Scout project was a trail improvement in the woods. Mayor Pro Tem Fraley-Monillas interrupted and suggested she make her comments during the public hearing.

Councilmember Bloom asked Mr. Taraday to address Mr. Hertrich's comments regarding the ILA. Mr. Taraday responded he has not been interacting directly with the superintendent but has been working with their lawyer. He acknowledged it was conceivable the District was playing games with the City. He sent the District a draft and is awaiting a draft back from the District. He has not reached any conclusion about what that means.

Councilmember Bloom asked whether there was a deadline, noting there the funds related to the fields may need to be reallocated and an alternate location found for the community garden. Her impression from Mr. Hertrich's comments is that the District is not involved in negotiations. Mr. Taraday said that is news to him; the District's attorney has not informed him they are not sending the City a draft or that the deal is done, he is still expecting to see a draft.

Councilmember Bloom said from her perspective as a Councilmember, she would like to know where the ILA stands and to know soon so the Council can make decisions about the funds that have been allocated. Mayor Pro Tem Fraley-Monillas suggested have further discussion under Council Comments.

7. PUBLIC HEARING

A. PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY OF EDMONDS CRITICAL AREA REGULATIONS CONTAINED IN CHAPTERS 23.40 - 23.90 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) AND ASSOCIATED CODE AMENDMENTS RELATED TO FREQUENTLY FLOODED AREAS IN CHAPTER 19.00 ECDC AND CHAPTER 21 ECDC

Senior Planner Kernen Lien reviewed the background and purpose:

- GMA (1990) requires identification, designation, and protection of critical areas
- Purpose of the CAO (CAO) is to protect:
 - Natural environment
 - Public health and safety
 - Once lost, function and value of critical areas very difficult to restore.
- Existing CAO –established from comprehensive update in 2004 and 2005

He described what critical areas are:

- Frequently flooded areas
- Geologically hazardous areas
 - Landslide, erosion, seismic hazards)
- Fish and wildlife habitat conservation areas (FWHCAs)
 - Streams
 - Habitat for listed and sensitive fish and wildlife species
 - Lakes < 20 acres
- Wetlands
- Aquifer recharge areas (none in Edmonds)

He reviewed the CAO update process

- GMA requires cities to update CAOs on the same 8-year Comprehensive Plan update timeline
- Consideration of Best Available Science (BAS)
- Revise Code
 - Five Planning Board meetings including July 8 public hearing and July 22 recommendation
 - City Council review
- Adoption of revised code

He described consideration of BAS in the critical area update:

- RCW 36.70A.172 "...cities shall include the best available science in developing policies and development regulations to protect functions of values of critical areas."
- Other factors may be considered
- WAC 365-195-915 criteria for including and departing from BAS

Mr. Lien reviewed significant updates:

- Geologically Hazardous Areas
 - Update requirements for geotechnical reports
 - Update how buffers are determined
 - Slight changes in how geologically hazardous area are defined
- Wetlands
 - Bring wetland regulations consistent with Ecology's Guidelines for Small Jurisdictions
- Native vegetation in RS-12 and RS-20 zones
 - Provide more definition to the type of habitat to maintain
 - Current regulations have similarities to a King County ordinance that was struck down
- Physically separated/functionally isolated buffers
 - Added definition
- Development within existing footprint
 - Added provisions
- Restoration project relief
 - New provision modeled after a SMA provision
- Frequently flooded areas
 - Regulated in building code, require structures in the coastal flood hazard area to be constructed 2 feet above base flood elevation. Change definition of height so that zoning height would be measured from the elevation that is 2 feet above the base flood elevation in the coastal flood hazard area.

In response to a question raised at the last meeting regarding whether gravel is considered a developed footprint, Mr. Lien explained Stormwater Engineering Program Manager Jerry Shuster indicated stormwater regulations consider compacted gravel impervious surface. He provided a slightly amended definition of Footprint of Development: "Footprint of Existing Development" or "footprint of development" means the area of the site that contains legally established: building; roads, driveways, parking lots, storage areas, walkways or other areas paved with concrete, asphalt or compacted gravel; outdoor swimming pools; and patios."

