

# EDMONDS CITY COUNCIL APPROVED MINUTES

## December 1, 2015

The Edmonds City Council meeting was called to order at 7:15 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.

### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Adrienne Fraley-Monillas, Council President  
Diane Buckshnis, Councilmember  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember  
Joan Bloom, Councilmember  
Thomas Mesaros, Councilmember  
Michael Nelson, Councilmember

### **ALSO PRESENT**

Ari Girouard, Student Representative

### **STAFF PRESENT**

Al Compaan, Police Chief  
A. Greenmun, Police Corporal  
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 Chave, Planning Manager  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### **1. ROLL CALL**

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

### **2. APPROVAL OF AGENDA**

Council President Fraley-Monillas relayed due to the extensive agenda, staff had agreed to move Item 6B, 2015 Nonrepresented Compensation Study, to the December 15 meeting.

Councilmember Bloom referred to Agenda Item 5A, Public Hearing on 2016 Budget and Adoption of 2016 Budget and Adoption of Amendments to the Capital Facilities Plan Element of the Comprehensive Plan, and asked if the public hearing was only on the budget. Mayor Earling relayed his understanding the public hearing was also regarding the Capital Facilities Element (CFP) of the Comprehensive Plan. Mr. Taraday said it made sense for the CFP/CIP to be part of the same public hearing as both the budget and CFP would be adopted in the same ordinance. Councilmember Bloom pointed out the CFP/CIP was also an agenda item under action items. Mr. Taraday answered the hearing would take place under Item 5A. Item 6A would be merged with Item 5A, Adoption of the budget and CFP.

Councilmember Bloom asked whether the Council was required to have two public hearings on the budget. Mr. Taraday said he did not think so but the Council has. Councilmember Bloom did not think a public hearing was held last week; it may have been announced as a public hearing but there was some confusion because it was not on the agenda as a public hearing. City Clerk Scott Passey explained the notice stated public hearing on 2016 budget revenues sources including the property tax levy rate. Tonight is a second public hearing on the general budget as well as the CFP/CIP. Councilmember Bloom reiterated last week's public hearing was announced as a public hearing on the 1% tax increase, the

agenda did not include state a public hearing regarding the budget. Finance Director Scott James responded it was posted as a public hearing on the budget, revenue sources and property taxes. The original budget schedule listed two public hearing dates for the budget: November 17 which the Council subsequently cancelled so the first public hearing was held November 24 and this is the second public hearing.

**COUNCILMEMBER COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

**3. APPROVAL OF CONSENT AGENDA ITEMS**

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

- A. APPROVAL OF CLAIM CHECKS #217341 THROUGH #217394 DATED NOVEMBER 25, 2015 FOR \$156,028.33**
- B. APPROVAL OF PAYMENTS FOR KELLY BUY BACK (CHECK #61879 THROUGH #61912) FOR LAW ENFORCEMENT COMMISSIONED EMPLOYEES IN THE AMOUNT OF \$37,764.97 AND HOLIDAY BUY BACK (CHECKS #61913 THROUGH #61964) FOR LAW ENFORCEMENT COMMISSIONED EMPLOYEES AND LAW ENFORCEMENT SUPPORT SERVICE EMPLOYEES IN THE AMOUNT OF \$129,882.54 PER UNION CONTRACTS**
- C. REPORT ON FINAL CONSTRUCTION COSTS FOR THE VISTA PLACE OUTFALL REPAIR PROJECT AND ACCEPTANCE OF PROJECT**
- D. APPROVE INTERLOCAL AGREEMENT WITH THE SNOHOMISH CONSERVATION DISTRICT**
- E. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH ZACHOR & THOMAS, INC., P.S. FOR PROSECUTING ATTORNEY SERVICES**
- F. APPROVAL OF DRAFT 2016 LEGISLATIVE AGENDA**
- G. EDMONDS SCHOOL DISTRICT - EMERGENCY ACCESS KEY ILA**
- H. YAKIMA COUNTY INMATE HOUSING AGREEMENT – ADDENDUM**
- I. ORDINANCE AMENDING ECC SECTIONS 5.32.107 AND 5.32.108 - SHELLFISH REGULATIONS AND ENFORCEMENT**
- J. WDFW GRANT AGREEMENT AMENDMENT AUTHORIZATION**

**4. AUDIENCE COMMENTS**

**Jenny Anttila, Edmonds**, a member of the Citizens Edmonds Development Commission (CEDC) speaking as private citizen, said it is a worthy commission, but there are way too many people on it. She did not think the commission should have speakers but should have more topic discussions among members. She did not think the Planning Board or Port should be involved in meetings other than possibly providing a written report. She concluded the CEDC is a worthy commission and an important part of the City.

**Darrol Haug, Edmonds**, described his volunteer involvement on the CTAC committee, outreach committee, levy committee and a member of the CEDC, first appointed by the late Councilmember Peggy Olsen and reappointed by Councilmember Buckshnis. He has served on several CEDC subcommittees including technology, land use and the Strategic Action Plan (SAP). Speaking as an private citizen who serves on the CEDC, he recommended extending the CEDC in its current form with the current criteria (generate revenues for the City), extending the term of current commissioners until the Council redirect the CEDC's efforts and allowing each member to reapply under that new direction, adding elements of the SAP into the CEDC scope of work, and requesting quarterly reports from the CEDC with a response by the Council regarding the previous months' work. The SAP originated from the CEDC; 2500 people were involved including Councilmembers and the Planning Board, and it produced 80 elements 13 of which the CEDC is a participant. The CEDC should be allowed to provide input to Council on those elements. Council has approved and reapproved the SAP. He summarized the CEDC can do more for the City, their interaction with Council could be better, and with better direction and output, the CEDC can serve the City better.

**Stephen Clifton, Edmonds**, referred to Item 6C, Council Deliberation on the Future of the CEDC. In response to whether the CEDC should be extended as is, he recommend the current Council take action to extend the sunset date or remove the sunset date. He recommended the current Council not take action on other questions in the memo but allow the Council that will exist on January 1, 2016 to take action as it will be the body that has have direct oversight and be involved with the CEDC for at least the next 2 years. His recommendation to remove the sunset date was based on his belief and professional opinion that economic development should be an ongoing program/effort and was surprised to hear comments last week that perhaps the CEDC had fulfilled its mission. Some think of economic development as job creation, revenue generation or increase in construction activity but those terms are more about economic growth than economic development. Economic development involves creating programs, policies or implementing actions intended to improve the economic well-being and quality of life of the community. It is important to create a solid foundation for economic growth as success often does not occur overnight. No single entity or individual has the ability to undertake all actions necessary to create and/or maintain economic sustainability. This is done most effectively when individuals and organizations work collaborative; it takes a community to build a village. The Economic Development & Community Services Department consists of two people who have limited hours and resources; the CEDC serves as a valuable resource whose talented members volunteer their time to contribute and provide feedback on ideas and proposed economic development related programs. With regard to whether to sunset the CEDC and create 2-3 commissions, he said it did not make sense to create new commissions when one commission with subgroups can be just as or more effective.

**Ron Wambolt, Edmonds**, referred to property tax rates and the comment at last week's Council meeting that Edmonds' property tax rate is the fifth lowest in Snohomish County, pointing out the property tax rate is an indicator of nothing and Edmonds' is actually the seventh lowest in Snohomish County. The big factor in determining property tax is the value of property. For example, Woodway has the second lowest property tax rate in Snohomish County but residents pay the highest property taxes because of their property values. Total taxes paid in Edmonds are actually higher than the seventh lowest rate; he did not believe taxes were too high as there were some things that could be done with more taxes. He did not want the public misled that their property taxes were low because the tax rate was relatively low; that doesn't mean a thing.

**Doug Swartz, Edmonds**, a member of the CEDC speaking as private citizen, said after serving on the commission for the past 20 months, he recommended it either be sunsetted or reconstituted as a smaller, more focused group because it does not accomplish anything in its current configuration. At one meeting, the CEDC had a difficult time developing a list of accomplishments. He did not find fault with the commissioners or the leadership of the commission but a lack of focus because there were no clear

objectives. The major focus of the CEDC is supposed to be business development but the City already has a full-time business development person, Patrick Doherty. He spent a lot of time on the CEDC, going into it with a very positive attitude, but was now somewhat jaded and felt he wasted a lot of time with nothing to show for it. If the CEDC were continued, he recommended establishing objectives. Next, he strongly recommended the Council consider eliminating the police presence at Council meetings. Although there was one incident, he did not feel having a police officer present at Council meetings set the right tone.

