

EDMONDS CITY COUNCIL APPROVED MINUTES

October 7, 2014

The Edmonds City Council meeting was called to order at 6:15 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

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

ALSO PRESENT

Noushyal Eslami, Student Representative

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.
Rob Chave, Planning Manager
Kernen Lien, Senior Planner
Carolyn LaFave, Executive Assistant
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Gerrie Bevington, Camera Operator
Jeannie Dines, Recorder

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

At 6:15 p.m., Mayor Earling announced that the City Council would meet in executive session regarding potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. 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, Development Services Director Shane Hope, Public Works Director Phil Williams, Senior Planner Kernen Lien, and City Clerk Scott Passey. The executive session concluded at 6:46 p.m.

2. MEET WITH SISTER CITY CANDIDATE KARYN HEINEKIN FOR CONFIRMATION TO THE ESCC

At 6:47 p.m., the City Council met with Karyn Heinekin. The meeting took place in the Council Chambers, located in the Public Safety Complex. All City Council members were present. The meeting was open to the public.

Mayor Earling reconvened the regular City Council meeting at 7:00 p.m. and led the flag salute.

3. ROLL CALL

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

4. APPROVAL OF AGENDA

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

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

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF SEPTEMBER 23, 2014**
- B. APPROVAL OF CLAIM CHECKS #210630 THROUGH #210754 DATED SEPTEMBER 25, 2014 FOR \$616,827.50 AND CLAIM CHECKS #210755 THROUGH #210890 DATED OCTOBER 2, 2014 FOR \$873,848.64. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61207 THROUGH #61231 FOR \$484,386.53, BENEFIT CHECKS #61232 THROUGH #61240 AND WIRE PAYMENTS OF \$411,475.61 FOR THE PERIOD SEPTEMBER 16, 2014 THROUGH SEPTEMBER 30, 2014**
- C. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM LARA L. DITTOE (AMOUNT UNDETERMINED)**
- D. 2014 AUGUST MONTHLY BUDGETARY FINANCIAL REPORT**
- E. ORDINANCE AMENDING CHAPTER 4.72 OF THE EDMONDS CITY CODE RELATED TO BUSINESS LICENSE FEES AND PENALTIES**
- F. ORDINANCE AMENDING ECC CHAPTERS 4.20 AND 4.26 RELATED TO THE PROCESSING OF NOTICES OF PENDING STATE-ISSUED LIQUOR AND MARIJUANA LICENSES**
- G. CONFIRMATION OF KARYN HEINEKIN TO THE EDMONDS SISTER CITY COMMISSION**
- H. REMOVAL OF RESIDENCE LOCATED AT 533 - 3RD AVENUE SOUTH FROM THE EDMONDS REGISTER OF HISTORIC PLACES**

6. PROCLAMATION IN HONOR OF RON CLYBORNE

Mayor Earling read a proclamation recognizing Ron Clyborne for his impressive list of lifetime volunteerism and leadership and thanking him for his example of living and promoting advancement of the values of respect, honor and dignity in the community.

Mr. Clyborne thanked the City Council, staff, and everyone he has been involved with throughout the years in assisting with the 4th of July. He chaired the 4th of July parade for 12 years; every year on July 3 he said it would be the last year. However, on the 4th of July, the smiles, happiness and joy he saw in on everyone's faces made him return for another year. He thanked Carolyn LaFave for her support during the years he chaired the 4th of July. He summarized his volunteerism is a commitment of love to the community and all its citizens.

7. PROCLAMATION IN HONOR OF FRIENDS OF THE EDMONDS LIBRARY WEEK ~ OCTOBER 19 - 25, 2014

Mayor Earling read a proclamation declaring October 19 - 25, 2014 Friends of the Library Week in Edmonds and urged all citizens to recognize and applaud their invaluable service.

A member of the Friends of the Edmonds Library thanked the Mayor Earling and Council for appreciating what 150 volunteers do for the library by helping with the book sales and all the programs. She accepted the proclamation on behalf of all the Friends of Library which she noted includes some Councilmembers.

8. AUDIENCE COMMENTS

Charles Tuura, Edmonds, presented statistics related to the number of deaths annually from alcohol (1.8 million), tobacco (4.6 million), guns (32,000) and pharmaceutical overdose (22,000); no one has ever died from a marijuana overdose. In 1998, 59% of Washington voters approved medical marijuana. As a medical marijuana patient who has a difficult time getting round, it is a travesty that he has to leave the community to get his medicine because he does not want to take narcotics or other drugs that have side effects. The Council was elected to do the will of their constituents, not their personal beliefs, their pastor's beliefs or their donor's beliefs. Legalized marijuana is far safer than drugs, alcohol and guns. He pointed out there is a pharmacy across the street from Edmonds-Woodway High School and questioned why a marijuana store had to be 1,000 feet from a school when marijuana has never killed anyone.

Kurt Greiner, Edmonds, spoke in favor of the train horn quiet zone. The initial discussions were about additional gates without horns which led to concerns about safety. A quiet zone proved to be too expensive and likely would have required a local improvement district so the discussion turned to wayside horns. The City tested wayside horns in 2010 and 2008; a wayside horn is located at the crossing and has the same decibel (dB) level as a train whistle but is sounded only at the crossing. A train sounds its whistle 10-15 seconds before it reaches the intersection. A wayside horn is also directional and one contractor calculated 98% of the affected area would experience a lower dB. The estimated cost provided by two contractors is \$200,000 - \$250,000. His group also supports the train trench; the study being conducted will determine whether it is feasible. The train trench would solve the sound problem because trains would not sound their horns but the wayside horns could address the problem in the years before a train trench is built. He provided petitions with signatures of 236 people.

Roger Hertrich, Edmonds, referred to Agenda Item 10 where the City Council will endorse I-594. He also referred to I-591 that takes an opposite stance. He explained passage of I-594 will possibly make what he does criminal, loaning his extra gun to his son or a friend when they go hunting without going to dealer to transfer the firearm. This treads on his rights as an individual to trade or transfer a firearm. Criminals' guns are often stolen or traded for drugs and those transactions are not reported. Passage of I-594 does not solve the problem as that type of transition will continue. He urged the Council to stick to the business of running the City and keep out of citizens' business.

9. EDMONDS LIBRARY UPDATE

Tim Healey, Chair, Edmonds Library Board, explained the Library Board is a five member advocate/advisory group appointed by Mayor Earling. The current members are Joyce Hudemann, Joanne Peterson, Susan Schalla, Wendy Hendall (Secretary) and himself. Board members serve five year terms and meet every month to review policies, rules and regulations related to the use of the library and its facilities, but most importantly, they are advocates for the library and its services and programs. He invited the Council to the Library's open house on Sunday, October 19 at 1:00 p.m. which will include refreshments, free flu shots, bikes awarded by the Edmonds Masons for summer reading programs and other fun activities.

