

EDMONDS CITY COUNCIL APPROVED MINUTES

August 6, 2012

The Edmonds City Council meeting was called to order at 7:03 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Strom Peterson, Council President
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Kristiana Johnson, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

STAFF PRESENT

Jim Lawless, Assistant Police Chief
Stephen Clifton, Community Services/Economic
Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Rob Chave, Interim Development Services Dir.
Kernen Lien, Planner
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE AGENDA TO ADD A BI-MONTHLY UPDATE FROM THE PLANNING BOARD AS AGENDA ITEM 4A. MOTION CARRIED UNANIMOUSLY.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

2. APPROVAL OF CONSENT AGENDA ITEMS

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

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 31, 2012.

C. APPROVAL OF CLAIM CHECKS #133431 THROUGH #133553 DATED AUGUST 2, 2012 FOR \$722,240.66. APPROVAL OF PAYROLL DIRECT DEPOSIT & CHECKS #51541 THROUGH #51578 FOR \$486,948.29 AND BENEFIT CHECKS #51579 THROUGH #51591 & WIRE PAYMENTS FOR \$204,357.78 FOR THE PERIOD JULY 16, 2012 THROUGH JULY 31, 2012.

D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM BONNIE THOMAS (\$602.25) AND GREGORY DOUGHTY (\$639.86).

3. REPORT ON THE STATE OF THE EDMONDS SENIOR CENTER

Farrell Fleming, Executive Director, Senior Center, recognized several Senior Center Board and Committee Members in the audience including Past President Rose Cantwell, Board Member and

Facilities Committee Chair Roger Hertrich, Board Member Marilyn Beck, Grassroots Committee Member and fastest walker in Step Out Edmonds Walking Club Mim Edelstein, Board Member Evelyn Wellington, and Board Member and Marketing Committee Chair Dave Page. He also recognized Councilmembers Buckshnis and Fraley-Monillas who are Senior Center Board Members.

Mr. Fleming summarized the state of the center is very good; the center came through a difficult patch 4-5 years ago and is now in a stable, good position. He expressed appreciation to the City for:

- The City's initial grant to purchase property
- The City's ongoing 44+ years of support
- The ongoing provision of the senior center building and parking lot at \$10 annually (\$250,000 value)
- Maintenance of the building and grounds
- The present annual operating grant of \$60,000
- The role the City played in the governance change
- The ongoing help and support of terrific City staff

He described the public-private partnership with the City:

- U.S. cities' mandates for recreational services
- Senior Centers are the primary mechanism to provide those services to seniors
- City's savings annually cost would be 10X present
- \$10 million+ in savings to City over decades
- Greater range of services than City could provide
- Alternate sources of funding unavailable to City
- Extensive use of volunteers

Mr. Fleming provided a brief history of the senior center:

- 1968 - SCSC begins at waterfront site
- 1973 - City purchases site (\$100,000 cash for a 25% match for a \$300,000 State grant)
- 1976-80 Grants and construction to create present senior center
- 1997-8 Mayor's Task Force on future of senior center
- 2004-11 CDBG & CTED grants for building improvements
- 2007-08 Change in center governance (membership elected Board)

Mr. Fleming reviewed current programs:

- Three broad program areas:
 - Health & Wellness (includes nutrition)
 - Social Services/Outreach
 - Education/Recreation/Social
- 350+ volunteers
- 100's of programs annually

Mr. Fleming described new programs:

- Naturopathic Medicine Clinic with Bastyr University open to all ages (Tues pm)
- Enhance Wellness Program funded by the Verdant Health Commission (all ages)
- SWEL Time Bank
- Social Media Boot camp
- City Government Senior Internships
- 90+ Celebration (July 30th)

Mr. Fleming described the center's demographics:

- Present: Older (majority 75+), modest income, women 70%, range 60-100+, 3500+ participants annually
- Future: 85+ fastest growing, boomers finally arriving, 122 members (1500 total) over 90
- Edmonds Demographics: 19% 65+, 25% 50-64, WA: 12.3% Florida: 17.4%
- Edmonds Future: 65+ heading toward 25%

He described program impacts:

- United Way: decrease isolation – increase social connections (new friends)
- The best (maybe only) meal of the day
- Learning new skills
- Putting old skills to work
- Strengthening sense of worth
- For many, the center is their second home, for some their first

He reviewed finances and funding:

- Annual budget approximately \$800,000
- City grant \$60,000 Rec Services, \$250,000 in-kind building and property
- County \$70,500, United Way \$14,000
- Total public funding: \$144,500
- Center raises \$450,000 annually – Thrift Store (\$135,000), banquet rentals (\$85,000), fees, grants, donations, memberships, events.

Future, short term plans include:

- Modest improvements to present building (WA Commerce grant, CDBG grant, Boeing ECF)
- Fully fund Bastyr Clinic through 2014
- Creative use of social media
- Involvement of unemployed boomers
- Become a resource to whole community, not just seniors
- Increase fundraising – Health Fair, campaigns, events

Future, long term plans include:

- New state of the art Senior and Community Center - Edmonds residents deserve no less
- Continuing waterfront presence
- The boomers actively engaged
- Well-developed volunteer programs in many new areas
- Creative and innovative programs
- Truly a resource to whole community

During his presentation, Mr. Fleming displayed photographs of morning coffee with Elsie, the Step Out Edmonds Walking Club, Dr. Robert Hickman, Bastyr ribbon cutting, 4th of July parade, special lunches, and the thrift store. He relayed the Senior Center's motto: come for the view, stay for the friendships.

Mr. Fleming commented the nature of the non-profit/public partnership is unique in the county and state. There is no other senior center that mixes the two in this way and it has made the center the place it is.

Councilmember Buckshnis expressed her appreciation for everything Mr. Fleming does. She noted the center recently hired a new Finance Director. Mr. Fleming explained the center's new Finance Director, Chris Wolfe, was previously the Chief Financial Officer for Senior Services of Snohomish County as well as a long time Edmonds resident.

4. UPDATE ON THE EDMONDS BACKYARD WILDLIFE HABITAT

Edmonds Wildlife Habitat Project Team Lead Laura Spehar advised all Councilmembers and the Mayor will be provided a Fostering a Community that Lives in Harmony with Nature T-shirt created by local artist Sue Coccia.

Mr. Spehar relayed the Edmonds Wildlife Habitat Project's (EWHP) history, mission statement and goals:

- Protect, preserve, and restore wildlife habitat in the Edmonds area
- Help connect all residents of the Edmonds area to nature in a positive way
- Educate residents on conservation, sustainability and bio-diversity needs
- Connect children the "caretakers of our future" with nature
- Locate funding sources to enhance, restore, and grow wildlife habitat corridors in the Edmonds area
- Partner with local government, service clubs, businesses, faith organizations, and schools to help sustain our goals

She described the EWHP's history:

- Project began in 2008 with a local group of local citizens, mostly with scientific backgrounds
- Certifying local parks – Yost Park first park certified
- Hosting local work parties and cleanups at local parks
- Backyard habitat yard tours
- Tabling/outreach events
- Friends of the Edmonds Marsh meetings began in 2008
- Certifying faith organizations/community centers

Since 2008, the EWHP has:

- Begun restoration work on what would become the Edmonds Wildlife Habitat and Native Plant Demonstration Garden
- Hosted Coastal Clean-up Days in Edmonds with various educational booths
- Edmonds Frogwatch USA graduates with the U.S. Association of Zoos and Aquariums
- Created an Edmonds ECO-Schools & Schoolyard Habitat Programs in partnership with the National Wildlife Federation
- Began hosting the NWF/CWH WA Cities retreats

