

# EDMONDS CITY COUNCIL APPROVED MINUTES

## October 16, 2012

The Edmonds City Council meeting was called to order at 6:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

### **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**

Al Compaan, Police Chief  
Jim Lawless, Assistant Police Chief  
Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Shawn Hunstock, Finance Director  
Carrie Hite, Parks & Recreation Director  
Rob Chave, Planning Manager  
Carl Nelson, CIO  
Jerry Shuster, Stormwater Eng. Program Mgr.  
Rob English, City Engineer  
Mike Clugston, Planner  
Jeff Taraday, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### **1. CONVENE IN EXECUTIVE SESSION REGARDING LABOR NEGOTIATIONS PER RCW 42.30.140(4)(b)**

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session regarding labor negotiations per RCW 42.30.140(4)(b) He stated that the executive session was scheduled to last approximately 60 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. He announced action may occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Yamamoto, Johnson, Fraley-Monillas, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, Parks & Recreation Director Carrie Hite, Finance Director Shawn Hunstock, and City Clerk Sandy Chase. The executive session concluded at 6:55 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:01 p.m. and led the flag salute.

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

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

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

Council President Peterson requested Item A be removed from the Consent Agenda.

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

- B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF OCTOBER 2, 2012.
- C. APPROVAL OF CLAIM CHECKS #134556 THROUGH #134692 DATED OCTOBER 4, 2012 FOR \$1,865,907.81 (REPLACEMENT CHECK #134618 \$5,487.85), AND CLAIM CHECKS #134693 THROUGH #134852 DATED OCTOBER 11, 2012 FOR \$845,113.27 (REPLACEMENT CHECKS #134693 \$132.00, #134783 \$25.00, #134828 \$911.25 AND #134829 \$68.61). APPROVAL OF PAYROLL DIRECT DEPOSIT & CHECKS #51717 THROUGH #51735 FOR \$451,069.13, BENEFIT CHECKS #51736 THROUGH #51748 & WIRE PAYMENTS OF \$193,350.01 FOR THE PERIOD SEPTEMBER 16, 2012 THROUGH SEPTEMBER 30, 2012.
- D. AUGUST 2012 MONTHLY FINANCIAL REPORT.
- E. QUARTERLY PUBLIC WORKS PROJECT REPORT.
- F. REPORT ON FINAL CONSTRUCTION COSTS FOR NORTH TALBOT DRAINAGE IMPROVEMENT PROJECT AND ACCEPTANCE OF PROJECT.
- G. AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENT NO. 1 WITH PERTEET FOR OVERLAY AND RAISED MEDIAN ON THE 228TH ST. SW CORRIDOR IMPROVEMENT PROJECT.
- H. AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENT #4 WITH DAVID EVANS & ASSOCIATES FOR ADDITIONAL UTILITY WORK ON THE FIVE CORNERS ROUNDABOUT.
- I. ACCEPT A STORMWATER PIPE AND ASSOCIATED APPURTENANCES INSTALLED BY A RESIDENT AT 23005-108TH AVE W. AND AN ASSOCIATED EASEMENT.
- J. STORMWATER BILLING EXEMPTION RECONSIDERATION.
- K. ORDINANCE NO. 3895 – AMENDING SECTIONS OF ECC 5.05 RELATING TO POTENTIALLY DANGEROUS DOG DEFINITIONS, DECLARATIONS, AND APPEALS.
- L. ORDINANCE NO. 3896 – ESTABLISHING AN HISTORIC PRESERVATION GIFT FUND.

**ITEM A: ROLL CALL**

Council President Peterson explained he pulled this item to take an official roll call and to excuse Councilmember Yamamoto's absence from the September 11, 2012 meeting and his absence from a portion of the September 18 and 25, 2012 meetings.

City Clerk Sandy Chase called the roll. All Councilmembers were present.

**COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO EXCUSE COUNCILMEMBER YAMAMOTO'S ABSENCE FROM THE SEPTEMBER 11, 2012 COUNCIL MEETING AND HIS ABSENCE FROM A PORTION OF THE SEPTEMBER 18 AND 25, 2012 MEETINGS.**

Councilmember Buckshnis asked whether this was a new procedure. Council President Peterson responded the City Attorney suggested this as a way to address questions that have been raised regarding

Councilmember Yamamoto's absence from Council meetings. Council President Peterson suggested in the future when a Councilmember is absent, roll call be taken and the Councilmember excused.

**MOTION CARRIED (6-0-1), COUNCILMEMBER YAMAMOTO ABSTAINING.**

**4. PROCLAMATION IN HONOR OF FRIENDS OF THE EDMONDS LIBRARY WEEK, OCTOBER 21-27, 2012.**

Mayor Earling read a proclamation declaring October 21-27 Friends of the Edmonds Library Week. He presented the proclamation to Friends of the Edmonds Library President Judith Works. Ms. Works invited the public to the Friends' book sale on Saturday, October 27 from 9:00 a.m. to 4:00 p.m.; members of the Friends of Edmonds Library can shop on Friday, October 26 from 4:30 to 6:00 p.m.; membership can be purchased at the door.

Edmonds Library Manager Lesly Kaplan thanked the Council for honoring the Friends of the Edmonds Library, commenting the Friends do so much for the library including purchasing window coverings, sponsoring programs for children and families and sponsoring last night's open house where a time capsule was assembled that will be opened in 10 years. She thanked Mayor Earling for attending the open house. She encouraged the public to visit the annual book sale as well as the daily book sale available in the library.

**5. PRESENTATION OF 2013 PROPOSED BUDGET**

Mayor Earling provided the following budget message:

*I am pleased to present to you the 2013 Budget. The budget is balanced and maintains most of the services the residents of our community expect. However, while most of those services will be in place, we face compromises and dramatic reductions at every level and department of the city.*

*When I took office on November 29, 2011, I spoke of only two issues. One issue was to alert the city we would be facing a "blunt" conversation regarding the budget over the next several years. The impacts of the 2008 recession will be felt locally for years. Fifty-eight percent of our revenue comes from property tax and sales tax. Both revenue sources have been dramatically reduced and will be slow to recover.*

*The city has, for the last number of years, relied on clever ways to achieve a balanced budget with budget shifts such as; assigning money used traditionally from the general fund for street overlays to balance the budget or merging our fire department with Fire District 1. We had a major staff layoff in the early 2000s, over time we have reduced service levels, staff has taken furloughs, we have frozen hiring, and we have stopped out of state travel*

*As we would expect, our budget must acknowledge certain mandatory cost increases, such as cost of living allowances for employees, funding for fleet Maintenance and Operations expenses, increasing incarceration fees, as well as public defender fees and union contract pay expenses.*

*Revenues for 2013 are expected to increase by just 0.5% over 2012 projected revenue. This modest increase comes at a time when expenses are expected to increase by at least 1.5% from 2012. The City is limited to 1% increases in its regular property tax levy each year. For 2013 that increase will be more than offset by a decline in the EMS levy, which is limited to \$0.50 at a time when assessed values are still declining. The net result for 2013 is a decline in total property tax revenue, the City's largest revenue source. We also expect modest increases in sales tax and utility taxes, but again these will be outpaced by increases in mostly mandatory or uncontrollable costs.*

*To achieve a budget for 2013 where projected revenues meet projected expenses, we set a goal to cut \$1.5 million from the General Fund Budget. The three major objectives of that goal were; 1) across the board*

reductions in each department of 4.5% or about \$850,000, 2) through the Voluntary Separation Incentive Program (VSIP), achieve savings of \$400,000, and 3) savings in health care premium costs of \$250,000. We have succeeded in meeting, and in some cases surpassing, each of the outlined objectives.

As mentioned above, dramatic reductions are needed to meet the \$1.5 million targeted cuts. The staff has devoted hundreds of hours in carefully analyzing each department and their basic needs, and has come to some difficult decisions. All Directors, while not pleased to make these difficult decisions, have worked closely and professionally and concluded the following reductions are necessary:

Through retirements and other staff reductions (including the VSIP) across all departments we have lost and/or made reductions of 9.2 FTEs, which is about a 5% reduction in our workforce. It should be noted that applicants for the VSIP program have about another week to make their final decision regarding participation. Because of that, the 9.2 FTE reduction count could change.

Reducing the workforce by 5% will have a dramatic impact on the ability to deliver the level of service throughout the city our community is used to receiving. A workforce which is already one of the smallest on a per capita basis compared to most cities in the Puget Sound Region, reduced again will face new challenges.