Mr. Healey introduced **Lesly Kaplan, Edmonds Library Manager**. She displayed information about the library's 2014-2016 values, purpose, strategic focus and services. She described Sno-Isle's values:

- Free and equal access to information, knowledge, literacy and learning
- Freedom to seek, receive and share information
- Power of community and culture
- Literacy and learning
- Stewardship of public resources
- Respect for individuals

The strategic focus over the three years will be achieving outcomes that will lead to the success of Sno-Isle communities and region. She invited everyone to visit the Edmonds Library, find opportunities for advancement, education, technology access, joy and discovery in an open and inviting community space. She provided 2013 statistics for the Edmonds Library:

- Edmonds borrowers – 32,242
- Door count – 700/day/average
- 352 programs presented attended by 9,681 people
- Circulation – almost half million checkouts and renewals

Edmonds Library's strategic focus includes:

- Provide access to information and communication technologies
- Capable, trained customer service staff
- Building literate communities
 - Baby Story Time
 - Adult resources

She summarized a library is not a luxury but one of the necessities of life (Henry Ward Beecher). The library is open a large variety of hours, seven days a week and 24 hours a day online and programs and services are always free with a Sno-Isle library card. She looked forward to seeing the community at the library virtually or in person.

Ms. Kaplan announced she will be retiring in December. She has been with the library for many years and it is a wonderful place to work and forge community relationships. She was grateful for the time she has had to work in Edmonds.

Council President Buckshnis thanked her for the great job she has done.

Councilmember Peterson thanked her for everything she has done for the library, commenting the Edmonds Library is a pillar in the community. He wished her joy in her retirement.

10. **PUBLIC COMMENT AND POTENTIAL ACTION ON THE FOLLOWING STATE INITIATIVE: INITIATIVE MEASURE NO. 594 CONCERNS BACKGROUND CHECKS FOR FIREARM SALES AND TRANSFERS. THIS MEASURE WOULD APPLY CURRENTLY USED CRIMINAL AND PUBLIC SAFETY BACKGROUND CHECKS BY LICENSED DEALERS TO ALL FIREARM SALES AND TRANSFERS, INCLUDING GUN SHOW AND ONLINE SALES, WITH SPECIFIC EXCEPTIONS. SHOULD THIS MEASURE BE ENACTED INTO LAW?**
 YES
 NO

Mayor Earling asked City Attorney Jeff Taraday whether this would satisfy the requirements under State law. Mr. Taraday explained this had to come back to the Council because, under State law, if the City Council wants to take action to support or oppose a ballot measure, a specific procedure needs to be followed which includes incorporating the ballot time in any required meeting notice. The only additional

requirement is that equal opportunity be allowed for speakers for and against the initiative. It does not matter if there happen to more people speaking on one side than the other as long as the Council had provided equal opportunity to speak for or against. After the Council hears the public comment for and against, it can deliberate whether to adopt the resolution.

Mayor Earling opened the opportunity for public comment.

Ross Dimmick, Edmonds, former hunter, intercollegiate target shooter and US Olympic Team finalist, commented I-594 was a gun control law written by gun control advocacy groups whose ultimate goal is to outlaw gun ownership. Approximately \$7.6 million has been raised, advertising I-594 as a way to close the gun show loophole. He questioned why 18 pages were necessary to close the gun show loophole when some states already have this requirement. I-594 would put in place the most onerous restrictions in the country on law-abiding gun owners, restrictions that have nothing to do with gun sales. I-594 is about transfers although transfers are not mentioned in the ads; the word transfer appears over 60 times in the 18 page initiative. According to the definitions in the initiative, a transfer is the intended delivery of a firearm to another person without consideration of payment or promise of payment. Under this broad definition, for every gun sale there can be hundreds of transfers over the time an individual owns a firearm, especially a hunting rifle or shotgun. For example, physical possession is transferred while loading gear for a trip, among friends shooting at cans, or a son leaving his bird gun with his parents while in college or military deployment. Under I-594 every transfer is illegal, punishable as a felony unless it falls within one of seven narrowly defined exceptions which are crafted to appear reasonable when they are actual traps for legal gun ownership. The most problematic of the exceptions is the family exemption; this exemption does not cover a son borrowing his father's shotgun to go hunting. He questioned how I-594 would make the public safer and urged the Council vote not to support the initiative.

Leah Burnstein, Edmonds, said I-594 is a public safety issue. There is FBI data and research that shows states with a universal background check system have 38% fewer women killed in abusive situations and 39% fewer police officers killed. I-594 opponents seem misinformed; the examples the previous speaker provided are addressed by provisions in the initiative. The 18 pages cover numerous exceptions for antique weapons, loaning a gun to a friend while hunting, gifting a firearm to a family member; all of those are allowable under I-594. A complete PDF of I-594 is available on the Washington Alliance for Gun Responsibility website. I-594 is an expansion of the current background system; it is designed to close the gun show and private sale loophole that allows criminals to evade a background check. To the argument that criminals will steal guns and/or get guns other ways, she pointed out stop signs are not removed because people don't obey them, speed limits are not abolished because people exceed the speed limit, drunk driving laws are still enforced even though drunk driving still occurs and background checks are still conducted for people who work with children even though because predators still prey. I-594 is an opportunity to put in place a requirement that already exists and works in other states. She urged the Council to support the initiative.

Kristen Meilicke, Edmonds, explained I-594 does not prevent law abiding citizens from buying or selling guns, it does not prevent the sale or purchase of guns through online sites, it simply requires that the exchange of the gun happen at a licensed gun dealer so that a background check can be performed. I-594 does not move closer to outlawing guns. I-594 contains exceptions that cover everything the previous speaker mentioned, it does not apply to gifting a gun to a family member, to antiques or relics, to the temporary transfer of a weapon for self-defense or to loaning a gun for hunting or sport. The authors of I-594 recognized that those things happen and should not be illegal or require an instant background check. I-594 will prevent someone from buying a gun at a garage sale. She did not object to a law-abiding citizen buying a gun at a garage sale, she did object to a convicted felon or someone convicted of domestic abuse or has a restraining order against them from buying a gun without a background check which I-594 will prevent. I-594 is not the final answer to gun crime and gun violence but it is part of the solution.

Charles Tuura, Edmonds, stated guns kill people; 32,000 people were killed by guns in 2011. The Second Amendment refers to a well-regulated militia and he agreed guns need to be regulated well. The Second Amendment was written at a time when guns were needed on the frontier. He relayed our society loves guns; school shootings happen 2-3 times/year which never happened while he was in school 1969 - 1981. I-594 allows guns to be loaned or given away but will close the loophole that allows a felon or someone charged with domestic violence to purchase a gun at a gun show. He encouraged the Mayor and City Council to adopt the resolution supporting I-594, even though this is a voter driven issue.

Roger Hertrich, Edmonds, agreed with Mr. Tuura's concerns but said I-594 will not solve that problem. For example, people routinely ignore the law prohibiting the use of a cell phone while driving. People who should not possess guns, criminals and people in bad mental states, do it illegally today. I-594 places a limit on how families, hunters and gun owners must act with regard to their weapons. I-594 states no person shall sell or transfer a firearm unless it is done through a licenses dealer. I-594 allows temporary transfer between spouses or domestic partners if the temporary transfer occurs and the firearm is kept at all times at an established shooting range. He summarized under I-594 a transfer, loaning a gun to someone such as a friend or relative, is illegal unless it is done through a licensed dealer.

