

# EDMONDS CITY COUNCIL APPROVED MINUTES

## January 21, 2014

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

### ELECTED OFFICIALS PRESENT

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

### STAFF PRESENT

Jim Lawless, Assistant Police Chief  
Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Roger Neumaier, Finance Director  
Carrie Hite, Parks & Recreation Director  
Rob Chave, Acting Development Services Dir.  
Mike Clugston, Planner  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Linda Hynd, Deputy City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. ROLL CALL

Deputy City Clerk Linda Hynd called the roll. All elected officials were present.

### 2. APPROVAL OF AGENDA

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

### 3. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Petso requested Items F and N be removed from the Consent Agenda, Councilmember Fraley-Monillas requested Items H, I and J be removed and Councilmember Johnson requested Item A be removed.

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

- B. APPROVAL OF CLAIM CHECKS #206317 THROUGH #206461 DATED JANUARY 9, 2014 FOR \$742,035.44 AND CLAIM CHECKS #206462 THROUGH #206630 DATED JANUARY 16, 2014 FOR \$3,275,046.74. APPROVAL OF PAYROLL CHECK #60758 FOR \$445.64 FOR THE PERIOD DECEMBER 16, 2013 THROUGH DECEMBER 31, 2013. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60759 THROUGH #60771 AND WIRE PAYMENTS OF \$453,505.97, BENEFIT CHECKS #60772**

THROUGH #60778 AND WIRE PAYMENTS OF \$200,862.79 FOR THE PERIOD JANUARY 1, 2014 THROUGH JANUARY 15, 2014

- C. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM DOUGLAS C. HALBERT (\$2,841.36), TOM RUSSELL (\$15,339.03), TOM RUSSELL (17,377.82), AND LARRY LA PORTE (AMOUNT UNDETERMINED)
- D. 2013 NOVEMBER BUDGETARY FINANCIAL REPORT
- E. ORDINANCE LIMITING CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN THE DOWNTOWN BUSINESS 1 (BD1 - DOWNTOWN RETAIL CORE) ZONE
- G. MOTION TO DISPOSE OF SURPLUS POLICE PROPERTY VIA PROPERTYROOM.COM AUCTION WEBSITE
- K. AUTHORIZATION FOR MAYOR TO SIGN A GRANT AGREEMENT WITH THE TRANSPORTATION IMPROVEMENT BOARD FOR THE 228TH ST. SW CORRIDOR IMPROVEMENT PROJECT
- L. AUTHORIZATION FOR MAYOR TO SIGN THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE LAKE BALLINGER/MCALEER CREEK WATERSHED FORUM
- M. AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH PUBLIC HOSPITAL DISTRICT #2, SNOHOMISH COUNTY, TO PROVIDE AN EXERCISE PROGRAM

**ITEM A: APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 7, 2014**

Councilmember Johnson requested the following change: page 16, last paragraph, 4<sup>th</sup> line, add “not” between “will” and “confirm.”

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE CONSENT AGENDA ITEM A AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

**ITEM F: REFUNDING 2003 UNLIMITED TAX GENERAL OBLIGATION (UTGO) BOND REFUNDING ORDINANCE**

Councilmember Petso commented the rule of thumb for bond refinancing is a savings of 5% or greater; in this instance, the savings is only 3%. Finance Director Roger Neumaier responded the rule of thumb within 90 days of the call date of the bonds is 5%; once the call date is reached, the State has a sliding standard depending on when the bond matures. In this case, 2¾ years, the rule of thumb is 1-2%. This standard was referenced by the City’s consultant, Alan Dashan. Councilmember Petso asked if the idea was the closer to maturity the less chance of getting a better rate in the future. Mr. Neumaier answered yes as well as diminished savings as a percentage of the total bond.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE CONSENT AGENDA ITEM F. MOTION CARRIED UNANIMOUSLY.**

- ITEM H: AMENDMENT OF CERTAIN DOG LICENSING FEES (ECC 5.05.020)
- ITEM I: CONTRACT FOR SERVICES WITH PETDATA, INC. FOR DOG LICENSING
- ITEM J: ADOPTION OF ORDINANCE IMPLEMENTING RESIDENTIAL PARKING PERMIT FEE INCREASE IN ACCORDANCE WITH THE 2014 ADOPTED CITY BUDGET

Councilmember Fraley-Monillas advised she intended to pull Items H and I. She asked Assistant Police Chief Jim Lawless to explain Items H and I.

