

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **June 19, 2012**

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Peterson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### **ELECTED OFFICIALS PRESENT**

Strom Peterson, Mayor Pro Tem  
Lora Petso, Council President Pro Tem  
Frank Yamamoto, Councilmember  
Joan Councilmember Bloom, Councilmember  
Kristiana Johnson, Councilmember  
Diane Buckshnis, Councilmember  
Adrienne Fraley-Monillas, Councilmember\*  
\*(participated in Agenda Items 7-10 via phone)

### **ELECTED OFFICIALS ABSENT**

Dave Earling, Mayor

### **STAFF PRESENT**

Al Compaan, Police Chief  
Gerry Gannon, Assistant Police Chief  
Jim Lawless, Assistant Police Chief  
Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Shawn Hunstock, Finance Director  
Jerry Shuster, Stormwater Eng. Program Mgr.  
Bertrand Hauss, Transportation Engineer  
Frances Chapin, Cultural Services Manager  
Rob English, City Engineer  
Sharon Cates, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### **1. APPROVAL OF AGENDA**

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

### **2. APPROVAL OF CONSENT AGENDA ITEMS**

Council President Pro Tem Petso requested Agenda Items C and L be removed from the Consent Agenda.

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

**A. ROLL CALL**

**B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 30, 2012.**

**D. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JUNE 5, 2012.**

**E. APPROVAL OF CLAIM CHECKS #132414 THROUGH #132541 DATED JUNE 7, 2012 FOR \$390,731.10, AND #132542 THROUGH #132694 DATED JUNE 14, 2012 FOR \$936,414.33. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #51373 THROUGH #51399 FOR \$457,745.61 AND BENEFIT CHECKS & WIRE PAYMENTS FOR \$197,092.97 FOR THE PERIOD MAY 16, 2012 THROUGH MAY 31, 2012.**

- F. APPROVAL OF REAPPOINTMENT OF BOB RINEHART TO THE PUBLIC FACILITIES DISTRICT BOARD.
- G. SNOHOMISH REGIONAL DRUG & GANG TASK FORCE, 2012-2013 INTERLOCAL AGREEMENT.
- H. AUTHORIZATION TO SIGN CONTRACT FOR GRANT FROM SNOHOMISH COUNTY TOURISM PROMOTION AREA TO PROMOTE WRITE ON THE SOUND.
- I. AT&T LEASE AGREEMENT AMENDMENT TO REFLECT A CHANGE IN THE TYPE AND CONFIGURATION OF THE EQUIPMENT LOCATED IN THEIR LEASE AREA AT 8505 BOWDOIN WAY.
- J. AUTHORIZATION FOR THE MAYOR TO SIGN THE CONTRACT WITH REINKE SPORTS GROUP FOR THE HALF MARATHON.
- K. REPORT ON BIDS OPENED JUNE 5, 2012 FOR THE 2012 WATERLINE REPLACEMENT PROJECT AND AWARD OF CONTRACT TO D&G BACKHOE IN THE AMOUNT OF \$652,352.23.
- M. AUTHORIZATION FOR MAYOR TO SIGN ADDENDUM NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHS ENGINEERS, LLC.
- N. ORDINANCE NO. 3888 – AMENDING THE EDMONDS CITY CODE (ECC) 8.64.065 PARKING PROVISIONS ON SUNSET AVENUE.
- O. ORDINANCE NO. 3889 – AMENDING THE PORTIONS OF ECDC CHAPTER 20.20 RELATED TO URBAN FARMING. (FILE NO. AMD20120002)

**ITEM C: APPROVAL OF CITY COUNCIL MEETING MINUTES OF JUNE 4, 2012**

Council President Petso explained the June 4, 2012 meeting included the appeal regarding the Burnstead matter and she pulled this item to abstain from approval of the minutes.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER YAMAMOTO, TO APPROVE ITEM C. MOTION CARRIED (4-0-2), COUNCIL PRESIDENT PRO TEM PETSO AND COUNCILMEMBER JOHNSON ABSTAINING.**

Councilmember Johnson also stated that she would like to abstain with regard to the vote on the approval of Consent Agenda Item B. – May 30, 2012 City Council Minutes.

**ITEM L: REPORT ON BIDS OPENED JUNE 7, 2012 FOR THE TALBOT ROAD STORM DRAIN IMPROVEMENTS PROJECT AND AWARD OF CONTRACT TO KAMINS CONSTRUCTION IN THE AMOUNT OF \$317,178.62.**

Council President Pro Tem Petso relayed the Council Committee was informed this project was generating a great deal of comment. She relayed citizens' concern with fish passage. Her response has been she was told this project would not make that situation any worse but that Public Works Director Phil Williams was meeting with citizens today. She asked Mr. Williams to report on his meeting with the citizens and his determination with regard to fish passage and this project. Mr. Williams answered staff met with Mr. and Mrs. Bernhoft today. He displayed an aerial photograph of the area, identifying the Perrinville Creek channel (depicted in green on the photograph), existing pipe (depicted in gold on the photograph) that takes stormwater from Talbot Road, about 130 acres of the 930 acre watershed, through the lower channel and out through an outfall under the railroad tracks. There are two outfalls under the railroad tracks, one carries the creek.

Mr. Williams identified a property that has had flooding issues in their garage and their residence during peak storm events. The City has paid several claims and negotiated with the property owner. The project to resolve the flooding issue was originally designed along an alternate alignment (depicted in red on the photograph) but staff was unable to work out a suitable easement with the property owner to allow that alignment and another alternative was developed. The current design (depicted in blue on the photograph) runs from a point on Talbot Road approximately 20 feet deep, toward the Sound along the property line and discharges at the point where the two outfalls come together. There is a diversion structure/flow splitter at that point that has been in place since 1994. The purpose of the diversion structure is to segregate out high flows in the stream from what may be considered more normal flows, direct the normal flows down the historic channel and send the peak flows out a manmade pipe out to Puget Sound to keep both flooding and damage to the lower stream bed to a minimum.

Mr. Williams explained construction of this line will not exacerbate any of the problems that have been identified in recent weeks. Staff had a good conversation with residents today regarding those problems including a conceptual idea of how the larger problem might be addressed in a series of future projects. He requested Council approval to construct the proposed project; the amount is \$317,000 with Kamins Construction who was the lower bidder. Kamins completed the Shell Valley Road last year.

Mr. Williams explained the concerns that have been raised are related to the operation of the diversion structure as it exists today without this project and how this project will impact it. Staff believes it will not impact the existing diversion structure. The proposed project includes adding a peak flow of about 37 feet into the diversion box but also expanding the weir to take a large amount of creek flow down the creek channel that cannot flow there now, leaving the same amount of water flowing through the diversion structure in a peak storm event. Some of the existing problems that staff is trying to address with Washington Department of Fish and Wildlife (WDFW) are related to how the diversion box is maintained. The City currently has a permit to maintain it but the City is only allowed to work in the stream during the fish window, July 1 – September 30. The diversion box acts as a sediment trap. Perrinville Creek, like most urban watersheds, has dramatically changed character over the years; peak flows are much higher due to development in the basin which includes Lynnwood and Edmonds. That development has created more impervious surface; when it rains heavily, runoff occurs faster and the peaks are higher which result in more erosion in the streambed and a huge sediment load coming down Perrinville Creek which is not ideal. That needs to be addressed in Perrinville Creek as well as most urban streams in the Puget Sound area.