**Alex Markiel, Brier**, quoted former President Ronald Regan, “Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.” She said extending a ban on crumb rubber to all public and private is appropriate because the use of crumb rubber involves significant negative externalities. If crumb rubber stayed where it was put, did not have any dust and did not off-gas, it could be argued that public property owners should be allowed to use it because their decision only affects them. However, off-gassed toxic chemicals from crumb rubber and airborne dust particles pollute the air especially neighboring properties. When it rains zinc, and other toxic chemicals end up in groundwater, streams, rivers and the ocean. Air and water pollution are negative externalities in economics; it has long been recognized that government can regulate products that produce significant negative externalities. Government intervention is especially warranted when negative externalities are greater than the individual benefit or when a substitute product produces significant fewer negative externalities while yielding similar benefits. It does not seem like a good idea to allow the use of crumb rubber it unnecessarily pollutes the earth. Government routinely passes laws on things that pollute; this time the federal government has left it up to state and local governments to regulate crumb rubber. Health risks are also a negative externality; field owners do not currently pay for any negative health effects field users experience. Fields on school property affect the health of children. Many off-gassed chemicals are respiratory irritants; a parent recently reported a student at Edmonds Heights who now reads in the library during lunch because crumb rubber on the football fields caused him to have asthma attacks. She quoted former President Thomas Jefferson, “The care of human life and happiness, and not the disruption, is the first and only object of good government. She urged the Council to protect the environment, air and kids like her from toxic turf.

**Christi Davis, PhD, Brier**, thanked the Council for their extreme patience throughout this process, giving the community the opportunity to express its values and desire for safe playfields. It has also provided her daughter excellent civics lessons and to apply what she has learned about micro economics. The science has already been discussed; tonight the Council will discuss whether it is justified in banning crumb rubber in place beyond City property. Several types of market failure justify government intervention in the market, including the presence of externalities as well as information asymmetry. The crumb rubber industry knows the science documenting potential health risks associated with their product but has worked to confuse the public by promoting misleading studies, reporting the results of legitimate studies out of context and spinning findings to make it appear crumb rubber has been proven safe. The tobacco industry first developed the strategy of manufacturing scientific uncertainty and it has been successful used in many contexts ever since. The end result is consumers often cannot tell whether things like BPA, phthalates or crumb rubber are actual threats or just the ravings of paranoid luddites and eco-freaks, the exact situation when government intervention is useful. It is inefficient to expect each decision-maker to do the research necessary to determine the health risks or wade through the scientific studies. She quoted President Obama, “If people cannot trust the government to do the job for which it exists, to protect them and to promote their common welfare, then all else is lost.” The Council has heard from toxicologists and other health experts and are among the most well informed government officials on the topic of luddites. There is limited guidance from the government; the EPA has stated new data analysis is needed about children’s health risks and exposures as the use and variety of crumb rubber fields has changed; the exact health risks are not known. While further studies are being conducted, communities retiring or replacing crumb rubber fields can consider alternate materials. Citizens have clearly expressed their concerns to the Council and made the case for artificial turf with nontoxic infills;

no one has presented evidence that crumb rubber is the only appropriate or cost effective infill. The main benefits of crumb rubber are that it is cheap and readily available because it is a waste product filled with carcinogens that has few other uses. The City Council's job is to protect citizens; she asked the Council to ban crumb rubber throughout the entire City on all property.

**Laura Johnson, Edmonds**, said given the lack of definite facts on crumb rubber and the undisputed fact that tires contain many harmful toxins and cancer-causing chemicals, a moratorium on the use of crumb rubber is the most prudent decision. She applauded the Council for looking closely at the issue and weighing all options and respected the delicate situation this presents with regard to the City's relationship with the School District. However, the Council is tasked with protecting citizens and environment and she encouraged the Council to extend this protection to the fullest extent that their powers would allow. It is the best choice for the health of residents, particularly children, and for the environment. The use of crumb rubber is not necessary to the education of students; in fact it is taking away educational opportunities for some students, those with asthma and those whose parents are unwilling to allow their children to be the test subjects in a national experiment. Some have said they will not let their children or grandchildren play on crumb rubber; opportunities are being lost for children to participate in beneficial physical education due to the decision to use a hazardous waste product on playfields. The Council tried to intervene on the Woodway Fields and convince the School District to use a safer choice but there were no measures in place to enforce this change and the Council was unable to prevent nearly 80,000 shredded tires from being spread over acres of City-zoned open space. The Council now has an opportunity and responsibility to prevent this from happening in the future. It will mean standing firm to a bully move by the School District and exerting the Council's power as elected officials. Many including the EPA and CPSC have backed away from endorsing the safety of crumb rubber, citing the lack of long term study and data gaps in current studies. The head of the EPA said the choice to use crumb rubber remains a state and local decision. Many member of the US Congress are calling for more oversight, studies and precaution while answers are found, as is Washington State. Researchers, endocrinologists, developmental biologists, epidemiologists are all extremely concerned about the health effects. She referred to a list of quotes she sent Council from many well-respected health professionals; two weeks ago two toxicologist spoke at a special presentation on crumb rubber, all urging caution, citing the lack of necessary studies and the great potential for harm, particularly to youngest citizens. She urged the Council to show the same concern for human and environment health by placing a citywide moratorium on the use of crumb rubber on children's playfields and athletic fields until the necessary studies have been completed.

**Roger Hertrich, Edmonds**, commended the Council for extending the crumb rubber hearings so long that they had given the public ample opportunity to learn and study what's going on with the product; the Council has actually done a good job educating public although the public has had a negative response to the Council's lack of action. He referred to the letter from the Edmonds School District which mentions the Verdant Health Report. He recalled Verdant's toxicologist was given three things to study but told Verdant they only had time to do one so Verdant did not have very good information. When the new Councilmembers take office, he hoped they remembered the Council's priority was the citizens' health, safety and welfare. He commented the City Attorney has not provided a response in public to the letter from the School District. He referred to the well-qualified toxicologist David Anderson, urging the Council to take everything he said as the truth. Next, as a member of the CEDC member speaking as a private citizen, he has gotten a lot of sleep at their meetings because they are dull and uninteresting.

**Scott Blomenkamp, Edmonds**, pointed out to those concerned with affecting private property, seven chapters of the ECDC explicitly affect private property including setbacks, lot coverage, critical areas, etc. as well as the building code, Chapter 19. Although he agreed with not affecting private property when possible, he found that concept absurd in this context because the City affected it all the time. Residents are not allowed to park more than 5-6 cars on their property but the City allowed someone to put 10,000

tires on their property. With regard to the budget, he suggested the Council consider that the School District did not pay a traffic mitigation fee of approximately \$200,000 for the Woodway Fields project as required by the code. Around Thanksgiving, the fields were padlocked; they previously were open to community use. He noted the School District lost the case they cited in their letter. The Council cannot affect the curriculum but can use its police powers with regard to the building code.

**Alex Witenberg, Edmonds**, expressed concern with last week's report that a Councilmember found crumb rubber in his/her mailbox. He has never heard of such an incident in the decade he has been watching City Council in person, on TV, or on the internet. After following the issue of crumb rubber for several months, he understood a lot of people in the community are passionate about the issue. He was disheartened by this action, finding it a terrible message to send to the community's youth, that the Council should legislate through intimidation. He urged the Council to use their rational minds and make an informed decision on the topic.

Councilmember Bloom read an email from **Cliff Sanderlin and Heather Marks**: Crumb rubber. Leukemia. Lawsuits. Both the Edmonds School District and City of Edmonds will likely be sued because our children and grandchildren may get cancer from the crumb rubber installed on the Old Woodway High School Sports Complex and other district playfields. Health research findings are mounting. Young women soccer players, especially goalies who have had more physical contact with artificial turf padded with crumb rubber, are showing up with leukemia. Because of carbon black and many other carcinogens in ground-up tire infill, many more cancers will emerge in both young women and men. What will parents and grandparents do? They will sue not only the school district but also the city. The people of the Edmonds School District have entrusted the district with not only educating our children but also with protecting their health, fitness and well-being. The district's actions regarding crumb rubber do not protect the health and well-being of our young people. There is no effort to act on the side of caution. It comes down to money and power. The district is larger and richer than the City of Edmonds. Now the district is threatening to sue the city if it interferes with its use of crumb rubber. This long relationship is complex and intertwined but why does the City of Edmonds have to do business with playground bullies? Both the School District and City have been warned about the dangers of using crumb rubber by their constituents and should be held accountable. The following leaders have been put on notice: Edmonds School District Superintendent Nick Brossoit; School Board Members Kory DeMun, Gary Noble, April Nowak, Ann McMurray, and Diana White. City of Edmonds: Mayor Dave Earling, City Councilmembers Kristina Johnson, Mike Nelson, Adrienne Fraley-Monillas, Diane Buckshnis, Joan Bloom, Tom Mesaros and Lora Petso. The author urged these leaders to take seriously the folly of padding artificial turf playfields with well-known cancer-causing materials; elected officials are supposed to work for us, not for the crumb rubber industry.

## 5. PUBLIC HEARING

### A. PUBLIC HEARING ON 2016 BUDGET AND ADOPTION OF 2016 BUDGET AND ADOPTION OF AMENDMENTS TO THE CAPITAL FACILITIES PLAN ELEMENT OF THE COMPREHENSIVE PLAN

Mayor Earling opened the public participation portion of the public hearing.