ACOP Lawless explained the Police Department has been exploring ways to increase efficiencies; one of those was the use of an outside vendor for issuing and tracking pet licenses. Issuing and tracking pet licenses consumes a significant amount of the two Animal Control/Parking Enforcement Officers' time. The vendor identified is used by a number of jurisdictions in the Puget Sound area. During the 2013 budget process, Mayor Earling asked staff to review fees for any appropriate increases. Pet license fees had not been changed in over 25 years and the fee was well below the average of the fee charged by 25 Puget Sound agencies who issue pet licenses. He commented determining the fee amount is a balance; charging a fair amount but not so much that people choose not to license their pets.

The decision package in the 2013 budget was written with four options, 1) keep fees and issuing/tracking the same; the current cost to the City is approximately \$10,500 year; 2) increase fees and continue in-house pet licensing, 3) current fees with use of vendor, and 4) increase fees with use of vendor. The option selected was to increase fees and use a vendor to issue and track pet licenses. Use of a vendor will allow the public to purchase licenses online. The vendor will collect all fees and remit to the City.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE CONSENT AGENDA ITEMS H, I AND J. MOTION CARRIED UNANIMOUSLY.**

**ITEM N: AUTHORIZATION FOR MAYOR TO APPROVE ACCEPTANCE AND RECORDING OF AN ASSET TRANSFER AGREEMENT FOR 645 9<sup>TH</sup> AVENUE NORTH**

Councilmember Petso relayed her understanding that this was the City's plan to give away a sewer main and easement because a builder built his communication and power utilities in the City's easement and now cannot reach the sewer pipe to maintain it. She asked whether that was correct and how this was not an illegal gift of public funds. Public Works Director Phil Williams responded he would not summarize this the same way Councilmember Petso did. He explained the Aloha plat was approved by the City in 1987 and built by the developer with a short stub of 8-inch sewer line for two lots, neither of which was built on for the past 27 years. A permit is being sought for the lot furthest from the cul-de-sac now and a permit for the other lot may follow shortly. This sewer line has never been used. In anticipation of this construction, the dry utilities were allowed to be built inside the City's 10-foot wide utility easement. That opened a conversation with the owner of the proposed new home and the net result was a proposal for the City to relinquish the easement, deed over the 8-inch sewer line as a sewer lateral, and allow this homeowner and the second homeowner to hook up to it. It would then be a section of private sewer; the City receives the same hook-up fees and monthly rates and the City does not have to maintain the easement or the sewer line which reduces the City's efforts and potential liability in the future. The two homeowners avoid the cost of relocating the dry utilities. He summarized it was a win-win for the new homeowners as well as the City.

City Attorney Jeff Taraday did not consider it a gift of public funds. A gift of public funds requires a showing of donative intent. From Mr. Williams' description, it did not appear there was any donative intent. Relieving the City of maintenance of the sewer line is adequate consideration to support the transaction, and therefore not a gift of public funds.

Councilmember Petso recalled when the City installs sewer pipe on private property, the City often pays for the easement. She asked if there was any consideration given to charging the property owners for the easement. Mr. Williams answered the City has an easement; the property is owned by those two property

owners and the City did not pay for the 200-feet of pipe. The City has no investment in the easement or pipe and it has no value other than to these two property owners.

Councilmember Petso asked why the utilities were installed in the City's easement adjacent to the pipe in a manner that the City did not wish to maintain the pipe. Mr. Williams responded the property owner likely assumed the utility easement identified on the plat was a logical place for the utilities. It should not have been done that way but now that it has been, to avoid the cost of moving the utilities, the City can cede ownership of the utility and relinquish the easement.

Councilmember Petso asked whether this would establish a precedent. Mr. Williams answered it would not.

For Councilmember Bloom, Mr. Williams explained it is an approximately 200-foot long, 8-inch gravity sewermain located in a 10-foot wide utility easement. Councilmember Bloom asked whether the second property owner will be part of the agreement. Mr. Williams answered yes. Councilmember Bloom asked what type of maintenance would be required on a sewermain. Mr. Williams anticipated very little maintenance would be required; the 4-inch lateral sewer from a house connects to the 8-inch pipe which connects to the public sewer system. Any maintenance or repairs would be the responsibility of the property owner similar to a private sewer.