Today the EWHP:

- Holds annual citizen-science based trainings with WDFW, Audubon, NOAA and the NWF
- Hosts monthly free wildlife and sustainability related program meetings once a month at the Frances Anderson Center through the Edmonds Park and Recreation
- Hosts annual planting events and native plant sales with the WNPS
- Works with local colleges on local stream restoration projects
- Website: edmondsbackyardwildlifehabitat.org
- Has Facebook and Twitter accounts
- Monthly e-newsletter, Edmonds Be Wild

2010 was the EWHP's big year:

- She received the national NWF Conservation Science Award
- Edmonds was certified as 41st Community Wildlife Habitat City in the US
- The Edmonds Wildlife Habitat & Native Plant Demonstration Garden opened at Willow Creek Hatchery on City owned property

The EWHP's mission and presence stay the same:

- Educate our neighbors through our preservation efforts
- All ages, all capabilities
- Being a positive, visible presence at local community events
- Help our future generations learn about preservation and stewardship

Ms. Spehar urged citizens to set an example and certify their own yard or business as a wildlife habitat space and/or corridor. She left applications with the City Clerk; the criteria are food, water, shelter and cover. She explained the City recently provided EWHP a map with an overlay of all certified yards/spaces to allow them to identify incomplete corridors. She thanked the City for their continued support.

Councilmember Buckshnis commented that certifying is easy; she certified her yard and Hutt Park. She provided a reminder of the Adopt a Park program; information is available on the City's Parks & Recreation webpage. She has adopted the Dog Park and, along with Jack Bevan, adopted Hutt Park. All that is required is an annual clean-up which the City will assist with. She commented the Floretum Garden Club also educates the public via demonstration gardens, monthly tours, etc.

Ms. Spehar advised information about certifying a yard is available on Channel 21, on the City's website and on their website, edmondsbackyardwildlifehabitat.org

4A. BI-MONTHLY UPDATE FROM THE PLANNING BOARD

Planning Board Vice Chair Val Stewart recognized Planning Board Chair Phil Lovell and Board Member Neil Tibbott in the audience. Planning Board agendas, public hearing notices and documents are available on the City's website. Meetings are held the second and fourth Wednesday at 7:00 p.m. in Council Chambers.

The Planning Board recently held a public hearing regarding adding a chapter regarding bed & breakfasts to the ECDC. Recommendations were forwarded to the Council and amendments have been approved. The changes are intended to encourage more bed & breakfasts to open and flourish in the City.

The Planning Board also held a public hearing on the ECC and portions of the ECDC to allow motorized mobile vendors. The recommended changes were forwarded to Council for consideration and a public hearing is being held tonight.

On June 27 the Planning Board invited the City Council, Economic Development Commission, staff and citizens to an educational presentation on form based code. The purpose was to obtain information about other cities that have implemented or are in the process of implementing form based approaches to zoning and development codes. The City is considering the use of form based code methodology as part of the current redevelopment efforts at Westgate and Five Corners. The speakers were the land use attorney with the Lighthouse Law Group, the former Planning Director of the City of Shoreline, and the Community and Economic Development Director for the City of Mountlake Terrace.

Generally form based codes are zoning codes and must be consistent with the Comprehensive Plan as well as meet the requirements of the GMA. Conventional codes are more use oriented while form based codes give higher priority to the form of the buildings and streets and how they interact with each other. Form based codes are different in that they offer a place-based approach that focuses on the physical environment, character and quality of public space and surrounding private spaces. They can be tailored to each unique place and situation based on commonly derived community needs and desires as identified through an extensive public process with the community, staff and legislative bodies. Form based codes focus on street and building types, build-to lines, number of floors and other kinds of measures. A

regulating plan provides a graphic representation of what an area should look like with regard to public space and building form. Procedural and due process requirements are much easier to meet via a form based code approach because of the amount of public involvement.

When attempting to implement form based codes, most jurisdictions start with a hybrid code for a specific part of their city. Typically hybrids are traditional zoning codes combined with graphic urban design standards. An option for implementing a hybrid code is a complete and comprehensive form based code with specific plan areas such as a neighborhood or district. The form based code provides a structural and legal framework of a conventional code much like the Westgate plan.

On July 11, Keeley O'Connell, Restoration Ecologist with People for Puget Sound and a member of Friends of the Edmonds Marsh gave a report on the history and status of the marsh to help the Planning Board learn more about the marsh's influence and potential impact on the Harbor Square Master Plan. Buffers and setbacks from the marsh are important considerations in this plan. People for Puget Sound applied for state salmon recovery funds and were awarded a \$100,000 grant to begin studying the feasibility of restoring the Edmonds Marsh. Approximately 98% of these habitats have been filled and developed in the Central Puget Sound Basin; no other community in the Central Puget Sound Basin has this opportunity for restoration which could include daylighting Willow Creek channel and possibly eliminating the tide gate. Marsh restoration would improve salmon and wildlife habitat and provide more opportunities for education and science. It would also address well-known stormwater and flooding issues. Currently stormwater flows through the storm drains and directly into the marsh without treatment. The study will be completed within 12 to 18 months.

The Planning Board also looked at proposed code amendments to the ECDC that clarify language and the type of easements the City may retain on street vacations. The Planning Board's recommendations were forwarded to the City Attorney and City Council for review.

On July 25 the Port of Edmonds and City staff introduced the Harbor Square Master Plan to the Board. As required, the Port is requesting its Master Plan be incorporated into the City's Comprehensive Plan. At the conclusion of this information gathering, the Planning Board will hold a public hearing and forward the Master Plan to City Council for action. Potential rezones or development reuse is not being considered at this time. The end result would be an amendment to the City's Comprehensive Plan. The Board will review the proposal for consistency with the goals and objectives for the Downtown Waterfront Activity Center in the Comprehensive Plan as well as consistency with the Shoreline Master Plan update. Port Director Bob McChesney stated the Port's overriding goal is to amend the Port's Master Plan and the City's Comprehensive Plan with the inclusion of an economically feasible, environmentally responsible and high quality designed redevelopment plan for Harbor Square.

At the conclusion of the Port's presentation, the Planning Board requested more information. The Board is planning a workshop at their August 22 meeting to receive more information related to their questions about the plan and to continue the discussion. The Board encourages the public to participate by attending meetings and offering public comment and submitting written comments.

All the Planning Board meetings regarding the Harbor Square Master Plan will be videotaped and will air on Channel 21 (Comcast) and Channel 39 (Frontier) at 9:00 a.m. daily beginning no later than the Monday following each meeting. The recording of the July 25 meeting is currently being aired at 9:00 a.m. daily through Friday August 24. The August 22 workshop will be televised and will be aired at 9:00 a.m. daily beginning Saturday, August 25.

Councilmember Buckshnis thanked the Planning Board for all they do and said she enjoys reading their minutes. She asked when the Planning Board will complete the Shoreline Master Plan (SMP) update. Planner Kernen Lien responded it is hoped the Shoreline Master Plan update will be presented to the

Council by the end of the year. The change of the Edmonds Marsh to a shoreline versus an associated wetland extended the shoreline jurisdiction into Harbor Square. With the Port's development of the Harbor Square Master Plan, the SMP update was slowed so that the SMP update and the Master Plan could be reviewed by the Planning Board simultaneously as there is a great deal of overlap between the plans.

Councilmember Buckshnis commented WRIA 8 is closely watching the marsh issue and she is hopeful some funding will be available via WRIA 8 next year.

