

**EDMONDS CITY COUNCIL APPROVED MINUTES**  
**Special Meeting**  
**November 7, 2016**

**ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Kristiana Johnson, Council President  
Michael Nelson, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember (arrived 8:00 p.m.)  
Dave Teitzel, Councilmember  
Thomas Mesaros, Councilmember  
Neil Tibbott, Councilmember

**STAFF PRESENT**

S. Gagner, Police Officer  
Jim Lawless, Assistant Police Chief  
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  
Mary Ann Hardie, Human Resources Director  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Linda Hynd, Deputy 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 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

**2. ROLL CALL**

Deputy City Clerk Linda Hynd called the roll. All elected officials were present with the exception of Councilmember Buckshnis.

**3. APPROVAL OF AGENDA**

Council President Johnson relayed staff's request to reschedule Item 7.4 to next week.

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

**4. APPROVAL OF CONSENT AGENDA ITEMS**

Council President Johnson requested Items 4.3 and 4.4 be moved to Agenda Item 7.7 for further discussion.

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

1. APPROVAL OF CITY COUNCIL MEETING MINUTES OF NOVEMBER 1, 2016
2. APPROVAL OF CLAIM, PAYROLL AND BENEFIT DIRECT DEPOSIT, CHECKS AND WIRE PAYMENTS.

5. PRESENTATIONS/REPORTS

1. PUBLIC DEFENDER ANNUAL REPORT TO COUNCIL

Kathleen Kyle, Managing Director, Snohomish County Public Defender Association, provided an overview of the transition:

- Cases assigned from prior provider:
  - Assigned to 361 cases in the first quarter
  - Contract anticipated 150 incoming referrals per quarter
- Serious cases

	1 <sup>st</sup> Quarter (including transfers)	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter
DUI/Physical control	32	12	16
Domestic Violence	39	24	14
Assault (Not DV)	10	1	4

- Larger number of referrals

1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter
32	12	16

- Trends by Month:

April	86
May	76
June	97
July	71
August	50
September	76
Oct	39

- Cases by Offense Type

Offense Type	1 <sup>st</sup> Qtr + Trsfs	%	2 <sup>nd</sup> Qtr	%	3 <sup>rd</sup> Qtr	%
DWLS 3rd Degree	85	23%	71	28%	35	18%
Theft/Shoplifting	77	21%	61	24%	55	28%
All Other Unlisted Misdemeanors	38	10%	40	16%	26	13%
Domestic Violence -						
Assault, Reck Enda	39	11%	24	9%	14	7%
DUI and Physical Control	32	9%	12	5%	16	8%
Criminal Trespass 1 Or 2	13	4%	12	5%	10	5%
Viol Of Protection Order/Nco/Ro	13	4%	6	2%	12	6%
Hit & Run Att And Unatt	8	2%	6	2%	3	2%
Simple Traffic Offenses	11	3%	5	2%	2	1%
DWLS 1st and 2nd Degree	16	4%	4	2%	9	5%
Obstruct a Public Servant	5	1%	3	1%	5	3%
Reckless Driving	5	1%	3	1%	1	1%
Harassment	3	1%	2	0.8%	0	
Assault (Not DV)	10	3%	1	0.4%	4	2%

Malicious Mischief	2	1%	1	0.4%	1	1%
Weapons Related Offenses	2	1%	1	0.4%	0	
Disorderly Conduct (Excl Indecent Exp)	1	0.3%	1	0.4%	1	1%
MIP	0		0		0	
Alcohol Related Offenses (Excl DUI)	0		0		3	1.5%
Contempt of Court	1	0.3%	0		0	
Total	361		253		197	

- Probation review hearings by offense type:

Offense Type	1 <sup>st</sup> Qtr	2 <sup>nd</sup> Qtr	3 <sup>rd</sup> Qtr
DWLS 3rd Degree	3	6	1
Theft/Shoplifting	52	28	21
All Other Unlisted Misdemeanors	32	22	13
Domestic Violence - Assault, Reck Enda	17	20	15
DUI and Physical Control	32	33	16
Criminal Trespass 1 Or 2	2	2	2
Viol Of Protection Order/Nco/Ro	18	11	3
Hit & Run Att And Unatt	2	2	1
Simple Traffic Offenses	0	4	1
DWLS 1st And 2nd Degree	2	3	1
Obstruct A Public Servant	2	1	3
Reckless Driving	0	1	3
Harassment	2	2	0
Assault (Not DV)	13	12	1
Malicious Mischief	1	1	0
Weapons Related Offenses	3	1	1
Disorderly Conduct (Excl Indecent Exp)	0	1	2
Alcohol related offenses (excl DUI)	1	2	3
Total	182	152	87

Ms. Kyle said one question the above table raises is what type of offenses the should court monitor. She provided an overview of charges during the first, second and third quarter 2016 (does not distinguish in cases assigned pre-disposition and probation review cases only):

- Driving Charges
  - 37% of total charges
    - Highest: DWLS3 – 224 or 17%
    - 2<sup>nd</sup> Highest DUI – 99 or 8%
- Crimes Against Persons
  - 16% of total charges
    - 89% are DV related
- Domestic Violence
  - 13% of total charges
- Drug/Alcohol as an Element of Crime
  - Almost 12% of total charges
- Property Charges
  - 24% of total charges
- Others
  - 11% of total charges
- Crimes of poverty

	Of Total Charges	Of Offense Types
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Theft 3rd	275	21%	193	24%
DWLS 3	224	17%	191	24%
Other simple misdemeanors (including PDP)	138	20%	104	13%
Total % of charges		58%		61%

Ms. Kyle commented a regional or statewide relicensing program could divert 24% of the cases in Edmonds Court and allow those resources to be refocused elsewhere. She commented SCPDA is complying with WSBA Indigent Defense Standards

- Not exceeding 400 misdemeanors per attorney per year
- Contract structured for attorney staffing to respond to referrals
- Access to additional professional services: investigator, social worker, immigration consultation, interpreters
- Diligence in meeting with clients in a confidential setting, reviewing discovery, researching legal issues
- On-going continuing legal education

She referred to Exhibit 2 in her presentation, Investigations, Social Work and Immigration Consultation Requests by Offense Type, pointing out obstructing is only 2% of total charges and 31% of total obstructing charges required immigration consultation. She referred to information in her report regarding trends and updates and invited questions from the Council.

Councilmember Mesaros observed there were 9 cases related to marijuana and asked how the change in Washington State law impacted those numbers. Ms. Kyle said it could be youth crimes, marijuana possession under 21 is still illegal or cases that were in warrant and came back up.