Mr. Lien recalled a suggestion was made at the last Council meeting to reconsider the penalties section ECDC 23.40.240.E:

- Currently reference tree cutting penalties in ECDC 18.45
- Maintain reference to tree cutting penalties, and
- As a violation could occur that did not include cutting a tree, "up to" \$3 per square foot penalty of impacted critical area and critical area buffer was added

Mr. Lien explained most of Ecology's draft comments have been incorporated into the critical area regulations. Recommendations he did not include are related to:

- Buffer reduction – ECDC 23.50.040.G.4
 - Currently allow buffer reduction and buffer averaging up to 50% of standard buffer and can do both
 - Change proposed to no longer allow both, only allow one or the other
 - Buffer averaging is preferable to buffer reduction
 - Buffer averaging is within the Ecology's Guidelines for Small Jurisdictions
 - Both buffer averaging and buffer reduction, the buffer cannot be reduced to more than 75% of the standard buffer

Mr. Lien explained the reason he did not make the change in response to Ecology's comments is information in BAS states buffer reduction is consistent with BAS. He read from page 6 of the current BAS report: "Granger et al. (2005) notes that for some situations where the buffer is composed of non-native vegetation, and therefore providing limited functions and values, simply applying a fixed width buffer may fail to provide the necessary characteristics to protect a wetland's functions. In these cases, it can be better to restore the buffer through enhancement activities." He explained Granger et al. is a Wetlands in Washington State Guidance for Protecting and Managing Wetlands, Department of Ecology's main guidance on BAS for wetlands. In a developed community like Edmonds where there are yards and landscaping up to these areas, simply requiring a flat buffer does not really improve the critical area. One of the goals in developing the regulations was to obtain improvement of some critical areas. He summarized this was consistent with BAS per Ecology's guidance.

Another change that was not made is related to:

- Critical area restoration projects
 - Do not want to discourage projects that provide a net benefit.
 - New Section ECDC 23.40.215
 - Provide relief from standard critical area buffer for restoration projects that is not required as mitigation for a development proposal
 - Restoration project involves:
 - The daylight of a stream, or
 - Creation or expansion of a wetland that would cause a landward expansion of the wetland and/or wetland buffer
 - Restoration project relief
 - Expanded buffer: that portion of the stream or wetland buffer that extended landward as a result of the restoration project
 - May apply a buffer that is not less than 75% of the expanded buffer
 - Request a buffer between 50% and 75% of expanded buffer if:
 - 75% buffer would significantly limit use of the property
 - Minimum necessary to achieve restoration project
 - There will be a net environmental benefit
 - Granting relief is consistent with the purposes of the critical area regulations

Mr. Lien displayed a slide illustrating a wetland restoration project, identifying the existing wetland and the standard 50-foot buffer. A restoration project that expands the wetland landward would result in an equivalent expansion of the standard buffer. The relief provision allows the expanded buffer to automatically get the 75% relief for the expanded buffer and could potentially ask for a 50% relief of the expanded buffer. The intent is not to discourage restoration projects.

Mr. Lien recommended Council direct staff to develop an ordinance adopting the proposed amendments to the critical area regulations as contained in Exhibits 1 and 2.

Councilmember Buckshnis inquired about the timeframe for approval, noting she was not ready to take action tonight. Mr. Lien said July was the statutory deadline for all the updates but it needs to be approved this year for sure.

Councilmember Buckshnis relayed the Council has been receiving emails with no content other than stating the person wants to be a party of record. She asked why a person would want to be party of record but not make any comment regarding the critical area regulations. City Attorney Jeff Taraday answered this is a legislative process, not quasi-judicial process where there are parties of record. He was uncertain the City's code defines party of record in the context of a legislative process. He was unclear about the motive behind those emails and requested Councilmember Buckshnis forward one to him.

Councilmember Buckshnis asked the date of the stormwater manual referenced in the critical area regulations. Mr. Lien answered the 2005 manual.