Hearing no further comment, Mayor Earling closed the opportunity for public comment.

Councilmember Peterson explained he previously introduced this resolution after being contacted by a group of concerned Edmonds residents. Other cities in Washington have passed similar resolutions; the Edmonds City Council has supported initiatives in the past. I-594 is common sense legislation, very straight forward and does not create as many issues as have been implied. The Snohomish and King County Prosecutors support I-594 and there has been strong endorsement from law enforcement because this is a public safety issue.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO SUPPORT I-594.

Council President Buckshnis thanked Councilmember Peterson for bringing this forward and Mr. Taraday for the very explanatory packet. She agreed the initiative was very explanatory and addressed transfer within family, etc. She summarized I-594 addresses a loophole that needs to be closed.

Councilmember Mesaros was pleased to support I-594, commenting there are a number of opportunities for transfers that are not intended to happen. For example, currently an individual can put an ad in the paper to sell a firearm, not knowing whether the intent or qualifications of the buyer would be in question if a background check were conducted. I-594 is one way to stop the illegal sale of firearms.

Councilmember Bloom referred to language in the initiative that excludes transfer to someone while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possess the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law. She commented that seems to be contrary to what some are people saying; it seemed to say that it was okay to loan a firearm to someone for hunting as long as they have the required licenses and are not prohibited from using a firearm. Mr. Taraday stated Councilmember Bloom's reference was to page 227 of the packet, paragraph 4f, a lengthy list of exceptions. He was not an expert on I-594 but it clearly contains references to hunting, spouse or domestic partners; he was unclear whether the exemption Councilmember Bloom cited applied only to hunting with spouses or domestic partners. The first exemption applies to a transfer to immediate family member which the subsection limits to spouses, domestic partners, parents, children, siblings,

grandparents, grandchildren, nieces, nephews, first cousins, etc. Any transfer to an immediate family member is exempt from I-594.

Student Representative Eslami commented a year ago after the Sandy Hook shooting, there was a rumor at Edmonds-Woodway High School about a student possibly bringing a gun to school. Since then, students are not allowed to bring backpacks to assemblies. He summarized he likes to have his backpack during an assembly to get work done and does not want to have to worry about guns while at school.

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

11. PUBLIC HEARING ON THE PLANNING BOARD’S RECOMMENDATION TO APPROVE: 1) AN AMENDMENT TO THE EDMONDS COMMUNITY DEVELOPMENT CODE CREATING A NEW WESTGATE MIXED USE ZONE AND RELATED DESIGN STANDARDS; AND 2) AN AMENDMENT TO THE ZONING MAP CHANGING THE BN, BC AND BC-EW ZONES IN THE WESTGATE COMMERCIAL AREA TO A NEW WESTGATE MIXED USE ZONE DESIGNATION. THE WESTGATE COMMERCIAL AREA CONSISTS OF THE BN, BC AND BC-EW ZONES NEAR THE INTERSECTION OF SR-104 (EDMONDS WAY) AND 100TH AVE W

Planning Manager Rob Chave explained the Planning Board’s proposal includes two distinct actions:

1. Establishment of new zone (Westgate Mixed Use)
2. Rezoning of commercial properties in the Westgate area to WMU

He displayed maps showing the boundaries of the Westgate study area and the existing zoning (BN-Neighborhood Business, BC-Community Business and BC-EW-Community Business-Edmonds Way). The current building height limits are 25 feet in BN, 30 feet in BC and 45 feet in BC-EW. He displayed a drawing of the area covered by zoning map amendment and reviewed the proposal features:

- No expansion of the existing commercial area
- Additional intensity of development within the commercial area
- “Hybrid zone” mixture of traditional regulations (uses, setback) and form-based elements not regulated in standard zones (requirements for amenities and open spaces, building types and locations)
- Mix of building heights dependent on location and topography, 2 – 4 story maximum
- “Green Factor” landscape system
- Additional protection for surrounding slopes and trees/vegetation
- Supporting traffic analysis – no reduction in level of service (LOS) (Note that analysis was done at higher level of development than currently proposed)

In response to the question Why Westgate, Mr. Chave explained the proposal is a response to a number of issues and trends:

- Growth. Growth and development is a fact of life in the Puget Sound region, including Edmonds. The choice made in Edmonds has been to focus growth in existing commercial/multifamily areas rather than expand those areas or rezone adjacent areas.
- Demography. The population is aging and needs new housing opportunities (e.g. for different life stages and housing needs/desires). Current housing choices in Edmonds can be improved by offering more variety and styles. Different housing types also enable the younger generation to locate in the community instead of moving out.
- Environment. Local communities have relatively constrained options for dealing with issues such as transportation and climate change. Land use such as encouraging transit-oriented development and increasing the mix of uses in compact, defined areas, can help transportation choices – the environment. This was a key point made by Forterra – a partner in the project, who also provided a letter of support. Encouraging low impact development techniques helps treat stormwater on site.

He highlighted the Westgate Code discussion up to this point:

- Council public hearing on August 4, 2014
- Process has included 50+ meetings with 3 Planning Board public hearing and several City Council meetings
- Initial phases included broad advertising and public open houses/design charrettes
- Extensive iterative review
 - Many changes and adjustment have been made to the original UW ideas during the Planning Board and Council review, and in response to public comments.

He reviewed key changes:

- The plan's emphasis has been shifted for the adjoining streets/highway to the four quadrants that make up the Westgate commercial area
- The overall proposal is a hybrid approach, combining traditional and form-based elements. Provides for opportunities while not mandating that new development conform rigidly to certain minimum building heights or requiring that all buildings be pushed up against the sidewalk lines. Significant amounts of open space and amenity space are required, as well as pedestrian and non-motorized circulation within each of the four quadrants of the Westgate commercial area.
- Instead of development of up to 5 stories, buildings are now capped in many places to 2 or 3 stories with an opportunity to obtain 4 stories where the nearby slopes are higher, or where no residences are nearby
- Street setback have been increased from the original 8 feet to 12 feet to provide a wider street interface and to assure that, if needed, turn pockets can be provided for traffic access. Council has had some discussion about increasing this setback to 20 feet.
- The intersection of SR-104 and 100th Ave W has a significant step-back requirement and "entry" emphasis radiating from the intersection, to assure that a sense of place is provided at this intersection.

He reviewed several photographs of buildings and uses and spaces created behind buildings a similar area in Hillsboro. With regard to building heights, he explained buildings vary in height depending on location and a protected slope line keeps buildings off slopes, retaining vegetative buffer from adjoining residences. He displayed a map identifying the height of the slopes as well as a map that was prepared to identify the protected slope lines. He referred to the Walgreen's building which was built into the slope and required a high retaining wall; that could not occur under this proposal. The protected slope line is not expected to impact development because it reflects the existing slopes. He displayed a map that identifies parcels eligible for 2, 3 and 4 story heights. He clarified there is a point system to obtain four stories that requires a combination of things such as increased green building features, additional amenity or open space, larger retail area, etc. A setback is required on the fourth story.

