

# EDMONDS CITY COUNCIL APPROVED MINUTES

## October 18, 2016

### ELECTED OFFICIALS PRESENT

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

### ELECTED OFFICIALS ABSENT

Thomas Mesaros, Councilmember

### STAFF PRESENT

B. McIntyre, Police Officer  
Phil Williams, Public Works Director  
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.  
Patrick Doherty, Econ. Dev & Comm. 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 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### 2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmember Mesaros.

### 3. APPROVAL OF AGENDA

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

### 4. APPROVAL OF CONSENT AGENDA ITEMS

**COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE CONSENT AGENDA.**

Councilmember Nelson said the Consent Agenda included an ordinance establishing the Multifamily Family Tax Exemption Program which provides affordable housing incentives, a big deal for Edmonds, and he thanked the Council for adopting it.

**MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

### 1. **APPROVAL OF COUNCIL MEETING MINUTES OF OCTOBER 11, 2016**



2. **ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM ODELL HOBBS (\$500,000.00)**
  3. **APPROVAL OF CLAIM CHECKS**
  4. **2016 3RD QUARTER BUDGET AMENDMENT**
  5. **SUPPLEMENTAL AGREEMENT WITH BERGER ABAM FOR THE FISHING PIER REHABILITATION PROJECT**
  6. **FINAL ACCEPTANCE OF THE 2015 WATERLINE REPLACEMENT PROJECT**
  7. **FINAL ACCEPTANCE OF THE ADA CURB RAMP UPGRADES PROJECT ON 3RD AVE**
  8. **INTERLOCAL AGREEMENT WITH OLYMPIC VIEW WATER & SEWER DISTRICT TO FUND MINOR UTILITY RELOCATIONS FOR THE MADRONA ELEMENTARY WALKWAY PROJECT**
  9. **ORDINANCE AMENDING ECC 8.64.68 - PARKING TIME LIMIT MODIFICATIONS ON MAIN ST. BETWEEN 3RD AVE AND 2ND AVE & 2ND AVE BETWEEN MAIN ST. AND BELL ST.**
  10. **ORDINANCE ESTABLISHING A MULTI-FAMILY TAX EXEMPTION PROGRAM**
5. **PRESENTATIONS/REPORTS**
1. **PRESENTATION BY DIVERSITY COMMISSION**

Economic Development & Community Services Director Doherty introduced Pat Valle. Ms. Valle provided background on the Diversity Commission, noting there is currently a vacancy:

- April 2015 – Diversity Commission Ordinance passed by City Council
- October 27, 2015 Mayor and City Council appointed total of 9 members:
  - George Basioli
  - Tung Bui
  - Gayle Ketzler (now open)
  - Maria Montalvo
  - Diana White
  - Mario Brown, Chair
  - Ed Dorame, Vice Chair
  - Adam Khan
  - Pat Valle

Ms. Valle relayed the Commission's 2016 Work Plan:

- Mission Statement
  - Promote and embrace diversity through action, education, and guidance; foster an understanding that includes, accepts, respects and appreciates each individual member of our community by:
    - providing information, education, and communication that facilitates understanding of diversity and to celebrate and respect individual differences;
    - recommending to the Mayor and City Council opportunities to promote diversity programs, and providing guidance to ensure an accessible, safe, welcoming and inclusive government and community; and

- supporting, challenging, and guiding government and the community to eliminate and prevent all forms of discrimination
- Goals
  - GOAL 1 - Increase the capacity of Commissioners
  - GOAL 2 - Strive to develop a common community understanding of diversity and related issues
  - GOAL 3 - Create a public presence for the work of the Commission

Ms. Valle highlighted the Commission's accomplishments:

- Diversity Forum – April 6, 2016
  - Representatives of organizations, agencies and other groups serving the full spectrum of diverse communities in the greater Snohomish County area.
  - Intention was to learn about existing network of groups and services in our communities, thereby helping to identify opportunities for partnership, complementary programs and/or unmet demand
  - Approximately 30 attendees with great participation and commentary
- Fourth of July Parade Diversity contingent
- Announcements by Diversity Commission on City's Facebook page
- Diversity Commission quarterly column in Edmonds Beacon
- Identified need for more diversity depicted in tourism advertising, leading Economic Development Department to commission new photo shoot with models representing greater community diversity
- Immigrant and Refugee Forum – October 12, 2016

She highlighted upcoming events:

- "World Café" community cultural conversation, tentatively planned for late fall
- Youth Diversity Engagement Event – in planning for mid-winter

Council President Johnson said she has attended and enjoyed all the Diversity Commission's events. She pointed out each commission in the City can have a student representative. The position is open to any high school or college student living in Edmonds. She suggested the Youth Diversity Engagement may be an opportunity to identify a student interested in that position.

Councilmember Buckshnis commented the 2017 budget includes \$6,000 plus \$3,000 for Diversity Commission and asked if that was sufficient, recognizing the good work the Diversity Commission has done. Mr. Doherty said that is the same as the 2016 budget and covers a staff person 20 hours/month and a budget for events. He advised last week's Immigrant and Refugee Forum was taped and will be posted on the Diversity Commission's web page.

Councilmember Teitzel said certain segments of Edmonds' population, such as immigrants with language and cultural issues, may view the City as a monolithic, intimidating entity. He was hopeful the Diversity Commission could become a friendly front door to them and asked if people with language or cultural issues have approached the commission. Ms. Valle said she has not seen people approaching the Diversity Commission directly. She relayed a commissioner's idea to create a postcard-size questionnaire/survey with an opportunity for comment and questions such as what services they need, their first impression of Edmonds, etc. The Diversity Commission has extensively discussed how to encourage residents of the bowl and people of color who live along Highway 99 to mingle more regularly and comfortably. She was encouraged by Councilmember Teitzel's question because it invites discussion about future actions/steps the Diversity Commission can take and indicates the commission is on the right track.

Councilmember Fraley-Monillas commented it was a pleasure to be the Council liaison to the Diversity Commission. The commission is developing cardstock to display in public places like the library, City Hall, etc. that provides information on the Diversity Commission. There are plan to also display the cards in places on the east side of Edmonds which is more diverse.

Councilmember Fraley-Monillas recalled at the Immigration and Refugee Forum the presenter congratulated the Edmonds on having a population that is 78% Caucasian and 22% non-Caucasian and commented the non-Caucasian population is growing annually.

Councilmember Nelson thanked the Diversity Commission for their mission of acceptance, respect and celebrating diversity, a breath of fresh air in the current political climate. He found the commission's first event, the Diversity Forum, eye opening and asked whether the commission planned to follow-up with those organizations or hold another Diversity Forum next year. Ms. Valle said the commission plans to host another Diversity Forum and to follow-up with the organizations, particularly the 3-4 who made a definite ask. She commented because the commission is such a diverse group, it has sometimes been a struggle to feel comfortable but commissioners are beginning to gel. She will pursue the idea of follow-up with those organizations with the commission.

