

EDMONDS CITY COUNCIL APPROVED MINUTES

September 27, 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

K. Ploeger, Police Officer
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
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council meeting was called to order at 7:01 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

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

4. APPROVAL OF CONSENT AGENDA ITEMS

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

- 1. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF SEPTEMBER 20, 2016**
- 2. APPROVAL OF COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2016**
- 3. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM HIEU VUONG (AMOUNT UNDETERMINED).**
- 4. APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS.**

5. PRESENTATIONS/REPORTS

1. **LEADERSHIP DAY PROCLAMATION**

Mayor Earling read a proclamation declaring October 14, 2016 as Leadership Day in the City of Edmonds, Washington, and join in recognizing the many contributions Leadership Snohomish County has made. Kathy Coffey accepted the proclamation and thanked Mayor Earling and the Council for the proclamation. She was excited about the opportunity to move forward in Snohomish County to celebrate this truly nonpartisan issue, bringing people together in celebration of civic and servant leadership and coordinating opportunities for mentorship with the over 60 graduates of their program from Edmonds alone.

6. **AUDIENCE COMMENTS**

Ray White, Edmonds, said he and his wife moved to Edmonds 27 years ago largely because it offered a high quality of life especially related to natural areas such as the Edmonds Marsh. He was concerned about the possible adverse change in the shoreline buffer and setback for development near the marsh. He is associated with the citizen group present tonight but his comments are his own. An aquatic ecologist, PhD in zoology, experience as a State of Wisconsin trout stream research biologist and teaching and research in fisheries science at Michigan State and Montana State Universities, he values the marsh greatly and visits it many times a year mainly to observe and photograph birds. The Edmonds Marsh is a rare salt marsh that many waterfowl and wildlife use. If full connection to Puget Sound is restored, it will provide special habitat for salmon and other fish. He was concerned the Council's deliberations on the SMP may not be adequately science based. He referred to Mr. Taraday's September 23 memo evaluating scientific considerations of a possible changes in vegetative cover; the memo presents no science and only refers to Ecology and others' policies. The memo refers to no scientific data or primary scientific publication and does not cite or mention any scientists or plants or animal species. The memo may briefly mention some wetland characteristics, process or functions but does not describe them in the detail needed to properly consider the issues such as what will happen to key wetland species and processes under alternative buffer widths. He suggested the Council obtain recommendations based on evaluations of a team of impartial wetland scientists.

Susie Schaefer, Edmonds, relayed her support for a letter that a group of concerned citizens sent the Council on Friday asking for several things from the Council and others including that the Council take action on the SMP on a scientific basis that will offer maximum protection to the marsh and prevent further degradation which in her opinion was Mr. Taraday's Option 1. The group also asks that the Council establish a task force with the Edmonds Marsh stakeholders which include WSDOT, Chevron, Port, BNSF and concerned citizens who are very knowledgeable about wetlands and the marsh. She summarized unless everyone gets together, she was uncertain of the marsh's future; long range planning and discussion will allow progress on retaining the valued Edmonds Marsh.

Mike Shaw, Edmonds, commented it is a simple choice, either development or the marsh; further study will not change that fact. The forward-thinking City of Mukilteo recently converted a park into a wetland which he hoped would not be necessary in Edmonds and the marsh can be preserved now. The Port of Edmonds recently retained a public relations firm, Cocker Fennessy, whose clients include the Port of Seattle and BNSF, neither of whom are great friends of the environment and seem to be masters at spinning anti-environment decisions so they do not look so bad. Some Councilmembers want more study; he anticipated further study would only be more officiation and more time for development to occur. The City Council can vote tonight; Mr. Taraday outlined several options and Option 1 is what everyone hoped for. He did not want to see Edmonds to become Kirkland where the waterfront is buried under eight stories of steel, glass and concrete. He urged the Council to protect one of the last saltwater marshes on Puget Sound.

Ardith Hilton, Edmonds, on behalf of the hundreds of people who live in the bowl area who enjoy the water and mountain views said she recently visited several homebound people who were dismayed to finding trees planted years ago have grown up to obliterate their views. She urged the Council to have a code that kept trees a minimum of 25 feet so all can enjoy their view and not have it obliterated.

Bea Wilson, Edmonds, expressed support for Mr. Taraday's Option 1. She read a letter from a former resident, John Cook, a biology instructor at Edmonds High School 1959-1989, that described his study of natural wildlife populations, field trips and the study of life. As part of his curriculum his students tried to protect the marsh in the 1980s when it was being filled. They made a presentation to City Council that proved the marsh was influenced by saltwater from Puget Sound and thus was of federal interest. The barnacles growing in the marsh proved their point. Prior to the 1890s before the railroad was constructed, the Edmonds Marsh was likely open to the full tidal action of Puget Sound. Measurements of the tide at Edmonds ferry ramp indicate an average 12-foot vertical exchange of saltwater between high and low tides. Using USGS benchmarks in the harbor and surveying transit levels, a class of high students in the 1980s determined saltwater intrusion into the Edmonds Marsh would occur on an average high tide. At that time two 24" culverts fitted with check valves allowed freshwater to flow from the marsh into Puget Sound but were supposed to block saltwater from flowing into the marsh. The culvert check valves were often blocked open with debris making it possible for saltwater to pass into the marsh. His students found barnacles attached to the inner end of the culvert indicating that native plant and animal saltwater species made the brackish marsh their home even after the railroad was constructed. Willow Creek and other sources provide freshwater for marsh. Fish living in saltwater and returning to spawn can tolerate the salt-freshwater mix. He also found migrating salmon seldom go into darkness to find light; for example, if the culvert bends too much. Ms. Wilson summarized this was a tremendous opportunity to look into the treasure of the Edmonds Marsh. Of over 27 listed environmental centers in Washington, none are in Snohomish County and Edmonds could be an environmental learning center.

Bob McChesney, Executive Director, Port of Edmonds, addressed issues and concerns raised by members of the community regarding the SMP, particular buffer widths. The Port purchased the land on which Harbor Square was developed in 1978; that property was already filled and had been vacated by previous industrial users including an asphalt plant and a railcar cleaning operation. The redevelopment of the property resulted in its clean-up; the Port spent over \$3 million excavating and removing contaminated soil. The Council, Mayor and staff had heard many advocating for marsh restoration and many believe that should automatically include wider buffers which the Port does not. The Port believes the existing 25-foot buffer meets the no net loss criteria and does not believe there is sufficient credible science to support expanding them beyond that and certainly a 100-foot buffer would be excessive which Ecology has also stated. The Port shares the goal of restoring the Edmonds Marsh but have a different strategy for achieving that goal. The Port believes restoration and redevelopment work best when the Port and City work together; these are not mutually exclusive events. The Port's concepts and plans create the best value for the entire community over the long term. The Port believes redevelopment would create solutions and additional resources for marsh restoration. If wider buffers prevail, nothing will be accomplished and the buffers will be nothing more than arbitrary lines on a planning document and no new value will be created. Consequently, the Port is against wider buffers but interested and prepared to continue this discussion with the City and Friends of the Marsh to achieve common goals.