With regard to traffic and setbacks:

- A traffic study was completed for proposed changes at Westgate
- Traffic study shows no overall impact on level of service. Any future development will be analyzed for detail traffic impacts (e.g. turning movements, access points) as actual development occurs
- 12 foot setback preserves options; SR-104 study in late 2014/early 2015 will identify any additional recommendations for improvements. Council is considering increasing the street setback to 20 feet until the study is done (Bartells submitted letter expressing their concerns with 20 foot setback)
- Setback requirements can be revisited if needed

Mr. Chave relayed Bartell CEO's indication that the 20-foot setback would have a significant impact on redevelopment of their property. Bartell is in the process of acquiring all the property around their store. They are interest in phasing redevelopment that would move their store to the intersection to make it more visible.

Mr. Chave reviewed an aerial photograph of the existing QFC and PCC buildings on lot lines. The PCC property line splits the large parking area. QFC's parking is largely in front but nearby parking areas are also used by people shopping at QFC.

The proposed code includes the following with regard to parking:

- Proposed overall blended parking rate for commercial space is 1/500 sf. Blended rate is for all commercial uses, rather than each use having a different parking standard
- Residential parking is 1.2 for small units, 1.75 for units larger than 900 sf
- Current usage assumes a shared parking area, not just provided on-site (e.g. QFC property has 1 space per 475 sf; PCC property has 1 space per 486 sf.
- Comparisons with other cities show many employ blended parking rates; many at 1/500 (Mountlake Terrace, Bothell, Issaquah, Redmond, Kent), others at 1/400 (Bothell, Kent) or more. Some have no commercial requirement (Everett, Renton). Rates also vary by location within jurisdiction.
- These are minimum parking standards. Example: McDonald's provided 42 spaces on site, only 23 were required by code

Mr. Chave provided drawings of Westgate and downtown to illustrate streetscape and scale:

- Westgate
 - 80 feet of right-of-way on SR-104
 - 10 feet set aside within the right-of-way for sidewalk, planting strip
 - 12-foot setback
 - Approximately 104 feet between buildings
- Downtown Edmonds
 - 30 building heights
 - 60 foot right-of-way
 - Sidewalks, travel lanes and parking are within the right-of-way

To address the comment that the proposal will produce a canyon effect, he scaled the SR-104 right-of-way to the size of downtown. Although the buildings are taller in Westgate, with the additional right-of-way width and setback, the scale of buildings to the right-of-way and overall feeling of the streetscape will not differ greatly from downtown.

With regard to amenity vs. open space:

- Clarified the intent to provide both amenity and open space within the area, with a 15% independent requirement for each
- Amenity space must be public, while open space can be public or private. In either case, each has its own requirement
- Note: No other zone in the City has anything like these requirements

He displayed an aerial photograph of the McDonalds site and provided details to illustrate amenity/open space versus setbacks:

- 190 feet deep
- 400 feet wide
- Approx. 50 foot old front setback (actual - which includes 5-foot landscaping strip)
- Approx. 50 foot non-developed slope area

- 76,000 total lot area
- 11,400 - 15% amenity space required
- 11,400 - 15% open space
- 20,000 protected slope area 26.3% of total site
- 4,800 front 12-foot setback 6.3% of total site
- 8,000 front 20-foot setback 10.5% of total site
- **Development scenarios**

	Existing Code	New Code
○ Minimum landscape/open/amenity area	8,000	31,400
○ Are available for building	62,000	44,600
○ Total potential floor area	124,000	133,800

With regard to commercial requirements, the various building types were clarified to indicate commercial requirements, especially regarding the commercial mixed use types:

Building Type	Residential	Office Uses	Retail
1. Rowhouse	Any floor	Not allowed	Not allowed
2. Courtyard	Any floor	Ground floor only	Ground floor only
3. Stacked Dwellings	Any floor	Ground floor only	Ground floor only
4. Live-Work	Any floor	Ground floor only	Ground floor only
5. Loft Mixed Use	Not ground floor	Any floor	Any floor
6. Side Court Mixed Use	Not ground floor	Any floor	Ground floor only
7. Commercial Mixed Use	Not ground floor	Not ground floor	Any floor

Commercial buildings can be located anywhere in the Westgate area. The area around the intersection is reserved for commercial mixed use. Residential only buildings are on the periphery in areas that do not front on SR-104 and are either adjacent to residential areas or protected slopes.

He displayed the original and a revised building type map, commented the building types have been updated to provide for more choices. With regard to building design, he explained:

- A series of design standards have been added, addressing such things as massing and articulation, orientation to the street, ground level details, pedestrian facades, blank walls and ground floor ceiling heights.
- Note that any 4th story “must be stepped back 10 feet from a building façade facing SR-104 or 100th Avenue West” (page 27)

He displayed photographs of the features of typical commercial type buildings that have been integrated into the Westgate plan. With regard to large format retail, he explained:

- Incentives have been added for large-format retail uses (e.g. groceries, drug stores) with the potential for an extra 4th floor plus an extra 5 feet of height granted if a large store is part of the building
- Intent is for large format retail to be retained; note existing leases/ownership and Bartell’s interest in expanding their investment (QFC and Bartell own their properties; PCC and Walgreens have long term leases)
- Bartells has expressed concern that a 20-foot setback may have a “significant impact on their ability to redevelop”

Councilmember Petso referred to the aerial photograph of QFC parking lot and property line, recalling from an earlier presentation that the parking area owned by QFC only provides 1 space per 475 square feet but including the shared parking area to the north, their functional parking is 1 space per 350. Mr. Chave recalled the parking ratios for QFC and PCC were 1 for 350 and 1 for 370. Councilmember Petso observed the PCC parking area to the east is not on their property Mr. Chave agreed.

Councilmember Petso asked whether the residents who spoke at the Planning Board regarding a 4-story building's impact on their property were notified of the change to allow an additional 5 feet of height for large format retail. Mr. Chave advised no specific notice had been done. The only place that would be a factor would be the southeast quadrant. Councilmember Petso asked whether residents in that quadrant expressed concerns at the Planning Board. Mr. Chave explained the photographs residents displayed of views from their properties illustrated the dense vegetation. Although the buildings were a concern, their primary concern was the trees and landscaping on the protected slope. A large retail presence is required to obtain the additional 5 feet; that was unlikely to occur in the southeast quadrant because the properties are shallow especially along SR-104. There likely would not be much impact if that area were exempted from the additional 5 feet.

Councilmember Petso observed on properties with narrow frontage such as Ivar's, the curb cut and parking garage entrance would leave little room for street front commercial. She asked whether a minimum frontage was required before a curb cut/parking garage entrance was allowed. Mr. Chave answered there was a 12-foot setback, amenity space, and open space; they would only be allowed what would fit on the property. Councilmember Petso provided an example she saw on Greenwood Avenue and 143rd in Seattle where the parking garage entrance was on 143rd; if that entrance had been on the Greenwood Avenue side, there would have been little space for commercial. Mr. Chave answered one of significant requirements in the code is that parking areas be connected. If one property is developing, they will have to make connections to the adjoining properties. That potentially means there will be less curb cuts, more internal circulation and avoids a line of garage entrances.