With the budget reductions, I have requested each Director analyze how the reductions will impact the function of their Department. In some cases the cuts will impact the internal workings of the staff, causing delays in completing projects. In other cases portions of programs will be cut and not meet the expectations our citizens have grown to appreciate and expect.

Service level implications of staffing and other reductions:

- Lower level of oversight and monitoring of sales tax reporting
- Technology implementations will occur slower or deferred indefinitely
- Hardware and software updates will occur less frequently
- Internet and social media adoptions will occur on a case-by-case basis and will have to fit into overall IT work plan
- Reduced level of advertising of City events and activities
- Greater reliance on electronic forms of communication
- Reduced travel and training for staff at all levels
- Slower response times to service calls from the Public Works department
- Fewer staff and slower response times for development review and permit applications
- Fewer updates to the Public Works website
- Lower level of maintenance and custodial work in City facilities
- Additional use of online advertising in Human Resources versus printed advertising
- Lower level of planting and watering of corner flower beds
- Reduced mowing, watering and landscape maintenance, one of the outcomes of which will be dormant (brown) grass at parks
- Reduction in trash pickup and restroom cleaning in City parks
- Reduced public hours at the Frances Anderson Center
- Reduced number of summer concerts
- Reduced summer beach patrols, closing of visitor station
- Reduction in advertising activities for promotion and marketing of the City for tourism and development purposes
- Increased reliance on electronic information and communication in the Development Services Department to reduce printing costs
- Reduction or elimination of passport services at the Court
- Reduced number of hearings at the Court, resulting in longer hearings and wait times

- *Reorganization and reassignments within the Police Department, Information Services, Parks & Recreation, and Public Works because of retirements and VSIP program*

*In addition to the revenue and expenditure challenges within the General Fund, there is continuing pressure from other funds of the City for transfers from the General Fund. The 2012 budget included what was assumed to be a one-time transfer of \$600,000 from the General Fund to the LEOFF Medical Insurance Reserve fund. However, it was necessary to budget that same amount for 2013 due to declining fund balance in the LEOFF fund. Also, for the first time since the Transportation Benefit District was created, the City will be transferring \$100,000 of General Fund money to the Street Fund in order to cover a declining fund balance there as well. There are declining fund balances in other funds too, like the Cemetery Maintenance and Improvement Fund, which could in the near-term require even more resources from the General Fund to cover declining fund balances.*

*While there will be disappointment with some of the reductions, we are able to meet the needed adjustments and still maintain the core services without complete elimination of most programs. The staff has worked long and hard to make compromises to meet our goals.*

*While the process has been difficult, we do have many bright spots. We have spent the last two years with extensive citizen input developing a Strategic Plan which will allow us to prioritize the needs and desires of our community. The final report will be forthcoming in the next few weeks. One of the outcomes will be to move our budget process toward Budgeting by Priorities. This concept allows for the community to have input on which programs are the highest priorities to maintain in the city.*

*We have had great success in bringing new businesses to town. Old Milltown has a new owner and has brought new energy to that project. The longtime eyesore, the Antique Mall, has new owners and we will see dramatic improvement at that site. The Port District proposes to redevelop Harbor Square. Westgate and Highway 99 continue to add new businesses. Our Arts community continues to bring visitors to town and expand their creativity. All of this advancement is extremely important as those changes bring vitality to the community and more importantly, brings much needed tax revenue to the city.*

*Even with the financial challenges, our staff has been very successful in seeking grants. We have approximately \$14 million dollars in grants either secured or in the pipeline. This bright spot allows us to make dramatic improvements in Public Works and Parks and Recreation that we would otherwise not have the ability to fund. Dollars received for grants, may not be used for uses other than the project itself.*

*As mentioned before, 58% of the city budget comes from property tax and sales tax. At the moment property values appear to have firmed and our sales tax shows very modest improvement. Dramatic improvement to reach the level prior to the 2008 national financial debacle is years away.*

*Even with the bright spots, the difficulties we face over the next few years will be very challenging. Unless we as a community face the harsh reality of our financial challenges, we will have to make further compromises. There are very few ways besides a stunning turnaround in the economy to change our course. We of course can consider new taxes which no one wants to hear about. We can try to have continued economic development, but that alone will not solve the problem. We will have to work together to make difficult decisions. This is too good of a community not to face and deal with the challenges. I look forward to working with the council and the community to solve our long-term challenges.*

*The budget now goes before the city council for analysis and work. The staff and I look forward to answering questions and hearing suggestions in the coming weeks. We have worked long and hard to deliver a balanced and yet austere budget to the council and citizens. I would ask the council to follow one principle, if you add to the budget, please either find new revenue or make adjustments by reducing some other portion of the budget. We have, quite simply, run out of clever.*

Copies of the 2013 Preliminary Budget were distributed to Councilmembers. Finance Director Shawn Hunstock announced copies of the budget will be available at the City Clerk's office tomorrow morning by 10:00 a.m. and on the City's website this evening. He reviewed changes to the content of this year's budget document:

- Includes several pages of introductory materials, graphs, charts, data
- Organized by fund, similar to the City's financial reports (CAFR and monthly/quarterly reports)
- Includes total revenue and expenses, by fund
- City utilities are budgeted for separately
  - Water utility fund
  - Storm utility fund
  - Sewer/WWTP utility fund
- Policies should be considered "draft" at this point, to the extent they mention items Council has not considered previously
- New fund numbers for some funds (Multimodal, Building Maintenance, Transportation Benefit District, utility funds)
- Includes org charts by department, with positions
- Department summaries, showing divisions
- Additional current year/prior year columns

Mr. Hunstock provided 2013 budget highlights:

- The General Fund budget is balanced (revenues = expenditures)
  - Includes no use of reserves or fund balance to balance the budget
  - Includes decrease of 9.2 FTE through either across-the-board reductions or VSIP
  - Includes the impact of potentially changing health insurance providers
  - Impacted by fund balance trends in other funds (for instance, includes a transfer from General Fund to Street Fund)
- Strategic outlook
  - 2013 is balanced
  - Small projected surplus for 2014
  - Quickly goes to \$1.4 million deficit (and growing) by 2017
- Relatively few decisions packages
  - Diverse fiber route to Hwy 99
  - Fiber optic customer development
  - Parks, Recreation and Open Space (PROS) plan
  - Engineering FTE

Mr. Hunstock reviewed the schedule and topics for upcoming budget work sessions:

- October 23 – Budget Work Session (3 hours)
  - Budget Overview
  - City Council
  - Mayor's Office
  - City Clerk
  - City Attorney
  - Court
  - Community Services/Economic Development
  - Finance and Info. Services
  - Development Services
- October 30 – Budget Work Session, cont. (3 hours)
  - Police Department
  - Human Resources
  - Parks and Recreation
  - Public Works

He reviewed the 2013 budget calendar:

- November 5 – City Council Meeting
  - Public hearing on revenue sources including property taxes (20 min.)
  - Public hearing on 2013 budget (20 min.)
  - Property tax ordinance and resolution (20 min.)
- November 20 – City Council Meeting
  - Public hearing on 2013 budget (20 min.)
  - 2013 budget adoption (20 min.)

Mr. Hunstock pointed out the 2 budget work sessions on October 23 and 30 as well as the 3 public hearings will provide the public 5 opportunities to comment regarding the budget.

Councilmember Buckshnis asked if Mr. Hunstock preferred Councilmembers send him their questions in advance. Mr. Hunstock responded yes and suggested as the Council begins the budget deliberations, a list of suggested changes be established rather than considering changes one-by-one. He offered to maintain the list and provide a spreadsheet with cumulative effects of any proposed changes. He suggested the Council then prioritize the list and take action via one motion at the conclusion of deliberations.

Councilmember Buckshnis complimented Mayor Earling and Mr. Hunstock on the development of the budget. She reiterated the recommendation that if any expenditures were added to the budget, the Council identify a funding source or make other reductions. She offered to review assumptions in the budget with Councilmembers.

