

EDMONDS CITY COUNCIL APPROVED MINUTES

August 19, 2014

The Edmonds City Council meeting was called to order at 6:45 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 (arrived 7:44 p.m.)
Strom Peterson, Councilmember
Joan Bloom, Councilmember
Adrienne Fraley-Monillas, Councilmember
Thomas Mesaros, Councilmember (arrived 6:53 p.m.)

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks & Recreation Director
Scott James, Finance Director
Shane Hope, Development Services Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Doug Fair, Municipal Court Judge
Joan Ferebee, Court Administrator
Rob Chave, Planning Manager
Rob English, City Engineer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Gerrie Bevington, Camera Operator
Jeannie Dines, Recorder

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

At 6:45 p.m., Mayor Earling announced that the City Council would meet in executive session regarding pending or potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 15 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to 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, Public Works Director Phil Williams, City Engineer Rob English and City Clerk Scott Passey. The executive session concluded at 7:00 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:02 p.m. and led the flag salute.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO REMOVE ITEM 12 FROM THE AGENDA. MOTION CARRIED UNANIMOUSLY. (Councilmember Petso was not present for the vote.)

Council President Buckshnis explained that due to tonight's lengthy agenda, Item 12 will be rescheduled to the September 2 meeting.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY. (Councilmember Petso was not present for the vote.)

4. APPROVAL OF CONSENT AGENDA ITEMS

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. (Councilmember Petso was not present for the vote.)The agenda items approved are as follows:

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF AUGUST 4, 2014**
- B. APPROVAL OF CLAIM CHECKS #209872 THROUGH #210012 DATED AUGUST 7, 2014 FOR \$1,881,841.10 AND CLAIM CHECKS #210013 THROUGH #210129 DATED AUGUST 14, 2014 FOR \$364,923.42. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61120 THROUGH 61135 FOR \$473,349.33, BENEFIT CHECKS #61136 THROUGH #61144 FOR \$90,906.53 AND WIRE PAYMENTS FOR \$308,381.98 FOR THE PERIOD OF JULY 16, 2014 THROUGH JULY 31, 2014**
- C. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM ERIC T. OVERTON (AMOUNT UNDETERMINED), NANCY COHEN (\$116.99), AND JOHN HEIGHWAY (\$6,900.00)**
- D. 2014 JUNE QUARTERLY BUDGETARY FINANCIAL REPORT**
- E. DIRECT STAFF TO PREPARE A BUSINESS LICENSE LATE FEE AMENDMENT**
- F. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 220 7TH AVE CURB RAMP AND CURB/GUTTER PROJECT AND ACCEPTANCE OF PROJECT**
- G. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT FOR THE 2014 CITYWIDE STORM DRAINAGE IMPROVEMENT PROJECT TO D&G BACKHOE, INC. IN THE AMOUNT OF \$337,759.43**
- H. AUTHORIZATION FOR MAYOR TO APPROVE ACCEPTANCE AND RECORDING OF A QUIT CLAIM DEED FOR 740 15TH ST SW**
- I. PFD QUARTERLY REPORT**
- J. INFORMATION SERVICES UPDATE**

5. AUDIENCE COMMENTS

Charles Gold, Edmonds, on behalf of the hundreds of Edmonds citizens who have voiced support for the train trench proposal, thanked Mayor Earling for authorizing an engineer study to assess the initial costs and challenges of a train trench. He thanked Councilmembers who have engaged with Mayor Earling on this subject and helped the proposal reach this point. He thanked the citizens of Edmonds for their positive response to a train trench. It will take commitment and skill to put together the building blocks politically and financially to make Edmonds a showplace of targeted beneficial City planning. The stakes are high; without a serious, thorough and credible proposal to BNSF or if a multi-year alternative study is conducted, Edmonds will be double or triple tracked and there will be large overpasses along the waterfront. He recalled when he first introduced this concept over two years ago, former Community

Services/Economic Development Director Stephen Clifton said this would be worth twice the cost of Edmonds Crossing. Mayor Earling explained a professional engineer is being engaged to do an analysis of potential challenges, benefits, and costs. A timeline has not been established.

Jim Wassall, Edmonds, resident on Sunset Avenue resident, spoke against Agenda Item 11. He questioned the cost of the proof-of-concept, anticipating paint and the labor to apply it would not be cheap. He was opposed to the entire Sunset Avenue walkway project and viewed this as just another attempt at getting it approved and paid for by someone else. He also expressed concern with the City's use of the sidewalk on the east side of Sunset Avenue that is on his property. Neither he nor the previous owners have been compensated for the City's use of the property.

6. WSDOT LANDSLIDE MITIGATION WORKING GROUP PRESENTATION

Ron Pate, WSDOT, acknowledged there have been concerns regarding the potential for landslides on the rail line north of Seattle. Significant problems during the 2012/2013 rainy season sparked discussion in Olympia about how to make the situation better. WSDOT does not own the rail line but sponsors the Amtrak Cascade service and Sound Transit operates trains in that corridor. The working group originally began with four participants, Amtrak, WSDOT, BNSF and Sound Transit. Today there are over 17 participants. The original goal was to look at root causes/effects of the landslides; there was a great deal of debate whether it was just terrain shifting, land management practices, etc. As the group considered contributing factors, it was determined water was the root cause of moving slides onto the tracks, delaying trains and causing significant safety concerns.

The working group has worked hard over the last couple years to develop short term and long term strategies; today they have an action plan for mitigation. He provided the Council written material that included the action plan. The plan has been touted by BNSF as one of the only places in the nation they have seen this done, bringing the state, cities, municipalities, companies and a commuter agency together to find solutions to make the problem better. Everyone recognizes the problems cannot be completely fixed due to the terrain but steps can be taken to mitigate, make things better and institute better preventive measures. The work group has met over 24 times, their next meeting is September 19; Woodway recently joined the group.

BNSF has agreed to waive permit fees for property owners who want to bring stormwater under the tracks in a way that will prevent washouts. Two slope stabilization projects have been constructed. There has been a great deal of public outreach and an open house is scheduled in Edmonds on October 9. When asked by KING 5 the simplest thing property owners on the slope can do, he said grass clippings. When touring the rail line, they noticed people throw grass clippings over side which then become saturated with water. Other things property owners can do will be shared at the workshop.

David Smelser, Program Manager, WSDOT, emphasized the importance of local agencies in this process; without them it is difficult to get things off the ground. He appreciated Edmonds' commitment and offer to host a workshop. Workshops have been held in Mukilteo where a majority of the issues exist and Everett also hosted a workshop this summer. He referred to a list of participants in the Landslide Mitigation Action Plan, the executive summary, and short term, medium term and long term actions. All the short term strategies have been implemented, they are in the middle of the medium/intermediate strategies and he acknowledged there are challenges with the long term strategies although there are large benefits. He encouraged the Council to review the action plan to see if there were ways they could help move the actions forward.

He referred to a brochure developed for homeowners, an amalgamation of all the best practices for slopes and stability, particularly those that apply to the rail line. The open house will include representatives from BNSF and the City and homeowners are invited to attend. At the open houses in Mukilteo and

Everett, there were many instances where it was the first time a conversation had occurred with a BNSF representative that could make decisions, the local agency and the homeowner. WSDOT's role is to facilitate discussion because they do not own the rail line or any property nor establish the regulations.

Mr. Smelser relayed they received \$16.1 million in federal funding to address areas. He referred to a map, advising two projects have been completed and a third, near the Port of Everett, will be underway next week. Preliminary engineering approval and additional funding was recently received for the three projects located in the center of the rail line. They looked at the history of slides over the past 80 years and flew the coast from north of Seattle to Everett with lidar and photogrammetry; that information was used to choose locations where the most frequent slides occur. He referred to a photograph of one the techniques used to prevent slides, a catchment wall, explaining some of the catchment walls are already full. The new catchment walls are set out and are of height that BNSF can clean out behind them. There is also a slide fence on top; if the slide fence is hit and the low voltage electrical current broken, it triggers lights to stop the train until the slide can be evaluated. Other techniques include dewatering the slope and carrying the drainage tightline to the ditch and removing debris from the slope. He explained grass clippings get weighed down and the extra weight can cause a slide. He summarized two projects have been completed, one will be constructed this year and three will be constructed next year, completing that segment of the federal program.

