

EDMONDS CITY COUNCIL APPROVED MINUTES

March 4, 2014

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

ELECTED OFFICIALS PRESENT

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

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks & Recreation Director
Doug Fair, Municipal Court Judge
Rob English, City Engineer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

ELECTED OFFICIALS ABSENT

Strom Peterson, Councilmember

1. **CONVENE IN EXECUTIVE SESSION TO DISCUSS THE QUALIFICATIONS OF A CANDIDATE FOR PUBLIC EMPLOYMENT PER RCW 42.30.110(1)(g) AND TO DISCUSS POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss the qualifications of a candidate for public employment per RCW 42.30.110(1)(g) and to discuss 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 in open session 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. Councilmember Petso left the executive session at 6:50 p.m. Others present were City Attorney Jeff Taraday, Senior Planner Kernen Lien and City Clerk Scott Passey. At 7:07 p.m. Mayor Earling announced to the public present in the Council Chambers that an additional 10 minutes would be required in executive session. The executive session concluded at 7:11 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:14 p.m. and led the flag salute.

2. **ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmember Peterson.

3. **APPROVAL OF AGENDA**

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ADD PUBLIC COMMENT TO AGENDA ITEM 7. MOTION CARRIED UNANIMOUSLY.

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

4. APPROVAL OF CONSENT AGENDA ITEMS

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

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF FEBRUARY 25, 2014**
- B. APPROVAL OF CLAIM CHECKS #207238 THROUGH #207321 DATED FEBRUARY 27, 2014 FOR \$326,674.58. APPROVAL OF REISSUED CHECK #207322 DATED FEBRUARY 27, 2014 FOR \$75.00**

5. AUDIENCE COMMENTS

Roger Hertrich, Edmonds, requested the City enforce the 20 mph speed limit on Sunset Avenue and suggested the use of radar signage or police emphasis. He noted the 20 mph speed limit was only enforced in school zones.

6. 2013 MUNICIPAL COURT REPORT

Municipal Court Judge Doug Fair thanked Court Administrator Joan Ferebee, Assistance Police Chief Jim Lawless and Probation Officer Sherrie Leyda for their assistance with compiling the information for the report.

Judge Fair displayed a comparison of filings 2006 to 2013, explaining filing increased in 2013 to 7,809, returning to historic levels. Filing during the past 5 years have been 7,700 to 7,900 filings. Filings in 2012 were down to 6,325 due to patrol officers who were off duty for a portion of the year as a result of injuries. He explained courts are primarily reactive in nature; workloads are driven by court filings and impacted by the Legislature, Council decisions and Police Department staffing.

Judge Fair displayed a comparison of case filings by year 2008-2013, highlighting traffic infractions, other infractions, parking, DUI, criminal traffic and criminal non-traffic. When the police officers in traffic returned to duty, traffic, parking and criminal traffic infractions returned to normal levels. He expected to see a drop in overall criminal findings in 2013 due to the legalization of marijuana. In 2012 there were 75 marijuana and related paraphernalia cases. The voters' approval of an initiative to provide easier access to alcohol also made access easier for criminals. Although there was a reduction in marijuana cases, there was an increase in Theft 3 due to increased accessibility to alcohol. There were 39 marijuana cases in 2012 and 3 in 2013; paraphernalia cases decreased from 71 to 45 (primarily for harder drugs). Thefts increased from 144 to 201, an increase of 57 or 40%. He pointed out this illustrated how a change in law affected the court and an unintended consequence of making liquor more accessible.

Judge Fair displayed a comparison of year-to-year revenues, explaining gross revenues increased from \$1.18 million in 2012 to \$1.26 million in 2013. Net revenue, after reimbursements to the State, was \$812,274. Revenue projections for 2013 were very conservative; actual was approximately 18% over projected revenues. Revenues exceeded expenses by approximately \$81,000.

Judge Fair Judge Fair displayed an Expenditure Status Report, explaining net expenses were \$1,386 over original budget estimates. He anticipated 2014 expenses may be higher due to unexpected expenditures. He reminded courts are not generally an overall revenue generator because the court's budget does not

include the public defender, prosecutor, jail expenses, etc. which included in the executive's budget. He summarized public safety is an expensive, worthwhile endeavor.

Judge Fair displayed a comparison of passport revenue explaining 467 passports were processed in 2013, a slight decrease but generated \$11,000 in revenue. Over the past 5 years, passport applications have averaged 500/year.

Judge Fair explained the court continues to save the City a substantial amount by using alternatives to confinement such as electronic home monitoring (EHM), alcohol monitoring bracelets, work release and community service. These alternatives saved the City approximately \$172,000 in 2013. He noted many of the offenders in Edmonds Municipal Court are low level, low risk, first time offenders. Providing them an opportunity for community service, work release or EHM is better putting them in jail. Statistics show putting low level, low risk offenders with high risk, high level offenders results in more high risk, high level offenders.

