

# EDMONDS CITY COUNCIL APPROVED MINUTES

## April 15, 2014

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

### ELECTED OFFICIALS PRESENT

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

### STAFF PRESENT

Stephen Clifton, Community Services/Economic Development Director  
Phil Williams, Public Works Director  
Carrie Hite, Parks & Recreation Director  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Bertrand Hauss, Transportation Engineer  
Renee McRae, Recreation Manager  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. CONVENE IN EXECUTIVE SESSION REGARDING PROPERTY ACQUISITION AND PENDING LITIGATION PER RCWS 42.30.110(1)(b) AND 42.30.110(1)(i)

At 6:00 p.m., Mayor Earling announced that the City Council would meet in executive session regarding property acquisition and pending litigation per RCWs 42.30.110(1)(b) and 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, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, Development Services Director Shane Hope, Senior Planner Kernien Lien and City Clerk Scott Passey. At 7:01 p.m., Mayor Earling announced to the public present in the Council Chambers that an additional 10 minutes would be required in executive session. At 7:10 p.m. Mayor Earling announced an additional 5 minutes would be required in executive session. The executive session concluded at 7:16 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:18 p.m. and led the flag salute.

### 2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present.

### 3. APPROVAL OF AGENDA

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO MOVE ITEM 11 TO ITEM 6B. MOTION CARRIED UNANIMOUSLY.**

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

**4. APPROVAL OF CONSENT AGENDA ITEMS**

Councilmember Petso requested Item M be removed from the Consent Agenda and Councilmember Bloom requested Items E and J be removed.

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

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF APRIL 1, 2014**
- B. APPROVAL OF CLAIM CHECKS #207893 THROUGH #208033 DATED APRIL 3, 2014 FOR \$488,638.21 AND CLAIM CHECKS #208034 THROUGH #208176 DATED APRIL 10, 2014 FOR \$244,068.88. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60884 THROUGH #60898 FOR \$463,165.63, BENEFIT CHECKS #60899 THROUGH #60908 AND WIRE PAYMENTS OF \$389,960.77 FOR THE PERIOD MARCH 16, 2014 THROUGH MARCH 31, 2014. APPROVAL OF PAYROLL REPLACEMENT CHECK #60909 DATED APRIL 9, 2014 FOR \$34.60**
- C. AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENTAL AGREEMENT WITH PERTEET FOR THE 228<sup>TH</sup> ST. SW CORRIDOR IMPROVEMENT PROJECT**
- D. QUARTERLY PUBLIC WORKS PROJECT REPORT**
- F. AUTHORIZATION FOR MAYOR TO SIGN A SNOHOMISH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT FOR ADA UPGRADES FOR THE 3RD AVE CURB RAMP REPLACEMENT PROJECT**
- G. REPORT ON BIDS OPENED APRIL 3, 2014 FOR THE SANITARY SEWER REPLACEMENT PROJECT AND AWARD OF CONTRACT TO SHORELINE CONSTRUCTION IN THE AMOUNT OF \$1,224,607.49**
- H. COUNCIL ACCEPTANCE OF A 40-FOOT STREET DEDICATION (243<sup>RD</sup> PL W) AND 15-FOOT PUBLIC SANITARY SEWER EASEMENT AND AUTHORIZATION FOR MAYOR TO SIGN FACE OF PLAT DOCUMENTS**
- I. 2014 FEBRUARY BUDGETARY FINANCIAL REPORT**
- K. REQUEST AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE WASTEWATER TREATMENT PLANT INTERIOR IMPROVEMENTS PROJECT TO TEC CONSTRUCTION INC**
- L. FAC EQUIPMENT SURPLUS**
- N. AUTHORIZATION FOR MAYOR TO SIGN ANNUAL SPECIAL EVENT CONTRACTS**

**ITEM M: APPROVAL OF AN APPLICATION FOR A CONCESSION AGREEMENT BETWEEN THE CITY OF EDMONDS AND DEAN PARMENTER/HOT DIGGITY DOG**

Councilmember Petso explained the Finance Committee reviewed this item and scheduled it for approval on the Consent Agenda pending further research by staff of internal/external comparables. The original agreement included a fee of \$100/month; research found comparable Parks Department agreements have a 10% minimum fee and ferry system agreements also have a 10% fee. Staff has prepared an alternative

concession agreement with a 10% fee/month. The second issue is the amount of insurance; the City Attorney confirmed the code allows a \$2 million aggregate insurance rather than \$5 million. A third issue is the term of the agreement; the original agreement includes a 1 year term to April 15, 2014, the revised agreement with the 10% fee does not specify a term. She summarized the issues for Council consideration are, 1) a 10% fee or \$100/month fee, with a 1 year term, or 2) reschedule this item for further discussion.

Council President Buckshtnis recalled the Hula Hut was charged \$100/month. City Clerk Scott Passey responded the City no longer has a concession agreement with the Hula Hut.

Councilmember Fraley-Monillas spoke in favor of a consistent fee for all concessions. She suggested a temporary agreement for this concession and having further research done by a Council committee. She was cautious about requiring 10% of the concessionaire's revenue as a fee as that could be thousands if the stand is popular.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE A 1 YEAR CONCESSION AGREEMENT AT 10% AND REQUEST STAFF REVIEW THE PROCESS FOR CONCESSION AGREEMENTS AND RETURN WITH A RECOMMENDATION TO AN APPROPRIATE COMMITTEE.**

Councilmember Fraley-Monillas observed this would be the first concession agreement for that space that would charge a 10% fee. She suggested a \$100/month fee until the issue could be vetted further. She did not support the 10% fee in the motion.

Councilmember Peterson assumed the 10% fee charged by the Parks Department was to offset use of the park. Parks & Recreation Director Carrie Hite explained the Council approved a code change a few years ago allowing concessions in parks. The goal was to offer amenities to citizens in response to requests for food in parks. The code changes were modeled after other cities that allow private business to partner with public entities to provide amenities in parks; a common model is a percentage of gross revenues, 10% is the minimum fee the Parks Department offers for concessions in parks. The City currently has 2 vendors that pay 10% and is negotiating a fee with 2 others. The goals are to provide amenities, use the revenue to enhance the park and for concessionaires to pay fair market value for use of the public land. Rights-of-way are treated differently in the Edmonds City Code. She suggested putting all concessions together in the code to be consistent. In the code changes the Council approved previously, concessions in parks are not subject to public hearing, do not come to Council for approval, and are at the discretion of the Parks Director. Concession agreements for rights-of-way are subject to public hearing and have always been a flat fee.

Councilmember Peterson agreed with Councilmember Fraley-Monillas' suggestion to continue with the flat fee, noting a concession in a park was a much more valuable commodity for a concessionaire than a location in a right-of-way.

Councilmember Johnson agreed with Councilmember Peterson, preferring to continue with the past practice of a \$100/month fee for the space on James Street.

