

EDMONDS CITY COUNCIL MEETING APPROVED MINUTES March 17, 2020

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Adrienne Fraley-Monillas, Council President
(via phone)
Kristiana Johnson, Councilmember (via phone)
Luke Distelhorst, Councilmember (via phone)
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Susan Paine, Councilmember (via phone)
Laura Johnson, Councilmember (via phone)

STAFF PRESENT

Jessica Neill Hoyson, HR Director
Rob English, City Engineer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Nelson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Councilmember Olson read the City Council Land Acknowledge Statement: “We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water.”

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present. Council President Fraley-Monillas and Councilmembers K. Johnson, Distelhorst, Paine, and L. Johnson participated by phone.

4. APPROVAL OF AGENDA

Mayor Nelson described tonight’s meeting procedures as five Councilmembers are participating via phone.

COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

There were no audience comments.

6. APPROVAL OF CONSENT AGENDA ITEMS

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO REMOVE CONSENT AGENDA ITEM 6.3, PFD BOARD CANDIDATE CITY COUNCIL APPOINTMENT. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER PAINE, TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- 1. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF MARCH 10, 2020**
- 2. APPROVAL OF CLAIM CHECKS, WIRE PAYMENTS AND PAYROLL CHECKS**
- 4. ARTS FESTIVAL, MARKET AND URBAN CRAFT FAIR EVENT CONTRACTS**
- 5. RCO GRANTS RESOLUTION**
- 6. JANUARY 2020 MONTHLY FINANCIAL REPORT**
- 7. APPROVAL OF CRIME PREVENTION/COMMUNITY ENGAGEMENT COORDINATOR**
- 8. AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH CASCADE BICYCLE CLUB FOR THE CITYWIDE PEDESTRIAN CROSSING ENHANCEMENTS PROJECT**
- 9. AUTHORIZATION FOR MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH WHPACIFIC, INC. FOR 84TH AVE OVERLAY PROJECT**
- 10. REJECTION OF BID FOR THE FISHING PIER REHABILITATION PROJECT - SCAFFOLDING FOR FIBER REINFORCED POLYMER REPAIRS**
- 11. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH THE BLUELINE GROUP FOR CAPITAL PROJECTS CONSTRUCTION MANAGEMENT, ENGINEERING AND INSPECTION SERVICES**
- 12. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT FOR THE PHASE 10 WATERLINE REPLACEMENT PROJECT TO D&G BACKHOE**

7. ACTION ITEMS

- 1. HOLDING COUNCIL MEETINGS REMOTELY VIA GOTOMEETING**

COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE CITY COUNCIL MOVING TO VIRTUAL MEETINGS.

Council President Fraley-Monillas made the following motion to limit the spread of COVID-19 and protect the public health and safety:

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED TO AMEND, SECONDED BY COUNCILMEMBER BUCKSHNIS:

- THAT BEGINNING ON MARCH 24, 2020, THE REGULAR MEETINGS OF THE CITY COUNCIL SHALL BE CONDUCTED THROUGH THE GOTOMEETING SERVICE;**

- **THAT THE MAYOR, ALL COUNCILMEMBERS, THE CITY ATTORNEY AND ANY STAFF MAKING PRESENTATIONS TO THE COUNCIL BE REQUIRED TO USE THE GOTOMEETING SERVICE TO PARTICIPATE IN THE CITY COUNCIL MEETINGS;**
- **THAT THE MICROPHONES AND VIDEO CAMERAS IN THE COUNCIL CHAMBERS BE DISABLED DURING SUCH MEETINGS;**
- **THAT THE LIVE GOTOMEETING VIDEO AND AUDIO FEED OF THE COUNCIL MEETING BE BROADCAST ON THE CITY'S CABLE CHANNEL AND STREAMED ON THE WEB;**
- **THAT THE LIVE GOTOMEETING VIDEO AND AUDIO FEED OF THE COUNCIL MEETING BE DISPLAYED ON THE PROJECTOR IN THE COUNCIL CHAMBERS AND AMPLIFIED FOR OBSERVATION BY THE PUBLIC DURING SUCH MEETINGS;**
- **THAT LIVE PUBLIC COMMENT NOT BE TAKEN DURING SUCH MEETINGS TO ENCOURAGE THE PUBLIC TO SHELTER IN PLACE;**
- **THAT THE PUBLIC BE ENCOURAGED TO SUBMIT COMMENTS TO THE CITY COUNCIL IN WRITING;**
- **THAT THE MAYOR BE REQUESTED TO ENSURE THAT HIS STAFF PROVIDES ADEQUATE TRAINING OF THE COUNCILMEMBERS PRIOR TO MARCH 24, 2020; AND**
- **THAT THE ABOVE ARRANGEMENTS REMAIN IN EFFECT UNTIL THE CITY COUNCIL TAKES SUBSEQUENT ACTION.**