Joe Scordino, Edmonds, retired fishery biologist, commended Mr. Taraday for the excellent job he did providing a thorough evaluation of the legal and scientific aspects the Council needs to determine the appropriate buffer for the Edmonds Marsh. Mr. Taraday's memo also provides clear legal basis for the Council's rejection of the Department of Ecology's preferred 50-foot proposal. He recalled telling the Council two weeks ago that they did not have the necessary information to make a decision and recommended an analysis of the alternatives to make a good, rational decision. Mr. Taraday has now

provided that information and his memo is very clear that the only legally defensible, scientifically-based alternative is Option 1, a 100-foot buffer. That buffer is supported by scientific literature, guidelines published by Ecology and is the best thing for the Edmonds Marsh. As Ms. Schaefer described, once this scientifically-based buffer is approved, it will provide the community a jumping board to start working with all the entities around the marsh to develop community-based solutions for enhancing the buffer and preserving the marsh for future generations.

Scott Blomenkamp, Edmonds, referred to the Council's consideration over the summer of changes in the way the Council deals with land use appeals and Hearing Examiner decisions. Apparently the City Council, Mayor and Hearing Examiner do not feel the code applies to them because for the third year in a row, the Hearing Examiner has not provided an oral and written presentation in September. Last year, it was not discovered for nine months that the Hearing Examiner did not have a contract until it was pointed out by citizens. Under ordinance, Mayor Earling is required to enforce the law. For example, ECC 5.50.020 states unless provided in the municipal code, any person convicted of violating any of the provisions of the Edmonds City Code or the Community Development Guide shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$5,000 and one year in jail. The Hearing Examiner is required by ECC 10.35.010.G to provide a written and oral presentation in September. For three years in a row the Council President has failed to schedule this although it is on the extended agenda. Some may wonder why it's important to have this presentation; ECC 10.35.010.G states the purpose is to enable the City Council and the Hearing Examiner to coordinate City land use policy and philosophy. Mr. Blomenkamp said he currently has a case in appellate court dealing with what Mr. Taraday has tried to defend as two ambiguous statutes. He suggested asking the Hearing Examiner how he determined these were ambiguous and whether they should be changed and clarified. He won at the Hearing Examiner level, at Superior Court and will also win in appellate court. The only question has been what was remanded and whether it was approved under LUPA. He suggested everyone do their jobs.

Richard Senderoff, Edmonds, formerly a member of the Edmonds Backyard Habitat Project and a member of the Economic Development Commission, referred to the letter from concerned citizens regarding the prevention of further degradation of the Edmonds Marsh and taking actions to enhance the ecology function and protect its wildlife. Many more citizens are joining this effort; over 200 signatures have been gathered in less than a week supporting a petition to protect the Edmonds Marsh wildlife sanctuary. A blank petition was previously shared with Council and he submitted the signed petitions. Both the petition and the letter request the City Council retain the most protective buffer and setback requirements according to BAS and the 2016 Department of Ecology Wetland Guidance for Critical Area Ordinance Updates. The letter also requests the formation of a task force composed of stakeholders and concerned citizens to begin actively working to address and resolve issues that may impact the ecological functions of the Edmonds Marsh, including future plans for development near the marsh. Similarly, the petition requests that buffer reduction should only be allowed if specific developer commitments commensurate with a tightened scale of development are set forth in a development plan application. Good faith efforts by the task force should lead to recommendations to these specific developer commitments to be included in a development plan application which would be followed by a public review process and additional Council vetting prior to approval. This could potentially lead to a development agreement or incentive-zoning based plan to ensure protections for the marsh are realized. If buffers are reduced without requiring specific developer commitment, Council and staff would be in a weak position to ensure marsh protections because the land would have already been given away. Linking any potential buffer reductions to specific commitments, Council would be in a position of strength to ensure the sustainability of the Edmonds Marsh wildlife sanctuary for future generations. He paraphrased the Hippocratic Oath, when it comes to marsh, first do no more harm.

Rebecca Wolfe, Edmonds, said she has a lot in common with Dr. John Cook, who taught first year and advanced biology and now the Edmonds School District has an environmental studies program. She

completed reading the letter that Ms. Wilson began above; fish that live in saltwater and come home to spawn can tolerate the salt-freshwater mix and young pacific salmon tolerate brackish water and some require it. Migrating salmon seldom go into darkness to find light. For example, if a culvert bends too much such that the fish see only darkness during the day, it serves as a significant hindrance to their migration upstream; therefore, large culverts greatly aid fish passage. Wildlife also is also important part of the shared world and it is disregarded to our detriment. Presently too little saltwater is passing into the marsh; increasing saltwater flows would greatly improve this valuable marsh.

Kathleen Sears, Edmonds, along with her mother Elizabeth Sears, said the view of the Edmonds waterfront from their homes on Wharf street is an important part of their lives. Today they sent letters to Councilmembers and Mayor Earling regarding the save our marsh plan. She echoed what another speaker said about the opportunity the marsh provides as possible resource for the Edmonds School District. Her mother, a biology teacher in the Edmonds School District, was teacher of year for Washington in 1975. Ms. Sears said she retired from 25 years as an educator at Lakeside School in Seattle. Now that ESD is embracing environment education, the marsh provides a wonderful opportunity for a partnership. It is important to have young people who are committed and involved in civic action and preserving and caring for the natural environment. She hoped the Council and Mayor would see the opportunity to save the marsh not as an obstruction to development as the Port perhaps sees it, but a real opportunity to bring young people and the City into a partnership of appreciating what makes Edmonds special. After living in many places around the world, she came home to Edmonds because it is the most beautiful place in the world. She urged the Council to act to preserve the marsh, to read the heartfelt letters that have been submitted and to do the right thing.

Roger Hertrich, Edmonds, described his three-point plan, 1) move SR-104 eastward so there is more buffer on the east side, 2) move the Port of Edmonds someplace else so there is more natural beach, and 3) bulldoze Harbor Square to provide a larger buffer on the north side. This plan would appeal to people who are very emotional about the marsh. Putting it in perspective, there has been no change for a number of years and the Port has been beneficial to the City and marsh via their cleanup of the pollution left by previous industries. The Port or Harbor Square should not be considered as something bad; Harbor Square has not moved any closer to the marsh since he has lived in Edmonds. The best and most important thing for everyone who wants to protect the marsh would be to join a group that supports keeping building heights low and restricting tall buildings on the Harbor Square side. Development of 3-4 stories of residential should be considered a bad omen for Edmonds. He concluded the biggest danger to the marsh is not the buffer but taller buildings on the north side.