Judge Fair reported the video in-custody calendar continues to work well; instead of bringing prisoners to the court for in-custody hearings, it is done by video. Defendants remain at the jail with their attorneys and he and the prosecutor are in the court. This improves safety and saved the City approximately \$28,000 the first year, a total of \$100,000 since the program began. The video in-custody calendar also allows the court to see approximately twice the number of defendants.

Judge Fair thanked the Council for restoring his half-time clerk. He relayed the court's plans to continue exploring the possibility of online payments. He reported on plans for an electronic filing system, whereby documents could be scanned into an electronic file, eliminating the need for paper files and making documents electronically retrievable. It was hoped this could be combined as part of the City Clerk's laser fiche system but that system did not provide the features the court needed. Approximately \$50,000 in State funds been compiled in the Court Improvement Fund that will be used to implement an electronic filing system.

Judge Fair announced the City's Probation Officer Sherrie Leyda plans to leave the City after 23 years. He thanked her for her service and wished her the best as she relocates to the east coast.

Judge Fair relayed there will be increases in the public defender costs as well as jail costs. The jail is considering a tiered system; a basic rate for an average system, a higher rate for prisoners requiring medical and a higher rate for prisoners requiring mental health services.

Judge Fair announced he plans to run for Snohomish County District Court South Division Position 3; Judge Carol McRae is not filing for reelection. If he is successful, he will remain as Edmonds Municipal Court Judge through the end of 2014. He relayed a list of his endorsements. He thanked Councilmembers for their support of his plans and for the support they have given him in the past. He said it has been a privilege and a pleasure to serve as Edmonds Municipal Court Judge for the past eight years.

Council President Buckshnis thanked Judge Fair for his thorough presentation. She commented on seeing Judge Fair in action when she served on jury duty.

Mayor Earling reported the salary Edmonds pays its Municipal Court Judge is substantially less than surrounding courts. The Citizens Commission on Compensation of Elected Officials will begin meeting next week. He anticipated in the near future he will present a budget amendment to increase the Municipal Court Judge's salary.

7. **DISCUSSION, POTENTIAL ACTION AND PUBLIC COMMENT REGARDING MODIFYING OR TERMINATING SUNSET WALKWAY**

Public Works Director Phil Williams explained the reasons for this project include view access, improved safety and providing accessibility. He displayed several photographs of the view from the west edge of Sunset Avenue, of people walking in the street and a bicycle riding the wrong way on Sunset Avenue to illustrate safety issues, and of the dirt path on the west side of the curb to illustrate accessibility issues.

Mr. Williams described what is included in the project:

- 2,000 foot long multi-use pathway on Sunset
 - For use primarily by pedestrians but also including wheelchairs, stroller, roller blades, bicycles, Segways, walkers and other non-motorized traffic to connect waterfront walkways to 3rd Avenue
- 500 feet of improvements will be constructed on Caspers
- 100% ADA accessible
- Benches, art work
- Continued access to almost all parking on Sunset

Mr. Williams described what is NOT included in the project:

- Trees
- Tall or unshielded lights
- Fencing – some limited railing (150 +/- feet) may be necessary

Mr. Williams described the public process/information to date:

- Project placed on City's Capital Improvement Plan (CIP) 2011 – public comment taken, also placed on 2012 and 2013 CIP
- Added to Transportation Improvement Plan (TIP) in 2011 after public comment and Council approval
- Council resolution adopted to apply for funding – 2011
- Public survey and public meeting – 2011
- "Sunset Avenue Overlook" project has been in Parks, Recreation and Open Space (PROS) Plan since 2008 and was just recently placed in the PROS 2014 Plan
- Press release issued when initial \$159,000 grant received

Mr. Williams identified discussion points:

- Parking – current proposal retains 43 of 55 existing spaces. Additional design work could increase that to 51
- Circulation – current circulation patterns are retained (one way northbound north of Edmonds)
- Driveway access and turning radii are protected or improved
- Emergency vehicles, refuse trucks, and other delivery vehicles will be accommodated better than today. Total of 18 feet of pavement:
 - 10-foot walkway
 - 2-foot mountable curb
 - 6 foot clear zone
 - 12-foot sharrow (travel lane for vehicles and bicycles)
- Caspers Street goes to a "shared street" concept
- Specific design features ie: artwork benches railing crosswalks, etc.
- BNSF coordination
 - Need higher level design before entering into meaningful discussion
- Seismic hazard
 - Much of SODO area in Seattle built in similar seismic hazard areas

Councilmember Petso asked how much roadway width was needed for a travel lane. Mr. Williams responded it depends on speeds. In this case a 1-way 12-foot travel lane is proposed which would accommodate higher speeds. The speeds on Sunset are very low; as the roadway will be used as a sharrow, it makes sense to have 12 feet. He noted the lanes on Main Street where there is considerably more traffic are 11 feet wide.

Councilmember Petso asked whether a sharrow improves safety compared to the current travel lane and bike lane. Mr. Williams answered a definitive statement could not be made one way or the other; the safety on Sunset is currently enhanced by the 20 mph speed limit; bicycles function well in both configurations.