Councilmember Paine said although the City is currently experiencing a health emergency, having this capacity would be useful in any emergency when people were discouraged from coming to Council Chambers due to safety and other risks such as an earthquake. She supported the amendment.

Councilmember K. Johnson asked if Councilmembers would be able to use their iPads for the GoToMeeting platform. Mayor Nelson answered yes, Councilmembers could use their iPad and/or City issued cell phone. Council President Fraley-Monillas advised IT already pushed the GoToMeeting app to all Councilmembers' phones and iPads. Mayor Nelson advised IT staff will provide individual training to Councilmembers as needed.

Councilmember Buckshnis asked whether the amendment needed to include that live public comment would not be taken during public meetings to encourage the public to shelter in place and whether the Council Chambers would be locked. Mr. Taraday answered Council Chambers must remain open by State law under the Open Public Meetings Act (OPMA) so that someone without internet access or cable TV can observe the meeting on the screen. That is how the City is complying with the OPMA. With regard to whether public comment is allowed, that is up to Council discretion. It would be easier not to fuse microphones in Chambers with the GoToMeeting software. It was his understanding that live public comment could be logically and technically tricky. If the Council wanted to allow live public comment, the amendment could be amended. Councilmember Buckshnis said comments could be emailed and read during the meeting. Mr. Taraday referred to one of the bullet points in the motion that encourages the public to submit comments to the City Council in writing.

Councilmember Buckshnis asked if Councilmembers could participate in meetings via GoToMeeting from Council Chambers. Mr. Taraday said there would be no advantage to participating from Council Chambers. Councilmembers will have the same access via GoToMeeting regardless of their location. Councilmember Buckshnis commented someone living in a chaotic setting could participate from Council Chambers. Mr. Taraday said if anyone was interested in participating where the internet was more reliable, Councilmembers also have access to the Council office

Councilmember Paine said when she was in the Council office earlier today, an IT professional told her the platform only allows streaming or broadcasting in Council Chambers, not both. She suggested that be clarified. City Clerk Scott Passey said both technologies will be used simultaneously; there will be a laptop

in Chambers that will stream the meeting. Mr. Taraday said that was also his understanding. He was not certain how that worked but IT has figured out how to do it.

Councilmember Paine said public comment could be taken in Council Chambers if people wished. Mr. Taraday said public comment is a separate issue. His understanding was that that would be very complicated as there would not be a GoToMeeting user set up for the public to speak at the microphone. That would require a laptop at the podium which theoretically could be done. Mr. Scott relayed the expectation that Council Chambers would be relatively quiet and introducing more sound via the microphone system may be more disruptive. Therefore, it would be better to stream the meeting on a device somewhere else. Mr. Taraday said while the Council can allow for live comment, the whole point of holding meetings via GoToMeeting was to keep people at home.

Council President Fraley-Monillas said the intent of the public submitting comments in writing was keep people from congregating in a settings where they could be susceptible to the coronavirus.

AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

2. COMMUNICABLE DISEASE/ILLNESS POLICY

HR Director Jessica Neill-Hoyson relayed the City had an existing Communicable Disease/Illness policy but it was very minimal and did not address some areas that needed clear direction from Council such as what is required from the employee related to reporting if they have a communicable disease/illness, what the City will do in response, what the City will require regarding notification, how employees will be compensated, prohibiting discrimination and retaliation, and maintaining confidentiality of information to the extent allowed by law. A section was also added regarding the Mayor's ability to advance sick leave to employees who may need leave during a declared pandemic.