To accommodate some of that, the diversion structure offers a sediment trap for sand, gravel and heavy rocks until the box fills up. Due to the huge sediment load, one storm can fill the diversion box. Then when storm flows recede, the creek is flowing on top of that sediment and even under normal flow, water exits the diversion structure. The concern is fish looking for the chemical signature of Perrinville Creek try to go up the diversion pipe about 125 feet which is a dead end trip for the fish. There have been expired fish observed on the beach; that is a concern for the neighbors as well as the City. Staff met with the WDFW today on site to ask whether the permit could be expanded to allow the box to be cleaned at other times during the year. It was a very encouraging meeting and he believed the City will be allowed to maintain the sediment trap any time it is needed upon notifying WDFW which will significantly improve how the diversion box operates.

Councilmember Buckshnis observed fish are only diverted if the sediment box is filled. Mr. Williams answered there are two causes of fish mortality, 1) fish could be trying to work their way up the pipe as he described which is a dead end when they reach the diversion box, or 2) resident fish in the stream during high flows get washed out and when they reach the diversion box they may end up going through the weir or flowing into the diversion box and going out the pipe and getting beat up along the way in those high velocities and ending up not making it out the diversion pipe. He emphasized this situation has existed for 18 years. The key is maintaining the diversion box which may be several times during the winter.

Councilmember Buckshnis referred to the range of bids, \$317,000 to \$755,000, and asked about the contractor's experience with stormwater and creeks. Mr. Williams answered Kamins did some utility work on the Shell Valley project. They were a good contractor on that project and it was a very successful project. He did not have any concerns with their qualifications or capabilities.

Council President Pro Tem Petso asked if approval could be delayed a week to allow citizens more time to provide information. Mr. Williams answered the fish window is July 1 to September 30. The contractor needs to do work at the diversion structure during that window. The contractor has not yet submitted a proposed schedule so he was uncertain when they proposed to do that work. He did not believe a week delay would make a big difference but was uncertain what additional information was needed.

Council President Pro Tem Petso asked whether it was Mr. Williams' opinion that the project will not make the fish trapping issue any worse. Mr. Williams answered yes, that is the collective opinion of City staff and the City's consultant, Herrera. Council President Pro Tem Petso asked whether the fish trapping issue would be a separate project. Mr. Williams answered yes and acknowledged this is not an ideal situation. The system was installed nearly 20 years ago and is not the type of system that would be installed today; hydrologic science and fisheries design have gotten much more sophisticated during that time. That system currently exists and the intent is to determine how to make it work as efficiently as possible. One of the suggestions was to build a completely new lower stream channel for Perrinville Creek that would be very fish friendly with a flat bottom culvert under the railroad tracks. That would be a very sizable project and it would take time to identify funding for it.

Councilmember Bloom asked what review of this project was done by WDFW. Mr. Williams answered staff submitted an HPA application as required for this type of project. Staff addressed WDFW's questions and WDFW reviewed the design drawings and specifications and issued an approval. Councilmember Bloom summarized it appeared WDFW had no concerns about the health or safety of fish. Mr. Williams responded WDFW has not expressed any specific concerns to the City. He acknowledged there was no perfect answer; WDFW understands the City is trying to improve an existing situation and that there are other projects that could be done in the drainage basin over time as well.

Councilmember Johnson asked whether this was considered part of the Meadowdale slide area. Mr. Williams answered no. Councilmember Johnson asked if it was part of a critical area. Mr. Williams answered the stream channel and shoreline would be.

**COUNCIL PRESIDENT PRO TEM PETSO MOVED, SECONDED BY COUNCILMEMBER YAMAMOTO, TO APPROVE ITEM L. MOTION CARRIED UNANIMOUSLY.**

Mr. Williams explained he told Mr. and Mrs. Bernhoft that they would have an opportunity to make comment before the Council took action.

**MAYOR PRO TEM PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO RECONSIDER CONSENT AGENDA ITEM L. MOTION CARRIED UNANIMOUSLY.**

**MAYOR PRO TEM PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO MOVE CONSENT AGENDA ITEM L TO AGENDA ITEM 6B. MOTION CARRIED UNANIMOUSLY.**

**3. COMMUNITY SERVICE ANNOUNCEMENT - EDMONDS SENIOR CENTER**

**Farrell Fleming, Executive Director, Edmonds Senior Center**, described several new programs the Senior Center has opened over the past six months:

- Naturopathic Medical Clinic with Bastyr University

- Patients seen by student and licensed faculty member
- Open to all ages, Tuesday PM
- Bastyr makes clinic available at no charge
- Senior Center charges a \$15 administrative fee that can be easily waived
- All prescribed supplements/herbs available at no cost from dispensary
- Enhanced Wellness Program
  - Open to all ages
  - Funded by Verdant Health Commission
  - Aimed at chronic conditions
- SWEL Timebank
  - In coordination with Shoreline, Woodway, Lake Forest Park
- Social Media Bootcamp
  - Joint program with Senior Center and Swedish Hospital
- City Government Senior Internships
  - Brainchild of former Councilmember Bernheim
  - Exploring the concept of an elected official having an intern for 2 or 4 weeks for a project agreed to by the elected official and intern
  - Councilmembers Buckshtnis, Fraley-Monillas, and Petso have expressed interest in having an intern
- 90+ Celebration (July 30)

Mr. Fleming explained tonight's presentation was to highlight the City Government Senior Internship and he invited elected officials to participate.

Mr. Fleming explained the Senior Center has approximately 1500 members and serve about 3500 people annually. Of those 1500 members, 122 are over 90, many of whom are genuinely active. He invited the City to participate in the 90+ Celebration such as issuing a proclamation.

Mr. Fleming advised applications for the City Government Senior Internship are available at the Senior Center or can be emailed. He plans to make a more extensive presentation regarding the Senior Center at a future meeting.

Councilmember Bloom expressed interest in having an intern.

#### **4. SWEARING-IN CEREMONY FOR SERGEANT MIKE RICHARDSON**

Police Chief Al Compaan commented one of the highest honors he has as Police Chief is celebrating achievement by department members. An oath is an important public recognition of personal achievement and a personal pledge to the highest legal, ethical and professional standards critical to the law enforcement mission.

Chief Compaan described Corporal Richardson's background: he has served with the Edmonds Police Department for 20 years; he was hired on February 1, 1991. He graduated from Meadowdale High School and attended Shoreline Community College. During his tenure with the department, he served four years as a detective on the South Snohomish County Narcotics Task Force and was the special assault and crimes against persons detective for nine years. He also spent five years as an investigator on the Snohomish County Multiple Agency Response Team that investigates major incidents such as officer-involved fatalities. During the past year he has been a corporal assigned to the graveyard shift. He has been a member of the SWAT Team and is a department firearms instructor. He was the department's Officer of the Year in 1993, an award he received for administering CPR and reviving an individual suffering from a drug overdose. He has also received formal letters of commendation in 2005, 2009 and 2012.

Chief Compaan introduced Corporal Richardson's wife Traci, mother Carol, daughters Victoria and Ashley, Aunt Christy Richardson and her husband Dr. Jim Mattson, and Bothell Deputy Chief Henry Simon.

Chief Compaan administered the oath of office to Corporal Richardson. Sergeant Richardson's wife pinned his badge.

Sergeant Richardson thanked Chief Compaan for promoting him and Assistant Chief Lawless for his support. He commented this is the third time he has been in the Council Chambers this year, for his promotion to corporal, the awards ceremony and now his promotion to sergeant. He commented on how special it is to work for the City of Edmonds; Edmonds is a great place to work, excellent employees, and excellent Police Department that goes above and beyond to serve the community.