Councilmember Bloom referred to Mr. Lien's statement that he did not include all Ecology's recommendations and that that decision was supported by BAS. She referred to Ecology's statement regarding buffer width reduction through enhancement, "Reducing wet land buffers to 75% of their standard buffer width and expecting enhancement to maintain the effectiveness of the buffer is not supported by BAS." She asked why Mr. Lien recommended something that Ecology is clearly stating is not supported by BAS. Mr. Lien said what he read was from Wetlands in Washington State Volume 2, Guidance for Protecting and Managing Wetlands, which is the guidance from Ecology. He noted BAS is largely conducted in rural areas where buffers already exist. Not a lot, if any, BAS reports address buffers in an urban environment where buffers are largely degraded. The previous BAS also addressed this, "In assessing the potential effectiveness of Edmonds updated wetland buffer widths and comparing them to mandates of BAS, it is important to remember that much of the literature on wetland buffer width as cited above was developed from studies in rural areas, forested regions, and generally more pristine natural environments. As mentioned above, areas within the jurisdiction of Edmonds cannot be expected to provide habitat for species requiring large contiguous areas of forest habitat." He summarized consideration has to be given to the science, where it was done and the environment where it is implemented. What is included in the critical area regulations is consistent with Ecology's guidance and BAS document in the City's BAS report.

Councilmember Bloom said she did not understand the majority of what Mr. Lien said because he knows more about it than she does. She reiterated her concern with Ecology's statement regarding buffer width reduction through enhancement. Ecology also states in their comments, "Although we support voluntary restoration of habitat, the buffers should be wide enough to protect the wetland's necessary functions. She said Mr. Lien was making an interpretation based on BAS but Ecology is saying the City's regulations are not meeting it. Mr. Lien disagreed he was making an interpretation, he was reading from Ecology's guidance. Councilmember Bloom referred to the language Mr. Lien read that includes "for some situations." Mr. Lien said "some situations" refer to urban environments like Edmonds where there are landscaped lawns right to the edge of streams and wetlands in many cases. He said just requiring a buffer of a certain distance without enhancement will not improve the critical area. In some situations like Edmonds, it makes more sense to enhance the buffer area to improve the buffer and critical area rather than requiring a standard buffer. He said Ecology's comments are draft comments; he has talked to Ecology and did not know if the City will receive any official comments. He will point out to Ecology the section that he referred to with regard to buffer reduction.

Councilmember Petso cited from the Granger et al. document, paragraph 8.3.8.5 that appears to say while it is true a fixed buffer width is not always good enough, if a properly vegetated buffer cannot be provided, a larger buffer, not a smaller buffer, is necessary. She offered to send that language to Mr. Lien and Council. She offered to speak with Mr. Lien directly or discuss this further at a future meeting. Mr. Lien answered there are provisions in the CAO regarding expansion of buffers in that situation. He referred to page 41, Section F.1.c, "The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the buffer is composed of nonnative vegetation, lawn, or bare ground, then, at the discretion of the director, the buffer width may be increased or an applicant may be required to either develop and implement a wetland buffer enhancement plan to maintain the standard width or widen the standard width to ensure that adequate functions of the buffer are provided." He noted there are situations where it makes sense to allow flexibility in the urban environment. Councilmember Petso asked where that is stated in the Granger et al. document.

Mayor Pro Tem Fraley-Monillas asked when the 2005 stormwater regulations will be updated. Public Works Director Phil Williams answered the City is in the process of updating the existing regulations as part of the overall code update. There will be a separate section regarding stormwater and all cross references corrected in the existing code. Ecology's deadline for updating the stormwater regulations code is the end of 2017; staff's goal is to complete it by the end of 2016.

Mayor Pro Tem Fraley-Monillas assumed the new stormwater regulations will impact the CAO. Mr. Williams answered the stormwater regulations are generally related to development and could apply in a critical area. The effort is to update the development code so that new buildings and qualifying remodels will be brought up to new stormwater management code. Mr. Lien explained Mr. Shuster looked through the critical area regulations update with an eye toward the stormwater update and a few amendments were made so that it is consistent with the stormwater update particularly what is allowed in buffers. Mayor Pro Tem Fraley-Monillas questioned how the critical area regulations could be updated to meet the stormwater regulations if staff did not know what they will look like. Mr. Williams clarified staff does know what the new stormwater regulations look like, the difficulty is integrating them into the code. Simply adopting the most recent stormwater guidance would create enforcement issues within the existing code; it needs to be done as one effort.