Councilmember Bloom expressed concern with consistency, pointing out this location will have a great deal of traffic, possibly more in a park. The \$100/month fee was based on agreements in place years ago. Ms. Hite advised the two vendors the Parks Department is negotiating with, a kettle corn vendor and a snow cone vendor, would be located in the mini-park on the ferry holding lanes which is steps away from the right-of-way location. She summarized the concessions will have the same customer base and it is a very high demand area.

Councilmember Fraley-Monillas commented until a policy was developed for concessions in the right-of-way, she was uncomfortable with changing the fee structure. Ms. Hite explained the ECC contains a process for vending in rights-of-way and the Council is following that process – a public hearing and the City Clerk prepares the contract. Mr. Passey advised the code provides the Council broad discretion to enter into concession agreements in the right-of-way.

Councilmember Fraley-Monillas suggested by next spring drafting a policy similar to the policy for concessions in parks to ensure consistency. Ms. Hite offered to work with the City Clerk to provide recommended code changes to create consistency.

Councilmember Petso clarified staff is negotiating with 2 vendors who would be located in the park immediately adjacent to this right-of-way location and who would pay at least 10 % and the right-of-way location was only steps from the park where those vendors would be located. Ms. Hite agreed.

Councilmember Bloom suggested a shorter contract with Hot Diggity Dog. Ms. Hite answered the Council could choose to approve a shorter term; the high peak season at the ferry holding lanes is May – September/October.

**COUNCILMEMBER MESAROS CALLED FOR THE QUESTION. THE CALL FOR THE QUESTION WAS UNANIMOUSLY APPROVED.**

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS BLOOM, MESAROS AND PETSO VOTING YES; COUNCILMEMBERS FRALEY-MONILLAS, JOHNSON AND PETERSON VOTING NO.**

**ITEM E: AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENTAL AGREEMENT WITH DAVID EVANS AND ASSOCIATES FOR ENGINEERING SUPPORT SERVICES FOR THE FIVE CORNERS ROUNDABOUT PROJECT**

Councilmember Bloom explained this was presented to the Parks, Planning & Public Works Committee last week; Councilmember Mesaros was not present. She agreed to schedule it on the Consent Agenda but also wanted a noticed presentation related to the full cost of the Five Corners roundabout in conjunction with tonight's presentation regarding the bid.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADDRESS THIS ITEM FOLLOWING AND IN CONJUNCTION WITH THE PRESENTATION REGARDING BIDS FOR THE FIVE CORNERS ROUNDABOUT (AGENDA ITEM 10).**

Council President Buckshnis did not support the motion, explaining the cost overruns have nothing to do with the engineering support services provided by David Evans and Associates. This contract was described at the Parks, Planning & Public Works Committee meeting and is appropriate for approval on the Consent Agenda.

Councilmember Bloom explained she emailed questions to Public Works Director Phil Williams about the supplemental agreement with David Evans and Associates. She would like those questions to be answered in conjunction with the presentation regarding the bids for the Five Corners Roundabout because it is related to the Five Corners project. There have been nine supplemental agreements with David Evans and Associates and she wanted answers to the questions she posed such as the original project cost for David Evans and Associates before the Council votes on the supplemental agreement.

Mayor Earling clarified if Mr. Williams answers those questions along with his presentation regarding the Five Corners Roundabout bids, whether the intent is to vote on both issues tonight. He wanted to avoid

the Council approving the bid for the Five Corners Roundabout and delaying the David Evans and Associates supplemental agreement. He preferred the Council vote on both tonight or delay both.

Councilmember Bloom explained she has asked for a presentation regarding the Five Corners Roundabout such as what has been expended so far and the original cost projections in order to update Councilmembers who have not been involved in approving the project. Her intent was to have that announced as separate agenda item which was not done. She could not assure that all her questions regarding the Five Corners Roundabout project would be sufficiently answered tonight to allow her to vote on the bid.

Council President Buckshnis explained this was discussed at the Parks, Planning & Public Works Committee meeting. The David Evans and Associates contract explains what the funds are for; cost overruns and construction are totally separate issues.

**COUNCIL PRESIDENT BUCKSHNIS CALLED FOR THE QUESTION. THE CALL FOR THE QUESTION WAS UNANIMOUSLY APPROVED.**

**MOTION CARRIED (6-1), COUNCIL PRESIDENT BUCKSHNIS VOTING NO.**

**ITEM J: AUTHORIZING THE MAYOR TO APPROVE AN ADDITIONAL PERIOD OF APPOINTMENT FOR ACTING DEVELOPMENT SERVICES DIRECTOR ASSIGNMENT TO INCLUDE JANUARY 1-MARCH 31, 2014**

Councilmember Bloom assured her concern about this item had nothing to do with Rob Chave or his performance as Acting Development Services Director; he has done a very good job balancing 2+ jobs during his nearly 2 years of being Acting Development Services Director. She asked whether retroactive extension of the period of appointment of the Acting Development Services Director was consistent with the recently adopted revisions to ECC Chapter 2.10. City Attorney Jeff Taraday explained the code revisions were adopted in early 2014; the code does not directly apply to the action taken in April 2013 because it was not in effect at that time. Chapter 2.10.010.E states, The mayor shall have the authority to appoint, without city council confirmation, an acting director to perform the functions and duties of a vacant appointive office, subject to the term limitations described in ECC 2.10.040(B); provided, that there is budgetary authority to fill the position. The city council shall be given written notice about any such acting appointments including the effective date of the appointment. Acting directors shall be compensated pursuant to applicable ordinances and personnel policies regarding acting pay.

Mr. Taraday relayed his understanding that there was budgetary authority for the Development Services Director position; he was not certain what written notice was provided but the Council had knowledge Mr. Chave was serving in that capacity. Chapter 2.10.040.B states, The authority to hold an appointive office on an acting basis (an acting directorship) shall expire and be deemed vacant six months after the date of the acting appointment. In this case it depends on when that six month period began; the Council previously approved Mr. Chave as the Acting Development Services Director through December 31, 2013. The period of time in this request is the first quarter of 2014. He summarized the issue is complicated by the new law that took effect during this period. It could be reasonably argued that, 1) the 6 month mayoral authority started January 1, 2014 and the 6 months has then not expired, or 2) the appointment expired December 31, 2013 and an extension should have been addressed in late 2013.

Councilmember Bloom relayed her intent to vote against this item. She initiated having Mr. Chave appointed as Acting Development Services Director in early 2013 because there was no Development Services Director. She believed at that time that the position was in the 2013 budget; when she realized it was not, she worked on a budget amendment and ordinance to allow the position to be filled before the end of 2013. This was accomplished in September 2013, providing ample time to fill the position by the

end of 2013. The Council is now being asked to retroactively approve the continued appointment of the Acting Development Services Director when the Council only approved the appointment through the end of December 2013.