He thanked Henry Simon whom he has known since eighth grade, a special person in his life and if not for him, he would not be in this profession. Deputy Chief Simon has been the father that he never had. He thanked Sergeant Ploeger who was his partner for years; they hold each other accountable and he does a great deal for his family. He thanked his wife who supports everything he does. He commented people often do not get a chance to publicly thank the people in their life and tell them how important they are. He also thanked his children for sacrificing the time he is at work helping other people. He also thanked Bill Nelson who for 15 years has shown the department the importance of history and traditions. He concluded it was an honor to be a Police Officer and an honor to be here today.

Chief Compaan presented Sergeant Richardson with a framed Certificate of Promotion.

5. **PUBLIC HEARING FOR THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (2013-2018) AND ADOPTION OF RESOLUTION.**

Transportation Engineer Bertrand Hauss provided an introduction to the Transportation Improvement Program (TIP):

- Revised Code of Washington (RCW) requires that each city update their TIP prior to adoption of the budget
- Document contains all regionally significant transportation projects that a city plans to undertake in the next six years
- City of Edmonds policy: TIP is financially constrained the first three years
- Cities are not eligible for state or federal grant funding unless a project is identified on the TIP
- Federal, state and local funds are programmed as revenue source for TIP projects

Mr. Hauss reviewed scheduled construction projects in 2013:

1. **5<sup>th</sup> Ave. S Overlay (from Elm St. to Walnut St.)**

- **Project Description**
  - Water line replacement / asphalt patch on northbound lane (completed in 2011)
  - Overlay entire street width => ~ ½ mile stretch
    - Improve pavement condition of minor arterial
    - Upgrade ADA curb ramps / non-motorized transportation safety
- **Status / Schedule**
  - Design: Fall 2012 – Spring 2013
  - Construction: Summer 2013
- **Funding**
  - Estimated Total Project Cost     \$774,000
    - Design:                                 \$ 92,000

- Construction: \$682,000
- Funding sources
  - Federal grant unsecured\*: \$551,000
  - Fund 412: \$223,000

\*Notified of grant award, pending final PSRC approval

2. Traffic Signal Cabinet Improvements

- **Project Description**
  - Upgrade outdated cabinets, controllers, conflict monitors, sensor units to improve intersection safety
- **Status / Schedule**
  - Design: Fall 2012
  - Construction: Spring / Summer 2013
- **Funding**
  - Estimated Total Project Cost \$248,000
    - Design: \$ 16,000
    - Construction: \$232,000
  - Funding sources
    - Federal grant secured \$248,000

3. Citywide Pedestrian Countdown Display

- **Project Description**
  - Install countdown display at all signalized intersection w/ pedestrian head
    - Time remaining in the “Flashing Don’t Walk” interval
- **Status / Schedule**
  - Design: Fall 2012
  - Construction: Spring 2013
- **Funding**
  - Estimated Total Project Cost \$58,000
    - Design \$ 6,000
    - Construction \$52,000
  - Funding sources
    - Federal grant secured \$58,000

4. Five Corners Intersection Improvements - Roundabout

- **Project Description**
  - Installation of a single lane roundabout
  - Improvements:
    - intersection delay: LOS F to LOS B (during PM Peak Hours)
    - non-motorized transportation safety
    - stormwater / overhead utility conversion / water line replacement
- **Status / Schedule**
  - Design / ROW: Summer 2011 – Spring 2013
  - Construction: Summer 2013
- **Funding**
  - Estimated Total Project Cost \$3,476,000
    - Design: \$ 336,000
    - ROW \$ 313,000
    - Construction \$2,827,000
  - Funding sources
    - Federal grant secured \$ 463,000
    - Federal grant unsecured\* \$1,936,500 (ROW + construction)
    - Local funds \$1,076,500 (\$750,000 from Fund 412)

\*Notified of grant award, pending final PSRC approval

Mr. Hauss reviewed scheduled projects in design (2013-2015):

1. 228<sup>th</sup> St. SW Corridor Improvements

- **Project Description**

- Critical east-west connection
  - Restrict unsafe southbound left turn from Hwy. 99 onto 76<sup>th</sup> Ave. W
  - Install traffic signal at Hwy. 99 @ 228<sup>th</sup> St. SW
    - Provide safe left turn for the southbound movement from Hwy. 99 to 76<sup>th</sup> Ave. W
    - Create additional safe pedestrian crossing on Hwy. 99 between 238<sup>th</sup> and 224<sup>th</sup>
- Recommended as #1 project in Hwy. 99 Traffic Safety and Circulation Study (2006)

- **Status / Schedule**

- 15% Design: Completed in 2009
- Design / ROW: Summer 2011 – Spring 2014
- Construction: Summer / Fall 2014

- **Funding**

- Estimated Total Project Cost \$5,000,000
  - Design \$ 602,000
  - ROW \$ 865,000
  - Construction \$3,533,000
- Funding sources
  - Federal grants secured \$4,769,000
  - Local funds \$231,000

2. 76<sup>th</sup> Av. W @ 212<sup>th</sup> St. SW Intersection Improvements

- **Project Description**

- Add left turn lane for NB and SB movements on 76<sup>th</sup> Av. W and right turn lane for WB movement on 212<sup>th</sup> St. SW
- Improve LOS from F to D (in 2015)

- **Status / Schedule**

- Design / ROW: Fall 2011 – Fall 2013
- Construction: 2014 (pending grant funding)

- **Funding**

- Estimated Total project cost \$2,615,000
  - Design \$ 340,000
  - ROW \$ 975,000
  - Construction \$1,300,000
- Funding Sources
  - Federal Grant secured \$940,000
    - \$294,000 for design
    - \$646,000 for ROW
  - Local Funds \$148,000
    - \$46,000 for design
    - \$100,000 for ROW

3. Sunset Av. from Bell St. to Caspers St.

- **Project Description**

- Install sidewalk / bike path on west side of Sunset Av. from Bell St. to Caspers St. to provide more scenic non-motorized route
- Parking stalls may need to be reconfigured

- **Status**

- Preliminary concepts / survey: on-going
- Design phase: 2013



- Construction phase: 2016
- **Funding**
  - Estimated total project cost: \$866,000
  - Pending grant funding for all phases

Mr. Hauss reviewed other projects:

**A) Preservation / Safety / Capacity projects**

- Annual Street Overlay (\$1,500,000 / year from 2016 to 2018)
- Main @ 9<sup>th</sup> Ave. / Walnut @ 9<sup>th</sup> Ave. (Interim Solutions / 2013)
- Signal Upgrades:
  - 238<sup>th</sup> St. SW @ 100<sup>th</sup> Ave. W (2016)
  - Puget Dr. @ OVD (2016 – 2017)
  - Main St. @ 3<sup>rd</sup> Ave. (2017 – 2018)
- Intersection Improvements:
  - 196<sup>th</sup> St. SW @ 88<sup>th</sup> Ave. W (2016-2018)
  - 220<sup>th</sup> St. SW @ 76<sup>th</sup> Ave. W (2016)
  - Hwy. 99 @ 212<sup>th</sup> St. SW (2016 – 2018)

**B) Non-Motorized Transportation Projects**

- Sidewalk projects near schools:
  - 238<sup>th</sup> St. SW from 100<sup>th</sup> Ave. W to 104<sup>th</sup> Ave. W (2013-2015)
  - 15<sup>th</sup> St. SW from Edmonds Way to 104<sup>th</sup> Ave. W (2013-2015)
  - 236<sup>th</sup> St. SW from Madrona School to Edmonds Way (2013-2015)
- 4<sup>th</sup> Ave. Corridor Enhancement Walkway (2013-2017)
- ADA Transition Plan (2016-2018)
- SR-104 / Edmonds Way Pedestrian mid-block crossing north of Pine St. intersection (2013)
- Hwy 99 Enhancement Phase 3 (2013-2014)
  - Received \$700,000 federal grant with no local match
- Bicycle loops and connections (2016-2018)