Councilmember Mesaros referred to crimes of poverty statistics and asked about the dollar amount. Ms. Kyle answered every 400 misdemeanors requires a full-time public defender whose salary and benefits are approximately \$100,000; there are also impacts on other systems, time and workload. The criminal justice system is the most expensive way to address some of these problems; there are less expensive ways that also treat underlying issues. Councilmember Mesaros estimated \$100,000 for the prosecutor and another \$100,000 for court time, commenting that \$200,000 could be used to hire a social worker who could make a difference in people's lives. Ms. Kyle agreed, noting unfortunately social workers cost less than lawyers. She described a case where a lawyer went above and beyond.

Councilmember Teitzel referred to page 7 of Ms. Kyle's report that states SCPDA worked with the City to apply for a grant to defray the costs of the Public Defender Assessor, adding a dedicated jail calendar public defender, and adding more social work services. He asked why the grant was not successful. Ms. Kyle explained the grant is through the Washington State Office of Public Defense and is a very competitive process. She assumed since Edmonds has such a stellar reputation, communities with less resources received grants this year. Ms. Hite explained staff submitted the grant with the assistance of SCPDA; she learned the main reason Edmonds did not receive the grant was there were so many requests and Edmonds' request was for things the City already has in place. The grant was mainly for new innovations and new ways to satisfy the public defense standards.

Councilmember Teitzel referred to page 8 of the report, Certificate of Restoration of Opportunities Act, a way for people with a felony to get a certificate to help them get a job. He asked if that removed the felony from a person's record. Ms. Kyle answered it does not, the person must still report the felony when applying for a job. The sealing laws in Washington are a totally separate act and it is a much longer

process. A Certificate of Restoration of Opportunity is 24 months after a person completes the terms of their sentence, sealing is a minimum of 10 years.

Councilmember Fraley-Monillas referred to the table, Drugs/Alcohol as an Element of Crime, and asked what is a legend drug. Ms. Kyle said a legend drug is a prescription drug but the person does not have the prescription. Certain legend drugs are felony offenses and others are misdemeanors.

Council President Johnson referred to Crimes of Poverty, and asked the amount for Theft 3<sup>rd</sup> degree. Ms. Kyle answered under \$750 is a misdemeanor. She said it would be interesting to analyze how many Theft 3 are under \$25 or theft of food or basic life necessities versus typical retail theft. Council President Johnson said there has been patterns of theft around grocery stores which could be related to alcohol. Ms. Kyle said she would like to see more prevention in stores. They see people who leave the store with a sandwich in their pocket and are met by Edmonds law enforcement; she wished the person would be asked about the sandwich in their pocket before they left the store. She did not know how many Theft 3 were that type of crime but it was worth noting it was a huge piece of what is happening in the Edmonds Municipal Court.

Council President Johnson asked what constituted a DWLS 3. Ms. Kyle answered Driving with License Suspended in the 3<sup>rd</sup> degree is a crime where someone's license has been suspended, often for failure to pay fines, non-appearance, failure to pay child support or a person whose license has been suspended for a crime like DUI or reckless and has served the period of suspension but have not gotten their license back because that often requires money which is why it is viewed as a crime of poverty. People with wealth and jobs can pay what is necessary to get their license back. Council President Johnson asked what options were available to the City to deal with crimes of poverty. Ms. Kyle responded one good option is what the City of Spokane and Spokane County have done, partnering to create a relicensing program where a person pays a \$100 entry fee and is put on a payment plan which allows their license to be freed up and they can get back to work; the municipality and the county share that money under some formula. If people have licenses, they are not driving with license suspended which would greatly reduce that offense.

Councilmember Tibbott asked if there are incentives for retailers to do crime prevention inside the store. Ms. Kyle said she was sure there are, commenting other places in the country have dealt with these issues. She complimented the agencies who have been meeting regularly to discuss these issues, an opportunity to further research preventative measures for Theft 3. There is still work to be done by SCPDA related to identifying food and clothing resources for clients. Councilmember Tibbott recalled when WinCo was under construction, the crime rate at that location significantly decreased and increased when the store opened. Ms. Hite said the City has had a meeting with the Police Department, Public Defense, Prosecutor and City Attorney to discuss court efficiencies and programs. A follow-up meeting is scheduled in a couple weeks. The City's Prosecutor, Melanie Thomas, is looking at the Spokane relicensing program as an option for Edmonds as well as a prescreening program for public defense services. Currently, anyone in the court that says they need a public defender is assigns a public defender; 90% of cases are assigned a public defender but there is no financial screening process. Research is being done related to compensation for people being represented by public defenders that can afford to pay in full or in part of a public defender as well as ways to save on the case load to the SCPDA.

Councilmember Fraley-Monillas commented WinCo has located alcohol toward the back of the store under closer supervision. WinCo believes people get off the freeway, come to the store and steal, and return to the freeway, making them difficult to catch. Safeway also has the alcohol toward the back of the store where it can be observed by more store staff. Safeway has a security guard and catch some people; they also have a police only parking space in front of the store. She anticipated most shoplifting offenses

were related to the Safeway and WinCo stores and is an issue related to the homeless population on Highway 99, whether food or alcohol.

Councilmember Nelson said WinCo Loss Prevention only contact the Police Department when they encounter something substantial, during his ridealong, WinCo contacted the police for a suspect with cocaine and Safeway for a suspect fleeing with five liters of vodka on his person.

6. **AUDIENCE COMMENTS**

There was no audience comment.

7. **STUDY ITEMS**

1. **REPORT AND RECOMMENDATIONS FROM THE MAYOR'S TASK FORCE ON THE ALTERNATIVES ANALYSIS FOR AT-GRADE RAIL CROSSING CONFLICTS**

Mayor Earling explained this group has been meeting twice a month for 13 months. The group had great representation from the State of Washington Department of Transportation and Ferries, BNSF, Sound Transit, Community Transit and three citizens in addition to Co-Chairs Councilmember Mike Nelson and Port of Edmonds Commissioner Jim Orvis. The group also included Rick Schaefer, Tetra Tech Engineering, Public Works Director Phil Williams and Economic Development/Community Services Director Patrick Doherty. There has been a fabulous public process including four open houses with great audience participation. The Task Force gave him their recommendation about two weeks ago and he has had an opportunity to ask questions and talk to Task Force members; he was impressed with the work the group has done. Following his review and investigation, he fully supports the Task Force's recommendation and would like to move forward as quickly as possible as there is a key federal grant the City needs to apply for as well as communicate with State legislators.

Co-Chair Jim Orvis commented the recommendation is a good product and he was proud of the work that was done by all. He noted one group that is rarely mentioned or given proper credit is the public who attended the public meetings. A veteran of public hearings, he noted few had been as substantive as these; the people who attended were serious, had good comments and ideas and once the process of eliminating ideas began, they had great comments and input. He expressed thanks to the public who gave of their time and energy, did their homework and came to meetings ready to help.