7. ACTION ITEMS

1. REFUNDING 2007 LIMITED TAX GENERAL OBLIGATION BONDS

Finance Director Scott James introduced **Scott Bauer, Northwest Municipal Advisors**, who described the results of RFP process that the Council discussed in July. He displayed a comparison of the outstanding 2016-2031 of LTGO 2007 and LTGO Ref 2012 bonds. The 2007 bonds are proposed to be refinanced, slightly over \$3.1 million; the earliest redemption date is December 1, 2016. He presented the Request for Financing Proposals results:

- The City solicited proposals from eight banks
- Three banks provided responses
- JPMorgan Chase provided the best response for the City
 - 1.67% interest rate
 - May be refinanced or prepaid any time on or after December 1, 2023 1.6% interest

He described the 2007 Bonds Refunding results based on the JPMorgan Chase's interest rate:

- Limited Tax General Obligation Bonds, 2007
- \$3,375,000 currently outstanding
- \$3,120,000 Callable (Maturities 2017 – 2026)
- Callable interest rates range from 3.65% to 3.95% (Average 3.87%)
- Final maturity December 1, 2026
- Call Date December 1, 2016
- Estimated Refunding
 - Par Amount of Refunding Bonds: \$3,166,686
 - All-in Interest Cost of Refunding Bonds: 1.85%
 - Cash flow Savings: \$ 367,541
 - Net Present Value Savings: \$ 337,295
 - Net Present Value Savings %: 10.8%

Mr. Bauer reviewed next steps:

- September 27 City Council Considers Adoption of Bond Ordinance
- September 28 Final Numbers Produced
- October 11 Bond Closing
Funds Deposited to Escrow
- December 1 2007 Bondholders Paid Last Payment from Escrow

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO ADOPT ORDINANCE NO. 4043, TO SELECT JP MORGAN CHASE, OPTION C, 1.67% CALLABLE AFTER 7 YEARS TAX-EXEMPT FIXED RATE. MOTION CARRIED UNANIMOUSLY.

2. REPORT ON BIDS FOR THE MADRONA WALKWAY PROJECT

City Engineer Rob English recalled he made a presentation to Council regarding the project scope and improvements on September 13, 2016 before bids were opened; bids were opened on September 15, 2016. He displayed an aerial image of the 236th Street Walkway, explaining the project includes a 5-foot sidewalk on the south side of 236th Street from SR-104 to Madrona School and entering their parking lot area. Edmonds School District plans to begin redeveloping Madrona Elementary in spring 2016; this walkway will tie into those future improvements. He provided details of the project improvements:

- 770 feet of 5-foot sidewalk
- New pedestrian curb ramps
- Stormwater system improvements
- 236th Street pavement reconstruction
- Bicycle sharrows
- Pavement striping

He provided the bid results:

Contractor Bid Results	
Welwest Construction	\$572,9225
Bids Rejected	
Taylor’s Excavators	\$542,737
RRJ	\$559,716

Mr. English explained because the City received federal funds (Safe Routes to School Grant) for this project, one of the requirements is meeting the disadvantaged business enterprise goal that the State establishes; the goal for this project was 19%. In addition to contractors meeting that goal, they must provide sufficient documentation with their bid package confirming their commitment to the goal. The

first two bids, Taylor’s Excavators and RRJ, were rejected because they failed to provide adequate documentation.

He reviewed the construction budget:

Item	Cost
Construction contract	\$572,925
Construction Management	86,665
1% art transfer	775
10% mgmt. reserve	57,295
Total	\$717,660

Mr. English reviewed construction funds:

Funding	Amount
Safe Routes to School Grant	\$363,000
Stormwater Utility Fund (422)	167,000
Pavement Preservation Program (REET)	187,660
Total Construction Funding	\$717,660

Staff recommends awarding the contract to Welwest Construction and to authorize a 10% management reserve of \$57,295.

As this is intended to provide a safe route to school, Council President Johnson questioned whether it was safe for students on bikes to share the road with cars or if there was an opportunity to provide a bike lane at least on the school side of the road. Mr. English answered the geometry in this corridor is very narrow. The minor widening being done on 236th Street required an interesting design to accommodate the travel lanes and the 5-foot sidewalk. There is not enough space to include a bike lane and a sidewalk without increasing the project cost to reconstruct the roadway. While a bike lane would be a great idea, it is not within the project budget. As bikes are not allowed on sidewalks, Council President Johnson asked if staff recommended students ride in the street or on the sidewalk to reach the school. Mr. English said there will be sharrows; infrastructure in the street system provides alternative routes for bikes to reach the school which would be the recommended route. There are not a lot of options for someone accessing the school from the other side of SR104 and there is a steep grade on 236th Street from SR-104 so students may walk their bikes up the hill. He summarized that is not a good location for a dedicated bike lane. Council President Johnson commented the sidewalk would provide a significant improvement.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT COUNCIL PRESIDENT JOHNSON, TO AWARD THE BID TO WELWEST CONSTRUCTION.

Councilmember Teitzel anticipated the project would be completed before construction of Madrona School begins and asked for assurance that no heavy equipment would drive over the sidewalk and damage it. Mr. English explained utility work will be done at the entrance; that work is being coordinated to avoid conflicts with the new sidewalk. At a minimum, a panel may need to be coordinated. He assured equipment would not be driving on the sidewalk along 236th.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO AMEND TO ADD THE 10% MANAGEMENT RESERVE. AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

3. CONFIRMATION OF APPOINTMENT OF HR DIRECTOR

Mayor Earling commented on the interview process and the Council's opportunity to interview two candidates last week. Councilmembers provided him their input and made his selection. He requested the Council confirm Mary Ann Hardie as the Human Resources Director.

COUNCILMEMBER MESAROS MOVED, COUNCILMEMBER TEITZEL, TO CONFIRM MARY ANN HARDIE AS NEW HUMAN RESOURCES DIRECTOR. MOTION CARRIED UNANIMOUSLY.

Ms. Hardie said almost 12 years ago she could have not imaged this moment. She was truly pleased, honored and delighted by this incredible opportunity to to further serve the City in an even greater capacity in this role. She thanked Mayor Earling, Council and staff for their continued support of HR and the clear value and understanding of HR via the creation of this position. She looked forward to continuing to provide efficacy, value and quality to the City through the HR Department and programs in this position. People who have worked with her know she sometimes has an over-abundance of energy and enthusiasm for this often complicated but engaging area of work. While there are a lot of challenges ahead in HR, she looked forward to continuing to dig in and complete the critical and important work projects as well as working with the hardworking, competent and talented staff and leaders in the organization as well as citizens when the opportunity arises.

8. STUDY ITEMS

1. SHORELINE MASTER PROGRAM UPDATE

Senior Planner Kernen Lien reviewed Ecology Required Change 7 – UMU IV Setback/Buffer

- Council approved SMP established a 100-foot setback with the requirement to establish a 50-foot vegetative buffer within the setback with redevelopment in the UMU IV environment
- Ecology's required change would establish a 65-foot setback with the requirement to establish a 50-foot vegetative buffer within the setback with redevelopment in the UMU IV environment
- Council preliminarily voted not to accept Ecology's required change and directed the City Attorney to draft memorandum
- City Attorney memorandum details scientific and regulatory considerations

Councilmember Buckshnis referred to an email from NOAA fisheries biologist that indicated the memo did not include a reference to the Wetland Rating System for Western Washington 2014 update, publication 1406029. She asked Mr. Taraday's opinion about not including that document in his memo. Mr. Taraday answered he did not include the wetland rating system in the memo because tonight's decision is not whether the marsh is a Category I or II wetland; that is decision for scientists to make in the future. While there is a presumption among City staff that the wetland is a Category II estuarine wetland, adopting a buffer presuming it is a Category II wetland would not preclude future wetland categorization. Councilmember Buckshnis commented Mr. Taraday is an attorney and not a wetland biologist. Mr. Taraday agreed he is not qualified to categorize the wetland.

