

EDMONDS CITY COUNCIL APPROVED MINUTES

September 13, 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

Phil Williams, Public Works Director
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.
Shane Hope, Development Services Director
Scott James, Finance Director
Rob English, City Engineer
Kernen Lien, Senior Planner
Jeff Taraday, City Attorney
Scott Passey, 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 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COUNCIL PRESIDENT COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO DELAY THE PRESENTATION OF UTILITY RATE ANALYSIS TO A FUTURE MEETING AT THE REQUEST OF MR. WILLIAMS. MOTION CARRIED UNANIMOUSLY.

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

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED (6-0-1), COUNCILMEMBER TEITZEL ABSTAINED. The agenda items approved are as follows:

1. **APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF SEPTEMBER 6, 2016**
2. **APPROVAL OF COUNCIL MEETING MINUTES OF SEPTEMBER 6, 2016**
3. **APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS**

5. **PRESENTATIONS/REPORTS**

1. **NATIONAL POW/MIA RECOGNITION DAY**

Mayor Earling read a proclamation declaring September 16, 2016 as POW/MIA Recognition Day in Edmonds and invited citizens to plan and conduct appropriate remembrances, ceremonies and activities in recognition of our nation's POWs and MIAs and their families. Michael Raegan accepted the proclamation. Mr. Regan said he has worked with over 4600 Gold Star family members across the country and was proud to tell them how much Edmonds appreciates the service of its veterans but will never forget the hearts of the fallen who never came home as well as the MIAs. As a Vietnam Veteran, he was incredibly proud of the Proclamation, the Council and City, and the Veterans Plaza. He makes two promises to the families he works with, 1) do the best portrait ever, and 2) as long as he has a voice, no one will ever forget. Everything the City Council has done and is doing helps him keep those promises. Speaking for the Veterans of Edmonds, he was proud of the Mayor and City Council.

6. **AUDIENCE COMMENTS**

Alan Mearns, Edmonds, expressed his continued support for a holistic look at the marsh and its border lands as the marsh is a valuable resource. An employee of NOAA, they train Coast Guard and other oil spill responders using Edmonds' beaches and the Edmonds Marsh to learn about the ecology of these environments. He provided photographs taken during this annual training with representatives from the Coast Guard, state agencies, EPA, NGO and other responders. Edmonds is not only a local resource, it is a national resource and is recognized around the country. He relayed meeting people at oil spills in Maine or Texas who recalled meeting him on the beach or the marsh in Edmonds. He encouraged the Council to think about everyone who uses the marsh and its value in this training.

David Richman, Edmonds, a former professor of entomology and curator of the arthropod museum at New Mexico State University, said he is a birdwatcher in the Edmonds Marsh. The marsh is a broad ecosystem, connected with many other ecosystems. The marsh not only has birds, fish and mammals, it also has a large arthropod and other invertebrate population that serve as a basis for the food web. Food webs are intertwined in food systems with the forest, ecotone, the area where the marsh becomes woodland as well as other areas. During the recent Bird Fest, he saw two different species of dragonfly, a common white tail as well as a blue darner which is indicative of a flourishing and productive marshland. Although dragonflies do not breed in saltwater, they breed in brackish and fresh water and serve as food for insect-eating birds such as merlins. As a practical ecologist, evolutionary biologist, when working at New Mexico State University, he saw many of these ecosystems including one in Bitter Lake which has the largest number of dragonflies in New Mexico. He provided written information.

Cindy Easterson, President, Pilchuck Audubon Society, relayed her concern with the potential buffer reduction of the Edmonds Marsh. A way to grapple with the question of what are the goals for marsh is to consider the value of this natural resource. This estuary wetland is a unique regional treasure that cannot be designed or recreated in a business park or residential development. The marsh is a product of years of special conditions that have coalesced to create a unique place. It has been suggested that the pathway to restoring the marsh is through redevelopment with a much reduced buffer; most would agree development in proximity to the marsh resulted in the existing wetland that does not function to its full capacity. She referred to shorebirds and their migration between wintering and breeding grounds. For many shorebirds, the male flies north first and the females arrive a couple weeks later. After mating and laying eggs, the females stay until the eggs hatch and then returns south, leaving the hatchlings in dad's care. Dad cares for the babies for a few days before he too takes flight. Being a young shorebird is difficult and for many, the estuary wetlands like the Edmonds Marsh are a place of refuge offering sandy areas to feed and upland grasses to hide on their migration south. Many shorebirds' stopovers are threatened by climate

change and development. The study of high density shorebird areas has found nearby development disturbs breeding and migration patterns and is particularly hard on vulnerable first year birds. She encouraged the Council to consider limiting development and instead consider a welcoming sign for these shorebirds in the form of a 100-foot buffer with a 50-foot setback, a renewed effort to daylight Willow Creek, alternative management of the tidegate to allow for saltwater and tidal influence into the wetland and restoration alternatives to the pathway on the north side of the marsh. She encouraged the engagement of a public/private coalition to provide expert recommendations and for support future regarding the marsh.

