

EDMONDS CITY COUNCIL APPROVED MINUTES MARCH 18, 2014

The Edmonds City Council meeting was called to order at 6:30 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
Strom Peterson, Councilmember
Joan Bloom, Councilmember
Adrienne Fraley-Monillas, Councilmember
Thomas Mesaros, Councilmember

ALSO PRESENT

Thea Ocfemia, Student Representative

STAFF PRESENT

Jim Lawless, Assistant Police Chief
Stephen Clifton, Comm. Serv./Econ. Dev. Dir.
Phil Williams, Public Works Director
Carrie Hite, Parks & Recreation Director
Scott James, Finance Director
Rob Chave, Acting Development Services Dir.
Jerry Shuster, Stormwater Eng. Program Mgr.
Bertrand Hauss, Transportation Engineer
Frances Chapin, Arts & Culture Prog. Mgr.
Rob English, City Engineer
Kernen Lien, Senior Planner
Mike Clugston, Planner
Jeff Taraday, City Attorney
Linda Hynd, Deputy City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. CONVENE IN EXECUTIVE SESSION REGARDING PROPERTY ACQUISITION PER RCW 42.30.110(1)(b)

At 6:30 p.m., Mayor Earling announced that the City Council would meet in executive session regarding property acquisition per RCW 42.30.110(1)(b). He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. Action may occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Peterson, Petso, Bloom and Mesaros. Others present were City Attorney Jeff Taraday, Parks & Recreation Director Carrie Hite and Deputy City Clerk Linda Hynd. The executive session concluded at 7:00 p.m.

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

2. ROLL CALL

3. APPROVAL OF AGENDA

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD TWO MOTIONS REGARDING CITY PARK AS AGENDA ITEM 5A. MOTION CARRIED UNANIMOUSLY.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO MOVE ITEM 14 TO ITEM 6A. MOTION CARRIED UNANIMOUSLY.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Bloom requested Item A be removed from the Consent Agenda.

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

- B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 11, 2014**
- C. APPROVAL OF CLAIM CHECKS #207323 THROUGH #207457 DATED MARCH 6, 2014 FOR \$191,920.96 AND CLAIM CHECKS #207458 THROUGH #207609 DATED MARCH 13, 2014 FOR \$811,682.45. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60835 THROUGH #60849 FOR \$449,055.95, BENEFIT CHECKS #60850 THROUGH #60859 AND WIRE PAYMENTS OF \$384,976.59 FOR THE PERIOD FEBRUARY 16, 2014 THROUGH FEBRUARY 28, 2014**
- D. FRANCES ANDERSON CENTER ACCESSIBILITY UPGRADES PROJECT ACCEPTANCE**
- E. 2014 JANUARY BUDGETARY FINANCIAL REPORT**
- F. REPORT ON FINAL CONSTRUCTION COSTS FOR SR 99 INTERNATIONAL DISTRICT ENHANCEMENT PROJECT AND ACCEPTANCE OF PROJECT**
- G. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 76TH AVE W TEMPORARY ASPHALT OVERLAY PROJECT AND ACCEPTANCE OF PROJECT**
- H. REPORT ON FINAL CONSTRUCTION COSTS FOR 76TH AVE W WATERMAIN REPLACEMENT PROJECT AND ACCEPTANCE OF PROJECT**
- I. REPORT ON FINAL CONSTRUCTION COSTS FOR THE INTERURBAN TRAIL PROJECT AND ACCEPTANCE OF PROJECT**
- J. APPROVAL OF SETTLEMENT AGREEMENT WITH LAKESHORE INVESTMENT CORP. RELATED TO THE FIVE CORNERS ROUNDABOUT PROJECT**
- K. OFFICE COORDINATOR (SEIU UNION) JOB DESCRIPTION/POSITION-WASTEWATER TREATMENT PLANT**
- L. UPDATE OF EDMONDS CITY CODE 10.25.090 (REGARDING PROBATIONARY PERIODS FOR PROMOTED OR TRANSFERRED CLASSIFIED PERSONNEL)**
- M. AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT (ILA) WITH SNOHOMISH COUNTY FOR A NATURAL YARD CARE PRACTICES OUTREACH PROGRAM TARGETING HOMEOWNERS**
- N. RENEWAL OF CONTRACT WITH ADIX'S BED AND BATH FOR DOGS AND CATS FOR KENNELING SERVICES**

O. AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH JAMES FELDMAN FOR PUBLIC DEFENDER SERVICES

ITEM A: APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 4, 2014

Councilmember Bloom advised she has requested a verbatim transcript of the portion of Item 7 where she asked Mr. Williams questions about the PSRC application. The verbatim has been provided; she wanted an opportunity to review it. She suggested the verbatim be incorporated in the minutes and the minutes brought back to the Council next week as a draft.

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO MOVE ITEM A, APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 4, 2014, TO NEXT WEEK.

Councilmember Johnson commented the Council seemed to be moving toward more detailed minutes which was not necessarily in the Council's best interest. She referred to training the Council was provided by Ann McFarlane and her advice with regard to Robert's Rules of Order was "the biggest and most common mistake people make with minutes is to try and write down what people say. According to Robert's Rules, minutes should record what is done and not what is said." Councilmember Johnson was prepared to adopt the minutes as they were prepared and suggested the Council discontinue the practice of having verbatim minutes.

Councilmember Fraley-Monillas said that appeared not to be Robert's Rule of Order but rather Ann's Rules of Order. She preferred to continue using Robert's Rules of Order and not someone's interpretation of Robert's Rules.

Councilmember Bloom advised she requested the verbatim because she felt the written summary did not reflect what happened. She asked the questions so that they would be in the public record and it was important it be in the public record exactly accurate.

MOTION CARRIED (6-1), COUNCILMEMBER JOHNSON VOTING NO.

5. AUDIENCE COMMENTS

Sally Wassall, Edmonds, resident on Sunset Avenue, requested the Council terminate the Sunset Avenue walkway project. She summarized her major objections to the walkway:

1. Their neighborhood fought for six years (1995-2001) to prevent construction of a fence along the bluff on Sunset Avenue. Washington Utilities and Transportation finally agreed not to require a fence as long as a natural barrier of prickly vegetation was maintained to keep people off the railroad tracks. The proposed walkway requires a 54-inch fence.
2. There is also a designated bike lane and sidewalk on the east side of Sunset as well as picnic tables and benches on the west side.
3. Much of the walkway from Caspers to Edmonds Street would be on BNSF right-of-way. The City has used their property for 70 years for free. The proposed walkway would require a \$3,000/year lease.
4. The walkway would be close to the railroad tracks. Tanker cars may carry hazardous materials.
5. The bluff is a part of a geologically designated hazard area because the underlying soil, custer fine sandy loam, slides. Edmonds will be required to stabilize the 2,000 foot long bluff ; this cost is not included in the \$2 million grant request.

Patsy Ethridge Neal, Edmonds Senior Center Board President, thanked the Council for their partnership with the Edmonds Senior Center and their support over the years. She asked the Council to continue that support by supporting the resolution in Agenda Item 8.

Marilyn Lindberg, Edmonds, voiced her objection to the Sunset Avenue walkway. She feared citizens would pay for cost overruns due to unforeseen problems. She questioned spending taxpayer money to shore up BNSF's property to construct a sidewalk, commenting there are more important projects that this sidewalk such as correcting street flooding at intersections, roadway improvements, filling potholes and adding parking downtown. She preferred to address things in need of repair instead of starting a new project that has problems before it even begins.

Jim Wassall, Edmonds, asked how the 2011-2012 survey mentioned by Mr. Williams in his presentation was publicized, relaying that he lives on Sunset Avenue and never saw the survey. He disputed the claim that response to the proposed walkway was overwhelmingly positive and said he never saw an article in the Edmonds Beacon about the survey. He suggested establishing a 3-hour parking limit on Sunset, enforcing the 20 mph speed limit, and making the bike lane on the east side 2-way. He reported people using walkers, wheelchairs, crutches and strollers currently walk on the sidewalk on the east side of Sunset and a friend and his wife often park on Sunset to eat their lunch.