Councilmember Fraley-Monillas asked whether Mr. Chave was paid as the Acting Development Services Director during the first quarter of 2014. Human Resources Reporting Director Carrie Hite answered yes, Mr. Chave was Acting Development Services Director, made decisions and took the responsibility. It took a while to fill the Acting Development Services Director position; it was filled effective April 1, 2014. When the Council approved the Acting Development Services Director and Human Resources Reporting Director in April 2013; the Human Resources Reporting Director was approved for a year and the Acting Development Services Director was only approved through December 31, 2013. She acknowledged this was her oversight.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE ITEM J. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

**5. PROCLAMATION IN HONOR OF EARTH DAY, APRIL 22, 2014**

Mayor Earling read a proclamation declaring April 22, 2014 as Earth Day. He presented the proclamation to Councilmember Johnson, the Mayor's appointee to the Climate Protection Committee.

Councilmember Johnson accepted the proclamation on behalf of the members of the Climate Protection Committee and encouraged everyone to celebrate Earth Day April 22 and throughout the year.

**6. AUDIENCE COMMENTS**

**Kurt Griener, Edmonds**, referred to Chapter 5.30.10, a City policy to minimize exposure of its citizens to psychological and philological dangers of excessive noise. Train noise is exempt from this requirement because trains are controlled by the federal government. A group of citizens seek to have the City invoke the federal provision to create a quiet zone for trains as set forth in provisions of 49 CFR 222.35. Since 2005 the Federal Railroad Administration (FRA) has permitted the establishment of quiet zones in which trains do not normally blow whistles; this usually requires additional safety requirements at crossings. There are approximately 600 quiet zones in the United States. His reasons for establishing a quiet zone in Edmonds for the Dayton and Main Street crossings include lost customers and complaints from guests at the Best Western Harbor Inn about the train noise, comments on Trip Advisor about train noise, 5% lower property values due to train noise, less revenue collected by the City due to lost lodging tax and lower property values, and comments about train noise on the Port's website. He relayed guests in their home have difficulty sleeping due to train whistles and train whistles stop conversations in homes and at the senior center. Staff researched a quiet zone in 2007/2008 but the issue was dropped due to funding. He urged the City to reexamine the feasibility of establishing a quite zone in Edmonds. He provide their organization's website, [EdmondsQuietZone.org](http://EdmondsQuietZone.org).

**Ron Wambolt, Edmonds**, referred to Agenda Item 10, commenting he is not anti-roundabout and has a great deal of experience living in and visiting places with roundabouts. He opposed the construction of the Five Corners roundabout because after walking and driving through that intersection for 35 years and well as viewing the intersection while campaigning last year, he felt it was not needed. Many people spoke against the roundabout while he was doorbelling during his campaign last year; he informed citizens if elected, the only thing he could promise was an objective assessment of the project. He provided the following information.

- Roundabout approved September 2011, total project \$2,415,500 of which the City was to pay approximately 13.5%
- In June 2003, in the 2004-2009 CIP, the cost increased to \$3,139,000

- Today the total cost is over \$4.2 million of which \$2.4 is funded by grants and the remainder (\$1.75 million) by the City
- The project cost has increased 75%
- Killing the project will save the City approximately \$1.2 million (\$2.9 million contract with Marshbank, \$395,000 for project management, \$293,000 management reserve for a total of \$3.6 million, less the \$2.4 million in grants, leaving \$1.2 million)

He recommended the Council vote to kill the project tonight.

**George Bennett, Edmonds**, spoke in favor of the Five Corners roundabout. He lives in the area and said contrary to popular belief Five Corners is not full of drug houses and crazies from Highway 99, just normal people who live in and enjoy the neighborhood. He referred to the Sunset walkway and International District, remarking the roundabout assists with providing a contiguous feeling. He encouraged the Council to continue to consider projects that create a contiguous Edmonds. He urged the Council to approve the contract for the roundabout.

**Alvin Rutledge, Edmonds**, reported the Lynnwood City Council meeting including estimates of increased traffic on Highway 99 and information regarding the Costco project that will include 6 story buildings and residential development. He feared some of the people who shop at Costco in Shoreline and come to Edmonds will go to Lynnwood instead. The apartments will be completed in November 2015; the rents are not yet known.

**Nathan Proudfoot, Edmonds**, referred to the quiet zone issue and General Code of Operating Rules (GCOR) 5.8.2 that states the whistle may be used anytime as a warning regardless of any prohibition. When other employees are working in immediate area, sound before moving or other forms of communication may be used in place of whistles. 5.8.4 states within designated whistle quiet zones, signal must not be sounded except when necessary to provide warning. He noted many people trespass on the tracks in Edmonds; a quiet zone would not eliminate whistles in downtown Edmonds, it would only reduce the noise level. The only way to eliminate train horns and sounds is to eliminate level crossings.

**Roger Hertrich, Edmonds**, referred to the Haines Wharf cost overruns. At a recent committee meeting he understood Five Corners would be \$600,000 - \$700,000 more than estimated. He expressed concern that the engineer's cost estimates were not closer to the bids. He recalled numerous problems with the 220<sup>th</sup> project that cost a great deal more than anticipated. He recalled a lot of people did not want the roundabout but were forced into it because of a grant the City accepted. He suggested holding another public hearing on the roundabout project to assist the Council in making a final decision whether to proceed.

**Bruce Witenberg, Edmonds**, said he has had the pleasure of working with Stephen Clifton as a member of the Highway 99 Task Force and Economic Development Commission. He found Mr. Clifton to be extremely hardworking and knowledgeable about economic development issues locally, regionally and nationally. He is held in high esteem by his peers in the region. He is passionate about the City and its future and has worked tirelessly to recruit new businesses and retain existing businesses. He is an ardent supporter of arts and understand the current and future economic value they bring to the community. He has conducted himself professionally in the face of critics and supporters alike. He understands the importance of striking a balance between Edmonds' charm and thinking progressively to bring sound and vibrant economic development to the community. His knowledge, professionalism, integrity and calm demeanor have inspired him to work diligent for the betterment of the community. In both public and private meetings, Mr. Clifton has always been well prepared and focused on the issues, not personalities of those involved. Citizens and Councilmembers should endeavor to emulate Mr. Clifton's attributes. Today Edmonds loses one of its outstanding employees and best visionaries; as a citizen of Edmonds, Mr. Witenberg trusted Mr. Clifton would continue to give the benefit of his knowledge and expertise on

important issues facing the community. Mr. Witenberg thanked Mr. Clifton for his excellent service to Edmonds and wished him well in his new position in Snohomish County.

**6B. AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE CHAPTER 3.75 RELATING TO THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ADDING SECTION 3.75.075 TO CREATE AN EXEMPTION FOR NEW BUSINESSES (Previously Agenda Item 11)**

Community Services/Economic Development Director Stephen Clifton explained ECC 3.75.020 and 070 require the owners of businesses located within the Edmonds Downtown Business Improvement District (EDBID) to pay a special assessment. RCW 35.87A.170 allows an exemption to be created for new businesses for up to one year. Granting an exception requires the City Council enact an ordinance or amend an existing ordinance.