Mayor Earling advised the pamphlets will be available tomorrow at the front desk on the main floor of City Hall.

Council President Buckshnis thanked WSDOT for the update, commenting on the importance of transportation to economic development. She asked for examples of what has been done to mitigate issues caused by stormwater. Mr. Smelser responded there are several ways to approach it. One of the first was BNSF agreed to handle stormwater from any property owner that is properly conveyed to their ditch via an engineered system as well as waive permit fees which total approximately \$3500. Another example, some of the low impact development (LID) techniques that put water into the ground may not be the best method to use close to slope. They worked with Mukilteo to make decisions where to apply LIDs in new development. They also facilitated a discussion between BNSF and Mukilteo to arrive at a solution regarding a city-owned culvert. He summarized no promises but they are willing to help facilitate any discussions and handle stormwater in a way that works for the rail line, the property owner and City.

Council President Buckshnis referred to typical mitigation strategies such as stabilization, noting there are some issues with stabilization on banks in Edmonds although they may not cause landslides. She asked who pays for stabilization. Mr. Smelser answered the federal program is paying the cost in the six areas he identified. BNSF has paid for some of it on other occasions. BNSF owns up to 200 feet of right-of-way at the base of the hill but someone else nearly always owns the slope. BNSF is not allowed to work off their property. There is potential for liability for something that happens on property that affects BNSF property. BNSF likes to work cooperatively with the property owners and municipalities; there have been several instances where BNSF has done their own projects. BNSF typically looks at high impact areas but he would be happy to talk to BNSF regarding any low cost projects.

Council President Buckshnis referred to erosion at the dog park from the water that has nearly reached the BNSF fence. She asked whether the City or BNSF would be responsible for stabilization if the erosion continues. Mr. Smelser suggested emailing him with any specific areas and he will coordinate BNSF and City representatives looking at the situation.

Councilmember Bloom asked whether any landslide areas have been identified in the Edmonds area. Mr. Smelser answered there are literally hundreds of areas identified; he offered to provide a map that

identified all the historic slides. Geologists have said the bank has been migrating into Puget Sound for thousands or millions of years and that will likely continue.

Councilmember Bloom commented residents at Pt. Edwards have seen some sloughing or mini landslides. She asked whether he could recommend something to stabilize that slope and whether that was one of the landslide hazard area. Mr. Smelser offered to talk with her and/or the property owners. Mayor Earling explained it is just south of the Port of Edmonds. Mr. Smelser explained there are general things in the Mitigation Report as well as resources. WSDOT does not give engineering advice, everyone has to hire their own licensed engineer and he also recommended hiring a geologist and perhaps an arborist.

7. LEAD COURT CLERK JOB DESCRIPTION

Parks & Recreation/Human Resources Reporting Director Carrie Hite explained this job description was reviewed by the Public Safety & Personnel Committee and Councilmember Fraley-Monillas requested it be forwarded to Council for a brief presentation. She explained an operational need has been identified in the Court to work a Court Clerk out of class as a Lead Court Clerk. Establishing a Lead Court Clerk position will also assist with promotion ability and succession planning within the Court.

Municipal Court Judge Doug Fair explained early this year the Court Administrator was out for four months on medical leave. At about the same time, the Probation Officer, who has worked for the court for 25 years and has been the de facto lead when the Court Administrator is out, gave two weeks' notice and moved out of state. A temporary Court Administrator was brought in and the most experienced Court Clerk was moved into a temporary lead position to provide backup for the temporary administrator, provide institutional memory and provide some experience to assist her with the development process to become a Court Administrator. This worked extremely well. A new Probation Officer was hired but he does not have the institutional memory and is not familiar with the court's operating system. Establishing a Lead Court Clerk position provides an incentive for Clerks to stay by providing opportunity for promotion, backup for the Court Administrator and the Probation Officer, institutional memory and a great training for succession.

Court Administrator Joan Ferebee commented this position also frees her up to work on establishing a paperless court which would save the City a lot of money. A paperless court would allow all information to be emailed, paperwork scanned, and all the files would be on the computer rather than paper files. As tickets increase, a paperless court would allow the same level of level of quality and staff to be maintained.

Ms. Hite clarified this is not a new position; a current Court Clerk position will be reclassified. The cost will be \$2500/year which is within the Court's current budget authority.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE JOB DESCRIPTION AND RECLASSIFICATION OF THE COURT CLERK POSITION. MOTION CARRIED UNANIMOUSLY. (Councilmember Petso was not present for the vote.)

8. EMPLOYEE EXPENSES, VOLUNTEER RECOGNITION AND REIMBURSEMENTS POLICY

Finance Director Scott James relayed that the Finance Committee reviewed the policy and made a few amendments. The policy is intended to add clarity to the reimbursement policies in the personnel policy such as the volunteer recognition, staff recognition events, etc. that include light refreshments. The heart of the issue is reimbursing expenses where Staff, the Council or the Mayor are conducting City business; it is not intended for birthday or retirement parties.

Council President Buckshnis recalled a question raised with the auditor last year about requiring people to sign in for events such as an open house, volunteer appreciation, etc. Mr. James relayed the policy states the attendees need to be tracked. He recommended having a sign-in sheet to provide further documentation that the expense is legitimate.

Council President Buckshnis recalled the former Finance Director indicated there was a \$7/person limit; the policy refers to a reasonable limit. Mr. James explained the IRS has a de minimis fringe benefit rule that states anything over \$100 is no longer considered a de minimis/fringe benefit and becomes a taxable event. He did not expect the City to pay \$100 to recognize volunteers or staff; if it is over \$100, it is a taxable event. The policy lists things that are taxable and non-taxable, he was unable to find any mention of a \$7/person limit. Council President Buckshnis recalled the former Finance Director indicated that was stated by the local auditor.

Councilmember Johnson recalled in her discussion with the former Finance Director, the limit was under \$10/person. Mr. James relayed in his conversation with the Office of Financial Management, they did not have any recollection of an amount but referred him to the IRS' de minimis fringe benefit rule.

Councilmember Fraley-Monillas recalled in her experience the State had guidelines for meal purchases which were similar to the IRS rules regarding breakfast, lunch and dinner. She was satisfied with the policy but felt it left open the amount that would be paid for an event. She preferred to establish a not to exceed limit. Mr. James referred to clauses that the Mayor has the authority to approve which he acknowledged provide some leeway. A dollar amount could be added to describe "reasonable."

Councilmember Mesaros asked whether an amount is established in the budget for these types of expenses. Mr. James answered the issue arose as a result of emails regarding whether there was a budget for these types of expenses for a Tree Board meeting. A budget authority could be established for each board and commission.

Councilmember Mesaros commented in other organizations there is an annual budget established for meetings. Rather than an individual limit, he preferred to establish an annual amount.

Councilmember Bloom relayed her understanding of the policy was there were not funds for individual commission meetings but funds for open houses. Mr. James answered the policy refers to board or commission meetings where City business is conducted. He referred to the narrative at the beginning of the policy regarding what is reimbursable, individuals, their office/capacity, what the business is and who is being reimbursed and what is reimbursable. With regard to special events, the policy refers to open house, anniversaries; the policy also specifically refers to business meals.

Councilmember Bloom referred to the sentence regarding open houses, City anniversary celebrations and hosting delegations from other jurisdictions. With regard to open houses, she assumed boards and commissions were not allowed money for food at regular meetings but could be for an open house where the public was invited. She asked how reimbursement was handled if a board member paid for the food themselves. Mr. James the proposed policy states an Employee Reimbursement Form is completed and receipts and documentation provided. The name of the form could be modified to remove "employee." He suggested the Department Head, Mayor or Council President approve the expense.

Councilmember Fraley-Monillas suggested establishing a budget for each department during the budget process. Councilmember Mesaros suggested during the budget process, staff could look at opportunities and past experience in establishing a budget. Directors could have the authority to approve expenditures for refreshments associated with those activities. He agreed with Councilmember Bloom that refreshments are not served at every meeting, but there are many occasions where the need arises and there

should be funds for reimbursement. He summarized establishing a budget authority would limit the amount. Councilmember Fraley-Monillas agreed with his suggestion.