Farrell Fleming, Edmonds Senior Center Executive Director, voiced his support for the resolution in Agenda Item 8. The resolution is a critical first step in a lengthy process; without it, the endeavor to build a new senior center and community center on the current waterfront site cannot go forward. The City's Strategic Plan designates the senior center, a 501c3 non-profit organization, as the lead agency to "develop a long term solution for maintaining and updating the senior center." The 2014-2019 Capital Facilities Plan describes the same project as "replace and enlarge deteriorating senior center building complex on the city waterfront." The new building will function both as a senior center and as a community center; he envisioned many parks, recreation and cultural service programs in the new center including possibly a teen night on Friday evenings as well as many other community organizations making use of the facility. On behalf of the thousands of seniors and their families who have benefited from the senior center over the past 46 years, he relayed their sincere thanks and appreciation for City staff and elected officials who have helped make the senior center a remarkable place.

Alvin Rutledge, Edmonds, suggested the new Development Services Director and Finance Director talk to the people who are opposed to the Sunset Avenue walkway. He also commented on revenue forecasts.

Ron Wambolt, Edmonds, welcomed Councilmember Mesaros. He suggested holding a public hearing before approving the resolution in Agenda Item 8. He referred to Item 2 in the resolution, the City Council would like to reaffirm the intent of resolution No. 943 which supports the demolition of the current Edmonds Senior Center and construction of a new Edmonds Senior Center at current location. He has heard and there were comments at the retreat that some citizens believe there are other uses for that property. As the resolution was drafted by Council President Buckshtnis and she is on the Senior Center Board, he suggested she recuse herself from voting on the resolution.

Marta Card, Edmonds Senior Center Board Member, described her interest in creating a community center for Edmonds and the community's support for building a new senior center. She relayed her question to Harv Harrison about how to most effective and his response, "we've been trying to build that center for years and it's time, you have the right team and I think you should go for it." She expressed support for the resolution in Agenda Item 8.

Rose Cantwell, Edmonds, was proud to have been a member of the Edmonds Senior Center for 15 years and of the non-profit corporation that has operates the facility for 45 years. For at least the past 10 years,

the members, staff and volunteers have raised 70% of the center's operating budget. She requested the Council support the resolution in Agenda Item 8. She relayed the senior center use of the site is a better prospect than luxury condominiums.

Dick Van Hollebeke, Edmonds, praised the Council for working together last week to select Thomas Mesaros who he believed would be an excellent Councilmember. As a trustee at Edmonds Community College, he worked with Councilmember Mesaros in the past and found him to be bright, ethical, capable of building consensus and working with a diverse group of people. He commended the Council on holding a retreat last week, certain that it made giant strides in the Council working together. He also commended the Council for hiring a consultant to help the Council work together for the betterment of Edmonds. When he was a Councilmember, his goal was a win-win situation, and while that could not always be accomplished, everyone can row in the same direction for the betterment of Edmonds.

Dave Page, Edmonds, welcomed Councilmember Mesaros. He jokingly said Ron Wambolt was a communist. He urged the Council to support the resolution regarding the senior center. He was confident the right people were in place for a successful capital campaign to raise money to build a new senior center. He pointed out the property was deeded to the City with a provision that it be used in perpetuity as a senior center. He concluded no one in the audience at the senior center members meeting was opposed to building a new senior center.

Roger Hertrich, Edmonds, urged the Council to approve the resolution, assuring the new building would be funded via a capital campaign, not by the City. Next, he advocated for some reasonable use of Sunset Avenue. A visitor to Sunset Avenue for over 40 years, that uses the view, he feared any development on the west side would result in a requirement for a fence which would affect visitors as well as residents. He questioned whether the proposal was a hard surface for people to walk or a recreation area, noting portions of Sunset are quite narrow. He congratulated and welcomed Councilmember Mesaros.

Councilmember Fraley-Monillas raised a point of personal privilege. She assured Ron Wambolt was not a communist. She also said the resolution regarding the Edmonds Senior Center is from the Council, not an individual Councilmember. Therefore, it was not appropriate to ask Council President Buckshnis not to participate in the vote.

Councilmember Johnson questioned the use of point of personal privilege. City Attorney Jeff Taraday read the rule regarding point of personal privilege: "types of questions of privilege: questions of privilege are of two types, 1) those relating to the privilege of the assembly as a whole, and 2) questions of personal privilege. If the two come into competition, the former take precedence over the latter. Questions of the privileges of the assembly may relate to its organization or existence, to the comfort of its members with respect to heating, ventilation, lighting and noise or other disturbance; to the conduct of its officers and employees or of visitors; the punishment of..." Mayor Earling ruled in favor of allowing Councilmember Fraley-Monillas' comments.

5A. MOTION RELATED TO CITY PARK

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO TERMINATE THE CONTRACT WITH MACLEOD RECKORD REGARDING THE CITY PARK PROJECT. MOTION CARRIED UNANIMOUSLY.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO TERMINATE THE CONTRACT WITH AQUATIC SPECIALTY SERVICES REGARDING THE CITY PARK PROJECT. MOTION CARRIED UNANIMOUSLY.

6. UPDATE ON EDMONDS SCHOOL DISTRICT #15 BY ESD SUPERINTENDENT

Nick Brossoit, Edmonds School District Superintendent, advised this is his 10th year as superintendent of the ESD. He expressed his appreciation for the working relationship with Edmonds and other municipalities in the ESD. He thanked the community for their support of the February 11 renewal of the replacement levy and the passage of the bond issue. He referred to an information sheet that was provided to the Council that described progress on major projects in the District and offered to respond to Council questions.

Councilmember Fraley-Monillas inquired about the successful levy. Dr. Brossoit explained there were two measures on the ballot, 1) replacement of the levy that supports the General Fund and provides 23% of their operating funds was approved with 65% yes votes, and 2) a capital project bond issue to modernize a number of buildings that are in disrepair was approved with 63% yes votes. He expressed appreciation for the voters' support. The District understands and is mindful of how precious public resources are and works hard to get value from every dollar in their projects.

Council President Buckshnis relayed the Council discussed a diversity statement and forming a diversity committee. She noted the information sheet Dr. Brossoit provided had Spanish on one side and English on the other. Dr. Brossoit advised there are many families in the District that are not fluent in English and encounter barriers and challenges accessing the school system. Although society often talks about closing the achievement gap, there are financial poverty related challenges and language challenges for some homes. The community needs to maintain the positive momentum for students and families to be successful in the public school system and modify the system to help everyone be successful.

Mayor Earling thanked Dr. Brossoit for the working relationship between the City and the ESD. He has had an opportunity to work on several projects, most recently the partnership between ESD, the City, Verdant and the State legislature on the former Woodway High School fields. Dr. Brossoit expressed his appreciation for the partnership with the City, commenting his interaction with Councilmembers during his 10 years as superintendent has always been very positive. He appreciated the way Mayor Earling looks at the big picture and what is in the best interest of the entire community. He commented it is easy to have a partnership when the partners are good people who work together.

6A. AUTHORIZE THE MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH SHANNON & WILSON FOR TASKS TO COMPLETE THE FINAL FEASIBILITY STUDY FOR THE WILLOW CREEK DAYLIGHTING/EDMONDS MARSH RESTORATION PROJECT AND AUTHORIZE A MANAGEMENT RESERVE OF \$22,600 FOR OPTIONAL TASKS A & B (Previously Item 14)

Stormwater Engineering Program Manager Jerry Shuster explained the project was funded in part by the Salmon Recovery Funding (SRF) Board, Puget Sound Acquisition and Recovery Fund (PSAR). He displayed an aerial map of the project context, identifying Willow Creek, Shellabarger Creek and the Willow Creek outfall. He relayed the overall project goals:

- Daylight Willow Creek:
 - Restore tidal inflow into Edmonds Marsh to improve fish passage conditions – SRF Board Funding – Habitat Benefit
 - Reduce frequent flooding of adjacent properties – City of Edmonds funding – Hydrologic Benefit

Keeley O'Connell, Senior Project Manager, EarthCorps, described the important of this project, what a unique opportunity it is and what a rare gem the marsh is. The Edmonds Marsh is the only intact and functional marsh habitat of its size remaining between Everett and Tacoma but it is inaccessible to salmon and has limits in its ability to function for birds. Historically tens of thousands of juvenile salmon would

have entered Edmonds Marsh on a daily basis, foraging, rearing and growing, leaving to grow to full size and returning 3-5 years later for spawning. Today juvenile salmon of all species would use the marsh if they could access it, particularly Chinook salmon which are listed as threatened on the Endangered Species List. Fish from all major rivers in Puget Sound as well as the Frazier River in BC would utilize this system if they could access it. If the system were restored adult Coho could potential spawn in the lower regions of Willow Creek.