**6. PUBLIC HEARING ON THE CAPITAL FACILITIES PLAN ELEMENT UPDATE FOR 2013-2018 TO THE CITY'S COMPREHENSIVE PLAN AND CAPITAL IMPROVEMENT PROGRAM. THE PROPOSAL UPDATES THE CITY'S CAPITAL FACILITIES PLAN TO INCLUDE IMPROVEMENTS, ADDITIONS, UPGRADES OR EXTENSIONS OF CITY INFRASTRUCTURE SUCH AS TRANSPORTATION, PARKS, AND STORMWATER ALONG WITH OTHER PUBLIC FACILITIES NECESSARY TO IMPLEMENT THE CITY'S COMPREHENSIVE PLAN.**

City Engineer Rob English provided a comparison of the Capital Improvement Program (CIP) and Capital Facilities Plan (CFP):

|                           | <b>CIP</b> | <b>CFP</b>        |
|---------------------------|------------|-------------------|
| Mandate?                  | None       | GMA               |
| Reason?                   | Budget     | GMA               |
| Time Frame?               | 6 year     | 6 year<br>20 year |
| Must include Capital?     | Yes        | Yes               |
| Must include Maintenance? | Yes        | No                |

The 2013-2018 CFP contains 3 project sections:

- General
  - Parks, buildings & regional projects
- Transportation
  - Safety/capacity & pedestrian/bicycle
- Stormwater

He highlighted projects added to the 2013-2018 CFP and CIP:

- Main Street Undercrossing (Project 1B)
  - Emergency access
  - Grade separation between transportation modes

- SR99 & 212<sup>th</sup> intersection
  - Add westbound and eastbound left turn lanes
  - Improve intersection level of service.

Mr. English provided a summary of fund numbers in the CIP and department managing each fund:

| <b>Fund</b> | <b>Description</b>                  | <b>Department</b>  |
|-------------|-------------------------------------|--------------------|
| 112         | Transportation                      | Public Works       |
| 113         | Multimodal Transportation           | Community Services |
| 116         | Buildings Maintenance               | Public Works       |
| 125         | REET-2 Transportation               | Public Works       |
| 125         | REET-2 Parks Improvement            | Parks & Recreation |
| 126         | Parks Acquisition                   | Parks & Recreation |
| 129         | Special Projects                    | Parks & Recreation |
| 132         | Parks- Construction (Grant Funding) | Parks & Recreation |
| 412-100     | Water Projects                      | Public Works       |
| 412-200     | Storm Projects                      | Public Works       |
| 412-300     | Sewer Projects                      | Public Works       |
| 414         | Wastewater Treatment Plant          | Public Works       |

Mr. English highlighted 112 Street Fund projects, noting the City’s limited funds have been leveraged by grants to pursue significant transportation improvements:

- Main Street – 5<sup>th</sup> Avenue to 6<sup>th</sup> Avenue (construction)
- 5<sup>th</sup> Avenue Overlay (2013)
- Five Corners Roundabout (2013)
- Signal cabinet improvements (2013)
- SR99 Lighting phase 3 design (2013)
- 228<sup>th</sup> Corridor Improvements, design, right-of-way acquisition (2013)
- 212<sup>th</sup> & 76<sup>th</sup> Avenue Improvements, environmental review, design (2013)

He highlighted 412 Utility Fund projects:

- Water Utility Fund
  - 3,800 feet of replaced watermains (constructions)
  - 10,000 feet of watermain replacement (2013)
  - Overlay 2,000 linear feet of roadway affected by waterline replacement projects (complete)
- Sewer Utility Fund
  - Rehabilitation of nine sewer lift stations
  - 5,600 feet of sewer main replacement/rehabilitation (2013)
  - Sewer Comprehensive Plan update (2013)
  - 1,000 feet of CIPP sewer mains (2013)
- Stormwater Utility Fund
  - North Talbot Road drainage improvements (complete)
  - Talbot Road/Perrinville Creek drainage improvement (construction)
  - Edmonds Marsh Study (2013)
  - 3,300 feet of new/replaced storm drain pipe for Edmonds Basin #3 SD improvements (2013)
  - Vactor Waste Handling Facility upgrade (2013)
  - Perrinville Creek High Flow Reduction study (2013)
  - 95<sup>th</sup>/93<sup>rd</sup> Avenue Storm LID Project (2013)

Parks & Recreation Director Carrie Hite highlighted Park CIP projects:



- Completion of Interurban Trail
- Completion of Hazel Miller Plaza
- Groundbreaking of SR99 International District
- Progress on 4<sup>th</sup> Avenue Cultural Corridor
- Beginning Dayton Street Plaza

Ms. Hite highlighted CFP projects:

- Added Public Market
- Development of Woodway High School Athletic Complex

Ms. Hite highlighted REET 125 funded projects:

- Additional repairs needed at Yost Pool (\$50,000). Added another \$120,000 next year for boiler.
- Moved City Park to 2013, combined playground replacement with spray pad to match grant: City Park Spray and Play Revitalization
- Carryover: Edmonds Marsh Study
- Set aside for Woodway High School fields
- Replacement of Mathay Ballinger play equipment
- Park Impact Fee Study, PROS Plan update

Ms. Hite highlighted Park Construction Fund 132 projects, advising this fund does not have its own revenue source; it receives funds from grants and transfers from REET 125:

- 4<sup>th</sup> Avenue Cultural Corridor planning
- Completion of Dayton Street Plaza
- City Park/RCO grant
- Senior Center Improvements: subject to CDBG (unsecured funding)

Mr. English reviewed the CFP/CIP schedule:

- September 12 – Public Works, Parks, & Planning Committee
- October 2 – City Council; introduction
- October 10 – Planning Board
- October 16 – City Council public hearing
- December 2012 – Adopt CFP with Comprehensive Plan Update

Councilmember Petso asked when the CIP decision is final and if it is when the budget that incorporates the CIP is adopted. Mr. English answered staff's recommendation is to approve the CFP and CIP tonight. Councilmember Petso asked how adoption of the CIP would be affected if the Council made changes during budget deliberations. Mr. English answered the CIP could be amended; a change to the budget would not necessarily affect the CIP.

Councilmember Petso asked if the older version of the City Park Plan that Ms. Hite referred to includes a change to the City Park road. Ms. Hite answered no; the Master Plan adopted in 1992 is the only plan for City Park. The 1992 plan shows the play area and splash pad together in one footprint rather than the splash pad at the wading pool location. A concept design for the grant that reconfigures the footprint for the two play areas to expand and add the spray pad was presented to the Council at a public hearing.

To illustrate this is a living document Public Works Director Phil Williams explained within the last 3-4 working days the City was notified by the Interagency Coordinating Committee (ICC) that the City's application for funds for the design phase of the Sunset Avenue walkway project from reallocated Congestion Mitigation for Air Quality (CMAQ) money is expected to be authorized; the grant will be

approximately \$159,000. He suggested the Council amend the document to add the \$159,000 grant and move the project up to 2013.

Councilmember Bloom asked Mr. English to describe Project 1A and 1B. Mr. English answered Project 1A is the original multimodal facility that has been in the planning stages for several years and is located south of the Port at the former Chevron pier. Project 1B, a minimum build version of Project 1A, is an undercrossing of Main Street under the existing railroad tracks. The undercrossing would serve the ferry and provide a safety access to Railroad Avenue.

Councilmember Bloom asked staff to describe why the projects are linked when they are in two separate locations. Mr. Williams answered the project at Pt. Edwards met the purpose and need of the environmental document that was prepared and adopted and a record of decision filed. However, due to changes in the economy and state and federal budgets, that project was not fundable in the immediate, foreseeable future. Consideration was then given to a minimum build alternative that would meet much of the purpose and need of the original project but could potentially be fundable. Many of the problems solved by the project at Pt. Edwards can be solved by a less expensive alternative. He acknowledged it would not be the entire package provided by the project at Pt. Edwards but it may be more doable in the near term. He summarized the goal of the minimum build alternative is to achieve some grade separation at the crossing at Main Street. He pointed out the benefits of grade separate can be illustrated by this morning's accident between a Sounder train and a semi-truck at Railroad and Main.

Community Services/Economic Development Director Stephen Clifton explained an additional common feature between the projects is they are both multimodal in nature. Edmonds Crossing includes all the multimodal components together in one project including holding lanes, Sound Transit and Amtrak stations, parking structure, bus transit station and ferry pier; the area at Main Street is multimodal in that all the modes of transportation are in close proximity to each other. He assured Project 1A is not technically dead, it is taking a nap. Washington State Ferry's (WSF) 2009-2030 Transportation Plan does not contain any reference or funding for Edmonds Crossing. The project did receive a Final Environmental Impact Statement (FEIS) Record of Decision in 2005; at that time the estimated expenditure cost was \$237 million. WSF does not have the money to fund the project at this time but the project is still alive. The choices are to wait until 2030, wait for a spectacular recovery of the economy to allow WSF to fund the project, or look at other options for providing grade separation for WSF and other modes of transportation. He referred to an aerial photograph of a concept overlay of the underpass which WSF provided the City in 2008 that he recently emailed to Councilmembers. Due to the economic downturn in 2008, WSF changed its focus from funding new terminals to maintenance.