Councilmember Bloom asked whether both property owners were agreeable to providing maintenance and/or repair. Mr. Williams answered yes; they are faced with either relocating all the private utilities and the associated costs versus the low likelihood and low cost of maintaining the sewer line in the future. The City did not invest anything in the sewermain and would not be giving anything up as the City does not own any property and the City saves whatever cost and liability for maintaining the sewer line in the future.

Councilmember Bloom asked whether the dry utilities for the second lot are in this easement. Mr. Williams said they are.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE CONSENT AGENDA ITEM N. MOTION CARRIED (4-2), COUNCILMEMBERS PETSO AND BLOOM VOTING NO.**

#### **4. AUDIENCE COMMENTS**

**Natalie Shippen, Edmonds**, questioned how the City's sign code ever happened. She explained there are four categories of commercial districts that permit ten types of signs; downtown is the only district where sandwich board signs are allowed. Downtown is also the only district where a significant amount has been spent on beautification and landscaping. She referred to the definition of premises in the sign code, which cedes the public right-of-way in the BC and BD zones to the adjacent property owner. Next, she referred to the definition of temporary sign in the sign code, commenting the time limit, not to exceed 60 calendar days in any calendar year, defined intermittent not temporary. Other cities' sign codes do not allow sandwich board signs except a fixed number of days for an openings or special events. She asked whether changes will be made to the sign code in the proposed code revision, what procedure will be used to make revisions and what the Council's role is in drafting revisions to the sign code.

**Marilyn Lindberg, Edmonds**, a resident on Sunset, pointed out placing a 10-foot wide sidewalk, a 2-foot buffer, and a 7-foot parking space leaves a very small travel lane for cars, trucks, and emergency vehicles. She urged the Council to consider this when reviewing the grant proposal. She summarized it was far easier to mess things up than to make them better.

**Dave Page, Edmonds**, commented while driving in Shoreline recently he noticed how beautiful many of their streets are due to overlays. He suggested consideration be given to chip sealing which is approximately half the cost. He commented on accusations that three Finance Directors have been “run out of town.” He acknowledged there is a problem that needs to be fixed and suggested the orientation for new Councilmembers address acceptable behavior.

**Roger Hertrich, Edmonds**, provided a document from Ronald Wastewater District that illustrates it is possible to cut costs and reduce rates. He echoed Mr. Page’s comments about Shoreline’s roads. He referred to the \$1,555,694 payment to Fire District 1, questioned whether additional payments are made throughout the year and suggested the Council analyze the services the City receives for that amount. He commended the Finance Director Neumaier on his performance and was sorry to see him leave but found his comments in My Edmonds News out of character. He expressed concern that by not mentioning names, Mr. Neumaier laid a cloud on the entire Council. He assumed Mr. Neumaier was following a script written by Mayor Earling. Mayor Earling assured Mr. Neumaier wrote his letter of resignation himself, without his guidance.

**Jim Wassall, Edmonds**, a resident on Sunset, referred to his email to the Council regarding his opposition to the Sunset Walkway project. He expressed concern with the safety of residents and visitors on the west side of the railroad tracks due to the lack of emergency access in the event the train blocked Main and Dayton Streets. He envisioned a track blocking Main and Dayton Street and emergency personnel being unable to reach someone at the senior center having a medical emergency. He urged the Council to do something about providing emergency access to the west side of the railroad tracks.