Susie Schaefer, Edmonds, said she would rather be at a gathering tonight standing in solidarity with the Sioux and other Tribes to protect the waters of their sacred lands. She was proud to live in a city that unanimously passed a resolution regarding oil trains and considered the Edmonds Marsh sacred land to Edmonds. During Bird Fest, she talked to many people about the marsh. She circulated an 1872 picture of the Edmonds Marsh that shows how large it was, and a picture of the current marsh and the condos behind it. She acknowledged the marsh could not be returned to the size it was in 1872 but was encouraged by the fabulous restoration of the estuary in Marysville done by the City of Marysville, Snohomish County and Tulalip Tribe. She expressed interest in participating in a planning effort that did not take action quickly and did not think development was the answer for the marsh, commenting undevelopment was the answer for the marsh.

Lynette Petrie, Edmonds, said her commentary was an almost visceral reaction to what she sees happening everywhere and Edmonds should not buy into the falsity that more development is the only answer to economic wellbeing. Edmonds has much to offer and the positive impact of nurturing and understanding the protection of the natural world cannot be overestimated. The marsh, which began as an extensive estuary, has been reduced by development and fill to approximately 22 acres which is now at risk. If the present buffers are compromised, that acreage will continue to slowly shrink; death by 1000 cuts. She referred to an article that the Oxford Children's Dictionary has deleted 50 words related to the natural world because they are no longer relevant and replaced with other such as bog, broadband, chatroom and analog. The article also stated evidence is mounting showing links between the disconnection from the natural world and social ills. Edmonds has a unique opportunity due to its location and the already-established artistic community to continue build and become a center of learning to develop an appreciation for the world and the responsibility to care for it. Development is necessary as well as creativity in maintaining the economic but it must be done in ways that are not counterproductive.

Roger Hertrich, Edmonds, commented the borders of the marsh have basically stayed the same, Harbor Square on one side, the marsh on the other and no one has tried to bulldoze, fill or drain the marsh. Yet many people are very emotional that something is threatening the marsh. If the marsh has existed this way this long and there are no plans to bulldoze, fill or drain it, he questioned what was the problem. There is a lot of talk about economic development; he questioned the impact on Harbor Square if buffers are added to the marsh to protect it from something that is not happening. Although some would say that economics has nothing to do with the marsh, he emphasized they support the City's ability to protect the marsh. He questioned why so many people were getting so excited about buffers and distances and suggested it be left alone and avoid any radical departures from the shoreline. He suggested that protecting the businesses in Harbor Square was as important as protecting the marsh. He suggested doing good things for the marsh that did not negatively impact the surrounding businesses and urged the Council to be practical and not emotional when making decisions.

Bea Wilson, Edmonds, a Friends of Marsh volunteer, thanked the Council for their work. She relayed consideration of future protections was essential. An entrepreneur as well as a volunteer, she thanked the Councilmembers who participate in Bird Fest which was a tremendous success. She hosted people who came to Bird Fest from Tennessee as well as made friends with people from Russia and Israel who loved

the community. She also assisted with birdwatching of fledging owls at Yost Park which was attended by 70 people. She understood entrepreneurs and businesses' concerns but urged them to think of the future. The marsh attracts people who help those businesses grow and without those resources businesses will fail. She was confident the Council will think wisely and for the future.

Joe Scordino, Edmonds, retired fisheries biologist, expressed concern that the Council did not have all the facts it needed to make the right decisions regarding buffer widths in the SMP. In response to a previous speaker's comment regarding what's the problem, he explained reducing or expanding the buffers will have consequences. He did not think the Council had the necessary information to make a rational decision based on BAS. The Council needs to consider multiple alternatives such as a 50-foot buffer plus a 15-foot setback and the consequences that has on development and redevelopment, on wildlife, on the ability to restore vegetate the marsh. A second scenario could be a 100-foot buffer plus a 50-foot setback. As each alternative is analyzed, there will be losses and gains. Without that information, the Council may push forward and realize the consequences too late when buildings are constructed on the edge of the marsh. The Department of Ecology's structure of Category 1, 2, 3 is set up so that if a wetland is deteriorated, it is downgraded. The Edmonds Marsh is currently viewed as Category 2, although many believe it is Category 1; if development is allowed to occur, it will become a Category 3, a continuing downward cycle. The Council's decision will set the stage for the future and he urged the Council to make the right decision.