Councilmember Teitzel read from a section entitled, Tailor buffers to local conditions (packet page 382), "Determining buffers and setbacks is a challenge. The buffers and setbacks for marine and freshwater shorelines should be tailored to local conditions including existing shoreline functions and existing and planned land use and public access." He noted the Council was required to consider BAS in its decision-making process and asked whether the Council was required, as per this statement, to consider existing local conditions in UMU IV. Mr. Taraday commented BAS is a critical area standard not an SMP standard but there is not a significant difference. Local conditions tailoring is recommended and it relates to the science; local conditions may have scientific relevance such as habitat in one Category II wetland that does not exist in another. The reason it is a suggestion rather than a requirement is the SMA would not require every local jurisdiction do a full-blown scientific analysis and habitat inventory of every

estuary and wetland or associated wetland in the shoreline jurisdiction. Taken to its logical extreme, the local conditions suggestion could become somewhat absurd if interpreted as an absolute requirement in all circumstances.

Mr. Taraday reviewed a mindmapping tool of the headings in the memo (purpose, legal standards, scientific and technical information, marsh restoration efforts, analysis of alternatives to Required Change 7 and analysis of alternatives to Required Change 8), elements of the Washington Administrative Code (WAC) that are applicable to the SMP, the Wetland Guidance for CAO Updates published in June 2016 (which replaced the Wetland and CAO Updates Guidance for Small Cities which was used to update the CAO) and SMP Handbook Chapter 11.

To the comment that his memo did not contain any science, Mr. Taraday said it was not his goal to do scientific research. If the Council feels scientific research is necessary, a scientist should be hired to do so. His goal was to assemble what he believes Ecology considers to be a good summary of the science and to briefly highlight seemingly relevant portions from them.

Mr. Taraday reviewed four options summarized in his memo related to Ecology Required Change 7:

- Option 1: 110-foot buffer / 125-foot setback
 - Consistent with the most recent guidance from Ecology
 - Scientifically defensible but question is how get from adopted buffer to an actual planted, vegetated buffer. Recommend City have a strategy for making that happen
- Option 2: 75-foot buffer / 90-foot setback
 - Would have been a great option before new guidance was issues.
 - Consistent with CAO buffers but COA buffers can be updated to be consistent with most recent science
- Option 3: 50-foot buffer / 65-foot setback but only after confirming through site specific scientific study that a 50-foot buffer is appropriate for the UMU IV
 - Requires additional study to determine whether Required Change 7 can be scientifically supported
- Option 4: 50-foot buffer / 65-foot setback without awaiting any further study
 - Agrees with Ecology's Required Change 7

With regard to Required Change 8, Mr. Taraday explained under the Comprehensive Plan, the entire Harbor Square property is intended to be redeveloped via a master planning process which provides a triggering mechanism for establishing the buffer.

Councilmember Fraley-Monillas referred to Options 1-4 and asked if any one of them could be supported via further study. Mr. Taraday answered yes, further study may take on different emphases based on which one is selected. For example, Option 1 does not require further study to scientifically justify it from an appeals standpoint due to recent guidance from Ecology that 110 feet is the appropriate buffer for a Category II estuarine wetland; the study would be a real world strategy for realizing that 100-foot buffer. With any of the option, additional study may determine the option is not as feasible as once thought. Because Options 2 and 3 do not appear to be consistent with the most recent wetland guidance, he would recommend they be supported by additional study. For example, if a thorough habitat evaluation of Edmonds Marsh determined no creature living in the Edmonds Marsh needs more than a 50-foot buffer from fairly intense development next door, then a 50-foot buffer could be supported. In the absence of that work, it is safer to adopt Ecology's guidance.

Councilmember Buckshnis referred to Required Change 8, pointing the CG2 zoning in the Chevron/Unocal area that requires a Master Plan. Mr. Lien answered both have the same Comprehensive Plan designation; Harbor Square is zoned CG2 and the Unocal site is zoned MP2.

Councilmember Buckshnis expressed interest in triggering a development agreement with incentives for redevelopment. She asked whether mitigation and incentives could be addressed in a development agreement. Mr. Taraday answered development agreements are a useful tool for implementing various improvements over a period of time. For example, in the future there is a master plan for Harbor Square and redevelopment efforts but it is recognized they will occur over time. As part of that process, the City and the Port or a developer that contracts with the Port could enter into a development agreement whereby they agree on certain time horizons for establishing the buffer, etc. Councilmember Buckshnis asked whether that is done now or then. Mr. Taraday said it would not be done now. He clarified development agreements do not create exceptions from the zoning code; development agreements must be consistent with the zoning code. To the extent the City creates incentives, they need to be in the zoning code, not in a development agreement. A development agreement is simply the contract and vehicle for establishing a timeline. The City can have incentive zoning without a development agreement.

Councilmember Teitzel recalled Mr. Taraday said if the City were to enact a 100-foot buffer, an actual buffer increase may not be realized. The Port stated tonight they would not be able to redevelop under those conditions so in effect it would be reaching a stalemate. The existing contract rezone has a 25-foot open space; if the Port does not redevelop, the 25-foot buffer would remain for the foreseeable future. Mr. Taraday said there are different ways buffers can come into existence but one way or another, the Port has to be involved either via redevelopment or through a cooperative effort to begin replanting a buffer with public funds. It is the Port's property so there will need to be cooperation from the Port or creation of conditions whereby the market makes it happen.

Councilmember Teitzel reiterated requiring a 110-foot buffer plus a 15-foot setback may be the end result on paper but it may not be the result in actual practice in UMU IV. Mr. Taraday agreed it was a possibility but he did not want to presume one way or another because there are many different levers that can affect the developability of property; this is just one of many. He referred to an aerial of what that buffer looks like on the Harbor Square property (packet page 153). In his opinion, the buffer alone will not decide the fate of redevelopment of Harbor Square; it is an influencing factor but the availability of uses on the site, density bonuses, etc. and other tools the City has to encourage redevelopment. Councilmember Teitzel commented both the Council and citizens want the marsh preserved and restored. His concern was a buffer that was scientifically supportable on paper but may not be implementable and may delay restoration of the marsh. He was interested in a way to break that stalemate.

Councilmember Mesaros echoed Councilmember Teitzel's concerns, commenting he could easily vote for Option 1 if there was no existing development within the current buffer. The problem with passing the 110-foot buffer and 15-foot setback was the impact on the existing buildings; 30 years from now, those buildings will still be within that buffer which restricts opportunity for restoration on the north boundary because it will be cost prohibitive for the Port due to the existing building. He preferred to develop a plan that takes into consider the existing development and then provide incentives so restoration occurs and creates a vegetative buffer.