Mr. Clifton explained due to the proposal to build a coal terminal at Cherry Point in Bellingham, there is the possibility of 18 additional trains per day, each 1½ miles in length. Page 1-4 of the FEIS referenced 35 trains/day passing through Edmonds, 35-42 today, up to 70 trains by 2020 and up to 104 in 2030. Adding the 18 trains from the proposed coal terminal would mean a significant disruption to the WSF system. The intent at this time is to analyze the engineering and financial feasibility of an undercrossing.

Councilmember Bloom pointed out Project 1B is scheduled for 2019-2025 and there are no other projects in the CIP to address safety issues related to waterfront access before then. She asked how safety issues would be addressed in the meantime. Mr. Clifton answered Project 1B does not preclude considering other safety improvements. WSF offered the WSDOT parking lot south of the old Skipper's site to the private sector in exchange for constructing a pedestrian overcrossing. Unfortunately at that time there was not enough value in the property to fund the overcrossing. Councilmember Bloom reiterated there are no projects in the CFP or CIP that address emergency, pedestrian and non-motorized access to the waterfront in the interim. Mr. Clifton agreed but Project 1B does not preclude adding a project to the CFP/CIP next year or the following year if another concept is developed.

Councilmember Johnson referred to page 38 of the CIP, the description of the Sunset Avenue project, observing the total project cost is estimated at \$900,000. She noted there is \$200,000 identified for 2014 and the CMAQ grant would be \$159,000. Mr. Williams answered there is \$88,000 available in the CIP in 2013; the remainder of the design would be in 2014. He offered to confer with Mr. English tomorrow regarding the timing of the design. The cost of design is \$184,000; the difference between \$159,000 and \$184,000 would be a local match from Fund 112 and would be split between 2013 and 2014.

Councilmember Petso recalled when the CFP/CIP was presented to Council Committee, the undercrossing at Main and the original multimodal project at Pt. Edwards were two separate projects. She asked the rationale behind combining the projects. Mr. Williams answered it was due to a growing realization they were linked for the reasons he previously described. At one time the City and other partners collected approximately \$80 million for the larger project. That project is on hold pending future changes in available funding at the state and federal level, changes in concept, or a better idea. The minimum build alternative was felt to have a better chance of being funded sooner than the Pt. Edwards project and would solve many of the same issues. A potential funding source is Puget Sound Regional Council reallocating some of the funds for Edmonds Crossing to a minimum build alternative. Another potential funding source is the Strategic Investment Board for Freight Mobility; Mayor Earling, Mr. Clifton and he plan to make a presentation to the Board on October 25. Linking the projects may improve access to Edmonds Crossing funds.

Councilmember Fraley-Monillas expressed concern with the wording of the Main & Dayton undercrossing project as there has been no agreement that a tunnel is the best option. She recalled staff stated the project was added to the CFP/CIP in case funding became available. Mr. Williams answered the City cannot qualify for grant funding if the project is not in the CFP/CIP. Adding the project to the CFP/CIP will allow staff to seek funding to evaluate the project. He assured the project described is not the only answer; it is a possible answer and is worthy of additional investigation and feasibility analysis. Other alternatives can be considered.

Councilmember Fraley-Monillas asked if the undercrossing was included in the City's CFP/CIP because the tunnel is within the City. Mr. Williams answered WSDOT Ferry's Division, the Port and other transportation modes in close proximity would be partners in any study/project but the City was the logical driver.

Councilmember Fraley-Monillas pointed out one of the legislative priorities of the Economic Alliance Snohomish County is \$80 million for the SR104/Main Street/Dayton project. Another of their priorities is \$62 million for a Hwy. 99 & SR104 overpass which relieves the choke point for the north-south corridor for Swift transit. She asked why the Hwy. 99 & SR104 overpass is not in the City's CFP/CIP but the Main Street underpass is. Mr. Williams answered WSDOT is interested in improvements across Hwy. 99 and has taken the lead on that project. Edmonds is supportive of that project. Edmonds would be the lead on the projects contained in the City's CFP/CIP. Not all projects within the city limits are in the CFP/CIP unless the City has a sponsorship or implementation role.

Councilmember Fraley-Monillas concluded from Mr. Williams' explanation that the City would take the lead in the ferry project but not the project on Hwy. 99. Mr. Williams answered he did not see the Main Street underpass as a ferry project; it is two City streets, Main and Railroad, pedestrian activity, automobiles, and local City traffic that are impeded and at risk with the current arrangement. He acknowledged the ferries were also involved. Councilmember Fraley-Monillas commented there is a similar situation at Hwy. 99 & SR104. Mr. Williams commented the Hwy. 99 & SR104 overpass project could be added to the City's CFP/CIP.

Councilmember Buckshnis referred to the Economic Alliance's legislative priority for \$80 million for the underpass; the City's CFP/CIP only contains \$57 million. Mr. Williams answered the project has not been

designed and the cost and scope of the project is unknown. A transportation engineering consultant estimated the cost at \$60-80 million.

Councilmember Buckshnis asked if staff wanted the Hwy. 99 & SR104 overpass added to the City's CFP/CIP. Mr. English responded it is Council's discretion whether to add a project. He explained that portion of Hwy. 99 & SR104 is limited access which is a higher controlled access for WSDOT than at Main Street. That may be one of the reasons that project was not included in the City's CFP/CIP.

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

**David Preston, Port of Edmonds Commissioner**, urged the Council to consider the undercrossing at Main Street. He explained public safety is important to the Port; response to a boat fire at the Port on December 31, 2011 would have been much more difficult had a train been there. Access to the dog park, underwater park, restaurants, the Port, the Senior Center and everything between is important. He recalled discussion regarding the Fire Department locating an aid vehicle near the Port in the event the tracks were blocked and suggested that be considered as an alternative. In addition to today's accident between a Sounder train and a semi-truck, a freight train was stuck on the tracks last month. Double tracking will increase the potential for the tracks to be blocked.

**Richard Stewart, Edmonds**, suggested the undercrossing should be an expense for BNSF and WSDOT. He asked why the undercrossing would be a City expense and suggested the City should be a minor player or only a coordinator. If the need for the underpass is linked to the coal trains, he suggested the City object to coal trains as Bellingham and 50 other cities have done.

**John Dewhirst, Edmonds**, expressed support for an underpass or railroad crossing. He pointed out the issue of funding, explaining if a project is not in the City's CIP, "you don't even get to play the game." There are funds available from a variety of sources but the project must be in the CIP to be considered for grant funds. He acknowledged there were a lot of questions to be answered and alternatives considered to determine what would be suitable now and possibly could be phased in the future until funds are available for the final improvement. He pointed out all the transportation projects underway are funded with money from state, county and/or federal sources. All those projects began as a line item in the CIP. He summarized this is an important short and long term project.

**Farrell Fleming, Executive Director, Edmonds Senior Center**, echoed the previous comment regarding the importance of a project being in the CFP/CIP, expressing his support for including the Senior Center in the CFP/CIP awaiting future funding. Although the Senior Center is described as being at the end of its useful life and ideally needs to be replaced, it functions very well. He supported the Senior Center project occurring sooner than 2019-2025 and suggested developing a concept for redevelopment that is so architecturally stunning, technologically advanced and conceptually innovative that it would attract funding. One of the benefits of the public/non-profit partnership between the City and Senior Center is it allows both to pursue grants for the Senior Center. In the past the City has applied for the CBDG grant; this year the Senior Center plans to apply for the grant. The Senior Center is also applying for a Boeing grant; the two will provide in excess of \$200,000 for Senior Center refurbishments.

**Roger Hertrich, Edmonds**, reiterated his concern with signals that were taken out and put back into the CFP/CIP. He expressed concern with the addition of Project 1B. He pointed out the ferry at Unocal would allow overhead loading, ample parking, creation of a well-functioning transportation system and move the highway out of the middle of the City. He referred to North Bend and Sequim where the highway had been moved outside the town. He suggested the City could improve its connection to the waterfront if the ferry traffic were eliminated; an underpass would destroy the mid-waterfront area. Keeping the ferry in the current location will result in, 1) expansion of the ferry dock to include parking, and 2) a second dock.

He also expressed concern the City was seeking funding from the Freight Mobility Board who promotes coal trains; the City is asking to join their team and Mayor Earling is leading that charge.

