

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **July 5, 2016**

### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Kristiana Johnson, Council President  
Michael Nelson, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember  
Dave Teitzel, Councilmember  
Thomas Mesaros, Councilmember  
Neil Tibbott, Councilmember

### **STAFF PRESENT**

Al Compaan, Police Chief  
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Rob Chave, Planning Manager  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Linda Hynd, Deputy City Clerk  
Andrew Pierce, Legislative/Council Assistant  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### **1. CALL TO ORDER/FLAG SALUTE**

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

### **2. ROLL CALL**

Deputy City Clerk Linda Hynd called the roll. All elected officials were present.

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

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

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

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

- 1. APPROVAL OF COUNCIL MEETING MINUTES OF JUNE 28, 2016**
- 2. APPROVAL OF CLAIM CHECKS**
- 3. APPROVAL OF PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS**
- 4. MAY 2016 MONTHLY FINANCIAL REPORT**

5. **IMPACT FEE COLLECTION ORDINANCE ADOPTION**

5. **PRESENTATIONS/REPORTS**

1. **CEMETERY BOARD'S "WALK BACK IN TIME" AT THE EDMONDS CEMETERY**

**Dale Hoggins, Edmonds Cemetery and Columbarium Board**, on behalf of the Cemetery Board Chair Jerry Janacek, invited the Council and public to a “Walk Back in Time,” a guided tour of the cemetery, on Thursday, July 21 at 1 p.m. This year’s tour will visit civil war veteran sites; presenters will roleplay, pretending to be the civil war veteran, a friend or relative. This year’s presenters are Betty Deebach Gaeng, noted genealogist and biographer; Larry Vogel, a local thespian and historian; Susan Bisnett, children’s librarian and great-great granddaughter of Christopher Columbus Cook; Jerry Janacek, great-great grandson of Ira Bartholomew; and Dick Van Hollebeke, former Edmonds City Councilmember. Research estimates there were 750,000 casualties during the Civil War. Research has identified 20 civil war veterans in the Edmonds Cemetery, all Union Army veterans including 2 who enlisted at ages 14 and 15, 3 later became Edmonds Councilmembers, 3 were local business men, 3 were members of the same family and 1 was a former Mayor.

Mr. Hoggins said the Edmonds Memorial Cemetery is active and is not not full; sites and niches are available and sales, internments and inurnments are not restricted to Edmonds residents. Prices are based on lot size, site location and services rendered. Columbarium niches hold two urns. The Cemetery Board is seeking a new board member and possible future members. Anyone interested in helping plan and/or carryout the annual memorial day and “Walk Back in Time” event is welcome. Applications forms are available on the City’s website.

Councilmember Mesaros complimented the Cemetery Board on the Memorial Day ceremony, a wonderful event representing and honoring veterans who have served and given their lives for country. Mr. Hoggins said it was a team effort; approximately 700-750 people attended the event this year.

2. **PLANNING BOARD UPDATE**

Planning Board Chair Phil Lovell introduced Vice Chair Carreen Nordling Rubenkönig. Mr. Lovell presented the Planning Board update:

- Organization
  - The Board meets in Council Chambers the second and fourth Wednesday of each month at 7 p.m.
  - Current Board:
    - Phil Lovell (Chair)
    - Carreen Nordling Rubenkönig (Vice Chair)
    - Matt Cheung
    - Todd Cloutier
    - Nathan Monroe
    - Daniel Robles
    - Valerie Stewart
    - Alicia Crank (Alternate)
    - Sam Kleven (Student Rep) - graduated EWHS and will attend WSU this fall.
- Characteristics
  - The Board continues to acknowledge the high level of professionalism and assistance from City staff.
  - Also serves as City Board for Parks Recreation and Arts Department and maintains close contact with CEDC, Mayor, Council, and other city departments as warranted
  - Board receives regular updates from Director Hope regarding:

- City of Edmonds undertakings
  - Training and Educational opportunities
  - City Events Calendar
- Activities – Land Use
  - Reviewed, discussed, and recommended to Council a rezone of property at 21805 98th Ave. W. – formerly zoned as OS (Open Space) and now a single family residence – to RS-8 which conforms to the current zone for the neighborhood (6/8/16)
  - Board briefed (4/27/16) on definitions for various land subdivisions to be utilized in conjunction with Development Code updating led by staff and city’s consultant, Makers Assoc.
- Activities – Parks & Recreation
  - Department Director Carrie Hite briefed the Board on status of major programs and projects including:
    - Edmonds Fishing Pier Renovation Project
    - Civic Field Master Planning
      - Public open house held on June 23, 2016
    - Edmonds Waterfront Center Development
      - Public open house held on June 22, 2016
    - 4<sup>th</sup> Avenue Arts Corridor “Luminous Forest” by artist *Iole Alessandrini* – interim art installation completed
- Activities – Reports and Updates
  - Board briefing (6/22/16) on Highway 99 Subarea Study (Consultant– Fregonese Assoc.) following first public open house held March 24, 2016 and second public open house held May 19, 2016:
    - Pedestrian crossings/safety
    - Housing distribution/possibilities
    - Building Stock and conditions
    - Businesses
    - Transit Opportunities
    - District Characteristics
    - Mixed Use opportunities
    - Potential Redevelopment Opportunities
    - Stakeholder outreach efforts
- Activities – Code Update
  - Discussion and deliberations in seven meetings and one public hearing (5/25/16) on potential revisions to Code Chapter 20 regarding signs in the city.
  - 06/22/16 recommendation made to Council for discussion, consideration, and further action - particularly as regarding “pedestrian” signs within certain zones of the city:

	<b>Option 1: No Portables (A-frames)</b>	<b>Option 2: Pedestrian Signs as Temporary Signs</b>	<b>Option 3: Pedestrian Signs as Permanent Signs with restrictions</b>
Pedestrian Sign Permitted?	No	Yes	Yes
Size Allowed	No	6 sq. ft.	6 sq. ft.
Location Allowed	No	w/in 2 ft. of building or street edge; 4 ft. clear zone	w/in 2 ft. of building or street edge; 4 ft. clear zone
How Many	No		
Duration	No	60 days per year	When business is open

Further details regarding the Planning Board's recommendation is contained in the memo included in the Council packet on pages 141-142 and in the Planning Board minutes. He relayed information from the sign code open house:

- Signs are important to the City, retailers, and pedestrians and fulfill a need
  - Heard from many retailers and vendors regarding how they use signs, the need for signs and how the sign code could be administered better
- What trying to solve/prevent?
  - Provide safe conditions on sidewalks
  - Meet ADA requirements for a 4-5 foot clear zone
- Uniformity in design and quality
  - Input from retailers and sign maker
  - Guidelines for retail located off the main corridor
- Use technology as an aid such as a system that utilizes GIS for permitting and locating signs

Mr. Lovell reviewed the Planning Board's extended agenda:

1. Community Development Code reorganization
2. Neighborhood Center Plans and zoning implementation, including
  - Five Corners
3. Further High 99 implementation including
  - Potential for "urban center" or transit-oriented design/development strategies
  - Parking standards
4. Exploration of incentive zoning and incentives for sustainable development

Councilmember Tibbott thanked the Planning Board for their excellent work on the sign code. He encouraged Chair Lovell and Vice Chair Nordling Rubenkonig to draw out comments and opinions from other board members.

Councilmember Teitzel recalled several months ago a local news publication reported a veterinary surgery center was interested in locating at Five Corners and asked if that was still the plan. Chair Lovell recalled the Planning Board previously discussed form based code for Westgate and anticipated a similar process for Five Corners, commenting Five Corners is more residential than some other business districts. Councilmember Teitzel expressed interest in a mixture of housing types including affordable housing as well as businesses.

Councilmember Nelson commented it was always wonderful to see Planning Board representatives at the Council and he looked forward to a future joint meeting regarding housing.

Councilmember Mesaros said the building in Five Corners has been purchased and a veterinary clinic will be locating there.

## **6. AUDIENCE COMMENTS**

There were no audience comments.

## **7. ACTION ITEMS**

### **1. RESOLUTION FOR ADMINISTRATIVE FEE RELATED TO IMPACT FEE PROGRAM**

Development Services Director Shane Hope recalled during discussion of the impact fee process at the June 28 meeting, she relayed the City currently has no administrative fee associated with collecting impact fees. Impact fees in their entirety are used for capital projects; there is no fee to offset tracking,

handling, etc. Council concurred with staff’s recommendation to implement an administrative fee; the amount discussed was \$50 per impact fee for a single family structure and \$100 on a commercial or multifamily structure and if a builder chooses to defer an impact fee, an additional \$50 fee would be due.

Councilmember Tibbott asked if the administrative fee for multi-family would be \$100 per unit. Ms. Hope answered it is per unit for single family or townhomes and one per building for multi-family. The impact fee is per housing unit.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ADOPT THE PROPOSED FEE RESOLUTION. MOTION CARRIED UNANIMOUSLY.**

**8. STUDY ITEMS**

**1. PRESENTATION OF PLANNING BOARD'S RECOMMENDED SIGN CODE AMENDMENTS**

Development Services Director Shane Hope commented there have been discussions for some time about updating the sign code, the particular focus of this amendment has been on A-frame and similar type signs in the downtown area due to concerns with clutter versus the benefit signs provide. There have been a couple public open houses on the topic as well as several Planning Board meetings.

Planning Manager Rob Chave displayed photographs and described sign types:

- Pedestrian signs (new term)
  - A-frame, easel, stanchion and similar signs intended to attract the attention of pedestrians
- Projecting / blade signs
  - Usually found under awnings but may project off a wall or hanger
- Monument signs
  - Free standing
  - Lower than a pole sign

Mr. Chave reviewed Planning Board public hearing options:

	<b>Option 1: No Portables (A-frames)</b>	<b>Option 2: Pedestrian Signs as Temporary Signs (Existing Code)</b>	<b>Option 3: Pedestrian Signs as Permanent Signs with restrictions</b>
Pedestrian Sign Permitted?	No	Yes	Yes
Size Allowed	No	6 sq. ft.	6 sq. ft.
Location Allowed	No	w/in 2 ft. of building or street edge; 4 ft. clear zone	w/in 2 ft. of building or street edge; 4 ft. clear zone
How Many	No	1 per business	1 per storefront
Duration	No	60 days per year	When business is open
Benefits of approach?	?	?	?

He reviewed the Planning Board’s recommendation:

- Option 3 for pedestrian signs:
  - A form of permanent signage with restrictions, and counts against overall sign area (no longer classified as “temporary”)
  - Only one per ground floor entrance
  - Only allowed while business is open

- Businesses may rotate their signs
- Locate within 10 feet of entry
- Minimum 5 feet of pedestrian clearance; prefer within 2 feet of building or curb
- Maximum 6 sq. ft. in size

Mr. Chave said although pedestrian signs generated the most comments and debate, other code modifications are needed to address the 2015 Supreme Court decision related to signs being content neutral. He reviewed other proposed code modifications:

- “Directional Symbols” allowed for directions
- Symbols can be illuminated (not just letters)
- Halo signs specifically allowed
- Sign height tied to actual finished grade
- Monument signs better defined, minimum setback
- 1-story buildings with mansard recognized
- Sign area practice codified (calculate outlines)
- ADB can grant modifications due to unique architectural elements of a building

Mr. Chave advised a public hearing is scheduled in two weeks.