5. **ADOPTION OF ORDINANCE AMENDING EDMONDS CITY CODE (ECC) CHAPTER 2.10 RELATED TO CONFIRMATION AND DUTIES OF CITY OFFICERS**

City Attorney Jeff Taraday explained there are two versions of the ordinance in the packet. Attachment A, version 1, is the version the Council asked him to prepare. Attachment A, version 2, is a version Mayor Earling asked him to prepare that includes additional language that allows a second exception to the requirement that the City Council interview the top three candidates for a vacant director position. Mr. Taraday read the additional language in Attachment A, version 2 in Section 2.10.010.D:

*AND FURTHER PROVIDED that, when an appointive office becomes vacant, or is about to become vacant, again within nine months of the city council’s confirmation of the last mayoral appointment to that office, the city council may waive an additional round of interviews, by motion adopted by a majority plus one of the full council, and proceed immediately to confirming the appointment of a candidate interviewed by the city council during the most recent recruitment for that appointive office.*

Mr. Taraday read additional language in 2.10.010.F:

*PROVIDED THAT such recruitment shall not be necessary where the city council opts to make an immediate confirmation pursuant to a prior round of interviews as set forth in subsection D, above.*

Mr. Taraday explained the language above would give the Council additional flexibility by allowing the Council to confirm the appointment of someone that was recently interviewed and allow the position to be filled much more quickly.

Council President Buckshnis commented Councilmember Yamamoto and she participated on an interview team; there was also an interview team comprised of directors and another comprised of staff. The three highest candidates were Mr. Neumaier, a person from Mukilteo and a person that lived in Kentucky. Mr. Neumaier and the person from Mukilteo were the strongest of the three and were

interviewed by the interview teams. She expressed support for the additional language and expressed her appreciation for the process that allows the Council to participate in interview teams.

Councilmember Fraley-Monillas asked why the time period nine months was selected. Mr. Taraday answered the number had no legal significance and the Council could change it to a time period it deemed appropriate. His intent was a time period that would not be a loophole in the confirmation process and not such a short a time period that it would never be utilized. Councilmember Fraley-Monillas asked whether he reviewed other cities' policies. Mr. Taraday answered he did not; the confirmation process is a matter of local discretion and he anticipated it varied greatly between cities.

Councilmember Bloom commented the revisions to Chapter 2.10.010 were made over 1½ - 2 years and there was a great deal of opportunity for public involvement. She asked whether the additional language could be subject to a public review process at the Public Safety & Personnel (PSP) Committee with Council approval within the next two months. She was uncomfortable with adding language at the last minute, recalling there was a great deal of effort getting the language just right with citizen and staff input. She suggested the Council approve the ordinance, conditional on further review of the additional language. Mr. Taraday asked whether Councilmember Bloom wanted the ordinance to be adopted as an interim ordinance. Councilmember Bloom clarified her proposal was to adopt the two new passages as interim. Mr. Taraday responded a sunset clause could be drafted with regard to the two added provisos.

Councilmember Bloom suggested the additional language be reviewed more carefully before the sunset date. She asked if the ordinance would automatically return to the Council after the sunset date. Mr. Taraday answered a sunset clause typically does not automatically return to the Council; the language would expire upon the date identified in the sunset clause. If a sunset date was adopted and upon further review the additional language was acceptable, additional Council action would be required to retain the language.

Reporting Human Resources Director Carrie Hite commented it is a common Human Resources practice to return to a previous recruitment cycle if it occurred within a year. If the City returns to the marketplace for a Finance Director, it is likely the same people will apply. That is the City's current practice for non-director positions.

Councilmember Petso commented a less complex option would be to approve the ordinance with the additional language and refer it to the PSP Committee for review at their February meeting. The PSP Committee could return it to the Council for further review if necessary.

Councilmember Bloom said she would not suggest a sunset clause as it did not appear that was the wish of the Council but she would not support the additional language due to her discomfort with the process.

**COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE ORDINANCE NO. 3959, INCLUDING THE LANGUAGE IN VERSION 2.**

Councilmember Fraley-Monillas suggested the PSP Committee review the language.

**MOTION CARRIED (5-1), COUNCILMEMBER BLOOM VOTING NO.**

6. **PUBLIC HEARING AND POTENTIAL ACTION ON AT&T/BUSCH LAW FIRM PROPOSAL TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADDRESS THE LEGAL STATUS OF EXISTING WIRELESS COMMUNICATION FACILITIES THAT WERE BUILT PRIOR TO OR JUST AFTER ADOPTION OF EDMONDS' ORIGINAL WIRELESS ORDINANCE (AMD20130005)**

Planner Mike Clugston explained AT&T has applied to amend the ECDC to address the legal status of an existing wireless communication facilities on the Commodore Condominium building that was installed in mid/late 1996. Since the existing site was built without permits, AT&T has tried to bring the site into compliance with Edmonds regulations for several years as well as expand the facilities. When the code was updated in 2011, AT&T applied for a permit to bring the site into compliance. The permit was approved; the land owner and the FCC subsequently determined one of the antennas sites was not satisfactory. The City encouraged AT&T to identify a different site; AT&T indicated that was not possible as the site was integral to their network.