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

Councilmember Petso suggested the Council consider the following:

- Change Aquatics Center at Yost Park to Aquatics Center (no location specified)
- Eliminate the mid-block crossing on SR104 between City Park and the Marsh. If Edmonds Crossing is ever constructed, a signal at Pine & SR104 will provide a safe crossing.
- Remove rain gardens from Southwest Drainage Plan. The proposed location is an area currently used for parking, walking to the school bus stop and bike riding. A public hearing on the project in the next few months will provide the neighbors' response to the project.
- Remove the signal at 9<sup>th</sup> & Caspers that was previously removed from the CFP/CIP
- Remove the signal at 88<sup>th</sup> & 196<sup>th</sup> that was previously removed from the CFP/CIP
- Concern with ferry underpass project.
- Concern with coal trains

Councilmember Petso suggested continuing the public hearing to take additional comment on the ferry underpass project. She explained the underpass contradicts the existing plan to move the ferry and it contradicts a parks project in the plan for improvements at Brackett's Landing as the schematic indicates a portion of the park will be lost to a proposed tunnel. She shared the interest for improved public access to the Port, suggesting a better way to accomplish that via a minimum build alternative would be a project that implements a portion of the currently proposed multimodal facility, a road that provides emergency access to the waterfront area. She envisioned that would be significantly cheaper than a ferry loading underpass as it would only need to meet the requirements of an emergency access road.

Councilmember Petso stated in searching for information regarding the ferry tunnel project, she found a 2009 document from the state ferries that one of their objectives was to build a tunnel in downtown Edmonds and put six stories of condos on top. She has been told that project is not the motivation for pursuing the underpass at this time but she did not want to further that goal via the City's CFP/CIP.

Councilmember Petso stated another of her concerns is coal trains; she suggested proponents of the coal export facility be informed that the City has a plan for eliminating the conflict between the railroad and the ferry terminal and if they want to build their facility, they should help fund the multimodal project. She hated to think the project was being included in the City's CFP/CIP to facilitate the coal terminal in Bellingham. The City has passed resolutions in opposition to the coal export facility and coal trains.

Councilmember Petso understood the argument that if a project was not in the CIP, it was difficult if not impossible to get grant funds. She recalled a comment after the City accepted funds for design of the roundabout that if the project did not proceed to construction, the City would be unlikely to successfully compete for construction grants in the future. She was not interested in a repeat of that scenario and preferred to do more work and have more public discussion on this project before adding it to the CFP/CIP.

Councilmember Bloom thanked Councilmember Petso for outlining her concerns and she echoed the issues Councilmember Petso identified related to the Main Street undercrossing. She agreed further discussion was necessary before the project was included in the CFP/CIP. If the focus is on an underpass, she questioned whether any effort would be made on a less expensive alternative for a safety access. She assumed safety and emergency vehicle access to the beach was the point of Mayor Earling's "Don't Block the Beach" gathering, not access to the beach for ferry traffic. She did not support including the underpass on the CFP/CIP without a project to provide safety access to the waterfront. Safety access

could be less expensive, could be very attractive and could accommodate emergency vehicles, pedestrians and non-motorized vehicles.

Council President Peterson spoke in favor of the undercrossing. He agreed emergency access was important but questioned what alternatives exist other than going over or under the railroad crossing. He recalled public safety was the primary focus of Mayor Earling's gathering on the beach. He cited the boat fire at the Port on December 31, 2011 and this morning's train/semi accident. To the suggestion of having an aid vehicle on the waterfront side of the tracks, he questioned how the people that staff the vehicle would reach it, how the injured would be transported to hospitals, etc. if the tracks were blocked by a train. He pointed out the need to identify conceptual ideas; if the project is not in the CFP/CIP, there will be no opportunity to get grants to study ideas.

Councilmember Yamamoto commented the intent of the CFP/CIP was to get to a starting point. Unless the underpass is included in the CFP/CIP, the City is not in the game. Even if the City gets some funding, the City is not bound to pursuing a specific alternative.

In response to Council President Peterson, Councilmember Bloom explained Mr. Hertrich offered an alternative in his comments at the Planning Board public hearing of going over the tracks somewhere else such as Pt. Edwards, Bell Street or another area where access over the tracks would not block views. She suggested an access that could accommodate emergency vehicles and pedestrians be pursued to improve safety in the short term. She was concerned the proposed project was scheduled for 2019-2025 but hours of staff time will be allocated to pursuing grants, partnerships with the ferry, etc. The problem that needs to be solved is safety access to the waterfront, not ferry access. Ferry access is WSF's responsibility; the City's responsibility is safety access. She preferred a project that would address safety access in the short term; linking the projects delays a solution that addresses safety issues until 2019-2025.

Councilmember Buckshnis disagreed with Councilmember Petso's comments regarding the roundabout; the Council voted in favor of the roundabout concept and moving that project forward.

**Main Motion**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE THE 2013-2018 CAPITAL FACILITIES PLAN AND CAPITAL IMPROVEMENT PROGRAM.**

**Amendment #1**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO REMOVE PROJECT 1B, MAIN STREET UNDERCROSSING MINIMUM BUILD VERSION, FROM THE CFP/CIP AND REFER IT TO THE UPDATE OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN.**

Councilmember Fraley-Monillas asked if the project had been reviewed by the Transportation Committee. Mr. Williams answered the Transportation Advisory Committee is formed to review updates to the Transportation Element which is done every six years. The Committee has not been active for some time. Councilmember Fraley-Monillas asked if the Main Street Undercrossing was in the Transportation Element. Mr. Williams answered no; it was adopted in 2009, before the current status of the Edmonds Crossing project was known.

Councilmember Johnson asked a point of order; it was her understanding that once a motion was made and seconded, discussion should occur among Councilmembers and not staff. Councilmember Fraley-Monillas responded discussion can occur among Councilmembers and with staff; it would be difficult for a Councilmember to vote on a motion without staff answering their questions.

Councilmember Johnson pointed out the Transportation Element of the Comprehensive Plan addresses transportation and the underpass is not included. GMA requires the Transportation Element be updated every six years; the correct time to consider the underpass would be as part of the Comprehensive Plan. In the short term, there are two issues, 1) emergency access for pedestrians and/or emergency vehicles and 2) an emergency preparedness policy to address fire or medical emergency at the Senior Center, Port, public beaches or the ferry. She relayed Port Director McChesney's comments that the Edmonds Police Department had an agreement with BNSF regarding providing emergency access but that agreement no longer exists with Fire District 1. She summarized rather than including the Main Street Underpass in the CFP/CIP, it should be deferred to the update of the Transportation Element of the Comprehensive Plan in order to see the project in a comprehensive context.

**Vote on Amendment #1**

**AMENDMENT CARRIED (6-1), COUNCIL PRESIDENT PETERSON VOTING NO.**

**Amendment #2**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO ADD A CHIP SEAL PROGRAM INTO THE CIP.**

Councilmember Petso expressed support for the amendment, assuming funding for chip seal would be zero, the same as the overlay program. Including it would allow chip sealing to be pursued if additional funding became available.

Councilmember Fraley-Monillas asked for Public Works' input, whether the amendment would work. Mr. Williams answered it would work if there were funds attached to it. The issue is a revenue source for pavement preservation, whether that is overlays, chip seals, slurry seals, or any other technique. He was happy to include it in the CFP/CIP in the event funding specific to chip sealing became available.

Council President Peterson asked whether chip sealing was currently excluded as a possible pavement preservation method. Mr. Williams answered no. If the City had funding for pavement preservation, the best technique for each segment would be identified and implemented whether it was an overlay, rebuild, chip seal, etc. He pointed out chip sealing would actually be done on roads that are in better condition which may be confusing to some citizens.

Council President Peterson asked if there was grant funding that designated chip sealing over other methods. Mr. Williams answered he was not aware of any. There were few grant programs that apply to pavement preservation. There were funds set aside for pavement preservation in the last ICC grants; the City applied and was awarded \$551,000 to repave 5<sup>th</sup> Avenue and install ADA ramps. That was the first time funds were available for pavement preservation since the stimulus package in 2009 when funds were obtained for 212<sup>th</sup> and Dayton.

Council President Peterson was hesitant to add such specifics to the CFP and CIP. Chip sealing is currently available. He did not support the amendment.

Councilmember Bloom asked the rationale for including chip sealing. Councilmember Buckshnis answered street overlays are included in the CFP/CIP but she was uncertain it included chip seal. She was willing to withdraw the motion if staff indicated chip seal was the same as overlay.