Mr. Hauss provided a summary of recently secured grants:

<b>Project name</b>	<b>Grant Type</b>	<b>Design Phase</b>	<b>ROW Phase</b>	<b>Construction Phase</b>	<b>Total</b>
Signal Cabinet Improvements	Federal	\$16,000		\$232,000	\$248,000
228 <sup>th</sup> St. SW Corridor Improvement project	Federal	\$100,000	\$600,000	\$3,533,000	\$4,233,000
Pedestrian Countdown Display	Federal	\$2,000		\$50,000	\$52,000
Hwy. 99 Enhancement Project (Phase 3)	Federal	\$100,000		\$584,000	\$684,000
5 <sup>th</sup> Ave. S Overlay (pending final approval)	Federal	\$66,000		\$485,000	\$551,000
Five Corners Intersection (pending final approval)	Federal		\$97,000	\$1,839,000	\$1,936,000
	<b>Total</b>	<b>\$284,000</b>	<b>\$697,000</b>	<b>\$6,723,000</b>	<b><u>\$7,704,000</u></b>

Mr. Hauss recommended the Council approve the 2013-2018 TIP.

Councilmember Buckshnis commended staff for all the grants the City had been awarded. She asked about Puget Sound Regional Council's (PSRC) involvement in federal grants. Mr. Hauss explained PSRC participates in the federal grant review process.

For Councilmember Buckshnis, Mr. Hauss explained the first four projects on the above list (Signal Cabinet Improvements, 228<sup>th</sup> St. SW Corridor Improvement project, Pedestrian Countdown Display and Hwy. 99 Enhancement Project (Phase 3), do not require a local match for the federal grant. The last two projects on the list (5<sup>th</sup> Ave. S Overlay and Five Corners Intersection) require a 13.5% local match.

Council President Pro Tem Petso recalled the 196<sup>th</sup> & 88<sup>th</sup> intersection improvement project has been discussed often and then a decision is made not to do anything at that location. She asked what the 196<sup>th</sup> & 88<sup>th</sup> intersection improvement project included. Mr. Hauss responded there are levels of service and safety issues at that intersection. A project to make the northbound movement on 88<sup>th</sup> a right-turn only with raised island was presented to the Council but was not approved. There are other alternatives for that intersection including installing a traffic signal. Council President Pro Tem Petso asked if the SR524 intersection improvements in the TIP was an island or traffic light. Mr. Hauss stated it was a traffic light.

Council President Pro Tem Petso asked about the SR 104 midblock crossing at Pine Street. Mr. Hauss answered the intent was a midblock crossing with a refuge island similar to the refuge island on SR 524 at Puget Drive as well as flashing beacons due to high speeds on SR 104.

Councilmember Bloom asked how projects are prioritized. Mr. Hauss answered the Transportation Plan prioritized projects in Table 3-18. There are different categories that are weighed differently. Factors include concurrency, safety, grant eligibility, project size and multimodal elements. The top ranked project was the 228<sup>th</sup> Street SW project for which the City recently received a \$4.9 million grant.

Mayor Pro Tem Peterson asked when the City will be notified regarding the Safe Routes to Schools grants. Mr. Hauss responded grants were submitted in May 2012; notification will occur in early 2013.

Mayor Pro Tem Peterson opened the public participation portion of the public hearing.

**Roger Hertrich, Edmonds**, asked if the SR 524 @ 9<sup>th</sup> & Caspers traffic signal had been removed from the TIP. He then suggested a project be added to the TIP, widen Edmonds Way westbound and create a right turn lane, which would reduce congestion at the intersection. With regard to the 196<sup>th</sup> & 88<sup>th</sup> project, he suggested realigning the intersection to improve sight distances. He relayed the public's opposition to the Five Corners roundabout project, commenting there were many other projects that the City could spend \$3 million on.

**Alvin Rutledge, Edmonds**, expressed concern that individual reports for each area of the City were not provided and there were no citizen reports.

**Ray Martin, Edmonds**, relayed his discomfort driving through roundabouts in Olympia, finding roundabouts to be more work than the current layout at Five Corners. He preferred the Five Corners intersection remain in its current configuration. Next, he suggested the westbound signal at SW 196<sup>th</sup> Street at 80<sup>th</sup> Avenue SW be tweaked, explaining it is a blind corner that causes drivers to brake suddenly when the light changes.

**Marc Knauss, Edmonds**, referred to the 238<sup>th</sup> & 100<sup>th</sup> Avenue signal upgrades that include installation of video detection and asked whether that was a traffic camera. If so, he was hesitant about installing traffic cameras.

Hearing no further comment, Mayor Pro Tem Peterson closed the public participation portion of the public hearing.

Councilmember Buckshnis asked whether staff had considered Mr. Hertrich's suggestion for a right turn lane on Edmonds Way. Public Works Director Williams responded no; staff has not looked at that. There is limited amount of right-of-way in that location and planning for that intersection and that vicinity has included a great deal of public input. Unless the Council indicates otherwise, it is staff's intent to implement the Transportation Plan which does not include a right-turn lane.

Councilmember Buckshnis relayed the City has received positive and negative comments about the Five Corners roundabout. She is very familiar with roundabouts, having grown up with them in Oregon. She asked if the anti-roundabout people were the most vocal. Mr. Williams recalled providing the Council nationwide research about attitudes towards roundabouts. Prior to construction of the roundabout, there is concern with something new and after the roundabout is constructed attitudes change as drivers discover the roundabout is not complicated and is more efficient. This is particularly true for the five-legged Five Corners intersection where the five streets create confusion. He acknowledged Edmonds citizens are comfortable with the Five Corners intersection; negotiated correctly it can be like a ballet, and negotiated incorrectly can create problems. A circular intersection allows all five legs of the intersection to be served continuously which improves movement of traffic through the intersection.

Councilmember Buckshnis observed the roundabout also provides traffic calming and improves pedestrian safety. Mr. Williams answered it definitely has air quality benefits by reducing congestion and the amount of time cars are idling at the intersection which is the reason the City received the grant for the project. It also improves pedestrian safety, does not compromise and may even improve bicycle safety, and reduces congestion.

Councilmember Buckshnis observed with the receipt of a \$3 million grant, the City will only pay \$750,000 for the roundabout project which will be provided by Fund 411. Mr. Williams answered funding for this project includes \$3.476 million which is approximately \$750,000 more than has been presented to the Council in the past as it includes some utility funds to upgrade infrastructure. A 13.5% match is required for the \$1.936 million construction grant; those funds will come from Transportation Impact Fees which can only be spent on concurrency projects like this project at Five Corners.

Councilmember Buckshnis commented if the City did not accept the federal grant for this project, another jurisdiction would. As a taxpayer the grants are beneficial and staff has done a great job securing grants. Mr. Williams explained these are competitive grants. When grants become available, staff identifies projects and positions the City to be successful. He summarized the highest rated project may not always be done first; projects with funding will be completed first.

Council President Pro Tem Petso referred to the citizen comment about the traffic signal at 9<sup>th</sup> & Casper and asked if that had been removed from the TIP. Mr. Williams answered it was removed from the TIP last year per Council direction.

Council President Pro Tem Petso referred to the citizen question about video detection and asked whether that was traffic cameras. Mr. Williams answered video detection is not red light cameras.