**Jenny Anttila, Edmonds**, referred to the Sunset Avenue survey, stating the first question on the survey should have been do you want the City to pay \$2.3 million for the changes. She anticipated the resounding answer from the majority would have been no. She questioned how much of that cost was City capital improvements such as sewer and water and suggested that be in a separate City maintenance budget and not included in the \$2.3 million Sunset Avenue project. With regard to the angle parking, she said Sunset Avenue has turned into a tangle of metal cars and questioned why so many cars had to be squeezed in as possible. Sunset Avenue was very nice before with adequate parking, now it is a congested

parking lot. She suggested the City reach agreement with the homeowners on the east side to widen the sidewalk; people do not have to walk on the west side above a cliff and the train to see the view. Bicycles should not be included on a wider sidewalk on the east side. Next, with regard to the addition of 13 staff members, she suggested there be one dedicated parking officer to oversee existing parking regulations. The position's salary could be offset by the revenue from parking tickets.

**Darrol Haug, Edmonds**, speaking as individual, said the City Council and CEDC were the origin of the SAP; 2500 people were involved, 80+ elements were identified within 5 basic strategies, with over \$200,000 in direct expenses. The SAP has twice been approved by the Council. Last year the Council provided funds for a system to track progress on elements. That system is fully operational and shows the Council and public progress being made on SAP elements. The 2016 budget does not include funds for tracking the SAP and he hoped the Council would fund additional tracking; otherwise all the effort put into the tracking system would be lost.

**Ron Wambolt, Edmonds**, believed the Police Department deserved to have more than the two new staff members in the budget as those new staff do nothing to remedy the City's traffic situation. The Police Department has 6 fewer staff than they had in the peak year of 2007, compared to a combined Development Services, Engineering and Public Works that had 40.1 staff in 2008; today they have 42.6. He recalled his comments to the Council on April 26, 2011, citing Development Services as an example of boom year staffing; the number of construction projects began to crash three years ago when there were three times as many projects as there are now. Further evidence of the sharp reduction in construction is the frequent cancellation of ADB meetings because there are no projects to review; in fact there has not been a single projects in the five BD zones since they were created yet staffing levels in departments involved with construction activity has not been reduced. One of Murphy's Laws states that work expands to fill the time available. Not only is the City not benefiting from reduced staff levels, there is a good possibility that staff will need to be increased when construction activity returns to normal levels. Mr. Wambolt commented that is what is happening now; he urged the Council to look at staffing levels and allocate more people to the Police Department.

**Doug Swartz, Edmonds**, relayed his overall feeling that the budget was moving out of control this year; almost all the budget increase is hiring new staff. The budget proposal is to hire 11 new staff or about 5.5%. When the population of the City was not increasing, he questioned the need to continually increase staff. Labor and benefits increased by 4.6% from 2013 to 2014, 7.3% from 2014 to 2015 and 7% from 2015 to 2016. During same period non-labor and benefits, the service portion of the budget, decreased 3.4% from 2014 to 2015 and 0.8% from 2015 to 2016. Head counts are fixed expenses and hard to turn back when the next recession comes; recession are cyclical every seven years. He questioned "strange" budget items such as \$19,000 for a survey of residents for a handful of survey questions and no description of the questions or the purpose of the survey. He also questioned an additional \$66,000 for the waterfront access study. He thought this was a volunteer group but at the first meeting, there were 7-8 consultants who were part of the group. He questioned \$50,000 for a transition to a web-based operations management system, pointing out SaaS (Software as a Service) is intended to spread costs over years, not pay all of it up front. He also questioned \$30,000 for conversion of 4 trucks to propane; the justification is to save on fuel and because it would be nice to have more alternative fuel vehicle. He said that is not a justification and there is no return on investment analysis.

**Roger Hertrich, Edmonds**, questioned what this public hearing is about, whether it was on the CIP. He found combining the hearings very confusing and feared the general public had not been informed. He referred to Annual Street Preservation Program overlays and chip seals in Fund 112 and estimates of \$1.3 million this year and next and doubling in 2017. The amount of chip sealing is unknown; it may only be half of a street. He questioned how the Council could approve something with such a general description.

He recalled the Council used to have special budget sessions which has not happened lately. He urged the Council to review the budget more closely.

Finance Director Scott James reviewed staff recommended changes to 2016 budget:

Item #	Descriptions	Cash Increase (Decrease)
<b>GENERAL FUND</b>		
1	Students Saving Salmon Club for Stream Testing	(\$5,000)
2	Reduce PFD Contingency Reserve to \$135,000 from \$180,000	\$45,000
3	Increase Prosecutor Contract (DP 39)	(\$12,000)
4	Include "ongoing" transfer to Sister City Fund 138	(\$5,000)
Impacts to General Fund Ending Cash		\$23,000
<b>Fund 112 Street Construction</b>		
5	Reduce Stormwater Funding	(\$187,500)
Impacts to Fund 112 Ending Cash		(\$187,500)
<b>Fund 421 Water Utility Fund</b>		
5	Increase Stormwater Funding	\$187,500
Impacts to Fund 412 Ending Cash		\$187,500

Mr. James reviewed Council requested changes to the 2016 budget:

Item #	Descriptions	Cash Increase (Decrease)	Submitter
<b>GENERAL FUND</b>			
1	Council Legislative Asst (DP 1) Move expense from salaries to professional services	\$0	Buckshnis
2	Increase Council Contingency Funding by \$10,000	(\$10,000)	Buckshnis
3	Reduce Council Travel Budget by \$2,500	\$2,500	Bloom
4	Reduce Council Training Budget by \$2,250	\$2,250	Bloom
5	Add Tree Board Funding for staff support & supplies	(\$9,000)	Bloom
6	Remove Council Legislative Asst (DP 1)	\$42,160	Petso
7	Remove Staff Accountant Position (DP 11)	\$67,020	Petso
8	Move expense for downtown restroom contribution from REET 1 Fund 126 to General Fund	(\$90,000)	Petso
9	Remove Community Relations Consultant (DP 27)	\$30,000	Petso
10	Remove Increase to Annual Business Attraction Advertising Expense (DP 30)	\$26,000	Petso
11	Remove Permit Coordinator Position (DP 35)	\$25,720	Petso
12	Remove Advance Planner Positions (DP 36)	\$38,530	Petso
13	Move expense of purchase of John Deere Gator Utility Tractor to Utility Fund (DP 42)	\$14,400	Petso
14	Remove Construction Inspector Position (DP 44) (Net Cost to General Fund)	\$11,380	Petso
15	Move Trackside Warning System from Fund 126 REET 1 to General Fund	(\$300,000)	Petso
Impacts to General Fund		(\$149,040)	
<b>Fund 126 REET 1</b>			
8	Move expense for downtown restroom contribution From REET 1 Fund 126 to General Fund	\$90,000	Petso

15	Move Trackside Warning System from Fund 126 REET 1 to General Fund	\$300,000	Petso
16	Move \$100,000 of Annual Street Preservation Expense to REET 2 Fund 125	\$100,000	Petso
Impacts to Fund 126 Ending Cash		\$490,000	
<b>Fund 125 REET 2</b>			
16	Move \$100,000 of Annual Street Preservation Expense from REET 1 to Fund 126	(\$100,00)	Petso
Impacts to Fund 125 Ending Cash			

During the above review, Mr. James said the request to move \$100,000 of Annual Street Preservation Expense from the REET 1 Fund 126 to REET 2 Fund 125 from Councilmember Petso included reference to a policy put in place in 2006 with regard to \$750,000 being used for transportation. Research conducted by his predecessor, Roger Neumaier, found no policy. Mr. James indicated he forwarded minutes from a 2006 Council meeting to City Attorney Jeff Taraday. Mr. Taraday advised it is not clear from the minutes that a vote was ever taken on the policy. Even if there was, any budget policy adopted by an earlier Council, whether by motion or resolution, is not binding on the current City Council in adopting a budget. Whether to abide by those earlier Council policies is at the Council discretion.