7. STUDY ITEMS

1. SHORELINE MASTER PROGRAM UPDATE

Senior Planner Kernan Lien explained his intent tonight was to provide a recap as well as review how the changes accepted by the Council and the new 2016 Ecology Wetland Guidance have been incorporated into the SMP. There were eight changes required by Ecology; Council provided direction to staff on five that were related to critical area regulations. The three remaining required changes are related to Urban Mixed Use (UMU) IV and the appropriate setbacks and buffers from the marsh. More guidance from Council is needed regarding the buffer but that will not be the main focus of tonight's discussion. He reviewed:

- Pursuant to RCW 90.58.090(2)(e), the City of Edmonds has two options for responding to Ecology's conditional approval:
 1. Agree to the proposed changes, or
 2. Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology with the Shoreline Management Act.
- Ecology's reply to the City's initial response – October 31st
- Ecology Required Changes 1 and 2 –Update Critical Area Ordinance Reference and Appendix B
 - Required change 1 reference Ord. 4026 dated May 3, 2016
 - Required change 2 is to replace Appendix B with the critical area regulations adopted in 2016 under Ord. 4026 (minus exceptions)
 - August 2nd – Council voted to accept changes
 - Council packet page 384
- Ecology Required Change 3 – Critical Area Provisions Requiring Shoreline Variance
 - Required change would eliminate SMP 24.40.020.C
 - August 2nd – Council voted to accept change
 - Council packet page 384
- Ecology Required Change 4 – Critical area Exceptions
 - Required change would modify list to only except critical area variance (ECDC 23.40.210) and geologically hazardous areas allowed activities (ECDC 23.80.040.B)

- August 2nd – Council voted to accept change
- Exceptions were reviewed given decision to incorporate 2016 guidance
- Council packet page 385
- Ecology Required Change 5 – SMP Wetland Section
 - SMP 24.40.020.F contains wetland regulations for shoreline jurisdiction based on Ecology’s Guidance for Small Cities
 - Required change would remove SMP 24.40.020.F
 - August 16th – Council voted not to accept Ecology’s required change, but to incorporate the 2016 Wetland Guidance into the SMP
 - Primary difference between Ecology’s Guidance for Small Cities and the 2016 Wetland Guidance is related to how buffers are applied particularly for Category 2 estuarine wetland such as the Edmonds Marsh

Mr. Lien reviewed changes related to incorporating the 2016 Wetland Guidance

- Wetland Categories – Council packet pages 387-388
 - Also need to incorporate line on “Illegal modifications” (packet page 346)
- Buffer Requirements – packet pages 388-392
 - Wetland Buffer Requirements Table on page 389 works with Required Measures to Minimize Impacts Table on pages 390-391
 - If there were a nearby priority habitat, the 2016 Guidance requires a corridor be provided/protected to connect the habitats. If the corridor is not provided, the buffers must be wider
 - If no nearby priority habitat, the two tables are applied
 - 2016 Wetland Guidance has a 110-foot buffer requirement for a Category II Estuarine Wetland; the CAO has a 75-foot buffer requirement
 - Disruption of corridors or connections included in tables
- Other notable changes
 - Buffer reductions and averaging (pages 392-393)
 - Excepted out of previous CAO because buffer width reduction and buffer averaging allowed a 50% buffer reduction, update allows only 25%. SMP is consistent with COA and BAS
 - Physically Separated/Functionally Isolated (page 393)
 - Replaced with Interrupted Buffer section
 - Passive Recreation (pages 393 – 394)
 - Language in CAO is consistent with most updated guidance
- Exemptions in Wetlands – Council packet page 394
 - Primary difference between CAO and 2016 Guidance is in the CAO small, isolated wetlands applied to Category III and IV wetlands, 2016 Guidance applies only to Category IV wetlands
 - Ecology did not want included in SMP as not compliant with no net loss requirement

Mr. Lien advised he has sent the modifications to the critical area sections to Ecology for their review and guidance.

Councilmember Buckshnis relayed serious concern that Mr. Lien was already passing information to Ecology and getting their response without the Council having Ecology’s responses in writing. It was her understanding an alternative would be prepared that included the updated information but it sounds like Mr. Lien is already giving that information to Ecology for their response. Mr. Lien said he has a couple emails from Ecology. The reason he showed it to Ecology for an initial review was the 2016 Wetland Guidance is Ecology’s wetland guidance, they are the experts and he wanted to ensure he captured the

differences between the 2016 Guidance and the Guidance for Small Cities. The City Council can ultimately choose to do something different.