Mayor Pro Tem Fraley-Monillas asked whether staff was using the 2005 stormwater regulations to update the code. Mr. Williams answered when a development proposal is submitted, it is reviewed against the 2005 regulations which are still relatively aggressive. There is a 2012 version and a recent tweak that takes it to 2014. He said those were not major advancements but need to be captured in the City's code.

Councilmember Nelson said he would also like more time to review the critical area regulations. He referred to a statement in the agenda memo that more study is needed to fully develop standards for retention and connection of Biodiversity Areas and Corridors. He asked what that would entail. Mr. Lien answered there was reference in the Comprehensive Plan to developing an Urban Forest Management Plan. That plan could include information related to Biodiversity Areas and Corridors such as where the corridors exist, the forest canopy, goals, etc. The provisions in the critical area related to that are in the RS-12 and RS-20 zones; those zones were established in large part due to the presence of critical areas, primarily northern Edmonds. This update provides better definition to the type of habitat that is desired; an Urban Forest Management Plan could include more definition regarding corridors, habitat, etc. Councilmember Nelson asked the timeline for the Urban Forest Management Plan. Mr. Lien answered there is a proposal for funding in the 2016 budget.

Councilmember Bloom asked what form the 2005 stormwater regulations were in. Mr. Williams answered they are Ecology's and the City tries to duplicate them but they are not currently in City code.

Councilmember Bloom asked why it was necessary to include the 2012/2014 stormwater regulations in the code. Mr. Williams answered there are specific stormwater regulations that are City regulations; the intent is to make them consistent with the 2005 Ecology document. The City uses its own regulations to evaluate development proposals. Working with the consultant, the stormwater-specific provisions of the code are being rewritten to update it to the 2012 and 2014 regulations.

If the City was using the 2005 regulations that are not integrated into the code, Councilmember Bloom asked why not just adopt the 2014 stormwater regulations and integrate them into the code over time. She found that preferable in order to ensure critical areas are preserved and the code fully updated. Mr. Williams answered the 2005 and 2014 regulations are not as different as one might think. The primary difference is everything that happens upfront such as taking into account preservation of native vegetation, minimize the amount of impervious surface, etc. Those issues need to be incorporated into the development code as they may impact stormwater issues. He agreed the stormwater regulations need to be updated but appropriate references to the development code are needed which is part of the current update. He commented it may sound simplistic but it is not easy to do and takes a great deal of effort and expense. Development Services Director Shane Hope said there may be more discussion regarding that effort when staff provides an update on the development code update later this month. She summarized stormwater regulations apply in critical areas.

Mayor Pro Tem Fraley-Monillas opened the public participation portion of the public hearing.

Gary Nelson, Edmonds, said he was encouraged by the type of questions the Council is asking regarding changes in the CAO. He said many who submitted recommendations, including the Department of Ecology, have lost track of the goals of the GMA. He encouraged Councilmembers to look at RCW 36.70A and 020. Four of his favorite aspects are:

1. Encourage development. As Edmonds is total within the Urban Growth Area, most of that will be accomplished via infill which is becoming more and more difficult due to severe regulations on property owners
2. Encourage affordability of housing
3. Protect private property rights of landowners from arbitrary and discriminatory actions
4. Applicants for state and local government permits will be processed in a timely and fair manner.