Mayor Earling thanked Ms. Valle for her presentation and for her service.

## 2. HEARING EXAMINER REPORT

Hearing Examiner Phil Olbrechts explained since his last report, he has had only four hearings. Ironically, this month he is holding four hearings. Mr. Olbrechts reviewed his report:

**Blomenkamp Judicial Remand (8/30/16):** Decision revised upon judicial remand to require that required replacement trees have a minimum caliper of three inches in addition to a condition already requiring the trees be at least ten feet in height.

In 2015, Mr. Blomenkamp requested redress via ECDC 20.40.100 for damage to several large trees on his property caused by a development on adjoining property that damaged his tree roots on that adjoining property. The examiner determined that Mr. Blomenkamp was entitled to relief under ECDC 20.40.100. Unfortunately, ECDC 20.40.100 did not provide any standards on how damage to Mr. Blomenkamp's trees should be remedied. Recognizing that it wasn't feasible and likely not even possible to replace 100+ foot trees with trees of similar height, the examiner looked to other parts of the code for guidance on what could be feasibly required of a developer to remedy tree damage. The only code standards that suggested what type of tree heights may be available at a nursery was the City's landscaping standards, which included maximum tree heights of ten feet. The examiner also looked to ECDC 18.45.075 for an objective standard on tree replacement ratios, which requires three replacement trees for every tree damaged by a developer in violation of the City's clearing and grading standards. Based upon these code standards, the examiner required the developer to replace each damaged tree with three trees of the same species at least ten feet in height. Mr. Blomenkamp appealed the decision to Snohomish County Superior Court based upon a wide range of issues. The superior court sustained the examiner's 12-page decision on all points with the proviso that the replacement trees should have a minimum caliper of three inches as also required by ECDC 18.45.075. The examiner's 8/30/16 remand decision added the three-inch caliper requirement to the examiner's final Blomenkamp decision as required by the superior court. Unique provision, staff working on making more consistent with case law.

Mr. Olbrechts commented this subject is a legal minefield, referring to a court decision in April, Mustoe v. Ma, that determined it is not a nuisance if someone cuts trespassing tree roots even if it damages the tree roots on the adjoining property. He said if this issue arose again, that case would need to be addressed

in determining whether it was a nuisance. He recognized this is a unique provision in Edmonds' code and staff is working on making the code consistent with applicable case law.

**City of Edmonds Downtown Public Restroom (7/20/16):** Approved. Variance and conditional use permit to install a prefabricated 520 square foot 11-foot high public restroom building in the north parking lot of City Hall. The variance was for waiver of eight development standards, including minimum height, allowed uses, access and landscaping as well as four design standards (one of which required transparent windows).

**Dietz Critical Areas Reasonable Use (4/7/16):** Approved. The applicant requested a reasonable use waiver to a 100-foot critical areas buffer of Shell Creek in order to build a home with a 336 square foot footprint at 742 Daily Street. To assure that functions and values of the creek would not be compromised, the proposal involved 1,617 square feet of stream buffer enhancement with native trees and shrubs, a five-year monitoring plan, a fence to prevent further encroachment into the stream buffer and notice on title. A prior reasonable use request by Jordan Schenk for the same property had been denied in 2014 for a proposed home with a building footprint of 626 square feet. One primary reason for the Schenk denial was the inclusion of a large second story overhang that threatened to block sunlight to surrounding stream vegetation. The Dietz proposal contains no overhang and is significantly smaller than the Schenk home proposed in 2014. Staff recommended approval of the Dietz application and denial of the Schenk application. Minimum reasonable use was premised on the minimum building footprint necessary to accommodate a two-car garage. The recent trend in "tiny houses" with livable space of 120 square feet or less may be grounds for further limiting building area in reasonable use applications.

**Bridge Animal Referral Center (3/4/16):** Approved. Conditional use permit to operate a 24-hour veterinary clinic that specializes in cancer specialty care in an existing building located at 8401 Main Street. The surrounding area is primarily single-family residential with some BN zoned property to the north, including a veterinary clinic. Neighbors expressed concern over noise caused by barking dogs and late night parking. The applicant was very conscientious about addressing neighborhood concerns and proposed numerous design measures for the interior of the building that reduced noise impacts.

**Edmonds Public Works Noise Variance (2/11/16):** Noise variance approved. The City's Public Works department requested a variance to nighttime noise limits for five nonconsecutive nights for sewer maintenance project on SR 99 between 216th and 220th Streets SW.

Council President Johnson referred to the Dietz reasonable use waiver, commenting at some point staff proposed selling the property to adjoining property owners. Mr. Olbrechts said he was aware staff asked adjoining property owners if they were willing to buy the property to avoid a reasonable use request. City Attorney Jeff Taraday explained part of the analysis done leading up to the hearing before the Hearing Examiner was to evaluate what efforts had been made to make reasonable use of the property. If there had been interested parties willing to purchase the property such as neighbors who would not have needed to build on the property and make it part of their yard, that would have allowed for reasonable use of the property without additional construction. That analysis was necessary to determine whether the applicant could meet the criterion. Mr. Olbrechts commented the selling price of property was \$20,000; if the neighbors did not want a house on the property, that would have been a moderately painful way to avoid it. He commented the \$20,000 selling price when lots are typically \$200,000 made it difficult to assess the reasonable use.

Council President Johnson said had the Council been asked, she was certain the Council would have been very interested in this purchasing property as it would be consistent with the Comprehensive Plan, the affordable price would allow it to be purchased using Council Contingency funds and more importantly it is located along a fish-bearing creek where there have been many donations of property. She asked how to

ensure in the future that the Council is offered opportunities to purchase property like this, particularly since the Council is no longer in a quasi-judicial position. She would have loved for the Council to have been offered an opportunity to purchase this property. Mr. Taraday answered it is tricky because the City is regulating this property. If the City is trying to regulate property at same time it is trying to purchase the property, the City is liable to be charged with purposefully overregulating the property out of an interest in acquiring it at low price. It is one thing if the property owner unilaterally initiates an offer to the City, but when an application for development is already pending, that makes it very difficult to enter into negotiations with the property owner. He said staff could give that some additional thought but it was a very tricky situation. Council President Johnson said she figured it would be but given this situation, she wanted to know if anything could be done by ordinance or resolution for the Council to be included in the potential purchase of a property when it is offered to adjoining neighbors. Mr. Olbrechts suggested a proactive citywide program that identified property the City would like to buy before development applications are submitted.

Councilmember Teitzel referred to the Blumenkamp case, relaying he had visited the site and seen the grading and the trees that were damaged very close to the property line on the west side of the development. He asked whether Mr. Olbrechts' order specified where the replacement trees would be planted relative to the property line. Mr. Olbrechts said the trees were to be planted in the same location. It was his understanding that Mr. Blumenkamp has not pursued that yet because the decision is under appeal.