Councilmember Petso referred to the additional five feet on the west to avoid the need for a fence. She asked if the five feet is needed for a sidewalk or only a multi-use path. Mr. Williams answered wherever there is a change in terrain where people are encouraged to walk where they could fall, good engineering practices would suggest a flat area next to the identified walkway. Councilmember Petso asked whether the extra 5 feet would be necessary for a 4-foot sidewalk. Mr. Williams answered yes.

Verbatim transcript of Councilmember Bloom's questions and Mr. William's responses

Councilmember Bloom: Mr. Williams, I have some questions about the public process as represented in the Puget Sound Regional Council application. And I've asked you these questions; I just want to ask them in the public record.

Mr. Williams: Sure.

Councilmember Bloom: So the application that was filed to the Puget Sound Regional Council was to qualify us for transportation alternatives program, correct?

Public Works Director Phil Williams: Yes.

Councilmember Bloom: And that's a federal program?

Mr. Williams: Yes.

Councilmember Bloom: So the attachment on the agenda is the full application that was submitted to Puget Sound Regional Council. The first page of it says the importance of complete and accurate information on every application cannot be over emphasized. And I just want to reference that on page 7 of the Puget Sound Regional Council application it was stated, public comment was received at a meeting held on April 11, 2012, you referenced it in your list, and followed up with written survey results that were collected April 25, 2012. The response was overwhelmingly positive with all respondents supporting the concept of a dedicated bicycle and pedestrian facility in this corridor. The majority stated additional support for park and trail amenities such as benches, picnic tables and artwork and several stated the project would provide significant economic benefit to the nearby businesses. Some requested that additional information be provided when plans were ready to be advanced and some individuals wanted to be informed about the progress of decisions throughout the planning stages of the project. To date there have been no negative comments recorded. That application was submitted in August 2013, correct?

Mr. Williams: Correct.

Councilmember Bloom: Okay. My question, following that, a citizen made a public record request regarding the April 11, 2012 meeting and the survey results from that. And he actually provided that to all of the Councilmembers, the survey results, and there were numerous negative comments in the list of survey results as well as comments that could be characterized as neutral or need more information. So, and that information has been confirmed by your staff. I know they even did a kind of a graph of how many comments were negative, positive and neutral. So could you please explain why it was represented in the Puget Sound Regional Council application of August 2013 that there were no negative comments received to date?

Mr. Williams: Sure. I, at the meeting that was referred to earlier in that statement that you read in the application talked about the public meeting in April 2012. At that meeting, everyone was in favor of it and that was the case at that time. Some of the people at the meeting didn't fill out surveys at the meeting but they took the paper surveys home and mailed them in later which we kept. All of those were positive as well. When this application was prepared, it was prepared by our consultant. I don't think we had, just overlooked it, gave her access to anything more than what we had in that file. But subsequently, after those things were gathered, as I said earlier this evening, we actually left the survey on the web and we got a whole bunch of electronic responses. Those hadn't been, number one, reduced to paper, they hadn't been collated or really evaluated because they weren't part of the application at that time which was an application to the RCO, Resource Conservation Recovery, I apologize, Recreation Conservation Office, I'm thinking of another job I had I think. And that application was sent in shortly after the public meeting and shortly after those physical surveys were received, that's what they got in that application and yet these surveys kept coming in. We didn't even look at them for a number of months. And that just didn't get communicated to the consultant.

Mr. Williams: The truth is we got, as I said, some 150 of them now. We've been through those, and no, they are not universally positive. There's about an 82%, 82% of them give or take, I had 2 people go through them so they, it wasn't just one person's opinion as to whether it was positive, negative or neutral. Both of them came up with the same amount, 82% were positive. I think that's the facts. That is not exactly what obviously the application said in August of last year and certainly since August we've gotten much more information as to who has concerns about the project and what those concerns are, both at our public meeting in December and shortly before that and certainly since then as well.

Councilmember Bloom: Okay, thank you. And then one other question, on page 8, this is related to right-of-way issues with Burlington Northern Sante Fe Railroad that owns a large portion of the property. And is it from Edmonds Street to Caspers? Am I correct that it's pretty much that chunk that is between Edmonds Street and where...

Mr. Williams: Right. It starts out as a really narrow little sliver just north of Edmonds Street and it grows to about maybe eight to ten feet wide, talking about the curb now, the western curb, and then narrows down again all the way out to a point out at the end of Sunset Avenue at about Caspers.

Councilmember Bloom: Okay. So on the application, on page 8, section C1b, and this is also the Puget Sound Regional Council application, under right-of-way, it says if there are no right-of-way issues, leave it blank. And that section was left blank. And then on page 12, under right-of-way, there's a kind of a box that has right-of-way issues and then the cost on the side and in that box it says NA, not applicable. Since, so my question is, since BNSF owns a large portion of the property as you've described, why were the right-of-way issues not presented in the Puget Sound Regional application?