Councilmember Buckshnis commented the Council decided it wanted the newest information included in the SMP. Mr. Lien has been sharing the integration of the 2016 Guidance with Ecology and Ecology is saying yes or no and if Ecology says no, Mr. Lien removes it. City Attorney Jeff Taraday said his understanding of Mr. Lien's interaction with Ecology is he is pursuing the course the Council has voted on. While a complete alternative has not yet been finished to submit to Ecology, the Council has adopted certain motions as it moves toward a new alternative. Mr. Lien is just getting started on the work necessary to implement those motions. There is a short timeline to complete the SMP by October 31 and the Council will have the ability to comprehensively review the entire alternative.

Councilmember Buckshnis said she did not understand how Mr. Lien could be checking with Ecology and Ecology could be saying include or exclude something when it was contained in Ecology 2016 Wetland Guidance. Development Services Director Shane Hope explained the Council said use the 2016 Wetland Guidance in the SMP; as Mr. Lien was doing that, it was somewhat confusing. His initial response was to check with Ecology whether he correctly understood the implications. Tonight he was trying to explain what it means to incorporate Ecology's 2016 Wetland Guidance so he can correctly bring forward the Council's direction and have it technically correct. Ultimately it is the Council's decision regarding what in the 2016 Wetland Guidance is included.

Councilmember Buckshnis asked for Mr. Lien's PowerPoint, commenting the document was very confusing. She preferred the Council's review of the SMP be done weekly. With regard to buffer reduction and buffer averaging, Mr. Lien explained that was already part of Ecology's required change. When that was excepted out previously in the last version adopted by the Council, the critical area regulations had buffer reduction and averaging that allowed the wetland or stream buffers to be reduced by 50%. With the CAO update, buffer averaging and reduction can only reduce buffers by 25% which is consistent with the 2016 Wetland Guidance. Rather than have a separate section in the SMP and the CAO, it was deleted from the SMP. Councilmember Buckshnis requested Ecology's written response.

Councilmember Tibbott asked whether there were any Category IV wetlands in the shoreline jurisdiction. Mr. Lien answered there is no inventory of all the wetlands in the city. He was aware of some wetlands along the shoreline jurisdiction in north Edmonds that were likely Category III or IV. Councilmember Tibbott said the Council should at least understand the exemptions and recommendations for Category IV wetlands. Mr. Lien referred to the buffers on page 389, explaining the 40-foot buffer is the same as the buffer in the adopted CAO. The differences are related to exemptions in wetlands. Councilmember Tibbott asked Mr. Lien to describe the tables with regard to wetland buffers and corridors. Mr. Lien referred to 2.a.i on page 388 which states:

i. For wetlands that score 5 points or more for habitat function, the buffers in 24.40.020.F.2.b can be used if both of the following criteria are met:

- A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>)*

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, 24.40.020.F.2.b may be used with the required measures in 24.40.020.F.2.c alone.2

Mr. Lien clarified if there is no nearby habitat for a corridor to connect to, the first table is applied in conjunction with the second table on pages 390-391 (Required Measures to Minimize Impacts). If there were a habitat to connect to, that corridor would need to be provided. If the corridor or the mitigation measures on page 390-91 are not provided, then the buffers in the third table would apply.

Councilmember Tibbott commented there is no existing corridor from the marsh to another habitat. Mr. Lien answered as one of the speakers stated, there is a connection between everything. The key to this provision is it is tied to a priority habitat area, specific areas identified by Washington Department of Wildlife. The marsh is identified as a priority habitat area but there are no other priority habitat areas on the north or south areas so according to this provision, there are no other nearby priority habitat to provide a corridor to; therefore, the first table and the mitigation tables would apply in that area.

Councilmember Tibbott asked which table applied to the marsh. Mr. Lien answered it depends on the buffers and setback established for the marsh and site specific situations. Generally, for wetlands in shoreline jurisdictions, the first table along with the Required Measures to Minimize impacts (pages 390-391) would apply in the vast majority of situations. Councilmember Tibbott asked if those only applied if there was a corridor. Mr. Lien answered no, acknowledging it was confusing how the new guidance applies buffers. If there is no habitat to connect to, the first two measures can be used. If there is a habitat to connect to, a corridor must be provided to connect it or use the third table. For the majority of wetlands in shoreline jurisdiction, there is not likely to be a priority habitat area to connect to. For the marsh, there is not another priority habitat area other than the marsh itself.

