

# EDMONDS CITY COUNCIL APPROVED MINUTES

## September 24, 2013

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  
Lora Petso, Council President  
Joan Bloom, Councilmember  
Kristiana Johnson, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember

### ELECTED OFFICIALS ABSENT

Frank Yamamoto, Councilmember  
Strom Peterson, Councilmember

### ALSO PRESENT

Thea Ocfemia, Student Representative

### STAFF PRESENT

Phil Williams, Public Works Director  
Roger Neumaier, Finance Director  
Carrie Hite, Parks & Recreation Director  
Rob Chave, Acting Development Services Dir.  
Rob English, City Engineer  
Kernen Lien, Senior Planner  
Mike Clugston, Planner  
Mike DeLilla, Senior Utilities Engineer  
Jeff Taraday, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. ROLL CALL

City Clerk Sandy Chase called the roll. All elected officials were present with the exception of Councilmembers Peterson and Yamamoto.

### 2. CONVENE IN EXECUTIVE SESSION REGARDING LABOR NEGOTIATIONS PER RCW 42.30.140(4)(b) AND POTENTIAL LITIGATION PER RCW 42.30.110(1)(i).

At 6:02 p.m., Mayor Earling announced that the City Council would meet in executive session regarding labor negotiations per RCW 42.30.140(4)(b) and potential litigation per RCW 42.30.110(1)(i). 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. 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, Buckshnis, Petso and Bloom. Others present were City Attorney Jeff Taraday, Attorney Mark Bucklin, Parks and Recreation/Human Resources Reporting Director Carrie Hite, Police Chief Al Compaan, Assistant Police Chief Jim Lawless, Public Works Director Phil Williams and City Clerk Sandy Chase. The executive session concluded at 7:03 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:05 p.m. and led the flag salute.

### 3. APPROVAL OF AGENDA

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

4. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Buckshnis requested Item E be removed from the Consent Agenda.

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

- A. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF SEPTEMBER 17, 2013.**
- B. **APPROVAL OF CLAIM CHECKS #204360 THROUGH #204472 DATED SEPTEMBER 19, 2013 FOR \$594,469.43. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60465 THROUGH #60483 FOR \$452,106.25, BENEFIT CHECKS #60484 THROUGH #60491 AND WIRE PAYMENTS OF \$196,668.07 FOR THE PERIOD SEPTEMBER 1, 2013 THROUGH SEPTEMBER 15, 2013.**
- C. **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM AIDAN MACDONALD (\$7,500), MACEANA MACDONALD (\$7,500), AND CLAUDINE LAPIERRE MACDONALD (\$200,000).**
- D. **AUTHORIZATION FOR MAYOR TO APPROVE ACCEPTANCE OF RIGHT OF WAY AND EASEMENTS FROM THE BOO HAN PROPERTY FOR THE 228TH ST. SW CORRIDOR IMPROVEMENTS PROJECT.**

**ITEM E: RESPONSE TO QUESTIONS REGARDING THE SNOHOMISH COUNTY INVESTMENT POOL.**

Councilmember Buckshnis suggested this be further vetted through the Finance Committee.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO REFER ITEM E TO THE FINANCE COMMITTEE. MOTION CARRIED UNANIMOUSLY.**

5. AUDIENCE COMMENTS

**Natalie Shippen, Edmonds**, said the title of Agenda Item 6, Draft Proposal to Amend the City's Community Development Code to Update Development Criteria and Provide Additional Design Standards for the BC-EW and RM-EW Zones, did not meet the test of transparency. She doubted the public would understand from the title that the Council would be discussing something significant. The proposed code changes will reaffirm incentive zoning although its application in the Westgate development has not been popular. She suggested similar verbal deception slipped incentive zoning into the code without public knowledge or participation in the first place. She requested this item be rescheduled and advertised correctly so that the public understood its significance.

**Alvin Rutledge, Edmonds**, reported on the Edmonds School District Roundtable meeting which included discussion regarding the possibility of a capital bond, potential sale of property, and the development of school district property near Alderwood Mall that will include Costco in 2015.

**Roger Hertrich, Edmonds**, reported at the Economic Development Committee a Port representative said the Port was through with the Harbor Square issue and planned to proceed with developing Harbor Square in whatever manner they felt like and were not concerned with the issue the Council has not had closure on. Next, he recalled an agenda item in the past that was advertised as setbacks yet led to a discussion regarding building heights and Councilmembers Johnson and Peterson voting to raise building heights. He summarized that was another example of an agenda item that was not advertised correctly.

**6. PUBLIC HEARING ON A DRAFT PROPOSAL TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TO UPDATE DEVELOPMENT CRITERIA AND PROVIDE ADDITIONAL DESIGN STANDARDS FOR THE BC-EW AND RM-EW ZONES (AMD20130003).**

Planner Mike Clugston explained approximately a year ago the Council decided to look at the BC-EW and RM-EW zones due the recent Compass development at 232<sup>nd</sup> and Edmonds Way. The development was reviewed and approved in 2011 and constructed in 2012. The zoning of the site and three other sites was adopted in 2006-2007 based on a private applicant’s application. Three parcels on the northern end of Edmonds Way were rezoned to BC-EW including the existing Compass development at 232<sup>nd</sup> & Edmonds Way, and two parcels near 236<sup>th</sup> & Edmonds Way. The Compass development was constructed using existing BC-EW zoning.

Following the Compass development, there was concern expressed that the building may not fit the character of Edmonds and was not necessarily what was anticipated when the code was adopted in 2006-2007. The Planning Board was asked to consider the zoning including setback, heights, and design standards. The Council packet includes the draft code with Planning Board recommended revisions (Exhibit 1), Planning Board minutes (Exhibit 2), Council minutes (Exhibit 3 and 4), zoning map (Exhibit 5), Comprehensive Plan excerpt from the Edmonds Way Corridor (Exhibit 6), and a summary of proposed changes (Exhibit 7). He made a correction to the lower chart on Exhibit 7; the existing RM-EW maximum height if incentives are used should be 35 feet rather than 30 feet.

Mr. Clugston explained the Planning Board considered setbacks and whether the building should be setback further from the street as well as reducing the overall scale of development. He displayed the proposed BC-EW zoning changes:

|                             | <b>Existing</b> | <b>Proposed</b> |
|-----------------------------|-----------------|-----------------|
| Street Setback (base)       | 0 feet          | 10 feet         |
| Maximum Height (base)       | 35 feet         | 25 feet         |
| Street Setback (incentives) | 4-10 feet       | 15 feet         |
| Maximum Height (incentives) | 45 feet         | 40 feet         |

He displayed a photograph of the Compass development and described how the proposed base and incentive setbacks and heights would impact that building.