Ms. O'Connell described the results of the early feasibility study completed in 2013:

- Daylighting Willow Creek is feasible though Marina Beach Park and will provide improved access to estuarine marsh habitat suitable for juvenile Chinook salmon.
- The project will likely reduce flood water surface elevations in the Marsh during large rain events.

Goals of the project include:

- Evaluate marsh outlet configuration(s) through Marina Beach Park that would allow for juvenile fish access to the marsh during the spring and summer nearshore rearing period
- Evaluate the need for structural measures in the proposed channel to:
 - Improve fish passage conditions
 - Protect property and local infrastructure from channel migration
- Determine the need for a self-regulating tide gate in the proposed channel to protect from coastal flooding sources
- Work with the stakeholders in the area to maximize aquatic habitat:
 - Port of Edmonds
 - WSDOT including Ferries Division
 - Unocal/Chevron
 - BNSF Railway

Mr. Shuster identified the consultant team:

- Shannon & Wilson, Inc. – Prime – Project Management, Civil Engineering, geotechnical and environmental support.
- Subconsultants:
 - Anchor QEA, LLC, - Hydrodynamic/costal modeling
 - Confluence Environmental - Fisheries expert
 - Leidos Engineering, LLC - Hydrologic modeling
 - Cultural Resource Consultants – Cultural and Historic Resource reviews
 - DHA, Inc. -Surveyors

Mr. Shuster reviewed project funding:

- RCO Grant – approved by Council on February 18, 2014 - \$200,000.
- Stormwater Utility Fund -
 - Consultant - \$137,060 including the \$22,600 in management reserve for optional tasks.
 - Approx. \$8,000 in City Staff time to manage project.
- Spending Authority in 2014 budget - \$500,000

Council President Buckshnis advised the recommendation was to include Options A and B. She expressed support for the final feasibility study.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO AUTHORIZE THE MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH SHANNON & WILSON FOR TASKS TO COMPLETE THE FINAL FEASIBILITY STUDY FOR THE WILLOW CREEK DAYLIGHTING/EDMONDS MARSH

RESTORATION PROJECT AND AUTHORIZE A MANAGEMENT RESERVE OF \$22,600 FOR OPTIONAL TASKS A & B. MOTION CARRIED UNANIMOUSLY.

7. EDMONDS ARTS COMMISSION 2013 ANNUAL REPORT

Arts & Culture Program Manager Frances Chapin introduced Art Commission Chair Suzy Maloney who introduced Vice Chair Samantha Saether who presented the report. She explained the Edmonds Arts Commission (EAC) is comprised of seven volunteer members who work with the Cultural Services division on various projects. She recognized Art Commissioners in the audience. The commission has existed since 1975 with the ongoing mission to promote the arts as a part of the central identity of Edmonds and as an integral part of the quality of life and economy of the city. She highlighted 2013 projects:

- 28th annual Write on the Sound writers' conference
 - Draws attendees from throughout the country
 - Sold out with 275 participants
 - Generated over 70 hotel night stays
- Tourism Promotion Awards to community art and cultural organizations
 - Awarded \$9,800 from the lodging tax fund
- Visual and Literary Arts
 - Free summer concerts in the park
 - New series at Hazel Miller Plaza with grant from Hazel Miller Foundation
- Public Art
 - Rotating exhibits of visual arts in the Edmonds Library and Frances Anderson Center
 - Completed SR-99 enhancement project that included artist-made lanterns
 - Facilitated selection process for Five Corners roundabout artwork
 - Oversee acquisition and upkeep of publicly owned artwork
 - Over 100 original pieces with 30 permanent sited
 - Curate Hekinan collection
 - Selections currently on display in the library and Frances Anderson Center
 - Installed more art enhanced flower poles
 - Partially funded by donations and intended as opportunity for commemoration
- Arts Education
 - Co-sponsored literary master class for high school and running start students with keynote presenter from Write on the Sound
 - Annually host a Best Book Poster Contest for third grade students
- Chamber Arts Awards
 - 2014 Arts Award Ceremony will be held March 20 at the end of the 3rd Thursday Art Walk at the Edmonds Conference Center
- Edmonds Arts Summit
 - Funded via an array of community sponsors
 - Keynote speaker Randy Cohen, Americans for the Arts
 - Initiated by Mayor Earling, brought together over 220 participants
- Participated in update of the Community Cultural Plan
 - Arts Summit was first step in the public involvement process integral to updating the plan
 - Public process spanned 9 months
 - Included extensive public participation
 - 22 community members helped lead the update

Ms. Saether thanked the Council and the Edmonds community for their continued support of arts and culture, a key component of the economic vitality and identity of Edmonds.

8. SENIOR CENTER STRATEGIC PLANNING PROCESS AND PROPOSED RESOLUTION

Council President Buckshnis explained the resolution is the final step of a two-step process that Mr. Fleming and Mr. Lovell began with a presentation to the Parks, Planning & Public Works Committee last Tuesday and a detailed presentation and lengthy Q&A at the Council retreat. She read the resolution into the record:

RESOLUTION COMMENDING THE EDMONDS SENIOR CENTER FOR ITS SERVICE TO THE CITY OF EDMONDS

Whereas, the City of Edmonds Resolution No. 342 was passed by City Council in October 21, 1975 resolving and declaring the Senior Center at 220 Railroad Avenue to be the permanent Edmonds Senior Citizen Center facility;

Whereas, the Strategic Action Plan for the City of Edmonds adopted by the City Council on April 2, 2013 specifically ranks in Quality of Life Item 3.a.1 that the City should work “towards develop(ing) a long term solution for maintaining and updating the Edmonds Senior Center” as VERY HIGH;

Whereas, the City of Edmonds Resolution No. 943 passed by the City Council on January 5, 1999 declares and resolves that the City Council supports the demolition of the existing structure and construction of a new Edmonds Senior Center at its current waterfront location towards meeting projected facility and program needs in the future;

Whereas on October 16, 2013 , the Board of Directors of the Edmonds Senior Center directed its Strategic Action Group to focus on the long - term viability of the current structure and/or replacement at its current location;

Whereas, The Board of Directors, the Executive Director and Staff of the Edmonds Senior Center have invested hundreds of thousands of hours and public government grant moneys and private contributions to continue Edmonds Senior Center services and programs to assist in the facilitation of thousands of citizens that utilize the Edmonds Senior Center every day;

Whereas, hundreds of volunteers have donated thousands of precious hours providing services at the current site of the Edmonds Senior Center to senior citizens living in Edmonds and in south Snohomish County;

Whereas, the programs and services donated to the City of Edmonds and to local residents by the Edmonds Senior Center have greatly benefitted the community and the city of Edmonds;

Whereas, each year the Edmonds Senior Center Staff and Volunteers raises more than 70% of its annual budget;

Whereas, the partnership between the Edmonds Senior Center and the City of Edmonds has been a great benefit to the taxpayers of the City of Edmonds;

Whereas, the income from the Edmonds Senior Center thrift store and facility rentals have allowed the Edmonds Senior Center to provide these services to residents of Edmonds;

Whereas, the Edmonds Senior Center should remain in its current location as stated in the City of Edmonds Parks, Recreation, and Open Space Plan approved by the City Council on February 25, 2014 and the City Council should acknowledge this important resource center.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

- 1) The City Council would like to reaffirm the intent of resolution No. 342 placing the Edmonds Senior Center as a permanent facility at 220 Railroad Avenue, Edmonds WA 98020,
- 2) The City Council would like to reaffirm the intent of resolution No. 943 which supports the demolition of the current Edmonds Senior Center and construction of a new Edmonds Senior Center at current location.
- 3) The City Council recognizes that the Edmonds Senior Center is an important Edmonds institution contributing needed services and programs to residents of Edmonds and to south Snohomish County;

- 4) The City Council and the Mayor hereby agree that the Board of Directors of the Edmonds Senior Center and all of the volunteers and members of the Edmonds Senior Center are to be commended for their efforts to date to seek to construct a new Edmonds Senior Center on its current waterfront site and are to be encouraged in continuing those efforts which could include many aspects from a feasibility study to fundraising efforts;

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE RESOLUTION AS READ.