Councilmember Tibbott asked whether the tables were labeled 1, 2 and 3. Mr. Lien answered when the tables are included in the code, they are numbered according to the code's numbering system; they are numbered XXI, XXII and XXIII in the 2016 Wetland Guidance. There is no easy way to reference the tables other than 1, 2 and 3 which is why he has referred to page numbers. Mr. Lien clarified if there is no habitat to provide a corridor to connect the habitats, the table on page 389 and the buffers would apply in conjunction with the mitigation measures on page 390-391.

Council President Johnson said in referring to the June 26, 2016 Wetland Guidance for CAO updates, her initial question was what does having an update a month after the COA was adopted mean for the CAO. That has been addressed relative to the SMP but she was interested in how it affected the CAO. Mr. Lien answered at the time the CAO was adopted in May 2016, the Guidance for Small Cities was the most up-to-date guidance. With the new information/guidance provided in June 2016, Council President Johnson asked how the Council can be assured they made the best decision based on the new guidance that is being incorporated into the SMP. Ms. Hope suggested completing the SMP before determining the differences between the 2016 Wetland Guidance and the CAO and possibly amending the CAO. Addressing the CAO now would be difficult timewise. Mr. Lien concurred, explaining his focus has been the SMP because a response is due to Ecology and direction from Council has been to incorporate the 2016 Wetland Guidance into the SMP. After the SMP is completed, the Council could direct staff to incorporate the guidance into the CAO. Council President Johnson said her recollection was significantly different than what was just said.

Councilmember Teitzel referred to the table on page 389 which calls for a buffer of 110 feet. This buffer would be required if there were 50% or more redevelopment in UMU IV in Harbor Square. Mr. Lien said that reference is related to the buffer and setback established for the UMU IV environment. That is different than the critical area section. The Council may adopt a different buffer and setback for the UMU IV environment based on conditions; that is not part of this discussion. When that buffer is triggered has not yet been discussed or determined.

Councilmember Buckshnis asked whether any of the other items would be reviewed tonight and Council direction provided. It was her understanding that Required Change #8 goes away because 50% was now changed to 25%. Mr. Lien explained those are different provisions in different parts of the SMP. The Council voted not to accept Ecology's recommendation in Required Change #7 related to the buffer and setback for the UMU IV environment but has not discussed an alternative. Required Change #8 is tied to Required Change #7 and until a decision is made on Required Change #7, it does not make sense to discuss Required Change #8.

Councilmember Buckshnis commented on the reduction from 50% to 25%. Mr. Lien said the 50% to 25% is related to two buffer provisions regarding wetlands, wetland buffer averaging and wetland buffer reduction. Those two provisions allow the buffers to be modified slightly over what is in the table but they can only be reduced by no more than 25%. For example, if there was a 100-foot buffer and buffer averaging were applied to that buffer, at any point the buffer could not be less than 75 feet. Councilmember Buckshnis relayed her understanding that could not be done because the Council has not established the buffer for the UMU IV. Mr. Lien answered they are two different things, this applies to critical areas within shoreline jurisdictions. What the Council can do, what Ecology recommends and was included in the previous SMP, is to adopt specific buffers and setback for specific areas with shoreline jurisdiction such as the UMU IV environment. If the Council establishes a specific buffer and setback for the UMU IV environment, buffer reduction and buffer averaging would not apply. Councilmember Buckshnis asked when that would be addressed. Ms. Hope said at the next Council meeting or in two weeks.

Mr. Lien said the intent tonight was to incorporate the first five required changes from Ecology and Council direction to include the 2016 Wetland Guidance into the critical area section of the SMP. He will provide the Council Ecology's emails regarding modifications and wetland exceptions. He is seeking guidance from the Council regarding the incorporation of the required changes and the 2016 Wetland Guidance.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER NELSON, TO ASK THE CITY ATTORNEY TO PREPARE AN EVALUATION OF THE POSSIBLE SCIENTIFIC AND REGULATORY CONSIDERATIONS TO HELP US PREPARE THE ALTERNATIVE TO THE DEPARTMENT OF ECOLOGY REQUIREMENTS FOR BUFFERS AND SETBACKS.

Council President Johnson relayed her understanding on August 16 that the City would obtain independent review to provide advice regarding buffers and setbacks for the marsh. Asking the City Attorney to prepare this evaluation as a first step will help the Council take the next step. In particular she requested the City Attorney address the June 26, 2016 Wetland Guidance for CAO Updates. She suggested that be provided at the Council's next work meeting in two weeks.

Councilmember Mesaros asked Mr. Taraday his understanding of the request and whether two weeks was enough time to accomplish it. Mr. Taraday said it should be.

MOTION CARRIED UNANIMOUSLY.

2. PRESENTATION OF THE UTILITY RATE ANALYSIS

This item was postponed to a future meeting.