If the trees are 10 feet tall when planted, reaching 30-40 feet in 10 years with the root structure expanding accordingly, Councilmember Teitzel asked whether Mr. Blumenkamp would have any liability if the root structure damaged the bulkhead on the property line. Mr. Olbrechts said when the trees are planted, that would be something Mr. Blumenkamp would need to consider. If a property owner's tree roots trespass onto someone's property and cause damage, the property owner is responsible. Councilmember Teitzel observed that would be true even though Mr. Blumenkamp's trees were there before the development occurred. Mr. Olbrechts referred to the *Mustoe v. Ma* case where the court considered the roots to be trespassing. To be fair, someone could not be told they could not develop their property because an adjoining property owner's tree roots infringe on the entire area but by the same token, he was surprised the court did not delve into what happens if tree roots are cut and tree falls on the neighbor's house, whether it would be okay to cut tree roots in that case. Reading that case literally, it seems like that is what it says but he imagined to the point a hazardous situation is created, it could not be taken that far. According to that decision, short of that, a property owner has the right to get rid of roots on their property. Councilmember Teitzel summarized it would be important that the new trees be sited in such a way that they likely won't cause damage to the bulkhead which may require moving them westward. Mr. Olbrechts said there was flexibility in his decision regarding the location of the trees.

Councilmember Buckshnis referred to the Dietz critical area reasonable use and asked if this was the same property in the Steve Schaefer et al closed record review. Mr. Taraday answered no. Mr. Olbrechts said the applicant in 2002 was Schenk. Councilmember Buckshnis commented in a critical area no house was better than a tiny house.

Councilmember Fraley-Monillas pointed out to the City's Planning Department that tiny houses are starting to pop up in various places. She commented her 20-something niece who is a communication professional and a minimalist is building one in her front yard in Portland and plans to rent out her house. She suggested the City think about what do about tiny houses, envisioning it will come up more often in the future.

## 6. AUDIENCE COMMENTS

**Natalie Shippen, Edmonds**, referred to comments during audience comments at the October 11 meeting made by a group of shop owners from the Downtown Business Alliance that the revised sign code is harmful to their businesses. The second speaker identified her by name and claimed that she chastised shop owners in front of their customers which Ms. Shippen assured she had not done. She understood that people who speak during audience comments are not sworn to tell the truth but the Council must take their statements seriously. To obtain complete testimony, she requested the woman who made that charge publicly name for the Council the shop owners whom she alleges were chastised and embarrassed. She assured she reserved her chastisements for City Council in regard to that legislation.

**Joe Scordino, Edmonds**, retired fishery biologist, speaking for a large number citizens concerned about future of Edmonds Marsh, said the group agreed to have one speaker to limit the meeting time they consumed. At his request, numerous people in audience who supported his statements stood. He said the group present in the audience is only a portion of the people who are signatories to a letter sent to various entities and is increasing in number. He relayed the group's support for the draft letter to Ecology regarding the Shoreline Master Program; the group thanks the Council for using BAS in setting the 110-foot buffer plus 15-foot setback for the Edmonds Marsh and assures the community supports the decision. They understand the 110-foot buffer will need to be approved by Ecology and are committed to engaging with Ecology on having the 110-foot buffer supported. Their email to Ecology demonstrates their commitment to begin engaging with Ecology on approving buffer. The group sent a letter to all the property owners around the Edmonds Marsh about the need to preserve and enhance the marsh. He urged the Council to consider the group's request to establish a task force consisting of the property owners as well as concerned citizens and organizations such as the Pilchuck Audubon Society to begin working on measures to prevent further degradation of the marsh and to develop plans for enhancing the marsh for the enjoyment of future generations. The group of concerned citizens is prepared to follow-up with the Port of Edmonds, WSDOT, BNSF, Chevron and the City to begin working on preserving and enhancing the marsh.

**Scott Blomenkamp, Edmonds**, said Mr. Olbrechts' report was inaccurate, 12 counts were not approved, one was remanded. He referred to Section 18.45.075, a redress for removal of trees, which states up to three trees of sufficient caliber to adequately replace the tree removed. He questioned whether the Council thought a 42-inch caliber tree was adequately replaced by three 3-inch trees. If that was the will of the Council, he recommended changing the code to state the size of tree that was necessary, not the minimum. He referred to the Council's interest in critical areas, suggesting citizens' property was also important. With regard to the *Mustoe v. Ma* case, he said it did not address RCW 64.12.030, the state statute regarding timber trespass. There have been two cases regarding roots with BNSF. He remarked this case has cost the City a considerable amount for something that could have been addressed at the Hearing Examiner level. There still has not been any discussion regarding Section 20.100.040 which refers to code sections that no longer exist such as 20.91 and 20.100.030.

**Marlin Phelps, Edmonds**, commented the City plays with unicorns and butterflies and looked the other way because there is no graffiti, vagrants or wild children playing in the streets. The Council has allowed the Police Department to manifest into a vile, violent monster with no regard. In his 107<sup>th</sup> hearing last Monday, the judge ordered another competency evaluation; yet his 4<sup>th</sup> grade and 6<sup>th</sup> grade teachers went out of their way to tell his mom he was the best student they had had in 30 years. At 18 years old, he moved to Arizona and attended UTI, graduating at 19 and at 20 he became the first and youngest instructor to receive a perfect evaluation. He assured he is a competent man and has a wonderful parrot left to him by his aunt. He suggested googling Einstein the Parrot, who has nothing on his parrot who can draw a graph. He suggested the Council would be subject to the court of public opinion next; people hate it when their family member is maliciously prosecuted in 107 hearings. He asserted the Police broke his arm; he still does not know why because he was innocent. It is the Council's job to make the law apply

and Judge Linda Coburn needs to adhere to the constitution; he deserves his constitutional rights in the courtroom.

**Roger Hertrich, Edmonds**, said a 110-foot buffer is too much, gives no consideration to the Harbor Square property and the Council has created a problem. He referred to last week's question about the Multimodal Fund and was surprised by staff's response that they did not know but thought it was okay. He requested an explanation be provided regarding that fund and what staff discovered regarding its creation, its purpose and whether the funds could be placed in the General Fund. He referred to the Mayor's Advisory Committee on the At-Grade Crossing which included considerations of the original multimodal facility which may be the only way to get ferry traffic across the tracks. He suggested holding funds with that designation until the Task Force's recommendation is presented to the Council. He concluded his comments stating the sound system in Council Chambers is terrible, he cannot hear whether in the audience or watching on TV.

**Alex Witenberg, Edmonds**, thanked Public Works Director Phil Williams and Public Works staff for providing sand and sandbags over the weekend. He and his dad filled sandbags in anticipation of the apocalyptic storm that did not materialize. Providing sand and sandbags was a great service for citizens and had the storm have been as bad as advertised, the sandbags would have been needed.