In response to a question Councilmember Olson posed to staff today, Ms. Neill-Hoyson suggested amending the first sentence in the XI. Confidentiality to read, "Communicable disease/illness-related diagnosis information reported to the City is treated as confidential information *to the extent allowed by law.*"

Main Motion

COUNCILMEMBER L. JOHNSON MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON, TO APPROVE RESOLUTION NO. 1449, ADOPTING THE COMMUNICABLE DISEASE/ILLNESS POLICY.

Amendment 1

COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND SECTION III DEFINITIONS, TO DELETE "CORONAVIRUS" AND DELETE THE PARENTHESES AROUND COVID-19 SO THAT THE THIRD BULLET READS "COVID-19."

Councilmember Distelhorst explained the coronavirus includes a number of common colds which under the CDC definition would not be deemed reportable illnesses. The amendment adds clarity and is consistent with last bullet, severe acute respiratory syndrome (SARS), which is also caused by the coronavirus.

Amendment 2

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AMEND THE MOTION TO AMEND THE FIRST SENTENCE IN SECTION XI. CONFIDENTIALITY TO READ, "COMMUNICABLE DISEASE/ILLNESS-RELATED

DIAGNOSIS INFORMATION REPORTED TO THE CITY IS TREATED AS CONFIDENTIAL INFORMATION TO THE EXTENT ALLOWED BY LAW.

Councilmember Paine expressed support for both amendments.

AMENDMENT #1 CARRIED UNANIMOUSLY.

AMENDMENT #2 CARRIED UNANIMOUSLY.

Councilmember Buckshnis read title of resolution into record: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, TO APPROVE CERTAIN REVISIONS TO THE COMMUNICABLE DISEASE/ILLNESS POLICY OF THE CITY OF EDMONDS PERSONNEL POLICIES.”

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

3. EMERGENCY ORDINANCE AUTHORIZING THE TEMPORARY SIGNING OF CERTAIN DOWNTOWN STREETS TO 15-MINUTE PARKING

City Attorney Jeff Taraday read the ordinance as it was not in the original Council packet and Councilmembers may not have had an opportunity to read it:

AN EMERGENCY ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, TO AUTHORIZE THE TEMPORARY SIGNING OF CERTAIN STREET PARKING SPACES IN THE DOWNTOWN AREA TO ESTABLISH A PARKING LIMIT OF 15-MINUTES

WHEREAS, Chapters 8.48 and 8.64 of the Edmonds City Code regulate street parking and, in the downtown area, most street parking is limited to three hours by any one vehicle; and

WHEREAS, the city and region are experiencing a public health emergency due to the COVID-19 pandemic, which has led to the sudden required closure of many restaurants and other retail businesses, except for pick-up and delivery services; and

WHEREAS, closures and limits on public access can dramatically impact the viability of local businesses and affect the ability of the public to obtain needed food and goods; and

WHEREAS, the Mayor has declared an emergency of the city due the COVID-19 crisis; and

WHEREAS, RCW 35A.12.130 allows city councils to adopt public emergency ordinances without the standard public hearing or noticing process, provided that the ordinance is passed by a majority plus one of the city council and meets other requirements of the statute; and

WHEREAS, the City has determined that COVID-19 and its associated impacts have created a public health emergency, making it necessary for the protection of public health and public safety to adopt an emergency ordinance regarding downtown public access; and

WHEREAS, local businesses have requested that some downtown street parking spaces be temporarily set aside for short-term “grab and go”-type vehicle parking to allow customers to pick up their meals or other needed items during the current public health crisis; and

WHEREAS, the Public Works Department is able to provide and place temporary signs to reserve selected parking spaces in the downtown area for 15-minute parking only; and

NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate effective date, small businesses in the community could be irreparably harmed. This Ordinance is intended to offset some of the damage that the pandemic will cause to these businesses and to otherwise protect the public health, safety and welfare.

Section 2. Notwithstanding the street parking requirements of Title 8 of the Edmonds City Code, the Public Works Department is authorized to place temporary signs to limit vehicle parking to 15-minute intervals at certain street parking spaces in the downtown area in order to accommodate pick-up and delivery services for downtown businesses and their customers;

Section 3. Violations of this ordinance shall be penalized pursuant to the provisions of chapter 8.48 ECC.