**Vote on Amendment #2**

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

**Amendment #3**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO REMOVE THE TRAFFIC LIGHT AT 9<sup>TH</sup> & CASPERS.**

**Vote on Amendment #3**

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

Councilmember Petso inquired about former Project 15 and the current plan for the Perrinville Creek drainage situation. Mr. Williams answered the CFP/CIP includes a project where the City would join with Lynnwood to conduct a study of Perrinville Creek drainage and consider alternatives. Project 15 is one concept but others will be evaluated to determine which provides the greatest benefit for the lowest cost to help resolve the current hydrology problem in the Perrinville Creek basin. Improvements to the Talbot Road culvert or rerouting the stormwater will not necessarily benefit Perrinville Creek from a habitat perspective until hydrology issues such as rapid flash flows, limited detention in the basin, etc. are addressed. Staff recommends doing the study first and let that guide development of the CIP for Perrinville Creek.

Councilmember Petso asked for confirmation that if by supporting approval of the CFP/CIP, she will be voting to proceed with a study and to partner with Lynnwood, not authorize a specific pipe configuration. Mr. Williams agreed.

Councilmember Johnson explained she was very concerned with the SR104 corridor. Long ago it was a 2-lane road from Hwy. 99 to 5<sup>th</sup> Avenue. Now the City has completed a study of the Westgate area that focuses on land use. She proposed a complementary transportation project and staff assisted her with drafting the description of a Transportation Corridor Study.

**Amendment #4**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE MOTION TO PREPARE A TRANSPORTATION CORRIDOR STUDY OF SR-104 BETWEEN THE INTERURBAN TRAIL (76TH AVE. W) TO THE FERRY TERMINAL FOR A 20-YEAR PLANNING HORIZON. THE STUDY WILL DETERMINE EXISTING AND FUTURE DEFICIENCIES OF THE CORRIDOR AND INCLUDE IMPLEMENTATION STRATEGIES TO INTEGRATE FUTURE REDEVELOPMENT WITH A FOCUS ON PEDESTRIAN AND BICYCLE CONNECTIONS, HIGHWAY ACCESS MANAGEMENT, AND STREET-SCAPE DESIGN IMPLEMENTATION. THE PURPOSE OF THE STUDY IS TO DEVELOP A MASTER PLAN FOR THE CORRIDOR, BOTH WITHIN AND OUTSIDE THE STREET RIGHT OF WAY.**

Councilmember Johnson explained the purpose of the study would be to complement the work done by the Economic Development Commission to promote growth and development in the Westgate area. The study that was conducted focused on land use and she felt additional work was needed related to transportation. There are no capacity projects for this area in the Transportation Element of the Comprehensive Plan. There are three issues, 1) moving pedestrians and bicycles through the corridor, 2) implementing the concept for streetscape and street planting plan, and 3) improving safety, access management and circulation within the four quadrants. This study will complement the work that has been done.

Councilmember Petso observed the City is required to hold a public hearing on the CFP/CIP. This study is a new idea that was not considered during the public hearing. She asked whether the public hearing should be continued to allow the public an opportunity to comment on the proposed study. Mr. Taraday answered the Council may want to continue the public hearing out of an abundance of caution.



Council President Peterson suggested adding the study to the CFP/CIP next year, recognizing there is no funding source for 2013. He agreed it was an excellent idea but the Council is running out of time to schedule items on its agendas.

**Vote on Amendment #4**

**AMENDMENT CARRIED (6-1), COUNCIL PRESIDENT PETERSON VOTING NO.**

For Councilmember Johnson, Ms. Hite explained the PROS Plan is not in the CIP this year; it is in the budget as a decision package. The PROS Plan is a Comprehensive Plan planning document for the entire park system and not a specific park, therefore, it is not eligible for funding in that category.

**Amendment #5**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO REMOVE 196<sup>TH</sup> & 88<sup>TH</sup> AVENUE INTERSECTION IMPROVEMENTS.**

Councilmember Fraley-Monillas asked whether this project included the right-turn only option. Mr. Williams answered the intersection does not currently meet warrants for a signal; it may in the future when traffic or pedestrian volumes increase. A variety of interim solutions to improve the intersection were considered such as eliminating left turns but the Council was unable to reach a consensus on an interim solution. Councilmember Fraley-Monillas asked whether right-turn only, curbs, etc. would be considered if the project is removed from the CFP/CIP. Mr. Williams agreed they can be, noting no policy direction has been provided to staff with regard to the intersection.

Councilmember Johnson recalled the Transportation Committee recommended restricting left turn movements to improve safety.

Council President Peterson did not support the amendment; including the project in the CFP/CIP allows the City to revisit the intersection.

Councilmember Bloom noted the project description for 196<sup>th</sup> Street SW and 88<sup>th</sup> Avenue is to install a traffic signal. The recommendation in the Transportation Element was to restrict left turns for safety. She asked if Council could still discuss changes to the intersection if the project was removed from the CFP/CIP. Mr. Williams stated yes; a traffic signal is a future project. The intent of long range planning is to look ahead to future projects. Removing it would not prevent discussion of near-term solutions.

Councilmember Bloom clarified her understanding of Mr. Williams' explanation was the project could be eliminated from the CFP/CIP and near-term solutions could still be considered. Mr. Williams answered it can be eliminated but he does not see a reason to as staff is not applying for grants for a traffic signal; it is a placeholder for a future project. Councilmember Bloom observed it is a placeholder for a traffic signal, not restricting left turns. She asked whether the project needed to be revised to consider other alternatives or was removing it from the CFP/CIP a better option.

Mr. English explained the project the Council removed earlier, 9<sup>th</sup> & Caspers Intersection Improvements, and this project, 196<sup>th</sup> and 88<sup>th</sup> Intersection Improvements, may have been included in the Traffic Impact Fee calculation. Removing the 9<sup>th</sup> & Caspers project and the 196<sup>th</sup> & 88<sup>th</sup> project from the CFP/CIP would remove them from the list of projects used to calculate the Traffic Impact Fee and likely would result in a reduction of the Traffic Impact Fee.

Councilmember Yamamoto pointed out the project descriptions refer to an alternate or interim solution that could be implemented until traffic signal warrants are met. Unless the project is included in the

CFP/CIP, no funding can be sought. He emphasized there was no harm in keeping the project in the plan; it is long range planning.

Councilmember Fraley-Monillas asked the City Attorney to comment on Traffic Impact Fees. Mr. Taraday agreed with Mr. English's assessment and explained many cities calculate Traffic Impact Fees based on the 6-year project list. Removing a project from the list would likely justify a recalculation of the Traffic Impact Fee. Many cities adjust their Traffic Impact Fees on an annual basis although the statute does not require an annual adjustment based on the current CIP but it is a good practice to ensure nexus between the impact fee and the project list. Whenever the impact fee is reviewed, it is based on the project list and to the extent projects have been removed, it could affect the impact fee amount.

Councilmember Fraley-Monillas noted 196<sup>th</sup> is a state route and asked if the City had any say over a light. Mr. Williams stated the City and WSDOT must meet the same standards; the intersection does not meet warrants for a signal. He recommended against installing a signal at an intersection until it meets warrants.

**Vote on Amendment #5**

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

**Amendment #6**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD THE AQUATICS CENTER TO THE COMMUNITY PARK ATHLETIC COMPLEX AT OLD WOODWAY HIGH SCHOOL.**

Councilmember Buckshnis explained when the aquatics center feasibility study was done, the old Woodway site was not considered and that information is available.

Councilmember Petso suggested revising the language to eliminate any specificity regarding the site for the aquatics center.

**Amendment #7**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE AMENDMENT TO THE MOTION TO DELETE "AT YOST PARK" FROM THE AQUATICS CENTER PROJECT NAME.**

Councilmember Johnson, a participant in the aquatic's study, recalled there was a preferred alternative but the analysis included a generic cost evaluation that could be applied to any location.

Council President Peterson asked whether a broad, vague description hurt the project's chances for funding. Ms. Hite answered it did not.

**Vote on Amendment #7**

**THE AMENDMENT TO AMENDMENT#6 CARRIED UNANIMOUSLY.**

**Vote on Amendment #6**

**AMENDMENT CARRIED UNANIMOUSLY.**

In response to the question about continuing the public hearing due to Councilmember Johnson's amendment to add a Transportation Corridor Study of SR104 to the CFP/CIP, Mr. Taraday explained if the study is a new project on which there has not been any public comment, he recommended there be another public hearing to allow public participation with regard to the amendment. The CFP is a component of the Comprehensive Plan, projects can be deleted but adding a new project requires a public

hearing. The Council approved the amendment to add the Transportation Corridor Study of SR104 to the CFP/CIP so there is now a project in the Comprehensive Plan for which there has been no public hearing.

Councilmember Johnson clarified the Transportation Corridor Study is not a CFP project but rather a CIP project. Mr. Taraday pointed out the CIP statute also requires a public hearing.

