

EDMONDS CITY COUNCIL APPROVED MINUTES

September 2, 2014

The Edmonds City Council meeting was called to order at 6:40 p.m. by Mayor Pro Tem Buckshnis in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

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

ELECTED OFFICIALS ABSENT

Dave Earling, Mayor

ALSO PRESENT

Noushyal Eslami, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Carrie Hite, Parks & Recreation Director
Scott James, Finance Director
Doug Fair, Municipal Court Judge
Shane Hope, Development Services Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Rob Chave, Planning Manager
Kernen Lien, Senior Planner
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(10(i)).

At 6:40 p.m., Mayor Pro Tem Buckshnis announced that the City Council would meet in executive session regarding pending or potential litigation per RCW 42.30.110(10(i)). She stated that the executive session was scheduled to last approximately 20 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: Councilmembers Johnson, Fraley-Monillas, Buckshnis, Peterson, Bloom and Mesaros. Councilmember Petso joined the executive session at 7:03 p.m. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, Finance Director Scott James and City Clerk Scott Passey. At 7:03 p.m. City Clerk Scott Passey announced to the public present in the Council Chambers that an additional five minutes would be required in executive session. At 7:07, Mr. Passey announced that an additional five minutes would be required in executive session. The executive session concluded at 7:12 p.m.

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

2. ROLL CALL

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

Mayor Pro Tem Buckshnis introduced Student Representative Noushyal Eslami.

3. APPROVAL OF AGENDA

Mayor Pro Tem Buckshnis relayed staff's request to reschedule Item 9 to a future meeting as Item 10 is a priority.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA, REMOVING ITEM 10. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

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

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda item approved is as follows:

B. APPROVAL OF CLAIM CHECKS #210235 THROUGH #210336 DATED AUGUST 28, 2014 FOR \$1,287,512.53

ITEM A: APPROVAL OF CITY COUNCIL MEETING MINUTES OF AUGUST 26, 2014

Councilmember Bloom requested the following corrections:

- Page 9, last paragraph, change 7.2 items per committee per month, to 17.2 items for all committees per month.
- Page 10, first paragraph, change Ethics Police to ethics policy.

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE ITEM A AS AMENDED. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Peter Laylin, Edmonds, representing the Train Horn Noise Advisory Committee, reviewed the committee's progress in creating a Train Horn Noise Quiet Zone for Edmonds. Their current campaign began July 2013 his letter to the Edmonds Beacon that generated a great deal of interest as well as controversy. Some opposition was due to the proposal to create a local improvement district (LID) to pay for a quiet zone. That was proposed based on, 1) the claim by City staff that there was no money to fund such a project, and 2) East Vancouver, Washington's success in establishing an LID to fund their quiet zone. A petition was circulated to property owners whose address would appear to place them within an LID, asking for their support for a quiet zone as well as their willingness to help pay for it. At that time a full quiet zone with additional gates, barriers and crossing arms at Main and Dayton Streets was contemplated. Further investigation revealed a full quiet zone would be difficult due to, 1) the cost, likely over \$1million, and 2) getting an LID approved would be contentious. The committee turned their attention to a wayside/trackside warning system as an alternative. The system benefits from the 2008 study performed for the City by Railroad Controls Limited and would be far less expensive (\$250,000) than a full quiet zone and therefore would not require an LID to fund it. Wayside horns can also perform for the current single track and the probable second track, a clear advantage over a full quiet zone. A wayside horn is included on the TIP; the Council only needs to provide funds for implementation. The system has already been studied and can be done economically in the near term and will provide real relief.

Kory KeMun, Edmonds School Board, thanked the Council for their support of the school system. He was attending tonight's meeting to learn more about the workings and concerns of the City Council.

Roger Hertrich, Edmonds, praised Councilmember Bloom for doing her own research regarding Westgate such as similar areas, parking relationships, how businesses fit, etc. He expressed concern other Councilmembers have not done their own research, noting it was important for Councilmembers to get involved before making decisions that affect everyone. He provided several comments with regard to Westgate: the proposal is too dense and there will not be enough room to develop everything that has been described; he supports increasing the setbacks; the traffic study has nothing to do with Westgate, it is a study of sidewalks and a waste of money; he supports increasing sidewalk widths to encourage pedestrians; he fears the result will be residential development without good commercial on the first floor; and without quality commercial, there will not be a Westgate a shopping area. Next, he referred to discussion about eliminating commercial requirements in some zones and recommended the City tell the developer what they want, just hope developers will build what the City wants.

6. **PRESENTATION BY THE EDMONDS SOUTH SNOHOMISH COUNTY MUSEUM & HISTORICAL SOCIETY**

Dave Buelow, Scarecrow Festival Project Manager, South Snohomish County Historical Society and Museum, referred to a flyer regarding the Scarecrow Festival that was provided to the Council. The flyer and further information can be found on the museum's website, www.historicedmonds.org and the scarecrow hotline, 425-774-6507. He thanked everyone who participated last year, 54 scarecrow entries and 500 online votes; they hope to increase that this year. He thanked the Council for their support, staff for their assistance, and citizens for their participation including Councilmembers Buckshnis and Peterson who built and registered scarecrows last year. He invited Councilmember Petso's grandson Gus to tell the public about his scarecrow. Gus said his scarecrow was named No-Noggin because he does not have a head. His head, a pumpkin, will be added by Halloween. Councilmember Petso explained the scarecrow, constructed nearly entirely from discarded campaign sign sticks, was based on a Curious George story; she was hopeful he would get his head prior to the contest judging. Mr. Buelow urged citizens and businesses to register a scarecrow; registration begins October 1. The museum's website will include a map so that the public can tour scarecrows.

Bill Lambert, President, Edmonds South-Snohomish County Historical Society and Museum, commented the museum is pleased to offer the Scarecrow Festival, celebrating the present and future. He looked forward to seeing the public at other museum activities including the Saturday Market, the car show, and the haunted museum on Trick or Treat Halloween. He invited Councilmembers and the public to the second annual Heritage Days on October 24 at the Holy Rosary Community Center. Discounted tickets are available until October 1 and are available for purchase tonight, online or at the museum. Funds from last year's Heritage Days were instrumental in funding renovation of the upstairs to its original Carnegie Library condition; this year's project is the outside of the museum.

7. **MUNICIPAL COURT JUDGE COMPENSATION DISCUSSION AND POSSIBLE ACTION**

Parks & Recreation Commission/Human Resources Reporting Director Carrie Hite advised the packet contained material she developed at the request of Mayor Pro Tem Buckshnis regarding the judge's salary. Tonight's presentation includes briefing on one item and consideration of a second. The first item is related to the Citizens Commission on Compensation for Elected Officials (CCCEO) that filed its salary recommendation in May 2012 to cover 2013 and 2014. Their recommendation was to maintain the 95% of a District Court Judge's salary to continue receiving the court improvement funds. Attachment 2, a letter from Washington Courts Administrative Office of the Court, calls for a 3% increase to begin on September 1, 2014. The 3% will increase the judge's salary by \$189/month or \$757 for September 1 – Dec 31, 2014. The court has the funds in their budget.