Mr. Nelson relayed the following with regard to the critical area regulations:

- Concern with expanded reporting for anything done in critical area from three years to five years. Most developments are sold within three years.
- Support expanded buffer
- Support exceptions regarding controlling water courses from intrusion by culverts or bridges
- Concerned about \$3/square foot penalties
- Concern with property owner recording critical areas on their property
- Concern with requiring extension of bond holding from 3-5 years

Roger Hertrich, Edmonds, commented this is a big code section and he agreed the Council should allow more time for review. He expressed concern regarding what can and cannot be cut in a critical area. He recalled a comment during Audience Comment at a previous meeting regarding including alders as a tree that can be removed and that state regulations allow removal up to 4-inch diameter. Mr. Hertrich displayed 3-inch and 4-inch sections of a tree and suggested if removal of a 3-inch tree was allowed, 4-inch was not much bigger and suggested removal of up to 6-inch diameter should be allowed. He did not find any scientific evidence regarding the size of trees that can be removed. He pointed out a lot of properties in Edmonds are within critical areas but many have flat yards and only step edges. However, the City will not let a property owner remove a tree without providing a great deal of scientific evidence which he felt was arbitrary. He suggested the City needs to treat citizens fairly and not allow staff to make a determination that a tree in a critical area cannot be removed if it is a safety concern.

Shannon Roeder, Edmonds, said she and her son have hiked through Seaview Woods and the surrounding area for many years and her son did a trail project in Seaview Woods for his Eagle Scout project. She wanted to preserve the Edmonds way of life and to preserve trees. She was pleased the City plans to develop an Urban Forest Management Plan which helps retain native plant species, animals and birds in area. She urged the Council to consider the impact that critical area regulations regarding slopes and wetlands have on the community as a whole. She was concerned Seaview Woods would be overrun with development and wanted the footprint remain and not be developed much beyond what currently exist due to limited infrastructure such as sidewalks in the area. She urged the Council to move forward to preserve Edmonds.

Dave Tietzel, Edmonds, reported he learned from Keely O'Connell, Earth Corp, that fish live in Shell Creek, Perrinville Creek and Willow Creek. He naively assumed streams were toxic wastelands, ecology deserts due to pesticides and fertilizers. Ms. O'Connell informed him salmon return partway up Shell Creek. The volunteers at the Shell Creek Hatchery informed him there is a healthy population of Bull trout in Willow Creek. The City has the opportunity to protect those fish and resources and to enhance the quality of water via the CAO to encourage a greater population of fish. He urged the Council to carefully consider the critical area regulations and take steps to preserve the City's waterways.

Susan Paine, Edmonds, relayed she drove past the Oso mudslide today and was stunned by the devastation due to logging that occurred in those areas. She was pleased the Council wanted more time to study critical area regulations. She recommended using the most up-to-date state regulations as critical areas deserve the best science available. The City's waterways are all very sensitive to development.

Councilmember Bloom read an email from **Maggie Pinson, Edmonds**, expressing concern the City already has a poor track record of protecting valuable habitat areas, open space areas, natural meadows and other areas included in the definition of critical areas. Edmonds is not going far enough to protect beautiful, natural spaces and they are rapidly disappearing and future generations will not have the same opportunities to enjoy nature and wetland. The City is not protecting fields, meadows, marshes, wildlife corridors, and more from development. She questioned why the open space fields at the former Woodway High School campus, surrounded by Fish and Wildlife habitat conservation areas and formerly surfaced with grass and therefore providing an obvious recharging effect on the Deer Creek Aquifer, have not received better protection from City code, City planners and City officials. Environmental conservation, air, water and soil quality and human health are critically important conversations for all.

Councilmember Buckshnis said she had forwarded emails from Val Stewart and Susan Paine to the City Clerk.

Mayor Pro Tem Fraley-Monillas closed the public participation portion of the public hearing.

Councilmember Petso said she received a number of emails today and asked if she should forward them to staff to have them included in the record. If Councilmembers were contacted by citizens with concerns about the CAO, Mr. Taraday recommended any correspondence be forwarded to Mr. Lien. The purpose of the process is to hear concerns from the public so that the Council can direct staff to be responsive to those concerns or staff can be responsive to the concerns if they deem appropriate.

It was the consensus of the Council that they wanted more time for review. Mr. Lien requested the Council email him with any specific concerns for him to address at a future meeting. He offered make another presentation at the October 27 work session.