Councilmember Johnson thanked Vice Chair Stewart for her work, Chair Lovell for his leadership and Board Member Tibbott for his ongoing efforts to communicate with the public. The Planning Board does a tremendous amount of work and she was proud to have been part of the Board. The Planning Board does a lot of thoughtful, dedicated thinking about issues.

5. **PUBLIC HEARING ON AN ORDINANCE DESIGNATING THE ALLEN HOUSE LOCATED AT 310 SUNSET AVENUE NORTH, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION**

Planner Kernen Lien explained the property owners nominated the Allen House for consideration for placement on the Edmonds Register of Historic Places and have signed the authorization form. This is the first time a property owner has nominated their property.

Mr. Lien reviewed the effects of listing on the register:

- Honorary designation denoting significant association with the history of Edmonds
- Prior to commencing any work on a register property (excluding repair and maintenance), owner must request and receive a certificate of appropriateness from the Historic Preservation Commission
- May be eligible for special tax valuation on their rehabilitation

Mr. Lien displayed an aerial map and identified the location of the Allen House at 310 Sunset Avenue North, noting there are several other older homes in the vicinity and along Sunset Avenue. He reviewed designation criteria and how this house complies with the criteria:

- Significantly associated with the history, architecture, archaeology, engineering or cultural
 - The house was constructed by Zachary T. Allen, a former owner of the Olympic Hotel who lived in the hotel prior to moving into this house.
 - The house is also associated with the early pioneer settlement of Edmonds. heritage of Edmonds
- Has integrity
 - The house is a largely intact example of the Queen Anne Free Classic style. The rear of the house was enlarged circa 1929, but the front of the house retains its original appearance from Sunset Avenue
- At least 50 years old, or has exceptional importance if less the 50 years old
 - The BOLA report states the house was constructed in 1901, while the Snohomish County Assessor information indicates the house was constructed in 1906. In either case, the house is at least 50 years old
- Falls into at least one of designation categories, ECDC 20.45.010.A - K
 - A. Associated with events that have made a significant contribution to the broad patterns of national, state or local history.
 - The house is associated with the early pioneer settlement of Edmonds

- B. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
 - The house is an example of the Queen Anne Free Classic style

Mr. Lien displayed several photographs of the house and described significant features:

- The house is a cross-gabled two-story house with a square tower in the center
- A pyramidal roof caps the roof of the tower
- A full width front porch partially wraps around the north side of the house.
- The roof of the porch is supported by four classical columns.

The Historic Preservation Commission (HPC) held a public hearing on July 12, 2012 and concluded the site is eligible for listing on the Edmonds Register of Historic Places and recommend the City Council approve the ordinance to place the house on the register. Mr. Lien displayed and reviewed several additional photographs of the Allen house, a house Mr. Allen constructed for his son, three historic houses that no longer exist and an existing house on 4th Avenue.

Councilmember Buckshnis asked about the addition on the back of the house. Mr. Lien answered that is not being considered for listing, only the Allen House on the front of the property.

Mayor Earling opened the public participation portion of the public hearing. There were no members of the public present who wished to provide testimony. Mayor Earling closed the public participation portion of the public hearing.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE ORDINANCE NO. 3892, DESIGNATING THE EXTERIOR OF THE RESIDENCE KNOWN AS THE ALLEN HOUSE LOCATED AT 310 SUNSET AVENUE NORTH, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION.

Councilmember Petso thanked staff, the property owners and Historic Preservation Commissioners. She commented it is amazing what can happen when the property owner takes an enthusiastic interest in listing their property, researches the house and develops the application along with staff.

Councilmember Johnson explained Councilmember Petso and she serve on the HPC. She thanked John and Shirley Pauls for their application. She encouraged others to follow the Pauls' example and consider applying for listing on the historic register. Further information is available from the Planning Department.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING UPDATING THE CITY OF EDMONDS CITY CODE (ECC) 4.12 AND PORTIONS OF EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TITLE 16 TO ALLOW MOTORIZED MOBILE VENDORS. (FILE NO. AMD20100012).

Planner Kernen Lien advised additional written public comment was received from Randy and Brooke Baker and Priya Sinha.

Mr. Lien explained a workshop was held at the June 26 Council meeting on the Planning Board's recommended amendments to ECC 4.12 to clarify motorized mobile vending units are allowed within the City and add language regarding operation of mobile vending units. The Planning Board's

recommendation also included changes to ECDC Title 16 with regard to operating restrictions that would allow mobile vending units to operate in certain zones. A number of issues were discussed at the Council workshop and Council President Peterson requested Councilmembers submit written comments to him for inclusion in tonight's public hearing. He received written comments from Councilmembers Buckshnis and Petso. A memo addressing the issues raised is included as Attachment 8 to the Council packet.

Mr. Lien reviewed possible amendments to the Planning Board's Recommendation on ECC 4.12:

1. Sales Reporting.

Finance Director Shawn Hunstock suggested adding language regarding reporting of sales within the City of Edmonds to ensure the City receives sales tax from vending units. A new section was added to ECC 4.12.020 with this proposed change in the Public Hearing draft.

2. Distance from Special Events.

ECC 4.12.055.O contains language regarding how far motorized mobile vendors have to be located from special events such as the Edmonds Arts Festival where food vendors pay a fee to participate. The Planning Board's recommended ¼ mile; that distance was selected as it is typically the distance people will walk. Councilmembers Buckshnis and Petso both suggested this be changed to 1 mile and that change was incorporated into the public hearing draft. Mr. Lien displayed a map with ¼ mile, ½ mile and 1 mile radiuses from the Civic Playfields where the Taste of Edmonds is held.

Councilmember Buckshnis commented after seeing the map, she found a ½ mile distance acceptable.

Councilmember Fraley-Monillas preferred a ¼ mile distance but may agree to a ½ mile. A ¼ mile is a fair distance for people to walk to food trucks when events are taking place in the City. She did not think food trucks ½ mile or even ¼ mile away would be much competition. She asked if other establishments were allowed to operate during a special event where there may be food vendors such as the Taste of Edmonds. Mr. Lien responded as the code is currently written, it is not clear that food vendors would be allowed in the City. There is one food truck that operates in the City now which highlighted the conflicts in the City's code. Councilmember Fraley-Monillas asked whether other food establishments were prohibited from serving food during an event. Mr. Lien answered local restaurants were not prohibited from serving food. City Clerk Sandy Chase commented during an event like the 4th of July parade, any vendors go through the Chamber of Commerce who has a contract for that event. The same would be true for other events.

Councilmember Fraley-Monillas inquired about the ferry food vendor and asked if a ½ mile radius would prohibit mobile vendors in the ferry area. She also asked if the food vendor in the ferry area was considered a mobile unit. Ms. Chase answered the City no longer has a vendor in the ferry area. There is a vendor located on ferry property and is located in a more permanent facility.

Mr. Lien identified the ferry holding lanes on the map, advising a ½ mile radius would include that area as well as Brackett Landing. Mobile vendors at Brackett's Landing would require a concession agreement with the City. Councilmember Fraley-Monillas observed a ½ mile radius would prohibit mobile vendors at Brackett's Landing during events. She would oppose a ½ mile radius for that reason.

Councilmember Buckshnis asked whether the Saturday Market operated during the Taste of Edmonds. Ms. Chase answered recently the market has not been open during the Taste.

Mr. Lien continued his review of issues raised by the Council:

3. Limiting Motorized Mobile Vendors to Food Service.

This is an item that was highlighted by the Planning Board for Council consideration. While this issue was under consideration by the Planning Board, there was a request for a mobile boutique. Councilmember Buckshnis suggested that motorized mobile vending units be limited to food service and that has been incorporated in the Public Hearing draft of ECC 4.12.