The second item is related to the full-time equivalency for the judge. Although Judge Fair spoke to CCCEO, the City Attorney advised the CCCEO does not make a decision on FTE, that is done via the Mayor's recommendation to Council. After consulting with the Judge and reviewing materials, Mayor Earling recommends the Council consider increasing the hours for the judge from the current at .55 FTE to .75 FTE. She noted although the .75 FTE is lower than comparison jurisdictions, Mayor Earling would like to implement it before recommending a higher FTE. The fiscal impact is \$2,358/month including the 3% increase. She reviewed a Compensation/Cases/FTE summary:

Market	Hours per Case	Caseload per FTE	Salary per FTE	Actual Salary
Edmonds/Current .55 FTE	0.15	14,198	\$11,443.00	\$6,293.65
Average	0.27	13,804	\$11,443.00	
Median	0.22	9,524	\$11,659.00	
Edmonds Proposed .75 FTE	0.20	10,412	\$11,443.00	\$8,582.25
Proposed with 3% increase per State Salary Commission			\$11,786.00	\$8,839.00

Ms. Hite note there may be an increase in the caseload due to new laws related to the public defender.

Councilmember Bloom asked why there was a recommendation to do this now instead of considering it during the budget process and making it effective in 2015. Ms. Hite relayed Mayor Pro Tem Buckshnis requested this be presented to the Council. Mayor Pro Tem Buckshnis explained an RFQ for a new judge is being advertised beginning next week and it was important to accurately reflect the FTE and salary. Councilmember Bloom asked why this was not done during the 2014 budget process. Mayor Pro Tem Buckshnis responded it was not known during the 2014 budget process that Judge Fair would be leaving. She reiterated the RFQ was being advertised to attract a new judge and it was important to accurately represent the FTE and compensation.

Councilmember Petso suggested advertising the .55 FTE and increasing it if necessary. Ms. Hite answered that could be done but it was feared it would not be competitive if a candidate considered the caseload and the salary based on the FTE and could impact the City's ability to attract highly qualified candidates. Councilmember Petso observed the impact is \$28,000/year which would typically be done via a decision package. She asked whether the decision would have been delayed until the budget process if the City were not seeking a new judge. Ms. Hite answered most likely.

Council President Pro Tem Johnson pointed out the Washington State Citizen Commission on Salaries for Elected Officials recommended increasing the judge's salary by 3% effective September 1, 2014. The Council does not have control over that. To receive the benefits of having the judge at 95% of that salary range, the court improvement funds, the Council needs to authorize the 3% increase. She summarized these are two separate actions. Ms. Hite agreed, clarifying after consulting with the City Attorney, because the City's CCCEO's 2012 recommendation set the salary for 2013 and 2014, it does not require Council authorization; it will automatically go into effect September 1, 2014.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXPAND THE POSITION OF MUNICIPAL COURT JUDGE FROM ITS CURRENT .55 FTE TO .75 FTE.

Councilmember Petso said she will vote against the motion because she preferred to consider it as a decision package in the 2015 budget.

Councilmember Mesaros explained the City has an opportunity to attract someone to replace the current Municipal Court Judge and needs to present the best possible position description.

Council President Pro Tem Johnson pointed out the packet contains a summary of the work Judge Fair has been providing. It is clear he has been working in excess of a .55 FTE. The estimates are a .71 FTE in 2008, .93 in 2009 .96 in 2010, 1.01 in 2011, .96 in 2012 and .85 in 2013. Clearly Judge Fair has been dedicated and has been working above his FTE. Although she understood it would be best to consider this in the budget process, this is a unique circumstance in which Judge Fair is planning to leave and the position needs to be filled. The increase in the FTE can be justified at this time.

If the Council approved the .75 FTE, Councilmember Fraley-Monillas asked whether the hours could be reduced in the future. She was aware the salary could not be reduced. City Attorney Jeff Taraday responded the law is clear the salary of an elected official cannot be reduced while they are in office. Because it is unusual to tinker with an FTE for an elected office, there is no case or statutory law. He advised it would be at least problematic to decrease the FTE and therefore would be safe to assume at least for the remainder of term any increase in compensation would remain in effect through that term.

Councilmember Fraley-Monillas inquired about the judge's term. Judge Fair advised it was 3 more years. Councilmember Fraley-Monillas observed at the end of 3 years, the Council could choose to reduce or increase the FTE. Mr. Taraday advised the salary can always be increased mid-term; it cannot be decreased mid-term.

Councilmember Petso said she was not questioning the justification, only the process. She recognized Judge Fair has been very forthcoming in explaining why he and Mayor Earling recommend the change.

UPON ROLL CALL, MOTION CARRIED (5-2), MAYOR PRO TEM BUCKSHNIS AND COUNCILMEMBER FRALEY-MONILLAS, JOHNSON, MESAROS AND PETERSON VOTING YES; AND COUNCILMEMBERS PETSO AND BLOOM VOTING NO.

8. 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)

Senior Planner Kernen Lien explained this issue came to light at the end last year and early this year when the legal status of a number of properties came into question. The matter was discussed by the Parks, Planning & Public Works Committee who forwarded it to the Planning Board who recommended changes to ECDC. He provided several definitions:

- ECDC 21.55.010 – Lot
Lot means a single tract of land legally created as a separate building site with frontage on a street or access easement. For purposes of this code, adjoining lots under common ownership, which were created without subdivision or short subdivision approval from applicable city or county governments, shall be considered as one lot and subject to the regulations contained herein. The terms of this section shall apply regardless of whether the individual adjoining lots meet current zoning requirements.
- ECDC 20.75.180 Violation – Permits
No building permit, septic tank permit or other development permit, shall be issued for any lot, tract or parcel of land divided in violation of this chapter unless the applicant for such a permit has applied to the hearing examiner and obtained a ruling from the hearing examiner that the public interest will be not adversely affected thereby; provided, however, the prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.
- ECDC 17.40.030 Nonconforming Lots

No building permit, septic tank permit or other development permit, shall be issued for any lot, tract or parcel of land divided in violation of this chapter unless the applicant for such a permit has applied to the hearing examiner and obtained a ruling from the hearing examiner that the public interest will be not adversely affected thereby; provided, however, the prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