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

Stephen Clifton, Edmonds, responded to comments he has read online and statements made during a recent Town Hall meeting that this process is City staff and mayor driven which is factually incorrect. Those types of comments personalize the issue and take away from the real issue, making a decision on the merits of the proposal. The request to initiate neighborhood business center plans for the Westgate and Five Corners commercial areas came from the Planning Board and the Economic Development Commission (EDC) as seen on page 3 of the 2009 Annual Report presented to the City Council on January 19, 2010. On March 16, 2010, the City Council approved Resolution 1224 that stated the City Council shall act on the work of the EDC and its recommendations including but not limited to initiating neighborhood business center plans for Five Corners, Perrinville and Westgate. On August 3, 2010 following a presentation on the recommendation by the EDC, City Council authorized staff to initiate agreements with the UW to proceed on the study. The UW was intended to be a consultant to facilitate process. The City Council subsequently approved funding for a market feasibility analysis. On June 21, 2011 following a presentation by UW representatives, the City Council approved forwarding the Westgate plan to the Planning Board for further discussion. The role of City staff was to oversee the contract with the UW and to help facilitate the process. This process has never been a mayor and staff driven process; in fact Mayor Earling was not even in his position when this process began. Staff has checked in with the Council to obtain authorization to continue moving forward and this process has been discussed during City Council retreats.

Charles Tuura, Edmonds, commented no matter how much lipstick is put on it, this idea is pig. He questioned the traffic study, recalling the backup last Friday caused by rerouting traffic on SR-104 to work on a gas line. A project such as this would require lane closures to accommodate trucks. He also questioned where the children in the planned 1600 units would play and go to school. His neighborhood is transitioning with younger families moving in to raise their families and unwind from the rat race that is being proposed. He feared adding businesses at Westgate would kill downtown businesses. He questioned the transparency of this process; he first heard about it in August and few in his neighborhood had heard about it. He suggested a vote of the people instead of a Council decision, allow residents to decide whether they wanted to have an Edmonds kind of day or a Kirkland kind of nightmare. He

summarized growth was inevitable but needed to be managed. To the comment that this type of development was successful in DC, he suggested it was successful for the developers, the owners and the real estate lobby, not the residents. To grow economically the City needs to nurture existing businesses and stop the personal war on marijuana businesses.

Councilmember Petso read comments from **Trudy Abdo, Edmonds**, who requested her comments be read into the record. As a Westgate resident, she was concerned about the development plans. First, the limited public notice to the area and the push to pass the plan with little public input raised her suspicions of the plan. Second, with regarding traffic and parking; getting to QFC and Bartells is frustrating; this plan proposes to decrease the required parking. She suggested one parking space for each bedroom, noting residents would need cars because they cannot walk to work or take the bus. She questioned an effort to make Westgate a walkable community when there was a highway through the middle. The traffic study should take place in the afternoon, 4:30 p.m. on a Friday would be best, not a Tuesday morning at 10:00 a.m. She will shop elsewhere if traffic and parking becomes more difficult. Third, she feared Edmonds Way would look like a canyon and/or wind tunnel if 4-story buildings are allowed to be built close to the highway. Quality apartments set back would be much nicer. She suggested more consideration, planning and public input were needed before the plan was approved.

Mayor Earling advised received written comments had been received from **Bob Thronsen**, a resident a few blocks from Westgate, that listed 12 issues/questions/ concerns. Forterra also submitted a letter of support for the proposal.

Tim Tuura, Edmonds, a Westgate resident, voiced his opposition to the proposed zoning change for the Westgate area. Mixed use means 1-2 levels of underground parking, 1 level of storefront retail with 2-3 stories of retail above, a concept he is familiar with as the company he works for builds this in Seattle. During construction it will be necessary to cone off one lane of SR-104 for truck to access the site. He has watched the traffic level of service in the Westgate intersection diminish significantly over the past five years due to hourly arrivals and departures of two ferries, often reaching near gridlock in the summer. He summarized coning off lanes was asking for trouble.

Tom Crichide, Edmonds, was opposed to the proposed plan, commenting traffic in the area was already difficult; QFC's parking lot is jammed on the weekend. He agreed access for construction vehicles, parking for the trades and providing space to work will create problems. As a driver for an electrical distributor he encounters these issues in similar type developments. He suggested the traffic survey be conducted over a year due to different traffic patterns in summer versus winter.

Matt Waldron, Edmonds, thanked the Council for their work. Due to its great access to transportation, the Westgate corners are prime for development. They are slightly disjoined so a redo of the geography and the architecture would be a good thing for all. The desired result would be an urban-like hub that maximizes and monetizes as much space as possible. He favored a broad liberal discussion of how the Westgate area can be opened to development so all the big ideas can be considered including modernization, innovation and improving the space. Few great things have occurred from thinking small. There are good and talented people on staff who have the training to help the City grow and develop properly. He urged the Council to finish this process that has been going on for years, and then redirect their focus on the waterfront and train problem. He suggested watching the video on My Edmonds New TV.

Maggie Fima, Edmonds, previously on the Shoreline and King County Councils, recalled in 1994 when GMA was being implemented, people would often say they did not want any more development. When asked why did they did not support development in the city when they supported GMA that directed infrastructure and development to the existing urban area to protect rural areas, the number one comment was often they did not want any more traffic. She summarized citizens were saying they did not want

more growth because the existing growth was not being addressed. She spoke in favor of the Westgate plan, maybe not exactly as proposed, but directing growth to the existing urban areas. She appreciated the work done by the Council, Planning Board, staff and other members of the public; it is consistent with GMA, regional policies and the City's Comprehensive Plan. Land use and transportation must be done together to avoid terrible sprawl, traffic and environmental degradation. Single use, single story development at prime intersections should be a thing of the past; it does not work. She was hopeful this plan or a close version will pass and as the City moves toward implementation, she encouraged the Council and staff to incentivize design that supports all age groups and family types especially children and teens, increased safety for pedestrians as well as identified and proven ways to decrease crime through design, and enhanced transit service with frequent all day and late hour bus service. She urged the Council to work to pass this legislation so that the GMA can be implemented.

Neil Tibbott, Edmonds, a Planning Board Member, spoke in favor of the Westgate plan which has been vetted over nearly five years. The plan promotes accessibility and is sensible. During the vetting process, the Planning Board and staff listened carefully. For example, after residents expressed concern with the slopes below their houses, staff analyzed the slopes and topography and returned with suggestions. A lengthy discussion with the Planning Board followed that resulted in the current proposal. This plan promotes accessibility via the availability of public transportation and proximity to parks including the proposed playfields. This plan is sensible; it does not require immediate action by any landowner or developer and likely will evolve over a 20 year period. It is safe to assume little would occur in 3-7 years as property is acquired, plans developed and proposals presented to the City. Implementing this plan does not mean that this kind of mixed use development will be right for any other part of the City; this is not a one size fits all development. A great deal of work has been done to articulate a plan for this area. He urged the Council to support the Westgate plan and provide new opportunities for housing, employment and access to transportation.