Councilmember Buckshnis asked whether this would include a mobile pet service. Mr. Lien answered a pet service that visits residences is different than a motorized mobile vendor that parks in a location.

4. Zones Where Motorized Mobile Vendors May Operate

As the Planning Board discussed this item, they broadened the areas where motorized mobile vendors should be allowed and ultimately recommended allowing them nearly everywhere and to allow the market to determine where food trucks would be located. As currently drafted, motorized mobile vendors could operate in all commercial zones as well as the Medical Use (MU) and Public Use (P) zones. Councilmember Petso suggested prohibiting motorized mobile vendors in the Neighborhood Business (BN), Downtown Retail Core (BD1), and Firdale Village Mixed Use Zones. The issue of what zones motorized mobile vending units should be allowed to operate in is somewhat related to the next two items discussed below: distance from competing establishments and distance from residential properties.

5. Distance from Competing Establishment

Mr. Lien displayed a map with 50, 100, and 300 foot setback from existing downtown restaurants. His research found many jurisdictions establish a distance limit that motorized mobile vendors may operate from a competing establishment. The setbacks range from 50 feet to 300 feet. With a 50-foot setback, there would be a few locations downtown where mobile food vendors could operate. A 100-foot setback reduces those locations and a 300-foot setback eliminates any locations in the downtown area.

Mr. Lien clarified mobile vendors cannot park in right-of-way that is designated for parking for street use. In the downtown area there are only three locations: the parking lot on the corner of 6th & Main, 4th & Dayton where Here & There currently parks and the Tully's parking area. Other potential locations include Brackett's Landing and the parking area near the senior center with a concession agreement and along the Port property with the Port's authorization.

6. Distance from Residentially Zoned Property.

The Planning Board addressed this by limiting the hours of operation similar to the hours for outdoor dining.

Councilmember Petso asked whether a 100-foot radius from existing restaurants would impact the locations currently used by the existing food truck. Mr. Lien answered not the 4th & Dayton location but possibly at the Tully's parking area.

Councilmember Petso asked if a 50-foot distance from a residence would significantly limit any of the locations currently used by the existing food truck. Mr. Lien answered it would depend on how the distance was measured.

Councilmember Buckshnis asked if food trucks in a parking lot were required to get permission from the property owner and whether they paid a concession fee to the City. Mr. Lien answered they would be required to pay a \$200 permit fee, obtain permission from the property owners, submit a site and circulation plan to the City to ensure traffic flow in the parking lot and the parking lot must still meet the parking regulations. Councilmember Buckshnis asked whether for example a mobile vendor at Marina Beach where parking is very tight would only pay the \$200 permit fee. Mr. Lien answered a mobile vendor at Marina Beach would be required to obtain a concession agreement from the City and potentially

a mobile vendor permit if they operated in other locations in the City. Councilmember Buckshnis pointed out the City would collect sales tax revenue from sales.

For Councilmember Fraley-Monillas, Mr. Lien explained there is currently one mobile vendor that operates downtown and he has observed the truck in two locations. Councilmember Fraley-Monillas asked if there were other mobile vendors elsewhere in the City. Mr. Lien answered inquiries have been made during the past 3-4 years, thus the reason for clarifying the code. There is a mobile vendor located on Highway 99 in Esperance but that is not within the city limits. Councilmember Fraley-Monillas pointed out this is a citywide issue and the ordinance will affect other areas. Mr. Lien agreed the distance requirements would apply to other areas of the City, noting the map of downtown restaurants was the only one available.

Councilmember Fraley-Monillas asked about a mobile ice cream truck. Mr. Lien answered that is addressed by the solicitor portion of the code because they drive through neighborhoods. These regulations apply to mobile vendors that stop at a location for a period of time versus an ice cream truck that drives around. Councilmember Fraley-Monillas asked whether the code specified it applied to stationary mobile vendors. Mr. Lien answered it was not specified but that was how the City has permitted them in the past. It could be specified.

7. Space Limit on Tables and Chairs.

Staff feels this is addressed in the space that motorized mobile vendors are allowed to occupy. When locating within a parking lot on private property, the vendors will have to demonstrate that enough parking exists on site to meet the parking requirements for the businesses at that location. Only one other jurisdiction limited the number of tables and chairs.

8. Overall Limit on the Number of Trucks Allowed.

Councilmember Petso suggested adding language to limit the number of motorized mobile vehicles to ten vehicles. ECC 4.12.055.F currently contains the following language:
The city reserves the right to limit the number of vending permit sites in any given area of the downtown. The development services director shall determine the allowable number of street vendors and shall exercise this discretion based upon the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic and other similar considerations.

The Planning Board suggested letting the market decide the number. The restrictions on where motorized mobile vending can operate would limit the number of units in any given area. If the City becomes overrun by motorized mobile vending units, this is something that can be revisited. Limiting the number of units to any specific number would be an arbitrary number.

Councilmember Petso asked if the language in the ordinance only applies to the downtown area but does not limit them in other areas. Mr. Lien advised the ordinance could be modified to establish limits in other areas. Potential locations include downtown, Five Corners, Westgate, Perrinville and on Highway 99.

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

Priya Sinha, Edmonds, referred to the written comments she submitted, noting she was unaware there were limits on where mobile vendors could be located. She envisioned mobile food vendors as not only trucks but also hot dog and falafel stands. Her vision was a falafel stand in front of the Hazel Miller Park, at the beach and at Yost Park. She did not understand the issue of unfair competition, pointing out this is a capitalist society; if someone cannot compete, they should go out of business. She pointed out mobile vendors will serve a different population than restaurants as they are more affordable for teens and young families. She referred to the new game store at Old Milltown, envisioning kids being able to buy a falafel

at a stand and then visit the game store. She summarized the Council's job was not to create a monopoly for restaurants in Edmonds and if they did, litigation may follow. She expressed support for mobile vendors including carts.

Julie Malcolm, Edmonds, owner/operator of the Here & There food truck, explained she has had the food truck for 3½ years and parks on 4th & Dayton every Wednesday. Food trucks make the City more interesting and diverse and provide another option for food and getting people out. She has obtained a permit from the City for the past four years, pays taxes, wages, and collects sales tax that benefits Edmonds. Her truck is totally self-contained, has power, water and she takes away her own gray water and garbage. She does not stay overnight because health department rules require she return to a commissary every night. A restroom agreement with a nearby business is required by the health department for her and her employees. She is approved by Snohomish County and King County Health Departments. She explained it is not a cheap business to operate; she pays expenses, taxes, health and business permits, and has a commissary for food preparation. Even if it is a cheaper business to run, that is not a valid argument against the operation of food trucks. She is part of the community, her children went to Edmonds schools and she volunteered in schools and sports organizations.

Alvin Rutledge, Edmonds, asked if mobile vendors would be operated by the City's Parks & Recreation Department. Mayor Earling answered they would not. Mr. Rutledge asked what department collected the \$200 permit fee and the fee for the concession agreement. He commented food trucks would compete with a year-round farmers market. He suggested the City collect a percentage of sales rather than a \$200 permit fee.

Roger Hertrich, Edmonds, explained he lives 100 feet from a deli and often finds trash in his yard. A restaurant in the area does not generate litter because people eat inside. He described his experience with a food truck that operated at lunch at the high school across the street from a rental house he owned on Beacon Hill and the trash it generated. He suggested litter can be a major issue associated with mobile vendors. He questioned whether a place for mobile vendors would be designated or if they would be allowed to park on the street. If the Council approves the regulations, he wants to make an application to park a food truck on Sunset Avenue. He posed several questions including whether the mobile vendors were approved by the health department, whether they would provide seating, and whether the trucks would be owned by out of town people and leased. He suggested the Edmonds bowl was different than Highway 99 and mobile vendors do not belong in the bowl.