Councilmember Fraley-Monillas asked the distance for ADA accessibility. Mr. Chave answered 44 inches. The Planning Board made that more restrictive, recommending an increase to a 5-foot clear zone. Councilmember Fraley-Monillas commented enforcement is an issue; while walking on Main Street tonight, she noticed outdoor dining that was so far out into the sidewalk, sign poles, etc., there was only approximately 18 inches remaining. If outdoor dining blocking the sidewalk was not enforced, she questioned whether signs blocking the sidewalk could be enforced. She preferred blade and stanchion signs, noting if A-frame signs are not placed appropriately they prevent ADA accessibility.

Ms. Hope acknowledged outdoor dining is not part of the sign code but whenever the City receives a call regarding something affecting ADA accessibility, staff visits the site and either moves the object or requires the manager move it. If there are repeated offenses, the City can withdraw their permission to have outdoor dining. Items blocking accessibility are generally moved when brought to the store/restaurant’s attention. On occasion, individual diners will move the tables/chairs. She summarized staff addresses situations when they learn of them but do not patrol for them. With regard to signs, because there is no permitting process, it is very difficult to oversee placement of the signs. With a permit process, it would be simpler as the sign location would be identified in the permit. If the Council approves a permit process, staff plans to contact business owners to inform them how to seek a permit.

Councilmember Fraley-Monillas expressed support for requiring signs be within two feet of the building or street edge. While in Port Townsend recently, she noticed they have markings on the sidewalk in front of businesses that identifies the area where nothing can be located in an effort she assumed to protect sidewalk accessibility. She suggested something like that, noting signs are great for businesses, but she was concerned with signs wandering similar to the outdoor dining. Ms. Hope staff has also discussed having outdoor dining designated by poles inserted into the sidewalk. Mr. Chave said when pedestrian signs are treated as permanent signage, they require a permit like other types of signs. When a business applies for a permit, they need to identify where the sign will be located. That allows staff to identify other things that may be in the area such as street furniture. A permit provides significantly more information before placement of the sign and regulates where the sign is supposed to be which assists with enforcement.

Councilmember Buckshnis agreed with having a permitting process but did not like the visual pollution that signs cause. Trip Advisor, Yelp, etc. are the new ways to get around and determine what to see, eat,

visit, etc.; social media is the new way of advertising. She does not see A-frames in other cities she visits as a tourist. One of the options considered should have been a 90-day moratorium to see if businesses really need A-frame signs.

Councilmember Tibbott expressed interest in six square feet as a requirement, understanding that the shape could vary with total square footage of six feet. Mr. Chave agreed there are different sign types; the easel sign is likely okay because the sign area is determined by the surface area, not the base although the easel may be too tall. The proposed code includes a 3.5-foot height limit for A-frames and 4.5-foot limit for stanchion signs. Councilmember Tibbott concluded as long as the easel was under four feet and the sign area was under six square feet it would be okay. Mr. Chave said that was the intent of “pedestrian signs;” although there are different forms, they serve the same purpose so the intent was to treat them the same.

Councilmember Tibbott asked how the pedestrian sign regulations applied to an office building with one entrance and 6-7 offices; whether the building was allowed one sign or 7. Mr. Chave answered one per entrance. Councilmember Tibbott observed the businesses could collaborate and rotate the signs. Mr. Chave agreed the businesses could rotate signs and/or they could also list more than one business on a sign. Buildings also have other options such as a monument sign with space for individual businesses. In one instance, those are not really used which raises the question whether businesses were making the best use of the signage available.

Councilmember Tibbott asked if there was a way to incentivize the use of that type of sign. Mr. Chave answered blade signs 4 feet or less are free and do not count against a business’ sign area, a significant incentive. Pedestrian signs not allowed elsewhere in the city but are often displayed, particularly by businesses that are setback on a site. A-frames tend to be displayed near the road. If monument signs are more accessible, businesses may feel less need to supplement them with an A-frame sign. Councilmember Tibbott observed one of the photographs Mr. Chave presented was an office building with multiple signs for the businesses. He asked if there was any ability to regulate color choices. Mr. Chave said it is problematic to regulate sign colors as well as sign content.

Mr. Chave commented whatever is decided with regard to pedestrian signs, the Council may want to revisit the sign code related to uniform signage. There may be an opportunity via collaborating with the BID to develop a sign system. Testimony at the Planning Board indicated new businesses or businesses not on 5<sup>th</sup> & Main feel the need for an A-frame sign on the main street. Once electronic media, websites, etc. gain momentum and fulfill that purpose, businesses may find A-frames are no longer needed. One of potential projects for Western Washington University is a website or app providing information regarding local businesses.

Councilmember Tibbott expressed support for the blade signs and asked whether buildings with interior businesses can display blade signs. Mr. Chave said they can. Councilmember Tibbott suggested incentivizing that. Mr. Chave said currently blade signs have a maximum height of 14 feet; to accommodate buildings with a second floor, the 14-foot limit was removed which allows blade signs to be displayed on the wall as high as the business in the building.

Councilmember Tibbott observed a startup business was allowed a sign in their window for 60 days and asked if they could be allowed an A-frame on a corner for up to 60 days to introduce their new business. Mr. Chave answered that is not in the current code and may be tricky. Sign codes need to have narrow exceptions and treat everyone the same. If an offsite sign were allowed for 60 days, anyone would be allowed to have an offsite sign for 60 days. Councilmember Tibbott said his suggestion was to limit it to new business. Mr. Chave said that would need to be figured out.