Mr. Clugston reviewed proposed specific design standards for all BC-EW projects:

- Specific design standards:
  - Massing and articulation – reduce bulk of box-like buildings and articular a pedestrian scale
  - Ground level details – create visual interest at the street
  - Treating blank walls

Mr. Clugston again displayed the Compass development, acknowledging it was fairly boxy, and described how the proposed design standards could improve that building such as adding rhythm and ground level details such as stamping the concrete.

Mr. Clugston reviewed proposed incentives for the BC-EW zone:

- Public benefits must be provided (3 of 4):
  - LEED gold certification or equivalent
  - 15% affordable units as determined by Snohomish County Tomorrow
  - Public amenities like outdoor seating, plazas, walkways or other usable open space along at least 25% of any required street setback
  - LID techniques are employed
- Additional design standards also apply:
  - Use preferred and recycled façade materials

Mr. Clugston displayed a photograph of the Compass development and described how the building could be improved via incentives.

Councilmember Fraley-Monillas referred to the incentives and asked about the definition of public amenities. For example, she asked if outdoor seating could be met via a bench. Mr. Clugston answered incentives were adapted from the BC zones downtown and were not specifically defined. He acknowledged it was somewhat up to interpretation; the exact look would be worked on during design review with the Architectural Design Board (ADB). Councilmember Fraley-Monillas asked who would interpret, if it was staff or the builder. Mr. Clugston answered the builder would make a proposal and if it was only a bench, the response likely would be that was not sufficient. City Attorney Jeff Taraday commented many times via staff or ADB push back, the developer's proposal will be satisfactory. However, with a litigious or difficult developer it may be difficult to get what the City wants without appropriate definition or other clear guidance about the meaning. If the Council is concerned by what is meant by public amenities, the definitions may need to be expanded via photographs or language that clearly describes the intent.

Councilmember Bloom asked what BC-EW and RM-EW stands for and asked Mr. Clugston to identify the zones on the map. Mr. Clugston responded BC-EW is Community Business-Edmonds Way. The BC zone has been in place for many years and was previously the general commercial zone downtown and on Highway 99. It was replaced by the BD zones downtown and much of the BC zoning on Highway 99 was replaced with CG zoning. In 2006-2007 an applicant applied for a subzone for these specific areas on Edmonds Way. He identified the sites on 236<sup>th</sup> & Edmonds Way and 232<sup>nd</sup> & Edmonds Way. He explained parts of the Compass development were built on BC-EW and RM-EW zoned parcels.

For Councilmember Bloom, Mr. Clugston explained the taller structure to the south that is closer to the street is on the BC-EW zoned parcel; the lower building to the north that is setback further is on the RM-EW zoned parcel. Councilmember Bloom inquired about the setback of the Compass buildings. Mr. Clugston answered the building that is closer to the street is setback 4 feet on the lower level and 10 feet on the upper levels. That was done in order to achieve the height incentive. Councilmember Bloom asked what incentives were required to achieve 45 feet. Mr. Clugston referred to the existing incentives (pages 4-5, Exhibit 1) including integrating low impact development techniques where reasonably feasible.

Mr. Clugston explained the only parcel zoned RM-EW is the northern parcel of the Compass development. He reviewed base and incentive setbacks and heights for the RM-EW zone, advising no changes are proposed:

|                             | <b>Existing</b> |
|-----------------------------|-----------------|
| Street Setback (base)       | 15 feet         |
| Maximum Height (base)       | 25 feet         |
| Street Setback (incentives) | 15 feet         |
| Maximum Height (incentives) | 35 feet         |

He displayed a photograph of the Compass building on the northern parcel that is zoned RM-EW. Although the Planning Board did not recommend any change to the base or incentive setback or height, the Planning Board recommended design standards for any RM-EW projects:

- Preferred and recycled façade materials:
- 75% of a building face facing a public right-of-way shall be clad with preferred building materials which include natural stone, wood, architectural metal, brick and glass. Concrete, laminates, veneers, fiber cement products and the like may be permitted if they replicate the appearance of the listed preferred materials.
- At least 55% of building façade materials must be salvaged, recycled content, bio-based or indigenous.

He explained the intent is making the appearance of the building at the street more inviting. He displayed a photograph of the Compass building and described areas where the façade material could be improved. He reviewed proposed incentives for the RM-EW zone:

- Public benefits must be provided (2 of 3):
  - LEED gold certification or equivalent
  - 15% affordable units as determined by Snohomish County Tomorrow
  - LID techniques are employed

Councilmember Buckshnis observed the Compass development was constructed under the existing code and after people complained, including herself, the City Council asked the Planning Board to consider the code. It was her understanding the development was constructed under a contract rezone or development agreement rather than incentives. Mr. Clugston answered he did not know the entire history of the development other than the applicant proposed the RM-EW and BC-EW zones and additional code language. The development was then constructed using that code language. He was not aware of a contract rezone on the site.

Councilmember Buckshnis commented this effort was to fix a “sin of the past” for future development. Mr. Clugston agreed. She asked how incentives were monitored and the City ensures they are done properly. Mr. Clugston answered for example the existing development had to use low impact development techniques where reasonably feasible. One of the techniques used was a rain garden at the southern end of the site; the soils on the site are conducive to infiltration and 100% of the stormwater on the site is treated via low impact development techniques. Councilmember Buckshnis summarized her understanding was there was a checklist as part of the permitting process. Mr. Clugston agreed.

Councilmember Buckshnis asked whether the ADB was involved with this development, noting it was not a very attractive design. Mr. Clugston answered it met the threshold criteria for ADB review. The ADB reviewed and approved the project. The ADB found during their review of this building and others that the code lacks specific design criteria. There are objectives and guidance in the Comprehensive Plan but no specific design standards such as those established in the BD zones. He agreed with Mr. Taraday’s comments that it is sometimes a give and take with the developer. Councilmember Buckshnis observed the reason the development on the two parcels differs is the zoning. Mr. Clugston agreed.

Councilmember Bloom referred to a comment in the Planning Board minutes regarding the requirement for LID techniques and if it should be more specific. In his response to the Planning Board, Mr. Chave referred to the Phase II NPDES (National Pollutant Discharge Elimination System) permit which will require LID. She asked when the Phase II NPDES requirements will be in place. Mr. Clugston answered approximately 2016. Councilmember Bloom observed the Planning Board did not recommend any more specificity about the LID requirements because it will be required in the Phase II NPDES permit. Mr. Clugston recalled LID was discussed extensively by the Planning Board, particularly applying Phase II NPDES requirements to one subzone. The Phase II NPDES permit will change LID from a voluntary process to requiring a developer to prove the infeasibility of LID. Councilmember Bloom summarized that unless standards were adopted, development could occur before the Phase II NPDES additional requirements are effective in 2016.