Council President Johnson acknowledged staff, the Department of Ecology, 3 Port Commissioners and the Executive Director, and approximately 30 citizens actively involved in the issue. Everyone agrees with protecting the marsh; there is disagreement in how to accomplish it. She did not think promoting the economic development interests of the Port was inconsistent with protecting the marsh; they are not mutually exclusive. How it is accomplished will require creative thinking and planning in the future. Tonight the Council has choices to make on how to move forward. The Council wants an alternative approach that provides better resource protection and the first priority is to reserve appropriate areas for protecting and restoring ecological functions; Option 1 accomplishes those goals. The Port has stated their

belief that the 25-foot buffer meets the no net loss requirements; however, the City Attorney stated according to the SMP Handbook Chapter 11, 25- feet does not meet the no net loss standard.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO DIRECT THE ATTORNEY TO PREPARE A LETTER TO THE DEPARTMENT OF ECOLOGY FOR ACTION NEXT WEEK THAT REPRESENTS THE 110-FOOT BUFFER AND 15-FOOT SETBACK AS OUTLINED IN OPTION 1.

Councilmember Tibbott did not support the motion. He appreciated the sentiment of the citizens who spoke tonight related to the education and habitat value of the marsh and future restoration of the saltwater flows. However, similar to Councilmember Teitzel, he was concerned about the reality of putting that into effect. When Ecology presented their recommendation for 65-feet, they were asked if it was based on science and their best understanding of how to apply the standards and they answered in the affirmative. He did not support the motion and preferred to consider either Option 3 or 4.

Councilmember Nelson suggested putting this in context, commenting the Council has heard a lot about the marsh and its neighbors but the reason Ecology is here is because of the SMP and a shoreline of the state. He read from the purpose of the SMP, "Shorelines of state are among the most valuable and fragile of its natural resources and there is great concern around the state relating to the utilization, protection, restoration and preservation. In addition, it finds that ever increasing pressures of additional use are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state." He said Edmonds is not solely in control, Ecology requires the City to update its SMP. Edmonds has always fostered development and 96% of the City is developed. The City's past history has been riddled with negative development around marsh which has unintentionally hurt the marsh's function as well as significantly reduced the size of the marsh. According to the City Attorney, the most recent science indicates Category II estuary wetlands should have a 110-foot buffer and a 15-foot setback; adoption of Option 1 is appropriate and defensible in light of this recent guidance. The Council has also heard from both Ecology and the City Attorney that Harbor Square is not likely to redevelop in the near future regardless of what buffer is established. Therefore, the Council should adopt the 110-foot buffer and 15-foot setback for purposes of this SMP and continue to develop and strategize how to make this buffer a reality.

Mr. Lien explained this is only one of the required changes, Council feedback is needed on incorporating the 2016 Wetland Guidance into the SMP and there is another required change that has not yet been considered. Mr. Taraday said the City eventually needs to send Ecology a new set of code, not just a letter, which may take time for he and Mr. Lien to develop. He was uncertain that could be prepared in time for the next Council packet. Mr. Lien agreed, advising the remaining items could be addressed next week.

Councilmember Fraley-Monillas commented the Council has heard discussion on both sides; it is the same people on both sides of the issue and nobody has any new information.

COUNCILMEMBER FRALEY-MONILLAS CALLED FOR THE QUESTION. UPON ROLL CALL, CALL FOR THE QUESTION FAILED (4-3) FOR LACK OF A SUPER MAJORITY; COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING YES; AND COUNCILMEMBERS MESAROS, TEITZEL AND TIBBOTT VOTING NO.

Councilmember Teitzel commented he preferred to move this forward and end up with a larger buffer than exists today and begin improving the health of the marsh.

COUNCILMEMBER TEITZEL MOVED TO AMEND TO DIRECT STAFF TO REVISE ECOLOGY’S CHANGE 7 FOR UMU IV TO REFLECT A 90-FOOT SETBACK AND A 75-FOOT BUFFER FROM THE ORDINARY HIGH WATER MARK.

Councilmember Fraley-Monillas raised a point of order. City Clerk Scott Passey said this was a substitute motion not an amendment.

MAYOR EARLING RULED THE AMENDMENT OUT OF ORDER.

COUNCILMEMBER BUCKSHNIS MOVED TO AMEND THE MOTION FOR THE COUNCIL TO VOTE ON REQUIRED CHANGE 7. MOTION DIED FOR LACK OF A SECOND.

COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MOTION IN RECOGNITION OF COMMENTS MADE BY STAFF AND THE CITY ATTORNEY, NOT TO PUT A TIME LIMIT ON WHEN TO GET INFORMATION BACK TO COUNCIL. AMENDMENT CARRIED (6-1), COUNCILMEMBER TEITZEL VOTING NO.

UPON ROLL CALL, MAIN MOTION AS AMENDED CARRIED (4-3), COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING YES; AND COUNCILMEMBERS MESAROS, TEITZEL AND TIBBOTT VOTING NO.

Mr. Taraday suggested allowing Ecology to speak. **David Pater, Department of Ecology**, introduced **Joe Burcar, Department of Ecology**. Mr. Pater said the City’s reply to the Ecology Director must address all the required changes. The reply can be just a letter; it does not have to include all the code changes. As a different alternative has been selected for Required Change 7, the City needs to provide supportive documentation for that option so the director has all the information she needs to make a decision. Mr.

Burcar said they would also like to have an opportunity to talk with the City Attorney and staff to clarify the memo.

Mayor Earling suggest the Council continue discussion next week. He declared a brief recess.

2. CIVIC MASTER PLAN UPDATE

Parks & Recreation Director Carrie Hite explained two open houses and two virtual open houses have been held and many stakeholder meetings including recent meetings with the Student Conservation Association, Art Commission, and SnoKing Youth Club. The effort is leaning toward a hybrid option, combining elements of both options. A presentation was made to the Planning Board two weeks ago. The goal tonight is to review the two options, describe the public input to date as well as the input from the Planning Board and ask for Council guidance so Walter | Macy can begin to shape a final plan.

Chris Jones, Walker Macy, reviewed Open House #1 Responses:

- Themes/Priorities
 - Active: 74
 - Passive: 62
 - Civic: 23

He identified the top 13 program elements from the first open house, advising 13 elements fit comfortably within the park:

Activity/Feature	Votes
Restrooms	77
Petanque	76

Jogging/walking paths	71
Soccer	67
Shade trees	56
Skate park	50
Playground	50
Tennis	49
Boys & girls club	48
Multi-use lawn	42
Formal track	40
Small performance space	39
Gardens	35

He highlighted comments from the open house that include interest in:

- Ethno-botanic gardens
- Pickleball
- Lighting
- Underground parking
- Market
- Volleyball
- Museum display
- Covered market
- Disc golf
- Horticultural gardens
- All ages jungle gym
- Sustainability
- Leave as-is
- And more...