8. AUGUST 2015 MONTHLY FINANCIAL REPORT

Finance Director Scott James Finance Director Scott James provided answers and questions for a quiz that would be revealed at the end of his presentation. He displayed and reviewed August 2015 Revenue Summary – General Fund Types without bond proceeds. He pointed out the General Fund is \$1.28 million higher than this point last year. He displayed a comparison of General Fund Revenue Budget to Actual, highlighting taxes:

General Fund Resource Category	YTD Actual		
	8/31/2014	8/31/2015	% Change
Taxes			
Property Taxes	7,423,468	7,706,515	3.8%
Sales Tax	3,769,832	4,328,398	14.8%
Utility Tax	4,568,776	4,532,268	-0.8%
Other Taxes	612,839	642,250	4.8%
Total Taxes	16,374,915	17,209,431	5.1%
Licenses & Permits			
Business Licenses & Misc Permits	163,547	157,453	-3.7%
Franchise Fees	814,209	822,671	1.0%
Development Related Permits	418,420	475,052	13.5%
Total Licenses & Permits	1,396,176	1,455,176	4.2%

He reviewed Sales Tax Analysis by Category August 2015 YTD, pointing out retail automotive is the major source of sales tax revenue followed by contractors. He displayed a bar graph of Change in Sales Tax Revenue August 2015 compared to August 2014.

Mr. James reviewed General Fund expenditure performance 2015 compared to 2014, noting General Fund expenses are 17.5% higher than 2014 due to higher payments to Fire District 1. He reviewed a General Fund Department Expense Summary, advising August is two-thirds of 2015 and total expenditures are at 65%.

He reviewed a graph of Real Estate Excise Tax (REET) revenues 2010-2015, advising 2015 REET revenues are 41.5% higher than the same period last year. He reviewed Utility Fund Revenue Comparison, advising 2015 utilities are ahead of last year due to the issuance of \$18,740,000 in bonds this year. Without the bond proceeds, utility revenues are \$1.43 million ahead of last year's revenues. Due to the dry summer, water sales increased by \$452,000 over 2014. Stormwater sales also increased by \$120,000 over 2014 and sewer sales increased by \$330,000 over 2014. He displayed an August 2015 Utility Funds Expense Comparison, advising overall Utility Funds expenses increased \$156,978 over 2014, Water Fund Expenditures were \$1 million higher due to increased capital expenses and increased demand for water.

Mr. James provided answers to the quiz:

- Seattle-Bellevue-Everett Unemployment Rate?
 - US Bureau of Labor Statistics reports 3.7% for August
- Washington State Unemployment Rate?
 - US Bureau of Labor Statistics reports 5.3% for August
- Apartment Vacancy Rate in Edmonds?
 - The Daily Journal of Commerce Reported apartment vacancy rate is below 3%
- 2009-14 Annual Edmonds Retail Growth Rate?
 - Washington State Retail Survey.com Edmonds annual growth at 6.6%
- National Unemployment Rate?
 - US Bureau of Labor Statistics reports 5.1% for August

Mr. James explained he shared the above statistics to provide a broader view of the economy and increased revenues. He referred to the under 3% apartment vacancy rate, pointing out a lot of people live and shop in Edmonds which is driving increased construction. However the Federal Reserve is discussing the federal funds rate which has been near zero for an extended period of time. There is a lot of good news but he was cautious about unknowns in the economy as a whole.

Councilmember Mesaros commented interest rates are a two edged sword. Edmonds has an older population, savers who are not experiencing a good return on their investment due to low interest rates. As rates increase, they have more income and likely will spend more money. He acknowledged increasing the interest rate will impact housing sales but those with investments may spend more if they get a better return.