Mr. James continued his review of Council requested changes to the 2016 budget:

<b>Fund 421 Water Utility Fund</b>			
7	Remove Staff Accountant Position (DP 11)	\$13,300	Petso
11	Remove Permit Coordinator Position (DP 35)	\$2,720	Petso
14	Remove Construction Inspector Position (DP 44)	\$34,140	Petso
17	Remove Water Department position	\$67,080	Bloom
Impacts to Fund 421 Ending Cash		\$13,300	
<b>Fund 422 Storm Utility Fund</b>			
7	Remove Staff Accountant Position (DP 11)	\$7,390	Petso
11	Remove Permit Coordinator Position (DP 35)	\$2,720	Petso
14	Remove Construction Inspector Position (DP 44)	\$34,140	Petso
Impacts to Fund 422 Ending Cash		7,390	
<b>Fund 423 Sewer Fund</b>			
7	Remove Staff Accountant Position (DP 11)	\$16,240	Petso
11	Remove Permit Coordinator Position (DP 35)	\$2,720	Petso
14	Remove Construction Inspector Position (DP 44)	\$34,140	Petso
Impacts to Fund 423 Ending Cash		\$16,240	
<b>Fund 511 Equipment Rental Fund</b>			
13	Move expense of purchase of John Deere Gator Utility Tractor to Utility Fund (DP 42)	(\$14,400)	Petso
Impacts to Fund 511 Ending Cash		(\$14,400)	

Councilmember Petso thanked Mr. James for putting this together on short notice. She inquired about the construction inspector position and Mr. James' indication that only 10% of the salary would be paid from the General Fund, pointing out the Utility Funds were only making a token payment of \$2700 each which leaves a lot of the salary to allegedly be covered by grants. She asked if that was the expectation for 2016 or if the majority of the salary was to be covered by grant money every year. Mr. James referred to DP #44, construction inspector, \$80,000 in wages, \$20,800 in benefits and miscellaneous expenses of \$13,000. Of those costs \$102,420 or 90% is to be paid by the Utility Fund. The cost to General Fund is \$11,380. Councilmember Petso apologized she was looking at another position.

Councilmember Buckshnis did not recall adopting the CFP/CIP and the budget in one ordinance in the past. Last year there were six public comments on the CFP/CIP; there is a lot of information presented at one time and only one person commented on the CFP/CIP. She asked why they had been combined in one ordinance. Mr. Taraday responded the CFP is part of the Comprehensive Plan and it can either be amended along with rest of the Comprehensive Plan amendments on an annual basis or it can be amended in conjunction with adoption/amendment of the budget which is being done this year. The Council cannot adopt CFP amendments on a standalone basis. Councilmember Buckshnis commented CIP amendments also cannot be adopted on a standalone basis because they affect the budget. Mr. Taraday agreed the CIP was related to the budget but unlike the CFP which is governed by state law, there is no state law governing the CIP.

Councilmember Buckshnis requested a response to Mr. Swartz's question about changing cars from gas to propane. Mr. Williams answered that program has been going well for the past three years. The physical equipment to take delivery and dispense propane into City vehicle was initially installed. Over a two year period, all the police patrol vehicles were converted to dual fuel, gas and propane. Patrol vehicles now burn very little gas, almost all their miles are fueled by propane. Propane is cheaper, which saves a significant amount on the City's fuel bill; the City is still realizing the benefits of the original contract with Blue Start Gas. Propane also reduces greenhouse gas emissions and has fewer toxic emissions. Since then, two Public Works F350 and F450 trucks have been converted and the proposal in the 2016 budget is to convert 4 additional vehicles. The intent is to do a few vehicles a year; they must be done when the Prins bi-fuel system is certified for use on new models as it is not available for all City vehicles.

Councilmember Buckshnis referred to discussions with Police Chief Compaan related to speeding, vehicle/pedestrian accidents and his indication that one of the traffic officers had retired. To the question of how much staff is allocated to traffic enforcement, Chief Compaan answered there are four, two officers assigned to motorcycle patrol and two assigned to a traffic car. Their duties include investigation of traffic collisions as well as traffic enforcement and they are also available as needed to respond to patrol calls depending on the call load. Last year the department issued about 3,500 citations and made approximately 5,200 traffic stops. Last year there were 18 car/pedestrian collisions and about same number this year. He acknowledged that was a concern; a lot has to do with driver inattention or committing a traffic violation that contributes to the collision. Citations are typically issued after the fact following investigation. There is an ongoing, Washington statewide traffic safety program with regard to DUI enforcement and vehicle/pedestrian safety; it is difficult to identify a single contributing factor. People often get in a hurry and environmental conditions such as fog, rain, ice, snow are contributing factors.

Chief Compaan commented there has been discussion among Councilmembers and with the Police Department about whether to add a traffic enforcement officer. Although he would not turn down an additional staff person, everyone is trying to live within their means in the budget. He did not specifically request an additional officer for traffic enforcement in the 2016 budget. His priority for 2016 was getting the Street Crimes Unit up and running and he appreciated Council support for that effort. If the Council was interested in additional traffic enforcement by adding an FTE, he was willing to have that discussion but it needs to be in the context of the overall budget to properly fund it. Councilmember Buckshnis recalled discussion about getting up to speed with new officers and maybe addressing it in next year's budget. Chief Compaan said the department has a new motorcycle officer who is very enthusiastic. He anticipated increased enforcement by him and the existing motorcycle officer.

Council President Fraley-Monillas asked how many commissioned officers the Police Department has. Chief Compaan answered 53 commissioned officers including the 3 administrative staff; the remainder is detectives and line officers. Council President Fraley-Monillas asked if there are 2 motorcycle officers

and 2 patrol cars on each shift or for a 24 hour period. Chief Compaan answered the motorcycle officers work primarily daytime hours and they are scheduled on opposite days. The traffic officers assigned to cars work primarily evenings and are also scheduled on opposite days; their focus is DUI enforcement as well as enforcement of rules of the road violations.

Council President Fraley-Monillas asked whether some of the other 46 FTE could be reallocated to provide more traffic enforcement. Chief Compaan reviewed the current allocation: 32 patrol, 5 traffic (including a sergeant who is on patrol at times), 1 K-9, 8 detectives, 1 training corporal, 1 administrative sergeant, 1 professional standards sergeant and 3 administration. He emphasized that although 53 sounds like large number, there are only 32 in patrol plus 1 K-9. Council President Fraley-Monillas relayed her understanding of Chief Compaan's explanation that he did not see how a position could be reallocated to traffic. Chief Compaan agreed he did not enough staff to do that.

Council President Fraley-Monillas referred to the 3,500 citations issued last year and asked how many were issued the previous two years. Chief Compaan answered the number of citations has been down slightly due to allocation of traffic enforcement officers within the unit and longer term officer injuries. He expected the number of citations to increase. Council President Fraley-Monillas summarized the department issued more citations three years ago. Chief Compaan answered yes and explained it was not just the traffic officers who issue citations; other officers also issue citations. The overall call load has been up and the time it takes to investigate calls for service and crimes has increased. For example in the past the call load for officers working the dayshift was lower than the early evening and nighttime hours; that is no longer true, dayshift is very busy and it is not unusual for officers to go from call to call. The nature of what the department does has changed which has impacted so-called free time that could be allocated more easily to traffic enforcement.

Councilmember Bloom referred to a citizen's comments regarding parking enforcement and asked how many officers write parking tickets. Chief Compaan answered in addition to the 53 commissioned members, there are 2 animal control/ordinance enforcement/parking officers. Theoretically there is 7 day/week coverage, however, 66-75% of their time is allocated to animal control issues and the balance as available to parking enforcement. With the call load for animal control issues and the time it takes animals to the kennel, write reports, etc., there is not a lot of time left for parking enforcement. Councilmember Bloom asked if Chief Compaan saw a need for more parking enforcement officer. Chief Compaan agreed there was a need for parking enforcement; last year slightly over 1,000 parking citations were most issued by the 2 parking enforcement officers. He agreed they could always do more but there is a balance with parking enforcement; it needs to be reasonable and prudent as well as not being too heavy handed as the City wants people to visit the downtown (most citations are issued downtown). In the past the department had three animal control/ordinance enforcement officers; the third position was shared with Mountlake Terrace. The 2.5 officers was a good mix but the half-time position was lost a number of years ago. Additional parking enforcement could be discussed in the context of the overall budget.

Councilmember Bloom asked if it was less expensive to hire a parking enforcement person who would have a lower skill level than a police officer. Chief Compaan answered the animal control/ordinance enforcement/parking officers have done those three tasks and the City has never had one person strictly allocated to parking enforcement. Given the size of the downtown, he not see the need for 8-10 hours/day of parking enforcement. A lot of parking enforcement is done on a spot check basis, voluntary compliance versus heavy handed enforcement. Councilmember Bloom asked whether tickets defray the cost of the officers. Chief Compaan agreed there is revenue derived from citations, revenue from the 1,000 citations helps but it did not cover even the cost of 1 of the animal control/ordinance enforcement/parking officers.

Councilmember Nelson asked whether the addition of two Street Crime FTE would free up some patrol officers to spend more time on traffic enforcement. Chief Compaan answered it will help. Mayor Earling

said the cost of an additional police officer is approximately \$120,000. If the Council wants to add police officers, they need to tell him where to make cuts. Chief Compaan said it is important whatever is done is looked at in the overall context of the budget, determining where to get the most bang for buck in allocating resources.