Mr. Williams: Well first, it's not technically a right-of-way issue. It certainly is a property ownership issue and I get that. I think we all understand the railroad owns an important piece of Sunset Avenue. Whether you build this walkway or not that's the case and we don't have a lease for that property. Street's been there for 70 years but the truth is there's a significant chunk of Sunset Avenue right now that we don't own. I don't know that I'd necessarily characterize it as a right-of-way issue. It's something we obviously need to talk to BNSF about. They have offered us a lease. That would actually legally resolve the issue of whether or not we can control that property if we're leasing it. The issue is the terms of the lease; as I understand those, most people I've heard from anyway, it doesn't sound very comfortable to have a one year revocation clause on a lease. But I think that's all you're going to get from the railroad so it requires you to kind of look at what their motivations are. They're willing to lease us this property knowing that we intend to use it to repurpose this existing street as a walkway. I frankly think that's encouraging. But to get down and talk details with them is going to require a higher level of design. It could be that that conversation won't go well; we won't know until we sit down and talk details with them. We've walked the alignment with people from BNSF a couple of times now, haven't heard any major concerns about what we're proposing. But that does need to get worked out. I get that.

Councilmember Bloom: So I guess my question though is, so you're saying those aren't right-of-way issues that didn't need to be communicated to the Puget Sound Regional Council in this application?

Mr. Williams: Well if we have a lease that we can sign right now that leases that property, puts it in our control. We haven't applied for construction funding for the project yet because we haven't completed the design phase. We were asking for design money in this application and that's an issue that we're going to work out during design. We already have a lease offered to us which gives us the ability to build on the property.

Councilmember Bloom: So they're not considered right-of-way issues?

Mr. Williams: I don't consider that necessarily a right-of-way issue. It may be a finance issue, it may be an issue for the Council if that doesn't provide enough security for you. That's an issue but it isn't necessarily with the funding agency, not if we have a lease.

Councilmember Bloom: Okay. Then there are no other right-of-way issues in the entire design of the whole project.

Mr. Williams: No.

Councilmember Bloom: Other than that?

Mr. Williams: Not that we're aware of, no.

Councilmember Bloom: Okay, thank you.

End of verbatim transcript of Councilmember Bloom's questions and Mr. William's responses.

Council President Buckshnis thanked everyone who has contact Councilmembers. She referred to the photograph of a cyclist riding the wrong direction on Sunset and asked if the intent was to have cyclists ride south on a northbound one-way street. Mr. Williams explained there is currently a dedicated northbound bike lane. The bike lane will become a sharrow, a shared lane with vehicular traffic. He commented cyclists who travel fast will be comfortable riding in the sharrow; mom/dad with children will be more comfortable on the multi-use path whether traveling north or south. He did not expect to see commuter cyclists on the Sunset Avenue as it is not a major bike commuter route that connects with another commuter trail. He anticipated a serious cyclist traveling through Edmonds would use 3rd Avenue.

Council President Buckshnis observed the sharrow would accommodate northbound vehicular and bicycle traffic and leisure bicyclists could travel south on the multi-use path. Mr. Williams clarified the multi-use path is a two-way path; bicyclists using the path will be asked to slow down and meld with pedestrians and other modes of travel. Council President Buckshnis questioned including pedestrians, bicycles, dogs, Segways, strollers, etc. on a 10-foot path. Mr. Williams answered with the number and frequency of users, it will be comfortable.

Council President Buckshnis asked if an alternate had been considered, rather than the 12-foot path on the west, moving the path to the east and crossing at the summit. Mr. Williams answered the facility needs to be on the west side as the draw is the view and the views are clearly better on the west side. He anticipated a person in a wheelchair on a path on the east side would look into the side of parked cars and not see the beach. There are also 20 driveways on the east side that a pathway would need to cross, a major safety concern.

Council President Buckshnis commented the costs are still unknown, particularly the cost to shore up the bluff. Mr. Williams answered that is not required; a rail could be installed although most would prefer not to have a railing. He anticipated some strengthening of the 150 feet on BNSF property would be required which would benefit BNSF as well as the City.

Council President Buckshnis recalled a motion in April for \$700,000 for the Sunset Avenue Walkway, and 3 months later the cost is up to \$1.4 million. She was concerned with costs due to what happened on 76th and Haines Wharf. Mr. Williams explained much of the difference in the cost is work the utilities will do which will be paid for by the Utilities Fund, not grant funds or General Fund. The scope was also expanded to include improvements on Caspers. Originally the project was to end on Sunset.

Councilmember Johnson acknowledged there will be engineering challenges associated with this project. Tonight is a planning level design analysis. She noted although some people are definitely for or against the project, tonight's discussion is about the tradeoffs and community values. She said it would helpful for speakers opposed to the project to identify what would be more acceptable such as a sidewalk instead of a multi-use pathway, whether parallel parking on the north end of Sunset is more important than an unobstructed view, and whether cyclists prefer to ride on a multi-use pathway, a sharrow or dedicated bike lane.

Councilmember Fraley-Monillas asked what was envisioned for the railing on the 150 feet. Mr. Williams answered the State standards for a multi-use pathway without 5 feet of space is a railing 54 inches high. The design of the railing is yet to be determined; the height is required so a bicycle does not go over the top.