In response to a request from a EDBID member about an exemption, the EDBID Interim Members Advisory Board discussed the issue at a recent Board meetings and on March 27, 2014, expressed support for granting an exemption from assessments for a period of one year from the date a business license is approved by the City and asked staff to forward a recommendation to the City Council. . The ordinance in Attachment 1, if approved, would amend ECC 2.75, granting the requested exemption for new business owners. If approved, the ordinance will take effective April 22, 2014; new businesses established after April 22, 2014 would be exempted from the assessment.

Mr. Clifton described a second issue related to processing of delinquent payments. ECC 3.75.070 states assessments shall be paid on a quarterly basis; 3.75.180 states if assessments are not paid within a 60 day timeframe, the Finance Director has the authority to charge interest at an annual percentage rate and is authorized to use a collection agency to collect the delinquent amount. The code does not state when the Finance Director is to send the delinquent amount to a collection agency. The EDBID discussed this issue and recommended establishing a nine month timeframe before using a collection agency. The EDBID also recommended a 30 day notice to the business before the account is referred to collections.

When the above issue was discussed with the City Attorney, he suggested another method, not renewing business licenses for businesses with outstanding, unpaid assessments. The EDBID discussed this and are opposed to having the City not issue business licenses due to unpaid assessments. The Finance Committee did not make a recommendation regarding this issue because at the time of their meeting, the EDBID had not yet discussed it. The Finance Committee recommended the Council only take action on the exemption for new businesses at this time.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO APPROVE ORDINANCE NO. 3965, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE, CHAPTER 3.75 RELATING TO THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, ADDING SECTION 3.75.075.**

Councilmember Petso relayed the Finance Committee's request that when a business is provided notice of collections, the notice include the interest rate and collection fees. Mr. Clifton advised that will be addressed in a subsequent ordinance. He noted the Finance Committee discussed whether a public hearing was required; the City Attorney determined a public hearing was not required. Only the establishment of a BID, changing the boundaries, changing the assessment rate, imposing an additional rate or disestablishment of a BID requires a public hearing.

**MOTION CARRIED UNANIMOUSLY.**

7. **PRESENTATION OF THE 76<sup>TH</sup> AVE. W AT 212<sup>TH</sup> ST. SW INTERSECTION IMPROVEMENTS PROJECT UPDATE**

Transportation Engineer Bertrand Hauss provided an introduction to the project:

- Congestion Mitigation and Air Quality (CMAQ) federal grant secured in 2012 to complete design & right-of-way (ROW) phases
- Design phase started in summer 2012
- 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, identified businesses on each corner and described the existing configuration and the project scope:

- Addition of left turn lane for northbound (NB) & southbound (SB) movements (on 76th)
  - Allow traffic signal to time both approaches concurrently (same as existing conditions on 212th)
- Addition of right turn lane for WB, NB, and SB movements
- Improve intersection delay
  - Existing 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
- Conversion of NB and SB movements
  - 1 through lane
  - 1 left turn lane
  - 1 right turn lane
  - 1 bike lane
- Supports Complete Streets & 2009 Transportation Plan

Mr. Hauss reviewed the remaining schedule:

- Design phase – Complete in December 2015
- ROW phase – Complete in December 2015
- Construction phase – TBD (funding grant application to be submitted this week)

Next steps include:

- Spring 2014 items:
  - Public open house
  - Meetings with property owners (involved in ROW phase)
  - Apply for federal grant to fund construction phase
- Amend 6-year Transportation Improvement Program (TIP) to add restriping project along 76<sup>th</sup> Avenue from 220<sup>th</sup> Street SW to Olympic View Drive (Agenda Item 8)

Councilmember Petso asked if undergrounding of utilities would occur only at the 212<sup>th</sup>/76<sup>th</sup> intersection or all the way to Olympic View Drive. Mr. Hauss answered utilities will be undergrounded at the intersection, approximately 150 feet from each corner.

8. **PUBLIC HEARING AND POTENTIAL ACTION ON AN AMENDMENT TO THE 2014-2019 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM TO ADD THE 76<sup>TH</sup> AVE. W RESTRIPING PROJECT FROM 220<sup>TH</sup> ST. SW TO OLYMPIC VIEW DR**

Transportation Engineer Bertrand Hauss provided an introduction to the project:

- 2014-2019 TIP identifies transportation projects planned over next 6 years
- In order to submit federal grant applications, projects need to be identified in TIP
- Proposed bicycle facilities along this corridor (identified in 2009 Transportation Plan)
- Restriping of 76<sup>th</sup> Ave W divided into 2 stretches:
  - 220<sup>th</sup> to 206<sup>th</sup>
  - 206<sup>th</sup> to Olympic View Drive

He reviewed the project description of the two stretches:

- 200<sup>th</sup> to 206<sup>th</sup>
  - Existing conditions
    - 2 through lanes for NB and SB movements
  - Proposed conditions
    - 1 bike lane for NB and SB movements
    - 1 through lane for NB and SB movements
    - 1 two-way left turn lane
    - Consistent with proposed striping at 76<sup>th</sup> @ 212<sup>th</sup> intersection

Mr. Hauss provided a photograph of the current configuration and cross sections of the existing configuration and with restriping. He reviewed the second stretch:

- 206<sup>th</sup> to OVD
  - Existing conditions:
    - 1 through lane for NB and SB movements
    - Parking stalls on each side of street
    - West side of 76<sup>th</sup> Avenue Edmonds jurisdiction
    - East side of 76<sup>th</sup> Avenue Lynnwood jurisdiction
  - Complete Preliminary Engineering Study:
    - Develop preferred alternative
    - Improve traffic flow
    - Add left turn lanes to certain cross streets
    - Minimize loss of on-street parking
    - Improve vehicular and bicycle safety
    - Evaluate pedestrian/vehicular circulation at College Place Elementary School (76<sup>th</sup> Ave. W @ 204<sup>th</sup> St. SW) in conjunction with Edmonds School District

He reviewed the project benefits:

- Improved traffic flow and travel time along 76<sup>th</sup> corridor
- Bicycle safety with addition of separate facility
- Vehicle safety
- Less rear-ends
- Less left turn collisions
- Less conflict points
- Additional pedestrian/vehicular separation with bike lanes
- Pedestrian safety with separation between sidewalk and vehicle lane
- Access from 76<sup>th</sup> Ave to/from cross streets and driveways
- Consistent pace along corridor
- Supports Complete Streets

Mr. Hauss reviewed the remaining schedule:

- Design phase:
  - To be coordinated with 76<sup>th</sup> @ 212<sup>th</sup> intersection improvement project
- Construction phase:
  - TBD (grant application to be submitted this week)
  - Construction to be coordinated with construction of 76<sup>th</sup> @ 212<sup>th</sup> intersection improvement project

Mr. Hauss concluded:

- Proposed bicycle facility along 76<sup>th</sup> corridor identified in 2009 Transportation Plan
- Submit federal grant application to fund a portion of project
- Staff recommends amending 2014-2019 TIP with addition of 76<sup>th</sup> Ave. restriping project

Council President Buckshnis observed changes had been made to the configuration since the previous presentation to the Council. Mr. Hauss agreed the project has been tweaked following further discussion with Lynnwood.