He commented on plans for additional community engagement:

- Student Conservation Association
- Stakeholder Interviews
- Parks Maintenance
- My Edmonds News

He identified available Facilities (parks and schools) in Edmonds area and at Civic Center Playfield:

Facility	Total	At Civic Center Playfield
Soccer fields (adult & youth)	10	2
Tennis courts	7	2
Petanque	4	4
Basketball courts	10	2
Baseball/softball fields (adult & youth)	11	1
Skate Park	2	1
Pickleball	10	2

Mr. Jones highlighted site restrictions:

- Project site: 18 acres
- 2 acres exempt from deed restrictions
- Deed restrictions (6 acres)
- Not more than 10% impervious surface (excluding pathways)

- Pervious surface parking only
- Must be preserved as open space
- No synthetic turf
- No buildings (restrooms allowed but apply to impervious calculations)
- Shade structures are permitted
- Multi-use open grass areas are allowed
- Temporary festival use can be accommodated

He reviewed Design Options presented at the second open house:

- Option 1 – Meadow Loop
 - Areas in park
 - Civic Edge
 - Multi-use lawn/playfields
 - Landscape buffer
 - Pedestrian circulation
 - Multi-use courts
 - Water feature/plaza
 - Pétanque
 - Playgrounds
 - Walking/jogging paths
 - Berms
 - Obstacle course or exercise station
 - Existing trees
 - Meadows and gardens
 - Stormwater gardens
 - Activity zones – high, medium and low
 - Connections
 - Community hubs - Field House (Boys & Girls Club or café)
 - Shade pavilion & restroom
 - Meadow loop precedents
 - Meadows and gardens
 - Promenade / flexible use
 - Creative, integrated play
 - Shade pavilion and plaza and petanque
 - Multi-use lawn
 - Passive landscape gardens
 - Flexible use event space
- Option 2 – Activity Central
 - Areas in park
 - Landscape buffer
 - Neighborhood connection
 - Active recreation
 - Parking
 - Tennis
 - Basketball
 - Plaza
 - Skate park
 - Pétanque
 - Garden groves
 - Exercise stations
 - Playgrounds

- 200-meter track
- Sand volleyball
- Multi-use lawn/playfields
- Walking/jogging circuit
- Existing trees
- View terraces
- Activity zones – high, medium and low
- Connections
- Community hubs - expanded Field House for Boys & Girls Club and/or café, restroom
- Picnic terrace
- Activity Central precedents
- Shade pavilion and picnic area
- Landscape integrated play
- Lawn terraces for spectating and views
- All ages recreation
- Small plaza with interactive water feature
- Game courts within garden groves
- Flexible use event space

He provided a comparison of the options:

Plan Option 1 – Meadow Loop	Plan Option 2 – Activity Center
2 smaller or 1 large soccer field	1 large + 1 small soccer field
4 petanque courts	8 petanque courts
1.5 courts	4 courts
Playgrounds	200m track
Walking jogging paths	Skate park
Multi-use lawn	Sand volleyball
Existing Field House / B&G Club	Parking
Shade pavilion and restroom	Playgrounds
	Walking jogging paths
	Multi-use lawn
	Expanded Field House for B&G Club / Cafe / restroom
	Picnic pavilion

He identified the project schedule:

- Open House #3 (Preferred Master Plan): October 19
- Online Open House #3: October 19 - November 4
 - <http://edmondscivicfield.participate.online/>
- Planning Board: November 9
- City Council: November 22
- Final Plan: January 17

Mr. Jones reviewed the small group discussion & report back:

- ~160 attendees
- 16 discussion tables
- Preferred Plan (by majority at table):
 - Option 1 preferred: 8
 - Option 2 preferred: 4
 - Split: 2
 - Unclear: 2

- Individual Comment Cards:
 - Option 1 preferred: 5
 - Option 2 preferred: 3
 - Undecided / Unclear: 3

He relayed the most consistent comments from the in-person open house:

- Like the lawn terraces
- Skatepark should remain in the park
- Option 1 curves are nice but want more active program like in Option 2

He reviewed results of the online open house available August 24th to September 7th

- 1,057 visitors
- 379 responses
 - 88 Prefer Option 1 (23.9%)
 - 280 Prefer Option 2 (76.1%)
- Age
 - Over 70: 38 (17.7%)
 - 45-69: 81 (37.7%)
 - 30-44: 80 (37.2%)
 - 18-29: 7 (3.3%)
 - Under 18: 5 (2.3%)
- Common reasons respondents preferred option 1:
 - Free-flowing structure, layout
 - Walking paths
 - Water feature and plaza
 - Open green spaces and lawn
 - Reduced number of pétanque courts
 - No track
- Common reasons respondents preferred option 2:
 - View terraces
 - Long walking and running paths
 - Focus on fields and athletic facilities
 - Expanded boys and girls club
 - Skate park
 - Potential for large events
 - More spaces for families and children
 - Track
- Common elements not shown that respondents would like to see included:
 - Additional restrooms
 - Benches and/or seating areas
 - Lighting
 - Additional covered athletic facility and market space
 - Stage
 - ADA accessibility
 - 400-meter track

Mr. Jones presented the combined open house (in-person and online) results:

- High level estimate of design option votes combined:
 - Option 1: 178 (35%)
 - In-person – 90 (64%)
 - Online – 88 (24%)

- Option 2: 330 (65%)
 - In-person – 50 (36%)
 - Online – 280 (77%)

He reviewed Planning Board comments:

- Track
 - Majority of community supports the idea that the hybrid would not include a 400-meter track
 - Loop trail could accommodate mileage markers
- Infrastructure
 - There is infrastructure available to support most if not all of proposed elements
- Change in maintenance and cost
 - New civic field will have higher maintenance costs; systems will require more maintenance than landscaping
 - Will explore LID strategies
- Concern with a water feature
 - Water features are a regional draw
- Parking
- Sustainability
 - Pervious pavement
 - Rain gardens
- Surfaces
- Skate park
 - Reusing existing skate park elements
 - Not in great shape, heavily used
 - May be opportunity for cast-in-place concrete instead of modular units
- Trees
 - Define space
 - Be cognizant of view

Mr. Jones said they are moving forward with a hybrid plan that supports the 13 ideas the community has identified with the exception of the track; soccer, pétanque, skate park, walking and jogging paths, playgrounds, view terraces, basketball, tennis, multiuse courts, plaza space, promenade and Boys & Girls Club.

Councilmember Fraley-Monillas said she liked the idea of another water feature, noting it did not need to be to the extent of City Park. She agreed it was a regional draw and trusted the the consultant and staff would ensure it was not too overreaching. She supported buffers on the north and the south as there are homes on both sides. She recommended everything be ADA accessible and questioned whether the lawn terrace could be ADA accessible. Mr. Jones said every element in the park should be accessible.

Councilmember Buckshnis liked the idea of a hybrid of Options 1 and 2. She liked the meadow loop and the buffers on edges. She was concerned Option 2 was predicated on expanding the Boys & Girls Club and a café which may take years. She liked the idea of a smaller water feature but not as big as City Park. She summarized there needed to be buffers on all edges other than the side facing the Public Safety Building.

Councilmember Tibbott concurred with Councilmember Fraley-Monillas and Councilmember Buckshnis' comments. He was puzzled why another water feature was needed but could see that it could be an attraction. This park would be an opportunity to incorporate displays of public art with the landscaping.

Councilmember Nelson commented the all ages recreation was very forward thinking, would be unique to this park and the City and could be tailored to residents. If the track is not included, he recommended the loop trail be a specific increment. He was not crazy about the idea of a water feature; a father of young kids, it would be difficult to bring towels to two parks and the waterfront and he questioned what would be done with the water feature in the winter. He asked whether in Mr. Jones' experience, the results of the online open house were the opposite of the in-person open house. Mr. Jones answered no, this was unique.