Council President Pro Tem Petso recalled the Council previously discussed a signal at 196<sup>th</sup> & 88<sup>th</sup> and citizens expressed concern with cut-through traffic if a light were installed. She recalled there was another reason the Council did not support a traffic signal at that intersection. Mr. Williams recalled one of the problems with installing a signal at that intersection is in order to qualify for state funding, the intersection must meet the warrants for a signal; that intersection does not. That is the reason other more simple options were considered. The Council did not want to pursue the option Mr. Hauss described and

an alternate plan has not yet been identified. Council President Pro Tem Petso asked why a traffic signal for that intersection was included in the TIP if it did not meet warrants. Mr. Williams responded it may meet warrants in the future. It would be difficult to seek a grant for that project if it was not included in the TIP; it was included in the unsecured portion of the TIP as there was currently no funding for that project.

Councilmember Yamamoto asked if there was some flexibility with regard to the location of bicycle lanes. Mr. Hauss answered there was. Councilmember Yamamoto commented it was easy for cyclists to reach Edmonds but difficult to leave Edmonds. Mr. Hauss answered it will be a combination of signage, pavement markers, sharrows, bike lanes, etc. Mayor Pro Tem Peterson pointed out staff is working with the Edmonds Bicycle Group to identify bicycle routes for leaving Edmonds.

Councilmember Bloom asked if there were plans to form another Transportation Advisory Committee. Mr. Hauss answered that was a possibility in 2015-2016 in preparation for the Transportation Plan update.

Councilmember Johnson thanked and congratulated staff on the receipt of \$7.7 million in grants.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE RESOLUTION 1279, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, APPROVING THE 2013-2018 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND DIRECTING FILING OF THE ADOPTED PROGRAM WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.**

Council President Pro Tem Petso explained she planned to vote against the TIP because the signature feature of the plan was the roundabout and she voted against proceeding with that project. She also expressed the following concerns:

- Loss of parking along Sunset as a result of the Sunset Avenue project
- Potential loss of the bicycle lane on Sunset as a result of the Sunset Avenue project
- The 196<sup>th</sup> & 88<sup>th</sup> intersection has never met warrants for a traffic signal and there has been no public outcry for a signal at that intersection

**MOTION CARRIED (5-1), COUNCIL PRESIDENT PRO TEM PETSO VOTING NO.**

**6A. AUDIENCE COMMENTS**

**Robert Bernhoft, Edmonds**, relayed his and his neighbors' concerns about the drainage project in Talbot Park. One of the problems that has not been addressed is neither of the storm culverts have ever been videoed. A civil engineer he knows has evidence the culvert is corroding in an area where freight trains containing chemicals, coal and heavy loads travel. Another concern is he and Bob Shepard's classrooms have been putting salmon in the creek since 1980. The splitter at 8229 Talbot Road is a death trap and violates WAC 220-110-170. He read data provided by a civil engineer that the high flow bypass to a permanent stream with the Talbot Road flow violates WAC 220-110-170 by diverting the Talbot Road flow into the high flow bypass pipe, they will be enticing fish into a steel culvert that would otherwise use the stream concrete pipe and these fish will become confused, trapped and die. He also recommended the outfall structure be constructed according to an approved design to prevent this problem from happening. He was concerned the estuary at Browns Bay would be virtually destroyed. The water force bank and bed at the point of discharge has to be armored and have some type of device to stop fish from entering the "tunnel of death."

**Thomas Sawtel, Edmonds**, an Edmonds artist, thanked the public who attended the Edmonds Arts Festival; attendance was great. He also thanked the Festival volunteers. He gave special thanks to this year's coordinators for the juried gallery exhibits; there were over 300 pieces. He was impressed by this

year's children's art exhibit; it is in dire need of funding because Edmonds School District eliminated funding for the position that coordinates the exhibit. Each year the festival jurors review all the juried art pieces for a piece of art that features an Edmonds scene; this year his photograph of two Great Blue Herons in the Edmonds Marsh was awarded the Best of Edmonds. He encouraged all artists to consider submitting their art, particularly of Edmonds, in 2013. He noted Congressman Jim McDermott visited the festival. On the City's behalf, he lobbied Congressman McDermott about the Edmonds Marsh project, particularly the eventual daylighting of Willow Creek as well as other projects on salmon-bearing streams. As a fish biologist, he commented on the importance of fish passage projects on Willow Creek, Shell Creek, Perrinville Creek and a few others. Perrinville Creek needs a full enhancement project. He urged the Council to ensure the bypass was done in a way that the weir/collector/splitter fits into an expertly engineered enhancement project.

**Ray Martin, Edmonds**, referred to the cat leash law which was the result of a cat trapping incident six years ago. He recalled the cat leash law was passed after testimony that cats kill birds, but he is now told it is selectively enforced, only upon a complaint. He found the ordinance overbearing, punitive, and inequitably enforced. He suggested the Council gather statistics from the Police Department and he has asked My Edmonds News to conduct a poll. He also commented that most citizens do not support the Five Corners roundabout.

**Mark MacDonald, Edmonds**, explained he participated in discussions in 2007 when the Council passed an animal control ordinance, Running at Large Prohibited, that required cats receive equal treatment under the law. Some erroneously referred to this as the cat leash law but leashes were never part of the discussion although they are one method of controlling a pet. At that time the citizens who spoke against the proposed new ordinance were all cat owners and made the claim that they either could not control their cats or it was a cat's nature to roam free. Those who spoke in support of the ordinance were more varied in their background and expertise and included veterinarians who reported on dead and maimed cats as a result of confrontation with other animals or automobiles in areas where containment is not controlled. Veterinarians cited statistics that the per capita number of cat death/injuries was dramatically less in cities with control ordinances for cats. A manager with the Seattle Health Department and a physician spoke about viruses and bacteria spread by cat feces deposited into gardens that humans contact while gardening and the danger this presents especially to older citizens. PAWS and SPCA leaders expressed support for the ordinance, stating it would result in fewer feral cats roaming and spreading disease and meeting unseemly death including by human intervention. The Audubon Society stated its support of the ordinance since controlled cats would not infiltrate neighboring yards dedicated to the feeding and proliferation of birds. Cat owners also spoke in support of the ordinance, stating they loved their pets too much to allow them to roam and risk their lives. Manufacturing representatives described options for cat owners to allow their cats outside while confined to the owner's yard. He relayed a comment by a man who said he leashed his cat because he loved him. The existing ordinance was enacted to protect cats and humans; it requires no more action from law enforcement than the law affecting dogs and their owners. Overturning the ordinance shows a lack of concern for cats and Edmonds citizens, and would be an insult to the Council's predecessors and indicate a vote based on emotion and personal bias and not facts. He urged the Council to keep the ordinance in place.

**Robert Chaffey, Edmonds**, a physician at Swedish Edmonds, relayed his research regarding the astounding number of wild animals killed by free roaming cats; more than a million birds a year and up to a billion small animals, not all of which are rats or mice. Cats can spread diseases; outdoor cats get viral diseases that can only be spread to other cats but they can also pick up Toxoplasmosis which can be very dangerous to humans as well as rabies. Feral cats are a huge problem in communities. Cats allowed to roam free die approximately 5-10 years earlier on average than cats that do not. The two problem cats in his neighborhood are both dead; one disappeared and the other was hit and killed by a car. He supported continuing the law.