Mayor Earling noted this matter was advertised as a public hearing without a decision. He opened the public participation portion of the public hearing.

**Natalie Shippen, Edmonds**, commented the impact of the Planning Board’s recommendation is to reaffirm incentive zoning. She was opposed to incentive zoning anywhere in Edmonds, finding it part of a land development scheme that abolishes zoning as it currently exists. The other two elements are form based zoning and development agreements. The new scheme began as an extreme solution for the dying

rust belt cities in the Midwest and New England. In desperation local leadership dropped traditional zoning in those cities, land uses were intermixed, stories rather than feet defined heights, diagrams and words replaced numbers in zoning codes and everything was negotiated. As the Council was reminded by the UW representative presenting the Westgate study, this never caught on in the west because there are few rustbelt cities in the west and certainly not Edmonds. Westgate seems to be one of the faster developing areas of the City and she questioned the need for this dramatic change. The buildings under consideration were a mistake and will happen again if the Council adopts the proposed code. The developer obtained increased heights but she questioned what the public got. She asked who negotiated that deal. She summarized this new fad shifted land development from the legislative branch to the executive branch which was not wise, particularly in a City with a politicized strong Mayor-Council form of government. Traditional zoning has worked in Edmonds in the past and Edmonds' reputation rests on that type of zoning. It provides for exceptions through the variance procedure which is more open than the "behind the scenes wheeling and dealing" that is typical of incentive zoning. She requested the Council not adopt the proposed code changes and establish a committee to discuss incentive zoning.

**Roger Hertrich, Edmonds**, commented Ms. Shippen was a former Councilmember, is very active in the community and has very good ideas. He stated the Planning Board has done some good things but he had concerns with, 1) incentives, 2) safe places to walk – there is no planting strip and the sidewalk is adjacent to the curb on a 40 mph arterial, 3) vehicles entering the development create traffic hazards and congestion, 4) setbacks caused much of the dismay over this development, 5) whether parking stalls are large enough, noting there should be two per unit as well as visitor parking as there is no on-street parking on the arterial, and 6) service vehicle access. His primary concern was the ability for traffic on an arterial to slow to enter the development and he suggested consideration be given to a deceleration lane or business turnoff.

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

Council President Petso pointed out the recommended action in the agenda memo provided by staff was to approve the Planning Board's recommendation and direct the City Attorney to prepare an ordinance for consent agenda approval. Mayor Earling pointed out it was not advertised as including a decision. Council President Petso responded the Council frequently held a public hearing coupled with a decision and the recommended action specifies the action to be taken. She advised this action could be changed next week because the Council was not taking final action, only directing the City Attorney to draft an ordinance for consent agenda approval. Mayor Earling reiterated the agenda item was not advertised as including action.

Councilmember Fraley-Monillas asked how definitions would be added if the City Attorney was directed to prepare an ordinance. Council President Petso answered the Council would need to include them in their direction.

Councilmember Buckshnis said her understanding of incentive zoning was specifics outlined by the Council are vetted by the Planning Board and it becomes a legislative process similar to a development agreement. Mr. Taraday responded he would not characterize incentive zoning in that manner. He agreed the proposed code is an example of incentive zoning. To those who did not like the way the Compass development looked, he suggested the problem was not incentive zoning in general but the way that code section was drafted, particularly how the incentives were described/not described. If the code does not specify what they must do, a lot of developers will try to do the minimum. Staff or the ADB may attempt to pushback but if the code does not backup those efforts, staff or the ADB's ability to push is limited. The issue is how tightly the code is drafted. With regard to Councilmember Fraley-Monillas' earlier question, staff can propose definitional language but doing that right is labor intensive and staff needs to understand if that is a Council priority.

Councilmember Buckshnis preferred LEED and LID be a requirement rather than an incentive. Incentives for additional height should be things like a parking structure. Mr. Taraday responded a public amenity is something for which the public receives clear benefit that the developer ordinarily would have no incentive to provide. One of his favorite examples of a public amenity in incentive zoning is the hillside escalators in buildings in downtown Seattle. In the absence of incentive zoning those would not exist.

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO APPROVE THE PLANNING BOARD'S RECOMMENDATION AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR CONSENT AGENDA APPROVAL**

Council President Petso said she would be an opponent of incentive zoning on most evenings but was supportive of this proposal because she viewed it as so much better than the existing code. When the issue came before the Council, she requested a moratorium to prevent more of this type of development. Although she supported tighter language for incentives and/or different incentives, the proposed code is moving in the right direction. She agreed with Councilmember Buckshnis that some of the items that are offered as incentives should be required. However, she was eager to adopt revisions to the code.

Councilmember Johnson commented there has been testimony tonight regarding safety and access to the development. This highlights the importance of planning land use and transportation at the same time. The size and scale of development is felt in a vehicle or as a pedestrian. The Council approved a transportation analysis in the SR104 corridor that will address safety and access issues as well as look at building setbacks. She urged staff to move forward with the SR104 transportation study to assist Council in making decisions for the safety and efficiency of the SR104 corridor.

Councilmember Fraley-Monillas supported the motion but preferred to further define the incentives.

Council President Petso said she has been trying to develop tighter language for the past 48 hours. She solicited comments from 3-4 staff members and it does not appear it could be done rapidly. She offered to meet with staff to develop language. The ordinance could then be pulled from the consent agenda and amendments made. Mr. Taraday responded it is a lengthy process to tighten the language.

Councilmember Bloom referred to the incentive regarding public amenities like outdoor seating, plazas, walkways or other usable open space along at least 25% of any required street setback. She agreed that needed to be further defined to avoid staff battling with a developer who proposed something that met the criteria but was not useful or attractive to the public. She asked how long it would take to draft the language. Mr. Taraday answered there are many competing priorities in the City Attorney's office; it would probably take a couple of months.

If the ordinance is adopted tonight, Councilmember Bloom asked whether the ordinance could be modified and additional public hearings held. Mr. Taraday suggested if the Council feels the draft from the Planning Board is an improvement over the current code, it might make sense at least for the short term to adopt the draft ordinance. More work will need to be done to develop additional definitions and potentially diagrams and photographs that illustrate the intent. Councilmember Bloom preferred to also include LID techniques given the length of time before the Phase II NPDES permit is in place. Acting Development Services Director Rob Chave said if the Council felt this was a significant improvement to the current code, it could be adopted and the matter referred to the Parks, Planning & Public Works Committee. He suggested the issue of LID was easily solved by stating LID consistent with the NPDES Permit II.

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

Mayor Earling agreed with many of the points that were made, his concern was procedural; although the agenda memo refers to approving the Planning Board's recommendation and directing the City Attorney to prepare an ordinance, but the agenda itself does not state action would be taken. Councilmember Fraley-Monillas pointed out the Council could vote on the ordinance next week. Mayor Earling reiterated the agenda does not advertise that a decision will be made tonight.