Section 4. The authority provided in Section 2 shall end by June 30, 2020, provided that it may end sooner if the Mayor declares that the COVID-19 emergency is over;

Section 5. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 7. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

Councilmember L. Johnson asked how locations would be determined and whether there was the ability to adjust locations as needs fluctuate. Mayor Nelson answered it was his understanding Public Works was setting up A-board signs on the sidewalk fronting businesses offering pick-up and delivery services as needed and they could be removed if the business was no longer offering the service.

COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO APPROVE ORDINANCE NO. 4176, AN EMERGENCY ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, TO AUTHORIZE THE TEMPORARY SIGNING OF CERTAIN STREET PARKING SPACES IN THE DOWNTOWN AREA TO ESTABLISH A PARKING LIMIT OF 15-MINUTES.

Council President Fraley-Monillas asked whether a restaurant with a parking lot would still be able to get a sign on the sidewalk for parking in front of the restaurant. Mr. Jeff Taraday answered his understanding was the primary focus of the ordinance was to target and help businesses with no off-street parking and it was not aimed at businesses that have their own parking lots.

Councilmember Buckshnis asked how the date of June 30, 2020 was determined, noting that seemed like a long time to be in lockdown. Mr. Taraday answered he was not involved in determining the date; if the Mayor declared the emergency over before June 30, 2020 the effectiveness of the ordinance would cease. Mr. Taraday reread Section 4, "The authority provided in Section 2 shall end by June 30, 2020, provided that it may end sooner if the Mayor declares that the COVID-19 emergency is over."

Councilmember Olson recognized this was an emergency proposal which explains why there had not been a lot of time to investigate. She relayed her conversation with Public Works Director Phil Williams regarding why the ordinance specified downtown businesses, that staff had not been able to identify any businesses outside the downtown core that would be affected. As this is an emergency ordinance and there is no opportunity for a public hearing or for Councilmembers to conduct further research such as contacting the Chamber of Commerce and the City's Economic Development/Community Services Director Patrick Doherty to inquire about affected businesses elsewhere in the City, she suggested the ordinance apply citywide.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER PAINE, TO AMEND TO REMOVE "THE DOWNTOWN AREA" FROM THE TITLE AND SECTION 2, AND REMOVE "DOWNTOWN" IN THE 7TH AND 8TH WHEREAS CLAUSES.

Councilmember Paine suggested the summary of the ordinance on packet page 229 be updated to reflect that it was an emergency ordinance.

Councilmember K. Johnson said the reason signage was needed downtown was because there was generally 3-hour parking downtown and the intent was to ensure the ability to have grab and go. Restaurants outside the downtown area and outside the 3 hour parking limit do not have the same issue. She was unable to think of an example where people would be unable to find parking for a restaurant outside the downtown areas that was providing takeout service and therefore she did not support the amendment.

Councilmember Distelhorst observed there are two references to downtown in Section 2 and asked if the intent was to strike both. Councilmember Olson clarified the intent was to strike “downtown” in “downtown area” and change “downtown businesses” to “Edmonds businesses.”

Councilmember Distelhorst asked if there were any areas outside of downtown that have parking limits; he was unable to find any in the City’s code. Mayor Nelson said he was not aware of any parking restrictions in any other areas which is why the ordinance was specific to downtown where there are hourly parking restrictions.

Council President Fraley-Monillas expressed support for the amendment, commenting that although she was unaware of businesses outside the downtown area that relied on on-street parking, that did not mean there was not one. If there was such a business, they should be able to achieve the same goal as downtown businesses. She noted there are parking limitations on the Hwy 99 corridor.

Councilmember Buckshtnis expressed support for the amendment, commenting a lot of shoppers are visiting QFC and Bartells and there may be restaurants outside downtown that need this signage.

Councilmember Olson commented it was important to leave the door open as the Council and staff have not had time to vet the idea and she wanted to allow businesses that would benefit from this to be able to have signage.

Councilmember Paine commented having the signage available citywide would allow restaurants in other neighborhoods to have 15 minute parking for grab and go. She thanked staff for not making the ordinance business specific so that it did not only apply to grab and go at restaurants but also short-term parking to visit other businesses such as dry cleaning, laundry, etc.

Councilmember L. Johnson said the ordinance specifies street parking spaces. She agreed that although she was unable to think of a place other than downtown where that would be applicable, there may be some. Most of the other businesses she thinks of have parking lots and those are privately owned. Mr. Taraday agreed the City did not have the authority to enforce parking limits on private property. The spaces referred to in the ordinance are on the right-of-way and possibly within City-owned parking lots.