The current wireless code in Chapter 20.50 does not provide a variance process as it was thought all possible existing sites had been addressed. Exhibit 1 is the proposed code language forwarded by the Planning Board which is similar to AT&T's proposed language with some clarification by the City Attorney to be consistent with existing code. Exhibit 2 in the packet is AT&T's proposed language and a cover letter describing the situation. He advised Kirsten Larson, Busch Law Firm, is present to answer questions.

Councilmember Petso asked whether any other sites in the City would be affected by this. Mr. Clugston answered not that he knew of; this is the only site this would apply to. The City has permits for all other sites.

Councilmember Petso asked whether residents near the site were notified. Mr. Clugston answered the homeowners association was notified and the usual notice requirements for a public hearing were followed. Councilmember Petso observed unless someone read the legal notices in the Everett Herald they may not know the Council was considering this. Mr. Clugston agreed notice was not mailed to individual residences.

Councilmember Petso asked whether approval could be delayed to next week's Consent Agenda, assuming the local newspapers would report on this item. Mr. Clugston explained the Planning Board began its discussions in August, continued their discussion in November, held a public hearing in December and forwarded recommended language to the Council. He summarized the typical code amendment process was followed. He said it was not critical that the Council take action tonight. City Attorney Jeff Taraday explained the recommended action is for Council to direct the City Attorney to prepare an ordinance; the Council's action tonight is not final action which may provide the additional time Councilmember Petso wants.

Councilmember Petso asked if this was only for the existing providers to update and do maintenance or would it allow other providers to locate on the roof. Mr. Clugston answered this was specific to the one provider with an existing antenna. If another provider wanted to locate on that building, they would need to meet the requirements of the existing code.

Council President Buckshnis asked whether the City had any liability since the condominium's homeowners association was notified. Mr. Taraday answered this is a legislative code amendment. He did not see any liability to the City.

Councilmember Fraley-Monillas asked whether individual condominium owners were notified of the Planning Board public hearing. Mr. Clugston answered no. Councilmember Fraley-Monillas asked where notice of the public hearing was advertised. Mr. Clugston answered in the newspaper, online and posted at the library and the Public Safety building.

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

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

**7. PUBLIC HEARING AND POTENTIAL ACTION ON CLARIFICATIONS TO WIRELESS REGULATIONS IN ECDC 20.50 AND 17.40.020 (AMD20130016)**

Planner Mike Clugston explained the current wireless code in Chapter 20.50 ECDC was adopted in 2011. Since that time, staff identified several sections that need to be revised. The Busch Law Firm also brought to staff's attention changes to federal law regarding wireless facilities that needed to be addressed. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 provided the wireless industry with additional flexibility regarding modification of existing wireless telecommunication facilities. The intent of the update was to have providers site on existing buildings rather than monopoles and to eliminate unsightly antennas in the downtown area. He displayed photographs of the Harbor Building in the Downtown Waterfront Activity Center on 2<sup>nd</sup> and Main that has wireless antennas on the edge of the roof. The 2011 rewrite envisioned these rooftop antennas would disappear over time. He also displayed photographs of the Commodore Condominium on Alder between 5<sup>th</sup> and 6<sup>th</sup>. Outside the Downtown Waterfront Activity Center, the code provides flexibility for existing sites; allowing up to 9 additional feet.

Mr. Clugston explained Sprint, one of several providers with antennas on the Harbor Building, recently asked to replace antennas. Staff said no, the code requires they need to be removed from the roof. However, there are multiple carriers on the rooftop sleds and it was not possible to move them to the side of the building. Mr. Clugston provided the language in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012:

*Specifically, the City may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station. An eligible facilities request includes any request for modification of an existing wireless tower or base station that involves: co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.*

He clarified this change applies not only to conforming sites but also to nonconforming sites like the Commodore Condominiums. He displayed a sketch of AT&T's proposed rooftop facility (top hat) on the west side of the Commodore. This is another situation where the 6409 concept would apply. These are the only two sites in the downtown area with noticeable rooftop facilities. He referred to Section 20.50.010.F where the 6409 language has been incorporated. Language is also proposed to be added to 20.50.010.C, "For existing sites only, to the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration or architectural treatment."