Councilmember Johnson asked if the public hearing could be continued. Mr. Taraday responded the motion directed him to prepare an ordinance; there is no new law in place until the ordinance is approved by the Council. There is nothing to prevent the Council from holding another public hearing when the ordinance comes back. Councilmember Johnson suggested rather than having the ordinance on the consent agenda, holding another public hearing. Mr. Taraday agreed that could be done; the ordinance does not have to be scheduled on the consent agenda.

Councilmember Bloom cited the recommendation on the agenda memo and asked for clarification of Mayor Earling's concern. Mayor Earling advised the agenda does not reference any action to be taken. Members of the public reviewing the agenda would not be aware that action would be taken. Councilmember Bloom asked if action following a public hearing was typically included on the agenda. Mayor Earling stated it was however the Council President presented it to staff to include on the agenda.

Council President Petso answered typically staff produces the agenda memo. Public hearings are almost always accompanied by action; the only recent exceptions have been mandatory public hearing following adoption of an interim ordinance. She observed the City Clerk could in the future list public hearing and potential action on the agenda. She asked how much notice was required for a public hearing. City Clerk Sandy Chase answered 10 days; that could not be accomplished for next week's Council meeting and the following week is committee meetings. Council President Petso pointed out October 15 is the 2½ hour closed record review regarding Point Edwards Building 10 and the following 2 meetings are budget workshops. The earliest date for a public hearing would be November 4. She suggested in lieu of a public hearing, the agenda could state public comment will be taken.

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO BRING THIS MATTER BACK NEXT WEEK AS A FULL AGENDA ITEM AND ADVERTISE IT WITH THE PHRASE "PUBLIC COMMENT WILL BE TAKEN."**

Councilmember Buckshnis pointed out the agenda memo outlines the action to be taken and she was prepared to vote tonight. She agreed with allowing further public comment next week.

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

**7. PUBLIC HEARING ON THE 2013 SANITARY SEWER COMPREHENSIVE PLAN UPDATE AND PROPOSED SEWER UTILITY RATE INCREASES.**

Public Works Director Phil Williams introduced City Engineer Rob English, Senior Utilities Engineer Mike DeLilla, and Craig Chambers, BEC, the City's technical consultant on the plan.

Mr. Williams explained the Sanitary Sewer Comprehensive Plan is:

- One element of the City's Comprehensive Plan
- Guides operations of the City sewer utility by:
  - Identifying and proposing solutions to known conveyance, maintenance and other problems
  - Details the actions necessary to ensure compliance with applicable local, state and federal requirements
  - Presents an operation and maintenance plan, capital improvement plan, and financial plan

Since Edmonds is primarily a built out city, most of the identified issue are a result of:

- Aging infrastructure
- Current size of infrastructure in relation to current and future population
- Root intrusion
- Infiltration and inflow

Mr. Williams reviewed what the Plan covers:

| <b>City Owned Item</b>            | <b>Quantity</b> |
|-----------------------------------|-----------------|
| Flow Meters                       | 10              |
| Manholes (junctions)              | 3,200           |
| Sanitary Sewer Pipe Main          | 128 miles       |
| Lift Stations                     | 14              |
| Wastewater Treatment Plant (WWTP) | 1               |
| WWTP Primary Clarifiers           | 3               |
| WWTP Aeration Basins              | 3               |
| WWTP Secondary Clarifiers         | 3               |
| WWTP Incinerator                  | 1               |

Mr. Williams described capital projects in the Plan:

- 100% Sanitary Sewer rate funded (incl. revenue bond payments)
- Wastewater Treatment Plant
  - Replacement of emergency power switchgear system
  - Incinerator regulatory compliance improvements
  - Recoating of clarifiers
- Conveyance Projects: Provide a basic or essential level of service for the sanitary sewer utility
  - Complete citywide pipe replacement/restoration projects
    - Excessive root intrusion
    - Conveyance problems
    - Old/damaged pipe

Mr. Williams referred to the rate study conducted by FCS to support the Sanitary Sewer Comprehensive Plan; FCS provided information regarding rates to the Council earlier this year. The current method to fund capital projects has been to borrow money approximately every two years. He displayed a chart illustrating a 6.0% rate increase 2013-2019 to support borrowing every two years to provide capital for rehabilitating the sewer conveyance system. He displayed a chart illustrating the recommended rate increase, an annual increase of 9.5% 2014 – 2019, to create a rate structure that would generate enough cash for capital projects and begin to wean the City off borrowing \$2 million every 2 years.

Mr. Williams described how this benefits ratepayers:

- By transitioning from debt financing of pipe replacement to using rate capital, rate payers will save over \$21 million between now and 2033
- This is \$21 million more going directly to infrastructure replacement instead of to banks

Mr. Williams recommended a 3-year rate increase at this time. He provided a comparison of current monthly rates (based on 1000 cubic feet):

| <b>City</b>                | <b>Monthly Rate</b> |
|----------------------------|---------------------|
| Seattle                    | \$116.50            |
| Kirkland                   | \$ 91.15            |
| Ronald Wastewater District | \$ 75.14            |
| Arlington                  | \$ 70.15            |
| Woodinville Water District | \$ 65.77            |

|                                     |                 |
|-------------------------------------|-----------------|
| Mukilteo Water and Sewer District   | \$ 57.59        |
| Lake Forest Park                    | \$ 55.44        |
| Redmond                             | \$ 52.89        |
| Alderwood Water & Wastewater        | \$ 51.46        |
| Lynnwood                            | \$ 39.57        |
| Everett                             | \$ 34.94        |
| <b>Edmonds</b>                      | <b>\$ 27.85</b> |
| Olympia View Water & Sewer District | \$ 23.66        |

He provided a comparison of sewer rates – no bonding after 2018 (assumes other cities do not raise their rates):

| City                                | Monthly Rate    |
|-------------------------------------|-----------------|
| Seattle                             | \$116.50        |
| Kirkland                            | \$ 91.15        |
| Ronald Wastewater District          | \$ 75.14        |
| Arlington                           | \$ 70.15        |
| Woodinville Water District          | \$ 65.77        |
| Mukilteo Water and Sewer District   | \$ 57.59        |
| Lake Forest Park                    | \$ 55.44        |
| Redmond                             | \$ 52.89        |
| Alderwood Water & Wastewater        | \$ 51.46        |
| <b>Edmonds</b>                      | <b>\$ 48.01</b> |
| Lynnwood                            | \$ 39.57        |
| Everett                             | \$ 34.94        |
| Olympia View Water & Sewer District | \$ 23.66        |