Councilmember Fraley-Monillas asked whether bikes, skateboards and Segways can use Edmonds sidewalks. Mr. Williams answered Segways can but skateboards and bikes cannot.

Councilmember Petso agreed with Councilmember Johnson's requests for information. She was interested in the public's input regarding a sidewalk versus a multi-use pathway or leaving the narrow portion of the street largely as it is and taking the project only as far as Edmonds Street. She was also interested in comment on parallel parking and the sharrow versus bike lane. She commented the south portion of the project is acceptable to many, the Caspers portion of the project is acceptable to many and most of the comments are on the narrow railroad portion of the project. There are options for that section that were not necessarily described by staff such as 5-foot sidewalk, 8 feet for parking, a 12-foot travel lane and leaving the bike lane as is. She requested the public indicate whether they were interested in having that option designed.

Mayor Earling opened the opportunity for public comment.

Sally Wassall, Edmonds, resident of Sunset Avenue, expressed her strong opposition to the Sunset Walkway. She recently learned Sunset Avenue is designated as a geologically hazardous area by the Washington State Department of Natural Resources. Geologically hazardous areas include areas susceptible to erosion, landslide in earthquake or other geological events. She quoted from the City's critical areas reconnaissance report that geologically hazardous areas pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. When she relayed her concern to staff that building a walkway on Sunset would give people a false sense of security since the proposed walkway may appear safe but is not due to the underlying custer fine sandy loam soil, she was told the City would stabilize the area with gravel. The grant request does not include any funds for ground stabilization. She anticipated stabilizing the bluff from Caspers Street to Bell Street would be necessary and expensive in view of stabilization being done to prevent slides onto the railroad tracks in other areas. She anticipated taxpayers would pay for the bluff stabilization, much of it on BNSF property. She observed the word "safety is repeated five times in the grant request; building a walkway on the bluff beside the railroad tracks or on geologically hazardous area is not safe. Freight on the railroad tracks shake the tracks and cause movement of the soil.

Ed Caspers, Edmonds, relayed his opposition to the Sunset Walkway project. When he first learned of the project, he contacted the engineering department about upgrading the asphalt walk in front of his home and intended to offer financial support if it could be incorporated into the project. He was unaware of the magnitude of this project, believing it only a sidewalk and not half the street. In January 2008 he granted the City an easement; in exchange the City agreed to install two concrete driveway aprons within the existing sidewalk. He anticipated one of the driveway aprons would be removed by this project. When the City received his easement, a sidewalk was constructed on Caspers Street and he had a fence installed. If the walkway project proceeds, his fence will be inches from traffic. Caspers is a staging area for heavy equipment on Hanna Park and Cary Road; in its present form there is little room for equipment and UPS and Fed Ex deliveries hamper traffic. Getting his pickup and RV out of his driveway is difficult now, and probably impossible with this new sidewalk project. He urged the Council to drop this project.

Jerry Tays, Edmonds, thanked Councilmembers for responding to his questions and for Mr. Williams meeting with him. He was confident Mr. Williams knew the ins and outs of the process. In response to Councilmember Petso and Councilmember Johnson's questions, he is neither for or against the project; he

is a frequent user of the area and appreciated its availability. His concern was utilizing grant money on property in which the City had no real property interest. There currently are City improvements including a pump station, drainage facilities and Sunset Avenue on property BNSF owns; he has yet to hear a satisfactory answer to how that is possible. Risk and protecting public dollars are issues that need to be addressed. Staff indicated it had been done for 70 years and he questioned whether that suggested adverse possession.

Eric Soul, Edmonds, expressed support for the project, commenting if this area were considered a park, it would have more use than most other parks in the City. There is currently a narrow sidewalk and many people walk in the street or on an unpaved footpath. A better facility would make it a better place for all users, more people would be drawn to downtown businesses, and it would attract tourists. This project is a legitimate function of government; providing these services to the entire population of Edmonds. He noted change is a certainty including increased density due to Comprehensive Plan changes, zoning, and new transportation facilities. He summarized there may be more traffic but it would benefit the entire City.

Marilyn Lindberg, Edmonds, a resident on Sunset Avenue, recalled when BNSF planned a 4-foot fence along Sunset Avenue in 1995, residents collected over 1,000 signatures opposing the fence. After nearly 6 years, the idea of a fence was dropped. She pointed out if residents do not bother BNSF, BNSF does not bother them. She feared proposing a sidewalk on and next to BNSF property would result in repercussions, particularly since the Department of Natural Resources deems Sunset Avenue to be a seismic geologically hazardous area. She urged the Council to consider this information and suggested leaving well enough alone when there are currently no problems.