Council President Buckshnis explained Councilmember Fraley-Monillas and she used to be on the Senior Center Board; she is still on the Board, Councilmember Fraley-Monillas' term expired last year. She asked whether she should recuse herself from the vote as Mr. Wambolt suggested. City Attorney Jeff Taraday explained State law refers to beneficial interest in contracts and requires Councilmembers to recuse themselves from that type of vote. He did not sense there was any contract from which Council President Buckshnis would profit. He was not aware of anything in State law that would prevent her from voting but reasonable minds can differ with regard to perception. In some instances Councilmembers voluntarily recuse themselves even if the law does not require it. He encouraged the Council to formulate an ethics policy that outlined the expectation for voting on such matters.

MOTION CARRIED (6-0-1), COUNCIL PRESIDENT BUCKSHNIS ABSTAINED.

9. **CLOSED RECORD REVIEW OF FILE # PLN20130074 AND THE PLANNING BOARD'S RECOMMENDATION TO APPROVE A PROPOSAL TO REZONE ONE PARCEL (7533 228TH ST. SW) FROM RESIDENTIAL MULTIFAMILY (RM-2.4) TO RESIDENTIAL MULTIFAMILY (RM-1.5)**

Mayor Earling explained the purpose of the closed record hearing was for the City Council to consider the Planning Board's recommendation that property located at 7533 228th Street Southwest be rezoned from Residential Multifamily RM2.4 to Residential Multifamily RM 1.5. A rezone is a Type IV-B application where staff makes a recommendation to the Planning Board and the Planning Board forwards a recommendation to the City Council for final action.

Mayor Earling opened the closed record public hearing and described the procedures. The City Clerk will make a recording of the proceedings. There will be no opportunity during the closed record hearing for public testimony. The parties of record would normally include the applicant and any person who testified at the open record public hearing on the application and any person who individually submitted written comments concerning the application at the open record public hearing. In this case there was no testimony other than the presentation by staff and no written comments were received. Therefore staff will be the only presenter.

Mayor Earling explained the Appearance of Fairness Doctrine requires the hearing be fair in form, substance and appearance. The hearing must not only be fair, it must also appear to be fair. He asked whether any member of the decision-making body has engaged in communication with opponents or proponents regarding the issues in this matter outside the public hearing process. Councilmembers Fraley-Monillas, Peterson, Petso, Johnson, Bloom and Mesaros, Council President Buckshnis and Mayor Earling stated they had not had any communication outside the public hearing process.

Mayor Earling asked if any member of the Council had a conflict of interest or believed he/she could not consider and hear the application in a fair and objective manner. Council President Buckshnis, Councilmembers Mesaros, Bloom, Johnson, Petso, Peterson and Fraley-Monillas, and Mayor Earling stated they had no conflicts. Mayor Earling asked whether any audience member objected to his or any Councilmembers' participation. There were no objections voiced. Mayor Earling advised only staff will

be presenting and staff will be allowed 5 minutes for their presentation. Council agreed with this procedure.

Planner Mike Clugston displayed Attachment 2 to Exhibit 2, an aerial photograph of the site and identified the site, just east of Hwy 99, south of the Ranch Market in a transitional area of retail and apartment uses to the west and north and residential to the south and east. In order to approve a rezone, ECDC Chapter 20.40 identified six factors for consideration:

- 1. Whether the proposal is consistent with the Comprehensive Plan.** Mr. Clugston displayed Attachment 4 to Exhibit 2, a Comprehensive Plan map for the area with this parcel highlighted. The Comprehensive Plan designation for the parcel is Corridor Development within the Highway 99 Corridor and Medical/Highway 99 Activity Center. Compatible zoning classifications for this designation include General Commercial and appropriate transitional zones including RM-2.4 and RM-1.5. The Planning Board found the proposed rezone is consistent with the Comprehensive Plan since the RM-1.5 zoning classification is one of the possible implementing zone for the Highway 99 Corridor

- 2. Whether the proposal is consistent with the purposes of the zoning ordinance, and whether the proposal is consistent with the purposes of the proposed zone district.** Mr. Clugston displayed Attachment 3, the current Zoning Map with the parcel highlighted. The subject parcel was annexed on July 26, 1961 and zoned R6-A by the City at that time. The site was redeveloped with the 8-unit building that exists on the site in early 1964 under that zoning. The City subsequently rezoned the site RML later in 1964 when new multifamily zone designations were created. When the City implemented the current multifamily zones in 1980, the site was rezoned to RM-2.4. This designation made the site non-conforming with regard to the number of dwelling units, only 7 were allowed on the site under RM-2.4. Rezoning the parcel from RM-2.4 to RM-1.5 would bring the existing 8 units back into conformance with density. It would also allow for the possible creation of up to three additional dwelling units. While three additional units would be possible, the applicant's intent at this time is to create one additional dwelling unit within the existing accessory structure on the site that was approved in 1966.

The Planning Board determined rezoning the parcel to RM-1.5 is consistent with the zoning ordinance and zone district. The existing nonconforming density on the site would become conforming by the change and allow the applicant to establish an additional dwelling unit in the existing accessory structure on the site.

- 3. The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property.** Mr. Clugston referred to the Zoning Map, explaining rezoning the subject parcel from RM-2.4 to RM-1.5 would result in little external change from existing conditions given the applicant's desire to create living space in the existing accessory structure on the site. The parcel to the west is zoned RM-2.4 but the existing structure has been used for offices under a conditional use permit since 1974. The parcel immediately to the east and south of 228th has been zoned and developed single family residential since the area was annexed in 1961. The Planning Board found the proposed rezone is appropriate in relation to the transitional nature of the surrounding area and that little external impact would result from the proposed zoning change.

- 4. Whether there has been sufficient change in the character of the immediate or surrounding area or in city policy to justify the rezone.** Mr. Clugston explained the transitional character of the immediate and surrounding area has remained largely unchanged for many years with the exception of the parcel immediately to the north of the subject site. That parcel had been zoned Business Commercial for many years but was downzoned in 1995 to RM-1.5 to allow for the development of the low-income senior apartment complex that was built there in 2006. The proposed rezone would

also assist in fulfilling the City's goal of providing housing for new population growth under the GMA. The Planning Board found there has been sufficient change in the immediate vicinity and City policy to justify the rezone.

5. **Whether the property is economically and physically suitable for the uses allowed under the existing zoning, and under the proposed zoning.** Mr. Clugston explained while the parcel is suitable for development at RM-2.4 or RM-1.5, densities and uses allowed in the zone and development standards are identical. The site is currently served by all utilities and has good access including transportation options such as a Community Transit stop adjacent to the site on 228th and the Interurban Trail to the east. There are currently 16 on-site parking stalls. The 8 existing 2-bedroom units require 14 stalls. Adding 1 additional 1-bedroom unit in the existing accessory structure on the site would require an additional 1.5 stalls or a total of 15.5 stalls. A building permit would be required to transform the accessory structure into livable space. The accessory structure received a building permit in 1966; the structure is now non-conforming with regard to setbacks and can only be remodeled in conformance with the City's non-conforming code. The Planning Board determined the site is suitable for the project as envisioned by the applicant. Should the site be completely redeveloped in the future, the project would be required to meet all codes in effect at that time for setbacks, height, parking, landscaping, etc.
6. **The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property owners.** Mr. Clugston explained the applicant would realize increased value as the existing density would no longer be considered nonconforming. A small amount of additional income would likely result from an additional dwelling units as well as a small increase in tax valuation. If the property were redeveloped more fully with another RM use such as offices or daycare, additional value would likely accrue to the owner and the taxing districts. There does not appear to be much gain otherwise to the public health, safety and welfare since utilities and similar improvements already serve the site. The Planning Board found there appears to only be a small gain to the applicant and to the public safety, health and welfare as current envisioned. A larger gain to the applicant would likely be realized if the site were completely redeveloped regardless of whether the site was zoned RM-1.5 or RM-2.4

Mr. Clugston summarized the Planning Board unanimously recommended approval of the rezone based on the Findings of Fact analysis included in the attachment to the February 4, 2014 staff report because the proposed change will bring the site into conformance with density while allowing the flexibility to establish an additional dwelling unit in accordance with the requirements of the zoning ordinance. If the Council upholds the Planning Board's recommendation, the Council should direct the City Attorney to prepare the rezone ordinance.