**Don Hall, Edmonds**, a gardener with a backyard wildlife habitat and a cat owner, agreed with the last two speakers. Mr. Hall announced Edmonds in Bloom is celebrating its 17<sup>th</sup> year. Their mission statement of promoting floral beauty for the pleasure of residents as well as attracting visitors to Edmonds has been a catalyst for annual events. Edmonds has been recognized for its charm and Edmonds in Bloom is part of that. He described the upcoming garden competition; entries will be accepted until July 3. Vegetable and fruit gardens in front yards was added as a new category this year. Applications are available at the Frances Anderson Center, Bountiful Home, Garden Gear, Edmonds Library and the Log Cabin. He encouraged anyone with a beautiful garden, spectacular containers or especially nice vegetable or fruit gardens to enter this year's garden competition to receive an Edmonds in Bloom flag. The garden competition is an evaluation, not a contest. He also announced the garden tour on July 15, 11:00 a.m. – 4:00 p.m. Tickets are sold through local area merchants beginning on June 1; tickets can be purchased at Bountiful Home, Garden Gear, Frances Anderson Center, Sky Nursery, Wight's Home and Garden and the Plant Shack. The Edmonds in Bloom reception is August 8 from 7:00 – 8:30 p.m. at the Edmonds Arts Center where all participants in Kids Plants for Mom's Day, the garden competition and all events will be honored.

**Bob Shepard, Edmonds**, a 5<sup>th</sup> grade teacher in the Edmonds School District, supported Mr. Bernhoft's comments about Perrinville Creek. He began having 5<sup>th</sup> graders work at Perrinville Creek 17 years ago, putting fish in the creek, water quality testing, and planting near the Perrinville post office. The result is 4,000 fish and the involvement of 500 children. This fall the students questioned the water emersion into the Sound that was blocked by a metal plate. That was not the situation 17 years ago; he has seen Cut Throat Trout and salmon spawn in the creek. He commented fish are just as important as the stormwater problem and there needs to be a better solution than the existing gate. Before spending any more money on a diversion, the City needs to consider the fish. He assumed it was illegal to prevent fish from spawning. Perrinville Creek is a small but meaningful creek and it has a great importance to the community. He preferred a larger project that would solve the problem of stormwater and fish migration; the current situation simply does not work.

**Alvin Rutledge, Edmonds**, referred to a case between the City, State of Washington and Syd Locke regarding a driveway at 801 Pine Street that will be heard by the Superior Court in September. Next, Mr. Rutledge announced the car show at Top Foods on July 14 to benefit the food bank.

**Roger Hertrich, Edmonds**, agreed there should be some ability to control cats. With regard to the Talbot Road Storm Drain Improvements project, he cautioned against hurrying to make a decision and recommended the Council listen to the people who have experience with fish. He recommended staff work with the neighbors and the Department of Fish and Wildlife to obtain a report that says this is the right project.

**6B. REPORT ON BIDS OPENED JUNE 7, 2012 FOR THE TALBOT ROAD STORM DRAIN IMPROVEMENTS PROJECT AND AWARD OF CONTRACT TO KAMINS CONSTRUCTION IN THE AMOUNT OF \$317,178.62 (CONTINUED DISCUSSION).**

Public Works Director Phil Williams explained staff was not in a hurry and was not rushing this project through; the project has been in the development phase for over four years. Staff has been working with Washington Department of Fish and Wildlife (WDFW) during that time including meeting with them on site this morning. The only time issue is part of the project must be built within the fish window, July 1 – September 30. He agreed with many of Mr. Bernhoft's comments including the suggestion about videoing or physically examining the culverts under the railroad. One of the culverts is a 40-inch steel pipe that has been in place for 18 years. The other pipe where the creek channel daylights onto the beach is a 36-inch concrete pipe. Neither steel nor concrete react well with saltwater. He will determine how to do a condition assessment on both pipes under the railroad.

Councilmember Buckshnis suggested scheduling this for the June 26 work session to allow Councilmembers to conduct further research. Mr. Williams explained the proposed project has been referred to several times as a bypass; this is not a bypass. The storm water that normally ran across the Robinson's was to be placed into a pipe into the creek channel below the diversion structure. That routing was not possible so it is being moved further down Talbot Road and then into the diversion box. The bypass/flow splitter already exists and has been in place for 18 years. There is no intent to change in any meaningful way how that functions. If WDFW allows greater access to the diversion box through the year it will allow for better maintenance, allow it to perform better, and allow for better protection of fish. That is a separate issue that is unrelated to this pipe project.

Councilmember Buckshnis commented she is a member of WRIA 8 and needs to do more research.

Council President Pro Tem Petso supported delaying approval to allow more research. She also suggested scheduling a more global look at the fish situation in that area at Council Committee.

Mayor Pro Tem Peterson expressed support for the proposed project. He appreciated citizens bringing it to the Council's attention, recognizing there are issues in all the urban streams in Edmonds. Edmonds has more urban streams than almost any other community on Puget Sound. He supported moving a project up on the priority list. He recognized the incredible knowledge base that citizens bring to this issue and the things citizens have done over the years to protect habitat.

Mayor Pro Tem Peterson advised he will schedule this item for further discussion on June 26.

#### **7. CITIZENS ECONOMIC DEVELOPMENT COMMISSION - APPOINTMENTS OF MEMBERS**

(Councilmember Fraley-Monillas joined the Council meeting by telephone at 8:57 p.m.)

Mayor Pro Tem Peterson explained the Citizens Economic Development Commission has been in place since 2009. When the Commission was formed, each Council position appointed two members and the Mayor appointed three. Some existing Commissioners will remain to provide background; the Mayor and some Councilmembers now have an opportunity to appoint new members. He announced the following appointments to the Citizens Economic Development Commission:

Councilmember Yamamoto: John Ruben  
Councilmember Fraley-Monillas: Doug Purcell  
Councilmember Buckshnis: John Eckert  
Councilmember Bloom: Nathan Proudfoot and Marc Knauss  
Mayor Pro Tem Peterson: John Dewhirst and Kevin Garrett  
Mayor Earling: Gail Sarvis, Darlene Stern and Karen Shiveley

Mayor Pro Tem Peterson commented there were a number of great applicants and he encouraged those not chosen to apply for other volunteer positions.

Councilmember Fraley-Monillas thanked Marianne Zagorski for her work on the EDC.

Mayor Pro Tem Peterson commented the EDC has done fantastic work to date and he looked forward to hearing more great ideas about how to enhance the City and especially enhance revenues.

#### **8. PRESENTATION ON RESIDENTIAL CAR WASHING AND ILLICIT DISCHARGES**

Stormwater Engineering Program Manager Jerry Shuster provided the following information:

- *What is all the fuss about car washing?*

- Washing our car or truck is as American as baseball and apple pie
- Allowing the “dirt” and soapy wash water to enter the City’s storm drain system is technically a violation of Federal, State, and City regulations\_– wash water contains: soaps, oils, grease, heavy metals and other chemicals toxic to aquatic life
- Once in the City’s stormwater system, the dirt and soapy rinse water does not get treated before discharging to our creeks, lakes, or Puget Sound
- *Does using biodegradable soap make it OK to discharge wash water to storm drain?*
  - No. All soaps including biodegradable soap remove dirt from vehicles that contains the pollutants toxic to aquatic life.
- *Is car washing illegal?*
  - No, washing your car, truck, boat, or whatever is not illegal
  - Allowing anything but clean water to enter the City’s stormwater system is technically illegal.
  - Discharge of pollutants to receiving waters is illegal:
    - Federal Clean Water Act (33 U.S.C. §1251 et seq. [1972])
    - State Water Pollution Control Law (Chapter 90.48 RCW)
    - City Illicit Discharge Ordinance (ECC 7.200) – Mandated by State for our Municipal Stormwater Permit.
- What are the City’s Car Washing Programs?
  - Department of Ecology:
    - “...adopted an educational rather than enforcement approach to car washing.”
  - Behavior Change – Similar to recycling
- What are alternatives to driveway washing?
  - Wash your vehicle on a lawn or grassy area or somewhere that drains to a lawn or grassy area
  - “Waterless” car wash products
  - Commercial car wash (manual or automatic)
  - Find a community car wash that manages their soapy wash water
    - Car wash kits are available free from the City to charitable organizations

Councilmember Buckshnis asked how information is being distributed. Mr. Shuster answered brochures are available on the table in Council Chambers, on the City’s website and City Hall or via email. Councilmember Buckshnis asked whether information could be included in utility billing statements. Mr. Shuster answered that could be done.