Because 6409 also applies to nonconforming sites, a change is proposed to the nonconforming chapter 17.40.020.4.J, "The antenna and related equipment of a nonconforming Wireless Communication Facility may be completely replaced with a new antenna and related equipment, provided that, upon replacement, the applicant shall use the best available materials to enhance the appearance of the antenna and related equipment and/or screen it from view in a manner that improves the visual impact or the conspicuity of the nonconformity."

Mr. Clugston summarized the impact of 6409 is the wireless facilities on top of the Commodore and Harbor Building are not necessarily going away. He noted 6409 only applies to existing sites; new sites are required to meet the code requirements which include design standards related to screening, location on the center of the roof, etc.

Council President Buckshnis clarified basically the existing antennas are being grandfathered. Mr. Clugston answered yes. Staff will encourage them to relocate antennas to the center of the roof, etc.

Council President Buckshnis recalled previous discussions about making monopoles look like trees, noting all the monopoles in San Diego look like palm trees. Mr. Clugston recalled the Council determined that was not appropriate for Edmonds. He noted there are only a few monopole sites in the City; monopoles are the fourth choice for siting wireless facilities and they are the most expensive.

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

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE. MOTION CARRIED UNANIMOUSLY.**

#### **8. PRESENTATION ON THE 2014 PAVEMENT PRESERVATION PROGRAM**

Public Works Director Phil Williams thanked the Council for approving the recommended \$1.2 million for the Pavement Preservation Program in the 2014 budget. He noted there are many techniques for preserving pavement including pavement grind/overlay and chip seal. He displayed and described projects on the 2014 Pavement Preservation Program map funded by the \$1.2 million:

- Chip seal on 72<sup>nd</sup> Ave W from Olympic View Drive to 176<sup>th</sup> St SW
- Chip Seal on 73<sup>rd</sup> Ave W from Olympic View Drive to 179<sup>th</sup> St SW
- Chip Seal on 2<sup>nd</sup> Ave N from Bell St to Caspers St
- 2" overlay on 220<sup>th</sup> Street SW from 8<sup>th</sup> Ave W to Hwy 99
  - Staff plans to apply for federal grant, use City funds as local match
- 2" overlay on 100<sup>th</sup> Ave Ave W from SR104 to 238<sup>th</sup> St SW

Mr. Williams identified other paving projects on the map that are funded by the Water Utility Fund. He explained the intent this year was to do projects throughout the City using paving and chip sealing. He noted the chip seal was somewhat of a pilot program subject to citizens' reaction to that technique. He acknowledged it is far less expensive than an overlay but it does not last as long, the surface is different than an overlay and it sheds gravel over time. He acknowledged chip seal technology has improved greatly.

Councilmember Bloom asked how these roads were selected. Mr. Williams responded it starts with the Pavement Condition Index. A certified consultant rates the pavement by the number of cracks, size of cracks, extent cracks are interconnected, amount of deflection in pavement, etc. and provides a numeric score. Chip seal is not done on very poor streets.

Councilmember Bloom asked whether all the roads in the City were scored. Mr. Williams answered yes. Operational staff were asked to identify streets that would be good candidates for chip seal. The opportunity for federal funding and the condition of the pavement were among the reasons the 220<sup>th</sup>

project was selected. The 100<sup>th</sup> Avenue project was identified because it is a well-used street that was not in great condition. He noted the packet contains photographs of the locations proposed to be paved.

Councilmember Bloom commented she has driven on roads in the City that are really bad, to the point of causing misalignment of a vehicle. She was uncertain the roads selected were as bad as the potholes those streets. Mr. Williams answered staff does ongoing repairs of potholes. In areas where the street is as bad as Councilmember Bloom described, it may need to be rebuilt and these funds would not go very far in rebuilding streets. Chip seals need to be done on streets that are not in a failing condition; the goal of chip seal is to preserve pavement so that it does not fail. Traffic volumes and spreading projects throughout the City were also considerations in selecting projects.