Mr. Lien displayed subdivision map identifying subdivisions that have occurred in the City from 1890 to the present. He provided an comparison of a plat to parcels, displaying a plat originally recorded in 1915 where one short plat was recorded in 1983; other parcels were created by other means outside the subdivision process which raised legal lot questions. He provided another example where the plat was recorded in 1907 and identified original lots, lots created via short subdivisions, and lots created outside the subdivision process. He displayed an example of lots in the City where there were no historic subdivisions and parcels were created outside subdivision process

The Planning Board proposed the following amendments (Exhibit 1):

ECDC 21.55.010 – Lot Definition

- Revised definition of lot to be consistent with RCW 58.17.020
 - Fractional parts of divided lands having fixed boundaries being sufficient in area to meet minimum zoning requires with area. Term shall apply to tracts or parcels (state subdivision regulations)
- Keep portion of definition relating to common ownership

ECDC 21.55.015 – Lot of Record (new definition)

- Create new definition for Lot of Record
- Platted Lots
 - Tied to specific dates around adoption of subdivision codes
 - City of Edmonds
 - Snohomish County
- Unplatted Lots
 - Specific Washington State Law exemptions
 - Created prior to first City of Edmonds subdivision code (effective July 3, 1956)

He explained the City has five historic plats in the downtown area that created lots 30 feet x 110:

- City of Edmonds
- Brackett's First Addition
- Gephart's First Addition
- Kelloggs's Plat
- Albert B. Lord's Grandview Addition

These plats are within the R-6 zone which requires a 60 foot minimum lot width. The City considers two lots in these five historic plats a lot of record. That is codified in this code update.

Councilmember Mesaros asked whether a current lot was 60 feet x 110 feet. Mr. Lien answered all the historic subdivisions are in the R-6 zone which is single family residential and requires a 6,000 square foot minimum lot size and 60 foot width. When these were platted, the lots were 30 feet x 110 feet. When the lots are surveyed, the widths of 2 lots are often between 58 and 60 feet; 2 lots are considered 60 feet wide and meet the standards.

Innocent Purchaser

- ECDC 20.75.180

- Innocent purchaser is basically someone who purchased a property that was not created via the subdivision process but was unaware.
- Criteria established to determine innocent purchaser:
 - The applicant did not have actual notice regarding the subdivision of the property.
 - The purchase price of the parcel is consistent with an arm's length transaction.
 - The owner did not purchase the property from a relative.
 - At the time of the purchase, there was some existing deed, record or survey showing the subject parcel as a separate lot.
 - The parcel has a separate tax ID parcel number
- Innocent purchaser status may be approved subject to conditions of approval requiring the applicant to make improvements to the property that would likely have been required by the City had the property been properly subdivided unless it is determined that such improvements have already been constructed
- Affirmative determination shall be recorded with the county auditor
- Innocent purchaser determination as Type II decision in ECDC 20.01.003

Mayor Pro Tem Buckshnis asked whether innocent purchaser could include a corporation. City Attorney Jeff Taraday answered as currently drafted, a corporate entity could qualify as an innocent purchaser. A corporation would still have to meet the same standards; the criteria would be the same. The corporation would need to have actual knowledge of the illegality of the creation of a lot.

Councilmember Petso recalled one of Mr. Lien's slides showed a number of land-locked parcels, however, the prior definition of a lot was that it have frontage on a street or access easement. She questioned whether the proposal was to allow development on land-locked parcels for which there was no street or access easement. Mr. Lien answered no, some of the land-locked parcels were created outside the subdivision process. During the subdivision process, one of the considerations is whether there is adequate access. He identified access easements on parcel maps, noting there were little slivers of land that provide access, some are owned by Snohomish County and some are owned by an individual property owner. This code update is to establish whether a lot is a lot of record. If a develop permit were submitted for land-locked property, that is one of the review criteria for development but is not associated with whether it is considered a lot of record.

If a lot is made a lot of record, Councilmember Petso asked whether the property owner could demand an easement from the neighbors to develop the property. Mr. Taraday explained they would likely already have the ability to do that. The law does not favor the creation or maintenance of land-locked parcels. He referred to a private way of necessity, explaining any land-locked property owner has a private right of condemnation where they can essentially condemn an access easement over their neighbor's property to provide access to a public street if there is no other way. This change would not affect that. Councilmember Petso relayed her understanding there was no advantage to having the language in the code regarding frontage or access easement. Mr. Taraday did not see a need to include that language in the definition of a lot.

Councilmember Petso recalled the innocent purchaser arose as part of a land use appeal where someone wanted to build a house in a critical area on a parcel. She questioned how these changes would have affected that proceeding or whether creating the innocent purchaser exception would allow construction in a critical area under reasonable use or other doctrine. Mr. Lien explained all the innocent purchaser exception does is determine it to be a lot of record. All the City's other regulations that apply to development would apply to the lot of record such as the CAO, stormwater code, engineering code, zoning code, etc. This only would provide the lot of record status.

Without a lot of record, Councilmember Petso observed there would not be an issue with the critical area; they simply would not be allowed to develop the lot. Mr. Lien agreed, noting under the current code the

property owner could apply for innocent purchaser but the code currently does not contain any criteria or a process for determining an innocent purchaser. The proposed update establishes the criteria and process. Councilmember Petso observed the City may be better off without an innocent purchaser process so that people do not try to develop wetlands. Mr. Lien commented this is an issue across the entire City whether or not there are crucial areas.

Councilmember Petso referred to the drawing of an original plat and the same area with numerous lots. She asked whether the actual condition on the street reflected the original plat or the numerous lots. Mr. Lien answered it was his belief all the lots were currently developed with single family home. Councilmember Petso referred to the Meadowdale Landslide Area, questioning whether there was risk of doubling the density in a high risk area. Mr. Lien did not believe this change would double the density in North Edmonds as a lot of the parcels already exist. Mr. Taraday explained this problem is often encountered with an existing house on a lot submitting for a remodeling permit or demolition and rebuilding; the City cannot issue a permit because there is no way to legalize the lot. Mr. Lien provided an example of a lot that brought this issue to the City's attention. Three properties applied for a three lot subdivision in the early 1970s. The Planning Board approved a 2-lot subdivision; the third lot was not approved at the time because it was a substandard lot. The property owner is now trying to sell one of the properties to move into assisted living.

Councilmember Petso asked whether the lot if approved now would comply with the code. Mr. Lien answered if a lot is determined to be a lot of record through the innocent purchaser process and it is a substandard lot, development of the lot will be subject to the City's nonconforming standards. Councilmember Petso asked whether research would be done regarding why it was denied in the past. Mr. Lien answered this example, denial of subdivision, would not arise often. More often the properties were further divided at some point without applying for a subdivision; usually via transfer of deed. If it was done before July 3, 1956, it will be a lot of record. The lots may meet the zoning requirements but did not go through the subdivision process. One of the criteria of the innocent purchaser process is if the subdivision would have required improvements; through the innocent purchaser process, those improvements would be required.