Councilmember Johnson expressed interest in traffic safety not just traffic enforcement. Education is a big part of traffic safety; some cities use Public Works staff and some use traffic officers. With regard to accidents between pedestrian and vehicles, it is one thing to give a ticket after the fact; she was concerned about public safety and found those accidents alarming. Chief Compaan said the issue of traffic safety include three pillars: education, enforcement and traffic engineering. The City receives traffic safety funds from the Washington State Traffic Safety Commission (WSTSC) for enforcement initiatives which are done in collaboration with surrounding agencies. Public Works has obtained grants for sidewalk, roadway and bicycle lane improvements. WSTSC has an active media campaign regarding DUI, pedestrian safety, etc. in the media. The City has not done a lot in printed media although there have been educational pieces in the local media and on the website. He summarized there is no magic wand; drivers need to be cognizant of their surroundings. Councilmember Johnson recalled traffic education as a child with regard to crossing the street and suggested seniors be reminded of what they learned when they were young.

Councilmember Buckshnis inquired about the traffic calming program, recalling funding was doubled last year, funds were used on Sunset Avenue and meetings were held with residents on Olympic View Drive about speeding. Mr. Williams answered two radar feedback signs were installed on Olympic View Drive in 2012. The \$20,000 in the 2015 budget is being used to buy another radar feedback signs and 3 bases so the sign can be moved to 3 locations on a periodic basis. The theory is the sign is more effective if it is not there all the time. The 2016 budget includes \$20,000 which could be useful in implementing additional changes on Olympic View Drive. He recalled concerns expressed by residents in that area regarding bicycle and pedestrian safety, speeding, areas where crosswalks were needed, etc. Staff will try to develop a plan that can be initiated quickly that will include signage improvements and a marked crosswalk. Councilmember Buckshnis observed the main traffic calming project is the radar feedback signs. Mr. Williams said they work well; in the areas where they were initially installed, speeds dropped 3-4 mph and have stayed down since the signs have been in place.

Councilmember Bloom referred to DP #61, hiring someone to do a video assessment of the citywide storm system, and asked why that would be done by a full-time, ongoing position rather than hiring a consultant. Mr. Williams explained staff has been trying to do videotaping using the existing video truck but it is not designed/outfitted for stormwater lines. Production using 4-6 member crews has been very low and he could not justify dedicating that much staff to the effort. The City must have 50% of the system footage videotaped by the end of 2016. There are companies who specialize in doing that.

Councilmember Bloom said DP #61 is described as a full-time employee with salary and benefits \$60,880 to \$74,000 through 2020. She observed that appeared to be a full-time position for five years for what seemed like a contract task. Mr. Williams referred to the justification, additional employee to help comply with Federal NPDES surface water quality mandates, begin to develop an asset inspection and rehabilitation program for stormwater collection system. That is the focus of the employee rather than operating the video truck. The employee would be reviewing the output of the video, populating an assessment management system, and producing maps that show where improvements need to be made in the system.

Councilmember Bloom reiterated her question why that was an ongoing, permanent position that could be in place forever, when the video assessment would be done for five years. Mr. Williams said nothing is permanent; there is a balance between what is more cost effective. If staff is hired and a job goes away,

attrition can be used to reduce the size of staff. His earlier description was the use of a consultant to collect the data; this position will be development of an assessment management system for all the stormwater pipes, identifying defects and where improvements need to be made so that a program like the waterline and sewerline replacement program can be developed for the stormwater infrastructure.

Councilmember Bloom said if 40% needs to be done by 2016 and a contract person would do the bulk of that, why was a staff person needed for five years. Mr. Williams responded the first year of videoing will only generate images of 40% of the system; this person will post-process that data, making it useful for maintenance crews in the capital to develop a replacement/rehabilitation program for the stormwater pipes that are found to be in poor condition, similar to water and sewer. That will be an ongoing program.

Councilmember Petso observed this is an action item but she assumed the Council will not take action on the budget tonight. Mayor Earling agreed, noting there were a lot of good questions asked tonight; he encouraged Councilmember to submit questions to staff. He proposed next week Councilmembers ask any additional questions, and begin making motions on the list of Council requested changes to the budget.

Councilmember Petso said she slap-dashed her amendments together today and had not had an opportunity to discuss the ideas with the public, staff or councilmembers. She invited anyone with a concern/interest to contact her. For example, she removed \$100,000 from Fund 125 without asking Ms. Hite what that does to her overall plans. She invited Ms. Hite to provide a response.

Councilmember Bloom said similarly she sent out several questions today but staff had not had time to respond. One of her questions was similar to Mr. Swartz's question about \$19,000 for the National Survey. Economic Development & Community Services Director Patrick Doherty said the genesis of the survey was the result of many discussions over the past year by Councilmembers, the Mayor and public. The proposed survey is the National Citizens Survey, a standardized 3-4 page survey with 50-60 standard questions and a handful of questions customized to the community. The survey questions are asked of a statistically significant sample in each community, allowing them to be benchmarked against other cities of the same size, region, etc.

Councilmember Buckshnis asked if Mr. Doherty was aware of the survey that was done when Mayor Cooper was in office. Mr. Doherty said he had heard a survey was done but it was not the National Citizens Survey. Councilmember Buckshnis offered to provide him the survey. Mr. Doherty said even if it had been the same survey, it would be time to consider surveying again.

Council President Fraley-Monillas said her questions to Chief Compaan tonight were the result of discussion; some questions would arise during discussion and could not be answered in advance. She sent Chief Compaan a follow-up email requesting additional information. She cautioned the Council may have to meet on December 22 if they keep diddling with the budget.

Councilmember Bloom referred to the Invisio tracking system for the SAP suggested by Darrol Haug and Software as a Service (SaaS) suggested by Mr. Swartz. She suggested having IT Supervisor Brian Tuley attend a Council meeting to answer questions. She will talk with Mr. Swartz about SaaS.

Mayor Earling declared a brief recess.

## **6. ACTION ITEMS**

### **A. PROPOSED 2016-2021 CAPITAL FACILITIES PLAN/CAPITAL IMPROVEMENT PROGRAM**

City Engineer Rob English relayed there was a public hearing on the 2016-2021 CFP/CIP at the Planning Board and City Council. This item is continued discussion; staff is present to answer questions.

As several of her budget amendments impact the CFP/CIP, Councilmember Petso asked whether action was expected tonight or will it occur after the proposed budget amendments are voted on. Mr. English said the CIP could be approved tonight; the CFP must be adopted with the budget. Councilmember Petso concluded it appeared the final decision on the CFP/CIP would need to be made once decisions were made on those budget items. Mr. English agreed.

Councilmember Petso asked if other amendments such as changing the Sunset Avenue project from a multiuse path back to a walkway could be done tonight. With regard to whether the CIP could/should be approved tonight, Mr. Williams responded it could be as he recalled most of Councilmember Petso's amendments were related to how things were funded in the budget but less about the projects themselves. He acknowledged there are potential amendments to funding sources in the CIP but amendments to the CIP can be done anytime. The CFP has more strict requirements regarding when and how it can be modified.

To Councilmember Petso question whether it would be appropriate to recommend tonight that the Sunset Avenue project be changed from a multiuse path back to a walkway, Mr. Williams answered in his opinion that was not appropriate tonight because the neither the pilot project nor the survey have been wrapped up. That issue would be an element of the design. The first decision is whether the City will pursue a permanent modification on Sunset Avenue to include a pathway on the water side. Whether it's designed with/without bicycles is something that could be decided later. Councilmember Petso said the reason for her question is because the project started as a walkway and on some documents, it is still a walkway and other documents, it is designated as a multiuse pathway. She did not intend to get into all the possible design elements that may occur in the future but it would seem restoring it to a walkway project in these documents would be of use. Mr. Williams responded the name of the project has always been Sunset Avenue Walkway; that does not mean bicycles could not be allowed and multiuse path is more of a term of art than regulatory. It has been called the Sunset Avenue Walkway but it has always been assumed that some amount of bicycle usage would be appropriate.

Councilmember Buckshnis observed there was nothing in the CIP for Sunset Avenue in 2016 but there was \$100,000 in 2017. She asked if it was anticipated the process would drag out until 2017. Mr. Williams assumed a decision would be made during 2016 regarding what would be done and funding sought for design in 2017 and according to that rough schedule, construction in 2018. Councilmember Buckshnis asked whether the origin designs done by MacLeod Reckord would go away. Mr. Williams answered the pilot project focused on a section of the original Sunset Avenue Walkway; there was a connection to the east-west alignment on Caspers but that was not the problematic part of the project. The area where concerns were raised was the geometry in the railroad section of the project; the pilot project was designed to gather information regarding that. Councilmember Buckshnis said she had no problem with approving the CIP tonight.

Councilmember Petso relayed her understanding there were concerns about the Caspers section of the project. She preferred to wait until the Council had made decisions on the budget amendments.

Hearing no further Council questions, Mayor Earling assumed the only remaining question was Sunset Avenue.

**B. 2015 NONREPRESENTED COMPENSATION STUDY**

This item was delayed to December 16 meeting.