Co-Chair Mike Nelson, identified the members of the Task Force:

- Cadence Clyborne, Edmonds Resident
- Kirk Greiner, Edmonds Resident
- Phil Lovell, Edmonds Resident
- Joy Munkers, Planning Director, Community Transit
- Nicole McIntosh, Director of Terminals, Washington State Ferries
- Rick Wagner, NW Division Manager of Public Projects, BNSF
- Jodi Mitchell, Sound Transit
- Lorena Eng, NW Regional Administrator for Engineering and Regional Operations, WSDOT
- Lynne Griffith, Assistant Secretary, WSDOT – Ferries Division
- Rick Schaefer, Senior Project Manager, Tetra Tech and Edmonds resident

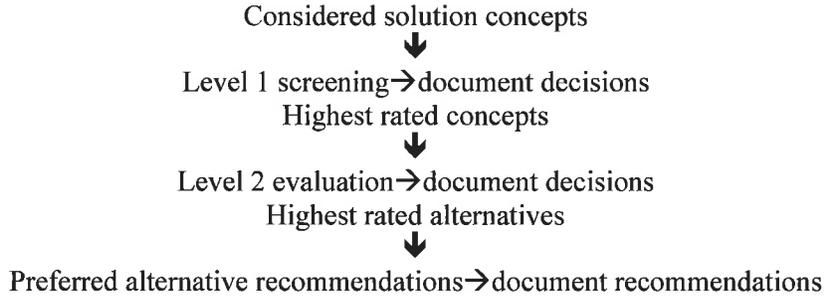
Councilmember Nelson also recognized Co-Chair Port of Edmonds Commissioner Jim Orvis, who had been a guiding hand during the entire process. He assured the Task Force considered every conceivable way to cross the tracks, under, over, practically through, every foot along the waterfront was examined for possible crossing points and consideration was given to structural and design challenges, amount of land,

environmental challenges, and community challenges. The public was engaged with the mailing of 25,000 postcards, open houses, presentations to Council; Task Force members provided their expertise, experience and their all into developing the solutions that address the challenge of accessing the waterfront safely and efficiently. He concluded it had been a pleasure to work with all the Task Force members and he was proud of the work they produced. Co-Chair Orvis recognized Mr. Williams and Mr. Doherty.

Rick Schaefer, Tetra Tech, reviewed:

- Purpose and need for the study:
  - Access to the entire waterfront area by emergency responders
  - Ferry loading and unloading
  - Access to the waterfront area by people driving, walking or biking
  - Ferry, rain and bus connections
- Study Milestones
  1. Understanding existing conditions
    - Understand scope of problem
    - Gather available data
    - Public meeting and online open house
  2. Identify alternatives
    - Identify potential near term and long term solutions
    - Define the screening criteria
    - Public meeting and online open house
  3. Screen alternatives (Level 1 review)
    - Review alternatives with qualitative criteria
    - Identify the most promising
    - Configure into alternatives for further development and examination
    - Public meeting and online open house
  4. Evaluate alternatives (Level 2 review)
    - Apply quantitative criteria to compare:
      - How meets waterfront access needs
      - Costs
      - Positive and negative aspects
    - Public meeting and online open house
  5. Development recommendation
    - Develop preferred alternative recommendations for structural and non-structural solutions to improve safety and efficiency of waterfront access
- How does rail traffic affect access? (Based on traffic recorded June 16-july 3, 2012)
  - Gate Closures at Main Street and Dayton Street crossings:
    - 37.5 closures average per day
    - 80 minutes average per day (5.5% of the day)
    - 2:12 average closure duration (3:54 for unit trains)
  - At Main Street crossing (daily average):
    - Vehicles delayed (84% ferry traffic)      Pedestrians delayed
    - 709 delayed by closures 115 delayed by closures
    - 28.7 vehicle-hours      4.7 person-hours
    - Over 10 ferry loadings/off-loadings affected daily
    -
- Graph of emergency calls across the tracks by response time (Fire District 1 records July 1, 2010 to December 8, 2015)
  - 277 incidents
  - 64 had responses times of 7 minutes or longer

- Variety of causes for delays
- Additional 40-50 call-outs per year for rescue boat
- Graph of hourly distribution of emergency calls and Main Street gate closures
- Diagram of 2-stage screening/evaluation process



- **Public meetings**

November 18 <sup>th</sup>	January 27 <sup>th</sup>	May 12 <sup>th</sup>	September 14 <sup>th</sup>
116 attendees	83 attendees	58 attendees	49 attendees
	38 newcomers	28 newcomers	11 newcomers
326 online visits	175 online visits	268 online visits	40 online visits
259 visitors	131 visitors	191 visitors	30 visitors
54 comment submittals	33 comment submittals	20 comment submittals	17 comment submittals

- Aerial map identifying location of initial concepts
  - 40% of concepts raised by community at first public meeting
- Sample matrix of purpose and need and feasibility of alternatives
- Level 1 outcomes
  - 51 concepts/variants
    - 6 early recommendations
    - 13 advancing concepts
      - 10 Level 2 alternatives\*
      - \*11<sup>th</sup> alternative was added during the Level 2 evaluation (Edmonds Crossing)
- Near term recommendations
  - Emergency evacuation plan for waterfront area
  - Crosswalk improvement
  - Emergency notification to halt trains north and south of Edmonds crossings
- Level 1 Outcomes

Level 1 concepts	Level 2 alternatives
<b>Pedestrian/Bicycle/Emergency Vehicle Access</b>	
Overpass 1	Admiral Way Pedestrian/Emergency Vehicle Overpass
Overpass 4B	Dayton Street Pedestrian/Emergency Vehicle Overpass
Overpass 9	Edmonds Street Pedestrian/Emergency Vehicle Overpass
<b>Pedestrian/Bicycle Access</b>	
Overpass 5/On-site 2	Midblock Pedestrian Overpass, with stationed equipment
Overpass 7A/On-site 2	Main Street Pedestrian Overpass, with stationed equipment
Underpass 4/On-site 2	Main Street Pedestrian Underpass, with stationed equipment
<b>Grade Separation</b>	
Ferry 4/Ferry 8	Main Street Ferry Overpass (full build)
Overpass 6	Main Street Ferry Overpass (minimum build)
Underpass 1/Ferry 5	Main Street Ferry Underpass
Ferry 3	Dayton Street New Ferry Terminal
Ferry 1	Edmonds Crossing (minimum build)

- Aerial view identifying alternative types and locations

- Level 2 Alternative Evaluation Criteria
  - Purpose and Need
    1. Reliable emergency response
    2. Reduce ferry delays
    3. Reduce delays & conflicts at crossings
    4. Safe/efficient passenger connections
  - Other Functions
    5. Emergency evacuation
    6. Urban design & community goals
    7. Consistent with transportation operations
  - Implementation
    8. Fundable and permittable
    9. Temporary construction impacts
    10. Environmental effects
    11. Address sea level rise impacts
- Alternatives Cost Estimate summary