## 7. ACTION ITEMS

### 1. SHORELINE MASTER PROGRAM UPDATE

Senior Planner Kernen Lien relayed the Council has been working through the Shoreline Master Plan (SMP) responses to Ecology required changes. He identified the first three exhibits in the Council packet:

- Exhibit 1: Cover letter summarizing the City's responses to Ecology's required changes and one recommended change.
- Exhibit 2: Table of the eight required changes proposed by Ecology and the City Council's responses and rationale
- Exhibit 3: Memo prepared by the City Attorney with rationale for Required Change #7 and the buffer and setback around the marsh.

Mr. Lien sought Council feedback on whether staff accurately captured the Council decisions on those eight items. If so, he recommended the Council vote tonight and if there were any changes, they could be brought back next week for a final review.

Councilmember Buckshnis commended Mr. Lien for his work and said staff had captured everything she has said over the last three years.

Councilmember Teitzel thanked Mr. Lien for his yeoman's work. He referred to the second page of Exhibit 1, the cover letter and the paragraph that begins "Finally." The second sentence in the paragraph states this is not the appropriate time to consider residential development because current zoning does not allow it. He suggested that statement goes too far, pointing out this item is not a required change by Ecology but only a recommendation. As such, the Council is only required to acknowledge receipt of the recommendation and not justify any particular action.

**COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO AMEND THE PARAGRAPH TO READ: "FINALLY THE CITY ACKNOWLEDGES ECOLOGY'S RECOMMENDED CHANGE TO ALLOW RESIDENTIAL DEVELOPMENT WITHIN THE URBAN MIXED USE IV ENVIRONMENT BUT DECLINES TO IMPLEMENT THIS CHANGE AT THIS TIME. HOWEVER, THE COUNCIL DOES NOT FEEL THIS IS THE APPROPRIATE TIME TO CONSIDER RESIDENTIAL DEVELOPMENT, PARTICULARLY**

~~**SINCE THE CURRENT ZONING AT THE HARBOR SQUARE SITE DOES NOT PERMIT RESIDENTIAL DEVELOPMENT.”**~~

Councilmember Tibbott agreed more information than required was included in the letter and he would be satisfied with inserting a period after the comma. He found the explanation in the table excellent, a good clarification that explains the principle. He preferred not to include any nuance explanations in the letter to keep it simple and clear.

Councilmember Fraley-Monillas did not support the motion as the explanation provided the rationale.

Councilmember Teitzel said the sentence “However, the Council does not feel this is the appropriate time to consider residential development, particularly since the current zoning of Harbor Square site does not permit residential development.” while true, may signal the Council is prejudging a potential application in the future which he wanted to avoid. An application may or may not be received in the future and he did not find that language necessary. As that item is a recommendation from Ecology, not a requirement, he preferred not to go there.

Council President Johnson recognized the benefit of the proposed amendment. Regardless of whether the motion passed, she said it is the current contract rezone that does not allow residential development so that would be a more accurate statement.

**UPON ROLL CALL, MOTION ENDED IN A TIE (3-3); COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING YES; COUNCILMEMBERS NELSON, BUCKSHNIS AND FRALEY-MONILLAS VOTING NO.**

Mr. Taraday advised as this was not a vote on an ordinance, resolution or payment, Mayor Earling could vote to break the tie.

**MAYOR EARLING VOTED YES AND THE MOTION CARRIED (4-3).**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, FOR APPROVAL.**

Councilmember Tibbott expressed concern the letter to Ecology does not reference the dissenting votes particularly related to the setbacks which seems to indicate the entire Council was in complete agreement with regard to the setback. He assumed the intent of the letter was to capture the outcome, however, it would be more accurate if there were some indication related to the dissenting votes especially regarding the setbacks which has been a very important part of SMP discussion. He had several questions related to that issue, including whether there had ever been a place in the Puget Sound region where a buffer of that size in an urban environment had ever been restored. The City is about to embark on a very ambiguous program that gives preference to very large existing pieces of infrastructure such as the railroad and highway which puts other private property owners at a disadvantage.

Councilmember Fraley-Monillas raised a point of order. Mayor Earling requested Councilmember Tibbott speak to the motion. Councilmember Tibbott said the letter to Ecology does not reference that there was some dissent related to the recommendations and that there were serious questions remaining. Mr. Lien responded his intent with the letter was to capture the Council’s actions, not all the Council’s various opinions.

Councilmember Fraley-Monillas asked whether letters, ordinances, etc. state who supported or opposed an action. City Attorney Jeff Taraday responded as a general rule the Council acts by majority vote whether it is a 4-0, 7-0 or 4-3 vote. Ordinances themselves do not record the vote; the vote is reflected in

the minutes of the meeting where action was taken. Mayor Earling said the Council is not voting on an ordinance, the decision is approving a letter to be sent to Ecology.

Councilmember Teitzel recognized his was a minority opinion but he continued to be very disturbed about where the Council was headed. The Council was on the cusp of sending a letter to Ecology recommending a 110-foot buffer and a 15-foot setback although the Port of Edmonds has been clear that will not work for them for redevelopment. If the Council submits the letter and Ecology accepts the Council's recommendation, the City is locked into a buffer that is not workable.

Councilmembers Fraley-Monillas and Buckshnis raised a point of order that Councilmember Teitzel was not speaking to the motion and was rehashing what the Council has discussed for the past six weeks. Mayor Earling requested Councilmember Teitzel speak to the motion. Councilmember Teitzel said he was stating the reason he did not support the letter as written. Although he would dearly love to see the marsh restored, he was concerned that this letter if adopted will not have that result and will result in decades of the status quo with Harbor Square continuing exactly as it is with the same dimensions which is not good for the marsh or the City. For those reasons, in good conscience, he could not support the proposed letter.

Councilmember Buckshnis expressed support for the letter, stating the Council cannot look into a crystal ball and see what will happen in the next ten years. She objected to Councilmembers continuing to belabor and rehash opinions that have been previously stated.

**COUNCILMEMBER BUCKSHNIS CALLED FOR THE QUESTION. VOTE ON CALL FOR THE QUESTION CARRIED UNANIMOUSLY.**

**UPON ROLL CALL, MOTION CARRIED (4-2), COUNCIL PRESIDENT JOHNSON AND COUNCILMEMBERS NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING YES; AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING NO.**

Mayor Earling declared a brief recess.

**8. STUDY ITEMS**

**1. AMENDMENT TO WASHINGTON STATE RECREATION AND CONSERVATIVE OFFICE SALMON PROJECT**

Keeley O'Connell, Project Manager, explained a grant was awarded to the City by the Recreation and Conservation Office (RCO) in 2014, but there has not been a need to utilize the funding on the daylighting project until this year. RCO has requested the City consider a scope of work change related to a possible alternative alignment of the daylight channel that would be more beneficial to habitat and salmon. Staff agreed with that suggestion which is the reason for this amendment. Along with an alternative alignment, RCO requested the City also study water quality and soil quality in the marsh as it pertains to fish access and exposure. The scope has been rewritten and submitted to RCO. Staff recommends approval of the amendment to allow staff to proceed with the revised scope of work.