Councilmember Bloom asked whether staff has already applied for the grant. Mr. Hauss answered the grant will be submitted early next week. To qualify for a federal grant the project must be in the TIP. Councilmember Bloom questioned the process, commenting the public hearing seemed like a formality when staff was ready to apply for a grant. Mr. Hauss explained the grant for the 220<sup>th</sup> to 206<sup>th</sup> section is for design and construction. The grant for 206<sup>th</sup> to Olympic View Drive is only for design due to additional public process that will be required to address parking, etc. Councilmember Bloom relayed her understanding it was a formality to hold a public hearing to include the project in the TIP rather than an open discussion regarding the specifics of the project. Mr. Hauss agreed.

Councilmember Fraley-Monillas referred to the removal of parking on 76<sup>th</sup> from College Place north on Lynnwood's side. Mr. Hauss answered removal of parking will be discussed with Lynnwood and at public open houses during the design.

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

**Don Fiene, Edmonds**, expressed support for the project, commenting it has been in the City's long range plans for over 15 years such as the Transportation Element and the Bikeway Plan. As a member of the Edmonds Bicycle Advocacy group, he also supported the bicycle safety improvements in this project.

**Peter Halson, Edmonds**, a recreational cyclist, expressed support for the project because it addresses an important issue. He explained 76<sup>th</sup> is a major north-south thoroughfare, a link to the interurban and is used by many bicycle commuters. Swedish Hospital intends to encourage employees to bike to work; 76<sup>th</sup> will be a major route for many employees. The route provides access to elementary schools, the high school and the post office as well as serves as a connection to the ferry, Burke Gilman Trail, Mukilteo, etc. The Edmonds Bicycle Club is working on bicycle safety with the elementary and middle schools in the Edmonds School District. He cited the importance of bike lanes on both sides and encouraged the City to proceed with building this project.

**Roger Hertrich, Edmonds**, recalled a project to widen 196<sup>th</sup>/9<sup>th</sup>/Caspers to four lanes was revised to two lanes with a center turn lane, a configuration that works well. He questioned the proposal to widen sidewalks and narrow the travel lanes. He expressed concern with acquiring right-of-way from Dairy Queen, recalling that is a very tight site. He questioned undergrounding utilities in this area when it is not

a view area and preferred to underground utilities downtown. He anticipated residents on 76<sup>th</sup> will be concerned with the removal of on-street parking.

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

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO APPROVE RESOLUTION 1315, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, APPROVING THE REVISED 2014-2019 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND DIRECTING FILING OF THE ADOPTED PROGRAM WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.**

Councilmember Fraley-Monillas commented she travels 76<sup>th</sup> nearly every day and is often delayed by turning vehicles. She supported the configuration with two travel lanes, a center turn lane and bike lanes. She anticipated this project would improve residents' access to neighborhoods and prevent rear-end accidents.

Council President Buckshnis asked why utilities were proposed to be undergrounded at the intersection. Public Works Director Phil Williams explained there will be significant modifications to the intersection; it is much more cost effective to underground utilities at that time.

Councilmember Peterson was excited about this project, commenting this was the vision when Complete Streets was adopted several years ago. The Edmonds Bicycle Group's Basics of Bicycling Program is teaching thousands of students to safely ride bikes to school. By the time this project is completed, many students will know how to ride safely to school. This project will be a great showcase piece and the undergrounding of utilities adds to the aesthetics of the project. He thanked staff for developing this project and the Edmonds Bicycle Group for their support.

Councilmember Fraley-Monillas referred to Mr. Hertrich's comment about undergrounding utilities, pointing out even though this area does not have a view, they pay taxes and like to have their neighborhood look nice.

**MOTION CARRIED UNANIMOUSLY.**

**9. AUTHORIZING THE MAYOR TO SIGN THE AUTHORIZING RESOLUTION FOR A RCO GRANT FOR ACQUISITION OF CIVIC CENTER**

Parks & Recreation Director Carrie Hite explained Civic Fields have been a huge asset to the City and staff has been in discussions with the Edmonds School District about the possibility of purchasing the fields. She explained the City leases the property from the Edmonds School District; there are 5-6 years remaining on the lease. The District recently indicated a desire to sell the property. This is the first step in developing a financial plan for Civic Fields. She requested the Council authorize the Mayor to sign the resolution for a RCO grant to Washington Wildlife and Recreation Program local parks funding. The grant is due May 1, 2014. The resolution indicates the Council is aware staff is applying for the grant and that it is consistent with the PROS Plan and the City's goals.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE RESOLUTION 1316 FOR A RCO GRANT FOR ACQUISITION OF CIVIC CENTER. MOTION CARRIED UNANIMOUSLY.**

Mayor Earling declared a brief recess.

**10. REPORT ON BIDS OPENED APRIL 1, 2014 FOR THE FIVE CORNERS ROUNDABOUT INTERSECTION IMPROVEMENT PROJECT AND POSSIBLE AWARD OF CONTRACT TO MARSHBANK CONSTRUCTION, INC. IN THE AMOUNT OF \$2,934,597.40**

Public Works Director Phil Williams explained this item will include responses to questions about costs to date and the bids received for the project. He displayed a photograph of the intersection, commenting although it may be helpful to explain the reasons for the project; he would not do that tonight. The project has been through a long growth and development period, design, right-of-way acquisition and bidding and maximum use has been made of the grant funding. He displayed a rendering of the roundabout, explaining the geometry is similar although specifics of the design have changed slightly. He anticipated the project will be a significant aesthetic upgrade to Five Corners as well as a major safety improvement and offer higher throughputs for vehicles. The grants received for this project were due improving the air quality via reducing congestion at the intersection.

He reviewed costs to date:

Phase	Grant Fund	Local Match/ Fund 112	City Utility Funds (Water and Stormwater)	Total
Design	\$290,000	\$49,000	\$100,000	\$439,000
ROW	\$230,000	\$36,000	n/a	\$266,000
Total	\$520,000	\$85,000	\$100,000	\$705,000

Mr. Williams advised the stormwater improvements and water line replacement at Five Corners are investments that would need to be made in the not too distant future. This project provides an opportunity to do them concurrently. He noted a considerable amount of the expense in the overall project is utility costs. He identified the recipients of the above funds:

David Evans and Associates	\$440,000
Universal Field Services	\$ 78,000
Property owners	\$179,000
City internal ROW costs	\$ 8,000

With regard to the bids, Mr. Williams acknowledged they were higher than the engineer's estimate, approximately 17.8% over the engineer's estimate. He reviewed two options:

**Option 1: Rebid Project**

- Reduce Scope of Work by removing the following:
  - \$ 51,600 Core ten wall
  - \$ 61,500 Modify lighting
  - \$ 60,000 Crosswalks to hot mix asphalt (HMA)
  - \$ 19,600 Permanent signing
  - \$ 15,000 Reduce construction conflicts (FA work)
  - \$ 15,000 Reduce property restoration (FA work)
  - \$222,700 Total (8% of Marshbank bid)

Mr. Williams reviewed how removal of the above elements would impact project costs:

- Construction contract \$2,711,897
- Construction mgmt. \$ 395,000
- Contingency 10% \$ 271,190
- Public art 1% \$ 5,716
- Total \$3,383,803

Mr. Williams reviewed pros and cons of rebidding the project:

- May save \$222,700 – pro
- Scope items being removed were important elements in the design concept for the project – con
- Rebidding will delay the project until 2015 or require over-wintering the intersection until 2015 which would likely add 2.5% to the project cost or result in increased costs due to maintenance of the intersection – con
- Reworking the bid package will add approximately \$20,000 to the City’s costs – con
- Received seven qualified bids. It is likely that fewer bids would be received on a rebid.
- The low bidder was already \$250,000 under the next lowest bidder. If \$222,700 worth of line items are removed from their bid, is it reasonable to assume they will further reduce their bids by a corresponding amount?

Option 2 – Award project

- Construction contract \$2,934,597
- Construction mgmt. \$ 395,000
- Contingency \$ 293,500
- Public art 1% \$ 5,716
- Total \$3,628,813

Mr. Williams provided details regarding the construction management costs:

- W&H Pacific \$194,856
- David Evans \$ 50,227
- City staff \$100,000
- Contingency \$ 50,000
- Total \$395,083

Mr. Williams explained the water improvements that are proposed are the Water Fund (Fund 421) taking advantage of this surface improvement to replace old water lines. It is an opportunity for the Water Department but because it is not required, it is not grant eligible. With the installation of new/replacement impervious surface above a certain square footage, the City’s code requires the entire area be brought up to the new stormwater code. This project triggers those new stormwater requirements and since they are required, they are grant eligible. The original expectation when applying for the construction grant was it could cover the cost of the roundabout construction and help pay for the stormwater improvements. The grant funds are no longer sufficient to fully meet both of those needs; it is sufficient to pay for construction of the roundabout but not to reimburse the Stormwater Fund for the new stormwater infrastructure. In the past it was possible to ask for additional construction grant funds; that policy changed recently and additional funds cannot be requested. He summarized there are fixed grant funds and higher than expected costs.

Mr. Williams described how the additional costs could be funded under Option 2:

<b>Funding Source</b>	<b>14 Budget</b>	<b>Additional</b>	<b>Total</b>
Federal Grant	\$1,839,000	\$ 20,000	\$1,859,000
Traffic Impact Fees	\$ 288,000	\$ 3,000	\$ 291,000
Water Utility	\$ 665,000		\$ 665,000
Storm Utility	\$ 100,000	\$662,000	\$ 762,000
Dry Utilities		\$ 51,500	\$ 51,500
<b>Total</b>	<b>\$2,892,000</b>	<b>\$736,500</b>	<b>\$3,628,500</b>

Staff recommends awarding the project with a transfer of the additional funds from the Stormwater Fund. He assured it would not require an increase in stormwater rates or a change in the 2014 stormwater budget. A project in the 2014 budget will be delayed until next year for reasons unrelated to this project.

Those funds will avoid a budget amendment and the stormwater capital plan will be rebalanced in 2015 and 2016 to accommodate this expense.

Councilmember Mesaros asked if staff has discussed the difference between the engineer's estimate and the bids with David Evans and Associates. Mr. Williams answered yes, explaining in the 182 line items, there are 2 where the engineer's estimate is significantly different than the bid:

- Vault
  - Engineer's estimate: \$100,000
  - Marshbank bid: \$225,000
- Lighting
  - Engineer's estimate: \$100,000
  - Marshbank bid: \$210,000
- Total \$235,000 approximately half the difference.

Councilmember Petso asked about the stormwater project that would not be completed in 2014. Mr. Williams answered for various reasons, improvements on 238<sup>th</sup>, estimated to cost \$800,000, will be delayed a year.

Councilmember Petso, referred to Mr. Wambolt's estimate regarding the savings if the project were canceled and asked Mr. Williams whether he agreed with that estimate. Mr. Williams answered \$705,000 has been spent to reach this point; throwing away \$1.8 million in grants, not providing any improvements and still tearing up the intersection to replace utilities in the not too distant future was a missed opportunity. He agreed the bids were disappointing.

Councilmember Petso asked whether this was the last Council decision point in this project. Mr. Williams responded there were no other obvious decision points. The Council would be awarding a construction contract to Marshbank and authorizing the Mayor to sign the contract. Depending on how the project progresses, any individual change orders that trigger the new features in the purchasing policy would be presented to the Council or if the total amount of the contingency was insufficient during the life of the project. He summarized if the Council authorized the construction contract, it was hoped groundbreaking would occur as soon as possible.

Councilmember Bloom relayed her understanding of the information provided by Mr. Wambolt was the original project estimate was \$2,450,000, it increased to \$3.9 million and the project was now \$4.2 million. She asked Mr. Williams to explain the increase from the original projected cost of \$2,450,000 to \$4.2 million. Mr. Williams responded he did not agree with the first number; he was unsure whether that was the contract estimate, the total cost of construction and whether it included the cost of design, right-of-way, construction, and soft costs. He acknowledged the project costs have increased over the 4-5 years of its development. Typically the more is learned about a project, costs increase. The project includes some features that citizens wanted that were not originally anticipated as well as four years of inflation. He summarized there are multiple reasons for the increased costs.

Councilmember Bloom explained she requested a noticed presentation and that the packet include attachments for Councilmembers to review in advance of the meeting. Mr. Williams' answers and his presentation made her more confused and she did not understand what were cost overruns and what was the original projection. For example, with the ninth supplemental agreement, the David Evans and Associates' contract is up to \$508,000. She summarized she could not vote to approve a bid \$600,000 over the engineer's estimate without having information in advance that would allow her to ask questions and get direct and clear answers. Mr. Williams answered he attempted to respond to Councilmember Bloom's request; if it is not sufficient, additional details can be provided.

Councilmember Bloom said she wanted all this information plus more to be presented in attachments to the Council packet so she would have an opportunity to review it in advance. With regard to Councilmember Bloom's recent email regarding the David Evans and Associates contract, Mr. Williams explained the original contract was for \$310,000; the final cost of that contract plus the subcontractor is \$518,000. He recalled when the contract was awarded, staff explained the entire scope was not being awarded because some things were unknown and that there would be supplements to the contract. For example, decisions were made to add significant utility work in advance of the project; that decision was not made when the grant was submitted for the project. The 3-4 biggest items in the supplemental contracts were related to replacement of stormwater and water infrastructure which is funded by the utilities. He acknowledged the addition of the utility work into a transportation project confuses the issue; approximately \$660,000 in stormwater work and \$660,000 in water work was not part of the original roundabout project.