Council President Peterson asked if one public hearing was required or whether Planning Board review was required. Mr. Taraday referred to RCW 35.77.010 which states the legislative body of each city pursuant to one or more public hearings thereon shall prepare and adopt a Comprehensive Transportation Program for the ensuing six calendar years. He commented a study does not need to be included in the six year CIP as it is not a construction project. Ms. Hite commented the CIP is part of the budget process; there will be a public hearing on the budget and this project could be included in that discussion.

**Vote on Main Motion**  
**MOTION CARRIED UNANIMOUSLY.**

Mayor Earling relayed discomfort with Councilmember Bloom's comment that implied the only reason he was interested in the underpass was to expedite ferry traffic. He stated at the event held at the waterfront that his underlying concern was public safety; it would be great to solve the ferry problem but the high priority was public safety.

Mayor Earling took offense with Mr. Hertrich's comment that he was leading the charge on coal trains; he stressed that could not be farther from the truth; he signed the resolution the Council passed.

**7. AUDIENCE COMMENTS**

**Ron Cantu, Woodway**, expressed support for the Edmonds Port Harbor Square development. A great deal of planning and input has been generated in the effort to commercially revitalize the Harbor Square area. The proposed residential and commercial development would add to the quality of life of Edmonds as well as provide increased tax revenue to Edmonds and the surrounding community. The existing structures have reached the end of their commercial life and the area warrants a substantial redevelopment. He viewed the proposed development as ideal but suggested all power lines be undergrounded with the eventual goal of doing the same in downtown Edmonds. The critical issue is allowing additional height at Harbor Square; the proposals are very modest but without additional height development options are unreasonably limited and the goals of successful development including a pedestrian walkway and increased tax revenue will not be met. If Edmonds wishes to continue as a beautiful place to live, the proposed plan for Harbor Square should be supported.

**Roger Hertrich, Edmonds**, apologized to Mayor Earling, stating he did not mean to say that he knew his exact motives with regard to the tunnel. Because the Freight Mobility Board promotes coal train type traffic, asking them for funds was asking the enemy for money. He pointed out he could have suggested Mayor Earling's support of a tunnel was supportive of WSF's proposal for six story buildings. Mayor Earling said that comment would have been equally as offensive. Mr. Hertrich summarized if Mayor Earling promoted a tunnel, possibly he promoted one of those ideas. He referred to questions at the Planning Board regarding traffic studies and safety concerns and the Engineering Department's indication a high level study was available. However, that study was described as a review of intersections with accidents and potential improvements which he felt was not a study and did not address the Planning Board's concerns. He summarized Councilmember Johnson's suggestion for a Transportation Corridor Study fit the description on page 5 of the Planning Board's minutes.

**8. FINAL PLAT AND PRD FOR STONEBRIDGE COURT AT 7723 & 7807 220TH ST. SW (PLN20070020 AND PLN20070021).**

Councilmember Petso recused herself due to a potential conflict of interest. She left the dais and the room at this time.

Planner Mike Clugston explained Belton Homes is seeking final plat and PRD approval of their 10 lot plat and PRD at 7723 and 7807 220<sup>th</sup> Street Southwest. The original applicant received preliminary approval in 2007 with items for remand. Due to the economic downturn, the project was idle for a few years. Belton Homes took over the project approximately a year ago, addressed the remand issues and the Hearing Examiner approved the remand in December 2011. The applicant subsequently submitted and received approval for civil plat improvements and installed a number of the improvements. As shown in Exhibit 6, the applicant submitted a bond that was accepted by the City reflecting the total cost to construct all required improvements in the amount of approximately \$689,000. Exhibit 6 also identifies dedications to the City including 78<sup>th</sup> Place West, a 10-foot wide public stormwater utility easement, and 2 pedestrian access easements.

Mr. Clugston summarized the applicant has completed the requirements for the preliminary plat and PRD approval and has posted bond for completion of the remainder of the improvements. Since all preliminary plat and PRD conditions and requirements have been completed or provided for, staff recommends the Council approve the final plat and PRD.

Councilmember Bloom referred to the statement in the agenda memo that the final plat/PRD documents in Exhibit 2 are not signed by the Directors of Public Works and Development Services, and asked where their signatures are located. Mr. Clugston answered they were not on Exhibit 2 in the Council packet; their signatures are on the mylar copies. All the certificates/statements required by the code are on the plat and have been signed by the appropriate individuals. Councilmember Bloom asked why the signatures were not included in the Council packet. Mr. Clugston answered they were not available in time for preparation of the Council packet. He provided Councilmember Bloom the mylar copies.

For Councilmember Bloom, Mr. Clugston reviewed required certificates/statements referenced in 20.75.140 that are contained on the plat.

- a. Surveyor seal on the plat
- b. Owners certification of free consent
- c. Dedications
- d. Waiver of claims
- e. Waiver of access
- f. Roads not dedicated (not applicable)
- g. Statement by Health Officer certifying the proposed means of sewage disposal and water supply are adequate. Edmonds does not have a Health Officer. The Public Works approval block notes sewage disposal and water supply are adequate.

Councilmember Bloom suggested the code needed to be revised if the City does not have a Health Officer. Mr. Clugston agreed.

Councilmember Bloom requested the record reflect a formal recommendation from Development Services Director Rob Chave and Public Works Director Phil Williams. Mr. Clugston referred to 20.75.155, Review of Plat, subsection d addresses City Council review: if the City Council finds the public use and interest will be served by the proposed subdivision and all requirements of preliminary approval in this chapter have been met, the final plat shall be approved and the Mayor and City Clerk shall sign a statement of the City Council approval on the final plat. The code does not specify wording that must be included on the plat. The Public Works and Development Services Directors' signatures on the plat indicate their approval.

Councilmember Bloom asked if Mr. Chave and Mr. Williams could verify their approval. City Attorney Jeff Taraday responded the Public Works Director, Mr. Williams, signed language on the face of the plat that states the survey date, layout of streets, alleys and other rights-of-way, design of bridges, sewage and

water system and other structures are approved and the subject final plat is authorized for recording by the City of Edmonds Engineering Division. Although that statement does use the word “recommend,” stating it is authorized for recording necessarily implies that he is recommending the City Council approve the plat. The Development Services Director or the Community Development Director as stated in the code, Mr. Chave, signed the statement on the face of the plat that states the subject final plat conforms to the approved preliminary plat and all conditions of the preliminary approval and is approved and authorized for recording by the City of Edmonds Planning Division. Again, although the word recommend is not used, authorized for recording clearly implies Mr. Chave recommends the City Council approve the plat.

**COUNCILMEMBER YAMAMOTO MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE RESOLUTION NO. 1283, A RESOLUTION OF THE CITY OF EDMONDS, WASHINGTON, APPROVING THE TEN LOT STONEBRIDGE COURT FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) (P-2007-21; PRD-2007-20).**

**COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO EXTEND THE MEETING FOR 45 MINUTES. MOTION CARRIED UNANIMOUSLY.**

Councilmember Buckshnis referred to concerns citizens raised regarding potential drainage issues which were the reason the buffers were increased. Mr. Clugston responded the final plat review is to ensure the conditions of preliminary plat approval have been met, bonds taken, civil documents approved, etc. Issues addressed at preliminary plat in 2007 and 2011 were ruled on by the Hearing Examiner and the applicant has met the conditions imposed by the Hearing Examiner.

Councilmember Buckshnis referred to the Hearing Examiner’s statement that the City Council may want to dedicate land for parks. Mr. Clugston responded areas were set aside for open space as part of the PRD and as required by the code.

Councilmember Buckshnis asked whether citizens’ concerns with regard to water have been addressed. Mr. Clugston referred to Exhibit 6, the Engineering Program Manager’s statement that the civil subdivision improvements were reviewed and approved by Engineering. Civil construction plans were submitted to Engineering in February 2012 and approved for construction in June 2012. That approval indicates all engineering code requirements were met for stormwater, utilities, etc.

Councilmember Johnson inquired about the status of the Planning Board updating/combining the PRD and subdivision code. Mr. Clugston answered that issue was delayed due to other work. Next year staff plans to have the Planning Board review and update the subdivision code in Chapter 75.

Councilmember Johnson asked if there are any covenants regarding the PRD restrictions. Mr. Clugston referred to the Covenants, Conditions and Restrictions (CC&Rs) in Exhibit 3. A homeowners association will be established as part of the plat to address maintenance of private utilities on the site. Councilmember Johnson commented a homeowner in the Shell Creek PRD, constructed in the 1970s, discovered the CC&Rs had never been filed and the rules were not enforceable if the homeowners association did not meet annually. She asked how guarantees could be provided via a homeowners association. Mr. Taraday advised the CC&Rs in Exhibit 3 will be recorded against the title; all prospective purchasers of lots in the subdivision will see the CC&Rs on their title report.