Mim Edelstein, Edmonds, said she visits the Here & There truck nearly every week. Their menu is different than restaurants in town, changes weekly, and provides a good variety. It is a very clean operation, quiet, no trash, and the employees are very kind and nice to do business with. She hoped the City would not prevent their continued operation.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing.

Councilmember Petso relayed her understanding that the ordinance did not allow mobile vendors in residential areas and asked if that would prevent their locating on Sunset Avenue. Mr. Lien answered under the proposed ordinance, mobile vendors would be prohibited on Sunset Avenue because it is a residentially zoned area. When Sunset Avenue is redone in the future, there could be a location where a mobile vendor could park with a concession agreement.

Councilmember Johnson asked staff to comment on the three types of vendors, 1) vendor in a park, 2) non-motorized cart, and 3) motorized mobile vendor. Mr. Lien explained the conflict in the code that generated this amendment is the code currently allows for non-motorized carts such as a falafel carts on the street. There are restrictions such as not blocking the sidewalk, access, permission from the abutting

property owner/business, etc. The code did not specifically mention motorized mobile vendors. A concession agreement is required if a vendor is located on public property.

In response to Mr. Hertrich's comments about trash and health department approval, Mr. Lien advised approval is required from the Snohomish Health Department and the proposed code includes provisions regarding keeping the site clean and orderly at all times, providing a refuse container, encouraging the provision of containers for recycling and cleaning up the site when they leave.

Councilmember Buckshnis voiced her support for a ½ mile radius from special events and suggested the three major festivals be specified, Waterfront Festival, Taste of Edmonds and Arts Festival. She commented on how much work volunteers put into festivals. The organizations that use the festivals as fundraising events should be allowed the courtesy of not having food trucks within a ½ mile.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO UPDATE EDMONDS CITY CODE (ECC) 4.12 AND PORTIONS OF EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TITLE 16 TO ALLOW MOTORIZED MOBILE VENDORS AND DIRECT STAFF AND THE CITY ATTORNEY TO DRAFT AN ORDINANCE.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MOTION TO REVISE THE DRAFT ORDINANCE TO REDUCE THE 1 MILE RADIUS FROM SPECIAL EVENTS TO A ½ MILE RADIUS.

Councilmember Fraley-Monillas did not support the motion as she preferred a ¼ mile radius. A ½ mile radius prevents mobile vendors from locating at the beaches or parks in preference of the three festivals.

Councilmember Bloom agreed with Councilmember Fraley-Monillas and felt a ¼ mile radius would be adequate.

Councilmember Yamamoto also agreed with Councilmember Fraley-Monillas. Most events such as the Taste and Arts Festival have food vendors within a confined area and people at the event will visit those vendors rather than leaving the property to eat. He agreed a ½ mile radius would prevent vendors at the park and waterfront. He expressed support for a ¼ mile radius.

THE VOTE ON THE AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND BUCKSHNIS VOTING YES.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO AMEND THE MOTION TO CHANGE THE 1 MILE RADIUS TO A ¼ MILE RADIUS. THE VOTE ON THE AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE MOTION TO CHANGE THE LIST OF ZONES THAT ALLOW MOBILE VENDORS TO EXCLUDE THE FOLLOWING: NEIGHBORHOOD BUSINESS, BD1, AND FIRDALE VILLAGE.

Councilmember Petso spoke in favor of the motion, explaining one of the issues she has grappled with is how close to allow mobile vendors in multi-family or single family residential neighborhoods and whether to allow them in the downtown core. Rather than establishing a distance from a business or residence, the issue can be addressed by not allowing mobile vendors in Neighborhood Business zones, Firdale Village or the BD1 zone. The proposed amendment addresses concerns without overregulation.

Councilmember Fraley-Monillas asked why Firdale Village and its large parking area would be excluded. Councilmember Petso answered Neighborhood Business zones and Firdale Village all have adjacent single family residential. She could not guarantee an approved cart would not operate adjacent to

someone's backyard or off their deck. She preferred not to have the zones that are commonly adjacent to single family residential such as Neighborhood Business and Firdale Village included in the areas where food trucks/carts are allowed.

Councilmember Fraley-Monillas asked whether alcohol is allowed to be sold from food trucks/carts. Mr. Lien responded sales are limited to non-alcoholic beverages. Council President Peterson advised State law does not allow alcohol to be served from a food cart.

With that limitation, Councilmember Fraley-Monillas was uncertain what the problem would be with having a hot dog cart in an area adjacent to residential. She did not envision a hot dog cart would go through a residential street like an ice cream truck; food trucks/carts want to locate in zones where they can sell their product. She also did not want to prohibit food carts from locating in areas on Highway 99 where there are residential areas close by. Mr. Lien displayed a map identifying Westgate, Five Corners, 212th & 76th, Perrinville BN zones, Firdale Village mixed use and other scattered BN zones on the Highway 99 corridor.

Councilmember Fraley-Monillas pointed out these are business zones where a food truck/cart may want to locate. Mr. Lien envisioned Five Corners, Westgate and the BN zone near the high school as zones where food trucks would locate. Councilmember Fraley-Monillas observed Councilmember Petso's amendment would not permit them to locate there. Mr. Lien agreed.

Councilmember Buckshnis did not support the amendment as she believed the market will determine areas that will be prosperous. Food vendors will be conscientious about where they park and she wanted to allow them to locate in the proposed zones.

Councilmember Yamamoto pointed out although the proposed ordinance lists the zones food trucks can be located, the location will still require approval. He did not support the amendment.

Councilmember Petso asked whether neighborhood approval was required for a food truck to locate for example behind the old gas station on 238th and Firdale Avenue. She explained a produce vendor there generates a lot of complaints. Mr. Lien answered that is zoned BN; locating a food truck in that location would require the property owner's permission but not the adjacent property owner's permission.

Councilmember Petso explained she hears a lot of complaints about the produce vendor, probably because she is the Councilmember that lives the closest to that location. She has been told the City cannot regulate the produce vendor; she would be disappointed if that location were also allowed to have food trucks/carts in the future.

THE VOTE ON THE AMENDMENT FAILED (1-6), COUNCILMEMBER PETSO VOTING YES.

Councilmember Johnson suggested the Council reconsider the \$200 fee. That amount was originally established because Architectural Design Board (ADB) review was required. She wanted to encourage motorized mobile vendors and suggested the fee be the same as a business license, \$125. Mr. Lien answered although ADB review is not required, review of a site plan by the City's Traffic Engineer is required when a mobile vendor is located in a parking lot.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE ORDINANCE TO INDICATE THERE WILL NOT BE MOTORIZED MOBILE VENDORS WITHIN 50 FEET OF A RESIDENCE.

Councilmember Fraley-Monillas explained this would prohibit mobile vendors in driveways and other inappropriate places. She did not think mobile vendors would locate in neighborhoods but in case they

did, this would protect the neighborhood. Mr. Lien suggested a distance from a residential zone rather than a residence because some zones allow mixed use and there could be residences within a commercial zone.

Councilmember Fraley-Monillas asked whether that would prohibit it from the entire zone. Mr. Lien answered zones where mobile vendors are likely to locate include BN and CG which allow mixed use. Residential zones are RS and RM; the proposed draft prohibits mobile vendors in those zones.