Alternative	Type	Construction Cost <sup>1</sup>	Project costs	ROW	Total Cost
Admiral Way Overpass	Emergency Access Roadway	\$20,100,000	\$4,400,000	\$3,500,000	\$28,000,000
Dayton Street Overpass	Emergency Access Roadway	21,800,000	4,400,000	2,800,000	29,000,000
Edmonds Street Overpass	Emergency Access Roadway	18,100,000	4,200,000	1,700,000	24,000,000
Midblock Overpass	Pedestrian/Bicycle	4,200,000	700,000	1,100,000	6,000,000
Main Street Overpass - Elevators	Pedestrian/Bicycle	5,100,000	900,000	2,000,000	8,000,000
Main Street Underpass	Pedestrian/Bicycle	14,500,000	3,400,000	31,100,000	21,000,000
Dayton Street New Ferry Terminal	Ferry Terminal Relocation	210,000,000	47,000,000	29,000,000	286,000,000
Main Street Ferry Overpass – Full build	Ferry Terminal Relocation	123,000,000	26,000,000	9,000,000	158,000,000
Main Street Ferry Overpass – Min. build	Ferry Terminal Relocation	103,000,000	23,000,000	2,000,000	128,000,000
Main Street Ferry Underpass	Ferry Terminal Relocation	291,000	62,000,000	4,000,000	357,000,000
Pt. Edwards Ferry Terminal – Min. build <sup>2</sup>	Ferry Terminal Relocation	232,000,000	51,800,000	10,200,000	294,000,000

<sup>1</sup>Using WSDOT and Sound Transit unit cost bases<sup>2</sup>

<sup>2</sup>Point Edwards previous estimate was developed in 2009 as part of the minimum build report

- Alternatives Evaluation Summary
  - Emergency Response
  - Traffic conflicts and delays
  - Human and natural environment

Mr. Schaefer reviewed the Task Force’s recommendation in addition to early recommended measures:

- Near Term: Pedestrian overpass near the train station and senior center
  - Displayed renderings of options:
    - Midblock Overpass (stairs, elevator)
      - May align with Sound Transit’s future plans
    - Edmonds Street Overpass (pedestrian, bicycle, emergency vehicles)
    - Main Street Overpass (minimum build) - community objected to this project
- Longer Term: Edmonds Crossing

- Follow Ferries' lead
- Anticipate at least two decades in the future

Councilmember Teitzel commented it was exciting to see potential, tangible solution to the problem. He referred to the Edmonds Street Overpass, observing the railing in the schematic was waist height which would make it easy to intentionally or unintentionally fall onto the tracks. Mr. Schaefer agreed there would need to be a higher barrier for the portion above tracks, citing the crossings from Queen Anne to Myrtle Edwards Park and the pedestrian walkway in Richmond Beach Park as examples. Councilmember Teitzel commented there would view issues on Sunset with that option. He asked if the Edmonds Street Overpass in the rendering would be high enough to accommodate double tracking. Mr. Schaefer answered yes, the second track will be landward of the existing track.

Councilmember Fraley-Monillas expressed appreciation for the work done on this long, hard project by the Task Force, particularly by the volunteers on the Task Force and City staff. She recalled at the Save the Beach Rally advocating for a commission to involve the community. What the Task Force developed was brilliant and the most cost effective. Born and raised in Richmond Beach, she was familiar with the bridge over the tracks in Richmond Beach Park, recalling it includes removable bollards for first responders to reach the beach.

Councilmember Tibbott echoed Councilmember Fraley-Monillas' comments. He noted the documents identify the Edmonds Marsh as a Category I wetland. Mr. Schaefer agreed that was changed. Councilmember Tibbott commented the Edmonds ferry crossing had the highest commercial truck traffic and suggested the commercial trucking industry may be a stakeholder.

Council President Johnson advised next week's agenda includes an opportunity for public comment on the At-Grade Rail Analysis.

Councilmember Buckshtnis commented she was a stickler for agenda packets; this was probably the best agenda packet she has read in a long time, it was extremely thorough and the Task Force, staff and consultant did a great job.

Mayor Earling reiterated he would like to move this project as quickly as possible. He suggested Councilmembers ask any additional questions next week as well as take public comment and then move the recommendation forward. The federal grant application, due in December, will require communicating with the congressional delegation as well as key staffers on the hill.

Councilmember Fraley-Monillas looked forward to public comment, noting this was probably one of biggest projects with the most community involvement in recent history. Mr. Schaefer thanked the City Council, noting the robustness of the public process and the vigor with which it kicked off was positively impacted by the Council's generosity in providing funding for the 25,000 mailed notifications.

2. **A RESOLUTION TEMPORARILY SUSPENDING CERTAIN PROVISIONS OF THE SIGN CODE**

Councilmember Nelson said the proposed resolution would temporarily suspend the pedestrian sign code provisions of the ordinance passed on August 2, 2016. The resolution is the result of concern expressed by local businesses about the challenges they face complying with certain provisions of the sign code related to pedestrian signs; it is clear more time is needed to understand the impact of the sign code provisions and opportunities for revisions. The resolution proposes suspending those provisions for 120 days and during that time, businesses could meet with City staff and staff could return to Council with any revisions prior to the conclusion of the suspension.

**COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE RESOLUITON NO. 1373, A RESOLUTION REQUESTING THE MAYOR TO DIRECT CITY STAFF TO SUSPEND FOR ONE HUNDRED TWENTY DAYS IMPLEMENTATION OF THE PEDESTRIAN SIGNIFICANT PROVISIONS OF ORDINANCE NO. 4039 AND ECDC 20.60.055.**

Councilmember Buckshnis how and who would move this forward. Mayor Earling suggested the Council as that was who proposed resolution.

Councilmember Teitzel suggested forming a task force post haste with members of the Edmonds Downtown Alliance, Downtown Edmonds Merchants Association, Economic Development Commission and Architectural Design Board as well as members of City staff member to work the issue and bring recommendations to Council before the expiration of the 120 days. He preferred not to have the 120 days elapse and have to be extended to allow further work.

Councilmember Tibbott agreed with Councilmember Teitzel's suggestion to form a task force. In talking with members of community, he heard there is a lot complexity related to complying with the code especially downtown and frustrations arise with applying and obtaining a permit in a timely manner. He supported the motion and felt 120 days should be enough time to resolve these issues. He strongly suggested the City develop pedestrian level directional signage that could be implemented shortly after.