Rick Hedges, Edmonds, requested Sunset Avenue be left as it is. He disagreed with the proposed 12-foot dedicated walkway, anticipating it would increase the risk of accidents by increasing congestion, usage density and making it easier to cross from east to west. It is currently illegal to ride a bicycle or skateboard on a sidewalk in Edmonds; he questioned why the 2,000 feet on Sunset should be the only mixed-use walkway in the City. He suggested a 5-foot walkway accessible to handicapped users and pedestrians only, a separate bike lane and parking the full length of Sunset. Residents on Sunset rely on the availability of street parking for family and guests; narrowing the road will require service vehicles to park illegally, increasing congestion. Moving traffic flow to the east curb will require driving on the downward angle of the road crown. Vehicles currently stop along the curb to enjoy the view when no parking is available; in the proposed plan vehicles will stop in the roadway. Other issues include whether the walkway will trigger BNSF to install a fence; bank stability; safety of pedestrians, bikers, skateboards; ingress/egress of residents' driveways; police and aid vehicle access; driving on an angle; and the need for better stormwater systems. He did not trust Mr. Williams and believed the project was grant driven using federal funds. It was not in the community's best interest or the residents of Sunset. He attended meetings and voiced concerns; yet the grant application indicated comments were generally favorable.

Nathan Proudfoot, Edmonds, an EDC member but speaking as private citizen, clarified the dashed line on the visual is the BNSF property line. He explained angle parking is not ideal for cyclists as backing vehicles can be hazardous. He suggested either a bike lane or making the trail bigger for use by cyclists, suggesting a sharrow and a nearby pathway did not make sense. His feelings toward the proposed project were mixed; the current configuration eliminated his favorite parking place to watch planes, trains and boats. Many people spend their day parked along Sunset; that ability would be eliminated. He recognized the project would increase economic development.

Kirsten Foot, Edmonds, expressed support for some kind of enhanced walkway along Sunset Avenue; she was ambivalent about the multi-use path. If multi-use is possible, she could envision great advantage, recalling being unable to push a stroller on Sunset due to the many interferences on the sidewalk side and

nowhere for a stroller on the west side. She and her child now walk and picnic on Sunset and would love a walkway that allowed multi-use. She suggested considering the design of other multi-use paths such as Green Lake where a painted line divides pedestrians and wheeled users and allows like-mobile people to travel in the same direction.

Elise Foot, Edmonds, said she would love to have a big sidewalk on Sunset Avenue and might go there every week. Her family visits Sunset for beach dinners and she would love to walk on a walkway after dinner.

Don Hall, Edmonds, spoke in favor of the Sunset Avenue Walkway project, stating this project is for all Edmonds residents and visitors. The west side of Sunset is not ADA accessible; people using wheelchairs, canes, scooters should have access to the west side to see the beach, trains, tide pools and other beach activities none of which are visible from the east side. This is a sidewalk and street project but also a mini-park and should be accessible to all. Safety is a big issue, the current muddy rut on the west side is an accident waiting to happen and should be improved. In his experience, most of the people on Sunset walk in the street because the sidewalk on the east is not wide enough and bicycles use the road. He encouraged the Council to move the project forward to the point whether a determination can be made about whether it can be done.

Jeanne McConnell, Edmonds, commented her family spends a significant amount of time enjoying the Edmonds waterfront, walking, biking and running on Sunset Avenue. The Sunset Avenue project provides an incredible opportunity to expand the use of the waterfront and enhance safety in that area. Other families and young people are supportive of the Sunset Walkway project.

Will McConnell, Edmonds, said he would like to see the Sunset Avenue walkway built because he currently has to ride in the road to pass people on his bike. A walkway would be safer for him and other kids to see the water and the ferry without cars in the way.

Olivia McConnell, Edmonds, recommended carrying on with the planning of this project for many reasons, 1) she and her friends and family like to ride bikes, scooters, skateboards and roller blades but cannot do so on Sunset because of the dirt path and riding on the sidewalk requires going into the road to pass people which is very dangerous, 2) she enjoys the view and watching boats, 3) she likes sitting on the benches, and 4) the one-way road is wide enough to add the walkway. She recommended the project also include additional benches.

Olivia Clark, Edmonds, said the waterfront is one of her favorite spots and she often runs there with her dad. That has been difficult in recent years because the crowds require running in the bike lane or street to pass people. She has had multiple incidents running into people. A multi-use path on the west side would make it easier for everyone.

Thalia Moutsanides, Edmonds, Sunset Avenue resident, said the goals of the Sunset Avenue Walkway project have been the exact opposite of what the street needs. The embankment is currently identified as a seismic hazard zone due to the possible of erosion or slides. This project proposes to solve this by directing water toward the street instead of down the embankment; she doubted the proposed project could capture all the rainfall and direct it to an improved City storm drain system. Rainfall will affect the embankment unless it is shored up and the outcome of tampering with the embankment is unknown. The project proposes promoting safety by encouraging people on wheeled devices to use a paved area near the embankment to prevent people being hit by cars. She had never seen an accident between a car and pedestrian or wheeled device in the 28 years she has lived on Sunset; the proposed project is intended to fix a problem that does not exist. Encouraging people on wheeled devices to use a multi-use path close the embankment would almost certainly decrease safety and possibly lead to a lawsuit. She doubted those

proposing the project had visited Sunset Avenue to observe daytime/nighttime movement of users; if they had, the proposal would be a 5-foot walkway on the west side. She was opposed to eliminating parallel parking. She was also concerned BNSF has not been included in discussions and feared that could adversely affect this project and the City's relationship with BNSF. She summarized she and her neighbors believe the goal of the project is to misuse grant money for beautification with no elements of practicality. There are many unknowns and she anticipated the cost would far exceed the current budget.