Councilmember Mesaros referred to Mr. Williams' comments that this project has grown from when it was first envisioned. He asked what the next bump in the road might be. Mr. Williams answered there are always underground risks with any project that breaks through the surface of the ground. For example utility locations, unsuitable soils, etc. That is the reason for the contingency.

Council President Buckshnis commented it would have been helpful if staff had provided the information to the Council that was provided to the Parks, Planning & Public Works Committee. It was her understanding that the majority of the cost increase was stormwater improvements. She was comfortable with the numbers and anticipated an additional public hearing would result in the same proponents and opponents speaking.

Councilmember Petso referred to the rendering of the roundabout that is not up-to-date. She asked what elements have been changed. Mr. Williams answered the spacing of the trees and the size of the canopies were changed, the addition of the flashing pedestrian lights on the crosswalks, art work in the center and details and landscaping on the splitter island. He noted one of the first supplemental agreements with David Evans and Associates was \$3,000 to prepare the rendering.

Councilmember Petso asked whether delaying the decision 1-2 weeks to allow Council questions to be answered would be enough time to obtain an updated rendering. Mr. Williams answered no, he was concerned with adding two weeks to the project schedule, extending the project to November. He anticipated it would cost several thousand dollars to have the graphic artist update the rendering and asked what value would be provided by an updated rendering. He offered to provide a list of the changes made to the rendering, noting the concerns seem to be with the cost of the project, not the appearance.

Councilmember Peterson asked when the engineer's estimate was prepared. Mr. Williams answered it was updated shortly before the bid. Mr. Hauss advised it was updated in early March. Mr. Williams advised the total construction budget at that time was approximately \$3.15 million, the construction cost estimate was \$2.486 million, compared to the \$2.934 million actual bid.

Councilmember Peterson relayed his concerns with delaying the project to rebid included, 1) construction costs are increasing with the upturn in the economy, and 2) it is time to get this project moving. There has been a lot of great public input and inclusion of aesthetic features.

Councilmember Bloom asked Mr. Williams to explain over-wintering costs if the bid was rejected and the project rebid. Mr. Williams answered there are utility trenches, torn up sidewalks, etc. He was uncertain where the project would be stopped and picked up in the spring. He anticipated the contractor would seek to recover some costs to suspend the project and remobilize the following spring. There would also be

costs associated with maintaining the intersection at whatever point it was left. He estimated the over-wintering costs could easily be \$100,000.

Councilmember Bloom asked about delaying a decision one week to allow attachments to be presented to Council in advance so that Councilmembers were prepared to ask questions. Mr. Williams answered any delay would push the project toward bad weather at the end of the schedule. He was uncertain the contractor could finish the project by October 15 even if the contract were awarded tonight. Bad weather will result in the contractor asking for additional contract days; any delay will push the project toward over-wintering it.

Councilmember Fraley-Monillas suggested the Council could continue to hash this out tonight. She asked Councilmember Mesaros whether he was comfortable with his knowledge of the project. Councilmember Mesaros answered his comfortable level with his knowledge was good; he was prepared to make a decision tonight. He followed the discussion as a citizen and the information he reviewed adequately prepared him to make a decision. He asked which option staff recommended. Mr. Williams said staff does recommends Option 2, awarding the contract as bid.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO EXTEND THE MEETING FOR 30 MINUTES. MOTION CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO ACCEPT THE BID FROM MARSHBANK CONSTRUCTION, INC. AND MOVE ON.**

Council President Buckschnis summarized a presentation was made, pros and cons were presented, the numbers made sense, the majority of the cost overrun was related to stormwater, over 50% of the cost was funded by grants and it was time to move on.

Councilmember Petso recalled she has voted against the roundabout in the past and this would be her last chance to vote against it again. She explained a Councilmember who was not on the Council when the project began has requested information be provided in advance to allow her to frame questions. If a decision was made tonight, that Councilmember did not get the information in the packet she requested. There was also a request made tonight for a public hearing; a decision tonight will prevent that from occurring. She understood Mr. Williams wanted construction to occur sooner than later but she felt Councilmembers should have time to review the information and/or hold a public hearing. She agreed a public hearing would be a good idea due to the number of changes that have occurred in the design. She was concerned removing the trees, landscaping and the pattern in the center would result in a sea of concrete.

Councilmember Bloom said she was not prepared to accept the bid and felt it was unwise to accept the bid. She preferred to rebid the project and over-winter it at a cost of \$100,000. Rebidding the project would provide an opportunity to have all the questions addressed including Mr. Wambolt's summary of cost increases. If a public hearing were held, there may be compromises that would reduce the bid amount. She supported the roundabout and believed it would ultimately be a good thing for Five Corners but felt pressured to accept a bid that exceeded the engineer's estimate for no really good reason and because consideration was not being given to details to make the project more cost effective. She did not support the motion to accept the bid.

Councilmember Peterson referred to Councilmember Petso's implication that the new design would turn the intersection into a sea of asphalt, noting that was not what Mr. Williams described. Most of the changes are minor, the trees are not as big, the design of the apron is different but it is not sea of asphalt.

He agreed if all the artistic elements were removed, it may be a sea of asphalt; the proposed motion does not remove the aesthetic elements.

Councilmember Johnson commented she was not on the Council when this project was first proposed. When she was on the Transportation Committee, she did not fully support the roundabout concept due to her belief there was an interim project that could achieve the objectives at a lower cost. The goal of this project is to decrease the average intersection stop delay during the peak period of 15 minutes during an average day. Over the years as she has attended every public meeting about the roundabout, the community has begun to accept it. It has become more than a solution to an intersection; there are economic development and esthetic improvements. She summarized the Council needed to make a decision whether to proceed; over-wintering will not solve the problem of the difference between the engineer's cost estimates and the bid. She supported the motion to award the bid.

Councilmember Fraley-Monillas said she believed in this project and in roundabouts, she traveled several over the weekend and has experienced roundabouts when traveling internationally. She was concerned with proceeding when another Councilmember did not have the information she needed to make a decision. She did not believe a public hearing was necessary.

Council President Buckshnis commented Councilmember Bloom received plenty of information at last week's Parks, Planning & Public Works Committee meeting. The Council is a democracy and Councilmember Bloom is one of seven members. Councilmember Bloom called a point of order that Council President Buckshnis' comments were a person attack on her. Councilmember Bloom explained she did not get the information she wanted at the Parks, Planning & Public Works Committee; she asked for a presentation and the presentation she requested was not provided. Mayor Earling requested Council President Buckshnis reframe her comments. Council President Buckshnis began to provide another example and Councilmember Petso called raised a point of order that Council President Buckshnis' comments were not in regard to the motion. Mayor Earling agreed.