**THE VOTE ON THE MOTION CARRIED (6-0).**

Councilmember Petso returned to the dais.

**9. ORDINANCE REGARDING STEP BACKS AND DESIGN STANDARDS**

Interim Development Services Director Rob Chave explained the ordinance was drafted in accordance with Council action at the October 2, 2012 meeting. The proposed ordinance eliminates the step-back

requirement; Section 3 on page 9 of the ordinance addresses building heights in the BD5 zone. Section 3(a) states the maximum height may be increased to 30 feet with a pitched roof, Section 3(b) would allow a building height of 30 feet regardless of the roof type. He suggested the Council clarify that contradiction by striking Section 16.43.030(C)(3)(b) in its entirety. The effect would be a pitched roof would be required to achieve a building height of 30 feet in BD5. That would defer the step-back discussion until the Planning Board works with the Historic Preservation Commission on more specific design guidelines for BD5.

Councilmember Petso suggested there was a similar contradiction between Section C(1) that states the base height limit is 25 feet and C(2) states the building height is 30 feet. She suggested the ordinance be referred to the Planning Board to discuss how to address these conflicts.

**Main Motion**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO REFER THE STEP-BACK ORDINANCE TO THE PLANNING BOARD FOR EXPEDITED REVIEW PREFERABLY IN CONNECTION WITH THE EXPEDITED REVIEW OF DESIGN GUIDELINES.**

Councilmember Buckshnis recalled the Council agreed at the August 21 meeting to discuss development agreements and step-backs. She asked the status of development agreements and why step-backs and development agreements have not been addressed together as the Council agreed at the August 21 Council meeting. Mr. Chave responded development agreements and step-backs are two separate and different issues and are not necessarily linked. He recalled when the Community Services/Development Services Committee discussed four amendments (step-backs, retail only, designated street fronts and development agreements), the Committee uncoupled development agreements from the other three amendments. The City Attorney is preparing a memo regarding development agreements and incentive zoning.

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO TABLE THE FINAL DECISION ON STEP-BACKS TO A DATE CERTAIN WHEN THE REVIEW OF DEVELOPMENT AGREEMENTS AND INCENTIVE ZONING HAS BEEN COMPLETED.**

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

*\*(City Attorney Taraday later determined a motion to table requires a majority vote plus one to pass.)*

Council President Peterson commented the Council had this discussion last week and directed staff to provide an ordinance. He recalled at that Council meeting, there was a 5-2 vote to move forward, now Councilmembers are changing their minds. It was unfair to staff and the Council and he found it ridiculous for this type of decision to be made at this late hour.

Councilmember Fraley-Monillas asked the status of the architectural design standards. Mr. Chave responded the Planning Board can review the Council minutes to determine the Council's priorities but it would be helpful if the Council provided specific direction. The Planning Board is unable to begin discussing design standards this month or next due to other agenda items.

City Attorney Jeff Taraday read from Resolution No. 292 regarding Council procedures that passage of a motion to table requires the vote of one more than the majority of members present. He summarized a vote of at least five members was required to pass a motion to table.

**MAYOR EARLING RULED THE ABOVE MOTION TO TABLE FAILED DUE TO LACK OF A MAJORITY PLUS ONE.**

**Amendment #1**

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MAIN MOTION TO INCLUDE ARCHITECTURAL DESIGN CODES FOR THE BD1-4 ZONES.**

Council President Peterson advised he would not support the amendment or the motion as the Council had already had this discussion. He urged the Council to make a decision, commenting the Council kicks things back to the Planning Board constantly because they do not have the courage to make a decision.

Councilmember Buckshnis recalled she made a motion at the August 21 meeting to discuss step-backs and development agreements prior to making a decision. At that meeting, Councilmember Fraley-Monillas expressed her preference for discussing development agreements prior to removing the 15 foot step-backs. She summarized the Council needed to follow through with that direction. Council President Peterson expressed frustration that the Council gave staff direction to proceed on October 2.

Councilmember Bloom recalled discussion regarding development agreements was to be scheduled on the September 25 meeting but that was not done. She supported Council doing what they said they will do.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO ADJOURN.**

Councilmember Fraley-Monillas commented that 10:25 p.m. is too late to be determining the future of the City.

Mr. Taraday advised Resolution No. 292 is silent on a motion to adjourn.

**MAYOR EARLING RULED THE MOTION TO ADJOURN OUT OF ORDER.**

**Vote on Amendment #1**

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

**Vote on Main Motion**

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

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO MOVE AGENDA ITEMS 10, 11, 12, 13, 14 AND 15 TO WHENEVER COUNCIL PRESIDENT PETERSON CAN SCHEDULE THEM.**

CIO Carl Nelson stated Agenda Item 10, Indefeasible Right of Use Agreement, is time sensitive as Black Rock is being acquired by Wave Division Holdings at the end of November. Having the IRU in place before then would guarantee the quoted prices.

**COUNCILMEMBER FRALEY-MONILLAS RESTATED HER MOTION, NOT TO INCLUDE RESCHEDULING ITEM 10.**

**THE VOTE ON THE MOTION CARRIED UNANIMOUSLY.**

**10. INDEFEASIBLE RIGHT OF USE AGREEMENT FOR EXISTING FIBER CONNECTION**

CIO Carl Nelson explained this is a request for the Mayor to sign a 30-year Indefeasible Right of Use Agreement with Black Rock Communications which will save the City approximately \$116,000 over the 30 year period. This is for continued use of the fiber between the City and Snohomish County for video arraignment and other services. Under the existing agreement, after a 3-year period, the City would pay \$500/month forever; the IRU provides a reduced rate of approximately \$175/month for 30 years.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO AUTHORIZE THE MAYOR TO SIGN THE IRU AGREEMENT.**

Councilmember Buckshnis advised this had been vetted by the Finance Committee.

Finance Director Shawn Hunstock explained this item was not budgeted and if approved will be included in the year end budget amendment.

**THE VOTE ON THE MOTION CARRIED UNANIMOUSLY.**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, NOT TO POSTPONE AGENDA ITEM 15.**

**UPON ROLL CALL, THE VOTE ON THE MOTION CARRIED (5-2), COUNCILMEMBERS YAMAMOTO, PETSO, BUCKSHNIS, BLOOM AND JOHNSON VOTING YES; AND COUNCIL PRESIDENT PETERSON AND COUNCILMEMBER FRALEY-MONILLAS VOTING NO.**

**11. OCTOBER 2012 BUDGET AMENDMENT ORDINANCE.**

This item was postponed to a future meeting via action taken following Agenda Item 9.

**12. LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM UPDATE.**

This item was postponed to a future meeting via action taken following Agenda Item 9.

**13. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF OCTOBER 9, 2012.**

This item was postponed to a future meeting via action taken following Agenda Item 9.

**14. MAYOR'S COMMENTS**

This item was postponed to a future meeting via action taken following Agenda Item 9.

**15. COUNCIL COMMENTS**

Councilmember Johnson stated on this day 100 years ago the Edmonds Police Department was established.

Councilmember Bloom commented Mayor Earling may have misinterpreted what she said. She clarified her statement was that the "Don't Block the Beach" rally focused on safety issues and she was puzzled by the lack of focus on safety issues in the CFP/CIP. She apologized but did not think she said what Mayor Earling thought she said.



Councilmember Yamamoto asked to be excused from the remainder of the meeting and left the meeting at this time.

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

At 10:32 p.m., Mayor Earling announced that the City Council would meet in executive session regarding potential litigation per RCW 42.30.110(1)(i) He stated that the executive session was scheduled to last approximately 15 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. Action may occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Peterson, Petso and Bloom. Councilmember Buckshnis joined the executive session at 10:49 p.m. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, City Engineer Rob English, and City Clerk Sandy Chase. The executive session concluded at 10:54 p.m.

17. **RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION UNDER AGENDA ITEMS 1 AND 16.**

Mayor Earling reconvened the regular City Council meeting at 10:55 p.m.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO SIGN A SETTLEMENT AGREEMENT CONSISTENT WITH THE AGREEMENT SENT TO THE COUNCIL THIS AFTERNOON. MOTION CARRIED (5-0-1), COUNCILMEMBER BUCKSHNIS ABSTAINING. (Councilmember Yamamoto was not present for the vote.)**

18. **ADJOURN**

With no further business, the Council meeting was adjourned at 10:56 p.m.