Council President Buckshnis relayed there are plans to establish a budget authority for events. For boards/commission, the volunteer would submit records to the Council Executive Assistant and she would complete the form and submit for payment. Council President Buckshnis was uncertain how the Mayor wanted to handle City departments.

Councilmember Fraley-Monillas asked the Mayor how he wanted to handle City departments. Mayor Earling answered his intent was to spend as little money as possible. This type of policy needs a limit so there are not endless expenses and that would be his intent for departments under his administration.

Councilmember Fraley-Monillas asked whether Mayor Earling's intent would be one budget in his office rather than individual department budgets. Mayor Earling said his preference would be one budget in his office for departments and he will make the allocations.

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE EMPLOYEE EXPENSES, VOLUNTEER RECOGNITION AND REIMBURSEMENT POLICY.

Councilmember Fraley-Monillas asked whether Councilmember Johnson's intent was to add a budget to the policy or just hope everyone does the right thing. Mr. James suggested adding a 5th bullet on page 1 under Documentation, subject to the budget available to fund the event/meeting.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND TO ADD A FIFTH BULLET AS DESCRIBED BY MR. JAMES, THAT THE REIMBURSEMENT WOULD BE SUBJECT TO THE BUDGET AVAILABLE AND PREAPPROVAL UNDER THE MAYOR'S AUTHORITY FOR DEPARTMENTS AND UNDER THE COUNCIL PRESIDENT'S AUTHORITY FOR THE COUNCIL.

Councilmember Johnson commented she was uncertain how a preapproval would occur since the Tree Board had never had open house before nor anticipated it in their budget. Councilmember Mesaros explained in Councilmember Johnson's example, a representative of the Tree Board would seek preapproval from the Mayor prior to event.

The amendment was restated as follows:

BULLET 5 WOULD READ, SUBJECT TO BUDGET AVAILABLE FOR EVENT AND PREAPPROVAL BY MAYOR FOR STAFF-SPONSORED EVENTS AND BY COUNCIL PRESIDENT FOR COUNCIL-SPONSORED EVENTS. AMENDMENT CARRIED (6-0-1), COUNCILMEMBER PETSO ABSTAINED.

MAIN MOTION AS AMENDED CARRIED (6-0-1), COUNCILMEMBER PETSO ABSTAINED.

9. PUBLIC WORKS QUARTERLY PROJECT REPORT

City Engineer Rob English explained this would be an overview of the larger projects under construction and projects that have been underway since May 2014. He provided photographs of the stormwater detention vault and subgrading for the pavement at the Five Corners Roundabout, explaining the first lift of asphalt pavement has been placed on the northern end of the intersection and work is progressing on the southern end including curb, gutter sidewalk and pavement. The contractor anticipates the intersection can be put into roundabout operation in early September. Even though the center of the road will not be complete, it will be signed and striped to operate as a roundabout. There will be flaggers at the intersection to assist motorists.

He provided a photograph of chip seal done on 2nd Avenue as part of the 2014 pavement preservation program and a photograph of the fog seal coat. Chip sealing was also done on 72nd and 73rd. The chip seal is a pilot project; fog sealing was done on two of the three streets in order evaluate the difference in wear.

He provided a photograph of a signal cabinet; the City received grant funds to replace antiquated traffic signal equipment at five intersections. He displayed a photograph of the Railroad Avenue sewer main replacement project that also included installation of a water main. The project began in late May and has reached substantial completion. He provided a summary of the projects:

- Transportation Projects
 - 5 corners Roundabout (\$2.93M)
 - Status: 50% complete, expect to complete by end of October
 - Pavement preservation program (\$1.2M)
 - Status: chip seal complete, overlay work August/September
 - Citywide Signal Improvement (\$210k)
 - Status: 4 of 5 intersection complete
- Utility projects
 - Sewer main replacement phase 1 (\$1.2M)
 - Status: Substantial complete
 - Sewer main phase 2 (\$1.7M)
 - Status: 20% complete
 - 2015 watermain replacement (\$1.47M)
 - Status: construction underway

With regard to the Fishing Pier Rehabilitation Project, Mr. English recalled in February 2014 the Council approved an Inter-local Agreement with the Department of Fish and Wildlife for a \$190,000 grant to begin the design work for rehabilitating the fishing pier. The statements of qualifications for that project were received last week and the process to select a consultant to begin the design work is underway.

Councilmember Bloom referred to Residential Neighborhood Traffic Calming \$10,000 on page 3 of the report which states, The 2014 funds for this program are being allocated to the construction phase of the mid-block pedestrian crossing along SR-104 (directly north of Pine St. / WSDOT project). She asked Mr. Williams to reiterate the explanation he provided at the Parks, Planning & Public Works Committee meeting regarding how the \$10,000 was allocated to this project. Public Works Director Phil Williams explained there was a lot interest, primarily by residents west of SR-104 who find it difficult cross SR-104 due to the speeds and the width of the road. There is no crosswalk at Pine Street and the need has existed for some time. In searching for funding and determining the cost, there were several conversations, some facilitated by Mayor Earling, and the City approached WSDOT to inquire whether they were interested in assisting with such a project. WSDOT applied and received funding for the project and are executing the project. The crosswalk which will cost approximately \$300,000, will be located slightly north of the alignment of Pine Street for sight distance issues and will include retro-reflective beacons for pedestrians that will help calm traffic and notify drivers of the crosswalk.

WSDOT contacted the City a few weeks ago indicating it would be easier for them to obtain the construction money if they had a local partner and asked if the City could provide some funding. At that time the \$10,000 budgeted for 2014 traffic calming, which is an element of this project, had not been allocated. In the past two years the funds had been used to purchase and install radar signs. As the crosswalk relates to traffic calming, the City offered a \$10,000 match on a \$300,000 project to assist WSDOT in acquiring construction funding.

Councilmember Bloom recalled Mr. Williams saying Mayor Earling and Councilmember Peterson advocated with the legislature for the funding for that project. Mr. Williams did not recall saying the Mayor Earling or Councilmember Peterson lobbied the legislature for the funding but the City actively worked the process through WSDOT.

Councilmember Bloom indicated she had several concerns with this. She recalled when the Council reviewed the Sunset Avenue project in June, it was stated \$16,000 was allocated in 2011 from the traffic calming program. At that time she inquired about the criteria for the traffic calming program and did not receive an answer. In conducting her own researching, she found approximately 19 pages on the traffic calming program in the Transportation Comprehensive Plan which includes three phases. Phase 1, resident's petition for local street traffic concerns and eight households are supposed to be on the petition. She pointed out this is not a local street traffic concern; it is a state highway concern. The 19 pages include a list of 23 prioritized traffic calming project; this crosswalk is not on that list. In addition, this project is not on the Transportation Improvement Plan (TIP). She summarized this had not gone through the proper public process and she did not support allocating \$10,000 from the traffic calming program to a major \$300,000 project.

Councilmember Bloom asked who prioritized this project, commenting it did not seem to be a priority of anyone except perhaps the residents at Pt. Edwards. She questioned why \$10,000 from the 2014 traffic calming program would be allocated to a \$300,000 project which had not been vetted by the public, how it became a priority when it did not meet the criteria of the traffic calming program and it was not on the TIP. Mr. Williams explained the City was contacted by many more than eight citizens who live west of SR-104. It arose as an emergent issue, it was related to traffic calming and he made the decision.

Councilmember Bloom clarified Mr. Williams made the decision to allocated \$10,000 to the project. Mr. Williams agreed he had. Councilmember Bloom asked whether the forms in the traffic calming program were completed by those citizens and were the other phases were completed such the second phase, staff and residents develop education and enforcement solutions or the third phase, staff reviews traffic calming devices for funding, priority and technical feasibility. She observed none of these phases seem to have been followed and none of the public process has happened.