Councilmember Teitzel asked whether the online results could be skewed by respondents who took the survey multiple times. Mr. Jones answered that was considered after people voted several times at the first online open house and but they did not find many repeat respondents in the second online open house. He anticipated there were a few but not enough to sway things any more than a 2% error margin.

Councilmember Teitzel asked whether the existing tall light poles around the grandstands would be retained, noting they are used fairly often for evening activities. He noted Option 2 includes a full sized soccer field. Mr. Jones answered yes, the lights would be replaced. Ms. Hite said there was a lot of support for retaining the lights for evening activities. LED lights downcast to the field will not have light spillage into the neighborhood.

Councilmember Mesaros expressed support for a water feature, commenting it would relieve pressure at City Park. He has heard from a number of people his age whose grandkids love come to Edmonds because of the water feature. He liked the hybrid approach and the list of activities and was anxious to see the plans. He liked the idea of public art, noting the structures in some of the examples were artistic and appealing. He suggested developing a new name to avoid confusion between City Park and Civic Center Playfield. Ms. Hite said engaging the community in a naming contest is on the list of things to do after the design is complete.

Council President Johnson commented Edmonds' population is approximately 40,000, yet the top 13 elements are based on votes from residents ranging in age from 77 to 35 which she hoped was representative of the entire community. She noted the scores from the in-person open house (178) and online open house (330) is a very small percentage and the park needs to represent the entire community. She looked forward to the cost estimates, anticipating earth moving for the meadow loop would be very expensive. One of the main environmental features of this site is that it is flat; that needs to be enhanced rather than redesigning the site's topography. As it may be possible to develop the park in phases, she was interested in a minimum build cost with regard to maintenance and construction in the short and long term. Personally, she recommended the area north of the fieldhouse be kept as unrestricted as possible to provide potential for that area in the future.

Ms. Hite recognized two members of the Project Advisory Committee in the audience, John McGibbon and Pat Waddell as well as Councilmember Teitzel and Council President Johnson. She highlighted a change to the schedule; the open house was originally scheduled on October 12. It was moved to October 19 to give Walker | Macy an additional week to thoughtfully consider the final design. She realized after-the-fact that that is the third presidential debate. She encouraged citizens to record the debate and attend the open house to help mold and shape Civic Field. The next time the project is presented to the Planning Board and City Council, it will be scheduled as a public hearing.

3. FRANCES ANDERSON CENTER BANDSHELL AWARD OF BID

Parks & Recreation Director Carrie Hite said this project has been in Parks, Recreation and Open Space Plan as well as the Capital Improvement Plan for several years. She displayed a photograph of the existing bandshell, explaining it is deteriorating and the wall is separating from the roof. Staff has spent money and time keeping it together for the past several years and it is now time to replace it. The project

was out to bid to several vendors for the bandshell itself which can be purchased already built; those bids ranged from \$45,000 to \$75,000. The low bid of \$45,000 was selected and the design taken to the Arts Commission and the Historic Preservation Committee (HPC). The Frances Anderson Center is on the City's historic register, and staff wanted to ensure the design was appropriate for the site. The HPC issued a certificate of appropriateness of the bandshell that was selected. She displayed a photograph of the roofline that was recommended. The City engaged Barker Landscape to design the stage; there is a significant amount of deterioration around the stage and it will be demolished and re-poured and the roof added.

The engineer's construction estimate for this project, not including the actual bandshell roof, was \$130,600. The bid was published on August 5, 2016 for the small works roster. At the close of bid, no bids were received. After consultation with the Engineering Division, and their previous guidance from the City Attorney's office, it was determined that if no bid was received on the call, the Council may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor. She called three contractors to determine their interest in providing a construction quote on this project. One declined and two contractor's submitted construction bids:

- Engineer's estimate: \$130,600.00
- KA General Construction: \$141,420.32
- Spirit Ridge: \$188,174.50

She reviewed the project budget:

Item	Amount
Base Bid (KA Construction)	\$128,798.11
Management Reserve	12,889.00
Permit Fees	\$1,437.00
Bandshell (by owner)	41,260.00
Bandshell engineering	4,470.00
A & E	16,385.00
Geotech/survey	6,600.00
Subtotal	\$211,830.11
Tax at 9%	16,666.20
Total	\$228,496.31
Authorized in 2016	\$191,870
Additional Authority Needed	\$36,626

The Dayton Street Plaza was completed under bid by \$45,000 - \$50,000; she suggested the additional authority in REET in 2016 be used to make up the difference for this project. She relayed staff's recommendation:

- Award bid to KA Construction for a total of \$141,420
- Approve management reserve of \$12,880
- Approve additional budget expenditure of \$36,626 (includes management reserve)

Councilmember Mesaros asked when the original bandshell was built. Ms. Hite answered she did not know but it used to be a covered play area. Councilmember Teitzel commented it was built well after the Frances Anderson Center building and the HPC determined the bandshell did not have any historic significance.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE RECOMMENDATION AS PRESENTED BY MS. HITE.

Councilmember Tibbott assumed the bid included demolition Ms. Hite said it did. Councilmember Tibbott asked whether there was electricity. Ms. Hite answered the bid includes some electricity; the Arts Festival Foundation is interested in upgrading the electricity for their needs. Councilmember Tibbott asked whether the bandshell itself had capability for sound. Ms. Hite answered it had capability for sound and lights. The bandshell is an out of the box structure but some changes were engineered. Councilmember Tibbott asked whether there was any ability to have a green room or back stage. Ms. Hite answered there was not enough space on the site. Councilmember Tibbott suggested two sets of stairs. Ms. Hite answered it will be ADA accessible with ramps and stairs. Performers often use the Frances Anderson Center for staging. Councilmember Tibbott said he would support the project based on those clarifications.

MOTION CARRIED UNANIMOUSLY.

4. PRESENTATION ON THE TRAFFIC IMPACT FEE ANNUAL REPORT

City Engineer Rob English presented the 2015 Traffic Impact Fee Annual Report

- Adopted in 2004
 - Rate study: \$764/trip
\$841 per single family unit
- Revised in 2010
 - Rate study: \$1,049 per trip
\$1,196 per single family unit
- Updated calculations (proposed)
 - Rate study: \$5,530 per trip
\$6,249 per single family unit

He provided the 2015 Report:

Beginning Balance	\$520,731
Impact Fees	66,344
Expenditures (220 th , 5 Corners and 76 th /212 th intersection)	370,467
Ending balance	\$216,608

He provided a comparison of 2004-2015 Impact Fees:

Year	Impact Fees
2004	\$5,641
2005	\$165,024
2006	\$106,842
2007	\$160,429
2008	\$62,686
2009	\$54,150
2010	\$3,873
2011	\$307,678
2012	\$29,966
2013	\$156,652
2014	\$202,295
2015	\$66,334
Total	\$1,352,570

Councilmember Mesaros asked if the intent was still to phase the traffic impact fee increase over three years. Mr. Williams answered yes, explaining the traffic impact fee was not adjusted based on the need

for money, it was based on growth. The additional revenues from the traffic impact fee based on growth offset the need for the General Fund to provide match for transportation projects. For example, the Five Corners roundabout was funded without General Funds due to the availability of traffic impact fees.