COUNCILMEMBER PETSO MOVED TO AMEND THE AMENDMENT TO NOT PERMIT MOBILE VENDORS WITHIN 50 FEET OF A SINGLE FAMILY RESIDENTIAL ZONE. THE VOTE ON THE AMENDMENT DIED FOR LACK OF A SECOND.

THE VOTE ON THE AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND FRALEY-MONILLAS VOTING YES.

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO NOT LIMIT MOBILE VENDORS TO FOOD SERVICE ONLY.

Councilmember Johnson explained there was an unlicensed, mobile veterinarian in the Top Food parking lot on a monthly basis. She has also had a conversation with someone interested in operating a mobile boutique.

Councilmember Fraley-Monillas was uncomfortable with opening it up to all kinds of things to be sold by a mobile vendor.

Council President Peterson agreed with Councilmember Fraley-Monillas. He suggested revisiting the issue in the future to determine if there was a need for mobile vendors to sell other products. He preferred to start with a known quantity such as food trucks. He did not support the motion.

THE VOTE ON THE AMENDMENT FAILED (2-5), COUNCILMEMBERS BLOOM AND JOHNSON VOTING YES.

Council President Peterson referred to the overall limit on the number of trucks allowed, agreeing it would be arbitrary to state a number of trucks. He asked if the current language gave staff enough direction or was it too vague. Mr. Lien answered it leaves it open and is up to the Development Services Director to determine when there are enough food trucks such as when the City begins to receive complaints about too many trucks. Interim Development Services Director Rob Chave suggested if it began to look like there was a problem, staff would seek input from the Council committee. The license allows the City to do enforcement if a vendor is violating rules, creating problems or otherwise not abiding by the code. City Attorney Jeff Taraday commented that the annual license would provide an opportunity to consider the overall limit number.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO STATE AFTER THE CITY HAS 15 MOTORIZED MOBILE VENDORS, A REVIEW IS TRIGGERED BY THE CITY COUNCIL WHO MAY REFER IT TO COMMITTEE FOR REVIEW.

Councilmember Fraley-Monillas explained the review could consider the number of complaints, the locations they have focused on, etc.

Council President Peterson commented that sounded reasonable and would ensure it was not just staff determining what was enough.

THE VOTE ON THE AMENDMENT CARRIED (5-2), COUNCILMEMBERS BLOOM AND JOHNSON VOTING NO.

THE VOTE ON THE MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

7. AUDIENCE COMMENTS

Steve Brent, Edmonds, commented it was difficult to hear Councilmembers who did not use their microphones. He suggested siting a hot dog stand near the dog park, noting a restaurant costs \$35-\$40 versus a hot dog at a cart that may cost \$6. Next, he explained while visiting the dog park, he observed trees being cut on the bluff. He was uncertain who owned the bluff but it was his understanding the trees on the bluff could not be cut. He described trees that were cut on the bluff including a long needle pine tree and a maple. He called the Building Department but was unable to determine whether a permit had been issued to cut the trees. A staff member went to the site to observe. He asked whether the City had authority over the bluff and if the condominium owners have broken the law, demanded they be fined to the fullest extent of the law and be required to replace the pine tree with the same size tree and replaced again if it did not survive. Mayor Earling asked Mr. Brent to leave his telephone number with the City Clerk and staff will contact him within 48 hours.

Robert Bernhoft, Edmonds, commented it was interesting to hear the presentation by the Edmonds Backyard Habitat Project, noting Browns Bay and a healthy Puget Sound also play a part in a healthy environment. He met with the Mayor on July 25 and informed him a new organization was forming to address the fish and wildlife enhancement needs in Browns Bay and Perrinville Creek. Their first project is the City's Talbot Road Perrinville Creek culvert replacement. He explained the Talbot Road Perrinville Creek culvert flows into a plunge pool on his property at 8219 Talbot Road. He and the organization look forward to working on the project with all parties. He referred to a request from their attorney David Mann that he presented to Mayor Earling on July 25 in support of reexamination and thoughtful reconsideration of the Talbot Road Storm Drain Improvement Project. He relayed their concern that the SEPA MDNS used for the construction of the Talbot Road Storm Drain Improvement Project was null when the Council voted on July 17 because it failed to comply with Edmonds codes that require public notice as well as other critical reasons. He requested all work on the project be halted, noting it is never too late for the Council to take corrective action voluntarily and to allow a legal SEPA process to occur. He referred to case law, Washington State Supreme Court decision Sicily versus San Juan County.

Alvin Rutledge, Edmonds, a member of the Kiwanis Club involved with the Taste of Edmonds this weekend, urged the public to attend the event. Next, he suggested the City Attorney, who represents the citizens, respond to Mr. Bernhoft's comments.

Craig Larsen, Edmonds, commented the habitat in Browns Bay has not been addressed. He described wildlife that could be affected by untreated, unfiltered stormwater that includes a mated Osprey pair that live at Meadowdale High School and fish in Browns Bay, a family of river otters that live between the south end of Browns Bay and the blue boathouse, schools of salmon fry at the mouth of Perrinville Creek, Flounder, migrating waterfowl including Grebe, American Wigeon, Harlequin Ducks, Golden Eye, Bufflehead, a mated pair of eagles with a roost above the southern terminus of Browns Bay. Gulls, terns and Heron that use the habitat use Browns Bay as a resting place and he has observed gray whales feeding and Orca passing by. He summarized Browns Bay is a unique environment due to the series of lagoons and he was concerned about the impact the outflow would have on the habitat. The Adopt a Stream Foundation provided him a list of things they would like him to do on his property to increase the potential of restoring a salmon run on Perrinville Creek. He requested a biology report regarding the impacts on Browns Bay.

Mayor Earling declared a brief recess.

8. POLICE SERVICES CONTRACT – TOWN OF WOODWAY

Council President Peterson explained at the last two retreats, the Council discussed changing the format of the City's police services contract with the Town of Woodway. One option was to offer Woodway a full service contract whereby Edmonds would take over their small police department and provide 24/7 service. Woodway indicated they were not interested in a full service contract. Mayor Earling, Police Chief Al Compaan and he considered other options, recognizing the contract for police services between Edmonds and Woodway in recent years has been a very generous deal to Woodway, providing good service at a very good price.

Another option considered by Mayor Earling, Police Chief Compaan and he was the City's cost per call as determined by the entire police budget divided by the number of calls per year which equated to approximately \$280/call. Although there are other ways of calculating the cost, that method would cover some of the overhead, other staff time in addition to the officer, gas, vehicle wear and tear, etc. Reviewing the City's history with Woodway, the police department averages 10 calls/month. He recommended contracting with Woodway at a flat fee of \$2800/month and any calls beyond 10/month would be billed at \$280/call. The net result is approximately \$33,000/year, nearly triple what Woodway has paid the last few years. He acknowledged some Councilmembers would prefer a full service contract.

Carla Nichols, Mayor, Town of Woodway, commented Woodway has had a strong, positive working relationship with Edmonds in the past. Woodway looks to Edmonds for many things; goods and services from merchants, neighborhood relationships, and a backup contract for police services. The police services contract has existed for 15 years; the average over the past 3 years has been 6 calls/month. The proposal to establish the rate based on 10 calls/month is acceptable to Woodway. She commented this is not a huge service contract and applauded Edmonds' efforts to review its contracts to ensure they are financially viable. Woodway is willing to pay the cost of Edmonds providing the service but are not interested in a full service contract. The proposal would change the contract from a fee for service to a set amount, a much simpler way to administer the contract. The proposal will increase funding by 300% which she believed would more than cover the cost of providing backup service to Woodway. Woodway has options other than Edmonds but would prefer to continue contracting with Edmonds. This issue needs to be addressed now to allow time for Woodway to make a decision regarding a backup police service contract. She asked for Council support of the proposal for the following reason, 1) it increases Edmonds contract substantially, 2) the funds that are not earmarked or restricted, and 3) it will continue the strong partnership between the communities.