Councilmember Bloom relayed her understanding that the Council had jurisdiction over the funds in the traffic calming program. Mayor Earling explained opportunities arise that may not be on a list. There has been considerable comment from the public, including people on the hill, looking for a safe way to cross the street. He did not go to Olympia to advocate for the crosswalk; he did meet with WSDOT. This is a rare opportunity; \$10,000 for traffic calming that, although it may not be on the list, leverages a \$300,000 project that will create safety for motorists and pedestrians.

Councilmember Petso asked if the project was on the Comprehensive Plan, TIP or CFP. Mr. Williams answered he would need to check the CFP, it is possible. Councilmember Petso suggested putting this on the Finance Committee agenda instead of continuing this discussion. She recalled parameters when funds are budgeted for a certain purpose; sometimes the funds must be used for that purpose, other times if it within the same fund, it can be used for another purpose. If it is not appropriate to take the funds from the traffic calming program, she suggested allocating the funds from ending cash instead and it was likely the Council would still approve it. She suggested referring it to the Finance Committee to allow her and Councilmember Johnson to discuss with Mr. James the extent of Council's and staff's authority with regard to the budget.

Councilmember Bloom agreed and requested a presentation regarding the traffic calming program to inform citizens how to access those funds. Mr. Williams responded he was happy to provide that presentation; he did not recall a previous request for that information.

Councilmember Bloom referred to a letter in the Beacon regarding many near accidents involving children at City Park that has been observed by the residents in the nearby condominiums. She noted that could potentially be a priority, also it was also not among the 23 priorities in the traffic calming program. She did not support allocating that \$10,000 to the SR-104 crosswalk when there are so many other traffic safety issues throughout the City. She spoke in favor of following the public process and reiterated her request for a presentation to inform citizens about the process. That would allow residents near City Park to learn about the process and for funds to be allocated to small projects as was intended rather than major projects.

Mr. Williams assured this major project is a traffic calming project. It was an emergent issue; WSDOT contacted the City in search of City funds to obtain their construction funding. That was the only place he had to get the funds. It was used for a very legitimate purpose related to traffic calming. The issue on 3rd was called to staff's attention and staff is working on it. He had a conversation with Ms. Hite recently; the problem has gotten worse as a result of increased pedestrian traffic crossing 3rd Avenue due to the new play equipment in City Park. They are trying to determine a solution that could be included in the project. He was uncertain whether that would be funded by future traffic calming funds. He agreed it was a legitimate need and assured staff is working on.

Council President Buckshnis said she will schedule a presentation regarding the traffic calming program on August 23. She referred to the Perrinville Creek Flow Reduction Retrofit Study, and asked about the public meeting scheduled on the draft plan. Councilmember Johnson advised it was held last week.

Council President Buckshnis referred to the Willow Creek Daylighting Edmonds Marsh Feasibility Study, and asked whether it included the \$155,000 grant. Mr. English answered it did not. Council President Buckshnis relayed she has asked Keely O'Connell, Stormwater Engineering Program Manager Jerry Shuster and Development Services Director Shane Hope to make a presentation regarding Willow Creek. There is a great deal of interest in that project including by WRIA 8.

Councilmember Peterson commended staff for finding a way to get the Pine Street crosswalk funded and budgeted. He did not lobby in Olympia; he called his State Representative and encouraged Pt. Edwards residents and others who were interested in the project to call their State Representatives. This is an incredibly important project especially as Pt. Edwards grows. There is often talk about increasing walkability and what that means for citizens' health as well as economic development and making Edmonds a great community to live in. This safety project is a key element to connect the one of the major developments constructed in the past 15 years to the rest of the City. He commended staff for working on this, noting this project was pointed out to him in his early days on Council. It will be a great safety improvement as well as a community asset.

As the only Councilmember impacted by the crosswalk, Councilmember Mesaros expressed his pleasure at its installation. He often walks to Council meetings and especially in the evening it is risky to cross SR-104, requiring "ready, set, run." He noted government does not have good reputation for well managed projects, he was impressed when staff reports on projects, how well project have been managed. He thanked staff, especially Mr. Williams and Mr. English.

10. ACTION ON ORDINANCE REPEALING ECC 10.80 CITIZENS COMMISSION ON THE COMPENSATION OF ELECTED OFFICIALS

Council President Buckshnis commented the Council can consider initiating a citizens commission in future. On August 26 the Council will have a work session on the Judge's salary and the Finance Committee will discuss the Mayor's salary at their September meeting. There was little impact on the Council's salary from the commission's recommendation other than the addition of \$2,000 for training.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO APPROVE ORDINANCE NO. ____, REPEALING ECC 10.80 CITIZENS COMMISSION ON THE COMPENSATION OF ELECTED OFFICIALS.

Councilmember Petso clarified although she will support the motion she is not voting for any future actions that Council President Buckshnis described. Her motivation was not to attempt to redo the citizens commission's work but to acknowledge that the process and procedures were not what was desired. She was content to let the issue rest until the next review period. She did not mind whether a new citizens commission was established only for Council compensation or for all elected officials. She anticipated some changes would be made to the code section to provide clarity regarding the appointment process, the number of commissioners that are required and to state that all meetings need to be open public meetings.

Councilmember Peterson advised he will vote against the motion for the reasons he stated at the August 14 meeting.

Councilmember Mesaros stated he will vote against the motion. He found it unfortunate that the results of the previous commission and the hard work done by those citizens was not honored by the Council. He believed the commission acted in good faith and made a forthright recommendation that the Council should accept.

Councilmember Fraley-Monillas anticipated if there had been a full commission with seven voting members, the outcome probably would have been different, at least for her.

Councilmember Petso recalled the commission's action was deemed null and void due to a failure to fully comply with the Open Public Meetings Act. City Attorney Jeff Taraday agreed that was his opinion.

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

11. PROOF-OF-CONCEPT PROPOSAL FOR THE SUNSET AVENUE SIDEWALK PROJECT

Public Works Director Phil Williams explained conversations about Sunset Avenue began before he came to the City and it has been discussed frequently since 2011, increasing during the past year when grant funds were obtained to pursue design of a project. There are a lot of concerns about the project related to the geometry, safety, interface with BNSF railroad property, and parking and how the project would affect those issues. The intent of a proof-of-concept project on Sunset would be to test the theories to determine which concerns are real, worse than thought and better than thought and to gather experience over a year with the geometry in the most difficult part of the alignment. The project is contained in the CIP, CFP and TIP, PROS Plan and the budget as well as referenced in the Comprehensive Plan.

The reasons for this project include maximizing the public's access to views, improved safety for all travel modes and providing accessibility. He displayed photographs of people walking in the street and west of the curb on the dirt path to illustrate accessibility issues.

The Sunset Avenue Walkway proof-of-concept only deals with the "railroad line" segment where the geometry has been questioned and where the BNSF property line extends beyond the curb and onto the developed footprint of Sunset Avenue. The proof-of-concept is mostly a painting project to gain experience with the concept at very little cost, approximately \$20,000 versus \$2 million to build the project as has been discussed before.

He displayed an aerial photograph of Sunset Avenue beginning at the south, at the end of the existing sidewalk. The plan would be to connect the existing sidewalk to the painted walkway. There is sufficient width in this area to accommodate the existing parking, two-way traffic lanes and a pathway. The pathway would be on the waterside of the existing curb on Sunset, 8-feet wide to connect the existing sidewalk to locations near Edmonds Street where the railroad line section begins. He displayed the next section at Edmonds Street, identifying the curb line that extends into Sunset Avenue where the one-way street begins. The proposal is to put in a crosswalk at this location so people walking on the east side of Sunset Avenue can cross to the temporary walkway. An ADA ramp will need to be installed on the west side to provide ADA-compliant access. Just past that point, the current angle parking begins.

He displayed the next photograph that shows the angle parking continuing. The recommendation is to slightly change the angle of the angle parking and add 8 spaces to the existing 12 for a total of 20 angle spaces. He pointed out that to this point the temporary walkway is on the west side of the curb. He identified the railroad property line on the map, pointing out it moves closer to the path as Sunset continues north to the point where it touches the new temporary path. To avoid constructing anything new on railroad property, at this point the existing curb would gradually be moved further east so that the 8-foot path stays off railroad property. At the point where the railroad property jogs east is where the overlay between BNSF property ownership and the City's existing street is most acute. At this point the path would transition to the existing pavement on Sunset Avenue. He identified the multi-use walkway, a 2-foot clear zone painted yellow, 9 parallel parking spaces, and a travel lane marked as a sharrow that is shared by vehicles and bicycles. If a walkway is constructed in the future, the 2-foot area would be a mountable curb.