Councilmember Nelson asked why RCO requested the City consider an alternative alignment. Ms. O'Connell explained during a site visit in February 2016 for a different round of funding, RCO and staff were looking at the proposed straight alignment along railroad tracks across the Unocal property, the alignment initially considered as it pertained to the Edmonds Crossing project. As an opportunity presented itself for that property to potentially have some flexibility, RCO requested the City consider an alternative alignment that would move it away from the railroad tracks and allow for some buffer. In the current alignment, there is no space on the west side between the channel and the railroad tracks for any

buffer. Consideration of the alternative alignment will include the City having a stakeholder conversation with WSDOT Ferries Division to obtain a memorandum of understanding between the City and Ferries with regard to which alignment could move forward into design. Understandably, the State does not want to pay for design work on a channel that will never happen so they first want to determine the alternatives available followed by a conversation between the City and Ferries.

Councilmember Nelson asked if she foresaw that extending the timeline of daylighting Willow Creek. Ms. O'Connell responding she did not think it would extend the timeline; the grant work would be completed by approximately June 2016 which would not push out the daylighting. The project still has a way to go toward implementation including a fair amount of fundraising plus the Unocal property is currently not available under the existing property owner, Chevron, and it is uncertain when that property will transfer to the State.

Councilmember Buckshnis commented she has had the pleasure of attending meetings with the scientists. She suggested inviting the Council to the event this weekend and recommended scheduling this for approval on the Consent Agenda.

Councilmember Tibbott inquired about the source of funding. Ms. O'Connell explained this grant was awarded by RCO from the Salmon Recovery Funding Board. This scope of work will use the funds awarded in 2014 and the City will apply for future funding with RCO. RCO has been clear they want an agreement between the City and Ferries regarding the alignment that would be designed before they will award the City additional funds for design. Councilmember Tibbott clarified the existing grant will cover the additional work. Ms. O'Connell agreed the proposed scope of work would be funded via the grant and the required match.

Councilmember Tibbott observed Chevron owns both the alignment along the railroad track as well as the new alignment that will be considered. Ms. O'Connell responded the existing alignment is owned by the City; the new alignment would be across the Unocal which today is owned by Chevron with the intent it will be owned by the State in the future. Councilmember Tibbott asked whether the current property owners would be agreeable to the alternative alignment. Ms. O'Connell responded Chevron has indicated they are not because they have no interest in the property once it is cleaned up and Ecology allows them to transfer it which has been the intent for multiple decades. The new identified property owner, WSDOT Ferries Division, is open to those conversations. Councilmember Tibbott agreed it was great idea to study the alternative alignment, particularly since it would provide more buffer.

Councilmember Teitzel asked whether the cleanup of the Unocal site would have any effect on the design of the channel and how whether it effects when work could commence. Ms. O'Connell responded the cleanup should not impact the ultimate design of the channel, based on the extensive cleanup that has been done to date. Ongoing monitoring has continued to identify hot spots; Ecology has required Chevron to develop a plan to manage those hot spots and remove the contaminated material. There is no reason to think there is a large amount of unidentified contamination still on the site once Ecology acknowledges Chevron has completed the cleanup and can transfer the property. Contingencies have been included in the budget for implementation because of unknowns that can be encountered on a contaminated site. She did not anticipate the timing would be impacted and the cleanup process would have no impact on the alignment. The alignment will be based on what is the most habitat friendly and still work within the needs of the site.

Councilmember Teitzel asked whether the dredging of the new channel could begin before the cleanup was completed. Ms. O'Connell answered it could not because the property would not transfer to the State prior to completion of the cleanup and Chevron would not work with City to make that alignment happen sooner.

Council President Johnson relayed her understanding that the original alignment was along the pipe and the new alignment proposed for study would be where water would naturally flow if not in a pipe. Ms. O'Connell answered yes, although none of this was very natural because the downtown core and the area had been altered so much that none of the creek alignment was similar to what existed historically. However, an alignment that was pulled away from the railroad tracks even 50 feet would allow for more sinuosity in the channel which could add habitat complexity and allow for some buffer.

It was the consensus of Council to schedule approval on the Consent Agenda.

2. **PRESENTATION OF A SUPPLEMENTAL AGREEMENT WITH SHANNON & WILSON FOR THE WILLOW CREEK DAYLIGHTING PROJECT**

Keeley O'Connell, Project Manager, explained this is the agreement to utilize the funding in the previous agenda item to amend the contract with Shannon & Wilson to consider the alternative alignment, do water quality and soil quality sampling and reporting and be available to the City for the conversations with WSDOT Ferries in the next round of fund in mid-2017.

Councilmember Teitzel referred to Task 3, Sediment and Stormwater sampling and reporting, advising that the EWHS Stream Team has been doing stormwater sampling. He asked whether the results of the sampling done by Shannon & Wilson would be compared with the Steam Team's results. Ms. O'Connell answered that would be the intent; this additional research/sampling can be used to verify past sampling as well as will include sampling of sites not being sampled by the Students Saving Salmon group. She anticipated the additional sampling would create a more robust data set.

It was the consensus of Council to schedule approval on the Consent Agenda.

3. **PARK IMPACT FEES REPORT**

Finance Director Scott James presented the Park Impact Fees Report:

- In late 2013 the City began collecting Park Impact Fees.
- RCW and City Code Section 3.36 states that the Impact Fees must be used for capital
- improvements to parks facilities that will benefit the new growth and development.
- Once collected, the City has 10 years to spend the funds.
  
- Park Impact Fees are to be used for public improvements that will increase overall capacity and benefit new development. For example:
  - Publicly owned parks and open space.
  - Capital equipment in parks and open space, such as playgrounds, restrooms, or parking facilities.
  - Increasing waterfront access.
  - Increasing connectivity, such as adding bike lanes and trails
- Park Impact Fees are not to be used for projects that are for maintenance or ongoing operations, or that do not increase capacity. For example:
  - Correcting deficiencies in existing public facilities.
  - Daylighting of Willow Creek.
  - Purchase of maintenance equipment such as lawn mowers, tractors, or other vehicles.
- Park Impact Fees Collected

2013	\$2,934
2014	\$203,503
2015	\$129,340

2016 (to date)	\$335,223
Total Fees Collected	\$671,000
Less Amount Expended	\$0
Total Available to Spend	\$671,000

- The City has collected \$246,649 from single- and multi-family dwellings and \$424,351 from commercial projects.
- The Parks Department has programmed \$500,000 of this money to be spent in 2017 out of the Capital Fund to support the Waterfront Redevelopment project.
  - This project will open up more access to the waterfront in front of the Senior Center, and will complete the Waterfront Walkway

Councilmember Teitzel asked whether Park Impact Fees could be used for the new restroom at Civic Field. Parks & Recreation Director Carrie Hite answered Park Impact Fees can be used for some of the development of Civic Field because the project will add capacity to a current park. Park Impact Fees can be used to purchase park land, develop new parks and/or add capacity to current parks to accommodate growth.