9. STUDY ITEMS

A. UPDATE ON HIGHWAY 99 SUBAREA PLANNING PROCESS

Development Services Director Shane Hope explained Highway 99 extends from Fife to Everett; 2 miles pass through or border Edmonds. Most of it was developed when it was in unincorporated Snohomish County. Plans for revitalization have been developed for other areas along Highway 99 including Everett (2012), Lynnwood (2011) and Shoreline (1999 and 2007). Shoreline's Aurora Corridor renovation project received significant funding. She highlighted:

- \$10 million allocated in State's 10-year transportation budget
 - Timing not certain except that funds not available in early years
- Highway 99 Subarea planning project map
 - Anticipated area of planning is area zoned commercial and multi-family around Highway 99.
- City Council allocated \$100,000 in the 2015 budget to begin planning for Highway 99 subarea
 - Request originally more but scaled back because Highway 99 planning could not start until major Comprehensive Plan update done in 2015
 - Project moving forward with 2015 funds

She displayed photographs of existing conditions on Highway 99:

- New and used car lots
- Aging strip commercial
- Fast food and grocery
- Medical
- Housing
 - Trailer court
 - Apartments
 - Townhomes
- Most of Highway 99 in Edmonds has sidewalks
- Long segments of sidewalk lack visual interest for pedestrians, no buffer from fast moving traffic, long segments without crossings
- Connections to Highway 99 from neighboring communities are often poorly planned, unsafe and/or missing altogether
- SWIFT BRT stops provide seating and shelter from the elements
- Human-scale lighting along the International focus area
- Variety of signage

She highlighted issues the Highway 99 Subarea Planning Project will address:

- What is the vision for the corridor?

- How to complement/encourage unique parts of corridor and also integrate with whole community?
- How to retain desirable business and encourage new ones?
- How to include housing in area
- What will the needs be over next 20 years?
- Can new development be more attractive? Would design guidelines help?
- What transit options will help corridor and community connections?
- What impacts could occur from development and how can they be reduced or managed to provide a net community benefit?
- Any ideas or lessons from other cities state route area plans and projects that apply to Edmonds?

Ms. Hope advised the public process will include:

- Open house events
- Workshops
- Online surveys
- Newsletter articles
- Planning Board meetings
- City Council meeting
- Public hearing
- City webpage: www.edmonds.wa.gov – Search “Highway 99 Corridor”

Next steps include:

- Select consultant
- Spread word
- Get public input (ongoing)
- Study issues
- Shape draft plan
- Identify environmental/traffic impacts
- Recommend activities/projects to meet vision and goals
- Continue public input
- Finalize plan and recommendations for Council decision

She reviewed the timeline

- 2015 - consultant to be selected (October) and public process launches
- 2016 - project continues, ends late 2016 (target)

Councilmember Buckshnis recalled the University of Washington Green Futures Lab was selected to assist the Economic Development Commission with developing a plan for Westgate and Five Corners. She asked if the Green Futures Lab could assist with this plan, recalling the cost was only \$30,000 and they did a spectacular job. Ms. Hope offered to talk with them, noting there are pros and cons of using them as a consultant. Councilmember Buckshnis said she like using them because are there are no developers involved and the students do all the work.

Mayor Pro Tem Fraley-Monillas was encouraged to see that the plan included gathering a lot of information during the public process from a variety of different sources.

Councilmember Petso said in browsing one of the planning document on the City’s webpage, a technical memo from a traffic consultant states the addition of bike lanes on Highway 99 is not feasible and there is minimal room for planting strips. She asked whether those conclusions were final. Ms. Hope answered no, they are subject to further investigation. She would be surprised if bicycle facilities were included on

Highway 99 but there are opportunities for pedestrian. Councilmember Petso envisioned planting strips would be immensely popular with the public and the public may be disappointed if a project is undertaken without considering them. Ms. Hope agreed pedestrian amenities were very important. She noted that report includes an illustration regarding how landscaping could be installed between the curb and the sidewalk; in some areas it may require additional right-of-way.

Councilmember Nelson was excited about this project moving forward. He asked if there would be any consideration of other cities' efforts on Highway 99 such as obstacles they faced, successes they experienced, etc. Ms. Hope answered yes.

Councilmember Mesaros commented the project is just beginning and he anticipated staff will be seeking input from a variety of sources including the City Council in order to reach the best possible conclusion. He noted a small portion of Highway 99 is in Mountlake Terrace. Ms. Hope said she has spoken with staff in all the jurisdictions including Mountlake Terrace and Snohomish County as well as the other cities she identified previously. She noted other players include the transit agencies, WSDOT, etc.