Councilmember Teitzel said he was not particularly a fan of A-frame signs, agreeing they contribute to visual clutter in the wonderful downtown business area. Having said that, he believes it behooves everyone to have healthy businesses downtown because healthy and vibrant businesses attract visitors who spend money. When meeting with the Edmonds Downtown Alliance last month, he asked them how important A-frame signs were to them; the unanimous response was they were very important, particularly for walk-in businesses as they believe the signs encourage people to visit their store. With that information, now is not the time to abandon A-frame signs but he agreed they needed to be restricted and controlled better and this was a good step in that direction.

Assuming Option 3 was tacit approval for placement of A-frame signs either near the building or the curb, Councilmember Teitzel asked whether the City was liable if a sign flew up in windstorm and injured someone. City Attorney Jeff Taraday deferred to the standard negligence analysis; is the City acting reasonably in permitting of the sign which what would be the analysis a court would look to. The Public Duty Doctrine also protects the City from negligence type liability. Although it was difficult to say definitively whether the City would have liability, certainly the ability to travel safely on the sidewalk would be factored into any analysis of a sign permitting scheme.

Councilmember Mesaros asked whether this change would affect all business districts or only the downtown core. Mr. Chave answered the provisions mentioned earlier other than pedestrian signs would affect all zones; pedestrian signs are specific to commercial zones in the downtown-waterfront area which includes downtown as well as Harbor Square and the waterfront. Pedestrian signs are not allowed outside that area currently and would not be permitted under the proposed code.

Councilmember Mesaros asked about real estate A-frame signs and directional real estate signs. Mr. Chave answered that is related to the overall code review regarding the Supreme Court decision; an in-depth review will be necessary. The City Attorney's office has begun that review but it is beyond the scope of this amendment.

Councilmember Nelson commended the Planning Board and staff for developing the proposed code, recognizing there are many competing interests. With regard to uniformity, everyone wants the City to be beautiful, for people to visit and be informed but also avoid visual pollution. When he visits a small city for the first time, although he may use his phone for directions or a review, he likes to wander around and look at the stores. He asked for further information regarding uniformity. Mr. Chave answered there is a lot of creativity related to signage; no sign looks the same. Even in areas with specific design controls, there is a lot of room for creativity. A-frames are such a simple construction, it would be difficult to regulate uniformity other than requiring a dark background, etc. The problem with signage is as soon as an idea is developed for what looks good, someone will propose something they think looks equally as good but is totally different. Uniformity is one of the most difficult things to regulate; it is generally done by regulating size, location, etc. and everything else takes care of itself. Uniformity would be more in the BID's purview such as a bulk buy with a fabricator where there is a discount for a preferred sign choice. There are options other than a regulator scheme; like most things related to design, it is in the eye of beholder and extremely difficult to write regulations that do a good job.

Councilmember Nelson said that may be something to explore in the future via a task force, how the downtown should look; signs play a part in that. Mr. Chave said a BID representative came to Planning Board; they were interested in working with the City on cooperative programs that would obviate the need for A-frame signs. For example, developing a signage program that the BID could help fund that addressed uniformity, recognized the needs of new business, directional signage for new businesses, etc.

Councilmember Fraley-Monillas asked if the sign code regulated sign color. Mr. Chave answered no, other than lighting. Councilmember Fraley-Monillas said she liked the Planning Board's

recommendation; she was not interested in allowing A-frames to be located a distance from the business due to the clutter that creates. She liked the wayfinding signs that the BID has installed. Mr. Chave agreed that may be the future; A-frames are an older style sign. Councilmember Fraley-Monillas also liked the blade signs, commenting she is seeing more blade signs in other cities. Mr. Chave said if Council adopts amendments to the sign code, that would provide an opportunity to inform businesses of the new regulations, inform them that blade signs are free, etc. Councilmember Fraley-Monillas also liked the stanchion signs. Mr. Chave said those could be somewhat expensive initially; the BID could contract with a fabricator to provide a discount which may encourage businesses to use that type of sign as well as address the issue of uniformity.

Councilmember Teitzel referred to 20.60.055.1.c “The sign shall be located within 10 feet of the building entry, unless it is placed in a location that better preserves public pedestrian and vehicular access” and 20.60.055.1e, “The sign shall be located to provide a minimum of five feet of clearance for pedestrians to pass. The preferred locations are within two feet of the building face or within two feet of the curb if that location does not block access to parked vehicles,” observing allowing the sign to be placed by the curb adds to the visual clutter seen in Edmonds today. He proposed A-frame signs be required to be within two feet of the building face and not allow them to be placed by the curb. This would be easier to enforce, reduce visual clutter, and make the sign look like part of the building.

Council President Johnson recalled this issue arose a few years ago when Ms. Shippen spoke to the City Council about visual clutter. She asked how many code enforcement complaints about pedestrian signs there have been since then. Ms. Hope answered not a lot, there are usually 2-3 people who watch the signs and make a complaint. Staff immediately responds to any complaints about ADA accessibility. If the Council approved the Planning Board’s recommendation, Council President Johnson asked how staff would implement it. Ms. Hope recognized big changes take time; the intent is to begin with an educational program to inform of expectations, opportunities and the date for compliance; the program would include a mailing, press releases, working with the BID to get the word out, etc. Council President Johnson encouraged residents to speak to the Council at the public hearing regarding their opinions.

Councilmember Tibbott said he recently met an out-of-town friend downtown on a sunny Saturday when the sidewalks were crowded and his friend had no problem navigating his wheelchair downtown. He was concerned with the recommendation for a 5-foot pedestrian clear space, observing the 44-foot minimum provides approximately 6 inches on each side of a wheelchair. In his experience there was no problem navigating on a busy Saturday.