3. PRESENTATION OF AN ORDINANCE AMENDING THE EDMONDS CITY CODE (ECC), AMENDING PARKING PROVISIONS ON SUNSET AVENUE

Public Works Director Phil Williams recalled three weeks ago the Council made a number of decisions related to the geometry on Sunset Avenue that would be interim while utility work on Sunset was pursued and completed over several years. Among those proposals was to change the parking hours on Sunset from the current 4-hour limit to 2 hours. He distributed an updated ordinance that will change the parking limit on the west side of Sunset Avenue from Edmonds Street to Caspers Street to 2-hour parking 8 a.m. to 10 p.m.

City Attorney Jeff Taraday said most of the changes in the ordinance are simply legal formatting and non-substantive; a different effective date was also included which was also somewhat technical. The substance of the ordinance is as Mr. Williams described.

Council President Johnson referred to Item 1 in the ordinance, Sunset Beach access way to Sunset Beach Park and said she did not know that was located. Mr. Williams said that language was in the existing code; Sunset Beach Park is Brackett's North.

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

4. INTERLOCAL AGREEMENT WITH CITY OF LYNNWOOD FOR BIOSOLIDS DISPOSAL

Public Works Director Phil Williams relayed the City has had an interlocal agreement with Lynnwood for many years related to their treatment plant, located adjacent to north Edmonds. During major maintenance of their facility when they do not have access to their incinerator, there is occasional need to truck biosolids in a liquid form to the Edmonds treatment plant to be processed and incinerated. The only changes in the renewal of the interlocal agreement are changing the term to five years and increasing the price from \$0.25/dry pound to \$0.40/dry pound. The agreement can be terminated by either party at any time. If the Edmonds treatment plan has an issue with a load or does not have the storage capacity, it can be refused. The agreement has worked well for both cities and \$0.40/per dry pound is sufficient to cover the cost and provides revenue.

Councilmember Fraley-Monillas commented the increase in the price was fair due to recent equipment replacement in the treatment plant. Mr. Williams answered the incinerator has not yet been a major focus of investment but new regulations are coming. The price is based on the cost to process biosolids and is competitive based on that they could get elsewhere as well as transportation costs to utilize another facility. Both parties have been very satisfied with the arrangement.

Councilmember Mesaros asked if the service was reciprocal. Mr. Williams answered it could be; so far Edmonds has been able to store its biosolids during incinerator maintenance. If there were an emergency, providing that service could be discussed with Lynnwood.

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

5. PRESENTATION ON THE MADRONA WALKWAY PROJECT

City Engineer Rob English explained this project has been in the planning and design stages for a couple years. The scope of the project is to build approximately 600 feet of 5-foot sidewalk on the south side of 236th Street between SR-104 and the school. A portion of sidewalk will be constructed within the school's boundaries to connect the sidewalk to the school. Madrona School will be rebuilt beginning in spring 2017; this project has been coordinated with Edmonds School District including mapping the location of the sidewalk to fit the future facility. Other improvements include stormwater detention and new pipes as well as new ADA compliant pedestrian ramps and a slight widening of 236th and reconstruction of the pavement. The engineer's estimate is \$600,000; funding sources include Stormwater Unity funds, a

federal Safe Routes to Schools grant for the sidewalk, and the City's 2016 Pavement Preservation program. A budget amendment will be presented in the third quarter. Bid opening is scheduled for September 15.

Mr. English commented it is interesting to go out to bid and start a transportation project at the beginning of the rainy season. In order to coordinate with the school district, it was necessary to begin in either the fall or spring when the district plans to begin construction. As trucks, deliveries and construction equipment will be using 236th, a decision was made to go to bid now. The goal is at least complete the sidewalk and the first layer of asphalt and worst case, winterize the project, and pave in early spring before the district starts their project. The only wildcard is the bid climate; staff has heard contractors are becoming more available so are hopeful there will be competitive bid prices. Bid results and the construction contract may be presented to Council at next Tuesday's meeting but it may be difficult to open and evaluate the bids and get WSDOT concurrence by then. If that cannot be done, the information will be presented the following week.

Councilmember Tibbott inquired about the entrance for buses and to the parking lot after reconstruction and whether the new sidewalks will serve the students. Mr. English answered the sidewalk alignment within the school boundaries will line up with the district's improvements. Reconstruction of the school is a \$49 million project; he recalled the circulation within the parking lot will be changed and will include a drop-off closer to the new buildings.

Councilmember Mesaros suggested checking with the school district regarding utilities before the final paving is done on 236th. Mr. English assured that had been done. The project will include stormwater improvements as well as moving a utility pole. Councilmember Mesaros asked if the utilities would be undergrounded. Mr. English answered no, only a pole is being moved; undergrounding is cost prohibitive.