He provided a comparison of a total utility bill:

| City             | Current        | 2016 Projected at 3%/year |
|------------------|----------------|---------------------------|
| Seattle          | \$200.24       | \$218.81                  |
| Shoreline        | \$159.63       | \$174.43                  |
| Kirkland         | \$155.86       | \$170.31                  |
| Lake Forest Park | \$140.46       | \$153.48                  |
| Woodinville      | \$135.81       | \$148.40                  |
| Arlington        | \$129.77       | \$141.80                  |
| Redmond          | \$106.92       | \$116.83                  |
| Mukilteo         | \$106.35       | \$116.21                  |
| <b>Edmonds</b>   | <b>\$80.74</b> | <b>\$103.15</b>           |
| Everett          | \$78.24        | \$85.49                   |
| Lynnwood         | \$74.81        | \$87.17                   |

Councilmember Fraley-Monillas referred to the comparison of cities, relaying she has been told a number of cities are also paying Brightwater costs. Mr. Williams agreed some are; the total cost of wastewater includes the recent expenditure to construct Brightwater. Councilmember Fraley-Monillas asked how many cities are paying for Brightwater. Mr. Williams advised he could provide that information. Councilmember Fraley-Monillas observed Edmonds' rate was for sewer only. Mr. Williams clarified the current \$27.85 covers all costs for wastewater including collection, conveyance, pumping and treatment.

Council President Petso referred to a citizen's email that, 1) urged Mr. Williams to pay more attention to ongoing maintenance than a prior department director did, and 2) expressed concern with 30-40% contingencies in project costs when typically a contingency would be 10-15%. Mr. Williams answered the

contingency amount depends on where the project is in design; when a project is first conceived and little information is available, design has not yet begun, and the cost may be based on the last sewer line replacement, the contingency is based on that lack of information. As design progresses and more information is available, the contingency decreases.

Council President Petso asked if rates would then be artificially inflated due to large contingencies. Mr. Williams answered that was the reason he suggested a 3-year rate increase; future increases could be reduced if cost estimates were reduced.

Council President Petso observed the recommended action was to approve the Sanitary Sewer Comprehensive Plan; she asked if that included selecting a rate increase. She recalled the Plan included both amounts. Mr. Williams strongly recommended a 9.5% increase which would allow the City to create a rate structure that would generate enough cash for capital projects. He advised there will likely be good, smart opportunities to use debt in the future for sewer projects. He compared borrowing money to rehabilitate the conveyance system to borrowing money to buy groceries.

Council President Petso asked whether the Council was adopting the Sanitary Sewer Comprehensive Plan or adopting a rate or both. Mr. Williams answered the plan has a financing package to pay for improvements the plan identifies and includes both the 6.0% and 9.5% increase. Whatever rate the Council selects will be consistent with the plan.

Councilmember Buckshnis observed the agenda does not state action. Mr. Williams did not expect the Council to take action. The intent was to take public testimony and staff can return on a future date between now and the Council's action on the budget or during budget deliberations to take action on the rates. Councilmember Buckshnis expressed support for the rate increase that avoids borrowing due to the potential for fluctuating interest rates, cost of financing, etc.

Councilmember Bloom asked whether by adopting the Sanitary Sewer Comprehensive Plan the Council needs to adopt a rate increase. Mr. Williams answered the Comprehensive Plan includes both options. Staff strongly recommends the 9.5% rate increase. The Council will select the rate when it adopts rates for next year. Councilmember Bloom observed the public hearing is an opportunity for the public to speak regarding the Sewer Comprehensive Plan as well as the rates. Mr. Williams agreed.

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

**Alvin Rutledge, Edmonds**, commented many people in Edmonds cannot afford to pay their utility bills and many organizations assist citizens with paying their utility bills. He referred to Snohomish County's property tax exemption for low income or disabled citizens. He supported the proposed increase and suggested the Council consider a utility discount program for low income or disabled citizens.

**Roger Hertrich, Edmonds**, agreed with Mr. Rutledge that many citizens have difficulty paying their utility bills, a cost they cannot avoid. He recalled the utility tax was raised recently from 6% to 10%. He also recalled after the treatment plant was paid off, the City continued to collect from the citizens which may be why rates were lowered. He believed in the philosophy of pay as you go, fix it as it breaks. Accumulating too much cash creates the possibility of unchecked activity in the Public Works department. Spreading the debt for a longer period of time allows future generations to participate in paying the cost. Generating too much money now puts the burden on the older, present population. He questioned the lifespan of the pipes. He recommended a second public hearing to allow the public to comment on the rate increase.

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

## 8. QUARTERLY REPORT FROM THE PLANNING BOARD

Planning Board Chair John Reed advised this quarterly report covers the Planning Board's activities for five meetings between June 26 and September 11. He explained the Planning Board consists of seven members and one alternate: Vice Chair Val Stewart, Phil Lovell, Kevin Clarke, Todd Cloutier, Bill Ellis, Neil Tibbott and Ian Duncan. Beginning tomorrow night and continuing for the balance of the 2013-2014 school year, Madeline White, a senior and a full International Baccalaureate Candidate at Edmonds-Woodway High School, will participate as a student representative.

The Planning Board meets at 7:00 p.m. on the second and fourth Wednesdays of every month in the Council Chambers. The Board serves in an advisory capacity to the Mayor and City Council in regional and local planning and specifically assists in the development of the comprehensive plans and zoning ordinances and their successive review and amendment from time to time. The Planning Board also serves as the Parks Board. The Planning Board reviews and considers strategies for economic development in conjunction with the Citizens' Economic Development Commission (EDC). Planning Board meetings are open to the public, and the board encourages public involvement and participation. The agenda, materials and minutes are available on the City website.

Mr. Reed highlighted some of the Board's major activities:

- **Recommended naming the SR104 mini-park adjacent to the ferry holding lanes Richard F. Anway Park in honor of Mr. Anway, an Edmonds citizen who served the City for 30 years as a volunteer police officer whose duties included directing traffic at the adjacent ferry holding lanes (6/26). The Council approved the Board's recommendation.**
  - The name Veterans Memorial Park was also recommended and strongly supported by local veterans. The Board believed it would be appropriate to identify another park location more visible and accessible to the public to honor veterans. Council agreed, and this commitment is being actively pursued by the Parks Department. Neil Tibbott and Bill Ellis are working with the Parks Department to identify a suitable location for a Veterans Memorial Park.
- **Reviewed and recommended changes to the Community Business - Edmonds Way and Multiple Residential - Edmonds Way Zones (7/10, 8/14).**
  - Council directed Planning Board to consider revisions to these two zones because many citizens were not pleased with the mass and appearance of the Compass apartments and commercial space and their proximity to SR104. After much discussion, the board not only recommended changes to the code to increase street setbacks and clarify low impact development and parking requirements, but also proposed incorporating design standards into the code to encourage attractive buildings in these zones in the future.
- **Discussed and held an ongoing public hearing on possible changes to Title 23 Natural Resources, specifically Chapter 23.40 Environmentally Critical Areas General Provisions, 23.50 Wetlands and 23.90 Fish and Wildlife Habitat Conservation Areas (8/14, 8/28, 9/25)**
  - While reviewing the water feature updated play area at City Park and a request to add a silo near the marsh in Harbor Square by the American Brewing Company, the City identified conflicts in selected critical area provisions of the code (Title 23) that prevented these projects from moving ahead. As part of this review, the City believes the critical area regulations are inconsistent with the Best Available Sciences report. Both the BAS report and the CAO were developed in 2004.
  - The Council worked on and implemented an interim ordinance (3935) that allowed these projects to move forward. The Board has been tasked with reviewing the affected sections of Title 23 and recommending permanent changes to the code to eliminate the problems discovered and to align the code with the BAS report. Two key discussions thus far have been clarifying the meaning of developed footprint and what effect the physical separation and functional isolation of the proposed redevelopment have on impact of the critical area.