Councilmember Fraley-Monillas explained she requested this presentation and suggested it be done annually as a reminder to the public. She asked whether staff would handout a brochure to someone they see washing their vehicle in their driveway. Mr. Shuster answered all Public Works staff will have brochures in their trucks to hand out as a way of educating the public.

**9. DRAFT 2011 FINANCIAL STATEMENTS.**

Finance Director Shawn Hunstock referred to page 34 of the report, which shows the General Fund 2011 with a surplus of \$701,000 and an ending fund balance of \$9.5 million. He explained pages 88-91 are new statements this year; it has been the City’s practice to report several funds including the Emergency Financial Reserve Fund (\$1.9 million) and Public Safety Reserve (\$1.3 million) as the General Fund. The Total General Fund on page 91 matches with page 34. Every fund is included in the financial statements. The actual General Fund itself, Fund 001, is \$5.7 million; when added to the \$1.9 million and \$1.3 million reserves and other funds including the LEOFF 1 retirement fund, the total is \$9.5 million. He clarified fund balance is technically two different things, fund balance in the General Fund itself only is \$5.7 million; the consolidated financial statement fund balance is \$9.5 million.



Mr. Hunstock referred to page 36 and the beginning budget for the General Fund, the consolidation of the 7 funds, reported as the General Fund. The original budget was a \$74,000 surplus for the General Fund; the amended budget changed that to an expected deficit of \$717,961 but the year actually ended with a \$701,000 surplus due to expenditures that were less than budgeted, transfers in and sale of capital assets. There was a negative variance in revenue of \$726,000, primarily due to a transportation grant in the multimodal fund that did not come to fruition.

Mr. Hunstock referred to pages 55-56 and the implementation of new accounting standards which changed how funds are displayed in the City's financial statements. There was a change from restricted, unrestricted, invested and capital assets to five new funds defined on pages 55-56. There was not a great deal of guidance from the State auditor regarding implementation of the new accounting standards. Most cities are just now implementing this new accounting standard. Because Alaska has a June 30 year end and have already issued their financial statements that incorporate this new accounting standard, many cities including Edmonds as well as the auditor's office have referred to their statements.

Mr. Hunstock referred to page 78, part of the long term debt footnote. He pointed out page 78 reflects the refunding of utility bonds that occurred in late 2011. All the existing utility bonds were refinanced as well as bonds sold for new utility projects; the two issues outstanding at the end of 2010 were paid off and some of it was incorporated into the \$13.7 million utility bond issue.

Mr. Hunstock referred to a new statement on page 154, Retail Sales Tax Collected by Sector. He pointed out Motor Vehicle and Parts is the largest source of sales tax, approximately \$4.6 million. He compared sales tax collections in 2007 to 2011, pointing out some industries have not recovered including Motor Vehicle and Parts. Sales tax collected in 2007 from that industry was \$1.5 million compared to slightly over \$1 million in 2011. Other industry sectors that have not recovered include Construction (\$965,000 in 2007 compared to \$625,000 in 2011). Some industry sectors have recovered such as Food and Beverage (\$203,000 in 2007 and \$218,000 in 2011) and Accommodations and Food Services (\$563,000 in 2007 and over \$600,000 in 2011). Sales tax collections in 2011 are \$774,000 below 2007, or a 14% decline.

Mr. Hunstock explained the financial statement audit is nearly complete. He expected a clean audit opinion later this week. There have been no items to date presented as findings; the auditor has requested some changes to the financial statements, many due to implementation of the new accounting standard. Staff is working with the auditors to schedule the entrance conference for the accountability audit in late July/early August. In addition to the financial statement opinion, there will be a separate report for the accountability audit. The exit conference will cover both the financial statement and accountability audit and will likely be held in late August/early September. There is less of a timing issue for the accountability audit; the City's audited financial statement must be submitted to the federal clearing house by September 30.

Councilmember Buckshnis commended Mr. Hunstock, noting this was the first statement where everything balanced. The financial statement is well written, Mr. Hunstock has been a great addition to the City and she appreciated all his hard work.

Council President Pro Tem Petso thanked Councilmember Buckshnis and Mr. Hunstock for all their hard work over the past year. The statements reflect that hard work. She referred to the \$5.7 million General Fund and asked whether it included the \$1.3 million reserve. Mr. Hunstock referred to pages 90-91 where the fund balances total across. The \$5.7 million is a part of the \$9.5 million; the \$9.5 million also includes the six other funds. He clarified the \$5.7 million does not include either the \$1.9 million Emergency Financial Reserve or the \$1.3 million Public Safety Reserve.

Councilmember Fraley-Monillas referred to page 154, Retail Sales Tax Collected by Sector, and asked what is included in the Information category. Mr. Hunstock was not certain; the sectors are the NAICS

industry codes. Industries that make up that classification can be found on NAICS.org. He offered to research and report to Council.

**10. AMENDMENT TO ECC 5.05.050 - ANIMAL CONTROL (RUNNING AT LARGE PROHIBITED).**

Mayor Pro Tem Peterson expressed his appreciation for the comments made during Audience Comments as well as the emails the Council received. He commented there are times in the life of a Councilmember where one may make a mistake; fortunately the system allows those to be corrected. He explained the impetus for the ordinance the Council adopted was rules for the dog park. He thanked Councilmember Buckshnis for her research to ensure Edmonds' dog park has rules similar to other dog parks in the region. The phrase, "with the exception of cats" was also added to the changes in the ordinance. He did not give that change the weight he should have in view of the discussion in 2007 and instead focused on the changes to regulations related to the dog park. He apologized for that oversight. He summarized the issue before the Council is possibly removing the phrase, "with the exception of cats" which would return that portion of the ordinance to the wording that was passed in 2007.

Councilmember Buckshnis explained she voted in favor of the ordinance last week due to the belief the ordinance was unenforceable but has since learned it is enforceable. She planned to vote to remove the language, "with the exception of cats."

Council President Pro Tem Petso asked how this ordinance related to any other ordinance related to cats. City Attorney Sharon Cates was unaware of another ordinance. Assistant Chief of Police Jim Lawless explained the phrase, "with the exception of cats" was inadvertently included and was not noticed by himself, the Animal Control Officer or the City Attorney until it reached Council Committee. To Council President Pro Tem Council Petso's question, he explained the ordinance relates to containment of animals. Inserting "with the exception of cats" removes cats from the containment requirement. There is no separate ordinance that addresses the containment of cats. Council President Pro Tem Petso clarified this is the only code section related to containment of cats. ACOP Lawless answered yes.

For Councilmember Yamamoto, ACOP Lawless explained the intent of the ordinance was to address concerns at the dog park and enhancing rules at the dog park. Other ordinances were reviewed as part of that process; the language, "with the exception of cats" was inadvertently included. If the language, "with the exception of cats" is removed, the ordinance as it relates to cats will be the same as it was.