Councilmember Bloom wanted to ensure the definition of innocent purchaser was very tight. She provided an example of a property on down the street from her that was above a creek and fish ladder and on a steep slope. The property was for sale a long time; three developers mentioned the lot could not be built on due to the steep slope and location next to a creek. The lot was sold and an application was submitted for a house, she believed as part of a subdivision. There was a hearing and within a few weeks of the hearing, the lot was for sale again. Her concern was whether the next purchaser of the lot would be considered an innocent purchaser who had a right to apply for development on a steep slope above a creek and a fish ladder. Mr. Taraday answered the determination of lot of record is a separate determination from the determination of whether proposed development would comply with the City's CAO. In no way would creating an innocent purchaser process short circuit or exempt properties from compliance with the City's CAO.

Councilmember Bloom asked whether the next purchaser would be considered an innocent purchaser, expressing concern with coupling innocent purchaser with reasonable use which was recently changed to eliminate single family lot equals single family home. She asked whether the next purchaser could be considered an innocent purchaser that had a right to develop on the lot. Mr. Taraday responded the innocent purchaser exemption only applies to properties that were not legally subdivided in the first place. Mr. Lien advised the property Councilmember Bloom referred to was 3-4 lots of the old City of Edmonds plat and was already a lot of record. Councilmember Bloom asked whether it was part of the subdivision for the houses above. Mr. Lien explained the houses above were built on two of the historic lots; they did not go through the subdivision process. The first 8 lots are where the 4 houses were built, each on 2 of the

30-foot wide lots; they are lots of record and can apply for a building permit but still have to comply with City's regulations including critical area regulations.

Mayor Pro Tem Buckshnis referred to a property that was purchased that was a stormwater repository and asked whether that would be considered an innocent purchaser. Mr. Taraday that property was part of a legal subdivision; there was no issue with the property being properly subdivided. The issue in that case was language on the face of plat that dedicated a lot for stormwater purposes. Having been through the subdivisions process, that lot would be considered lot of record.

Mayor Pro Tem Buckshnis referred to a house on Sunset that is set back and does not have frontage on the street. Mr. Lien advised that house has an access easement to the street.

Mr. Lien advised a public hearing has been noticed September 16.

9. **DISCUSSION AND POTENTIAL ACTION ON PLANNING BOARD'S RECOMMENDATION FOR PROPOSED ZONING CHANGES RELATED TO WESTGATE**

This item was postponed to a future meeting via action taken during Agenda Item 3.

10. **CONTINUED DISCUSSION AND UPDATE ON THE SHORELINE MASTER PROGRAM WITH FOCUS ON INTERIM URBAN MIXED USE IV SHORELINE DESIGNATION**

Senior Planner Kernen Lien provided an overview of the Shoreline Management Act (SMA) RCW 90.58

- Adopted in 1971
- Policies address:
 - Shoreline Uses
 - The SMA establishes the concept of preferred uses of shoreline areas. Preferred uses include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide public access opportunities.
 - Environmental Protection
 - The SMA is intended to protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic resources. One of the requirements of the SMP update is the regulations provide for no net loss of ecological functions.
 - Public Access
 - Master programs must include a public access element making provisions for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities
- Shoreline Master Program
 - Under the SMA, each city and county with "shorelines of the state" must prepare and adopt a SMP that is based on state laws and rules but is tailored to the specific geographic, economic and environmental needs of the community. The local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system.

The Department of Ecology updated their SMP guidelines (WAC 173-26) and all jurisdictions in the State are required to update their SMP. Most jurisdictions' SMP were from the early 1970s and only being updated now. Edmonds had a comprehensive update of its SMP in 2000 which has been incorporated into this update.

The SMP is comprised of several documents:

- Shoreline Inventory and Characterization

- Shoreline Restoration Plan
- Development Regulations
 - Draft ECDC Title 24
 - Policies, regulations and standards for shoreline uses and modifications
 - Administrative provisions
- Cumulative Impact Analysis

Mr. Lien explained a comprehensive code rewrite/reorganization is also underway. The new Development Services Director Shane Hope was not when the City when Title 24 was originally drafted and has some ideas regarding how it could be organized. He provided a summary of the draft Shoreline Regulations ECDC Title 24:

- Part I – Introduction
- Part II – Master Program Elements: Goals and Policies
- Part III – Shoreline Environments
- Part IV – General Policies & Regulations
- Part V – Specific Modification Policies & Regulations
- Part VI – Specific Use Policies & Regulations
- Part VII – Nonconforming Development
- Part VIII – Administration – Shoreline Permits
- Part IX – Definitions
- Part X - Appendices

Mr. Lien described the SMP’s relationship to other plans or regulations:

- SMP is adopted element in Edmonds’ Comprehensive Plan
- SMP works in tandem with rest of ECDC
 - Uses, developments, and activities must comply with ECDC and SMP
 - SMP prevails where there are conflicts

Mr. Lien provided definitions for jurisdiction, setbacks and buffers:

- Jurisdiction – Shorelines and 200 feet from ordinary high water mark (OHWM) of shorelines
- Setback – Minimum distance between a structure or use and the shoreline OHWM
- Buffer – the area adjacent to a critical area and/or shoreline that is required for the continued maintenance, function, and/ or structural stability of the critical area and/or shoreline.

Mr. Lien displayed an idealistic drawing of a shoreline with buffers and setbacks and an aerial image of the Edmonds shoreline which is quite developed.

The SMP applies to shoreline jurisdictions which include:

- All marine waters
- Streams and rivers greater than 20 cfs (none in Edmonds)
- Lakes 20 acres or larger (Lake Ballinger)
- Shorelands – upland areas within 200 feet
- Associated wetlands

He described shoreline environments identified in the SMP (ECDC 24.30.000 – 24.30.080)

- Environment designations are analogous to zoning designations for areas under SMA jurisdiction
- 12 proposed shoreline environmental designations
 - Aquatic I – low density
 - Aquatic II – high density

- Natural– protect shoreline areas relatively free of human influence or that include intact or minimally degraded shoreline functions
 - Edmonds Marsh and the historically contiguous wetland to the east of State Route 104.
 - Shell Creek wetland and lower riparian zone
- Conservancy
 - Brackett Landing South and North
 - Off-leash Dog Park
 - Willow Creek outlet of Edmonds Marsh
- Shoreline Residential I
 - North Edmonds east of railroad, RS-12 & RS-20 zoning
- Shoreline Residential II
 - East of railroad, RS-6 zoning
- Shoreline Residential III
 - Lake Ballinger, RSW-12
- Urban Railroad
 - Burling Northern Santa Fe Railway right-of-way