Councilmember Bloom asked about the dirt path in relation to BNSF property line. Mr. Williams identified the dirt path just the outside the existing curb. The temporary pathway would have people walking on the west side of the street but further east than the existing dirt path. Councilmember Bloom asked the location of the dirt path between Bell Street and Caspers. Mr. Williams identified the point where the BNSF right-of-way jogs; the dirt path is on railroad property in that area. He noted the dirt path is not continuous through that area, in some places it disappears and people walk in the street. Councilmember Bloom asked whether the proposal was a pathway that would be on the east side of the curb. Mr. Williams answered yes, from this point. The proposal is to stripe the current asphalt as a walkway next to the curb, the 2-foot clear zone, and then parallel parking.

Councilmember Bloom observed where the BNSF property line jogs, the pathway goes completely off the dirt path and into the street and moves the parking further east. Mr. Williams answered yes, commenting all the parking is shifted east. From the point where the curb is moved east, the path will be on the existing street. Councilmember Bloom asked how much space is left in the street. Mr. Williams answered in the areas where there is parallel parking there will be a 13 foot wide sharrow which is fully compliant with MUTCD standards.

Mr. Williams displayed the alignment further north, identifying the curb, the 8-foot path, the 2-foot yellow striped zone and 9 parallel parking spaces. The parallel parking beyond this point will be redistributed to avoid problems with the narrow driveways on the east side. As this is a temporary project he did not want to undertake the expense of modifying the driveway entrances. The result is one more parking space than currently exists although it is in different locations and there is more angle parking. As the walkway nears the north end of Sunset there are 3 parallel parking spaces. There are currently 17 parallel parking spaces and 12 angle parking spaces for a total of 29; in the proposed proof-of-concept there are 20 angle parking spaces and 12 parallel parking spaces for a total of 32.

Councilmember Fraley-Monillas asked about the issue Mr. Wassall raised regarding the City sidewalk on their property. Mr. Williams explained on the east side of Sunset Avenue some property made dedications for the sidewalk and others did not.

For Councilmember Petso, Mr. Williams identified the location of the railroad right-of-way in this section, advising it eventually returns to about the curb at approximately Caspers.

Mr. Williams displayed drawings of how the pathway would be marked, the 2-foot area between the pathway and parallel parking, red lines to identify no parking areas and the sharrow. As BNSF depends on the City to maintain plantings to discourage people from accessing their property, he suggested the City plant low level plantings such as Oregon Grape just west of the existing curb to discourage walking on that side of the curb and to encourage use of the walkway.

Councilmember Fraley-Monillas asked whether this would move bikes off the walkway onto the sharrow. Mr. Williams said the proposal is not to move bikes off the walkway. The symbol on the pathway will be a multiuse pathway. He suggested since this is a trial project, it begin with allowing bicycles on the pathway to allow an informed decision whether bikes and pedestrian can co-exist on an 8-foot path. If an issue arises during the trial, bikes can be taken off the pathway. If the projects begins with not allowing bicycles on the pathway, there will be no way to determine if it will be a problem. He acknowledged there are a lot of opinions regarding that issue.

Council President Buckshtnis asked whether the benches and tables would be removed. Mr. Williams answered no, the benches would remain. Council President Buckshtnis asked whether there was a minimum sharrow width, recalling in Vancouver BC she did not see any less than 15 feet and most are 18-20 feet. Mr. Williams answered it depends on traffic volumes and the professional judgment of those designing the street. For example this is 13 feet marked as a sharrow; there are 11-foot lanes on 5th Avenue marked as a sharrow. Many people think 13-14 feet is better; Seattle marks a lot of lanes as sharrows that are less than that.

Council President Buckshtnis asked about access for fire trucks, oil trucks, etc. Mr. Williams answered under the International Fire Code, fire trucks need 20 feet to set up a truck. They would not choose to set up their truck in a place on Sunset Avenue where there is parallel parking. Dragging hoses 200 feet is a standard expectation for a pumper truck so fire personnel would set up in an area where there is no parallel parking where they would have the requisite space to operate.

Mr. Williams reviewed the last section at the end of street. A crosswalk would be marked from the pathway to the existing sidewalk on the south side of Caspers. What is done on Caspers and south of Edmonds Street are future decisions. The key is to gather information regarding the railroad line section. He summarized the proof-of-concept project:

- Redistributes some parking along the street but keeps total parking spaces the same
- Does not require approval of BNSF
- Cost, at approximately \$20,000, is less than 1% of full project cost
- Data can be gathered that will either be used in the design of a follow-on walkway project or used to make a decision not to pursue the concept further
- Cheaper than moving forward with a detailed design

Councilmember Peterson asked the existing speed limit on Sunset Avenue. Mr. Williams advised it is 20 mph. Councilmember Peterson commented in his work with bicycle groups, that is a reasonable speed limit for a sharrow. He recalled public comment that some with severe mobility issues may be unable to access this walkway even if it is accessible. He asked how many ADA parking spaces will be provided in

this configuration and whether more could be added. Mr. Williams answered there are currently three; that number could be at least duplicated and more could be marked if desired.

Councilmember Petso commented her research found this is a walkway project in the CIP. She asked whether the primary reason for moving away from the walkway to a multiuse pathway was to secure grant funding. Mr. Williams explained it is called the Sunset Avenue Walkway but that does not mean it was not envisioned as a multiuse pathway. Although the preponderance of users will be pedestrians, he envisioned families with young children on bikes with training wheels using the pathway to practice their skills. He did not envision serious bicyclists would find this a comfortable place to ride; the trail/demonstration project will prove that one way or another. Councilmember Petso recalled the language in the current CFP describes this as a walkway which would allow instead of striping it as Mr. Williams described, painting a 5-foot sidewalk, a 2-foot clear zone, the same travel lane and a 3-foot bike lane on the east. Mr. Williams advised the existing bike lane is 6 feet. He agreed Councilmember Petso's proposal, a 5-foot sidewalk, 2 foot clear zone, parking, 11-foot travel and 6 foot bike lane would fit.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO IMPLEMENT THE RECOMMENDED DEMONSTRATION PROJECT ON SUNSET AVENUE.

Councilmember Peterson expressed appreciation for the thought that has gone into this by citizens, council and staff to try to answer some of the questions that cannot be answered without a demonstration and actual data whether empirical or subjective. He pointed out Sunset Avenue is and can be an important piece of the walkability puzzle that is Edmonds. If the desire is to have Edmonds be a walkable city for families, retirees and children, this is a phenomenal project that will take full advantage of the waterfront as well as be an environmentally sustainable way to get people out of their cars. He concluded this is a very sensible step.

Councilmember Fraley-Monillas liked the idea of having the concept painted and then determining in a year what will and will not work. This project illustrates flexibility and an in-between approach that she viewed as a win-win. She was concerned about the property owner's comment about the sidewalk on the east. She pictured having to move sidewalk west three feet which would kill the project. Mr. Williams responded that is a valid question but he did not envision the issue would be approached in that manner. A more likely scenario would be to work with the property owners to get the property dedicated.

Councilmember Petso said she will not support the motion due to her concern with the safety issues of mixing dog walkers and cyclists on the west side above the cliff. She preferred a walkway on the west and a bike path on the east to keep those user groups separated. If that means the City has to pay for the sidewalk itself she was willing to do that. She did not consider this a reasonable test; if something goes wrong, she hoped the project could be terminated. She feared the data could unfortunately be an accident that was between unfortunate and tragic.

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

Mayor Earling declared a brief recess.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO MOVE AGENDA ITEMS 14 AND 15 PRIOR TO AGENDA ITEM 13. MOTION CARRIED UNANIMOUSLY.