Councilmember K. Johnson appreciated Mr. Taraday’s clarification as she was envisioning any business could ask Public Works for a sign to allow for 15 minute parking. As the City does not regulate private parking, this would only apply to public streets. She could not think of any restaurants outside of downtown, although she acknowledged there may be 1-2.

Council President Fraley-Monillas referred to a small strip mall on Hwy 99 with five food establishments and ten parking spaces. Patrons park off-site on the street as there is not enough parking. She supported the amendment.

AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

8. MAYOR'S COMMENTS

Mayor Nelson thanked the City employees who since the beginning of the COVID-19 pandemic have been working around the clock, above and beyond the call of duty, to ensure the City is doing everything it can to prepare, respond and ensure the community is safe. His heart goes out to City employees for everything they do, knowing like everyone else, they are dealing with childcare issues, family members who are now unemployed due to closures, etc. He thanked the City employees and citizens who are enduring a lot of hardships and also stepping up in ways no one thought imaginable and trying to do the right thing to keep everybody safe by staying at home. He visited the Edmonds Food Bank today and commended the volunteers who are serving those most in need.

9. COUNCIL COMMENTS

Councilmember K. Johnson expressed appreciation for Mayor Nelson's comments about City staff. She encouraged everyone to use good hygienic habits and to be well.

Councilmember Distelhorst thanked Mayor Nelson for his statement about City staff. He echoed that not everyone has the ability to work from home or do virtual meetings. He urged the public to keep in mind all the employees and citizens who continue working at their jobs during these times and to check in with neighbors and those most in need to ensure everyone has the support and access they require.

Council President Fraley-Monillas thanked the City Council for their support and willing to move things in a lot of different directions to be successful in this new process. She urged everyone to wash their hands, stay at a distance and if they are sick, to stay home.

Councilmember Buckshtnis agreed with Mayor Nelson's statement about the City's employees. She urged everyone to also remain stress free and clam as stress can weaken the immune system. She echoed Mayor Nelson's directions, commenting these are serious times and a recession is likely. She was hopeful the City will have budget meetings early so the Council can begin planning. Everyone is trying to stay safe so the country can heal but there is a cost to the market. She assured the stock market always rebounds; she has been through three cyclical recessions/regressions and it will return. Mr. James does a wonderful job with the City's investments and none of them are in the stock market. She encouraged the public not to hoard things so that supplies were available for all, to be calm, follow Mayor Nelson's directives, and to stay safe.

Councilmember Olson relayed she received a message today from a long term resident who wanted to weigh in on hotel as a permitted use on in CW zone. Although that issue is now a lower priority, she encouraged the person to call her back as they had called from a blocked number and did not leave their name.

Councilmember Olson said businesses are impacted by the closures and people staying at home and the City's revenues will also be impacted. She gave kudos for the public's calm and the care they are providing each other and assured citizens that they can trust their elected officials to make choices and properly prioritize in the future. She urged citizens to weigh in on their priorities. One of the issues facing the Council is whether to collateralize a loan for the Senior Center loan. She felt it was a good use of \$2M to collateralize a loan for the Senior Center to move forward with their construction timeline and to get the \$4M the State committed to that project. She encouraged citizens to let their Councilmembers know if they agreed the Senior Center needs to be finished on time to restore a home for seniors, some of the most in need in the community.

Councilmember Paine commented this meeting went fairly well. She commended all the Edmonds employees, from the directors to the people working in right-of-way, everyone is doing their job without

any hiccups or glitches. She congratulated the Police Department for finding two people of interest in the murder of the 7-Eleven employee.

Councilmember Paine commented local businesses need the community's support. She encourage citizens to contact local business to see if arrangements could be made to meet their needs. She planned to get takeaway meals from new-to-her restaurants and she encouraged others to do the same. She feared we were not though the worst yet and local businesses need the community's support.

Councilmember L. Johnson thanked City staff and Mayor Nelson for all they are doing for the City during this crisis. From her family to others, she hoped families were adhering to the new and unfamiliar routine of social distancing and staying home as much as possible to keep the community safe as those actions will save lives.

10. ADJOURN

With no further business, the Council meeting was adjourned at 8:07 p.m.