Mr. Lien explained one of big changes with the SMP update is related to Edmonds Marsh. Under the current SMP, the Edmonds Marsh was considered an associated wetland so the shoreline jurisdiction ended at the edge of the marsh. During the process, Ecology determined the marsh was a shoreline of the state which meant its jurisdiction extends beyond the OHWM. He provided aerial images of the historic extent of the marsh. He displayed an aerial image as part of a survey done by WSDOT for the Edmonds Crossing project that identified the saltwater portion of the marsh. It was decided to use a 2006 survey as the boundary of the salt marsh, 200 feet on either side is shoreline jurisdiction. Under the current SMP the marsh was an associated wetland and shoreline jurisdiction did not extend, there was no shoreline jurisdiction that applied to Harbor Square or the Unocal property on the south side of the marsh. He described the following shoreline environments:

- Urban Mixed Use I
 - North of fishing pier to Brackett’s landing South
- Urban Mixed Use II
 - Ferry terminal
 - Marina Beach to fishing pier
- Urban Mixed Use III
 - Upland areas around Edmonds Marsh
 - Commercial area north of ferry terminal
 - No access to navigable waters
 - Multi-family residential uses allowed
 - 50-foot setback

The SMP update requires jurisdictions consider all plans or all plans being made. At the time, the Port was considering a new Master Plan for Harbor Square and the SMP was delayed to allow the Port an opportunity to apply the Harbor Square Master Plan. City Council ultimately did not adopt the Harbor Square Master Plan. When considering the Harbor Square Master Plan, the Council discussed whether residential uses should be allowed. During the last review of the update, the Council discussed developing a new mixed use environment that prohibited residential uses within the shoreline jurisdiction. A new environment was required because the Urban Mixed Use III was necessary for the office/residential properties north of Main Street.

The direction from Council was to establish an Urban Mixed Use IV environment that would apply to the Harbor Square property and the Unocal property on the south side of the marsh was no residential, 150 setback and 50-foot vegetative buffer. That has been incorporated into Title 24. He reviewed changes required to incorporate the Urban Mixed Use IV environment:

- 24.30.070 Urban Mixed Use
 - Designation criteria
- 24.40.080 – Shoreline Development Table
 - Allowed uses and required permits
- 24.40.090 – bulk and dimensional standards
 - Setbacks and height limits

He reviewed staff's recommendation with regard to Urban Mixed Use IV:

- 50-foot setback
- Consistent with no net loss criteria
- Ecology support
- Opportunities for enhancement
- Interim designation (suggested by Ecology)
- Concern with 150-foot setback:
 - Creates nonconforming situation
 - Makes minor expansions difficult
 - Difficulty obtaining financing or refinancing
 - Difficulty obtaining insurance
 - Difficulty obtaining tenants for long term leases (if building damaged beyond 75%, reconstruction would be required to meet setbacks)
 - Discourages redevelopment which would provide opportunity for enhancement

Mr. Lien expressed concern with the interim designation that Title 24 suggests be in place for two years. This assumes the Council will review the issue during the next two years and make it permanent. When Ecology suggested the interim designation, they assumed the City and Port were working together to develop uses for the area which may not be on the Council or Port's agenda. The two year timeframe was included to ensure the interim designation be reviewed within two years and not wait until the next SMP update. An option is to have the consultant hired for the CAO update to also consider this issue. Otherwise, a consultant will need to be budgeted specifically to review this issue.

Mr. Lien highlighted Part IV: General Policies and Regulations (ECDC 24.40.000 – 24.40.090)

- 24.40.020 – Critical Areas
- GMA vs. SMA
- CAO Integration options
 1. Copy specific sections of CAO into SMP
 2. Reference a specific AO addition noting which CAO provisions will not apply to the SMP
 3. Include portions of the CAO as an appendix to CAO
- City pursued options 1 and 2
- 24.40.020.D – CAO exceptions
 - General provisions
 - Wetlands
 - At Ecology's suggestion, the Small Jurisdictions Guidance for Wetlands have been incorporated into the SMP wetlands section replacing the CAO wetland section.
- 24.40.020.C – CAO provisions allowed with shoreline variance

Mr. Lien provided information regarding wetlands:

- Lake Ballinger ringed by wetlands
- CAO Buffer (ECDC 23.50.040)
 - Category III = 50 feet
 - Category IV = 35 feet
- SMP wetland buffers (ECDC 24.40.020.F)

- Category III = 60 feet base (+ 45 to 105 feet)
- Category IV = 40 feet
- Variance required to reduce buffer more than 25%

Mr. Lien provided information regarding bluff setbacks:

- 50 feet plus 15 feet building setback
- Shoreline variance required to build closer

Mr. Lien explained another change in the updated SMP is in Part VIII: Administration – Shoreline Permits (ECDC 24.80.000 – 24.80.170):

- Administrative Chapter largely based on WAC 173-27
- 24.80.100 – Public Hearing
 - Current SMP requires all shoreline permits to be decided by Hearing Examiner
 - Proposing only significant permits going to Hearing Examiner:
 - One or more persons request a hearing
 - A SEPA Determination of Significance is issued
 - Permit requires shoreline variance or conditional use
 - The project requires a public hearing for other City of Edmonds permits
- 24.80.140 – Time requirements
 - Two years to start project
 - Five years to complete project
 - Under current SMP time requirements do not apply while other permits (local, state, and federal) are being pursued
 - Update gives applicants 5 years to get other required permits, plus a possible 1 year extension

Mr. Lien reviewed the City’s approval process:

- Assemble complete draft SMP
- Complete SEPA review and documentation
- Provide Growth Management Act 60-day notice of intent to adopt
- Hold public hearing
- Prepare a responsiveness summary
- Approve SMP and submit to Ecology
- Demonstrate compliance with Guidelines

He reviewed Ecology’s approval process:

- Approval process generally takes six months to complete
- Process for minor amendment is the same as full blown update
- Provide public notice and opportunity for comment
- Minimum 30 day comment period
- Send comments to local government within 15 days
- Local government has 45 days to prepare response to comments
- Prepare decision packet
 - 30 days after receiving response to comments, Ecology prepares decision packet
- Ecology may:
 - Approve the submitted SMP amendment as is
 - Approve the SMP amendment subject to required changes
 - Deny the SMP amendment
- Work with local government to finalize SMP amendment approval

Council President Pro Tem Johnson recalled there were issues raised in the Shoreline Restoration Plan regarding whether the eel grass in the Brown’s Bay area was properly mapped. She asked whether there

was a plan for enhancing the eel grass in the Brown's Bay area. She referred to a statement in the Shoreline Restoration Plan regarding relocation of the South County Senior Center to restore beach habitat, commenting this may raise issue related to their redevelopment. At the time the Planning Board reviewed the SMP there was an expectation that more Best Available Science regarding sea level rise would become available. Mr. Lien responded when sea level was discussed at the Planning Board, a document had recently been released; that is still the latest information regarding sea level rise. The Planning Board inserted policies into the SMP regarding sea level rise. He anticipated more information may be available at the time of the next update.