14. PHASE 4 – ENERGY IMPROVEMENT PROJECT

Mr. Williams explained the City has gone through several Energy Service Contracting (ESCO) processes in past. They have been very successful in reducing energy consumption, reducing the carbon footprint and saving money. This is Phase 4 which is focused at the waste water treatment plant (WWTP).

Mr. Williams asked for approval to authorize Mayor Earling to:

- Extend agreement with Washington State Department of Enterprise Services (DES)
- Accept a Department of Commerce grant for \$255,000
- Authorize the allocation of \$550,000 for the completion of two energy efficiency measures using the ESCO means for project delivery

Ron Major, Project Manager, State of Washington Department of Enterprise Services (DES), explained DES has been conducting energy services performance contracting (ESPC) for 20 years and saving public sector clients including Edmonds a lot of energy and money. ESPC is a program DES offers. They prequalify ESCOs every two years via a formal competitive process. He explained an ESPC is a contract between an energy service company (ESCO) and the DES under which DES:

- Prequalifies firms wishing to participate in the ESP programs an ESCO
- Manages the contracting process
- Enforces contract provisions

The City selects from DES' preapproved list which ESCO they want to use. The ESCO:

- Performs detailed energy audits
- Identifies energy and operational savings opportunities
- Designs infrastructure improvements that reduce resource consumption
- Causes the improvements to be implemented as the general contractor
- Guarantees not-to-exceed cost, performance, and energy savings.

After the audits are performed, the ESCO develops an energy services proposal that defines the scope of work, project cost, energy savings and performance parameters for the equipment to be installed. There are three guarantees: 1) maximum project cost, 2) energy performance, and 3) equipment performance. If the project exceeds the maximum guaranteed project cost, there is no cost to the City; that cost is paid by the contractor. If the energy performance guarantee is not met, the ESCO contractor corrects the deficiency and if that is not possible, pays the City for the shortfall in the energy savings. With regard to the equipment performance guarantee, if the equipment fails to perform as indicated, the ESCO contractor must fix the equipment to ensure it operates as promised.

Mr. Major described energy performance contracting benefits:

- ESPCs shifts project risk from the customer to the ESCO
 - ESCO guarantees the construction cost and is responsible for cost overruns
 - ESCO guarantees energy savings and reimburses owner for shortfalls
 - ESCO provides annual measurement and verification of resource savings
- ESPCs provide single source accountability and enhance customer control of equipment and subcontractor selection
- ESPCs reduce future energy costs and use the saving to pay for infrastructure improvements implemented today

He advised in the 20 years of doing ESPCs, DES has never had a project go to arbitration or a lawsuit. He provided a graph of ESPC impact on costs, illustrating how projects can be funded via the energy savings.

Gary Roberto, Project Developer, Ameresco, explained he represents a team of skilled engineers, construction managers, contracting specialists and technicians that deliver the projects. He reviewed previous successes in Edmonds:

- Phase 1: HVAC at City Hall, Library and Public Safety Buildings
- Phase 2: Lighting and water conservation
- Phase 3: Citywide projects: HVAC, lighting and building controls
 - Saves 250,097 kWh and 9,823 therms = \$29,187/year
 - Electrical energy savings equivalent to powering 20 Snohomish County homes
 - Simple payback of 13.7 years
 - Carbon footprint reduction of 174 tons/year

He noted the WWTP received the SnoPUD Energy Challenge Award in 2013. He displayed a diagram of the WWTP process flow, noting the key is separating solids from liquid. He described the process flow: influent enters, goes into a primary clarifier in which dense solids settle to the bottom and liquid is transferred into one of three aeration basin in which microbes act on the solids in the present of oxygen that bubbles up through the aeration basin. The remaining liquid containing the solids flows to a secondary clarifier where the solids settle to the bottom and the clarified liquid is transfer to the chlorine contact chamber where it is disinfected through the use of sodium hypochlorite that is introduced into the stream and discharged into Puget Sound. The solids are collected in a dewatering system where the water is pressed out and the resulting moist cake is transferred to an incinerator where it is burned and the ash is delivered to the landfill. He noted this is a complex process that requires skilled operators. Anything done to one of the processes affects another downstream. In doing energy conservation projects in the City, the easy projects are done first, leaving more complex projects such as these proposed at the WWTP. He identified the phases at the WWTP:

Phase 4: Aeration basins

Phase 5: Disinfection and dewatering systems

Phase 7: Alternate means of disposing of dewatered sludge

He provided details regarding the current project:

- Compressed air system upgrades
 - Replace existing compressors with two high efficiency units with capacity matched to the load
 - Analyze system for leaks
 - Energy savings \$63k kWh/year and \$5,000/year
- Aeration basin 2 upgrades
 - Install baffles to achieve plug flow
 - Install upgrade air distribution system and ultrafine bubble diffusers which will reduce airflow requirements
 - Install high efficient blower which will supply air at the lower requirement based on current flow and high efficiency diffusers
 - Evaluate the potential for enhanced process controls
 - Energy savings: 3500,000 kWh/year and \$29,000/year

He summarized Phase 4, Compressed Air and Aeration Basin 2 Upgrades

- Total savings of 417,430 kWh = \$34,062/year
- Electric energy equivalent to powering 34 Snohomish County homes
- Project has simple payback of 13.6 years
- Carbon footprint reduction of 187 tones
- Total guaranteed project price \$884,792
- Less approved grant from Dept of Commerce \$254,000
- Less SnoPUD emergency incentive \$ 80,767

- WWTP partner \$550,025
- Edmonds' responsibility \$278,833

He provided a preview of Phase 5:

- Sludge Dewatering (belt filter press installed 1988)
 - Install screw press dewatering system
 - Closed system simplifies foul air handling
 - Uses less spray and washdown water, reduces recycle flow and pumping costs
 - Better solids capture reduces secondary treatment
 - Produces dryer sludge for downstream processing
 - Saves electrical energy
 - Scalable
- Polymer mixwater heating
 - Install heat exchanger to capture waste heat from incinerator ash slurry
- Sludge mixing tank
 - Install 14,000 gallon primary sludge/WAS mixing tank with large bubble mixing in belt process room
- Ultraviolet disinfection
 - Eliminates worker exposure to chemicals
 - Non corrosive, protects the receiving waters and marine life from potential of toxic byproducts of chemicals
 - Reduces truck traffic to plant by 65 loads/year
 - Saves \$55,000 in electricity vs. chemical costs
 - Eliminates ongoing chlorine contract chamber O&M, daily residual testing, cleaning of channel, equipment and instrumental maintenance estimated at \$65,000/year
 - Will reduce recurring capital costs for channel repairs due to corrosiveness of chlorine

He described Phase 7, alternative means of disposing of the dewatered sludge. Future emissions standards will increase the cost of operating incineration equipment.

Mr. Williams advised Ameresco was selected based on their past excellent performance on energy saving projects in the City. One of the benefits is replacing old equipment that would have to be replaced at some point anyway. The new equipment is more energy efficient and the savings generate a revenue stream to access low interest loans, qualify for grants and SnoPUD energy incentives. In addition to the energy savings, carbon footprint reduction and cost savings, there are maintenance and labor savings as well as the opportunity to replace old equipment with new without the City paying for it all.

Councilmember Johnson asked about the alternative methods of disposing of the sludge. Mr. Williams answered the City has generally been happy with the onsite incineration; it can be done on City property and produces a small volume of material to be disposed of. The EPA plans to further regulate sewage sludge incinerators. The City can meet the new standards initially but there is a possibility or even likelihood those standards will continue to be lowered over time. Gasification would be one way to avoid that problem. If it qualified as an energy savings project, the City could access financing to replace the aging incinerator with new technology. That is a future phase; the only phase the Council is asked to approve tonight is phase 4.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO AUTHORIZE THE MAYOR TO APPROVE A DEPARTMENT OF ENTERPRISE SERVICES ENERGY PROGRAM CONTRACT FOR \$884,792 FOR PHASE 4 - ENERGY IMPROVEMENT PROJECT IN SUBSTANTIALLY THE SAME FORM AS PRESENTED. AND ALSO AUTHORIZE PLACEMENT OF A DEPARTMENT OF COMMERCE GRANT FOR \$254,000 TO BE FORWARDED TO THE CITY COUNCIL CONSENT AGENDA FOR

APPROVAL AS SOON AS POSSIBLE AFTER THE GRANT CONTRACT IS RECEIVED AND REVIEWED BY THE CITY ATTORNEY.