Bill Anderson, Deputy Mayor, Town of Woodway, commented the relationship between Edmonds and Woodway has been positive and he hoped it could continue. His personal experience with the police department included three false alarms and having his house broken into. Of those four calls, three were covered by Woodway Police. Woodway has a Police Department and is only asking Edmonds for backup service. Woodway wants to be fair to Edmonds and hopes Edmonds will be fair to Woodway. Woodway has options. However noted for Edmonds the contract with Woodway is ideal.

Councilmember Fraley-Monillas recalled concerns with the future of the City's Police Department due to overtime, continued reductions in revenue, and the potential for budget cuts. Although Woodway has 8 hours/day of their own police force, Edmonds helps Woodway on a routine basis. She recognized police departments assist each other on emergent calls but envisioned it would be a hard sell for officers to assist Woodway on routine calls when the City was making cuts and making do with less. Although she supported the Council continuing its discussion, she preferred Woodway pursue their other options rather than the City continuing to provide this service with the pending budgetary issues the City is facing.

Councilmember Buckshnis asked if Edmonds would take over Woodway's Police Department. Council President Peterson answered no. Councilmember Buckshnis observed in 2010 the use of additional officers increased each quarter and asked if that had been taken into consideration. Council President Peterson answered it had been; the trends fluctuate and that was the reason he set the basis for the contract at 10 calls/month. Councilmember Buckshnis asked whether 10 calls included costs for additional officer time. Council President Peterson answered that was a detail that could be worked out if the Council wanted to proceed with this type of contract. Assistant Police Chief Jim Lawless explained the additional officer time was not identified until 2010. Additional officer time is situational depending on the type of call. The most recent contract includes compensation for additional officer time. Councilmember Buckshnis recommended that continue.

Councilmember Yamamoto asked the difference between a full service contract and back up service. Assistant Chief Lawless explained full service would be 24/7 coverage with proactive patrols, enforcement action, etc. The Edmonds Police Department currently responds in an assistance role. If a Woodway officer is on duty and they request backup, that is done the same as for any other agency. If there is no Woodway officer on duty, Edmonds Police Department takes the initial dispatch, assesses the situation and determines whether to respond. For example for a residential alarm, the Edmonds officer will respond, write a report, and bill Woodway. Following a more in-depth response such as an assault or property crime with a suspect, a Woodway officer is contacted. In the example of an in-progress event such as domestic violence, Edmonds officers respond, assess and then call out a Woodway officer. Some calls require a two officer response. Full service is the service provided within the City of Edmonds; an officer responds to a call and handles it from start to finish.

Councilmember Yamamoto asked whether Edmonds would respond in an emergency situation if Woodway contracts with Shoreline or Mountlake Terrace. Assistant Chief Lawless answered it would be situational. If Woodway contracted with Shoreline and an officer requested backup or a life and death situation was occurring, Edmonds would assist the same as they do with other surrounding agencies. For example, the City responds via mutual aid for the Snohomish County Sheriff's Office in the Esperance area and there is no provision for compensation.

Councilmember Yamamoto pointed out regardless of whether Edmonds has a contract with Woodway, officers will be assisting. Assistant Chief Lawless agreed that would occur in certain situations. Councilmember Yamamoto noted the City might as well get paid for responding. The proposed amount is reasonable compared to what Woodway was paying previously.

Councilmember Petso relayed her understanding that Woodway provides its own police protection 8 hours/day. She asked whether the \$160,000/year was Woodway's cost for the 8 hours/day. Assistant Chief Lawless answered it was his understanding \$160,000 was the amount Woodway budgeted for law enforcement services including the Edmonds contract. Councilmember Petso observed that did not include SERS, jail costs, etc. If it cost Woodway \$160,000 for 1/3 coverage, she suggested the City charge twice that amount to cover the other 2/3 of the day. Assistant Chief Lawless answered there was not a police car dedicated to Woodway during the other 16 hours; Edmonds only responds to a dispatched call within the parameters of the current contract. For example, when there is no Woodway officer on duty, an Edmonds officer would not respond to a report of a stolen bicycle. The caller would be informed when a Woodway officer will be available. Edmonds would however respond to a domestic violence call when a Woodway officer was not on duty. The other 16 hours/day are uncovered in the sense there are no officers patrolling Woodway's city limits.

Councilmember Petso observed a Woodway resident receives the same service an Edmonds resident receives. Assistant Chief Lawless answered yes depending on the situation. Councilmember Petso observed the only thing Woodway was not getting was patrol services for those 16 hours but they have

the same emergency response that any Edmonds citizen has. Assistant Chief Lawless agreed they had the same emergency response.

Councilmember Buckshnis commented Edmonds and Woodway have had a very good relationship. Woodway residents serve on the ECA and PFD Boards, they help with the Edmonds Arts Festival and the Edmonds Arts Foundation, etc. These social equities have not been addressed. Her calculations which include additional officer costs equated to a monthly charge of \$3500 or approximately \$42,000/year.

Councilmember Johnson observed the proposal was for backup police services. Assistant Chief Lawless answered yes. Councilmember Johnson relayed her understanding the intent was to cover the cost of providing that service. Assistant Chief Lawless agreed. Councilmember Johnson observed Edmonds also wanted to be a good neighbor. As Edmonds' concerns seemed to be about the future, she asked whether it would be feasible to have a one year contract for backup police services. Assistant Chief Lawless answered a one year contract would be feasible but he was uncertain it would be agreeable to both parties.

Councilmember Fraley-Monillas clarified Edmonds is not backup; they are the primary for two-thirds of the day. Backup is when an Edmonds officer responds to a Woodway officer's call for assistance. For the approximately 16 hours a day that a Woodway officer is not on duty, Edmonds is the primary, not backup. According to her calculations, Edmonds citizens pay approximately \$300/call using the total budget divided by the number of calls. She acknowledged that included responses to businesses which Woodway does not have. She did not want Edmonds citizens subsidizing Woodway citizens; what is fair for one is fair for all. Possibly Woodway should not pay to the level Edmonds citizens do because of the businesses in Edmonds but \$30,000 a year would only pay for ¼ of an officer. She recognized Woodway did not have the budget for a full service contract; the full service contract based on Woodway's population would be approximately \$300,000.

Councilmember Fraley-Monillas acknowledged there were a number of ways to structure a full service contract such as population, number of residences, number of calls, etc. Edmonds citizens are paying considerably more for police services and pay regardless of whether they need the services. In the 27 years she has lived in Edmonds, she has called the police three times. She calculated she has paid \$13,000-\$14,000 in property taxes directly to the Police Department since she lived in Edmonds. She summarized a city for whom Edmonds provides service should be required to pay an amount closer to what Edmonds citizens pay.

Councilmember Buckshnis commented using Councilmember Fraley-Monillas' analogy, if Woodway paid \$42,000/year, their per call average would be \$531/call which is more than Edmonds citizens pay. She emphasized Edmonds officers are not patrolling Woodway, Edmonds provides on-call police service. She disagreed with Councilmember Fraley-Monillas' logic.