Councilmember Petso noted the delineation of the shoreline area of the marsh was from 2006; she asked why that was not updated. Mr. Lien answered the survey that identified the boundary of the saltmarsh was conducted in 2008; it closely resembles the 2006 extent of the Edmonds Marsh. The aerial photos illustrate a clear distinction in the vegetation between salt and fresh water vegetation. Ecology's wetland biologist surveyed the marsh and felt the 2006 delineation accurately represented the edge of the saltwater marsh. Another question is what affect the daylighting of Willow Creek and more free flow from Puget Sound will have on the marsh. He referred to the blue hatched area on the aerial photograph, explaining within Edmonds the OHWM is the average high high tide or 10 feet above sea level. He identified the 10 foot elevation; if/when Willow Creek is daylighted and that flow is allowed to happen, the makeup of the marsh will change. He identified the area of the marsh that would become a salt marsh. The 2006 boundary was verified by Ecology and generally matches the survey done in 2008; there has not been any change in how the water is allowed to flow between Puget Sound and the marsh since that time.

Councilmember Petso asked whether the boundaries will be re-delineated after the project is completed and the boundary changes. Mr. Lien answered maybe, maybe not; the SMP does not want to discourage restoration projects. The SMA allows restoration projects to occur that would normally extend shoreline jurisdiction and still retain the shoreline jurisdiction. There are three options, 1) identify in the SMP that if that project is completed, the shoreline jurisdiction established now will remain, 2) do it in the permitting process for the restoration project, and 3) a third option.

Councilmember Petso noted when this was reviewed previously, the Edmonds Crossing project was taken into account in the designations. New ideas have been raised since then such as the train trench, the wayside horns; she asked whether the designations have enough flexibility to allow those projects to proceed under the SMP. Mr. Lien answered yes.

Councilmember Petso recalled Mr. Lien saying smaller setbacks could offer an opportunity for enhancement through redevelopment, noting enhancement could occur independent of redevelopment such as funded by a grant. Mr. Lien agreed.

Councilmember Bloom recalled Mr. Lien's statement that retaining the 150-foot setback in the Harbor Square area would be problematic because the structures would be nonconforming. She asked which buildings would be affected and what was in the buildings. Mr. Lien identified the tennis courts, the Harbor Square Athletic Court, Blue Kennel Dogs, and American Brewery. From the audience, Port Executive Director Bob McChesney advised another building is a combination of warehouses and professional office spaces.

Councilmember Bloom asked about the difficulty obtaining insurance. Community Services/Economic Development Director Patrick Doherty explained nonconforming status creates a clouded title for property owners and tenants. As users, tenants and/or owners change during the time a property is nonconforming, things may arise that are problematic. For example, if a change in insurance is desired, the new insurance company may inquire about the nonconforming status. Some insurance companies will deny coverage if a building is nonconforming, others require an explanation regarding reconstruction. Similar problems may arise if refinancing is sought. The Port owns those building now but they could sell

properties if they wish and a future purchaser may be concerned about the nonconforming status. He summarized insurance is the most common issue because insurance coverage changes a lot.

Councilmember Bloom inquired about the percentage a building can be damaged and still reconstructed. Mr. Doherty answered 75% of the value of a building; if a small percentage of a building were damaged, it could be rebuilt. There are two issues, 1) the actual physical issue of what can be rebuilt, and 2) the difficulties that can arise when an insurance company will not provide coverage because they do not want to deal with the nonconforming status.

Councilmember Bloom understood the difficulty with obtaining financing or refinancing. She questioned why it would be difficult to obtain tenants for long term leases. Mr. Doherty answered a tenants would have the same issue obtaining insurance or financing for a tenant improvement. Observing the Harbor Square Athletic Club has a 29-year lease, Councilmember Bloom asked whether a long term lease protected a tenant. Mr. Doherty said Mr. Lien's point was in regard to re-leasing a space that becomes vacant. A cloud on the title due to nonconformity may not be an issue depending on the broker, the insurance company and the financing. He agreed long term leases were the safest for the Port.

Councilmember Bloom inquired about minor expansions. Mr. Lien explained the setback is the distance that a use or a structure from the OHWM. If there is a 150 setback and a tenant wanted to do minor expansion, it would be within the setback and expanding the nonconformity would not be allowed. Any minor additions would need to be outside the 150-foot setback. With a 50-foot setback there would be some opportunity for minor improvements to the building on the marsh side. With a 150-foot setback there no minor expansion would be allowed without going through the process which is very difficult and highly unlikely.

Councilmember Bloom asked whether any of the tenants have suggested improvements. Mr. Lien said he was not he was aware of any current proposals; two that happened in the last few years were American Brewery's silo which was in the setback and would not have been allowed and the life raft practice area.

Mayor Pro Tem Buckshnis asked whether the purpose of the interim designation was the daylighting of Willow Creek. Mr. Lien explained at the time Ecology proposed the interim designation, the Council was reviewing uses in that area, the Port had submitted the Harbor Square Master Plan and removal of residential zoning was being considered. The shoreline environment is in regard to the type of uses the City wants to have in the shoreline jurisdiction. Daylighting Willow Creek will not change the uses within shoreline jurisdictions around the marsh. Daylighting Willow Creek will not change the boundaries of the marsh; the saltwater portion of the marsh will expand. The boundaries of Willow Creek are established by the historic fill and the only way it will expand is if the fill is removed.

Mayor Pro Tem Buckshnis commented WRIA8 considers buffers in grants requests and 150 feet is a standard buffer. She referred to language in Ecology's letter that states within this designation the Council also approved a 50-foot buffer with a 100-foot setback. The purpose of the interim designation is to give the Port and the City time to negotiate development plans for the Harbor Square property. Ecology agrees with the concept of an interim designation for this property. Given that the Harbor Square Plan is in flux, Ecology has no problem with the City not finalizing specific buffers and setback for the marsh. Her concern was someone needs to "beat the drum for the environment;" the marsh is a gem that needs to be protected and it will not restore itself.