Richard Blacklow, Edmonds, agreed this is a grant-driven project but that did not mean it was wrong. He did not have a final opinion regarding the project but tends in favor because it improves accessibility for everyone. A resident of Caspers, he suggested future meetings incorporate artist renderings of Caspers Street and enlarging the section in the slideshow. He relayed several questions, 1) whether the existing sidewalks on the south side of Caspers would remain, 2) whether new signs are proposed as part of the project, and 3) whether the project includes taking any property from existing rights-of-way or private owners. He noted vehicles traveling at slow speeds on Sunset speed up on Caspers.

Mark Moody, Edmonds, resident on the south side of Caspers, expressed support for previous speakers' comments. He was in favor of some form of improvement; he often walks his dog on Sunset and has endured the mud. He appreciated the City trying to make enhancements to benefit all residents. He agreed it would helpful to have the same level of detail regarding the improvements on Caspers Street. He expressed support for Mr. Blacklow's comments.

Kimberly Wayne, Edmonds, said the current layout of Sunset between Bell and Caspers allows pedestrians, cyclists, and vehicles to enjoy the views in all seasons. It is a unique area where the views can be enjoyed from a car. When she visited Sunset today in the pouring rain, there were 23 parked cars and 4 pedestrians. She noted the blue skies depicted in the rendering were not the experience most days of the year and she appreciates the ability to enjoy the view from her car when it rains. One of the goals was to improve safety; safety is not improved by the project, 1) young cyclists, roller bladers, toddlers in a narrow area five feet from the bluff is dangerous and 2) eliminating parking will increase the number of people driving along looking at the view. She questioned allocating resources to improve an area that seemed to be working.

Lynn Akerold, Edmonds, commented she loves walking on the waterfront all the way to the marina. Sunset Avenue is unique because people can enjoy the gorgeous view from their car especially during the rain. She and others in their cars watched four seals playing in the water this past Sunday in the rain. She noted angle parking would impact views from vehicles and make it difficult to back in/out. She suggested the area where the benches and picnic tables are be made accessible for wheelchairs.

Jim Wassall, Edmonds, expressed his strong opposition to the walkway project. He noted disabled people unable to exit their vehicles park on Sunset to enjoy the view; if the walkway is constructed, there is no parking on the west side, eliminating the view from parked vehicles. Angle parking is a common practice today to enjoy the sunset. The geological hazard designation has been in the ECDC and the critical areas inventory since approximately 2005, likely after the 6.8 magnitude Nisqually earthquake in February 2001. The Public Works Director and grant writer know this is a hazardous area and have ignored the danger and additional expense that will be incurred.

Jim Wilkinson, Edmonds, a resident on Sunset Avenue, spoke in favor of the project. He thanked staff for the meeting in January, finding the information, format and presentation very informative. He was offended that a small, vocal group of people at that meeting tried to take over the meeting, wanted to change the format and force a vote. He understood the project would cause disruptions and parking would be lost but everyone has a right to use the waterfront. There is currently no parking after 10:00 p.m., his visitors either carpool, park in his backyard or park elsewhere. Walkability and developing the waterfront

for the enjoyment of all is very important in most cities; losing a few parking spaces is a not a big deal. To those with seismic concerns, he pointed a stadium was constructed in Seattle on this type of soil. He suggested changing the culture of fear and negativity to working together to make the project happen.

Mayor Earling declared a brief recess.

Mike Echelbarger, Edmonds, resident on Sunset Avenue, suggested this meeting and any consideration of terminating the project is premature. Staff has plans that increase parking to 51 parking spaces and it was his understanding the Police Chief supports the proposal. With regard to concern with slide hazards, he pointed out much of Sunset Avenue does not have storm sewers and water flows over the bluff; this project will provide storm sewers. He feared the low-speed fatal car-pedestrian accident that occurred on Walnut was a potential on Sunset due to foot traffic in the street. He noted 82% of the survey respondents are in favor of this project and comments tonight have been approximately 50-50 in support/opposition. Most of the residents on Sunset are opposed to the project; residents in other areas support it. He objected to concepts that, 1) move the sidewalk to the east side because the attraction is on the west side of the street, 2) construct a 5-foot sidewalk on the west side because that is less than is required in a dead-end cul-de-sac, or 3) eliminate the sidewalk on the east side.

Bill Regsdorf, Edmonds, spoke in favor of the project, finding it made a lot of sense and would make Sunset a nicer place for residents and visitors. He envisioned after the project is built, people will recall when it was only a narrow dirt path.