- Discussions will continue on this tomorrow evening and the Board plans to have a public hearing later this year and forward recommendations to the Council.
- **Reviewed Strategic Plan Objectives Designating Development Services, Parks and Planning Board as a Lead Agency or Participant (7/10)**
    - Review intended to help focus efforts to be consistent with the Strategic Plan and to identify areas not currently under consideration for future agenda items. Upon noting redevelopment along Highway 99 was the highest ranking commercial redevelopment area in two different categories, the board initiated formation of a discussion group comprised of representatives from staff, Planning Board, Economic Development Commission and the Highway 99 Task Force. That group is meeting regularly to discuss opportunities. Phil Lovell and John Reed represent the Board in these discussions, and the Board will be reviewing aspects of the Development Code for applicable zones and the Comprehensive Plan with an eye toward facilitating economic development.
  - **Discussed a Proposal by AT&T to Amend ECDC Chapter 17.40 - Wireless Communication Facilities (8/14)**
    - Some facilities built between July 1996 and August 1998 prior to adoption of the City's first wireless facilities ordinance, including AT&T's major downtown site at the Commodore Condominiums at 546 Alder, were not required to be permitted. They cannot legally be grandfathered as non-conforming, and must therefore comply with current rules as modified in 2011. Efforts to do so have met with resistance. The amendment requested by AT&T would grant legal non-conforming status to existing wireless communication facilities built prior to and just after adoption of Edmonds' original wireless ordinance in 1998. This proposal will be scheduled for a public hearing later this year.
  - **Presentation and discussion regarding possible separate codification of low impact and green building development standards (8/28)**
    - In several discussions and ultimately recommendations on zoning for specific areas, the Board has considered and added low impact and green building specifics as part of its recommendations. The Board inquired whether it would be possible to have a separate code section addressing these requirements, similar to other sections in the code that address parking and signage requirements throughout the City. Vice-Chair Stewart and Acting Development Services Director Rob Chave recently made informative presentations on some the specifics in these areas that might be considered. This discussion will continue as part of the Board's future agenda.
  - **Discussed allowed uses in designated ground floor street frontages in the downtown BD-1 zone (9/11)**
    - In June 2011, after extensive discussions, the Board forwarded recommendations to Council limiting uses on the ground floor of designated street fronts in the BD-1 zones as part of several recommended changes to ECDC Chapter 16.43. To clarify, the BD-1 zone in downtown Edmonds is roughly two blocks in all directions from the fountain at the intersection of 5th and Main. Since that recommendation was forwarded, this aspect of the proposal has been first considered by City Council and then by the EDC for over two years.
    - This item was recently returned to the Board by the EDC, and was presented by Community Services/Economic Development Director Stephen Clifton. The EDC recommended a BD-1 subzone designation for the first 45 feet of the designated ground floor street fronts, and clarified what office and other uses are/are not preferred or allowed in those areas. The Board discussed several clarifications and changes and has scheduled a public hearing on October 9.
  - **Reinitiated discussion and the public hearing on the proposed Westgate District Plan, including the proposed use of form based code (9/11)**
    - After several presentations and discussions in 2012 and early 2013, the Board was about to discuss specific changes to the Westgate plan. A Councilmember suggested the board shift its priorities to the Five Corners plan because a traffic study was needed to clarify the effect of

this plan on traffic on both SR104/Edmonds Way and 100<sup>th</sup> Avenue. Because staff time was limited, this item was put on hold and direction requested from Council on how to proceed. The Board received direction to proceed with our recommendations on the Westgate plan in August, and discussions were reinitiated at the September 11 meeting. Continued discussions are scheduled in October to refresh the Board on the details of the plan and consider approach and changes to the proposal. A public hearing is anticipated before the end of the year and recommendations forwarded to Council for consideration. Once the Board completes its work on Westgate, it will take up the specifics of the Five Corners plan.

- **Public Hearing on 2013 Sanitary Sewer Comprehensive Plan Update**
- **Public Hearing on Proposed Rezone of property at 403/405 3<sup>rd</sup> Avenue North from Multiple Family 3.0 to Multiple Family 2.4, on which the board recommended approval, but which was reversed and denied by Council.**

Chair Reed thanked the Council for the opportunity to share the board's recent activities. He acknowledged the ongoing efforts of City planning and parks leaders, Rob Chave and Carrie Hite and their support staffs, in putting together the information the board needs to effectively do its job as advisors to the Council. He also expressed appreciation to the members of the public who take the time to provide input to the Planning Board as they deliberate issues and formulate recommendations. He thanked the Council and Mayor Earling and their support staffs for the hard work they do for the City and in particular their support of the Planning Board's efforts.

Councilmember Fraley-Monillas thanked Chair Reed for his report and the Board for their efforts.

Council President Petso inquired about the Highway 99 work group, noting there is a Highway 99 Task Force. Chair Reed stated the work group includes representatives from the Highway 99 Task Force, the EDC, Planning Board, and the Planning Director and Economic Development Director. Council President Petso asked if any Councilmember attends the meetings. Chair Reed answered no. Council President Petso asked who formed the work group. Chair Reed advised it was convened by the Planning Board.

9. **DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE FUNDING THE LEGAL FEES FOR THE POINT EDWARDS BUILDING 10 CLOSED RECORD REVIEW FROM THE COUNCIL CONTINGENCY FUND.**

Council President Petso explained the Council authorized hiring an attorney without specifying the funding source. She sought Council authorization to pay the fees from the Council Contingency Fund.

Councilmember Buckshnis asked whether all the funds for professional services and attorney fees had been depleted. Council President Petso responded they are projected to be depleted by yearend.