Roger Hertrich, Edmonds, agreed the Planning Board had done a lot of good work. He referred to concerns he expressed at previous meetings about traffic and congestion and the impact of increased density. Residents in the surrounding area want to maintain the two grocery stores. He suggested consideration be given to the reality of what currently exists and whether it was practical to be as enthusiastic about the change as Mr. Tibbott or better to look at what could be done to accomplish the neighborhood's wishes.

Careen Nordling-Rubenkönig, Edmonds, thanked Mr. Waldron for his comments and agreed with fellow Planning Board Member Tibbott's comments. She has shopped at Westgate while living in 5 different neighbors during the 28 years she has lived in Edmonds. She described shopping at Westgate as a single person, as a family with young children and now as empty nesters. She has patronized multiple businesses in the four quadrants. Edmonds, like her, is at a different place in life. She would like Westgate to be healthy and to thrive in this day and age, to meet residents' needs from cradle to grave, to guide growth and increase in value via this plan. She has great memories of shopping at Westgate and looked forward to new experiences and a new approach.

Bob Rinehart, Edmonds, commented there is a lot of noise and fog in an issue like this and there is always an imbalance in the levels of knowledge and understanding. The key balance is the knowledge the City Council has. Public input is essential, critical and invaluable but it has its place. He lives near Westgate and frequently visits seven of the stores. He cautioned not to operate from a fear factor, relaying he found this an exciting opportunity. Although some communities have gone the wrong way due to growth, the core of an equal number of cities has been preserved. He did not view the plan as a leap/lurch into rampant urbanization or unfettered sprawl; it is a step in the right direction to address population and demographic changes and sources of revenue need to be identified to address the continued increase in the cost of city services. Councilmembers are elected/selected by a majority; he trusted the Council to make a good decision.

John Dewhirst, Edmonds, a resident of the Westgate area, agreed with much of what's been said. This an opportunity that will open the door to future development. Redevelopment has to start somewhere and he viewed this as a good start. He envisioned this would help preserve downtown from development pressure, much of which did not belong downtown. Areas like Westgate and Five Corners can syphon off that pressure by accommodating neighborhood commercial uses and preserve the specialty, tourist, restaurant, art gallery environment downtown. Areas outside the bowl deserve same the treatment that has been given to downtown; there need to be more walkability and more target areas to walk to. Most of the traffic on SR-104 is not Edmonds traffic but regional traffic; holding up development based on regional traffic is the wrong approach. He urged the Council to approve the plan.

Rod Shipley, Edmonds, said he currently travels through Westgate ten times a day. He did not share the same views as many others regarding traffic concerns. As a young family, he would like to see higher quality places and more walkable spaces, not 1960s development with parking lots on the street front. He has been part of the process for long time; the most frequent request in the surveys and public engagement process has been walkability and more public spaces. This plan is a way to get there. He encouraged the Council to support the plan.

Bruce Witenberg, Edmonds, Chair of the EDC, but speaking as citizen, explained the EDC originally proposed initiating a neighborhood business/residential plan for Westgate in January 2010 and has been involved in each step of the process. More than 60 public meetings have been held during last 4½ years where Westgate has been discussed, including 8 City Council meetings since July 22, 2014. The Westgate process has been well documented on the City's website. The record demonstrates there has been considerable community input regarding Westgate. The Council supported the Westgate redevelopment concept at its inception and in 2010 appropriated money for the UW Green Futures Lab to create a public process for the redevelopment of Westgate. Living near Westgate, his family has patronized Westgate businesses 2-3 times/week for the past 25 years. They have not had the same negative, fearful experiences of those who oppose redevelopment; they are not afraid to cross SR-104 or 100th or to walk on the sidewalks. Edmonds citizens living outside the bowl deserve amenities similar to those in the bowl, including a lifestyle center and a walkable community with easy access to restaurants, services, housing, transportation and open and amenity spaces. Westgate is the gateway to the downtown and waterfront; how the gateway portrays Edmonds needs to be improved and unplanned and haphazard development can no longer be tolerated. The proposed plan for redevelopment of Westgate is sound, and takes into consideration protection of the environment, creation of amenity and open space, green building standards, enhanced neighborhood walkability and improves one of the community's important neighborhoods. He encouraged the Council to enact the proposed mixed use and zoning map changes to accommodate Westgate redevelopment.

Tracy Bower, Edmonds, a resident who lives a few blocks from PCC, said she only learned about this process two days ago. She was uncertain where it had been advertised, she learned about from Edmonds moms on Facebook. She was unsure how she felt about the proposal but Westgate has been working fine as is and the businesses are not having problems. QFC and PCC are always crowded and she often has to circle the lot for parking. She was unsure how apartments and more housing would affect that area. She questioned where the children will go to school; there are already 30 children in classroom and schools have been closed due to finding. A lot of things are being swept under the rug so builders and planners can benefit financially. Redevelopment is not really needed; the storefronts and new buildings may look prettier but they unnecessary and will make the area more crowded. She remarked on changes in downtown Edmonds; going to the beach this past Sunday required parking blocks away. She summarized there were too many people coming into Edmonds, it is not a fun, quaint town anymore and is turning into a big city.

Ron Wambolt, Edmonds, referred to the previous speaker's comment that QFC is always busy, explaining QFC has been endeavoring for years to get additional space to accommodate more business. He agreed QFC does have inadequate parking at times but he always manages to find a parking place when visiting QFC and Bartell twice a week. QFC could build underground parking but needs residential above to make that feasible. He has attended the School Superintendent monthly luncheon for the past eight years, not because his children or grandchildren are in school but because most of his property taxes go to the school district. To the comment about schools closing due to funding, school were closed due to insufficient enrollment in those areas, not due to funding. He emphasized the Westgate plan will not happen overnight and is likely a 20 year plan. The Bartell representative indicated their plans are several years off. He reiterated Councilmembers are elected to listen to the public; however, he estimated the comment at public hearings represents only .1% of population. He urged the Council to make a decision soon to approve the plan.

Councilmember Petso read an email from **Phil Lovell, Edmonds**, Planning Board Member, expressing his support for the Planning Board's study, report and recommendation and requesting that the Council approve the proposed Comprehensive Plan and accompanying zoning revision to the Westgate area. No member of the Council or public should be questioning the degree or depth of information, background and public input on Westgate; doing so demonstrates either complete disrespect for the process or complete ignorance of what is going on in the City. The subject of potential neighborhood zoning revisions including the Westgate area have been in discussion and development for the past five years. Council Resolution 1224 mandated this process. Both the Planning Board and EDC have been united in the study and publication of data comprising the current plan. Results of this work have been thoroughly summarized in the EDC's 16-page white paper of July 16, 2014 which details the chronological history of governmental and public process on this matter. Ad hoc Town Hall meetings on Westgate are not needed to gather more input from the public and the Council has abundant material on which to base sound findings and action. He urged the Council to approve the Planning Board's recommendation regarding the Westgate area.