Roger Hertrich, Edmonds, commented Sunset is a very special residential neighborhood that has become very public and that use has been accommodated over the years via minor traffic modifications such as a one-way street and changing the parking configuration. The proposed project completely changes the use of the neighborhood, making Sunset a recreational playground. He often parks on Sunset to enjoy the view and disagreed with reducing the number of parking spaces. People who enjoy the view from their vehicle have as much right as people who walk in the area. If anything is done, he recommended providing a hard surface pathway/sidewalk. He suggested moving the curb six feet to the east, moving parking east six feet and installing an asphalt west of the curb. He suggested installing improvements on the south end closer to downtown. Residents on Sunset fought for their neighborhood when BNSF proposed a fence. He anticipated an over-zealous walkway project would result in BNSF installing a fence and he recommended returning to a simpler project.

Hearing no further comment, Mayor Earling closed public comment.

Councilmember Petso observed there appeared to be unanimous approval of the project south of Edmonds Street. There are numerous concerns starting at the summit portion with regard to railroad ownership of the right-of-way. There are numerous concerns with the railroad portion including loss of parallel parking spaces. More details are requested for the Caspers portion of the project including an artist's rendering. She observed the prospect of terminating the project no longer exists as there is agreement on the project south of Edmonds Street. She asked for more details regarding the Caspers portion and on two schematic ideas, 1) no change in the railroad portion, and 2) a 5-foot sidewalk on the west side of the railroad portion retaining the existing parking. She also suggested preparing a comparison of advantages and disadvantages. She recommended taking further public input on those aspects of the project.

Council President Buckshnis said her concern was the cost of shoring up bluff and the use of Utility Funds which are also taxpayer dollars. She asked for additional information including the estimated cost of shoring up the bluff.

Councilmember Petso offered to work with staff on an analysis of alternatives for the parts of the project under question and have it reviewed by the Parks, Planning & Public Works Committee and then to Council for further public input. Mayor Earling suggested staff address the questions that were raised.

Councilmember Johnson expressed her support for a hard surface. The present social path is inadequate and she was interested in something more substantial.

Council President Buckshnis asked about scheduling. Mr. Williams responded conceptual answers could be provided to the questions raised tonight as soon as the March 18 Parks, Planning & Public Works Committee meeting. Mayor Earling requested Mr. Williams advise Council President Buckshnis of a specific date by tomorrow.

8. MAYOR'S COMMENTS

Mayor Earling reported he had the great pleasure to walk his daughter down the aisle in Phoenix, Arizona this weekend. It was a fabulous experience and a delight to witness his daughter's wedding.

9. COUNCIL COMMENTS

Council President Buckshnis reported the retreat is fast approaching; a tentative agenda will be posted on the extended agenda. She requested agenda items be submitted by March 6.

Council President Buckshnis commended staff on the City's receipt of a clean financial audit from the Washington State Auditor.

Councilmember Fraley-Monillas relayed Councilmember Peterson and she interviewed two candidates to assist the Council with strengthening trust, communication, cooperation between Councilmembers and between the Mayor and City Council. The individual that both she and Councilmember Peterson agreed on is able to come to the retreat for an hour to describe his approach. She sought Council approval to enter into a contract with this individual.

Parks & Recreation Director Carrie Hite reported three individuals were identified, one was unavailable. The two individuals come highly recommended by other jurisdictions and people in Edmonds. Councilmembers Fraley-Monillas and Peterson interviewed both and found Jim Reed's collaborative style a good fit for the City. Mr. Reed provided a scope of work that was evaluated by Councilmembers Fraley-Monillas and Peterson.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ENTER INTO A CONTRACT UP TO \$6,000 WITH THE FALCONER GROUP.

Councilmember Petso inquired about a funding source. Council President Buckshnis answered City Council professional services.

Councilmember Johnson asked whether anyone has worked with this individual before. Ms. Hite answered the City of Edmonds hired Mr. Reed last year to do some conflict resolution at the treatment plant; he provided excellent services. That was a different scope of work but he came highly recommended and staff was very impressed with him.

Councilmember Fraley-Monillas said Mr. Reed's scope of work includes one-on-one interviews with councilmembers, the mayor and directors. He is a very good listener and this is likely the best place to start. She was seeking Council approval tonight so that he could attend the retreat.

Councilmember Bloom expressed concern that this discussion was occurring during Council Comments instead of as an agenda item. She had not had an opportunity to review the scope of work and was not prepared to vote. She suggested delaying a decision until next week.

Councilmember Fraley-Monillas asked whether Mr. Reed could be included in the retreat agenda if a decision was delayed until next week. Ms. Hite advised Mr. Reed is available for an introductory discussion on March 14 after 11:00 a.m. She recommended the Council enter into a contract with him before the retreat. She will confirm that he can wait until Tuesday, March 11 to confirm his attendance on March 14.

COUNCIL PRESIDENT BUCKSHNIS WITHDREW HER MOTION WITH THE AGREEMENT OF THE SECOND.

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

This item was not needed.

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

This item was not needed.

12. ADJOURN

With no further business, the Council meeting was adjourned at 9:31 p.m.