C. POTENTIAL ACTION REGARDING FUTURE OF CITIZENS ECONOMIC DEVELOPMENT COMMISSION

Economic Development & Community Services Director Patrick Doherty displayed multiple options offered for consideration:

1. Extend the Commission as is:
  - a. Without sunset
  - b. With sunset clause. Number of years till sunset to be determined
  - c. Allow the Commission to set and determine subgroups as needed, within scope of their role per code.
2. Extend the Commission as is:
  - a. With terms of appointees since 2014 extended to run two full years, others to be reappointed or new appointees
  - b. All members being reappointed or newly appointed
  - c. With term limits
  - d. Without term limits
3. Extend the Commission as is:
  - a. With set number and purpose of subgroups. If so two or three subgroups:
    - i. If two subgroups:
      1. Tourism
      2. Business Growth & Revitalization
    - ii. If three subgroups:
      1. Tourism
      2. Business Growth & Revitalization
      3. Strategic Action Plan (for items assigned to the CEDC or Economic Development Department OR for stewardship of future public engagement processes)
  - b. Allow the Commission to set and determine subgroups as needed, with the scope of their role per code.
4. Extend Commission as 9 members only
5. Sunset the Commission but create two or three new commissions
  - a. If two:
    - i. Tourism
    - ii. Business Growth & Revitalization
  - b. If three:
    - i. Tourism
    - ii. Business Growth & Revitalization
    - iii. Strategic Action Plan
6. Related to commission subgroups, if they exist:
  - a. Require public notice and meeting summaries
  - b. Do not require public notice, yet require meeting summaries.

Councilmember Buckshnis suggested extending the CEDC but revisiting it in the first quarter to allow the two new Councilmembers to provide their input.

Councilmember Petso preferred to allow the CEDC to sunset unless there is a clear objective. Several people commented tonight on what they thought was objective was; one said generate revenue and another said improve quality of life, and the definition submitted by the CEDC was to create jobs. If and when new Councilmembers want to create a commission to do something and they know what that something is, they could start the commission up again.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO EXTEND THE CEDC INDEFINITELY WITHOUT A SUNSET CLAUSE.**

Council President Fraley-Monillas said she was not interested in extending the CEDC just because, without a cause, purpose or mission. She preferred a defined purpose and goals, noting the CEDC has even asked the Council for direction regarding what they should be doing. She referred to Mr. Swartz's comments that inferred the Council is to blame for the CEDC's lack of focus because the Council has not provided adequate oversight.

Councilmember Mesaros supported extending the CEDC with its current mission, to give advice and counsel to the City Council regarding opportunity for economic development. Having 17 citizens willing and able to meet, focus their energies, and provide input is valuable and should not be terminated. Economic development is a continual thing and there was testimony tonight during Audience Comments regarding its importance and the CEDC would like to see that continue. He agreed with Council President Fraley-Monillas that there has not been enough dialogue between the Council and CEDC and if they have wandered, it is the Council's fault. The solution to that fault is not to disband but to have more dialogue between the Council and CEDC. If this motion is approved, he will likely follow with a motion to support Item 2a, terms of appointees since 2014 extended to run two full years, others to be reappointed or new appointees.

Councilmember Bloom said she could not disagree with Councilmember Mesaros more. She agreed with Council President Fraley-Monillas that the CEDC should not just be extended as is as it has been clearly demonstrated the CEDC needs direction. Many commissioners have spoken to concerns regarding the size of the commission and the lack of focus and direction from Council. She agreed the Council was not providing the direction the CEDC needs. She preferred to sunset the CEDC and allow the new Council to decide whether they wanted to re-form it in a different manner/framework. It would be irresponsible for the Council to let things proceed as usual when the CEDC is clearly limping along and not serving the purpose it was intended to serve.

Councilmember Mesaros said he couldn't disagree with Councilmember Bloom more. If the Council perceives that the CEDC is not function well, it behooves the Council to communicate with them about what the Council wants them to do; disbanding the group is not the answer to that problem. There is too much talent and potential to do away with the CEDC and let the new Council deal with it. This Council should take responsible to extend the CEDC and give them the direction they seek.

Councilmember Johnson commented there has been much discussion about whose fault it is that the CEDC is in this position and whether to extend it. ECDC Chapter 10.75 clearly outlines how the commission is created, the membership, and the powers and duties. The CEDC's current format has evolved over time but it is not consistent with the way it was originally formed. To simply extend the CEDC would not solve the problems with code. For example, the code states members should not serve more than two years; that would need to be corrected. The code also specifically states what the commission should do; provide recommendations for increasing the City's revenue. She recognized the CEDC was a dedicated group of people and she appreciated their efforts; however, if it were to continue, it needed to be revisited.

Council President Fraley-Monillas encouraged the Council to vote against the motion because to continue the CEDC as it currently exists benefits no one, neither the City nor the 17 members. The CEDC is a hardworking, talented group and she would like to have it restructured. She also felt extending all commissioners' terms was not beneficial. She suggested in January the Council form a subcommittee with Mr. Doherty to consider how to restructure, revamp and restart the CEDC fresh as well as determine the number of commissioners and what they will work on. A number of commissioners are interested in leaving the CEDC and there are others interested in joining. She was in the Council audience when the ordinance creating the CEDC was developed and she thought it was a great start; possibly the CEDC has

evolved and the ordinance needs to be revised. She was more interested in allowing the CEDC to sunset and the Council consider in January whether something could be put together that made more sense for the City.

Councilmember Nelson did not support the motion extending the CEDC indefinitely but did support allow it to continue and providing more clear objectives. He understood some of the 17 members are interested in leaving the commission and others want to join; this would allow both to be accommodated.

Councilmember Buckshnis said she was first Council liaison to the CEDC and Councilmember Johnson was the first Planning Board liaison. In her opinion, the CEDC was a good think tank; the Council only heard from 3-4 members tonight. The CEDC can look at a variety of things; she recalled while she was the liaison the CEDC did the SAP, Westgate and Five Corners Plans, downtown restrooms, etc.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO HAVE THE CEDC SUNSET IN SIX YEARS.**

Councilmember Buckshnis said that would accommodate three two-year terms.

**UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS BUCKSHNIS, MESAROS, AND NELSON VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BLOOM, JOHNSON AND PETSO VOTING NO.**

**MAIN MOTION FAILED (2-5), COUNCILMEMBER BUCKSHNIS AND MESAROS VOTING YES.**

Council President Fraley-Monillas reiterated her suggestion for a subcommittee of the Council to discuss this in January.

Councilmember Petso asked whether a motion is required to sunset the CEDC. City Attorney Jeff Taraday read from the code: "The commission shall automatically expire December 31, 2015." If it is the intent of the Council to have the CEDC expire, no further action is required.

Council President Fraley-Monillas thanked all the members who have served, stating this has nothing to do with what they have done; they are a good group of people.

Councilmember Johnson echoed Council President Fraley-Monillas' comments. She thanked Rich Senderoff, Darrol Haug Bruce Witenberg who have served on the CEDC for six years. She expressed appreciation for their dedication for the past six years and thanked everyone who has served.

Mayor Earling said he hoped the Council would be able to convene a group regarding economic development next year. If not, he was happy to name a Mayor's Task Force related to the same issue.

**7. STUDY ITEMS**

**B. CONTINUED DISCUSSION OF CITY OPTIONS FOR ADDRESSING CRUMB RUBBER**

Development Services Director Shane Hope explained on November 10, the City Council discussed the option of banning crumb rubber and if so, where and how. Review of literature was not discussed. Fundamental questions include:

- What is level of health/safety risk?
- What are current options?
- What is the best path overall?

To date there are no known peer-reviewed scientific articles that link crumb rubber to health risk. Various Edmonds residents have expressed concern about potential risks and desire for additional studies. Other residents have said they are okay with crumb rubber. She displayed actions by other jurisdictions that were reviewed at the November 10<sup>th</sup> meeting, noting no other jurisdictions have addressed what should be done by other agencies, only for themselves:

- Middletown, CT – The Common Council voted to amend the \$37 million bond ordinance on park improvements to ensure that the money could not be used to install artificial turf on city fields (August 2015)
- NYC Parks & Rec – Issued a statement that it will use carpet-style or alternative infill materials, rather than crumb rubber, on all new fields (2008)
- Montgomery County, MD – Council approves only the use of plant-derived infill materials for new artificial turf playing fields in projects the county funds or contracts. No effect on non-county projects (adopted February 2015)
- California State – State Senate Bill 47 sought to ban the use of crumb rubber for two years until the state conducts a comprehensive study on health effects. Note: SB 47 died in California Senate Committee on Appropriations (May 2015)
- Los Angeles Unified School District discontinued the use of crumb rubber infill on athletic fields after discovering lead in some previously installed fields (2009)
- Long Beach, CA – Parks & Recreation Commission approved a recommendation to the city manager for the use of GeoTurf, as the standard choice for all future synthetic field projects in the city (June 2015)

She displayed photographic examples of current popular infill products for athletic fields including SBR Crumb rubber, Nike Grind, and GeoTurf. The Council packet contains additional information on these infill products. It is also possible to have a professional landscape specialist speak to the Council.