Mayor Earling closed the public participation of the public hearing.

Council President Buckshnis expressed her appreciation for the work done by staff done answering questions. This item will return to the Council for action on November 3.

Mayor Earling declared a brief recess.

12. MAYOR EARLING PRESENTS TO THE EDMONDS CITY COUNCIL AND CITIZENS HIS 2015 RECOMMENDED CITY BUDGET

Mayor Earling presented the following:

Members of the City Council, staff and citizens of Edmonds:

I am pleased to present to you the 2015 Edmonds City Budget. Every budget year provides a new adventure. 2015 is no exception. As you will recall in my first budget for 2013, with the then current trying economic conditions, we had to make dramatic budget reductions amounting to \$1.5M from the General Fund.

In turn, with an improving economy and careful budget management during 2013, we stabilized a bit and were able to make improvements for this year including; reviving a street repaving program, purchasing some one time equipment upgrades and adding a few new staff positions.

The very good news for the region and nation this past year is the economy continues to improve. The same is true in Edmonds. Our sales tax receipts continue to grow, property values continue to stabilize and improve which creates additional revenue and, for Edmonds, we have strong increases in home construction as well as several commercial projects. The economic outlook is quite good.

As I said in my opening comments, every budget year is a new adventure, and this year is no exception. As we let you know a few weeks ago, Fire District One advised us our rates would be going up because of their negotiated union agreement. We expected an increase and there were rumors of a number, but nothing definitive until we received an invoice on August 21 for two-years of retroactive collection (which is allowed in the contract) totaling \$1.67M. In addition to the \$1.67M, we will have cost increases for 2015 which will not be determined until 2015 union negotiations are completed. We have, however, added a placeholder of \$978,000 for that cost in the budget.

These changes dramatically alter our current year projections and, depending on the 2015 increase, will also have long-term financial implications for our community. This is our new yearly adventure! We have been meeting with FD 1 to better understand the increases and identify what other options are available to us. We are working to reduce the \$1.67M and I am hopeful we will be successful.

While our current FD 1 projections have altered our financial projections there is still much good news to share. As mentioned earlier, with the continued strong regional economy we will be able to absorb increased costs in health care, staff wage increases, Fire District costs and still make substantial increases from the dismal reductions forced by the "Great Recession" at the end of the last decade and the beginning of the current decade.

Our projected 2014 revenues are 3.6% higher than the 2013 actual revenues. And 2015 projected revenues are 2.1% higher than 2014 revenues. The Snohomish County Assessor indicates expected home values will increase 10.8% in 2015. As mentioned earlier, sales tax revenue continues to grow, led by automotive sales and construction. Finally, our 2015 utilities revenue are projected to be 2.1% higher than 2014.

With the increased obligation from FD 1, the one major and frustrating decision I have made is choosing not to add any newly-created staffing positions for 2015. There are a few positions we added during development of the 2014 Budget and I am recommending we continue these positions into 2015 and one position I am expanding from a ½ time position to a ¾ time position. I am not comfortable in adding new positions with the long-term financial implications that entails.

While I acknowledge we do have some new staffing needs, especially in public safety, being cautious for a year is the prudent decision. The focus for 2015 will once again be on one-time improvements.

So what progress can we expect? There are several important pieces of Public Works infrastructure as well as improvements in the way in which we can provide more and better information access for the public and staff. In addition, there will active work on many of our capital facility projects.

As you know, this year for the first time in five years, we began repaving our streets with a budget of \$1.2M. This next year I have increased that budget to \$1.56M. We need to be as aggressive as possible with the repaving because streets not repaved will continue to deteriorate. We need to catch up. At some point, the community will need to grapple with how, in the long term, we maintain our ongoing resurfacing needs.

One of the other ongoing issues for the community is how to quiet the train horn blasts from each train as they approach our at-grade crossings at Main and Dayton. For 2015, I have included \$50,000 for the engineering and design of a Track Side Warning System. Such a system increases crossing safeguards

and has only a localized horn signal. Ultimately construction and completion will cost several hundred thousand dollars.

Our Public Works Capital Projects will continue. Our staff continues to be successful in gaining needed grant dollars. While water line, sewer line, lift stations and traffic safety modifications are not very glamorous, the ongoing replacements and upgrades are necessary to maintain infrastructure and the quality of life we expect. Also in the works for 2015 are significant improvements such as the major project at Highway 99 and 228th SW, important improvements for traffic flow in the intersection of 212th and 76th, and two crucial Safe Routes to School sidewalk projects.

We will continue to improve public access to information by upgrading public information software which will make it easier for the public to follow Council meeting agendas and retrieve related data. In addition Development Services will digitize planning maps, plans and documents for easier access to historical files and to reduce the number of public records requests. We will also continue updating our City Code.

The budget also includes monies to complete important work of the two consultants hired under the Community Development/Economic Development Department for the Strategic Action Plan and Communications.

Next year our Parks Department will see several major projects move forward. Besides our continued success in obtaining grants, Edmonds has gained statewide recognition for the quality of our parks. Among the projects scheduled next year are; the completion of the City Park Spray Pad, which will be part of the major upgrade in the children's play area; a complete overhaul and repair of the Fishing Pier; and opening the new Woodway Athletic Complex in coordination with the Edmonds School District.

Council will recall I set aside \$400K last year for projects they may be interested in which were not included in the budget. With the cautious approach to next year's budget, I am including \$250K for such projects.

One cautionary note I must put before you is the anticipated, but unknown, yearly increase still to come from Fire District 1. Our Finance Director has expressed concern that the ongoing increase of, for instance, the \$978,000 which we have a placeholder for in next year will have long-term consequences which could begin to drain the reserves we have so carefully built and desire to maintain.

To counter-balance that drain we must very thoughtfully seek new revenues and look for cost efficiencies. Yes, of course the economy has improved. Yes, automobile sales are strong. Yes, we have made dramatic improvements in our sales tax income. Yes, real estate excise tax has been very good. And yes, residential and commercial construction has been vigorous. But we must remember, as the economy shifts, this revenue will also shift.

In 2015, with the stronger economy, we can look forward to: important one-time expenditures to improve our city's infrastructure; upgrade our technology; create more effective channels to handle communications with the community; continue to maintain and improve parks and open spaces; and the preservation of the quality of life our citizens expect and deserve.

In conclusion, I look forward to working with the Council and staff to bring the 2015 Budget to conclusion. I would be remiss if I did not mention the fine work our new Finance Director, his staff and our Director's had in formulating the budget put before you this evening. There has been compromise, hard work, and innovation on all of their parts.

Mayor Earling advised his message and the budget will be available on the City’s website tomorrow; copies of the budget will be distributed to Council tonight. He looked forward to further discussions regarding the budget.