Councilmember Mesaros asked Ecology's stance on the 50-foot setback versus a 150-foot setback. Mr. Lien answered the same letter Mayor Pro Tem Buckshnis referenced states Ecology has previously indicated to the City and the Port that a 50-foot enhanced buffer would be adequate under the Port's initial Harbor Square redevelopment plan. He noted an enhanced buffer is establishing a vegetated buffer that is currently lacking in some places around the marsh. It is not the daylighting of Willow Creek that Ecology

is considering, it is the intensity of adjacent land uses. Ecology suggested the interim designation to allow the City and the Port to determine reach agreement on development in Urban Mixed Use IV environment. The Port has expressed support for a 50-foot buffer. Ecology's letter recommends the Council consider changing the proposed marsh buffer to a 50-foot minimum width with an interim designation and add additional language that recognizes the final buffer and setback will be determined within the Harbor Square redevelopment process.

Councilmember Mesaros asked whether the setback had to be 50 feet or 150 feet or could it be 75 feet. Mr. Lien answered it can be whatever the Council sets. The 50-foot setback recommended by the Planning Board was considered to be consistent with the no net loss requirement. The 150-foot setback originally came from Small Jurisdiction Wetlands Guidance where Category 1 wetlands such as the Edmonds Marsh have a 150-foot buffer. Ecology noted through their SMP handbook that a setback alone without a buffer requirement would meet the SMA requirement. Setting the setback at 50 feet is wider than the current 25-foot open space requirement in the current contract rezone. Councilmember Mesaros pointed out this proposal doubles the existing requirement. Mr. Lien agreed.

Councilmember Peterson expressed concern with the 150-foot setback particularly with the redevelopment that is occurring at the Antique Mall property. He asked whether the Port could do any stormwater mitigation in the Antique Mall parking lot with a 150-foot setback. Mr. Lien answered that would be considered a restoration project and would be allowed with the 150-foot setback.

Councilmember Peterson commented if a restaurant moved in, a view of the marsh would be advantageous. He asked whether a deck could be constructed on the back of one of the buildings. Mr. Lien answered not within the 150-foot setback. Councilmember Peterson referred to one of the building where 3/4th of the buildings was in the setback and asked whether a roof penetration could be done to install a hood. Mr. Lien answered improvements can be made within the existing building footprint but the nonconformity cannot be expanded by adding anything in the setback area.

Councilmember Fraley-Monillas referred to language in the letter from Ecology that states within this designation the Council has approved a 50-foot buffer with a 100-foot setback. The purpose of the interim designation is to give the Port and the City time to negotiate development plans for the Harbor Square property. Ecology agrees with the concept of an interim designation for this property. Ecology is available to help reach agreement on this important decision. Mr. Lien responded that was the reason for his concern with the interim designation; Ecology suggested the interim designation assuming the City and the Port are working together. Councilmember Fraley-Monillas observed the City and Port have not been working together. Ecology's offer to help reach an agreement is an important step in determining the best setback and buffer. Mr. Lien agreed that could be worked on during the next two years.

Council President Pro Tem Johnson raised an issue that was discussed at the Planning Board; an area of the 25-foot open space area between Harbor Square and the marsh that has been graveled and used for temporary parking. She asked what steps have been/will be taken to restore that to open space and remove the temporary parking. Mr. Lien answered no steps have been taken to remove the gravel parking next to Harbor Square Athletic Club.

Councilmember Petso observed the letter from Ecology was dated spring 2014, the decision on the Port plan was fall 2013. Mr. Lien answered the decision on the Port Master Plan was the end of 2013; he acknowledged it has been awhile since this was discussed.

Mr. Lien advised a public hearing is scheduled on September 16.

11. DISCUSSION REGARDING CITY COUNCIL MEETING FORMAT

Development Services Director Shane Hope recalled the Council's discussion last week as a follow up to discussion at a retreat regarding ways for the Council to work together better and options for dialogue without voting. The proposal is to alternate study sessions and business meetings and not have committees other than a Finance Committee to address routine or designated business. Not having committee meetings would allow all Councilmembers to hear presentations and Q&A and not have it done twice, once at a committee meeting and again at a Council meeting.

Councilmember Mesaros reiterated he was in favor of this format. However, if the Finance Committee continued to meet, he recommended the other two committees also continue to meet. If the purpose is to allow the full Council to discuss items, he recommended not having any committee meetings. If finance is such an important topic, the full Council should be provided the information at a study session that would have been provided at a Finance Committee meeting.

Councilmember Bloom agreed with Councilmember Mesaros' suggestion. If the intent was for the Finance Committee to meet at 6 p.m. and have the regular Council meeting start at 7 p.m., the Council meeting could simply start early and all Councilmembers could attend. Her primary concern with eliminating all the committees is her research found an average of 17.2 committee meeting agenda items per month. The committees screen items that come to the Council on a regular basis and schedule them on the Consent Agenda which she felt was very efficient; Councilmembers have the option of pulling an item from Consent. Some items reviewed by committee should go to the Council such as the Public Works Quarterly Report. Rather than eliminating all the committees, she suggested the Council decide what items should regularly come to the Council to prevent them from being reviewed in committee and by the full Council. She was inclined not to change the Council meeting format unless all the committees were eliminated.

COUNCIL PRESIDENT PRO TEM JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO DIRECT THE CITY ATTORNEY TO CREATE AN ORDINANCE TO BRING BACK TO THE CITY COUNCIL TO AUTHORIZE STUDY SESSIONS FOR THE COUNCIL'S FUTURE FORMAT SO THAT THERE WOULD BE TWO BUSINESS SESSIONS AND TWO STUDY SESSIONS PER MONTH.

Councilmember Petso asked for clarification regarding what would happen with the committees under Council President Pro Tem Johnson's motion. Council President Pro Tem Johnson answered time will tell what works best. She wanted the Council to have better dialogue with staff in the study session. She recalled Finance Director Scott James said the Finance Committee meeting does not necessarily have to be held Tuesday at 6 p.m.; it could be held at any time. Mr. James' interest in retaining the Finance Committee was not to do the regular work the committee is doing now but to have a long term strategy. That could include all or some of the Council.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO AMEND THE MOTION TO REMOVE ALL COMMITTEE MEETINGS.

Councilmember Fraley-Monillas suggested starting without committee meetings and add them if necessary. With regard to the Finance Committee, she felt it would be beneficial for all Councilmembers to hear what occurs in the Finance Committee meetings. She suggested 15-30 minutes could be spent during a study session to discuss Finance Committee meeting topics. She supported the study session/business meeting format because she liked to hear why items were scheduled on the Consent Agenda or the full agenda, noting it seemed to differ based on the Councilmembers on the committee or even staff assigned to the committee; there was no consistency. She anticipated the Council may be able to review agenda items more quickly with this format.

Councilmember Peterson suggested the first half hour of the first study session of the month consider Finance Committee meeting topics.