Councilmember Fraley-Monillas commented disability is her life and she likes the 5-foot requirement. She wondered whether Councilmember Tibbott was able to walk beside the person in a wheelchair through an area with outdoor dining. She thanked the Planning Board for recommending the additional space.

Mr. Chave said engineering is also looking at Chapter 18.70 related to rights-of-way, permitting, street furniture, etc. and may also present ideas to the Council.

## **2. 2016 2<sup>ND</sup> QUARTER BUDGET AMENDMENT**

Finance Director Scott James presented the 2<sup>nd</sup> quarter budget amendment:

- 9 decision packages
- (847,431) reduction in revenues
- (\$494,402) reduction in expenditures for items previously discussed by Council
- \$40,180 are new items for Council to consider expenditures

Mr. James reviewed the amendments:

- Previously considered by Council:
  - Funding for federal lobbyist - \$42,000
  - Fishing pier rehabilitation
    - Total expense \$1.9 million
    - \$1.8 million in grants
    - \$100,000 City cost
  - Additional REET 1 funds for the 236<sup>th</sup> Street Walkway project
  - 12<sup>th</sup> & Sierra storm drain project - \$443,598
- New Items
  - Additional \$3,980 for online streaming of Council meetings in high definition
  - Police Department rifle scopes
    - Manufacturer bought back scopes
    - New scopes cost \$850 more than buyback
  - Replace 9-year old Development Services multifunction large format printer scanner
    - Beyond useful life
    - Will save staff time
  - Development Services cashiering system - \$250,000
    - Existing cashiering system being discontinued
  - Purchase replacement desk for permit technician - \$1,70

Mr. James summarized:

- Revenues decreased \$847,431
- Expenditures decreased \$454,222
- Ending fund balance decreased (\$393,209)
- Recommended approval on July 12 Consent Agenda.

Councilmember Nelson asked why overall revenues decreased by \$847,431. Mr. James explained when the 2016 budget was developed, grants for the fishing pier were included twice; this amendment removes one.

Councilmember Buckshnis referred to the high definition video streaming, observing the video does not need to be streamed in high definition. She asked if the additional expenditure was necessary because the equipment was high definition. Mr. James advised the equipment purchased is high definition. The streaming service was used to the City sending standard definition; this upgrade is necessary for them to accommodate high definition. Councilmember Buckshnis asked whether the equipment could be dumbed down. Mr. James answered that is a possibility, the vendor, IT and City Clerk have scrutinized the system. The City already purchased and installed a high definition system and the video is streamed online in high definition; Comcast is in standard definition. Councilmember Buckshnis did not have a problem with dumbing it down to standard definition, noting standard also requires less bandwidth.

Councilmember Teitzel asked why this amount was not included in the amount the Council approved last year for the audio visual system. Mr. James answered the system was originally scoped to be in standard definition; during the process of the vendor and Public Works putting the system together, it went to high definition. There have also been difficulties getting the video to stream. When new equipment is installed, it takes time to work out the bugs; he was hopeful consistent streaming can be provided. Councilmember Teitzel supported this expenditure if it would make the system more stable and reliable but was unsure it was critical to upgrade from standard to high definition. Mr. James said more consistent streaming of Council meetings is the primary purpose.

Councilmember Fraley-Monillas was not interested in putting more money into a system that has had nothing but problems. Councilmembers have all had calls and emails complaining about the system. She asked whether this expenditure could be delayed to see if the kinks can be worked out or was this part of getting the kinks out. Mr. James answered it is part of getting the kinks out as well as makes it easier for staff to download high definition video to the vendor. Councilmember Fraley-Monillas commented the Council will look stupid putting more money into the system if it continues to have problems.

Councilmember Nelson said the sound quality on the new system is poor and he supported whatever could be done to make the sound better. He noted the sound on the old system was fine.

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

Council President Johnson said she did not want this item on the Consent Agenda as it deals with appropriations and she believed Council needed to vote on it as an action item. Mayor Earling said the Council would be taking action by voting on it on the Consent Agenda. Council President Johnson relayed her discussions with Councilmember Fraley-Monillas about moving items to the Consent Agenda; in review of the RCWs, it was her understanding for appropriations any Councilmember can request a roll call vote. Accordingly, she preferred this item not be approved on the Consent Agenda.

Councilmember Fraley-Monillas said one of the City Council's responsibilities is to vote on items. As long as at least four Councilmembers agree, the Mayor moves items to the Consent Agenda. When items are moved to the Consent Agenda, Councilmembers do not have an opportunity to vote individually and their votes are not tracked. Councilmembers were elected to take difficult votes and she wanted an opportunity to vote on individual issues. She preferred to use the Consent Agenda for more mundane issues and take votes on other issues. The RCW states, "At the desire of any member, any question shall be voted upon by roll call." She did not necessarily want a roll call but wanted an opportunity to vote on individual issues. Items are moved onto the Consent Agenda for the essence of time and although the Council votes on the Consent Agenda, she did not want to pull every item off to take individual votes. For financial items, it is a requirement to take an individual vote. She cited RCW 35a.12.120 Council – Quorum – Rules – Voting.

Councilmember Mesaros asked Mr. Taraday whether the Council was acting in accordance with that RCW by voting on items on the Consent Agenda. Mr. Taraday referred to the sentence Councilmember Fraley-Monillas referenced, "At the desire of any member, any question shall be voted upon by roll call and the ayes and nays shall be recorded in the journal. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council," and said he has always maintained that an ordinance can be passed on the Consent Agenda. The Consent Agenda is just a shorthand way of voting on a number of items at the same time; it does not mean the Council is voting, just that they are effectively voting yes on all the items unless an item is removed from the Consent Agenda to abstain or vote no which has been done. He summarized voting on the Consent Agenda does not mean a Councilmember is not voting or not complying with this RCW.