**COUNCIL PRESIDENT BUCKSHNIS CALLED FOR THE QUESTION. THE CALL FOR THE QUESTION CARRIED UNANIMOUSLY.**

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS PETERSON, JOHNSON AND MESAROS VOTING YES; COUNCILMEMBERS PETSO, BLOOM AND FRALEY-MONILLAS VOTING NO.**

**ITEM E: AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENTAL AGREEMENT WITH DAVID EVANS AND ASSOCIATES FOR ENGINEERING SUPPORT SERVICES FOR THE FIVE CORNERS ROUNDABOUT PROJECT**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE CONSENT AGENDA ITEM E. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

**12. DISCUSSION AND POTENTIAL ACTION ON HUMAN RESOURCES DEPARTMENT REORGANIZATION & SALARY SCHEDULE ORDINANCE**

Human Resources Reporting Director Carrie Hite explained this is the final piece of the Human Resources Department reorganization that has occurred over the past few years following the Council's elimination of the Human Resources Director position. She has been the Acting Director since that time with several extensions by the City Council. The proposal is to create a Human Resources Reporting Director line item in the Salary Schedule and provide the Mayor the discretion to appoint any director the additional duty of overseeing the Human Resources Department.

Finance Director Scott James reviewed amendments to the salary schedule:

- Addition of Development Services Director
- Addition of Human Resources Part-Time Assistant
- Addition of Human Resources Reporting Director with 5% compensation
- Addition of PC Support Technician
- Amendment to the Senior Executive Council Assistant's salary

Mr. James explained the above changes were included in the 2014 budget but the salary ordinance was not amended.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE ORDINANCE NO. 3966, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE 2014 SALARY SCHEDULES FOR ALL CITY PERSONNEL.**

For Councilmember Fraley-Monillas, Ms. Hite explained the Mayor can assign the Human Resources Reporting Director duty to any director.

**MOTION CARRIED UNANIMOUSLY.**

**13. DISCUSSION AND POTENTIAL ACTION ON AN ORDINANCE RELATED TO THE CITIZEN COMMISSION ON COMPENSATION OF ELECTED OFFICIALS**

Human Resources Reporting Director Carrie Hite explained the Citizen Commission on Compensation for Elected Officials convenes every even year. This year, not all openings on the commission have been filled; four members have been seated, two are in queue and there is one vacant seat. The current ordinance requires the commission submit its recommendation by May 1; this deadline is not required by State law. The proposed ordinance will address inconsistencies with state law as well as move the deadline for the commission's recommendation to August 1. The August 1 deadline will be sufficient to include any recommendations in the budget process. The proposed ordinance also changes the existing requirement for 5 votes for a recommendation to a simple majority for votes during deliberations and a super majority for the final recommendation. If approved, the ordinance will be effective in ten days. Staff will present the two candidates to the Mayor for interview and appointment; the Council confirms the Mayor's appointments.

Councilmember Petso referred to Section 11, Waiver of Compensation by City Council and Mayor, and suggested changing "salary" in that section to "compensation." Mr. Taraday agreed all references to "salary" in Section 11 should be changed to "compensation."

Ms. Hite explained when the Citizen Commission met in 2012 and filed a recommendation with the City Clerk, it provided Councilmembers more flexibility regarding their compensation. For example, it gave Councilmembers the option of opting out of insurance and receiving the cash instead. That remains in effect.

Council President Buckshnis asked Ms. Hite to explain why Section 11 was added. Ms. Hite explained the Council does not take any action on the recommendation the commission files with the City Clerk; their recommendations for all elected officials are reflected in the budget. In 2012, the commission recommended the Mayor receive the same cost of living adjustment as nonrepresented employees. Due to the difficult budget, the Mayor declined the COLA; however, the City Attorney determined the code did not allow the Mayor to decline the COLA.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO APPROVE ORDINANCE NO. 3967, AN ORDINANCE OF THE CITY OF EDMONDS, AMENDING EDMONDS CITY CODE 10.80 REGARDING THE CITIZENS' COMMISSION COMPENSATION OF ELECTED OFFICIALS TO COMPLY WITH RCW 35.21.015, SALARY COMMISSIONS, AND TO ALLOW CITY COUNCILMEMBERS AND THE MAYOR TO WAIVE THEIR SALARY DURING THEIR TERM OF OFFICE, AND TO CHANGE "SALARY" TO "COMPENSATION" IN SECTION 11. MOTION CARRIED UNANIMOUSLY.**

**14. DISCUSSION AND POTENTIAL ACTION ON RESOLUTION RELATED TO PETROLEUM TRANSPORT BY RAIL THROUGH EDMONDS**

Councilmember Peterson explained Edmonds has taken a strong stance with regard to coal trains. The possibility of trains carrying petroleum has recently come to the community's attention. This resolution is modeled after a resolution recently passed by the Seattle City Council. By adopting the resolution, the City is asking the Department of Energy and groups that transport these fuels inform government agencies when and where they will be transported and asks that Snohomish County Fire District 1 and Emergency Services Coordination Agency (ESCA) review their emergency response plans. He noted although coal trains are a chronic health issue, a derailment of an oil train would be an acute health issue.

**COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE RESOLUTION 1317, A RESOLUTION RELATED TO PETROLEUM TRANSPORT BY RAIL THROUGH EDMONDS AND THE STATE OF WASHINGTON; URGING ADOPTION OF STATE LEGISLATION AND FEDERAL REGULATIONS; STATE ASSESSMENT OF RISKS; RAILROAD COMPANY RESTRICTION OF PETROLEUM TRANSPORT; AND UPDATE OF CIT INCIDENT RESPONSE PLANS TO ADDRESS THE POTENTIAL SAFETY, ENVIRONMENTAL, AND ECONOMIC IMPACTS OF PETROLEUM TRANSPORT BY RAIL. MOTION CARRIED UNANIMOUSLY.**

**15. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF APRIL 8, 2014**

Due to the late hour, this item was postponed to a future meeting.

**16. MAYOR'S COMMENTS**

Mayor Earling reminded of the Easter Egg Hunt this Saturday at Frances Anderson Center. He also reminded of the Cities and Towns meeting this week in Mountlake Terrace.

**17. COUNCIL COMMENTS**

Council President Buckshnis thanked Mr. Clifton for his service to the City.

Councilmember Peterson thanked Mr. Clifton for his service and echoed Mr. Witenberg's comments regarding Mr. Clifton's professionalism and diligence in his job. He commented one of the things Mr. Clifton brought to him as a Councilmember and a citizen as well as to staff went beyond professionalism, it was his passion for the job, honesty in the job and something beyond being really good at what he did, he embodied what government can do and the way it can be done. Although he was crushed Mr. Clifton was leaving the City, he was thankful he was staying in government and in Snohomish County. He summarized Mr. Clifton will be missed by the Council, staff and citizens.

Councilmember Johnson echoed the comments regarding Mr. Clifton and wished Mr. Clifton luck in his new positions.

Councilmember Fraley-Monillas thanked Mr. Clifton for being her sounding board, problem solver, comedian at times and mostly her dreamer. She thanked Mr. Clifton for everything he has done.

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 10:40 p.m.