In response to Councilmember Fraley-Monillas' concern with why some items are scheduled on the Consent Agenda and others are scheduled for full Council, Councilmember Bloom relayed her understanding that items that would be scheduled on the Consent Agenda would not be presented to the full Council. The Council President would determine which items would be scheduled on the Consent Agenda. Councilmember Fraley-Monillas suggested that could be worked out, perhaps by a smaller subgroup; she supported abolishing the committees. Councilmember Bloom referred to the average of 17.2 items per month discussed by committee which equated to 8 items per study session in addition to regular agenda items.

Mayor Pro Tem Buckshnis commented there are some routine things that are always scheduled on Consent. Each meeting will have an agenda that includes a Consent Agenda each meeting. Councilmembers can pull items from the Consent Agenda.

AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED (6-1), COUNCILMEMBER PETSO VOTING NO.

For Mayor Pro Tem Buckshnis, Mr. Taraday explained the motion directed him to prepare an ordinance. The Council did not need to wait until the effective date of the ordinance to implement the new process. Under the current code, the Council has four meetings per month; the Council can decide to the two of the meetings be study sessions and two be business meetings.

Mayor Pro Tem Buckshnis suggested the first study session be held on October 14.

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

Public Safety & Personnel Committee

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

- A. Liquor/Recreational Marijuana License Review Process – Full Council
- B. Lead Court Clerk job description – Full Council
- C. No public comment

Finance Committee

Council President Pro Tem Johnson reported on items discussed by the committee and action taken:

- A. 2014 June Quarterly Budgetary Financial Report – Consent Agenda
- B. Employee Expenses, Volunteer Recognition and Reimbursements Policy – Discussion only
- C. IT Update – Discussion only
- D. PFD Quarterly Report – Consent Agenda
- E. Business License Fees Discussion – Consent Agenda
- F. Public comment from Judge Fair regarding the salary which was discussed on tonight's agenda, and from Port Commissioner David Preston regarding the Port's tiered late fee

Parks, Planning & Public Works Committee

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

- A. Public Works Quarterly Project Report – Full Council
- B. Report and Project Close Out for the WWTP Switchgear Upgrade Project – Full Council
- C. Phase 4 - Energy Improvement Project – Consent Agenda
- D. Proof-of-Concept Proposal for the Sunset Avenue Sidewalk Project – Full Council
- E. 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 – Consent Agenda

- F. Authorization for Mayor to Approve Acceptance and Recording of a Quit Claim Deed for 740 15th St SW – Consent Agenda
- G. Report on Final Construction Costs for the 220 7th Ave Curb Ramp and Curb/Gutter Project and Acceptance of Project – Consent Agenda
- H. Authorization to award a construction contract for the 15th St SW Walkway Project – Information only
- I. Update on Edmonds Arts Commission Temporary Art Projects on 4th Avenue Cultural Corridor – postponed to a future meeting due to unavailability of staff member to present
- J. No public comment

13. REPORT ON OUTSIDE BOARD AND COMMITTEE MEETINGS

Councilmember Mesaros reported he will be attending the SeaShore Transportation Forum on Friday.

Councilmember Bloom reported the Tree Board’s July meeting did not have quorum. The Tree Board’s open house the following week to introduce the tree code was well attended and included lively discussion. The Port Commission’s August 1 meeting included an update on their website as well as several quarterly reports including Harbor Square, Marina, Finance, financial statements and the 2015 budget schedule. The Port’s August 25 meeting included discussion regarding replacement of the HVAC in Building 1 and the purchase of two modular restroom buildings to replace the marina restrooms that are in disrepair.

Council President Pro Tem Johnson reported meetings she attended in August included:

- The Solar Workshop where she learned her house was not eligible because there was too much shade. She urged those whose homes had at least 65% solar access to investigate the reduced cost solar project available in South Snohomish County.
- Two strategic planning meetings
- Historic Preservation Commission meeting
- Perrinville Creek Study
- Highway 99 Task Force meeting
- Economic Development Commission
- SCC Dinner
- Chamber luncheon regard economic development and the story of place

Mayor Pro Tem Buckshnis reported the Snohomish County Tomorrow meeting was cancelled and WRIA 8 will meet next Thursday.

14. MAYOR’S COMMENTS

Mayor Pro Tem Buckshnis had no report.

15. COUNCIL COMMENTS

Student Representative Noushyal Eslami reported he is a senior at Edmonds-Woodway. He is interested in chemistry and is considering chemical engineering. He runs cross-country and track and was born in Iran.

Councilmember Petso welcomed the Student Representative Eslami, commenting he was one of the few students who knew her grandson Gus.

Councilmember Mesaros welcomed the new Student Representative and was glad he was here.

Councilmember Fraley-Monillas commented two student representatives ago, the student ended up attending MIT to pursue civil engineering.

Councilmember Bloom welcomed the new Student Representative. She noted in emails the Council received today regarding the Westgate plan, a citizen requested a Town Hall meeting at PCC or somewhere at Westgate that would include a tour of the area. She found this a fabulous idea and asked how that could be set up. Mayor Pro Tem Buckshnis answered a Councilmember can set up a Town Hall meeting anytime. Councilmember Bloom observed Mayor Earling's Town Hall meetings are noticed as public meetings in the event more than three Councilmembers attend. She asked Mayor Pro Tem Buckshnis to email her a step-by-step process so that Councilmember Petso and she could set that up.

Councilmember Petso suggested Mayor Pro Tem Buckshnis set it up. If City does not want to schedule a Town Hall meeting, she will work with Councilmember Bloom to set it up. Mayor Pro Tem Buckshnis said there is no procedure in the code regarding Town Hall meetings. Councilmember Petso commented it may not need to be called a Town Hall meeting; she has attended public meetings recently regarding a sidewalk project and a storm drainage projects. Mr. Taraday said if it was a Council meeting, it should be noticed as any other Council meeting; he did not want to create a system whereby one Councilmember could announce a Council meeting.

Councilmember Petso advised it would be a public meeting where the public can interact and ask questions rather than a three minute comment at a public hearing. Councilmember Fraley-Monillas recalled she and Mayor Pro Tem Buckshnis notified the media and secured the location; the City did a public meeting notice. Councilmember Peterson suggested it be an open house rather than a Town Hall.

Council President Pro Tem Johnson thanked everyone who attended the Volunteer Appreciation Picnic on August 24. She also thanked everyone including Teresa Wippel who participated in ALS bucket challenge.

Mayor Pro Tem Buckshnis reported on the tree vandalism in Hutt Park. A GoFundMe account has been set up to establish a reward for information leading to an arrest.

Mayor Pro Tem Buckshnis advised that Bob Freeman passed away today. She offered prayers for him and his family.

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

This item was not needed.

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

This item was not needed.

18. **ADJOURN**

With no further business, the Council meeting was adjourned at 10:03 p.m.