Council President Johnson relayed the Council adopted the sign code a few months ago and left implementation to the Development Services Department. She suggested staff provide a report before the Council begins tinkering with sign code. Development Services Director Shane Hope referred to staff's response to questions Council President Johnson submitted:

- Number of of Planning Board meetings and City Council meetings regarding the sign code
  - 2015: 2 open houses
  - 2016: 5 City Council meetings and 8 Planning Board meetings
- Implementation schedule by Development Services Department
  - Began with education and information in hopes of voluntary compliance
  - Following effective date of code changes on August 12, 2016, letter sent on August 16 to 571 businesses in downtown/waterfront area
    - Provide information
    - Reference to website where new code posted
    - Answer basic questions
    - Summarize key points.
    - Emphasize importance of obtaining permit right away.
  - Some questions raised at that point
  - Some businesses began removing signs or obtaining permits
  - Mailed postcard in late September to 571 businesses stating time is running out, encouraging obtain permit, and inviting questions
- Cost of sending out information
  - First letter: 10 hours staff time for first letter, \$100/hour = \$1000, mailing cost, copying \$500, total \$1500
  - 2<sup>nd</sup> mailing: less costly \$400-500
- Date of enforcement and fines
  - No fines have been issues, idea was voluntary compliance
  - If fines had been levied, \$100/day is standard fine
- Likely impact of extending enforcement for 120 day
  - Con: still uncertainty with regard to pedestrian signs unless covered by other part of code such as cannot block ADA access
  - Pro: gives opportunity to address specific issues that have arisen

Ms. Hope relayed issues raised in a November 2, 2016 email from a business owner, 1) cost of the permit, 2) interpreting the size of sign and how it counts toward permanent signage, 3) signs that are not next to the building for businesses less visible (biggest issue), and 4) whether businesses could combine to request ADB review.

Council President Johnson asked how many sign applications have been received. Ms. Hope said the City received 16 applications; others inquired but felt they could not qualify under the new regulations. There is a \$125 application fee plus a \$25 technology fee.

Council President Johnson asked about next steps for implementation of the sign code if there was a 120-day suspension. Ms. Hope answered if the Council requests suspending regulations on pedestrian signs, she would send out a new letter/postcard to the 571 business, do a press release and post an announcement on the webpage advising of the suspension and the need to address key issues as well as meet with key people such as the business associations. With regard to signs located away from a business, she said the sign code has always prohibited locating signs around the corner from the business. However, without a permitting system, that was not readily enforceable. She summarized the process would be to first notify businesses and organize a small group to analyze alternatives to be addressed during the 120-day period. If more time was necessary, she would return to Council.

Council President Johnson commented there were a total of 15 City Council and Planning Board meetings and open houses, recognizing people may not notice something is happening until the bulldozer is at their front door. She observed implementation was initiated August 2, approximately 90 days ago, and there has been only minor compliance with only 16 permit applications.

Councilmember Fraley-Monillas expressed support for a temporary suspension of the ordinance. Staff did a great job notifying businesses but the code may need to be tweaked a little so it is agreeable to everyone. She relayed seeing better compliance with ADA and signs not blocking sidewalks.

Councilmember Nelson said the most expeditious process would be for Ms. Hope to meet with interested parties such as business organizations like the BID and/or individual businesses to work out issues and then bring any decisions to City Council.

Councilmember Teitzel thanked Ms. Hope and her staff for their work on this including numerous meetings. He expressed support for the motion, commenting it was important to give businesses breathing room to get through the holidays. He looked forward to working with Ms. Hope and her staff on the development of a long-range plan that includes permanent wayfinding signs.

Mayor Earling observed the resolution directs him to direct staff; in his opinion it was critical that the Council be involved as they chose to bring this issue forward. If the motion passed, he would recruit Councilmembers to assist.

**MOTION CARRIED UNANIMOUSLY.**

**3. 2017 REVENUE DISCUSSION AND PUBLIC COMMENT ON THE 2017 BUDGET**

Finance Director Scott James explained the intent of this presentation is a high-level overview of the City's revenue budget with focus on General Fund revenues as well as a brief review of expenditures and Strategic Plan for the General Fund. He reviewed:

- Context
  - The budget picture for Edmonds has moved from “pretty darn hopeful” for 2016 to one with more caution for 2017

- 2017 operating revenues see only 0.9% growth over 2016
- Increasing property values
- Future budgets may become more challenging
- Costs from FD1 are unknown
- City will have to look for either new on-going revenues or on-going expenditure savings
- Economic Environment
  - The Puget Sound economy continues to be one of the healthiest in the country
  - Home values continue to increase and housing sales remain healthy
  - For 2017, we anticipate modest growth now and moderating further over the next few years
- Graph of unemployment rates January 2005 – July 2016 for Greater Seattle, Washington, and United States
  - September 2005 the Washington State Unemployment rate was 5.5% and gets as low as 4.6% in June of 2007
  - Climbs as high as 10.4% in November of 2009 to its current rate of 5.6% as of last September
  - Since the peak unemployment in late 2009 to early 2010, the Seattle – Tacoma – Bellevue unemployment rate has been trending significantly better than the national unemployment rate
- Revenue Trend Analysis 2013-2015 Actual, 2016 YE Estimate and 2017 Budget for other financing, transfer-in, miscellaneous, fines and penalties, charges for service, intergovernmental, licenses and permits, and taxes
  - In 2013, taxes accounted for 44% of the overall revenues and decreases to 38% of revenues for 2017
  - Charges for Services accounted for 35% in 2013 and remains unchanged for 2017
  - City received \$63.8 million in 2013 and grows to an anticipated \$82.4 million in 2017
  - Economic condition dependent revenue such as License & Permit revenues experienced increases for 2013 to 2014 and moderates between 2015, 2016 and 2017
  - Dependency on the City's largest source of revenues, Taxes, decreases from a high of 44% in 2013 to 38% in 2017
- Pie Chart of Revenues by Type
  - Charges for Services – 34.66%
  - Intergovernmental – 12.31%
  - Licenses and Permits – 2.64%
  - Taxes – 38.33%
  - Transfers-in – 5.81%
  - Miscellaneous – 5.68%
  - Fines and Penalties – 0.56%
- Expenditures Comparison All Funds (page 17 of Budget Book)
  - 2017 expenses are anticipated to grow nearly 6.36% or \$5.8 million over what we are projecting to spend this year
  - Compared to the 2016 Budget, this year's request decreased by \$9.2 million
  - Majority of this decrease comes from:
    - The General Fund budget to pay debt service dropped by \$950,000
    - Contingency Fund 012 budget decreased \$800K for FD1 Retro
    - Bldg. Maint Fund 016 Fishing pier project for \$1.9 million
    - Street Const. Fund 112 project budget lower by \$2.2 million
    - Utility budget for projects coming in lower
- Expenditures by Type
  - Capital outlays – 23.70%
  - Intergovernmental – 12.85%
  - Other Services and Charges – 21.21%
  - Supplies – 4.04%

- Salaries and benefits -- 28.62%
- Transfers-out – 4.92%
- Debt service – 4.67%
- 2016 - 2017 Comparison General Fund Revenues
  - 2017 General Fund revenue estimates are projected to decline by 3.22% or \$1,254,720 over budgeted revenues for 2016
    - Majority of that \$1,254,720 difference is from bond levy tax and lower development related revenues
- Revenues Trend Analysis
  - General Fund received \$34.5 million in 2013 and grows to an anticipated \$37.75 million in 2017
  - Economic condition dependent revenue such as License & Permit revenues have stabilized for most since 2014 with a minor up tick for 2016
  - Dependency on the City’s largest source of revenues, Taxes, decreases remains unchanged for 2013 and 2017
- General Fund Key Revenues