Councilmember Petso asked whether the purpose of the rezone was to allow the former laundry building to be occupied as a dwelling unit. Mr. Clugston agreed that is the applicant's intent but that is not what the Council is approving; the Council is asked to approve a rezone.

Councilmember Petso observed the former laundry building is nonconforming. Mr. Clugston answered yes, with respect to setbacks. Councilmember Petso asked if the existing occupied building was nonconforming with regard to setbacks. Mr. Clugston answered he believed it was conforming with regard to setbacks. Councilmember Petso observed the current use on the site was nonconforming. Mr. Clugston answered the current number of dwelling units was nonconforming but multifamily residential is an allowed use.

Councilmember Petso relayed typically a nonconforming use was not allowed to expand. Mr. Clugston answered it would not be expanded; this request was to change the zoning to allow the additional 3

dwelling units and to bring the building that became nonconforming in 1980 back into conformance. Councilmember Petso asked whether the proposal needed to meet all the criteria Mr. Clugston reviewed or only some of them. Mr. Clugston answered it did not need to meet them all; the Planning Board found it met them all.

Councilmember Petso asked whether this decision would set a precedent for other properties along the Highway 99 corridor or were the circumstances of this application sufficiently unique. Mr. Clugston answered the circumstances were unique; the fact that the building was constructed under one zone and a later zoning change made it nonconforming. The applicant's request to rezone the site to a zone that is still recognized as implementing the Comprehensive Plan makes it a reasonable request. The development standards for RM-2.4 and RM-1.5 are exactly the same, the only difference is the number of dwelling units. Councilmember Petso asked whether the Council's decision would set a precedent for other properties along Highway 99. Mr. Clugston answered no.

Councilmember Bloom complimented Mr. Clugston on his report; she found it very easy to follow and comprehensive. She asked whether the adjacent property owners' list is provided by the property owner. Mr. Clugston responded the applicant provides the list. Councilmember Bloom asked whether the City sends out the notices to surrounding property owners. Mr. Clugston answered yes.

Mayor Earling remanded to Council for deliberation and action.

Councilmember Petso commented she was uncomfortable with the proposal because it is immediately adjacent to a single family parcel and yet the request is to rezone it to maximum density multifamily. She preferred to retain the medium density multifamily to allow it to better serve as a transitional area which would be consistent with the purposes of the zoning ordinance. The zoning ordinance indicates a desire to provide for a range of densities; rezoning every parcel in Edmonds to the maximum density would not provide for a range of densities. She was inclined to retain the current zoning designation as transitional area immediately adjacent to single family seemed like a good parcel not to rezone to maximum density multifamily. She commented allowing a smaller number of units may result in larger units which would better accommodate families.

Councilmember Fraley-Monillas was comfortable with adding one more unit to the site. The site immediately to the north has approximately 60 units and the parcel to the southwest has approximately 100 units.

Council President Buckshnis commented on the desire for consistency in zoning and she did not object to the proposed rezone from RM-2.4 to RM-1.5.

Councilmember Bloom asked whether low income senior housing was constructed in 2006. Mr. Clugston agreed. Councilmember Bloom asked whether that was the current use of the property and whether there was any reason to expect that would change. Mr. Clugston agreed that was the current use of the property and he was not aware of any proposed change. Councilmember Bloom asked whether the additional unit would be low income senior housing. Mr. Clugston answered that was not in the record. The existing units are market rate; he assumed the new unit would also be market rate. Councilmember Bloom was comfortable with the rezone to RM-2.4; it would make the site conforming as well as allow one additional unit. The parking would still comply.

Councilmember Petso clarified the rezone was not just allowing one more unit. If the owner decides to redevelop the site, 11 units could be allowed. She understood this was a unique case due to the nonconforming nature and she could understand the desire to rezone it just to make it conforming. She suggested this was a good example of a location where transitional zoning was appropriate. If the intent

was to rezone everything to maximum density, she suggested the policy regarding providing a range of densities and providing transition be taken out of the zoning code.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO UPHOLD THE RECOMMENDATION OF THE PLANNING BOARD AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR APPROVAL ON THE CONSENT AGENDA. MOTION CARRIED (6-1), COUNCILMEMBER PETSO VOTING NO.

10. PUBLIC HEARING AND POTENTIAL ACTION ON POTENTIAL SALE OF SURPLUS CITY PROPERTY LOCATED NEAR THE INTERSECTION OF 184TH STREET SW AND 80TH AVENUE W (TAX PARCEL #00370800101200)

Senior Planner Kernen Lien displayed a location map, identifying the City's Parcel and the Angler's Crossing Plat/PRD. He explained for the past 17 years this property has been associated with the Angler's Crossing Plat/PRD. Angler's Crossing received preliminary approval in January 2007. While preliminary plat approvals are valid for a period of ten years, the PRD associated with the plat expired in January 2012 and essentially the plat cannot move forward without the PRD. The City has been approached regarding the potential sale of the property. The public hearing tonight is only regarding the potential sale of the City's owned parcel. The City Council discussed the potential sale at the end of February. Public notices for the public hearing were mailed to property owners within 300 feet as well as to those on the parties of record list from Angler's Crossing and the site was posted.

Councilmember Petso asked whether this property could be used for infiltration or other stormwater purposes if the City retained ownership. Public Works Director Phil Williams responded this question arose several months ago and the consultant Rick Schaefer, Tetra Tech, who is studying the Perrinville Creek Basin was asked to opine on that subject. Little data was available at the beginning of the study; his initial response was yes, stormwater could be infiltrated on that property and he described various ways that could happen. Subsequent work on the Perrinville Creek study identified other parcels and staff indicated to Council that although stormwater could be infiltrated on that parcel, there was nothing so unique about it that other parcels could not be used for that purpose such as city-owned property across the street in the park that is larger, has better access and could accommodate a larger facility.

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

Gene Wisemiller, Edmonds, compared selling this property to selling an heirloom for cash, pointing out there is value in things beyond their monetary value. The cash from the sale will end up in the General Fund and disappear and the land, the trees and the habitat would be gone, replaced with houses. This is one of only a few opportunities to retain undeveloped land. He urged the Council not to sell the property.

Dawna Lahti, Edmonds, described reveling in the shady curves where native trees grace both sides of the road while driving on Olympic View Drive toward Meadowdale. When walking on the trails, they are grateful for in-city wilderness; this natural area is roughly contiguous with that area. She commented on trees holding water to prevent floods, holding soil to prevent slides and vibrating to lessen noise pollution; decimation of wildlife corridors that results in the loss of entire species and the opportunity to preserve one of the last wild places in Edmonds. She urged the Council to retain this forest.

Alan Mearns, Edmonds, distributed written materials. He urged the Council not to sell this property and to consider turning it into a City wildlife preserve for the benefit of all citizens. He described the decline in number and diversity of birds in his yard during the past 15 years as tall trees in the Maplewood area have been removed. He referred to the importance of the canopy connectivity; Southwest County Park is connected by a thin band of trees to 196th, allowing birds and wildlife to move between the three major parks. Removing the trees on this property will ruin that corridor. A comparison of 1990 and 2014 aerial

photographs shows a 50% reducing in forest cover and trees. He urged the Council to think about the wildlife and instead of looking at location maps, to look at aerial photographs. He also encouraged the Council to visit the site before they voted.

Brian Furby, Edmonds, requested the property not be sold and strongly advocated for combining this 0.6 acre with the remaining property to establish a city park. He commented, 1) this would connect Seaview Park with the Southwest County Park, 2) once the trees are removed they are gone, 3) the previous PRD required removing thousands of cubic yards of dirt, resulting in a great deal of truck traffic, 4) tree removal will result in numerous logging trucks, 5) once developed the area will have more impervious surfaces, 6) City has spent a great deal to address issues associated with Perrinville Creek and development will create more problems, and 7) it is critical the trees and habitat remain. Creating a park will retain badly needed urban forest, fit well with the recently approve PROS Plan and be a wonderful picnic area, nature center and hiking trails. He suggested the City seek grants to assist with funding acquisition of the properties. This would be a win for the neighborhood, the environment, the wildlife and future Edmonds residents.