Ms. Hope reviewed options:

- City resolution on natural materials
  - To use this option, clarify whether only grass or dirt would be allowed or also natural, but non-native type products such as coconut hulls
  - Would only apply to City sports fields
- Ordinance banning all forms of crumb rubber completely
  - Would impact City, all public agencies and private parties including private schools, religious facilities, businesses and homes
  - Would apply to playgrounds and other uses
- Ordinance banning crumb rubber on playfields
  - Could ban in one of the following ways:
    - For use on all City-owned playfields
    - For use on all publicly-owned playfields (including properties of school districts, as well as the City)
    - For use on any playfield in the City, including those owned by the City, any public agency, or a private party (e.g., a private school, commercial recreation facility, religious facility or private residence)
- Demonstration project
  - Partnering on a future playfield that would use an alternative material (not crumb rubber) was mentioned in the November 10<sup>th</sup> presentation but not discussed

Ms. Hope explained if an ordinance banning crumb rubber is prepared other decisions include:

- Sunset date for any ordinance

- General Council concurrence seemed to include 3-year sunset so results of more studies could be considered at that time and the ban could either be extended, made permanent or otherwise changed.
- Whether to take emergency action
  - Possible, but probably not necessary since there are no known proposals for using crumb rubber during this next year

Other questions that arose at the November 10 meeting included:

- Would ban mean fewer hours and places to play sports?
- Can ban be upheld in court?
- Do we know enough about alternative materials?

Further action may include one or more of the following:

- Another work/study session to obtain specific information or have more detailed discussion
- Direction to City Attorney to draft ordinance or resolution that would be considered for action in near future
  - With direction on general concepts

Ms. Hope provided a summary of options:

1. Take no action
2. Follow up in work/study session
3. Direct attorney to draft resolution for City to use natural materials
4. Direct attorney to draft ordinance that:
  - a. Bans all forms of everywhere
  - b. Bans crumb rubber on all public playfields
  - c. Bans crumb rubber on all City-owned fields
  - d. Has another variation
5. If ordinance, consider optional details:
  - a. Include 3-year sunset?
  - b. Make it “emergency?” (Not recommended)
6. Help sponsor demonstration project that uses alternative materials

Councilmember Nelson commented of the public agencies that have taken action, two are noteworthy due to their size, 1) LA School District, 700,000 students and is the second largest school district in the country, decided to no longer use crumb rubber infill, and 2) NYC Parks Department, the most visited Parks Department in the country with over 50 million visitors per year, decided to no longer use crumb rubber in their 113 artificial turf fields.

Council President Fraley-Monillas expressed interested in the idea of a partnership and asked if the other Woodway fields could have a coconut fiber infill. Mr. Hope agreed that was what a partnership envisioned, there or any other fields the City is involved with. Council President Fraley-Monillas commented it would interesting to have the coconut infill next to the crumb rubber to see how it wears, the differences, etc. The question would be who pays for it, maintains it, monitors the differences, etc. Ms. Hope answered one possibility is the City could be a partner either financial by helping cover some increment of the difference between the cost of crumb rubber and another material or assisting with the cost of monitoring. Council President Fraley-Monillas asked if Ms. Hope had reached out to any other entities to see if there was any interest in partnering. Ms. Hope said she has not.

Councilmember Mesaros commented the Council has received a lot of information, on one side from Verdant and the school district on why they chose crumb rubber and how safe it is and on the other side information from citizens questioning the use of crumb rubber. The issue for the Council is not to decide

whether crumb rubber is safe or not because the Council does not have the scientific knowledge to do that; the Council's decision is about caution, how to establish a framework so that when there is doubt, structure and rules are established that err on the side of caution and protection. He expressed interested in a moratorium for a period of years and during that time have an independent person look at all the information and provide Council advice regarding which side of caution they should be on. The Council needs to act in cautious manner, protect citizens, ensure they are doing the right thing while also setting aside time to get that accomplished within a good framework. He supported a moratorium for a certain period of time where no crumb rubber fields were installed throughout the City both on private and public property and to look at the most recent information and how to land on the side of caution.

**Main Motion**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO ASK THE CITY ATTORNEY TO PREPARE A 3-YEAR MORATORIUM BANNING SBR ON PLAYFIELDS ON PUBLIC PROPERTY WITHIN THE CITY OF EDMONDS.**

Councilmember Petso understood there may still be some issues regarding the duration of the moratorium and whether it should apply to public and private property as Councilmember Mesaros stated but she would like to get something on paper to be presented to Council for discussion and potential action.

Councilmember Buckshnis spoke in favor of the motion.

Councilmember Mesaros asked for clarification, whether Councilmember Petso's motion regarding public property meant School District property, Hospital District property, and Port property. Councilmember Petso answered yes, property owned by a public agency including the City.

Councilmember Bloom expressed support for the motion and wanted a moratorium prepared so the Council could vote on it next week. The Council has received voluminous information from citizens including Laura Johnson's comments about the precautionary principle.

Council President Fraley-Monillas said she will vote against any long term ban on public or private property unless it is the City's own property. She supported property rights whether it was the Hospital, Port, Water District, Library, etc.; they all have their own rights. She was also concerned with the arbitrary nature of a 3-year moratorium without knowing what would be done during the 3 years or the purpose of a 3-year moratorium and questioned why not a 1-year, 5-year or 10-year moratorium. She expressed interest in a short-term moratorium and potentially having more independent research done. She asked whether a 1-year moratorium could be extended if the information necessary was not available to make a permanent decision. City Attorney Jeff Taraday answered when people hear the word moratorium, they think of it in the context of the Growth Management Act (GMA) which is not necessarily applicable to the type of moratorium the Council is considering. If this were a GMA moratorium, it would need to be renewed every six months while additional information was obtained. If this is not a GMA moratorium, there is no preset, statutory timeframe.

If the Council decided to enact a 1-year moratorium, Council President Fraley-Monillas asked whether it could be extended. Mr. Taraday responded the Council has the power to ban this substance for any reasonable period of time that the Council needs to determine whether it should be used on public playfields. Council President Fraley-Monillas commented if the Council adopted a 3-year moratorium and gathered adequate information in the first year, the Council could remove the moratorium. Mr. Taraday agreed, just like the Council can amend or appeal any ordinance. Council President Fraley-Monillas encouraged Council to adopt a short term moratorium of a year on all public property pending an independent investigation.

Councilmember Bloom said the Council has all information it needs, the Yale Study and others, to know that crumb rubber has carcinogenic and toxic materials in it. Although more information will likely be developed, citizens have provided the Council enough information to justify a 3-year moratorium. It is likely further information on the possible long term effects, cancers, etc. will be available in 3 years but the Council has enough information to be cautious and use the precautionary principle. She envisioned three years would go by very quickly and was hopeful more information would be available to allow the City to turn the moratorium into a permanent ban.

Councilmember Johnson asked Mr. Taraday to review the procedure for enacting a moratorium, the public hearing requirement and whether the Planning Board would be involved. Mr. Taraday reiterated he did not recommend characterizing this as a GMA moratorium; this is very different than a GMA moratorium. A GMA moratorium is a tool that a city uses when it is revamping zoning regulations and trying to envision what a neighborhood might look like and does not want any new development applications to be submitted during the planning process because they do not want development to occur that is inconsistent with a yet-to-be-adopted vision for the city. What the Council is discussing doing with crumb rubber is a temporary ban on the use of the substance. Although a lay person may not find much difference between a temporary ban and a moratorium, legally speaking he was uncomfortable with the term moratorium because it can easily be confused with a GMA moratorium. He did not object to the Council using it in their discussion but stated for the record if he drafts an ordinance in response to this motion, it will not have the word moratorium in it; it will say ban until the date the Council agrees on.

Councilmember Johnson asked whether it would be prudent to have a public hearing, recalling there has been a great deal of public testimony. Mr. Taraday recalled the Council has had a public hearing on this topic already. If this were seen as a GMA moratorium which he did not consider it to be, the requirement would be for a public hearing within 30 days of adoption. The Council has had a public hearing in advance of adoption so that requirement would be satisfied in any case. Ms. Hope did not think there had been a public hearing on having a ban; there was a public hearing on the Woodway Fields. Councilmember Johnson summarized a public hearing was not needed if the Council chose to move forward on adopting a ban. Ms. Hope agreed. Mr. Taraday said he wanted to review the Council record as he recalled there was a public hearing on this at some point. Mayor Earling agreed the Council has had several meetings on this issue.

Councilmember Nelson commented the federal government has failed to take action to protect citizens, the state government has yet to take action to protect citizens and the school district has refused to take action; therefore he believed the City must take action to protect citizens and children. He personally supported a 3-year moratorium on crumb rubber in the City.

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO EXTEND THE MEETING FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY.**

Council President Fraley-Monillas expressed interest in a public hearing on the ban of crumb rubber. The Council holds public hearing for all kinds of things and since this affects a lot of people, the Council needs to do its due diligence by holding a public hearing on a potential ban of a widely used substance.