10. MAYOR'S COMMENTS - None

14. COUNCIL COMMENTS

Mayor Pro Tem Fraley-Monillas suggested the Council discuss the ILA regarding the Woodway Fields between the City and the Edmonds School District.

Councilmember Bloom read an email from Mr. Wambolt with his impression of Superintendent Brossoit's answer to his question, "Brossoit responded that the ball is with the city as they had told the city they could not allow the city to dictate to them what type of turf would be used in the future. That was the status as of the September 23 meeting."

Councilmember Mesaros asked whether Mr. Taraday had received that message. Mr. Taraday said he had not; there is obviously some miscommunication taking place between the superintendent, the District's attorney and him. He has not been told that the ball is in the City's court.

Councilmember Nelson suggested Mr. Taraday follow up. Mr. Taraday explained he has followed up with the District's attorney on a couple of occasions asking for news regarding when he could expect to get a draft back from the District and has received no response.

Councilmember Buckshnis suggested if the City was interested in pursuing a community garden/pea patch, it could be pursued without the ILA. Councilmember Bloom said the City needs to know the outcome in order to identify another place for the community garden.

Mayor Pro Tem Fraley-Monillas recommended a final answer be obtained from the District before moving forward. She looked forward to hearing from Mr. Taraday. Mr. Taraday responded he was not sure what else he could do other than continuing to ask. He asked whether the Council wanted to establish a deadline for the District. Mayor Pro Tem Fraley-Monillas suggested Mr. Taraday find out what is going on since two citizens have said two different things about what the District is planning to do. If it the citizens are accurate, it appears the District is not planning to do anything and it would be nice to find that out.

Councilmember Bloom offered to forward Mr. Wambolt's email to Mr. Taraday so that he could inform the District's attorney what Superintendent Brossoit told citizens at the roundtable. Mr. Mr. Taraday said he emailed the District's attorney on September 23 and October 1 asking for a status report and an update. He agreed to contact the District's attorney again.

Councilmember Nelson reported the Mayor Advisory Task Force on At-Grade Crossing Alternatives Analysis met on September 24 and discussed finalists for a consultant. Five proposals were submitted, an interview committee comprised of two Task Force members and two City Staff met to review the proposals and recommended two finalists, KPFF and TetraTech, and ultimately recommended TetraTech. The task force agreed to recommend Tetra Tech. The Task Force is meeting on October 8 to discuss the public engagement process and the contract scope.

Councilmember Petso asked how the Task Force had the authority to select the consultant without Council approval. Typically staff presents contracts to Council for approval. Councilmember Nelson clarified the contract has not yet been drafted.

Councilmember Buckshnis announced she and Councilmember Nelson are holding a Town Hall meeting on Monday, October 26 from 6:30 – 8:00 p.m. at Bridgid’s Bottleshop at Salish Crossing. The meeting is not in regard to any specific topic and suggested people who want to comment about Sunset do so via the link to Sunset on the City’s website and the questionnaire as she feared discussion about Sunset could dominate the meeting. She looked forward to a town meeting with a positive environment where they could learn what citizens are thinking. Previous town meetings were held in different locations and she anticipated that would occur. She and Councilmember Nelson are developing the agenda and format; the meeting will be noticed as a public meeting so all Councilmember can attend.

Councilmember Buckshnis reported the exhibit at the Cascadia Art Museum is breathtaking; it is a wonderful, relaxing place to visit.

Mayor Pro Tem Fraley-Monillas thanked Councilmember Nelson for keeping the Council updated regarding the Mayor’s Advisory Task Force on At-Grade Crossing Alternatives Analysis.

Mayor Pro Tem Fraley-Monillas relayed the Council’s warm wishes to Mr. Wambolt, a citizen who regularly attends Council meetings, who is recovering at home after being hit by a car.

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

This item was not needed.

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

This item was not needed.

17. ADJOURN

With no further business, the Council meeting was adjourned at 8:55 p.m.