Revenue	2016 YE Estimate	2017 Proposed	Variance	%	Discussion
Property Tax	10,064,870	10,221,670	156,800	1.6%	Includes 1% increase
EMS Levy Tax	3,684,500	3,911,080	226,580	6.1%	Includes \$170,090 banked capacity
Sales Tax	6,850,000	6,875,000	25,000	0.4%	Tax growth stabilizing

- Comparison of property tax 2017-2010 (page 15 of Budget Book)
  - The Snohomish County Assessor’s Office is adding nearly \$39.3 million of new assessed value from construction in 2017
  - This construction is adding over \$53,000 to the cities regular property revenue
- Graph of sales tax revenue 2007 - 2017
- Pie chart of General Fund Expenditures by category (page 25 of Budget Book)
- 2017 General Fund Expenditures
  - The 2017 General Fund Expenditure Budget is 3.46% smaller than the 2016 estimated year end expenditure.
  - 2014–2021 GF Financial Plan (pages 13 & 14 of Budget Book)
  - The 2014–2021 Financial Plan is a combination of:
    - 2014 and 2015 history,
    - 2016 projections,
    - 2017 recommended budget,
    - and 2017–2021 projections.
  - The plan gives a high level view of where we are and where we are going from a financial perspective if there are no major unanticipated changes in the economy, revenues or expenditures.
  - Total Revenues & Expenditures 2014-2021 Analysis
  - General Fund Fund Balance
- REET Revenues 2013-2017
  - 2017 Estimated REET revenues are about \$800,000 higher than 2013
  - REET revenues stabilizing since 2015

Mr. James thanked staff for their assistance preparing the budget especially Finance Department staff.

Mayor Earling opened the opportunity for public comment. There was no one present who wished to provide comment.

Councilmember Buckshnis reiterated the concern she has expressed for the past three weeks with the inability to ask questions as staff presentations were made, relaying she has submitted over 60 questions to staff. She asked when the questions and staff's responses to her and other Councilmembers' question will be provided and posted. Mr. James said staff has been working to compile responses to Council questions. In the past, Council questions and staff responses were compiled and emailed to Councilmembers, a process that has already begun. Councilmember Buckshnis reiterated her concern with the inability to have discussions following each presentation.

Councilmember Buckshnis said she had several questions that the public is waiting to hear. Her major questions include the amount under budget and the creation of the new IT Department based on the under-budget amount for 2016 without asking Council. Mr. James said the intent of this agenda item is to provide information as well as a Q&A; additional budget sessions are scheduled on November 15 and 22. With regard to savings, there is only \$45,000 that was not spent on capital outlays in 2016; the intent was to use those funds as startup cash for the new IT Fund. He described the purpose of the IT fund; the auditor has raised questions about allocating costs for the City's service departments such as IT. One of the intents is to allocate costs to the utility funds to avoid utility funds subsidizing the General Fund or vice versa. Staff's research found several cities have implemented overhead allocation.

Councilmember Buckshnis said she has been told that Council President Johnson wants the budget completed by Thanksgiving which she did not support. She asked whether Councilmembers should ask questions in public or via email. Mr. James explained when the 2017 budget was built, any major service level changes were submitted via decision packages. There is not a lot of the change in the services being offered from one year to the next and any changes are explained in the decision packages.

Councilmember Buckshnis commented some decision packages do not reconcile to the budget. Mr. James acknowledged there is one example in facilities maintenance. The new Facilities Manager submitted a \$6,000 decision package and also included that amount in his baseline budget. Other examples Councilmember Buckshnis noted are instances where there are several line items in the department budget and one-time expenses in 2016 also may create some confusion. He suggested emailing a list of those to Councilmembers to help with understanding the changes in the 2017 budget.

Councilmember Teitzel asked how Council questions and staff's responses are disclosed to the public if questions are submitted and answered electronically. Mr. James suggested posting questions and responses on the budget webpage. Councilmember Teitzel said he will email his questions to staff. Mr. James encouraged Councilmembers to ask questions as staff is present tonight to respond. Mayor Earling said he has requested senior staff attend budget presentations to respond to Council questions.

Councilmember Teitzel referred to intergovernmental revenue on the Revenue Trend Analysis and inquired about the 2016 YE Estimate of \$7.245 million and the increases by \$3 million to \$10.124 million in 2017. Mr. James responded that increase is due to grants.

Councilmember Fraley-Monillas asked when the Council will begin to discuss including their requests in the budget, noting there was not a great deal of pre-conversation regarding Council requests although some funds have been allocated in the budget for Council requests. She anticipated there may be more Council requests than funds allocated so adjustments may need to be made in the budget to fund those requests. Mr. James responded those could be discussed now or Councilmembers could email him a list of their proposed changes and he could compile the lists and prepare a spreadsheet for Council discussion. He encouraged Council to begin the discussion, ask questions and recommend changes.

Councilmember Fraley-Monillas observed next week's agenda includes 30 minutes for a public hearing on the 2017 budget and suggested scheduling an hour to discuss Council budget priorities. Council

President Johnson said the estimated time for next week's agenda is 3 hours 15 minutes. Councilmember Fraley-Monillas suggested clearing agenda agendas unless they are urgent to allow time to discuss the budget. Staff, citizens and the Council need time to hash through the budget and potentially deliberate on November 22 although adoption of the 2017 budget is scheduled on the extended agenda for November 22.

Council President Johnson commented now is a good time for Councilmembers to identify their ideas, even if they did not know the associated costs. She will include as much time as possible for budget discussion on next week's agenda. She pointed out the extended agenda also includes time on December 6 for adoption of the 2017 budget if necessary. She wanted to ensure all of Councilmembers' issues were addressed in a timely manner.

Mayor Earling referred to the \$100,000 included in the budget for Council consideration, priorities and allocation, and emails that have been circulating with suggested expenditures. He suggested Councilmembers identify their requests and the ballpark cost, commenting Councilmembers may need to prioritize those items.

Councilmember Buckshtnis expressed interest in determining the cost of a social worker. She also had questions related to \$72,000 for a federal lobbyist and the cost to hire dedicated parking enforcement. Mr. James asked if Councilmember Buckshtnis was recommending the social worker and parking enforcement be funded from the \$100,000. Councilmember Buckshtnis said the Police Department budget includes a decision package for a staff assistant; she has not received sufficient answers regarding that request and she is waiting for answers to other questions. She also expressed interest in the cost of a City arborist and whether it would be advantageous to have City arborist.

Councilmember Nelson expressed interest in emphasizing pedestrian safety in the budget to include an additional officer for traffic enforcement which costs approximately \$100,000 including benefits, 2 additional radar trailers for traffic enforcement which cost approximately \$10,000 each. He said the radar trailer are effective at reduce speeds as well as tracking speeds.