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE COUNCIL PRESIDENT TO PAY LEGAL FEES UP TO \$5,000 FROM THE COUNCIL CONTINGENCY FUND.**

Councilmember Buckshnis recalled authorizing payment to Carol Morris previously. Council President Petso responded that was for the Hillman appeal. The Council subsequently received an invoice for her work on the Point Edwards Building 10 appeal.

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

10. **ESTABLISH PROCEDURES FOR THE OCTOBER 15TH CLOSED RECORD REVIEW OF POINT EDWARDS BUILDING 10 (PLN20130022 AND APL20130005 - APL20130008)**

Senior Planner Kernen Lien advised the closed record review related to Point Edwards Building 10 is scheduled for 2½ hours on October 15. There are a number of parties involved; there were four appeals of

the Architectural Design Board's (ADB) approval of Building 10. To assist the parties in preparing for the hearing, staff worked with Attorney Carol Morris to establish the proposed schedule. One of the key aspects in developing the proposed schedule was the Appearance of Fairness Doctrine and ensuring proponents and opponents have relatively equal time to make their case before the City Council. He reviewed the proposed schedule:

1. Staff introduction - 15 minutes
2. Appellant arguments - 40 minutes (to be divided among the four appellants.)
3. Applicant - 40 Minutes.
4. Other parties of record - 3 minutes each (this time is allotted for parties of record who have not signed onto one of the appeals).
5. Applicant - equal time to respond to other parties of record (time how long other parties of record spoke and allow the applicant that much time to respond).
6. Council questions and deliberation.

Mr. Lien relayed an alternative would be to allow each appellant 10 minutes to state their argument and the applicant 10 minutes to respond. City Attorney Jeff Taraday said statements from parties of record could also be alternated with applicant response. He summarized what mattered the most was that an equal opportunity be provided but the Council could determine how it wanted to receive the information.

Council President Petso recalled typically there was an opportunity for applicant rebuttal. She suggested allowing 10 minutes for rebuttal following item 5. Mr. Taraday analogized this to argument before the Court of Appeals where each side receives the same amount of time, one can reserve a portion of their total time for rebuttal; the total argument time should be the same.

Councilmember Buckshnis agreed with allowing the applicant to respond following each party of record. Mr. Lien suggested that could also be done for items 4 and 5. He relayed a suggestion to have parties of record in favor and opposed to the proposal sign up on different sheets. He was uncertain that was necessary as the majority of parties of record are opposed to the proposal. Time for rebuttal could be added to the schedule such as 10 minutes for the appellant and 10 minutes for the applicant. Mr. Taraday explained the time allocated in item 4 must match item 5 and the time allocated in item 2 must match item 3. The Council can decide how to break up the time blocks; one possible benefit of alternating is it may allow arguments to become more refined and could potentially shorten the hearing once parties of record realize all the arguments have been made. He summarized there is opportunity for alternating in items 2 and 3 as well as items 4 and 5. For example, 2a followed by 3a, 2b followed by 3b, 2c followed by 3c and 2d followed by 3d.

Councilmember Bloom observed the options in item 2 were, 1) each appellant has 10 minutes followed by 10 minutes by the applicant, or 2) the 4 appellants have 40 minutes followed by 40 minutes by the applicant. Mr. Lien agreed. She asked when rebuttal would occur. Mr. Taraday explained if the Council did not want to lengthen the hearing by inserting rebuttal between items 5 and 6, each appellant in item 2 could reserve time for rebuttal. Mr. Lien suggested adding 5 minutes for rebuttal for the appellant and applicant between items 5 and 6 or items 3 and 4. Mr. Taraday recommended not requiring the four appellants to decide among themselves how to divide their time. For appeals where there are several participants, they will be required to decide who their spokesperson will be and how they will allocate their time.

Councilmember Bloom asked Mr. Taraday for his recommendation regarding the fairest way. Mr. Taraday answered they are all fair; it is how the Council wants to hear the information. Placing himself in the Council's shoes, he did not think he would want to listen to 40 minutes non-stop appellant argument followed by 40 minutes non-stop applicant argument; some back and forth would help him better understand the information. He suggested allowing each appellant an opportunity to reserve a portion of

their 10 minutes for rebuttal. He noted an appellant could not bring something up for the first time on rebuttal. Mr. Lien pointed out nothing could be brought up for the first time in a closed record review. Mr. Taraday agreed, but said even something in the record could not be brought up for the first time in rebuttal.

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO APPROVE THE SCHEDULE WITH THE CHANGE THAT ITEMS 2 AND 3 ALLOW A BACK AND FORTH PRESENTATION STRUCTURE AND THE APPELLANTS HAVE AN OPPORTUNITY TO RESERVE TIME FOR REBUTTAL. MOTION CARRIED UNANIMOUSLY.**

**11. PRESENTATION ON THE CAPITAL FACILITIES PLAN (2014-2019) AND THE CAPITAL IMPROVEMENT PROGRAM (2014-2019)**

Council President Petso observed the items on the agenda were likely to extend past 10:00 p.m. She relayed a suggestion to reschedule Item 11. Rescheduling was acceptable to Public Works Director Phil Williams.

Councilmember Johnson observed the Planning Board will hold a public hearing on the Capital Facilities Plan tomorrow night.

It was agreed to reschedule this item to the October 1 Council meeting.

**12. DISCUSSION AND POSSIBLE ACTION REGARDING A BUDGET AMENDMENT TO FUND THE DEVELOPMENT SERVICES DIRECTOR FOR THE REMAINDER OF 2013 AND TO FUND RECRUITMENT.**

Councilmember Bloom recalled this item was presented to the Council some time ago and was reviewed by the Finance Committee and Public Safety & Personnel Committee. It was her understanding the Development Services Director position will be funded in the 2014 budget. The cost of the salary for the remainder of 2013 as well as advertising and recruiting is \$34,852.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO ADOPT ORDINANCE NO. 3942, AMENDING ORDINANCE NO. 3913 AS A RESULT OF UNANTICIPATED EXPENDITURES OF THE GENERAL FUND.**

Councilmember Buckshnis asked whether any other budget amendments were included in the proposed ordinance. Finance Director Roger Neumaier answered the budget amendment was only for this one item.

Council President Petso clarified the amounts in the budget amendment do not contemplate filling the position immediately but rather effective December 1, 2013. Mr. Neumaier agreed, advising it was anticipated the earliest a candidate could begin work was December 1. Salary and benefits for the month of December and the cost of advertising and recruitment are included in the proposed budget amendment.

Councilmember Bloom expressed appreciation for Mayor Earling's inclusion of the Development Services Director position in the 2014 budget. This budget amendment will allow a head start on having a person in place by January 2014 who is ready to oversee the code rewrite.