#### 4. DISCUSSION REGARDING THE 2017 PROPOSED CITY BUDGET

Mayor Earling requested Council hold questions until staff completed their presentation. Public Works Director Phil Williams explained Public Works is a collection of funds and divisions. The presentation will include the three utilities: stormwater, water and sewer; roads (Fund 111 - street maintenance and 112 - street construction); administrative, engineering, facilities and fleet. He displayed a picture of the award-winning Five Corners roundabout, advising on November 1 WSDOT will present the City the Director's Award, a statewide competition.

Mr. Williams reviewed Public Works Utilities:

- 2016 Accomplishments

##### Stormwater

- C/B's serviced 2,922 of 6,702
- M/H's serviced 639 of 1,491
- Total structures serviced 3,561 of 8,193 (43.5%)
- 2,810 ft. new storm lines installed
- Completed the 60% design of the Dayton St. Pump Station
- Completed the 30% design of the utility improvements on Dayton 3<sup>rd</sup> to 9<sup>th</sup>
- Construction completed on 105<sup>th</sup>/106<sup>th</sup> Ave SW storm project
- Began preliminary (30%) design for the Willow Creek Daylight Project
- Completed the Stormwater Management Code Update
- Will complete the LID Integration code update by 12/16
- Completed the 30% design of the Seaview Park Infiltration Facility

##### Water

- 4,825 ft of water main replacement
- 3,400 linear feet of pavement overlay on City streets
- New Water Comprehensive Plan 95% complete by year-end

##### Sewer

- 2,000 ft of sewer main replacement
- 6,400 ft of CIPP Sewer re-lining
- LS#1 Pump Station Metering and Flow Study complete by year-end
- 1,075 linear feet of pavement overlay on City streets
- Completed ESCO #4 at WWTP – energy efficient blowers, nozzles and baffles in ABs
- Will complete Clarifier #3 floor repair at the WWTP

Combined

- Completed the 3rd year of a six-year rate adjustment package to achieve debt independence for pipe installs and rehabs
- Last three years are 2017-2019 (Public Hearing 11/1/2016)
- 2017 Utility Budget issues
  - Three-year rate adjustment package
  - Lake Ballinger Sewer Trunk Main Study (3rd qtr 2017)
  - 2016 Water System Comprehensive Plan finalized and adopted
  - Stormwater Comp Plan Update prepared in 2017
  - 5-Corners Reservoir re-coating/re-plumbing, roof repair (\$1.8M)
  - 7,300 ft. new water lines, 2,900 ft. new sewer lines, 3,000 ft. CIPP – Total Utility Capital - \$14.7M
  - ESCO Project #5 at WWTP – replace belt filter presses with screw conveyors (\$1.905M)
  - Complete SCADA Controls Project (\$223k)
  - Total Utility Capital Projects: \$14.7 million
- Decision packages (DP) 60-72 (\$439,810)
  - DP62: \$25k - Truck-mounted air compressor (421)
  - DP63: \$50k - Storm code training and outreach (422)
  - DP64: \$65k - Increased NPDES Phase II permit compliance costs (422)
  - DP66: \$15k - Emergency generator plugs for lift stations (423)
  - DP67: \$20k - Fall protection equipment – lift stations (423)
  - DP68: \$15k - Replacement push camera (423)
  - DP69: \$75k - Replacement 50kw emergency generator (423)
  - DP71: \$35k - Convert five (5) replacement work trucks to propane use
  - DP72: \$115k - Replace 1957 PW Operations building emergency generator
  - DP60-70: \$21,810
- Expenditures

Expenditures	2016 Modified Budget	2016 YE Estimate	2017 Budget	Discussion
Utilities – Water, Sewer, Stormwater	\$38,695,620	\$32,220,230	\$35,236,370	Three-year rate package decision

Mr. Williams reviewed Public Works Roads – Fund 111 and 112

- 2016 Accomplishments
  - Pavement Preservation – 8.7 lane miles (\$1.4M)
  - Construction completed on 228th St/76th Ave Improvements (total cost \$7.8M)
  - Completed 238th St. new sidewalk, rain gardens, storm system, and paving
  - Construction will be completed on 236th St. walkway (\$717,000)
  - Design completed on 76th/212th Intersection Improvements and corridor striping, bids too high, new TIB grant applied for – Spring bid - construction in 2017 (Total Project Cost \$8.3M)
  - Waterfront Access/At-grade crossing study completed (\$690,000)
  - Trackage (Wayside) Warning Horn System completed by year-end \$300,000
- Challenges/Opportunities 2017
  - Pavement Preservation - \$1,100,000 new money for 2017 – 6.5 lane miles +
  - \$900,000 for 1 lane-mile on 84th (grant funded) + 1 lane mile from utilities - Total 7.5 lane miles
  - Determine next steps in Waterfront Access Study
  - Need to continue replacing/upgrading signal cabinets \$70,000/year
  - Discuss new TBD Authorities

- Decision Packages / Changes
  - DP39: Waterfront At-Grade Crossing Design Development - \$150,000 (GF)
  - DP44: 212th St. Ped crossing lights at EWHS replacement - \$20,000 (111)
  - DP45: Replace two (2) signal cabinets - \$70,000(111)
  - DP47: 220th St SW Traffic Signal coordination - \$47,000 (112)
  - DP48: Audible Ped signals – ADA compliance - \$20,000(112)
  - DP49: Minor sidewalk program - \$100,000 (REET1)
  - DP50: Pavement Preservation Program \$1.1 million (REET1&2)
  - DP51: SR99 Access Management - \$300,000 (REET 1)
  - DP52: Traffic Calming - \$20,000 (REET1)
  - DP53: ADA Curb Ramps - \$25,000 (REET2)
  - DP54: Pavement Preservation Carry Forward - \$165,000 (REET)
  - DP40,43,46: CTR, Synchro & tree expenses - \$14,500 (111&GF)
- Expenditures

Expenditures	2016 Modified Budget	2016 YE Estimate	2017 Budget	Discussion
Fund 111/112	\$10,335,140	\$7,000,828	10,909,216	Capital Driven

Mr. Williams reviewed Public Works Administration, Engineering, Facilities, Fleet:

- 2016 Accomplishments
  - Engineering
    - Engineering Reviews (YTD September)
      - 335 Engineering permits were issued for right-of-way construction, sewer installation, street use and encroachments.
      - 1800 inspections were performed by the Engineering Division
      - \$108,500 collected in traffic impact fees
      - Permits were issued and inspections performed for numerous large development projects: Point Edwards Building 10, Edmonds Post Office, Seabrook Plat (9th & Caspers), Hyde Park Townhomes, Memory Care, and 7 short plats.
      - Permits were issued for 30 single family residential projects.
      - Permits were issued for over 250 additions/remodels & miscellaneous projects.