Presentation of bid results and the construction budget will be scheduled on a future Council agenda.

6. SETTING A DATE AND TIME FOR A A PUBLIC HEARING ON ADOPTION OF A RESOLUTION EXPRESSING INTENT TO DISSOLVE THE EDMONDS TRANSPORTATION BENEFIT DISTRICT

Public Works Director Phil Williams recalled the Council instructed staff to take the steps necessary to take advantage of ESSB 5987 passed in 2015 that allows cities with TBD boundaries contiguous with the city's boundary to assume control over the TBD to make the governance simpler. The first step is passing a resolution of intent to evaluate whether to absorb the TBD; a copy of the resolution is included in the Council packet. Should the Council make a decision to adopt the resolution, the resolution sets October 4 as the date for the public hearing. After taking public comment, if the Council decides to proceed with assuming control over the TBD, an ordinance would be prepared and presented to Council to rescind the existing ordinance and have the Council assume the responsibilities.

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

7. HR DIRECTOR, REQUEST TO WAIVE THREE INTERVIEW REQUIREMENT

Parks & Recreation/Human Resources Reporting Director Carrie Hite explained the HR Director position was advertised for three weeks; 43 applications were received. Several staff and the Mayor reviewed the applications and several candidates were invited for interviews. The applicants interviewed with two panels and had individual interviews with the Mayor. The first panel was made up of several Directors, the City Clerk, Councilmember Adrienne Fraley-Monillas and citizen Bob Rinehart. The second panel was made up of an interdepartmental staff team, including HR, Finance, Public Works, Police and Parks.

At the conclusion of the interviews, both panels debriefed with the Mayor and after much thought, the Mayor would like to bring two candidates forward for interviews with the City Council.

Ms. Hite explained the ECC requires Council interview director candidates and calls for interviewing the final three candidates although there is a stipulation in the code for the Council to waive the three interview requirement by motion. If Council approves, the Mayor would like to schedule the Council interviews on September 20, prior to the Council meeting.

Mayor Earling advised four candidates were interviewed. After meeting with the candidates himself and discussion with the two panels, it was clear there were two outstanding candidates. He recommended bringing only the two to Council for interviews.

COUNCILMEMBER TIBBOTT MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO ADOPT THE RECOMMENDATION TO INTERVIEW TWO CANDIDATES FOR THE POSITION OF HR DIRECTOR. MOTION CARRIED (5-0-2), COUNCIL PRESIDENT JOHNSON AD COUNCILMEMBER FRALEY-MONILLAS ABSTAINED.

8. ORDINANCE AMENDING EDMONDS CITY CODE (ECC) 4.04.020 RELATED TO CONCESSION AGREEMENTS

Parks & Recreation Director Carrie Hite explained this is a request to amend the ECC to allow concessions in parks year-round. In 2012, at the request of the Mayor and Parks Director, the City Council adopted changes to the code to allow the Mayor to approve concessions in the parks. Since 2012 there has been a shave ice vendor at Marina Beach, a paddle board vendor, recreation fitness programs in waterfront parks and one vendor at the mini park that was not invited back. For the most part concessions in parks has been a very positive experience. One of stipulations in the code was “seasonal” to allow concessions from May through September. One concessionaire who wanted to provide winter fitness in a park was recently turned away. When a second concessionaire, the dog treat vendor at the off-leash dog park, inquired about being a year-round vendor, a decision was made to bring a code amendment to Council. This is a great opportunity to continue concessions in the park. If the Council is amenable, she requested the amendment be scheduled on the Consent Agenda next week.

Councilmember Fraley-Monillas said she is generally agreeable, finding it beneficial to citizens and visitors. She asked who supervised the concessionaires, commenting it has increased from a hot dog vendor to a huge program with many vendors in several parks. Ms. Hite explained the Recreation Manager sends out an RFP every January giving businesses an opportunity to apply to be a concessionaire in the park. The applications are reviewed and the applicants interviewed. Criteria used to consider the applications include the impact to neighbors of park, what the concessionaire is selling/vending, whether it is a value add, the impact on maintenance staff, portability of the vendor, etc.

Councilmember Fraley-Monillas asked who supervised the vendors during season. Ms. Hite answered the Recreation Manager supervises the contracts. The Recreation Manager and she visit the concessions and randomly make purchases to check their customer service. The contracts require the vendors to have a business license and any public health licensing which includes a visit from the fire marshal visits, public health visits, etc. She assured there is a lot of quality assurance of the vendors. Councilmember Fraley-Monillas recalled her concern with the concession that caused an issue for the building adjacent to the mini park that was not invited back.