13. DISCUSSION AND POTENTIAL ACTION ON AN ORDINANCE AMENDING THE 2014 BUDGET

Finance Director Scott James reviewed the third quarter budget amendment:

- Six decision packages
- Four decision packages have been previously discussed by Council
- Two decision packages are new for Council consideration
- \$59,315 in new revenues to pay toward \$105,942 in new expenditures
- Ending fund balance decreases by \$46,627

He displayed Exhibit D, Specific Accounts Amended for Decision Packages on pages 9 and 10. He reviewed Exhibit E, Balance Amendment Summary:

Fund Number	Revenue	Expense	Change in Ending Fund Balance
001		6,850	(6,850)
129		9,653	(9,653)
423	59,315	89,439	(30,124)
Total Change	59,315	105,942	(46,627)

He reviewed the budget amendments:

- New Items
 - Police Officers contract settled
 - Temporary Finance employee to provide coverage during Accounting Supervisor’s maternity leave
- Items previously discussed:
 - Add to funds allocated in 2014 for Police Department video security monitoring system to allow expansion of the system to the Court, Public Works yard and WWTP
 - Closeout on SR 99 International District Enhancements
 - Treatment plant outfall emergency repair
 - Equipment Maintenance overtime

He displayed Exhibit A: Budget Amendment Summary, Exhibit B: Budget Amendments by Revenue, and Exhibit C: Budget Amendments by Expenditure.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY PETERSON, TO APPROVE ORDINANCE NO. 3979, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3973 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS. MOTION CARRIED UNANIMOUSLY.

14. DISCUSSION AND POTENTIAL ACTION ON DEVELOPMENT CODE AMENDMENT FOR CG ZONES IN HIGHWAY 99 AREA

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY.

Planning Manager Rob Chave advised this ordinance was drafted following Council action. City Attorney Jeff Taraday distributed a revised version of the ordinance that adds a sunset provision in Section 2 that

reads, "This ordinance shall be in effect for one year from the effective date described herein. On the one year anniversary of the effective date it shall cease to have effect."

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE ORDINANCE NO. 3980, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 16.60 TO AMEND USE REQUIREMENTS TO REMOVE SECOND STORY COMMERCIAL REQUIREMENTS WITHIN CG DEVELOPMENTS.

Councilmember Fraley-Monillas advised she was absent when this issue was discussed and was unable to participate. She has been working on issues related to Highway 99 for the past three years and has several amendments to propose that will address commercial and parking requirements in the code language. If the amendments are approved, she will propose corresponding changes to the ordinance title and whereas sections.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO AMEND 16.60.020 OF ATTACHMENT A BY DELETING SUBSECTION B, MIXED USE DEVELOPMENT IN ITS ENTIRETY AND ADDING A NEW SECTION B, TO READ, "REPORTING. THE DEVELOPMENT SERVICES DIRECTOR SHALL PROVIDE A REPORT TO THE CITY COUNCIL BY FEBRUARY 1, 2016 TO SUMMARIZE THE 2015 DEVELOPMENT ACTIVITIES FOR THE CG AND CG2 DISTRICTS IN THE HIGHWAY 99 AREA, ESPECIALLY RELATED TO THE LAND USES AND VEHICLE PARKING. THE REPORT IS INTENDED TO PROVIDE INFORMATION ABOUT HOW LAND USE AND PARKING ASPECTS OF THIS CHAPTER ARE WORKING."

Councilmember Fraley-Monillas explained she did not feel a sunset date was sufficient and recommended a more in-depth review. Further, if the sunset date was not monitored, the code would revert back to the old zoning code. She was uncertain why a sunset date was being imposed when most zoning changes did not have a sunset date.

Councilmember Petso suggested tabling this matter and allowing Councilmember Fraley-Monillas to provide her proposed amendments in writing.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO TABLE THIS ITEM. MOTION CARRIED (5-2), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBER PETERSON VOTING NO.

Councilmember Fraley-Monillas said she will distribute her proposed amendments to the Council.

15. CONTRACT DISCUSSION (AND/OR RENEWAL) WITH LIGHTHOUSE LAW GROUP PLLC (LIGHTHOUSE)

Council President Buckshnis recalled when this issue was discussed in June, the Council decided to draft procedures and a process to evaluate the City Attorney services. The evaluation was created, a process was agreed upon and the evaluation was provided to Councilmembers, the Mayor and Directors. Written evaluations were received from Councilmembers and the numeric evaluations very favorable. The administration did not follow the process and a verbal evaluation was conducted with Mayor Earling, Mr. Taraday, past Council President Councilmember Petso and herself. Since the process not followed correctly, it will have to be reevaluated. The evaluation is a separate issue to be addressed next year. The evaluations were very favorable; concerns expressed by the Mayor and Directors were addressed.

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO RENEW THE CONTRACT WITH LIGHTHOUSE.

Councilmember Peterson suggested Lighthouse provide a hierarchy of how Lighthouse prioritizes their time related to Council, Mayor and Staff requests. For the public's knowledge, he explained the City Attorney is hired by the City Council, not the Mayor. Council President Buckshnis advised a study session is scheduled to discuss whether one Councilmember can make a request of the City Attorney, etc.

Councilmember Fraley-Monillas commented although this discussion is good but it has nothing to do with renewal of the Lighthouse contract.

MOTION CARRIED UNANIMOUSLY.

16. REPORT ON OUTSIDE BOARD AND COMMITTEE MEETINGS

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

17. MAYOR'S COMMENTS

Mayor Earling remarked it had been a joy to work on the budget and the directors were glad it was over.

18. COUNCIL COMMENTS

Student Representative Eslami said he was glad he an opportunity to comment tonight and looked forward to providing more comments in the future.

Councilmember Peterson thanked Mayor Earling for holding the Train Town Hall last Thursday; there was a lively conversation among the at least 150 people who attended. He looked forward to the follow-up meeting regarding specific transportation issues.

Councilmember Bloom reported on the exceptional transportation meeting she attended presented by 8-80 Cities' Director, Gil Penalosa. The meeting's focus was on people not cars. She relayed two important takeaways:

1. The name of the company is 8-80 Cities because he wants people to consider transportation and walkability in terms of an 8 year old and an 80 year old they care about.
2. There should be a physical barrier or grade level change between cars, sidewalks and bike lanes; in other words, sharrows don't work. She suggested considering that when reviewing the Sunset Avenue Walkway Plan.

Councilmember Mesaros reported Sean Ardussi will make a presentation to the Council on October 21 entitled, Economic Evaluation of the Regional Impacts for the Proposed Gateway Pacific Terminal at Cherry Point. He advised he will be on vacation the next two weeks.

Council President Buckshnis thanked Mayor Earling and staff for the budget. A study session is scheduled on the budget as well as two public hearing. She suggested adding a COLA increase for Mayor Earling as a decision packet and invited Councilmembers to talk to her about it. The Council should consider the increase even if the City does not have a salary commission in place.

Council President Buckshnis reminded of the scarecrow contest; her scarecrow is a NHL player.

19. ADJOURN

With no further business, the Council meeting was adjourned at 10:16 p.m.