Councilmember Bloom commented when the Council voted two weeks ago, it was clear the Council was voting on the issue of cat containment. It was also clear that cat containment is only enforced upon a complaint by a neighbor against another neighbor. She felt the ordinance was not enforceable; the only way it was enforced was if a neighbor complained and then the neighbor was forced to contain their cat. The ordinance has been in place for five years; during that time her neighborhood has not changed. She sees cats in her yard all the time; she is thankful for the cats because they provide a valuable service by killing rats. She asked if it was possible to enforce the cat containment law. ACOP Lawless answered yes. The City does not have the resources to actively determine whether residents are containing their cats. However it gives law enforcement a tool to initiate an investigation based on a complaint. If the complaint can be substantiated, charges can be filed. A neighbor calling to complain about another neighbor's cat does not automatically trigger enforcement; it triggers an investigation. Based on the totality of the circumstances and the investigation, it can be enforceable via citation.

Councilmember Buckshnis commented there are off-leash dogs in her neighborhood; animal control is doing a wonderful job enforcing that. It was unfortunate that it is neighbor against neighbor, but that often happens with enforcement issues. She expressed support for the containment of cats.

Councilmember Johnson asked how many civil violations have been issued against cat owners. ACOP Lawless answered two citations have been issued since the ordinance was enacted, both in November 2007 to the same individual. There has been no further enforcement action since then. Councilmember Johnson asked whether there had been any investigations based on complaints. ACOP Lawless answered yes; but he did not know the exact number. He explained many times the police serve as a mediator to assist neighbors in reaching a resolution. Their last choice is enforcement action. The ordinance provides a tool if mediation is unsuccessful.

Councilmember Yamamoto asked whether ACOP Lawless liked the way the ordinance was written now. ACOP Lawless answered the Police Department will enforce whatever the Council approves.

Councilmember Fraley-Monillas asked about the number of dog running at large violations. ACOP Lawless did not know but said it was much higher. He explained when the police or animal control are called about a dog it is typically because the dog is acting aggressively and the police or animal control are responding to a public safety issue. They do not receive a lot of calls regarding cats.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY MAYOR PRO TEM PETERSON, TO REMOVE THE LANGUAGE, "WITH THE EXCEPTION OF CATS" FROM SECTION 5.05.050(A).**

Councilmember Bloom explained she will vote against the motion. There have been very few complaints yet there are a lot of cats running free throughout the City. She felt the change was based on Councilmember Buckshnis' neighborhood and was an argument between neighbors in that neighborhood. A law that is only enforced when a neighbor complains about another neighbor's cat does not serve the community well. She sees cats all over the City and in her neighborhood because her neighbors do not find them objectionable. She did not support adopting a law that pits neighbor against neighbor.

Councilmember Fraley-Monillas said she would vote against the motion. Two violations in 5-6 years indicate this law is unnecessary. She has seen cats all over Edmonds so the law does not seem to be working.

Mayor Pro Tem Peterson said he will support the motion. He pointed out many of the City's codes are only enforced upon complaint because the City has only one Code Enforcement Officer. Just because codes are not actively enforced does not mean they should not be enacted. There may have only been two violations in the past five years, but that may be because the police prefer to mediate the situation. Similarly the Code Enforcement Officer rarely takes code enforcement action and prefers to work with the person violating the code to bring the situation into compliance. It is a testament to staff that there are not more active code violations or tickets written for at large cats because of their efforts to mediate situations and educate residents. He will support the motion due to the work done in 2007 regarding this issue. It was a hotly contested issue in 2007 with experts testifying on both sides. There were a number of public hearings and the Council at that time voted 5-2 to include requirements for the containment of cats.

Mayor Pro Tem Peterson commented the idea that this is a cat leash law is incorrect. He preferred this had been titled the "Pet Owner Responsibility" ordinance. Ensuring their pet is kept safe as well as ensuring the community is safe from the actions of that pet is the primary responsibility of any pet owner.

Council President Pro Tem Petso recalled she previously voted against making the change because the Council had not held a public hearing. For that reason she will again vote against the motion. She appreciated the citizens who have contacted her over the past week. Given the effort in 2007 and the amount of public interest in the issue, it is appropriate to hold a public hearing before making a change. She acknowledged if the Council held a public hearing, Councilmembers would be mocked by citizens who think the Council has better things to do. She summarized a public hearing was the right thing to do.

Councilmember Yamamoto commented the Council does have bigger things to address. The Council made a decision and he will follow that decision.

Councilmember Bloom referred to Mayor Pro Tem Peterson's comment that there have only been a few violations, pointing out there have only been a few complaints, however there are innumerable violations of the containment of cats law. That will continue regardless of whether the language "with the exception of cats" is removed. She reiterated this pitted neighbor against neighbor and makes no sense.

Councilmember Buckshnis commented without that language, enforcement is put back into the hands of citizens, some of whom have pellet guns and traps. She was under the impression the ordinance was unenforceable but has since talked with a number of residents who have received warnings. Some of the warnings have occurred in the Bowl area; it is not occurring in just her neighborhood. If the language is not changed, she believed citizens would take the situation into their own hands and it would result in "the wild west of shooting cats."

Councilmember Johnson asked what other methods the police or animal control have for dealing with an errant cat. ACOP Lawless answered there is nothing specific to cats in the animal control ordinance outside the containment ordinance.

Councilmember Fraley-Monillas commented shooting cats was illegal. ACOP Lawless agreed it was.

**THE VOTE ON THE MOTION FAILED, (2-5), COUNCILMEMBERS BUCKSHNIS AND PETERSON VOTING YES.**

(Councilmember Fraley-Monillas discontinued her participation in the Council meeting at 9:59 p.m.)

**11. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF JUNE 12, 2012**

Finance Committee

Councilmember Yamamoto reported the Committee was informed that staff applied for and has been awarded funding from the Snohomish County Tourism Promotion Area (TPA) to nationally advertise the Edmonds Arts Commission Write on the Sound writers' conference in October. Authorization to sign the Interlocal Agreement was approved on the Consent Agenda. The Committee was also provided a General Fund update for April.

Planning, Parks & Public Works Committee

Council President Pro Tem Petso reported all the items the Committee discussed were approved on tonight's Consent Agenda with the exception of telephone book opt out. The City's approach will be educational outreach to inform residents of their ability to opt out of telephone book delivery.

Public Safety & Personnel

Councilmember Bloom reported the Committee reviewed the Snohomish Regional Drug & Gang Task Force, 2012 – 2013 Interlocal Agreement. The Committee then had a lengthy discussion with several residents regarding the taking of notes/minutes and recording executive sessions. The Committee agreed to forward the issue to full Council for further discussion to include a presentation by the City Attorney, Washington Citizens for Open Government and possibly AWC and/or the Municipal Research Service Center. That presentation/discussion will be scheduled on the July 24 Council agenda.

**12. MAYOR'S COMMENTS**

Mayor Pro Tem Peterson had no report.

**13. COUNCIL COMMENTS**

Councilmember Buckshnis offered a special thanks to the Edmonds Art Festival volunteers.

Councilmember Johnson looked forward to learning more about the City Government Senior Internship program, commenting it was a wonderful program that would involve seniors in City government.

Council President Pro Tem Petso reported the Historic Preservation Commission (HPC) voted to recommend a new member which was forwarded to the Mayor and will come to Council for confirmation. She commended Rob Chave for securing a grant to produce the calendar again this year.

**14. ADJOURN**

With no further business, the Council meeting was adjourned at 10:05 p.m.