Councilmember Tibbott appreciated staff’s responsiveness to the vendors’ interest in year-round concessions and the citizens’ interest in the concessions. He asked what kind of businesses seek to locate in parks year-round. Ms. Hite answered there have been two so far, one is a boot camp fitness program that uses Brackett’s Landing South. They were previously turned away; if the Council approves this

amendment, staff will contact them to inquire if they are still interested. The other vendor that requested to locate year-round is the Barkery, a mobile unit that comes to the off leash area once a week and sells dog treats. That vendor is very popular and dog owners use the off leash area rain or shine year-round. Councilmember Tibbott observed year-round concessions would be primarily activity vendors. Ms. Hite did not envision any food vendors who would be interested in setting up in a park on a rainy weekend although a coffee cart may be interested in setting up along the waterfront year-round due to the number of walkers there. She envisioned primarily outdoor fitness boot camp type activities and at the off leash area.

Councilmember Buckshnis commented the dogs and dog owners love the Seattle Barkery which also has coffee. A woman complained recently that her dog just wanted to get treats instead of exercising. The Barkery has been extremely well received and she was in fully support of allowing them year-round.

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

8. MAYOR'S COMMENTS

Mayor Earling said he appreciated being in his first ever hurricane but will pass on any future opportunities. He reported on Sunday's 9/11 ceremony, attended by approximately 200 people including representatives of Fire District 1 and the Edmonds Police Department and Councilmembers Teitzel and Nelson.

Mayor Earling said he recently attended his first judicial conference in Spokane to talk about the budget processes, revenues, etc. at the invitation of former Councilmember Dwyer, who now serves on the appellate court. There were also speakers from OFM, a legislative staff member and a County CEO. The State is forecasting a \$4 billion shortfall, \$3 billion to meet the requirements of the McCleary Decision and a \$1 billion shortage between revenue and expenses.

9. COUNCIL COMMENTS

Councilmember Tibbott reported on his opportunity to participate in Bird Fest this weekend and the crowd at an amazing presentation regarding owls at Yost Park. During the presentation, an owl showed up and performed feats of hunting and hooting. Owls are now so prolific in Edmonds that they are locating in other parks.

Councilmember Tibbott reported he had an opportunity this week to talk with several business owners and citizens regarding the new sign code and assured them that the Development Services Department was continuing to work on implementation. He hoped to see greater levels of creativity with regard to signs and suggested this would be something for the Economic Development Commission to discuss.

Councilmember Mesaros said he too received a number of comments regarding the sign code and assured it will be an ongoing discussion and changes would be considered if necessary. He referred to the Edmonds Center for the Arts mailer and encouraged citizens to take advantage of everything the ECA has to offer.

Councilmember Teitzel looked forward to attending two forums this week, on Thursday, a forum hosted by the Master Builders Association on affordable housing and the challenges of providing more affordable housing; Governor Inslee will be the keynote speaker. On Friday he plans to attend a Snohomish County breakfast forum regarding the pros and cons of Sound Transit 3 which will be on the ballot in November. He reminded of the Council-sponsored 2016 volunteer appreciation event at the Senior Center. He thanked Councilmembers for their participation in that event. Councilmember Teitzel reported he enjoyed a sailing vacation in the San Juan Islands last week.

Councilmember Buckshnis thanked all the Bird Fest volunteers. She attended the raptor presentation along with about 150 people. She reported on the car show which is getting bigger every year. She summarized Edmonds is a hopping town.

Regarding the sign code, Councilmember Fraley-Monillas reminded it has only been in effect for less than a month and urged everyone to give it time to see how it shakes out. She appreciated seeing fewer signs cluttering corners in the evening now that businesses are taking in their signs at night and making the city look nicer. She said over 80 volunteers have confirmed their attendance at the volunteer event. She encouraged volunteers to RSVP. She remarked both she and Mayor Earling are now members of the hurricane club.

Councilmember Nelson reported he attended Bird Fest on Saturday and the 9/11 memorial at Station 17 on Sunday. He thanked the Fire District 1 firefighters who made that memorial a reality and worked until the wee hours of the morning last year to finish it. He was disappointed to learn at the last Pedestrian Task Force meeting that the Public Works Department will not be submitting a funding request for pedestrian safety education. He cited two pedestrians seriously injured in the last several weeks; a male hit on August 26 when crossing 238th and a female hit and seriously injured on 5th Avenue downtown on September 10. He said pedestrian safety education and traffic enforcement need to be a funding priority in the 2017 budget.

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

This item was not needed.

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

This item was not needed.

12. **ADJOURN**

With no further business, the Council meeting was adjourned at 8:57 p.m.