Councilmember Peterson recalled years ago when he and Councilmember Fraley-Monillas had a tour of the treatment plant, he found it a fascinating operation. He asked whether there were alternatives to taking the ash to the transfer station such as using it as mulch. Mr. Williams answered it is not impossible but is complicated. One of the obvious ways to use it would be an additive in cement thereby encapsulating any remaining materials of concern and also generating a usable product. The regulations associated with reuse are very complicated and he was unsure that was a productive thing to pursue.

MOTION CARRIED UNANIMOUSLY.

15. REPORT AND PROJECT CLOSE OUT FOR THE WWTP SWITCHGEAR UPGRADE PROJECT

Mr. Williams explained the equipment is outside in the marine air and although it has a rain hood, the internal workings and electrical connections are corroding and is a potential future point of failure. The other key piece is the automatic transfer switch which has been corroding over time; in the event of a failure or the incoming power failed in a storm, the transfer switch senses the loss of power and connects the plant to the onsite diesel generator to continue operating the plant. The fear was that one or both would fail in the middle of the night during a storm when flows are high and result in wastewater going in places it was not intended. The City contracted with Ewing Electric for \$1.39 million, \$118,000 was paid to HDR to design the improvements, plus miscellaneous costs brought the total project cost to \$1.274 million. The overall budget was \$1.4 million so the project was approximately \$126,000 under budget and completed on time.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO ACCEPT THE SWITCHGEAR UPGRADE PROJECT.

Councilmember Mesaros commented this is another example of good budgeting and good spending, an example of the fine work done by staff.

MOTION CARRIED UNANIMOUSLY.

12. INTRODUCTION TO POTENTIAL AMENDMENTS TO THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) MODIFYING THE DEFINITION OF "LOT" (ECDC 21.55.010), DEFINING "LOT OF RECORD" (ECDC 21.55.015) AND ESTABLISHING A PROCESS FOR DETERMINING "INNOCENT PURCHASER" (ECDC 20.75.180). (AMD20140001)

This item was rescheduled to the September 2 Council meeting via action taken under Agenda Item 3.

13. DISCUSSION OF PLANNING BOARD'S RECOMMENDATION FOR COMPREHENSIVE PLAN TEXT AMENDMENTS, INCLUDING WESTGATE, AND POTENTIAL ACTION

Development Services Director Shane Hope explained the Comprehensive Plan proposal for amendment has three parts:

- Replacing the 2009 Parks, Recreation and Open Space (PROS) Plan with the 2014 plan approved by Council earlier this year.
- Replacing the 2009 Community Cultural Plan with the 2014 plan approved by Council earlier this year
- Text amendment regarding Westgate

She advised there were no Comprehensive Plan zoning map proposals. Typically Comprehensive Plan amendments are considered no more than once a year, but there is no specific timeline in the City's code or under State law for when that occurs. In addition to the once a year Comprehensive Plan amendments, there are some exceptions such as amending the Capital Facilities Element. For example if a budget amendment or adoption of the budget necessitates changing the Capital Facilities Element, that can be done outside the annual process. She anticipated that would occur later this year.

The 2014 amendments are relatively simple; there were no citizen applications. The text amendment regarding Westgate differs from the Westgate zoning proposal, a separate but related proposal that will be discussed at the Council's August 26 meeting. This is the third meeting regarding the 2014 amendments; the first was July 22 as part of the Westgate proposal and the second was a public hearing on August 4.

Planning Manager Rob Chave advised the ordinance prepared by the City Attorney includes background on the processes. In January/February 2014 the Planning Board held a public hearing followed by the Council's public hearing on the Community Cultural and the PROS Plans. During the past couple years the Planning Board has had several hearings on the Comprehensive Plan text amendment in combination with the zoning issues relate to Westgate. The Council also had a public hearing on August 4. The packet includes documentation regarding the PROS and Community Cultural Plans as exhibits to the ordinance.

There is already a section in the Land Use element regarding community commercial. The only community commercial area is Westgate. The intent of the Westgate text amendment is to combine the goals identified via the Westgate process into the Comprehensive Plan text to provide a framework for potential revisions to the code that will be discussed next week. It is anticipated the Council will adopt the CFP later this year as part of the budget process. Adoption of the Comprehensive Plan amendments will wrap up the Comprehensive Plan now versus waiting until December.

For Council President Buckshnis, Mr. Chave advised the CFP would be adopted later this year; there are no other Comprehensive Plan amendments. Council President Buckshnis inquired about removing the Steven Hospital Master Plan. Mr. Chave advised that would be done as part of the 2015 update. Council President Buckshnis asked whether this text amendment was a Westgate subarea plan. Mr. Chave answered these are very general policies; a subarea plan is much more detailed. Council President Buckshnis asked whether the community commercial text was being removed and replaced with the Westgate text. Mr. Chave referred to packet page 547, pointing out Westgate is now specifically mentioned but the language regarding community commercial is retained and the Comprehensive Plan map still identifies Westgate and community commercial area. He summarized this is very general, high level language that includes concepts identified in the Westgate study.

Council President Buckshnis spoke in support of adding amusement establishments as proposed by Dr. Senderoff. Mr. Chave agreed that could be done but suggested taking out the parenthetical reference to conditional use because that is zoning issue versus a Comprehensive Plan issue. Council President Buckshnis asked how an amusement establishment would be defined, noting it was a somewhat nebulous term. Mr. Chave agreed, relaying it was fine as a general statement of intent; translating it into zoning would be challenging. For example there is no way to regulate family friendly; a use can be family friendly in one context and family unfriendly in another context such as a video arcade or movie theater.

Councilmember Petso asked whether community commercial applied to the areas on the Comprehensive Plan map designated as Westgate Corridor and Edmonds Way Corridor in addition to Westgate. Mr. Chave answered those areas have their own map designations and there are text sections that address the corridors. This language does not apply to those corridors in the current Comprehensive Plan and will not apply to them with this text amendment.

Councilmember Petso pointed out the Comprehensive Plan map designates a Westgate area that does not match the Westgate proposal area. Mr. Chave was uncertain what the discrepancy was, advising the Westgate area is generally described on the Comprehensive Plan map. Councilmember Petso explained to the west it runs into the Westgate Corridor, to the east it runs into the Edmonds-Way Corridor, to the south it runs into properties now designated residential near the high school. She summarized there are three areas that have been discussed as part of the Westgate plan that are not identified as Westgate on the Comprehensive Plan map. She asked whether the text amendment would only apply to the smaller area designated on the Comprehensive Plan map. Mr. Chave answered the text amendment matches what is shown on the Comprehensive Plan map.

Councilmember Petso asked whether the area outside Westgate on the Comprehensive Plan map would be governed by the existing Comprehensive Plan. Mr. Chave said he would need to analyze the area Councilmember Petso referred to in more detail. In general, the Westgate area is identified on Comprehensive Plan map; these policies apply to that area. There will also be some transitional areas.

Councilmember Petso recalled previously being told with regard to the CFP that there were limitations on how often it could be amended and that it needed to be consistent with Parks and Transportation Plans which it presently was not. By approving this amendment, part of the plan would be inconsistent but that inconsistency was not being fixed. Mr. Chave was not aware of any inconsistency.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO EXTEND THE MEETING FOR 20 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.

Councilmember Petso provided examples

- The 76th & 212th project which is in the CFP as a dot in the intersection, is now restriping the corridor
- The Sunset Walkway project is a walkway and does not include Caspers Street, but the current proposal includes Caspers and is a multiuse pathway.