Fleet

- Purchased, equipped, and commissioned 10 new vehicles for Police - \$363,000
- Three (3) new vehicles for Engineering - \$81,000
- One vehicle for Development Services - \$29,000
- Two (2) vehicles for the Street Department - \$56,000
- Four (4) vehicles for Parks - \$238,000
- Total = \$767,000
- Converted 4 more vehicles to propane
- Will complete propane canopy over fueling station
- Broke even on the propane fueling program investment
- Continued the conversion to the Ford Explorer platform (5 in-service)

Facilities

- In-house remodel of Finance offices and Green Room construction
- ESCO IV for Library HVAC
- Meadowdale Clubhouse re-roofing project and Leaf Guard gutter system
- Audio Visual upgrades at City Council Chambers
- In-House Exterior painting of Old Public Works Building
- City Hall carpet replacement phase one
- Installation of Public Restroom and Plaza at exterior of City Hall
- In-House City Hall Fire Door repaired

- Frances Anderson Center floor repairs
- Senior Center Dental Van exterior electrical connection
- Decision Packages/ Changes
  - Facilities (DP30-42)
  - DP41: Replace FAC Roof on gym and Oldest building - \$350,000 (depends on capital appropriation from legislature)
  - DP42: Capital renewal projects on City buildings - \$300,000 (REET1)
  - DP30,31,32,33,34,35,36,37: Training, small equipment, vehicle main., overtime, etc. - \$40,500 (421,422,423,001)

Fleet

- DP71: Convert 5 new work trucks to Bi-Fuel propane - \$35,000 (511)
- DP72: Replace Public Works Maintenance Facility emergency generator and install automatic transfer switch - \$115,000 (511)
- New Vehicles
- 10 New Vehicles, 2 small equipment
  - (2) Police staff vehicles (\$64K)
  - (3) Police patrol vehicles (\$180K)
  - Street 40ft bucket truck (\$135)
  - Street utility truck (\$60K)
  - Street flatbed truck (\$49K)
  - Parks flatbed trucks (\$92K)
  - Parks equipment (mowers)

Mr. Williams displayed a reviewed a graph of the City’s Capital Program 2008-2017, highlighting 2017 totals:

- Fund 423 Sewer: \$ 5,135,070
- Fund 422 Storm: \$ 4,058,099
- Fund 421 Water: \$ 5,517,640
- Fund 112: \$ 7,062,022
- Parks: \$ 3,595,000
- General Fund Total: \$25,637,830

Mr. Williams reviewed expenditures:

<b>Expenditures</b>	<b>2016 Modified Budget</b>	<b>2016 YE Estimate</b>	<b>2017 Budget</b>	<b>Discussion</b>
Engineering, Facilities, Fleet, Engineering	\$8,692,740	\$5,947,626	\$6,738,620	No ECO project in 2016 - \$400k in total capital

Councilmember Fraley-Monillas asked if there was a long term plan to convert more City buildings to solar energy. Mr. Williams said when the Edmonds Solar Cooperative sponsored the panels on the Frances Anderson Center, there was thought that that could be expanded in the future. The tax credits expired and although the Solar Cooperative still exists the primary driving force passed away recently. The City has not been approached to sponsor another project and PUD has not offered any assistance. The existing panels work great as was anticipated but there is no effort to expand that program. Councilmember Fraley-Monillas recalled the existing solar panels pay for themselves via energy efficiencies. Mr. Williams answered it depends, the payback for solar power payback is very long. Solar power is wonderful from an environment perspective, but tax credits are key to a project penciling out. Many of the tax credits for investments in solar are no longer available, not enough to get the Edmonds Solar Cooperative to sponsor another project. Councilmember Fraley-Monillas was hopefully there would be another project in the future.

Councilmember Buckshnis expressed concern with Mr. Williams reviewing 27 pages of financials and 42 decision packages and suggested in the future the presentation be divided into funds with questions after each, noting she has now numerous questions.

Councilmember Buckshnis expressed concern that some of the decision packages do not tie to the numbers, for example, DP32, \$6,000 in additional professional services, but the budget item is \$5,000. She asked why that increase in professional services was proposed. Mr. Williams responded that decision package was for Facilities, Fund 001; in the past Facilities had not much professional services funding although staff has had to seek professional advice on some repairs over the past year such as electrical. The new Facilities Manager Tom Sullivan believes it would be advantageous to have a small amount of money to hire expertise when needed.

Councilmember Buckshnis referred to the Herrera consulting contract that is now up to \$220,000, commenting the budget includes a decision package for \$50,000 and asked if that was an addition to the Herrera contract. City Engineer Rob English responded the \$50,000, DP63, is in the 2017 budget to pay the balance of the work Herrera will do.

Councilmember Buckshnis asked how the \$150,000 amount for the Waterfront At-Grade Crossing Design Development (DP39) was how determined. Mayor Earling responded it was presupposed that number would carry more influence as the City begins to talk with principals involved in first round of discussions such as Sound Transit, Community Transit, BNSF, and the Port. The City need to have a good, solid amount to show its interest. In discussions with Representative Judy Clibborn, House Chair, she has been clear the City needs a good, strong pronouncement for any future project. Mr. Williams said \$100,000 of the first \$690,000 was expended on the alternatives analysis. He was hopeful the remaining funds plus \$150,000 would attract contributions from those partners.

Councilmember Buckshnis referred to DP46, \$8,000 for tree maintenance. She relayed the Tree Board's question regarding how Public Works replaces trees and how the \$8,000 for tree maintenance was determined. Mr. Williams responded Public Works often gets involved with removing dead trees; the workload related to trees funded from Fund 111 has increased tremendously. For example, the recent change in the code necessitates hiring an arborist to justify tree removal. The department spends more than \$8,000 on trees but this would help fund those efforts.

Councilmember Buckshnis referred to DP41, \$350,000 for the Frances Anderson Center gym roof, and asked if that was the location of the solar panels. Mr. Williams assured it was not. Councilmember Buckshnis relayed her understanding this project would not be funded unless a grant is secured. Mr. Williams answered the Council is approving the budgetary expense but that is caveated by the statement that staff will find the money. If the money is not identified, the roof will not be replaced. A much smaller roof repair may be done to extend the roof's life a few years but a complete reroof will not be done until a source of funds is identified. Councilmember Buckshnis said she has an issue with how that was presented. She offered to email other questions to staff.

In response to Councilmember Buckshnis' question about the \$350,000 for the Frances Anderson Center roof, Mayor Earling recalled there were very small grants allocated by the legislature last year, often no more than \$50,000. There will be larger grants this year; in speaking with Representatives Lillian Ortiz-Self and Strom Peterson, that project will be at the top of their list for inclusion in the State's capital budget. Although it does appear in the budget, he was guardedly optimistic it would be funded through the legislature.