Councilmember Yamamoto agreed with Councilmember Buckshnis; the proposal is to charge Woodway the City's rate. Edmonds is providing on-call services, not patrolling Woodway. He noted police and fire services are insurance and citizens hope they do not have to use it.

Councilmember Fraley-Monillas pointed out Woodway pays \$660,000 for fire services to Fire District 1; Woodway has had 1 fire and 12 aid calls, they are paying for insurance.

Councilmember Petso commented she was not at the meeting when the Council made a decision to move away from a fee per call basis for police service, but was beginning to see the rationale. Going to a flat fee basis on a fee per call basis was no improvement over the previous formula. The service provided is to have police ready in case a call comes in as well as to have police dispatched in event of an emergency. She doubted she would be able to get the cable company to charge her per show she watched; the cable company charges a large amount in case she turns on the TV. Edmonds citizens seem to be charged quite

similarly; if Councilmember Fraley-Monillas has paid in \$13,000 for 3 calls, she is paying approximately \$4,000/call. In addition to the police response those three times, she has had the peace of mind and ability to call at any time knowing the police will arrive. The motivation for a full service contract was to move away from a fee/call basis and using a fee per call to create a flat rate does not change the fee per call nature of the contract. To avoid that Edmonds should either provide a full service contract to Woodway or allow Woodway to pursue their other options.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO EXTEND THE MEETING TO 11:00 P.M. THE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Councilmember Bloom observed if Woodway paid the same \$1.50 per \$1,000 assessed valuation as Edmonds, Woodway's budget for direct police services would be \$663,944. If Woodway paid the same \$246 per capita as Edmonds, Woodway's budget for direct police services would be \$321,030. She understood the concept of being a good neighbor but if Edmonds continued the practice of billing for service at any of the rates discussed, Edmonds was essentially putting the burden on its taxpayers and she could not justify that in this economic climate. If Woodway is not interested in a full service contract, they should pursue other options. She noted \$33,000 added to the City's budget is a minimal amount and will not pay for any position if positions need to be cut in the future.

Council President Peterson agreed in an ideal world a full service contract would be best. The numbers developed more than cover the costs. The Police Chief felt even the previous numbers probably covered the cost; this proposal triples that amount. He acknowledged Woodway was getting a very good deal but Edmonds was covering its costs and then some. The issue with taxation is inequality in taxation; some people pay for things they do not use and some pay less for things they use more. He recommended a two year contract as a one year contract would require negotiations to begin again in the near future. If the amount is not workable, the current contract allows the City to give notice. He summarized the proposal would not handcuff the City or put undue burden on the City and would help the City's neighbor.

Councilmember Buckshnis commented this is an example of budgeting by priorities which the City plans to undertake in 2014. She did not support a \$33,000 contract but would support a workable number due to social equities, Woodway residents who shop in Edmonds, etc.

Councilmember Fraley-Monillas commented the Woodway contract is an added burden to staff and citizens. Woodway has said they have other options and she preferred they pursue those other options to provide 16 hours/day of service for the amount they want to pay. She was not interested in even a one year contract.

Councilmember Yamamoto expressed support for moving forward with a contract between \$33,000 and \$45,000. The contract has been in place for a number of years and the proposal raises the fee nominally to cover the City's costs.

Councilmember Petso reminded the Council this is a long term decision. She found it highly unlikely that the Council would agree to a contract and then inform Woodway they planned to terminate the contract in 90 days. That would not be fair to the Woodway community or to their budgeting process. The reason the Council began this process over 18 months ago was so Woodway had adequate notice that the City was no longer interested in a per call charge. If the Council wants to pursue a per call charge, she suggested a two year contract. She preferred to let Woodway pursue other options; the City loses the \$10,000/year and can reallocate police services to its citizens except for mutual aid calls.

Mayor Earling explained Chief Compaan, Council President Peterson and he took a hard look at the contract and decided to make the proposal that Council President Peterson relayed. That proposal is

acceptable to Woodway. He explained Edmonds Police provide service to Woodway on an as needed basis. In a serious emergency, Edmonds would respond anyway. He viewed the relationship with Woodway as very positive. Although it has been said the proposed amount would not pay for even 1/3 of an officer, he pointed out if Edmonds discontinues the contract with Woodway, that is money the City will not have and will require cuts in the budget. In November 2011 the City was projected to have an \$800,000 deficit in 2013; due to an accumulation of state fees, Supreme Court decisions and retirement funds, the deficit is now \$1.5-1.9 million. Eliminating any funding may jeopardize someone's position. He found a two year agreement acceptable and was agreeable to postponing a decision for two weeks for further discussion regarding the amount.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, THAT THE COUNCIL DIRECT HIM TO PROCEED ALONG THE LINES HE OUTLINED OF A MONTHLY FEE BETWEEN \$35,000 AND \$45,000/YEAR FOR A 2-YEAR CONTRACT.

Council President Peterson suggested scheduling the contract on the August 21 agenda.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO TABLE THIS ITEM. THE VOTE ON THE MOTION FAILED (2-5), COUNCILMEMBERS FRALEY-MONILLAS AND PETSO VOTING YES.

UPON ROLL CALL, THE VOTE ON THE MOTION CARRIED (4-3), COUNCIL PRESIDENT PETERSON AND COUNCILMEMBERS YAMAMOTO, JOHNSON AND BUCKSHNIS VOTING YES; COUNCILMEMBERS FRALEY-MONILLAS, PETSO AND BLOOM VOTING NO.

9. DISCUSSION REGARDING RETAIL ONLY ZONE IN BDI

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER YAMAMOTO, TO MOVE AGENDA ITEM #9 TO A FUTURE MEETING.

Councilmember Fraley-Monillas preferred to delay both Items 9 and 10 due to the late hour.

Councilmember Petso agreed with delaying both Items 9 and 10, pointing out the ordinances would usually have come to the Council via committee but in this case both came to the Council after a public hearing nearly a year ago. At least two Councilmembers are seeing it for the first time tonight; the Council typically avoids taking action the first time it is presented to the Council.

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

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO SEND ITEMS 9 AND 10 THROUGH COMMITTEE NEXT WEEK AND SCHEDULE THEM ON THE FOLLOWING COUNCIL MEETING FOR DISCUSSION AND POTENTIAL ACTION. MOTION CARRIED (6-1), COUNCIL PRESIDENT PETERSON VOTING NO.

10. DISCUSSION REGARDING STEP-BACKS

This item was postponed via action taken under Agenda Item 9.

11. MAYOR'S COMMENTS

Mayor Earling had no report.

12. COUNCIL COMMENTS

Councilmember Petso reported more than one citizen has contacted her about changes to the code, sometimes a simple amendment to address a code section that contradicts another section. One of those corrections was reviewed by the Planning Board and presented to the Council earlier this year. When she approached staff recently, they preferred to address contradictions via the code rewrite. She offered to do the agenda memo and get the process started. Councilmembers interested in bringing errors through the Planning Board, Council committee and to Council should inform Councilmember Fraley-Monillas who chairs the relevant committee.

Councilmember Buckshnis reported the Pt. Edwards bluff belongs to the City. The trees were cut approximately 10 years ago and the City entered into a settlement agreement. Mr. Lien will be addressing the tree cutting.

Councilmember Buckshnis commended the strategic planning process. She apologized for missing the retreat, and was overjoyed the survey revealed interest in implementing budgeting for objectives.

Councilmember Johnson recognized the 350 volunteers who support the Senior Center and the good work done by the Edmonds Wildlife Habitat Project. She appreciated all the active citizens in Edmonds.

13. ADJOURN

With no further business, the Council meeting was adjourned at 10:29 p.m.