Councilmember Petso recalled raising this issue when the Council approved the TIP and understood the plan was to fix inconsistencies at the next Comprehensive Plan amendment opportunity. City Attorney Jeff Taraday recalled the discussion that the TIP would always be inconsistent with the CFP for a brief period of time because the TIP is adopted in the summer and the CFP is adopted in conjunction with the budget. He recalled any inconsistencies would be resolved when the CFP is adopted. Councilmember Petso recalled there was discussion regarding amending the Comprehensive Plan as she assumed the inconsistency would be addressed when the Comprehensive Plan was amended. This proposal does not do that and she questioned whether that was a GMA violation. Mr. Taraday answered most cities have the same period of time where the TIP is adopted in the summer and the CFP is adopted with the budget and nothing is being done to increase that period of time. Because there were very few Comprehensive Plan amendments this year, the amendments can be adopted earlier.

Councilmember Petso commented the previous schedule was to adopt the Comprehensive Plan amendments in December so everything was consistent. Mr. Chave commented historically the CFP is not adopted at the same meeting as other Comprehensive Plan amendments as the CFP is tied to the budget. Councilmember Petso relayed her understanding the CIP was tied to the budget and the CFP was a planning document. Mr. Chave answered there is some overlay; some of the CFP projects are CIP projects and vice versa.

Councilmember Petso recalled there is criterion in the code that applies to Comprehensive Plan amendments decisions. Ms. Hope advised the findings are referenced in the ordinance. Councilmember Petso relayed one of the standards is maintains the appropriate balance of land uses in the City. The map

she sent staff allows 40% of the greater Westgate area to have residential only buildings. Ms. Hope advised that was part of the zoning code decision and was not related to this text amendment. It is the same commercial area; some of it could be mixed use under the Comprehensive Plan amendment but the amendment does not specify where, what type of mixed use, or a percentage. Councilmember Petso relayed under the proposed zoning some areas can be straight multi-family. She asked whether that will be eliminated if the Council adopts the mixed use amendment tonight. Ms. Hope advised the zoning code still needs to be decided; that will not affect the text amendment.

Councilmember Petso observed the text amendment designates the area in the Comprehensive Plan as mixed use. Ms. Hope clarified the text amendment states mixed use could occur there. Mr. Chave read from the Comprehensive Plan on packet page 547, goal C, "The intent of the community commercial designation is to recognize both of these purposes by permitting a range of business and mixed use development while maintaining a neighborhood scale and design character." He explained the idea of mixed use has always been there; that language is not being changed. The details of how that mixed use occurs and to what degree it occurs is implementation which is done via zoning.

Councilmember Petso referred to the deletion of C2, "Provides for transit and pedestrian access in addition to the need to accommodate automobile traffic." and asked whether automobile traffic will no longer be accommodated at Westgate. Mr. Chave answered that was deleted due to redundancy with other language.

Councilmember Petso observed another other major change is deleting language regarding providing for the pedestrian scale design of buildings that are two stories or less in height and contain architectural features that promote pedestrian activity, observing the proposal is up to four stories in height and there are no pedestrian design features. Mr. Chave answered there are plenty of pedestrian design features. The limitation on two stories is being eliminated. The implementation will be accomplished via zoning. Councilmember Petso asked what the height limit would be if the two story limit were removed before the height limit in the zoning code is adopted. Mr. Chave answered the height limit would be in accordance with the existing zoning until the Council adopts new zoning for Westgate. If the language regarding two stories is retained in the text, the zoning could not be contrary to that.

Councilmember Petso asked why that was being removed before the zoning was adopted. Mr. Chave answered the Comprehensive Plan should not designate things such as stories but rather the overall character and what is trying to be achieved. Specifying stories or a height limit is an implementation tool which is zoning.

If the Council adopts this tonight and then acts on the Westgate Plan using the larger area, Councilmember Petso asked whether the Comprehensive Plan map would need to be changed to match that map. Mr. Chave answered if any of the zoning changes go outside the Westgate proper, it likely would not be inconsistent with the language that applied to the corridors. He would need to look at what Councilmember Petso was referring to. Councilmember Petso relayed concern that the Westgate Plan map does not match the Comprehensive Plan map, yet the Comprehensive Plan text is being revised but not the Comprehensive Plan map. Ms. Hope advised the official Comprehensive Plan map is the land use map not the illustrations that go with the text. For Councilmember Petso, Mr. Chave advised there is a zoning map and a Comprehensive Plan map. Councilmember Petso asked whether the text amendment applied to the Comprehensive Plan map. Mr. Chave answered yes.

Council President Buckshnis commented the definitions are not being changed the changed, the only change is paragraph C, Goals for the Westgate Community Commercial Area. Paragraph B, the goals for the Westgate Corridor, identifying it as a key transportation corridor, are not being changed. And Paragraph F, the goals for the Edmonds Way Corridor, are also not being changed. Mr. Chave commented

the designations on the Comprehensive Plan map are not hard boundaries; there will be transition areas where decisions are made by the zoning.

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO CONTINUE DISCUSSION TO ANOTHER DATE DUE TO THE LATE HOUR AND THE IMPORTANCE OF THE ISSUE.

Councilmember Johnson raised a concern about the lack of evaluation or prioritization of projects in the PROS Plan and that Council direction is not considered in submitting application for grant or determining which projects the most important. She recommended the Council discuss how to identify capital projects.

Councilmember Fraley-Monillas agreed it was late to decide these issues and she anticipated greater productivity if the issue was discussed earlier at a future meeting. Council President Buckshnis offered to confer with Ms. Hope and schedule further discussion at the September 2 or 16 meeting.

MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND THE MEETING FOR 10 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.

16. LIQUOR/RECREATIONAL MARIJUANA LICENSE REVIEW PROCESS

Council President Buckshnis explained this removes the Council from the review process for liquor/recreational marijuana licenses and makes it an administrative process. Requiring approval by the Council has the potential to slow the process.

Councilmember Fraley-Monillas advised this was reviewed Public Safety & Personnel Committee and she requested it be presented to the Council primarily for notification. Lists of liquor license renewals are approved on the Consent Agenda; this would change that to an administrative process. City Clerk Scott Passey explained the proposal is to take the Council out of the review process for practical reasons. Most cities handle it administratively and do not require Council approval due to the tight timeline on license applications. In the past the Council has approved the lists of renewals. The City also receives sporadic individual license applications; it would be difficult to obtain Council approval within the required timeline.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO DIRECT THE CITY ATTORNEY TO DRAFT A CODE AMENDMENT TO TAKE THE CITY COUNCIL OUT OF THE REVIEW PROCESS FOR LIQUOR AND RECREATIONAL MARIJUANA LICENSES. MOTION CARRIED UNANIMOUSLY.

17. APPROVAL OF CITY ATTORNEY EVALUATION PROCESS

Councilmember Mesaros recalled when this was discussed at the August 4 meeting, two suggestions were made, 1) to include the past Council President along with current Council President in the formal evaluation process which he added, and 2) having the Council approve the standards of performance which will be developed after the performance review.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE CITY ATTORNEY EVALUATION PROCESS. MOTION CARRIED UNANIMOUSLY.

18. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF AUGUST 12, 2014

Due the late hour, this item was rescheduled to next week's Council meeting.

19. MAYOR'S COMMENTS

Mayor Earling reported it had been a great pleasure to have a delegation from Hekinian in Edmonds the past ten days. He acknowledged the work of the Sister City Commission and thanked his Executive Assistant Carolyn LaFave and Sister City Commissioner Iyoko Okano who were instrumental in the success of the program. He relayed that a student boarding the bus to the airport mentioned they could not find their passport. The bus left with the students; Ms. LaFave went to the host family's house, found the passport and met the student at the airport with the passport. He summarized it was a marvelous experience and he was pleased it was great success.

20. COUNCIL COMMENTS

Council President Buckshnis reported the last concert in the park is this Sunday.

Councilmember Johnson invited volunteers to the 2nd Annual Volunteer Appreciation Picnic on Sunday from 2:00 – 4:00 p.m. followed by the concert. She requested volunteers RSVP to Ms. Spellman.

Councilmember Fraley-Monillas reported she had a great time at the Taste of Edmonds. She thanked the organizers and expressed her appreciation for the neighbors who tolerated the noise and people.

Councilmember Petso thanked the City Clerk and the Council for accommodating her late arrival.

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

This item was not needed.

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

This item was not needed.

23. ADJOURN

With no further business, the Council meeting was adjourned at 10:27 p.m.