Councilmember Teitzel, the Council liaison for the Historic Preservation Commission, said the Museum has a list of 30 building repairs, some quite urgent such as rotting window frames. He asked how much of the \$300,000 in the 2017 budget was allocated for that building. Mr. Williams said Tom Sullivan is working with museum management particularly in regard to two windows on the east side that need to be replaced; the goal will be to accomplish that in 2017. Councilmember Teitzel commented due to the historical significance of the building, it is important to replace wood with wood which may increase the cost. He asked if there was grant funding available for such repairs. Mr. Williams answered the City did receive some funding from Historic Preservation when the building exterior was redone. He was uncertain funds would be available for these type of repairs but staff will research.

Council President Johnson suggested Councilmembers copy Finance Director Scott James and Legislative/Council Assistant Andrew Pierce when sending questions to staff so that a list of questions/answers could be maintained.

Councilmember Nelson inquired about a photograph in staff's PowerPoint. Mr. Williams said it was a photograph of the inside of a sewer line showing root intrusion.

Councilmember Nelson referred to DP52, \$20,000 for traffic calming, observing that was the same funding level as 2016 and asked how many projects that funded. Mr. Williams answered it depends on the project. For example, in 2015 approximately \$19,000 was spent on improvements to Olympic View Drive. The funding does not go far with projects like concrete bulb-outs but would go further with signage. Councilmember Nelson commented the funding seemed low.

Councilmember Buckshnis asked for clarification regarding where Councilmembers should direct their questions. Council President Johnson suggested Councilmember direct their questions to staff and copy Mr. James and Mr. Pierce. Mr. Williams said he will copy the Council on any answers he provides. Mr. James recalled when staff received questions from Council last year, the reply was sent to all Councilmembers and the Directors. He recommended following that procedure again to eliminate duplicate questions.

Councilmember Fraley-Monillas expressed interest in Councilmembers having time to ask questions and hear answers during a Council meeting as that provided a clearer picture and ability to ask follow-up questions. She pointed out once the Mayor presents the budget, it is the Council's budget and it is not a bad thing to have face-to-face discussions and Q&A. She expressed interest in having more time at Council meetings to review issues.

## 9. MAYOR'S COMMENTS

Mayor Earling reported:

- Four Councilmembers signed up for the AWC dinner at Scotts. He envisioned it would be a valuable session, Governor Inslee will attend.
- Following a meeting with PUD, PUD has agreed to reduce the lights to 3000K, the level most of the concerned citizens found acceptable.
- The final public meeting regarding the Civic Field is tomorrow from 6:00 to 7:30 p.m. in the Library Plaza Room.

## 10. COUNCIL COMMENTS

Councilmember Nelson made the following statement: Looking back on the year since our Council created the Edmonds Diversity Commission, boy has our national climate changed. Every day throughout our country, folks have come out, whether they are elected officials, candidates, individuals, or

organizations, saying hateful and hurtful things because someone looks different than they do, practices a different religious or is of the opposite sex. Now more than ever we need to hear the drumbeat of voices celebrating our differences like our very own Diversity Commission that we heard from tonight. Can we afford to stay silent, averting our eyes, living with this uncomfortable unease, ashamed of what we are hearing and seeing nationally, hoping this will all just go away? It's not going away. Like Walt Whitman, it is time that we each step out publicly and make a barbaric yelp over the roofs of the world, sharing the goodness that exists in all of us. A message like our wonderful city that accepts, respects, celebrates all people, all races, all sexual orientations and all religions makes communities stronger and better.

Councilmember Fraley-Monillas thanked Councilmember Nelson for his comments. In response to Mr. Hertrich's comments regarding the Multimodal Fund, she reported on her discussion with Mr. James and with Stephen Clifton, the former Economic Development Director, who were able to shed light on this topic. Mr. Clifton provided a historical perspective regarding the Multimodal Fund and agreed with Mr. James that the \$53,000 in the Multimodal Fund was money that Edmonds contributed; the grants were restricted to the multimodal project and had dried up because they were not used in the time allowed. Mr. Clifton agreed it was appropriate to move the funds into the General Fund.

Councilmember Buckshnis thanked the citizens who have contacted Councilmembers regarding the Edmonds Marsh. Tonight's action was the final chapter; she thanked Mayor Earling, Shane Hope, Kernen Lien and everyone who has assist with the SMP.

Council President Johnson reported:

- Final public meeting regarding the Civic Field is tomorrow om 6:00 to 7:30 p.m. in the Library Plaza Room.
- League of Women Voter of Snohomish County is sponsoring a movie, "Our children Are Not for Sale" on Thursday, Nov 17 from 6:30 – 9 p.m. at the Edmonds Unitarian Universalist Church.
- Ed! is offering an amnesty program for people to return their green umbrellas.
- Tickets are still available for the All Aboard Museum Heritage Days Benefit.
- The Council has received many comments about the new sign code. A discussion will be scheduled in early November. The Council supports a prosperous downtown, supports businesses and encourages everyone to shop in Edmonds including the businesses on the side streets.

Councilmember Tibbott reported:

- He met with several business owners this week who are affected by the sign code which gave him a greater appreciation for the difficulties they face with regard to obtaining signage in time for the enforcement period. He was pleased the Council is talking about it and expressed his appreciation to Councilmember Nelson for drafting a resolution that will help extend the conversation regarding the sign code and downtown businesses.
- He thanked Councilmember Fraley-Monillas for the update on the Multimodal Fund.
- He attended the Diversity Commission's Immigrant and Refugee forum and found it very interested. He encouraged the City to publicize those events beyond the circle of people who normally attend City events and possibly partner with other groups. He had some ideas for publicizing events.
- Meadowdale High School vs. Edmonds-Woodway High School football game on Friday at 5 p.m.

Councilmember Fraley-Monillas reported only about 30 people attend the Diversity Commission's Immigration & Refugee Forum although a bigger turnout had been expected. An event planned for November has been cancelled and will be rescheduled to allow the Commission time to assess better ways of getting the word out to different groups. Although there were signs and My Edmonds News published an article, it was not well publicized on the Hwy 99 corridor where the diversity exists.

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

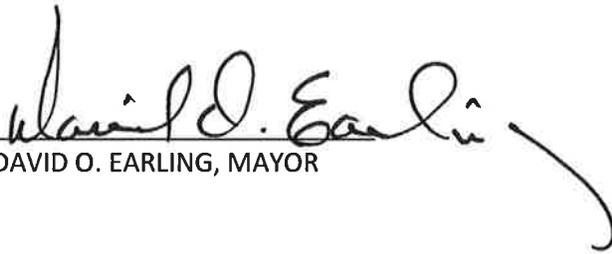
This item was not needed.

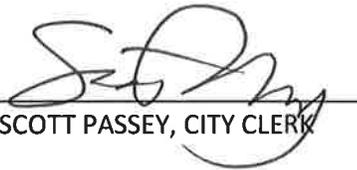
12. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

This item was not needed.

13. ADJOURN

With no further business, the Council meeting was adjourned at 9:43 p.m.

  
DAVID O. EARLING, MAYOR

  
SCOTT PASSEY, CITY CLERK