Suzie Schaefer, Edmonds, said she has also seen changes due to the loss of trees. Approximately four years ago a group of people started the Edmonds Wildlife Habitat Native Plant Demonstration Garden at the hatchery due to concern with the loss of wildlife, birds, insects and reptiles and a desire to make the community more wildlife friendly. They conduct workshops and many citizens volunteer at the garden. She questioned identifying this property as surplus, pointing out it is necessary as it is already wildlife friendly. Those involved in the demonstration garden would be happy to work with the City on natural ways to use this property.

Rene VanLoveren, Edmonds, representing four property owners of Woods Creek Place tracts 999 and 100 on 76th Avenue West across from the Angler's Crossing PRD. The 1.4 acre Tract 999 is a native growth protection area through which Perrinville Creek flows and each resident has an equal ¼ interest. Perrinville Creek is a salmon bearing stream and they have seen resident trout and other wildlife. When their properties were developed in 1992, the City required the builder to preserve Tract 999 as open space. The City should require this of its own properties and not sell it. One of their major concerns is the Angler's Crossing PRD's plan to pipe the runoff from the 27 homes under Olympic View Drive and into Perrinville Creek where it runs through their property. In addition to chemicals that cause environmental damage, current water flows are already too high, erosion has increased over the years and a typical rainfall causes the creek to overflow. They prefer the City retain ownership of the property which could reduce the number of homes built in the PRD, limit damage to the local environment as well as preserve the natural habitat and complement the existing park and trail system.

Rebecca Wolfe, Edmonds, urged the Council not to sell the property, noting the Council is the trustee of the land but citizens own the property. She read from a book, "Natures Trust," about the Public Trust Doctrine. She was thankful the marsh had not been designated surplus, noting the urban forest should not be considered surplus and should be considered a highly valuable part of protecting the environment, air, water, streams, wildlife and human health. She suggested consideration be given to purchasing the surrounding area for a park.

Duane Farnen, Edmonds, commented by selling the property, the City loses the opportunity to purchase the adjacent land for a park, recreation and open space (PROS) project. The site has many large trees, steep slopes, two deep ravines, a wetland and is an important watershed of Perrinville Creek. Selling the property sets the stage for the adjoining property to be developed resulting in destruction of the Perrinville Creek watershed where the City plans to spend an \$188,000 Department of Ecology grant and \$200,000 in City funds on a watershed/stormwater study with the intent of reducing stormwater flows into Perrinville Creek. He urged the Council not to sell the property and do whatever was necessary to

purchase the adjacent property to preserve the land for a future PROS project. He suggested financing the purchase of the property by, 1) setting aside other CIP projects to accumulate sufficient funds and seeking grant funds for those CIP projects, or 2) waiver of retroactivity with the State. He asked the Council to do what is right to protect this watershed and these woodlands for a future city park.

William Lider, Lynnwood, spoke against the sale of the property to facilitate a private development project. As a professional civil engineer specializing in stormwater erosion issues, he represented local property owners adjacent to the creek and he has viewed the damage caused by thoughtless development. Perrinville Creek suffers frequent damaging flows from Lynnwood as well as toxic runoff from Lynnwood's municipal golf course. Edmonds and Lynnwood's failure to properly adopt more stringent stormwater design requirements has further damaged the creek. He commented on the high flow bypass Edmonds installed in Perrinville Creek in the 1990s and the recent rerouting of stormwater from Talbot Road five feet below Perrinville Creek. To correct past insults to Perrinville Creek, the City should discourage removal or clearing of any large tracts of negative vegetation in the lower reach of the basin. The City should also adopt the 2012 Ecology Stormwater Manual for Western Washington and amend the manual to incorporate low impact development.

Bill Rankin, Edmonds, recognized people in the audience who opposed the sale of the property and urged the Council to vote no on the sale of the City-owned property. He suggested the reason this land had not previously been developed was previous stewards understood the ravine was one of the tributaries to Perrinville Creek, decision-makers knew it was wrong to allow deforestation, grading, surface changes to a natural watershed, or City government and land use experts understand this land can never be sustainably used in a resident development. Although some may think this is only the sale of the City-owned property, in reality it is about a 27-lot development and the domino effect it will have. He suggested consideration be given to a project that is beneficial to the community whether that is a new park, preservation district or restoration of the watershed and salmon habitat. He requested the Council do their part to represent the citizens and vote no on the sale of this property.

Alvin Rutledge, Edmonds, commented the audience was not asked before the hearing began whether anyone opposed any Councilmember's participation. He understood some Councilmembers live close to this property. He feared there could be a petition drive if the Council voted to sell the property and if the City continued selling property, there would be none left.

Warren Hendersen, Edmonds, commented this property is heavily wooded even the area that has been approved for development. He urged the City to retain every opportunity to maintain the rural character and woodsy environment. The Council should not allow this valuable wildlife habitat and forested parcel to be sold.

Shelli Morris, Edmonds, explained she was born and raised in Edmonds, moved away and then chose to return and purchase her parents' home in Seaview. She urged the Council to visit the Seaview area, a beautiful neighborhood with a lot of trees, children and wildlife. She urged the Council not to sell the property, envisioning her daughter could purchase the house as an adult.

McKenzie James, Edmonds, described seeing bats, coyotes and other wildlife in the area. One of the main reasons her family purchased their house was the forest across the street. If the property were developed, removing the trees would destroy the wildlife. The trees on the property are beautiful, tall and old and the property drops from the street into a ravine. She urged the Council to leave the property as a park and not to sell it.

Erin Way, Edmonds, explained they purchased their home due to the blends of wood and homes and the feeling of an established neighborhood. The purchase was an investment in her future; her children love

nature and visit Seaview Park daily. She was concerned with the ravine on the property, increased traffic from development, and the impact development would have on the neighborhood and wildlife. She relayed none of the five families in her child's preschool class were pleased when they hear developing this property was an option. Although she was not anti-development, this was a poor choice for the wooded neighborhood.

Tina Marone relayed seeing many trees around their house removed through development and the resulting changes in the neighborhood. She spoke in favor of preserving this property as a community park, commenting this would be a wonderful opportunity to teach children to be stewards of the environment and the fragile ecosystem.

Anna Marone commented this forest is not just a piece of land, it is a home to many animals. Removing the forest would affect the animals.

Eric Goodman, Edmonds, encouraged the Council not to sell the property. He purchased his home a year ago; he is an urban planner who wanted sidewalks and his wife is a botanist who wanted intact woods. He urged the Council to preserve the woods.

Julie Cuhen, Edmonds, commented the Seaview neighborhood is an anomaly, a beautiful wooded area. Her children love going to Seaview Park and walking the wooded trails. Preserving this land is important for the neighborhood and for children who are embracing nature. She urged the Council not to sell the property.

Cheryl Jones commented whatever money the City received for the sale of the property, will likely be spend on the drainage problem in the area. The City has been out numerous times in the last five years including when the road collapsed five years ago and required extensive work. She feared the sale of the property would result in more drainage issues.

Dick Van Hollebeke, Edmonds, pointed out the Council was considering selling one piece of property, a heavily treed, steep ravine with rights-of-way for water, sewer and electricity that would never be developed. There have been two previously public hearings where at least 100 people testified largely about the same things. The people that own the property are in their 80s and have been trying to sell the property for a good portion of their lives. The property is for sale and the owners have the right to develop it in accordance with the RS-8 zoning in a way that would look identical to the rest of the neighborhood. The vacant lot the Council is considering selling would remain a vacant lot; it was added to the PRD because it added square footage and allowed lots to be shifted. The Council's responsibility is to consider all citizens' rights; the property owners of the adjacent property have a right to develop their property. Regardless of whether the Council sells the property, the configuration of that lot will not change.

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

Councilmember Fraley-Monillas asked if there was a wetland on the City-owned property. Mr. Lien answered there was a small wetland in the middle of the PRD; he did not know the exact location.

Councilmember Petso relayed some possible ideas, 1) not sell the parcel yet, 2) complete the drainage study of the Perrinville Drainage Basin, 3) evaluate the value of the parcel for critical areas, steep slope or wetland, as a wildlife corridor and as a potential pedestrian corridor, 4) refer consideration of the 2012 Stormwater manual to the Parks, Planning & Public Works Committee, and 5) commit to the idea of not actively considering the sale of the property again without public notice and a public hearing. She understood the concerns the public raised and recognized the adjacent parcels are owned by another

property owner who may choose to build regardless of whether the City sells this property. She commented this property cannot be surplus if the City may want to use it to address drainage issues or to create a wildlife corridor. She was not inclined to vote to surplus the property tonight. The Council received a great deal of good information from citizens tonight on ways to move forward with investigating the value of the parcel to the City.