Councilmember Mesaros referred to the debt payments for the 220th project and asked when that will be repaid. Mr. English answered it was 20-year payback and he anticipated it would be repaid in 10 more years.

Councilmember Buckshnis asked why 2015 collection were so low. Mr. Williams answered collections go up and down; in 2014 the hospital paid a great deal in traffic impact fees. The biggest project in 2015 was \$12,000 from a medical clinic; the remainder was from single family residential at about \$1200 each. The number of permits and revenue collected do not necessarily coincide.

Councilmember Buckshnis asked how projects are prioritized using that revenue source. Mr. Williams answered traffic impact fees can only be used on growth projects. Most of the transportation projects on the CIP are not eligible for traffic impact fees. Councilmember Buckshnis asked for example if \$100,000 was paid by Swedish, it was not used only for projects at Swedish, it could be used for all growth-related projects. Mr. Williams agreed.

5. PRESENTATION OF A PROFESSIONAL SERVICES AGREEMENT WITH MIG FOR THE ADA TRANSITION PLAN

City Engineer Rob English explained this is a professional services contract for an ADA Transition Plan for the City's rights-of-way. This is a requirement for projects that receive federal funds. The last ADA Transition Plan was completed in the mid-1990s. More guidance has been provided by WSDOT with regard to what the plans should contain. The Plan will inventory all the City's facilities and identify a schedule for upgrading and funding. City standards and codes will be considered as well as developing a procedure for responding to complaints. MIG was selected via a consultant selection process. The 2016 budget includes \$110,000 for this project. That amount does not require Council approval but staff wanted to present it to Council for review and approval as there is potential for amendment in the future.

(Councilmember Fraley-Monillas left meeting at 9:55 p.m.)

Councilmember Tibbott relayed his understanding the focus was ADA compliance but there would be a survey of all walkways and cracks and changes in elevation that hinder use. Mr. Williams said staff walks the sidewalks every two years to look for and repair panel displacement. This plan is looking at other features, particularly ramps to ensure they are in compliance and to prioritize those that are the furthest out of compliance or identify areas without ramps.

Mr. Williams said when Parks was first approached to determine if they wanted to add an inventory of the parks system to the scope, Parks staff did not believe it was necessary. Parks now may be interested in adding the parks system to the inventory. If Parks can identify a funding source, staff may return to Council to add that to the scope.

It was the consensus of the Council to schedule this on a future agenda.

COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND 15 MINUTES. MOTION CARRIED UNANIMOUSLY. (Councilmember Fraley-Monillas was not present for the vote.)

6. **PRESENTATION OF A SUPPLEMENTAL AGREEMENT WITH HERRERA ENVIRONMENTAL CONSULTANTS FOR THE STORMWATER MANAGEMENT CODE UPDATE**

City Engineer Rob English explained in May 2015 the City executed a contract with Herrera to start the code development update process to comply with the NDPEs Phase II permit. Another component of the scope of work was to prepare an addendum to help staff administer the code for private development. Those, along with training were the 3 tasks in the 2015 contract. This supplement will focus on preparing the LID standard detail to provide to the development community and citizens who want to develop or make changes on their property and to inform them how to build the stormwater facilities according to the new guidelines adopted for the stormwater code. A great deal of the supplement is allocated for the development of those details. There is also a task for developing checklist and handouts, tools the City uses to assist its customers. There is a need for additional training internally as well as an additional meeting with the private development community due to the complexity of the stormwater code. The project includes a \$11,000 management reserve; the total fee for the supplemental agreement is \$123,236. A budget amendment for \$46,500 from the stormwater utility ending fund balance will be presented with the third quarter amendment. The work will begin this fall and continue into spring 2017.

Councilmember Buckshnis observed Herrera wrote the entire code and the City paid them \$232,000. She observed the amount was \$100,000 in May so it did not require Council approval; the additional \$123,236 is for more standards and checklists. She was flabbergasted at the amount and although Herrera's stormwater presentation illustrated they knew a lot, she was concern with the amount of money that had been expended. She asked whether the City could have hired someone to do the work or was it too complex. Mr. Williams answered it was not necessarily a matter of complexity, if the City hired someone, once this task was completed, that employee would no longer be needed. This project gets the City in compliance with the NDPEs permit. He acknowledged this has been more complex than originally thought. Staff is very busy delivering capital work and reviewing private development and does not have the capacity.

Councilmember Buckshnis was concerned if Herrera did everything, how would staff assimilate it, recalling the Herrera representative did most of the presentation to Council. She wanted to ensure staff was familiar with the new code and what needed to be done. Mr. Williams assured staff is following it very closely; a meeting was held today with eight staff members to discuss the handouts, the addendum, and the LID code integration process. Mr. English said staff needs the details, checklists and handouts as well as the necessary training when this roll out January 1, 2017.

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

7. **AUTHORIZATION TO CONTRACT WITH JAMES G. MURPHY TO SELL SURPLUS CITY VEHICLES AND SURPLUS CITY EQUIPMENT**

Public Works Director Phil Williams advised the City will contract with Murphy Auction to sell surplus vehicles and equipment; three 17-year old work trucks, a 5-year old Police Crown Vic that was replaced with a Ford Explorer, and the old generator from Fire Station 20.

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

8. **AUTHORIZATION TO CONTRACT WITH PICK-N-PULL TO SCRAP TOTALED CITY VEHICLES**

Public Works Director Phil Williams said these 2007 and 2008 wrecked patrol vehicles were used for parts and are now scrap metal.

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

9. REPORTS ON OUTSIDE BOARD AND COMMITTEE MEETINGS

This item was delayed to a future meeting.

10. MAYOR'S COMMENTS

Mayor Earling reported:

- ECA gala last weekend was truly spectacular and raised a record amount of approximately \$370,000
- On Saturday Mayor Smith and he will announce the 5k run sponsored by Edmonds School District
- Development Services Department is developing a new fee schedule that will be presented for Council approval during the budget process.
- The AWC Regional Conference will be held at Scotts Bar & Grill in Edmonds on October 28th. Governor Inslee plans to attend. Electeds from Seattle to the border have been invited. Seating is available for 100.

11. COUNCIL COMMENTS

Council President Johnson reported she is unable to attend the Snohomish County Tomorrow annual meeting tomorrow. Mayor Earling advised he planned to attend.

Councilmember Teitzel applauded and agreed with Councilmember Nelson's column regarding responsible gun ownership. He recommended focusing on that issue in light of recent events.

Councilmember Mesaros reported he as well as Council President Johnson also attended the ECA auction. Edmonds is privileged to have such a wonderful place for performing arts. Brue Hornsby will perform at opening night this Thursday.

Councilmember Tibbott reported he attended curriculum night at the high school and was very impressed with the faculty at Meadowdale High School and was aware of excellent faculty at other schools. The students of Edmonds are in good hands; he was thankful for the investment that teachers and administrators are making in the lives of students.

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

This item was not needed.

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

This item was not needed.

14. ADJOURN

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