Council President Petso commented ordinarily she would prefer to wait for budget deliberations given that budget deliberations are imminent. However, she was tempted to support the motion because the Council has been fairly well assured there is enough money to proceed and she found it difficult to imagine she would not want to fund this position during budget deliberations.

Mayor Earling pointed out he did not sign off on this agenda item. The Development Services Director position will not be the only recommended additional staff for 2014. Given that recruitment and hiring of the Finance Director and City Clerk positions were accomplished within a 60-90 day period, he preferred to have all the positions considered as part of the budget process. Although he agreed the Development Services Director was an important position, when he presents the 2014 budget next week, the Council will understand there are other equally important recommended actions. Taking action tonight will allow an extra 6-7 weeks which did not make sense to him in the big picture other than someone trying to make a particular point.

Councilmember Bloom commented she has already apologized for missing the fact that the Development Services Director position was not included in the 2013 budget, although she was not the only Councilmember who did not realize it was not in the budget. She believed it should have been presented as a decision package due to the importance of the position. Mr. Chave has graciously agreed to be the Acting Development Services Director for over a year and a half. She felt that was a burden on Mr. Chave as well as the Development Services Department which has functioned for three years without a director, a huge error by the former administration and Council in not filling the vacancy. She recognized budget deliberations are approaching but felt postponing it again was unfair and abusive toward the City's employees. She felt the Development Services Department deserved to have a director; the department has functioned without a director for three years and the Acting Development Services Director is doing two jobs as well as the code rewrite.

Mayor Earling said he did not intent to respond until Councilmember Bloom used the word abusive. He assured Mr. Chave has flourished and grown fulfilling both roles. He found it offensive for Councilmember Bloom to say Mr. Chave had been abused when he was not present.

Councilmember Buckshnis explained last year the Finance Committee Chair, the Finance Director and the Mayor discussed whether to fund the Development Services Director position. The position was not filled for six years and the department used the funds for other things. The position was not funded in 2013 due to the need to cut \$1.5 million from the budget. She was aware the Development Services Director was not funded in the 2013 budget.

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

**13. REPORT ON OUTSIDE BOARD AND COMMITTEE MEETINGS**

Councilmember Buckshnis reported tomorrow is the Snohomish County Tomorrow (SCT) general assembly meeting; Mayor Earling plans to attend the meeting with her. SCT is moving forward with the housing interlocal agreement.

Councilmember Buckshnis reported on the WRIA 8 meeting, advising their legislative agenda includes a nearshore creek daylighting and saltwater marsh in Edmonds. WRIA 8's success stories include Riverbend, a \$12 million project on the Cedar River; lower Bear creek, a \$11.5 million project; and Issaquah Creek, a \$4.8 million project. WRIA 8 donated approximately \$2 million to those projects. She recalled King County Councilmember Larry Phillips telling her not to be daunted about the cost to restore the marsh because it will happen.

Councilmember Johnson reported on the Community Transit Board meeting where 17 new double-decker buses were approved. She reported on the Snohomish County Tourism Bureau's elected officials' reception and circulated several documents. She reported the Bureau relayed tourism is the third largest industry in Snohomish County

Councilmember Johnson reported on a workshop sponsored by the Cascade Bicycle Club, Verdant and Swedish-Edmonds that focused on bicycle connections. The workshop was attended by Edmonds staff as well as staff from adjacent cities.

Councilmember Johnson also reported on the Historical Preservation Commission meeting. She was hopeful there will soon be new properties proposed for registration.

Councilmember Bloom reported Val Stewart suggested the Tree Board explore the amount of impervious surface in the City. The Tree Board has discussed a GIS tree canopy survey and is hopeful grant funds as well as interns will be available to do a complete mapping including the amount of impervious surface. The Tree Board also discussed the Hekinan Oaks project, the Heritage Tree Program, and the Tree City USA application and provided new member orientation.

Councilmember Bloom reported the Port's September 22 meeting included a presentation on the Sea Jazz program. The Edmonds School District Music Director Scott Barnes reported on the performances, the number of schools involved, how well the presentations were received and the Port's support of this successful program. The Port donated \$1000 to the Edmonds School District; there are plans to continue the Sea Jazz program next year which will be the third year. The Port also had a presentation by the Edmonds Arts Foundation regarding the artist in action program that occurred in conjunction with Sea Jazz. The artist in action program was very successful and several artists have expressed interest in being involved next year. The Port also discussed their budget and the Anthony's Beach Café remodel.

Council President Petso reported she attended the Economic Development Commission meeting because both Council representatives were unable to attend. The meeting included a presentation by Swedish-Edmonds on their ambitious and community-friendly expansion plan. The EDC's new student representative is a ray of sunshine and participated in the meeting. She encouraged the Council's student representative to participate in Council discussions. Council President Petso advised Mr. Clifton provides the EDC a report on miscellaneous economic development-related items. She requested Mr. Clifton or the EDC Communications Committee provide that information to the Council.

Council President Petso reported the PFD Task Force met this morning and another meeting is scheduled in two weeks. The Task Force is working diligently on reaching a common understanding based in facts and documents regarding the debt service and other issues. She anticipated information would not be available until the November Finance Committee meeting.

#### **14. MAYOR'S COMMENTS**

Mayor Earling agreed with Councilmember Buckshnis that the SCT general assembly meeting is a great place for Councilmembers to meet with other elected officials as well as hearing interesting presentations. He encouraged Councilmembers to attend.

Mayor Earling reported the Hekinan delegation will visit Edmonds next month. A 32-member delegation from Edmonds visited Hekinan in April 2013; the 37-member Hekinan delegation will arrive on October 29 to celebrate the 25<sup>th</sup> anniversary. He encouraged Councilmembers and the public to attend events.

#### **15. COUNCIL COMMENTS**

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO EXCUSE COUNCILMEMBER YAMAMOTO. MOTION CARRIED UNANIMOUSLY.**

Councilmember Bloom provided a reminder of the Salish Crossing midweek market on Wednesdays from 3:00 to 7:00 p.m.

Councilmember Johnson reported most of Council attended the Snohomish County elected officials' reception held in Edmonds, another good opportunity to meet other elected officials.

Student Representative Thea Ocfemia thanked the Council for the opportunity and looked forward to participating.

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

The executive session was not necessary.

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

The following action was taken as a result of the executive session held at the beginning of the Council meeting:

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AUTHORIZE PAYMENT OF THE INVOICE FROM STEPHANIE ALEXANDER BY REAUTHORIZING \$25,000 FROM ENDING CASH BALANCE AND AUTHORIZING \$12,500 FROM THE 2013 POLICE BUDGET. MOTION CARRIED (4-1), COUNCILMEMBER FRALEY-MONILLAS VOTING NO.**

18. **ADJOURN**

With no further business, the Council meeting was adjourned at 9:55 p.m.