Councilmember Mesaros agreed with putting items on the Consent Agenda even if they are financial; all Councilmembers have the ability to pull an item if they wish for discussion or to have individual votes recorded and Councilmembers should honor requests for that. During his two years on Council, it makes sense put items on the Consent Agenda when there is a sense of unanimity regarding those items.

Councilmember Fraley-Monillas commented the Council had the opportunity in committees to talk about issues and vote on everything. She was leaning away from Councilmember Buckshnis' suggestion to

return to committees but this practice is giving her pause. Other than the claims and minutes, she preferred to hear Councilmembers' individual votes on items.

Councilmember Buckshnis said the Council President controls the agenda and can do she what she wishes. She suggested Council President Johnson schedule this item on the agenda for a vote. She agreed financial matters should be voted on.

Mayor Earling asked if Councilmembers wanted to vote on the amendments separately. Councilmember Fraley-Monillas suggested taking a vote tonight.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO MOVE IT FORWARD AND TAKE A VOTE. MOTION CARRIED (6-1), COUNCIL PRESIDENT JOHNSON VOTING NO.**

### **3. HR DIRECTOR POSITION**

HR Reporting Director Carrie Hite relayed the Mayor's recommendation for the Council to consider establishing a HR Director position. She recalled in September 2011 she was appointed HR Reporting Director and Mary Ann Hardie was promoted to HR Manager. Ms. Hardie is the operations person in the HR Department and does the day-to-day work and she (Ms. Hite) has primarily been involved in policy level HR discussions with City Council. The Parks Director position is full-time and takes her away from HR quite a lot. She highlighted HR accomplishments since 2011:

- Created a new compensation policy for non-represented employees
- Successful negotiated labor contracts with the Police, Law Support SEIU and Teamsters
- Two transitions of health insurance benefits
- Instituted a safety program
- Revamped the personnel policies and instituted a practice of coming to Council every 1-2 years with updates
- Worked through the WCIA audit and came into compliance with all HR issues
- Dealt with many personnel issues
- Instituted a stay at work program which garnered revenue for the city
- Started a wellness program
- Came into compliance with other state and federal regulations
- Certified a staff member to do ergonomic assessments

Ms. Hite summarized Edmonds has a full-service HR Department that deserves to have a full-time HR Director. She will continue to work with the Mayor and the court system in applying the new regulations for the public defender, looking at the prosecutor RFP and continue to ensure the court system is in compliance with state law.

Mayor Earling expressed appreciation for the Council's consideration. With the day-to-day staffing, he noted the amount of work coming out of HR is staggering and it is time to re-establish the HR Director position. If the Council approves reestablishing the position, he will appoint an interim director and open the position for applications, follow the process for interviewing directors that includes key staff and a Councilmember, he will meet with the top candidates, the candidates will be interviewed by Council and he will make the appointment and seek Council concurrence.

Councilmember Buckshnis asked whether an interim director could be approved prior to the application process. City Attorney Jeff Taraday said there currently is no HR Director position in the budget. The first step is to create that position. If the Council agrees to creates position, there is a vacant HR Director

position. Options include letting the position remain vacant until filled by a Council-confirmed applicant or the Mayor can appoint an interim director during the recruitment process.

Councilmember Buckshnis referred to the proposed NR 20 salary range. Ms. Hite answered most directors are NR 20, the Public Works and Utilities Director is NR 21 and the Police Chief is NR 22.

Councilmember Fraley-Monillas commented only two current Councilmembers were on the Council during the Council's decision to eliminate the HR Director position and have an HR Manager. She recalled the Council was looking for cost savings and it appeared to have been a cost-effective decision over the past five years. HR duties have expanded phenomenally in last few years and she supported bringing back the HR Director position. She observed the extra funds Ms. Hite received for being the HR Reporting Director will be used for the new HR Director position, making it almost cost neutral.

Council President Johnson observed there seem to be three issues:

1. The title, from Manager to Director
2. Employment growth, opportunity for knowledge and increase in responsibilities put on the Manager over time
3. Salary. The current salary for the Manager is NR 15 and the proposed salary level for a Director is NR 20.

Council President Johnson asked the current salary for the Manager, the proposed salary for the Director and the savings from Ms. Hite no longer receiving the 5%, and the cost of Renee McRae being an Acting Assistant Parks Director while Ms. Hite was the HR Reporting Director. She recalled during the Assistant Police Chief process, comparables from similar cities were provided. She asked whether similar sized cities have a manager or director and the salary range. Mr. Hite responded:

- Current salary range for the HR Manager is \$85,000 to \$115,000
- Current salary range for NR 20 is \$109,000 to \$147,000
- The City's practice has been to start promotions/reclassifications 5% higher than their current salary
  - If Ms. Hardie is successful in being appointed to the HR Director position, the 5% Ms. Hite receives (\$6,000) could be used to pay Ms. Hardie 5% above her current salary, making it cost neutral for next year. There will be a growth factor in the future.

Council President Johnson observed there would be an additional 5% initially and 5% after 6 months and then proceeding up the 7 steps. Ms. Hite answered yes, in accordance with the Non-Represented Compensation Policy. She advised Renee McRae has been an Acting Assistant Director while she was the HR Reporting Director. Her intent would be to come to Council to request an Assistant Parks Director position. The Parks Department does not have a planner which takes a lot of her time. She recalled proposing it to Council in the past and was told to return to discuss reorganization in the future.

Mayor Earling observed workloads in HR and across the organization have increased in the past 4-5 years. The directors are very busy; several are already at work when he arrives at 8:00 a.m. The City now has 220-225 employees, up from 200-205 when he was first in office. In addition to more employees, there are more programs. This will be a common theme; he did not anticipate a lot of new staff in the budget but there needs to be a way to address the workload.