Councilmember Mesaros said he was also interested in pedestrian safety. He lives in unique part of City where 10 years ago there were few residents but by the end of 2017 there will be over 400 people living on the Pt. Edwards bluff. He is a frequent pedestrian in that area and it is one of the darkest areas in the City. He suggested Councilmembers visit the area to see how dark it is. He planned to submit a decision package to install street lights in that area to improve pedestrian safety.

Councilmember Fraley-Monillas commented there are other areas in the City without street lights and pedestrian facilities. She expressed interest in parking enforcement, and referred to a 2011 email she sent Councilmembers today from business owners complaining about parking and lack of enforcement. She relayed Police Chief Compaan said of the 2 combined parking enforcement/animal control positions, 75% of their time or 1.5 FTE is spent on animal control and only 25% or 0.5 FTE doing parking enforcement. The business community is also supportive of additional parking enforcement, especially in the downtown core. She agreed with the request for additional traffic enforcement and training. She referred to pedestrian accidents in recent years and suggested training be provided to residents such as at schools, the senior center, etc. regarding how to safely cross roads.

Councilmember Fraley-Monillas also supported funding for a social worker; the cost in Lynnwood is \$40,000-50,000/year via a partnership with the Y. She anticipated benefits a social worker could provide, particularly the City's frequent flyers, by helping people identify resources. The Police Department does its best to relay information regarding services, but that is not their prime function. She was also interested in providing at least partial funding to the Health District. Every city in Snohomish County

except two are providing funds to the Health District in 2017. She concluded she had more ideas but that was a good start.

Mayor Earling said the Health District will make a presentation on November 15. At a recent mayors meeting, the mayors of Mountlake Terrace, Brier, Lynnwood, Edmonds and Mill Creek said they have no money in their budgets for the Health District. Councilmember Fraley-Monillas agreed Mountlake Terrace and Brier were the two cities that do not have money in their budgets for the Health District. Mayor Earling said funds were also not currently included Lynnwood, Mill Creek or Edmonds' budgets. He was open to whatever the Council wants to do; however, as currently proposed, the Health District was asking for money without a formal plan for the future. Councilmember Fraley-Monillas said Everett and Marysville were definitely providing funds. Mayor Earling said Marysville was in for \$1 and Everett was not certain.

Councilmember Teitzel said 1-2 years ago when Council President Johnson was the Council liaison to the Historic Preservation Commission (PHC), there was discussion that much of the memory of where Edmonds began as a logging and mill town was being lost. It was regrettable that people would have to visit the museum to see images of what the town looked like over 100 years ago. With that in mind, the HPC developed a concept to place interpretive panels at the south end of Sunset Avenue and in Yost park with images of 100 years ago. The image at Sunset would be looking south along the train tracks with all the mills in operation and a steam train; a now versus then experience. The image in Yost Park would be near a well-preserved cedar stump showing the logging process for felling trees of that size. Creating those signs would cost approximately \$5000 each. That would be a gift the Council could give the community to keep alive what Edmonds looked like 100-125 years ago. He suggested setting aside those funds from the \$100,000 Council discretionary budget.

To Councilmember Fraley-Monillas' suggestion for pedestrian safety training, Councilmember Nelson said the Pedestrian Safety Task Force, chaired by Mr. Williams, developed a presentation about educating pedestrians how to be safe; it is scheduled to be presented at the senior center this week and in other locations in the future. He emphasized education also requires enforcement.

Council President Johnson commented there were a lot of great ideas and asked how to move forward, whether Councilmembers should prepare decision packages with dollar amounts that could be considered along with the other decision packages. She observed there obviously more expenditures than could be funded with the \$100,000. Mr. James said it was important to identify ideas so they can be prioritized. He observed the Mayor's budget does not have these extra expenditures built in and suggested the discussion include how they would be funded such as from ending fund balance or offsetting with another expense.

Councilmember Buckshnis commented on the financial statement preparation and the Council budget and how inaccurate it was by lumping miscellaneous and the Council contingency together. She said the Council budget page is inaccurate; the Council contingency should be separate from miscellaneous; it was budgeted at \$25,000 last year and has not been used for a number of years. Those funds can be used by Council to fund small dollar amounts such as the interpretive signs suggested by Councilmember Teitzel. Mr. James responded to Councilmember Buckshnis' reference to an error, explaining when the 2016 budget was built, the then-Council President moved budget around to satisfy needs as the Council contingency was not being utilized. He summarized it was not staff inaccurately accounting for those funds and absent a request from the current Council President to change that practice, it remained. Councilmember Buckshnis requested that be corrected and the Council realize they have funds available for items like that. Mr. James recommended the Council discuss that change. Councilmember Buckshnis said the Council contingency is totally separate from the budget process; she hoped to continue the practice of a \$25,000 budget for Council contingency.

Councilmember Fraley-Monillas referred to Mr. James' question regarding how to pay for the Council's requests, acknowledging that was the Council's challenge. If the Council identified items over the allotted \$100,000, they will need to find cuts to pay for them. She asked if the proposed budget was a bottom-line budget, if all anticipated revenue was expected to be expended. Mr. James said the Council can always spend down the ending fund balance which has been increasing over the years. That provides some flexibility although the downstream effects should be considered such as the ups and downs of the economy. This budget is cautious; if the Council wants to be more optimistic, that is their prerogative.

Councilmember Fraley-Monillas inquired about the projected ending fund balance for 2016. Mr. James referred to page 18 of the Budget Book, pointing out the ending fund balance overall is decreasing rather dramatically due in part to the City issuing bonds for Public Works projects. The General Fund ending fund balance is slightly below \$5.4 million. Councilmember Fraley-Monillas said the Council has the ability to determine needs similar to the way department heads determine needs.

Council President Johnson referred to the comparison of REET revenue. Mr. James explained there was a large increase in 2015 due to a major sale that generated approximately \$170,000 in REET but that was not built into future projections. Council President Johnson asked how REET expenditures are determined. Mr. James said the 2017 budget includes projections for REET revenues; consideration is given to the available funding sources for CIP project such as fuel tax, impact fees, REET and allocate those funds. There are also funds allocated to the pavement improvement plan. He summarized funds are allocated as part of the CIP development.

Council President Johnson recalled in March Mayor Earling said he met with Mr. Williams and Ms. Hite to discuss how to allocate REET revenue because a policy had not been established by the Council. Around that same time, the Council was told there was no policy; the traditional way of allocating the first \$750,000 to Parks and the remainder to Public Works was not an official policy. When the Planning Board reviewed the CIP, the minutes reflect a statement by Ms. Hite that Mayor Earling weighs out all the priorities for the City and attempts to balance all needs when allocating the REET dollars in the 126 Fund. Council President Johnson asked the City Council's role in REET allocation, assuming it was during the review of the CIP/Civic Field; if the Council did not agree with the allocations, changes could be made. Mr. James said the current process is via the CIP development and adoption by Council. Staff is working on a long range financial plan to invite a longer look at allocating REET revenues. That will include identifying a process for prioritization. He anticipated developing a long range plan for capital in 2017. Council President Johnson summarized the City Council can allocate REET funds; there are two REET funds, REET 1 and REET 2, each collecting ¼% of REET.