For Councilmember Buckshnis, Mr. Taraday explained although the Council was using the term moratorium in its discussions, he was interpreting that to mean temporary ban. Moratorium is a loaded term that has connotations tied to the GMA; a GMA moratorium would need to be renewed every six months, etc. and he did not believe that was the City Council's intent. He did not believe this had to be characterized as a development regulation as the Council was considering banning a substance it believed was hazardous and that was not a zoning ordinance.

Regardless of the fact that the Council has a great deal of information provided by citizens, Councilmember Buckshnis pointed out the Council does not have a public record. She expressed interest in an independent source reviewing the data so that if anything ever came up legally, all the bases were covered.

**Amendment #1**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO AMEND THE MOTION TO INSTRUCT THE CITY ATTORNEY TO MANAGE THE COMPILATION OF DATA COLLECTED BY BOTH CITIZENS AND THE SCHOOL DISTRICT AND ORGANIZE A RECOMMENDED EXPERT TO ASSIST IN THE EVALUATION.**

Mayor Earling clarified Councilmember Buckshnis' motion was to engage an independent person or entity to do an examination and provide a recommendation and to have the City Attorney guide that process. Councilmember Buckshnis agreed.

Councilmember Bloom said she will vote against the amendment; the original motion was to direct the City Attorney to return with an ordinance banning crumb rubber for 3 years. These details can be discussed next week and it was not appropriate to include in the 3-year ban. She agreed with having a public hearing, and since this topic is already on next week's agenda, the public hearing should be held next week.

Councilmember Petso commented the intent of her motion was to have something on paper for Council discussion. She understood there may be amendments at that time or subsequently with regard to what to do in the future. She found it very frustrating that the Council would not have anything to discuss next week because the amendment will engage an independent person to tell the Council what to do. She recommended voting the amendment down, having the City Attorney draft something for review next week and if the Council wanted to hire someone next year to tell them what to think, go ahead. Councilmember Buckshnis said that was not what her motion said.

Councilmember Petso asked the purpose of amending the motion to have the attorney manage collection of data and engage an independent person. Councilmember Buckshnis answered she had approximately 20 pages that supported banning crumb rubber. The Council has only banned one thing in the past; banning something is very important and can be a legal hot potato. She believed in documentation due to her background in auditing, and felt it was important to have a compilation and a record to show why crumb rubber was being banned. The Council has testimony but it needed to at least have paper trail to support the ban.

Councilmember Johnson said a public hearing would in order to help the City Council concentrate all the information in one place. She also felt it would be helpful for the Council to have a paper trail and documentation. She agreed with Council President Fraley-Monillas that three years is a long time and the Council should be able to accomplish this in less time. She felt a sense of urgency from a couple Councilmembers but did not share that sense of urgency, perhaps because she will be on the Council in January. She supported having a public hearing and having someone prepare a document that records all of the testimony and information but did not like the idea of 3-year temporary ban.

Council President Fraley-Monillas expressed concern with getting something on paper prior to a public hearing because that implies the Council knows what it is doing before citizens provide testimony. With regard to the amendment regarding managing collection of data and engaging an independent person, she agreed it was important to engage an independent person because not only has the Council received a great deal of information from citizens, it has also received information from other organizations that needs to be compiled and reviewed. She noted crumb rubber is also used in other applications such as playground surfaces and under swings.

Councilmember Petso said she will vote against the amendment because it includes engaging an independent person; by the time the City hires an independent person, it will be January and there may be other crumb rubber playfields already built in Edmonds.

**Action on Amendment #1**

**UPON ROLL CALL, AMENDMENT CARRIED (4-3), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS BUCKSHNIS, JOHNSON AND MESAROS VOTING YES; AND COUNCILMEMBERS BLOOM, NELSON AND PETSO VOTING NO.**

**Amendment #2**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND THE MORATORIUM TO ONE YEAR.**

Councilmember Bloom said the intent was to have the City Attorney draft an ordinance for discussion next week with the public hearing. She understood there was disagreement with regard to the term but preferred the specifics be debated next week. The intent of the Council is to ban crumb rubber, adding these layers is just delaying that process.

Councilmember Petso said she will vote against this amendment whether it occurs this week or next because she was convinced the kinds of study the Council will be waiting on to determine the extent of the health risk of this product will not be completed within one year.

Council President Fraley-Monillas expressed support for one year.

Councilmember Nelson said he prefers a 3-year moratorium but supports a moratorium. He will probably vote against this amendment.

**Action on Amendment #2**

**UPON ROLL CALL, AMENDMENT CARRIED (4-3), COUNCIL PRESIDENT FRALEY-MONILLAS, COUNCILMEMBER BUCKSHNIS, JOHNSON, AND MESAROS VOTING YES; AND COUNCILMEMBERS BLOOM, NELSON AND PETSO VOTING NO.**

**Amendment #3**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND TO APPLY ONLY TO CITY OWNED PLAYFIELDS.**

Councilmember Petso said she will vote against the motion primarily because that would be completely pointless. If the Council does not authorize crumb rubber on City property, it will not be installed on City property. Although she recognized it was not scientific, 96% of respondents did not support that option on a My Edmonds News poll on crumb rubber; only 4% supported a ban on City property.

With regard to Councilmember Petso's comment that a ban on City-owned property was pointless, Councilmember Johnson said a ban Citywide could be regarded as just as pointless since crumb rubber has already been installed on the playfields at two schools and no plans are in the works for artificial turf elsewhere. What the Council really has control over is the property that the City owns and that is the most defensible position for the City to take at this time. If it were six months ago, she may have felt differently. She encouraged the Council to consider what it actually has control over.

Councilmember Bloom said she will vote against this with great frustration. She preferred to have further discussion next week in response to public comments at the public hearing.

Councilmember Mesaros pointed out the current levy the School District is planning includes new crumb rubber baseball fields at Edmonds-Woodway High School. He will vote against the amendment; for a ban to be effective, it needs to be on all public property.

Councilmember Nelson said he will oppose the amendment because he supported a moratorium on all public property.

**Action on Amendment #3**

**AMENDMENT FAILED (2-5), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBER JOHNSON VOTING YES.**

Councilmember Petso proposed the ban apply to both new and substantially renovated playfields within the City. It was the consensus of the Council that the main motion already addressed that.

Councilmember Petso restated the main motion as amended:

**ASK THE CITY ATTORNEY TO PREPARE A 1-YEAR BAN ON SBR FROM PLAYFIELDS ON CITY PROPERTY WITHIN THE CITY LIMITS AND TO COMPILE THE DATA AND ENGAGE AN INDEPENDENT PERSON.**

**Action on Main Motion as amended**

**MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND THE MEETING FOR 10 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

**A. OCTOBER 2015 MONTHLY FINANCIAL REPORT**

Finance Director Scott James displayed a General Fund – Funds Revenue Comparison, pointing out 2015 General Fund is higher than 2014. He displayed a pie chart, Sales Tax Analysis by Category for October 2015 YTD, pointing out retail automotive has generated \$3.1 million in revenues and contractors have generated \$1.1 million, YTD sales tax revenue is over \$5.5 million. He displayed a chart illustrating the change in sales tax revenue October 2015 to October 2014, October 2015 is \$725,000 higher than October 2014.

He reviewed General Fund – Funds Expenditure Comparison, pointing out General Fund expenses are \$2.5 million higher in 2015 compared to 2014 primarily due to Fire District 1 costs. He displayed General Fund Department Expense Summary, advising October is 83.3% through the year and expenses are at 76%.

Mr. James displayed a comparison of REET revenues which are 43.8% higher than a year ago. He displayed a Utility Funds Revenue Comparison, advising revenues are nearly \$1.7 million higher. He displayed the Utility Fund Expense Comparison, advising of a \$46,000 decrease from last year to this year.

**8. MAYOR'S COMMENTS**

Mayor Earling reported increased crowds at the Holiday Market last Saturday. He encouraged the public to visit the market located between the Rusty Pelican and the Edmonds City Hall from 10:00 a.m. to 2:00 p.m. on Saturdays. He reported approximately 1,000 people attended the tree lighting; everyone seemed to have a fabulous time.

**9. COUNCIL COMMENTS**

Student Representative Girouard advised of the Senior Class' gift wrapping fundraiser.

Councilmember Mesaros said he was unable to attend tree lighting due to a Christmas concert he attended. Downtown was abuzz Saturday afternoon when he was walking around, shopping and having lunch. Councilmember Buckshnis remarked downtown has been abuzz every weekend.

Councilmember Nelson reported he attended the tree lighting with his children and was amazed at the turnout.

Councilmember Johnson announced the Police Foundation Dash and Dine this Saturday; participants can sign up at 8:00 a.m. at the Boys & Girls Club and beginning walking or running at 9:00 a.m.

Council President Fraley-Monillas reported her Thanksgiving dinner went well with the things she bought at the Holiday Market the week before. She also attended the tree lighting; it was a great event and many more attended than have attended in the past ten years.

**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 10:30 p.m.