With regard to comparables, Ms. Hite advised a salary survey was done. In comparable cities, Bothell Issaquah, Kirkland, Lynnwood, Marysville and Shoreline have HR Directors and the median salary range is \$120,000 to \$153,000. She recommended a salary range of \$109,000 to \$147,000 which is lower than the median although some comparables are \$120,000 - \$153,000 as an average. Several cities have HR Managers but they are typically small cities and often cities that contract out the Police Department such

as Lakewood, Des Moines, Lacey, Olympia and Puyallup. Council President Johnson asked the salary range for the HR Manager. Ms. Hite did not have that information.

Councilmember Fraley-Monillas pointed out the City had a HR Director position in past. The City had 250 staff before the City contracted with Fire District 1, reducing staff to approximately 200. She emphasized the HR Director is not a new position, it was eliminated by Council as a cost saving measure.

Councilmember Tibbott asked if the intent was to open the Director position and eliminate the Manager position. Ms. Hite answered the intent is to open the Director position, have a competitive process and encourage Ms. Hardie to apply for the position. If Ms. Hardie is selected and confirmed, the Manager position would be eliminated. If she is not and another candidate is selected and confirmed, she will work with the Director to reorganize the HR Department to keep Ms. Hardie in the Manager position.

Councilmember Teitzel expressed appreciation for the additional information tonight. He was convinced the Council should proceed with reestablishing the Director position and preferred to confirm it tonight.

**COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE REESTABLISHMENT OF THE HR DIRECTOR POSITION FOR THE CITY OF EDMONDS PER AGENDA ITEM 8.**

Council President Johnson questioned whether it was appropriate to make a motion tonight. The Council has a standard two-week process; even though study and action items are mixed on the agenda, the intent is not to bring item up for discussion on the same night action is taken. This is the first time the Council has seen this proposal, it is listed as a study item on the agenda, and she preferred it be scheduled next week as an action item.

Councilmember Nelson supported reestablishing the HR Director position.

Councilmember Fraley-Monillas commented the Council has a general rule unless an issue is urgent to touch an item more than once. It appears this item will be approved next week but she questioned whether the Council wanted to make it a practice to get information in the packet and new information at the meeting and vote at the same meeting. She was uncertain the Council wanted to set that precedent unless the Council was interested in having committees vet issues first.

Mayor Earling said he and staff were willing to wait a week. He recalled the Council took action last week on an item scheduled as a study item. Councilmember Fraley-Monillas commented that was an urgent situation. Mayor Earling responded it was urgent only because of the number of people in the audience.

Councilmember Teitzel recalled the earlier concern with scheduling items on consent. He was prepared to move ahead but was satisfied with waiting a week.

Mr. Taraday said this action requires an ordinance and there is no ordinance in the packet; any vote would be to direct preparation of an ordinance.

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

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

**9. REPORTS ON OUTSIDE BOARD AND COMMITTEE MEETINGS**

Councilmember Nelson reported on the Snohomish County Emergency Radio System (SERS); the Tulalip Police Department is interested in using SERS for police dispatching which the SERS Board is considering due to the low volume of calls. Cooper theft at one of SERS' radio towers has not affect the tower's performance but without the copper wire, a lightning strike could make the tower inoperable. The Board is considering security systems to protect radio towers from copper theft.

Councilmember Nelson reported the Lodging Tax Advisory Committee is reviewing the 2017 budget; projected revues are up. He reported Snohomish County Tomorrow included a presentation on the Lynnwood Comprehensive Plan and projected growth. Councilmember Tibbott was also in attendance and was interested in potentially having a Lynnwood representative present to the Edmonds Council.

Councilmember Fraley-Monillas reported the Snohomish Health District will make a presentation to the Council about their interest in receiving a portion of the upcoming .2% sales tax increase. The Health District is already eliminating a number of valuable services and more cuts may be necessary if additional funds are not available.

Councilmember Fraley-Monillas reported the Disability Board is considering new goals and role for the Board. The Diversity Commission has nearly completed development of its goals. Two members of the Diversity Commission will provide a report to Council. She thanked the Diversity Commission for their entry in the 4<sup>th</sup> of July parade. She reported on a well-attended Edmonds Housing Task Force meeting that included training on affordable housing; there is definitely community interest in creating affordable housing. She also attended three three days of the AWC Conference. She requested Council President Johnson schedule an agenda item for Councilmember Tibbott, Council President Johnson and she to report on sessions they attended.

Councilmember Buckshnis reported the Mayor's Climate Protection committee did not meet; they will be making a presentation to the Council soon. The Tree Board had a presentation on the Open Public Meetings Act and the Public Records Act. The Tree Board is working on Arbor Day and a board member recently graduated from the Tree Board University.

Council President Johnson reported she also attended the AWC conference. She provided information from the conference to staff regarding a new networking opportunity through AWC for GIS staff, surveillance camera information to Ms. Hite and housing information. She attended a portion of the Civic Field open house and was glad to see the website was still open for a few days for those unable to attend the open house to provide comment. The Economic Development Commission discussed priorities and they plan to make a report to Council. She attended the audit entrance conference, two Long Range Financial Planning meetings and a special meeting of the Historic Preservation Commission.

Councilmember Teitzel reported he attended the Disability Board meeting with Councilmember Fraley-Monillas; they are considering difficult issues that may affect policy and precedent and will be contacting Mr. Taraday to discuss legal issues. He reported on a special meeting of the Historic Preservation Commission to look at historic structures on the Civic Field site, specifically the grandstands and the Boys & Girls Club building and whether they rise to the level of historical significance and should be on the local historic registry. The HPC will also determine whether the information they gather can satisfy the SEPA requirements. He attended Long Range Financial Planning Task Force meetings; a presentation will be made to Council on July 19.