Council President Johnson asked what happens if there are excess/unanticipated REET funds in the current year, whether that was part of the Council budget discussion or had that decision been made by department heads. Mr. James said the Budget Book already includes a significant list of projects. He referred to page 170 of the Budget Book and REET 2 (Fund 125), explaining staff recommends ending 2017 with approximately \$700,000. If Council wanted to allocate those funds, Council should consider whether staff has the capacity to add more projects; he suggested involving Ms. Hite and Mr. Williams in that decision. Council President Johnson expressed interest in increasing the allocation for park land acquisition. After reviewing the CIP in detail, she identified some areas where funds could be used for that purpose. She was happy to meet with Ms. Hite and 1-2 Councilmembers to review the CIP. Mayor Earling suggested including Mr. Williams. Councilmembers Buckshnis and Teitzel volunteered.

Councilmember Buckshnis reiterated these are policy issues that may not need to be addressed in the 2017 budget. She recalled one of her questions was how the amount of REET funds used for one of Public Works' decision packages was determined.

4. **ASSUMPTION OF DUTIES OF THE EDMONDS TRANSPORTATION BENEFIT DISTRICT**

At staff's request, this item was rescheduled to the November 15 Council meeting.

5. **PRESENTATION OF A REVISED INTERLOCAL AGREEMENT WITH OLYMPIC VIEW WATER & SEWER DISTRICT TO FUND MINOR UTILITY RELOCATIONS FOR THE MADRONA ELEMENTARY WALKWAY PROJECT**

City Engineer Rob English explained Council approved a version of the ILA in October for the 236<sup>th</sup> Street walkway project. Olympic View Water & Sewer District (OVWSD) requested three changes to the ILA:

1. Revised "WHEREAS" language on page 1
2. Added the following provision under Section 4D on page 3:
  - "Provide onsite inspection of all relocated infrastructure upon notification."
3. Added section 5A(1) on page 3:
  - "In the event a water or sewer main needs to be relocated, the City shall provide the District with reasonable advance notice of not less than (2) days and the opportunity to have District engineer review and approve the City's proposed design prior to construction."

The changes are acceptable to staff and staff recommends approving the revised ILA.

Councilmember Tibbott asked if OVWSD had reviewed the changes, observing two days seemed very short. Mr. English said these changes were proposed by OVWSD. Councilmember Tibbott asked the chances of that happening on this project. Mr. English answered chances were quite slim at this point.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO FORWARD TO THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.**

6. **PRESENTATION OF A RIGHT-OF-WAY DEDICATION FOR THE SELECT HOMES SHORT PLAT**

City Engineer Rob English said this is a right-of-way dedication for a 2-lot short plat located at 8721 218<sup>th</sup> Street. The right-of-way requirement on 218<sup>th</sup> Street is 60 feet; the proposed short plat requires a 10-foot dedication to provide the 60-foot right-of-way. Staff requested this as part of the short plat review and approval. Mr. Williams corrected a statement he made last week regarding the location of another section of right-of-way.

Councilmember Fraley-Monillas asked if there had been any concerns from neighbors. Mr. English answered no.

**COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO FORWARD TO THE CONSENT AGENDA NEXT WEEK. MOTION CARRIED UNANIMOUSLY.**

7. **APPROVAL OF THE 2017-2022 CAPITAL IMPROVEMENT PROGRAM & APPROVAL OF 2017-2022 CAPITAL FACILITIES PLAN ELEMENT**

Council President Johnson relayed based on earlier discussion, she and Councilmembers Buckshnis and Teitzel will meet with Mr. William and Ms. Hite to discuss allocation of REET funds and present their findings to Council as soon as possible. Mayor Earling asked for a date. Council President Johnson suggested November 22.

Councilmember Buckshnis observed the intent of the meeting was for 3 Councilmember to meet with 2-3 directors to provide policy and asked if that needed to be noticed as a special meeting and the public invited or could the group have an informal discussion to sort things out regarding the CIP/CFP and the use of REET funds. Mr. Taraday answered the standard regarding noticing depends on whether the City Council will rely on the work of the committee. Mayor Earling suggested Council President Johnson meet with Mr. Taraday first.

8. **MAYOR'S COMMENTS**

Mayor Earling reported he and a couple Councilmembers attended the Museum auction this week. It was a good time that included a terrific presentation on a historical train in the area as well as a prominent business in the area at one time with international connections.

9. **COUNCIL COMMENTS**

Councilmember Nelson looked forward to November 9 when the public would know the results of the election regardless of who wins and everyone can move forward.

Councilmember Fraley-Monillas agreed with Councilmember Nelson's comment about the election. She and her son attended auction and had a lovely time. She thanked Teresa Wippel, My Edmond News, for emceeding the auction. She found the presentation regarding the train station very interesting.

Councilmember Fraley-Monillas relayed a request by the senior center to raise the City's yearly gift from \$60,000 to \$75,000 to be in line with Snohomish County's contribution. Mayor Earling clarified the request is to increase the senior center's operations budget.

Councilmember Buckshnis commented the reason for the increase is United Way did not fund senior centers last year nor do they plan to fund them in the future. In response to Councilmember Nelson's comment, she said after being in a battleground state where the negative ads were unbelievable, she was glad to live in Washington. She encouraged the public to vote and said she would be happy when the election was over.

Council President Johnson encouraged the public to vote. At Councilmember Mesaros' suggestion, she plans to write something about the SMP for discussion next week or the following week.

Councilmember Mesaros announced the Seahawks won, 31-25.

Councilmember Tibbott congratulated Edmonds-Woodway High School and Meadowdale High School football teams on great seasons. The Meadowdale football team is moving on to the State tournament. His daughter, a product of Yost Pool opportunities where she discovered her love of the butterfly stroke, is also going to the State swim tournament.

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

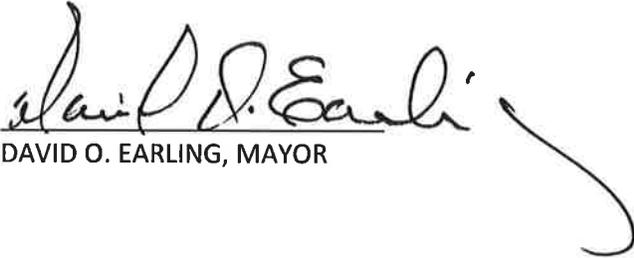
This item was not needed.

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

This item was not needed.

12. ADJOURN

With no further business, the Council meeting was adjourned at 9:44 p.m.



DAVID O. EARLING, MAYOR



SCOTT PASSEY, CITY CLERK