Councilmember Petso recalled reading that a nearby jurisdiction had sworn off chip seal after using it extensively. She asked whether Mr. Williams had taken their experience into account. Mr. Williams said he was not familiar with that report but would check into it. Councilmember Petso commented it was likely Mountlake Terrace but she was not certain. Mr. Williams commented Mountlake Terrace had been chip sealing arterial streets and residential streets; less than 12 months ago they were satisfied with their program.

Councilmember Petso asked whether streets were selected giving consideration to upcoming utility work. Mr. Williams answered yes.

Councilmember Peterson asked whether chip seal creates more pollution in the stormwater system due to the loose gravel and whether that could be monitored. Mr. Williams answered that was why it was a pilot program. The intent will be to seek a partner such as Snohomish County or Shoreline who does a great deal of chip sealing. After the tack is applied followed by the chips and rolling, the next step is to sweep away as much of the extra aggregate as possible. The road is sweep several times over a period of time; whatever is missed will end up in the catch basin and will be an issue for drainage maintenance crews.

Councilmember Johnson inquired about a failing patch installed following a stormwater utility project on 92<sup>nd</sup> Place West that serves 7 homes. Mr. Williams answered there was a condition index for that street and it did not make the list for 2014. He noted there are a lot of streets that need attention because the City has not done any paving with its own money for 8 years.

Councilmember Fraley-Monillas observed chip sealing would not be done on main roads. Mr. Williams answered the plan was to start with residential streets. Some neighboring cities do chip seal arterial streets. He cited the importance of using someone experienced in chip sealing to ensure its success and avoid premature failure.

City Engineer Rob English reviewed the roadway lengths:

- Chip Seal
  - 2<sup>nd</sup> Ave N (Bell St – Caspers St); 2,250 feet
  - 72<sup>nd</sup> Ave W (OVD-176<sup>th</sup> St); 3,000 feet
  - 73<sup>rd</sup> Ave W (OVD – 179<sup>th</sup> St); 2,500 feet
- Pavement Overlay
  - 100<sup>th</sup> Ave W (SR104 – 238<sup>th</sup> St); 2,800 feet
  - 220<sup>th</sup> St (84<sup>th</sup> Ave – 76<sup>th</sup> Ave); 2,700 feet (local match for federal grant)
- 421 Water Utility Fund
  - Olympic View Drive (w/o 76<sup>th</sup> Ave); 200 feet
  - Hillcrest Place (s/o Main Street); 350 feet
  - 211<sup>th</sup> Pl (e/o 80<sup>th</sup> Ave); 200 feet – may be funded by the Sewer Utility
  - 224<sup>th</sup> St (76<sup>th</sup> Ave – SR 99); 200 feet

- 76<sup>th</sup> Ave (173<sup>rd</sup> St – 174<sup>th</sup> St); 350 feet

Mr. English reviewed the budget:

<b>Street 112 Fund</b>	<b>Cost</b>
Chip Seal	\$ 135,000
Grant Local Match (220 <sup>th</sup> St)	\$ 525,000
Design	\$ 75,000
Construction Admin	\$ 75,000
Contingency	\$ 130,000
Total	\$1,200,000
<b>Water 421 Fund</b>	
Pavement Overlay	\$ 200,000

Mayor Earling was delighted the Council approved \$1.2 million in the 2014 budget for pavement preservation, acknowledging there are a lot of years to make up for.

Councilmember Petso asked whether Snohomish County would be interested in partnering on 220<sup>th</sup> as the south side is in unincorporated Snohomish County. Mr. English answered Snohomish County's jurisdiction is from the property line south.

Council President Buckshnis commended staff for describing the program at the Parks, Planning & Public Works Committee.

## **9. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF JANUARY 14, 2014**

### Public Safety & Personnel Committee

Councilmember Peterson reported the committee discussed the resolution adopting policy regarding Councilmember participation by speakerphone or other technology. This item was forwarded to full Council for discussion and approval. The committee also discussed hiring consultant for conflict resolution training.