Councilmember Teitzel reported on the Port of Edmonds Commission meeting; the Port is doing well financially and the marina has very few vacancies. The Port hired Reid Middleton to do a survey of the Harbor Square property, specifically the boundaries between Harbor Square and the Marsh. The Port is

also working through the permit process for the gravel parking lot south of the boat repair yard to allow marine retail.

Councilmember Teitzel reported the Civic Field open house was standing room only; there was a lot of interest, passion, and excitement. It is a blank slate and now is the time to provide ideas. Last week Councilmember Tibbott and he met with 15-20 Sunset Avenue residents, listening to their experience and thoughts about the proposed reconfiguration. The North Sound Church building was added to the local historic registry; a plaque was presented to Pastor Barry Crane and it has been installed on the fence.

Councilmember Mesaros reported SnoCom, SnoPak and SERS are considering merging and hired a facilitator to assist with that process who has interviewed all board members. Assistant Chief Lawless will attend a special meeting SnoCom on July 20 when he is out of town. He reported on the Public Facilities District Board meeting. A 10<sup>th</sup> anniversary celebration is planned on July 30 with activities inside and outside Edmonds Center for the Arts. Two PFD board candidates were recommended for approval by the Council; Council interviews are scheduled on July 12 (Patrick Mulva) and 20 (Kevin McKay). Mr. Mulva is a retired Exxon Mobile executive and Mr. Kevin McKay is the Vice President of Administration and Finance at Edmonds Community College. The PFD Board also appointed three new ECA Board members, Bridget Barrington, Vice President, First Financial NW Bank; Susan Schalla an attorney with Carney Badley Spellman; and Lindsay Geyer, whose consulting firm does facilitation and coaching.

Councilmember Mesaros reported the SeaShore Transportation Forum included Shoreline's plan for the 145<sup>th</sup> Street corridor. They also reviewed Metro's alternative service plan, which includes providing Uber and Lyft services via public transportation. There was also discussion regarding cities approving resolutions in support of ST3; he may inquire whether the Edmonds Council is interested in doing that. He mentioned Edmonds' approval of coal and oil train resolutions; several cities requested the resolutions.

Councilmember Tibbott reported all the PowerPoints and handouts from presentations at the AWC conference are available online. With regard to Snohomish County Tomorrow, he reported as Lynnwood continues to annex surrounding areas, their metro urban growth area will approximately double and their population is anticipated to increase to approximately 90,000. Lynnwood's population is currently below Edmonds. In the future it may be helpful for the Edmonds Council to learn more about Lynnwood's Comprehensive Plan. He found the presentation at the Housing Task Force very worthwhile and it has been publicized in area media. The task force would like to add more people interested in exploring housing options particularly those in the City that have gaps.

#### **10. MAYOR'S COMMENTS**

Mayor Earling thanked everyone for the successful community 4<sup>th</sup> of July celebration. He congratulated the community for resisting putting their chairs out a week early. He received a call from the local media about a tarp in front of a building staking out their seats; he called the business and it was quickly removed. He noted there has been frustration with chairs put out up to a week before the 4<sup>th</sup> of July. The public will be reminded of the policy next year.

Mayor Earling said he not able to attend the AWC conference due to the Sound Transit Board negotiating and reaching agreement on the ST3 proposal. He suggested a local media person to participate on an AWC panel and the reviews have been very complimentary of her and the entire panel.

#### **11. COUNCIL COMMENTS**

Councilmember Tibbott reported he enjoyed the parade and it was fun to see the community come together.

Council President Johnson appreciated that Councilmembers have complicated schedules and a lot of committee meetings to attend. She appreciated Councilmembers identifying someone to attend a meeting when they cannot and invited Councilmembers to contact her if they were unable to find a substitute and she would do her best to attend.

Councilmember Buckshnis commented Edmonds has a ban on fireworks but the City Council does not enforce the ban. She was in Lake Oswego, Oregon, which does not have a ban; it was terrible, she came home early because fireworks were still being set off today. Residents should feel fortunate Edmonds has ban.

Councilmember Fraley-Monillas commented having an issue with chairs along the parade route is a good thing and shows what a popular event it is. This was the 7-8 year she has been in the parade; she estimated there were more people watching this year than other years combined. She reported Mukilteo and Shoreline plan to amend Edmonds' resolution regarding coal and oil trains for their cities. She suggested the agenda title, Reports on Outside Board and Committee Meetings, be changed to include reports on other meetings.

Councilmember Fraley-Monillas reported she received an email during the Council meeting that the audio can only be heard with the TV volume maximized. She was hopeful the funds included in the budget amendment would resolve the issues with the system.

Councilmember Nelson thanked the Edmonds Chamber of Commerce and staff for putting on another wonderful, well executed, well organized parade. He recognized City staff who work behind the scenes to provide traffic control, close roads and keep everyone safe.

**12. CONVENE IN EXECUTIVE SESSION REGARDING COLLECTIVE BARGAINING PER RCW 42.30.140(4)(a)**

At 9:40 p.m., following a 5-minute break, Mayor Earling announced that the City Council would meet in executive session regarding collective bargaining per RCW 42.30.140(4)(a). He stated that the executive session was scheduled to last approximately 20 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Teitzel, Tibbott, Mesaros and Nelson. Others present were City Attorney Jeff Taraday, Police Chief Al Compaan, Human Resources Reporting Director Carrie Hite, and Human Resources Manager Mary Ann Hardie. The executive session concluded at 10:01 p.m.

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

Mayor Earling reconvened the regular City Council meeting at 10:02 p.m.

**14. ADJOURN**

With no further business, the Council meeting was adjourned at 10:02 p.m.