Council President Buckshnis thanked everyone who has emailed and spoke at a Council meeting, noting she has never received this many emails about a topic. She agreed with Councilmember Petso that the property should not be surplus because it may be needed in the future. She supported moving forward pragmatically, the adjacent property is for sale but a new PRD would be required. She summarized the property is valuable to the drainage basin and wildlife.

Councilmember Mesaros asked if there was anything to keep the current owner of the other parcels from moving forward with development and how many houses could be developed. Mr. Lien answered the property owners could apply for development on the remaining property. With regard to the number of units that could be developed on the remaining property, Angler's Crossing was a 27-lot PRD. The remaining property is 4.69 acres; with the RS-8 zone, 25 lots could potentially be developed on the remaining property, not including the City's parcel. City Attorney Jeff Taraday cautioned there is often a difference between the highest potential number of lots based on the acreage and what could actually be achieved on a site once the topography, roads, and other factors are taken into account.

Councilmember Mesaros asked if there would be a 10 lot difference. Mr. Taraday answered that would be speculation. Mr. Lien answered a PRD can potentially have smaller lots and set aside portions of the property in open space which was proposed in Angler's Crossing. There were certain restrictions in the contract rezone for the property that limits the amount of impervious surface to 21% coverage. He summarized a number of lots could be developed on the site.

Councilmember Peterson commented the surrounding parcels are privately owned and can be developed. He was uncertain what that means to the City parcel that cannot be developed, whether there was a way the funds received from the sale could be dedicated to the study of Perrinville Creek to ensure that drainage study is better funded. If development occurred via a PRD application, there would be a public process. Whoever owns the lands would be able to develop it; the question is how the Council and the community can help guide that development to ensure it fits the sense of the neighborhood and address the environmental impacts of tree canopy, stormwater, etc. A development cannot be rejected simply because the neighbors do not like it. If the City owned all the property, it would be an easy decision not to sell it but the City owns only a small parcel. While this property could be used for stormwater infiltration, there are likely better properties for significant stormwater retention.

Councilmember Peterson assured none of the Council takes this lightly, the reality is the Council's decision will not stop a future development unless the City purchases all the property. That is a different decision and one that needs to be balanced with many issues such as other park acquisitions and general infrastructure issues. The other parcels can and probably will be developed. It is important to build sensibly to accommodate a growing population.

Councilmember Bloom commented it is an easy decision to keep property that has other value to the City. Many of the issues Councilmember Peterson raised are appropriate to be considered in other venues such as the code rewrite. The only change created by the City not selling this property is the developer could not build two addition homes that were allowed with this property in the original, expired PRD. She received 26 emails, all opposed to the sale of this property, and 19 people spoke tonight opposed to the sale of this property. Other code related issues can be addressed in another venue; it is an easy decision not to sell the property to protect critical areas, open space and trees.

Councilmember Fraley-Monillas said she visited the property and was not convinced it was worth it to the City to sell the property. She was contacted by members of the Washington Conservation Voters, the Sierra Club and the Watershed Alliance, all who raise various issues regarding the sale of the property. She referred to an earlier presentation tonight that the City was spending \$200,000 on the marsh, this property was likely valued at approximately that amount. Everyone has relayed concrete concerns about the environment; Councilmembers never want to make a decision that harms the environment for the future.

Councilmember Petso observed there were at least four Councilmembers willing to vote not to sell the property tonight. She preferred to continue studying a pedestrian or wildlife corridor, drainage, and financing acquisition instead of waiting until a development application is submitted. Continuing to study those issues would not only retain this parcel but set the City up for a possible future opportunity.

Councilmember Johnson thanked everyone who emailed the Council and attended tonight's meeting. The Council has heard their message. She did not feel it was in the public's best interest to sell the parcel at this time. However, this is only a small parcel of land, not the entire tract of land the neighborhood cherishes. The City originally purchased the property in 1966 for sewer and stormwater drainage systems. Regardless of whether the City sells the property, it will not be developed. She cautioned the City does not control all the land and additional work such as was suggested by Councilmembers Petso and Peterson needs to be done.

Councilmember Mesaros commented although the Council may take the courageous step not to sell the property, his biggest concern was this would not accomplish what the neighborhood wants.

If the Council chose to sell the property, Councilmember Peterson asked whether a restriction could be placed on the property to require a higher level of stormwater retention or other higher standard if it was part of a larger plat or PRD. Mr. Taraday answered there were ways of doing that; the devil is in the details with regard to the conditions, enforcement mechanisms, etc.

Councilmember Peterson commented if the Council can figure out a way to demand a higher level of service with regard to stormwater, tree retention, etc., the Council and community can have a greater say in the quality of the development and its impact on the neighborhood.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, NOT TO SELL THE PROPERTY.

Councilmember Peterson commented he will vote in favor of the motion. He wanted to continue the discussion with the City Attorney and staff regarding ways to better control any development that will more than likely happen on the other property.

MOTION CARRIED UNANIMOUSLY.

Mayor Earling declared a brief recess.

11. 76TH AVE. W AT 212TH ST. SW INTERSECTION IMPROVEMENTS PROJECT UPDATE

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXTEND THE MEETING FOR 30 MINUTES. MOTION CARRIED UNANIMOUSLY.

Transportation Engineer Bertrand Hauss provided an introduction to the project:

- Congestion Mitigation and Air Quality (CMAQ) Federal grant secured in '12 to complete Design & ROW phases
- Design phase started in Summer '12
- Project initially started as intersection only improvements; corridor improvements later incorporated
- Grant application to be submitted this spring for construction funding

He displayed an aerial photograph and described the project scope:

- Addition of LT lane for northbound (NB) & southbound (SB) movements (on 76th)
- Allow traffic signal to time both approaches concurrently (same as ex. conditions on 212th)
- Addition of RT lane for WB, NB, and SB movements
- Improve intersection delay
 - Ex. LOS F
 - W/ improvements: LOS C (meet City's LOS standards / LOS D)
 - Projected 2030 LOS w/ improvements: LOS D
- Addition of bike lanes (for all movements)
- Increase sidewalk width
- Utility improvements (water, sewer, storm)
- Underground conversion of ex. overhead utility lines
- NB & SB lane conversion at 76th @ 212th intersection
 - From 2-through lanes to 1-through lane
 - Match future 3-lane corridor on:
 - 76th from 220th St. SW to 196th St. SW
 - 212th from 76th to either 72nd or Hwy. 99
- Supports Complete Streets & 2009 Transportation Plan

Kirk Harris, David Evans and Associates, reviewed the alternatives analysis:

- Alternative 1:
 - From 196th / SR-524 to 76th @ 212th intersection
 - Same layout as existing
 - One through lane w/ parking stall for both NB and SB
 - 5-lane section at 76th @ 212th intersection
 - One through lane + one LT lane + one RT lane for both NB & SB
 - Ex. conditions: two through lanes for both NB & SB
 - From 76th @ 212th intersection to 220th
 - Same layout as existing
 - Two through lanes for both NB and SB
- Alternative 2:
 - 3-lane section from 220th to 196th
 - One through lane for NB movement (w/ bike lane)
 - One through lane for SB movement (w/ bike lane)
 - One Two-Way-Left-Turn lane (TWLTL)
 - 3-lane section w/ bike lane + right turn lane for each leg of 76th @ 212th intersection

He displayed a photograph of a similar 4-lane roadway to illustrate striping of the 3-lane section from 220th to 196th. He reviewed a comparison of the alternatives:

Improvements	3-lane Corridor Configuration	Existing. Corridor w/5 lane Section at 76th @ 212th only
Addition of Bike Lanes	X	
Pedestrian/Vehicle separation	X (w/bike lanes)	

Support Complete Streets	X	
Separation of left-turn traffic from through traffic	X	
Congestion and sight distance improvements/collision reduction	X	
Slower, safer corridor speeds, more consistent pace	X	
Projected travel time on 76 th between 196 th and 220 th (southbound movement in 2030)	333 seconds	427 seconds
Projected travel time on 76 th between 200 th and 196 th (northbound movement in 2030)	450 seconds	533 seconds

Mr. Harris displayed a drawing of the existing section (76th from 220th to 208th and 212th from 76th to Hwy 99) and a drawing of the striping-only section. He summarized their analysis:

- 3-lane configuration is the best alternative along 76th
- Similar configuration would take place along 212th from 76th Ave. W to either Hwy 99 or 72nd Ave. W
 - 3-lane configuration already in place from Five Corners to 76th @ 212th intersection

Mr. Hauss reviewed the remaining schedule:

- Design phase - complete in December '15
- ROW phase - complete in December '15
- Construction phase - TBD (grant application to be submitted Spring '14)

Next steps include:

- Public Open House (Spring '14)
- Meetings w/ property owners (involved in ROW acquisition)
- Apply for Federal grant to fund Construction (Spring '14)
- Amend 6-year Transportation Improvement Program (TIP) to add striping changes on 76th and 212th

Councilmember Bloom observed in the north portion, 76th Avenue is the boundary between Lynnwood and Edmonds and asked whether improvements would be done on both sides and whether Lynnwood would pay for the improvements on their side. PW Director Phil Williams answered staff has briefly talked with Lynnwood; there will be further discussions as design progresses. He anticipated Edmonds would sponsor the project and Edmonds and Lynnwood would co-sponsor a grant. He pointed out one downside to the project is restriping in the north end of the project to reduce the 4-lane roadway to 3-lanes with bike lanes will eliminate parking stalls on both Edmonds' and Lynnwood's sides. His observation when walking and driving in that area is the parking is not heavily used.

Councilmember Bloom asked how Lynnwood would be included in the public process. Mr. Williams answered Lynnwood staff and property owners on the street would be invited to meetings.

Councilmember Johnson was excited about the project. She liked the Complete Streets component and looked forward to seeing greater detail. She was particularly interested in connections along 212th and along 76th to Five Corners. She observed the project will cause a slight delay but result in better safety and roadway function.

Councilmember Fraley-Monillas commented vehicles line up on 76th during pickup times at the elementary school in that area. Mr. Williams answered the staff will work with the school to address that issue. Mr. Harris commented there is a similar issue with vehicles queuing southbound at the high school entrance at 76th & 212th; Mr. Hauss has been working with the school district to determine if there is better internal circulation to prevent traffic backing up into the intersection.

12. 76TH AVENUE PROJECT COMPLETION REPORT

Public Works Director advised the Parks, Planning & Public Works Committee requested a presentation on the closeout of these two projects. He explained this was a joint project with Lynnwood. Lynnwood encountered issues with their contractor and ultimately terminated the contract. During the period of time the future of the project was unknown, Edmonds took some interim steps including completing the waterline portion of the project and having a temporary treatment applied to the roads to over-winter the project with the expectation of a final road treatment this summer. The contracts with Earthworks for the waterline installation and with Lakeside for the paving have been completed and were approved on tonight’s Consent Agenda. He reviewed the overall project budget:

76th Avenue Waterline	
76 th Avenue Budget	\$765,786.15
Lynnwood Cost to Date	275,940.98
Lynnwood Cost Pending Allowance	30,000.00
Constr. Admin. Expended to Date (approx.)	21,000.00
Emergency Work	
Earthworks Enterprises, Inc.	362,320.17
HWA	15,587.00
Construction Inspection/Admin	30,000.00
Unexpected Conditions	30,920.00
Total	\$765,768.15

He reviewed the construction contract:

	Water Fund 421	City of Lynnwood
Earthworks Enterprises – Waterline Replacement		
Construction Contract	\$362,320	
Change Order 1		\$26,595
Change Order 2	(\$37,110)	
Total	\$325,210	\$26,595
Lakeside Industries – Temporary Overlay		
Construction Contract		\$100,280
Change Order 1		\$4,789
Change Order 2		(\$1,598)
Total		\$103,471

Councilmember Petso asked whether the above construction contract was only through the temporary paving job. Mr. Williams agreed. Councilmember Petso observed there was more work to be done on the permanent surface. Mr. Williams explained Lynnwood will do the design and manage the permanent paving; the overlay was always part of their project. Lynnwood will remove some of the temporary paving and apply a new street surface this summer. Councilmember Petso relayed several citizens’ gratitude for the solution to the road condition.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO EXTEND THE MEETING FOR 10 MINUTES. MOTION CARRIED UNANIMOUSLY.

13. REVIEW CURRENT SIGN CODE FOR POTENTIAL AMENDMENT AND/OR ENFORCEMENT OPTIONS

Acting Development Services Director Rob Chave advised the Parks, Planning & Public Works Committee requested this be presented to the full Council. Comments have been made during Audience Comments about revisions to correct possible deficiencies in the sign code. Staff is also interested in reviewing the sign code. He asked whether the Council wanted to add this to the joint meeting with the Planning Board that was scheduled during the Council retreat. He emailed Planning Board Members about their availability for a March 25 work session with the Council; at least two of the seven members are not available. Another option would be to schedule a joint work session on another date.

Council President Buckshnis suggested a work session next week may not work because the agenda includes public comment on the Sunset Avenue walkway. She suggested rescheduling a joint work session in April or simply referring this to the Planning Board without a work session.

Councilmember Peterson preferred to have a work session with the Planning Board. He suggested the packet include more than just the comments from one citizen. Mr. Chave explained there is much room for confusion in the current sign code. He recalled the Council's discussion at the retreat that the Planning Board has the ability to do significant outreach before they begin revising the code.

It was agreed to add this to a joint work session with the Planning Board in April.

15. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF MARCH 11, 2014

Finance Committee

Councilmember Petso encouraged Councilmembers to review the budget amendment that will be scheduled on an upcoming agenda because in addition to carryover items or items previously approved by Council, there are several new items.

Parks, Planning & Public Works Committee

Councilmember Bloom reported most of the items the committee discussed were on the Consent Agenda or the agenda. She highlighted the continued discussion on potential changes to the MP2 Zone affecting the former Unocal lower yard. She explained Tim Smith, representing DOT/Washington State Ferries relayed DOT executives' determination that they would not object to removing residential uses from the MP2 zone. Mr. Smith also stated commercial uses were a necessary part of the project, and that the State Legislature had insisted DOT configure projects to help support ongoing maintenance – commercial uses would specifically help support maintenance and operation of the Edmonds Crossing terminal, and were therefore a necessary component of the project. Councilmember Bloom advised further discussion regarding the MP2 zone will be presented to the full Council.

Public Safety & Personnel Committee

Councilmember Fraley-Monillas reported on items discussed by the committee:

- Renewal of Contract with Adix Bed and Bath for Dogs and Cats for Kenneling Services: approved on Consent Agenda
- Review draft language for recreational marijuana licensing ordinance: forwarded to full Council
- Office Coordinator (SEIU Union) Job Description/Position – Wastewater Treatment Plant: approved on Consent Agenda
- Update of Edmonds City Code 10.25.090 (regarding probationary periods for promoted or transferred classified personnel): approved on Consent Agenda

16. MAYOR'S COMMENTS

Mayor Earling welcomed Councilmember Mesaros.

Mayor Earling thanked the Council for the retreat, noting some good work was accomplished and there was a lot of work to be done.

17. COUNCIL COMMENTS

Council President Buckshtnis welcomed Councilmember Mesaros. She thanked Councilmembers for a great job at the retreat.

Councilmember Mesaros said it was nice to be on the Council.

Councilmember Bloom welcomed Councilmember Mesaros.

Councilmember Johnson announced the Chamber Art Awards on Thursday after the Ark Walk.

Councilmember Petso welcomed Councilmember Mesaros.

Councilmember Peterson welcomed Councilmember Mesaros.

Councilmember Fraley-Monillas referred to the blue and yellow ribbon she was wearing in honor of World Down Syndrome Day, March 21. She explained World Down Syndrome Day is celebrated annually on March 21. The date is symbolic of the three copies of the 21st chromosome that characterizes people with Down Syndrome. Down Syndrome occurs in 1 out of every 691 live births which equates to 57 people living in Edmonds who may have Down Syndrome. It is the most frequently occurring chromosomal difference; it affects people of all ages, races and economic levels, usually results in mild to moderate cognitive delays and does not affect an individual's ability to lead a full and productive life. She thanked the Down Syndrome Association of Snohomish County for promoting inclusion and acceptance to all people with Down Syndrome.

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

This item was not needed.

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

This item was not needed.

20. ADJOURN

With no further business, the Council meeting was adjourned at 10:41 p.m.