### Parks, Planning & Public Works Committee

Council President Buckshnis reported on items the committee discussed and the action taken:

- Docket of Proposed Comprehensive Plan Amendment and proposed rezone for Unocal lower yard – moved to February PPP Committee meeting
- Authorization for Mayor to sign a grant agreement with the Transportation Improvement Board for the 228<sup>th</sup> St SW Corridor Improvement Project – Consent Agenda
- Authorization for Mayor to sign Local Agency Standard Consultant Agreement with KPG for the 236th St. SW Walkway project Professional Service Agreements for the 15th St. SW Walkway and 238th St. SW Walkway projects – Consent Agenda
- Discussion and potential action regarding modifying or terminating Sunset Walkway Project – Continue discussion at the February PPP Committee meeting
- Authorization for Mayor to sign the First Amendment to the Interlocal Agreement with the Lake Ballinger/McAlier Creek Watershed Forum – Consent Agenda
- Quarterly Public Works Project Report – Full Council
- Authorization for Mayor to approve acceptance and recording of an Asset Transfer Agreement for 645 9th Avenue North – Consent Agenda
- Authorization for Mayor to approve acceptance and recording of a Deed of Dedication for 321 2nd Ave N – Consent Agenda
- Discussion on the 2014 Pavement Preservation Program – Full Council

- Public comment from Sally Wassall, Jim Wassall, Thalia Moutsanides, Steve Bernheim and Roger Hertrich about the Sunset Walkway project.

#### Finance Committee

Councilmember Petso reported on items discussed by the committee and action taken:

- Police Surplus Property – Consent Agenda
- Amendment of Certain Dog Licensing Fees (ECC 5.05.020) – Consent Agenda
- Contract for Services with PETDATA, Inc. for Dog Licensing – Consent Agenda
- 2013 November Budgetary Financial Report – Consent Agenda
- 2013 General Fund Revenue Analysis through 11/30 – Information only
- Ordinance Implementing Residential Parking Permit Fee Increase in Accordance with the 2014 Adopted City Budget – Consent Agenda
- Interlocal Agreement with Public Hospital District No.2, Snohomish County to Provide an Exercise Program – Consent Agenda
- Public comment from Ron Wambolt about Revenue Analysis report, from Dave Page regarding forecasting grants and from Bruce Witenberg about announcing settlements, informing the public about attorney expenditures, and showing attorney fees in one place in the budget.

#### **10. MAYOR'S COMMENTS**

Mayor Earling reported panels are in place for the Development Service Director interviews on January 27. He thanked Councilmembers Bloom and Peterson who agreed to serve on one of the panels.

Mayor Earling reported he had the privilege of attend Sunday's Seahawks game; it was very fun and loud.

#### **11. COUNCIL COMMENTS**

Council President Buckshnis reported the retreat has been tentatively scheduled for March 14 and 15. She encouraged Councilmembers to identify their future goals.

Council President Buckshnis reported interviews for the Council vacancy will be conducted next week. There are 15 applicants, a total of 5 hours of interviews; 2½ hours January 28 and another 2½ hours on January 29. The Council will make its decision on February 4.

Councilmember Fraley-Monillas expressed concern with doing interviews on two consecutive days because interviewees could tell others about the questions. She suggested not televising the first day of interviews. Council President Buckshnis recalled the interviews have been conducted over two days in the past and in 2009 applicants were allowed to sit in the audience during the interviews. Councilmember Fraley-Monillas preferred to conduct all the interviews on one day. Executive Council Assistant Jana Spellman suggested conducting all the interviews on a Saturday, noting it was unfair to the candidates interviewed late in the evening. Council President Buckshnis invited Councilmembers to inform her of their preference.

Councilmember Johnson relayed the City's Economic Development Department and the Edmonds Arts Commission's invitation to the dedication of the Internal District Lighting Project on Highway 99 at 3:00 p.m. on January 30 in the 99 Ranch Market parking lot.

Councilmember Petso reported another option would be reduce the Council interviews to 15 minutes each. She reported on the Port of Edmonds retreat where she learned marinas are not profitable; a lot of private marinas are going out of business and public marinas are looking for taxpayer subsidies. It also

appears the Port plans to leave the Harbor Square Master Plan in their planning documents with no changes.

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

This item was not necessary.

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

This item was not necessary.

14. **ADJOURN**

With no further business, the Council meeting was adjourned at 8:58 p.m.