

**SPECIAL MEETING  
EDMONDS CITY COUNCIL APPROVED MINUTES  
November 4, 2013**

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

**ELECTED OFFICIALS PRESENT**

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

**STAFF PRESENT**

Al Compaan, Police Chief  
Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Roger Neumaier, Finance Director  
Carrie Hite, Parks & Recreation Director  
Rob Chave, Acting Development Services Dir.  
Jerry Shuster, Stormwater Eng. Program Mgr.  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

**1. ROLL CALL**

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

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

At 6:17 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 45 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. Action may occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Yamamoto, Johnson, Fraley-Monillas, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, Public Works Director Phil Williams, City Engineer Rob English, Senior Planner Kernan Lien, and City Clerk Scott Passey. At 7:03 p.m., Mayor Earling announced to the public present in the Council Chambers that an additional 10 minutes would be required in executive session. The executive session concluded at 7:13 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:15 p.m. and led the flag salute.

**3. APPROVAL OF AGENDA**

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

4. APPROVAL OF CONSENT AGENDA ITEMS

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

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF OCTOBER 29, 2013
- B. APPROVAL OF CLAIM CHECKS #205133 THROUGH #205250 DATED OCTOBER 31, 2013 FOR \$882,783.51
- C. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM DANIEL B. LEYDE (\$61.59) AND LATOYA ONEAL (\$50,000.00)

5. AUDIENCE COMMENTS

**Jim Underhill, Edmonds**, described a serious traffic/pedestrian situation on 216<sup>th</sup> SW between Highway 99 and 73<sup>rd</sup> Place SW, a length of roadway, sidewalks and wheelchair cuts that serves a variety of people, transportation and businesses. The section of 216<sup>th</sup> lacks the necessary and usual pedestrian and traffic protections that support safe movement and crossing. Problems on 216<sup>th</sup> include: no street striping at the intersections to indicate where crossings occurs, no sidewalk on the north side behind Value Village which results in people walking in the street or on dirt pathways, no pedestrian crossing signals or sound devices and 5 of the 7 wheelchair cuts are not ADA compliant and there are no plans to correct them. The situation will worsen with growth expected in the already busy neighborhood. He cited the pedestrian crosswalk on Main Street between 5<sup>th</sup> and 6<sup>th</sup> as an example of improvements the City has made, noting the crossing width on Main Street is 16 paces and 30 paces on 216<sup>th</sup>. He urged the Council develop a solution that addresses all the missing safety measures on 216<sup>th</sup>, summarizing it is a long-stranding situation that requires action now.

**Don Hall, Edmonds**, welcomed Councilmember Yamamoto back. He referred to Agenda Item 11, limiting uses in the BD1 zone, noting the BD1 zone is only about 6 blocks of the downtown retail area. His wife owns a store in the BD1 zone. He referred to a Seattle Times article about a discussion at a Downtown Seattle Chamber meeting regarding redevelopment of Rainier Square and relayed comments by two retail strategists at that meeting that the blocks' corners definitely do not need more banks because they are not traffic generators and do not enhance retail vitality. He referred to another article that said real estate offices do not generate foot traffic. He urged the Council to consider what type of businesses will help the vitality of the downtown retail core, commenting it is not banks or real estate offices.

**Natalie Shippen, Edmonds**, commented on the epidemic of litter on Main Street and 5<sup>th</sup> Avenue, including sandwich boards, directional signs, banner signs, clothing racks and promotional pieces such as a fire truck. Sandwich boards are typically located in front of a business and usually have a business name, menu or the business' product. Directional signs are found at intersections to provide direction to businesses not on Main or 5<sup>th</sup> Avenue. She was particularly annoyed by banner signs, which are big, unsightly and plastered on walls of business building and are popular with realtors. Her inventory on October 26 found 31 businesses represented on these signs on 5<sup>th</sup> Avenue between City Hall and Howell and 30 on Main Street between 6<sup>th</sup> Avenue and the waterfront. She provided a list of downtown merchants on 5<sup>th</sup> Avenue who display such signs and offered to return next week to provide a list of merchants with signs on Main Street.

**Roger Hertrich, Edmonds**, commented the study done by Reid Middleton and plans for the ferry terminal at Pt. Edwards had ferry traffic elevated over the tracks but did not include an emergency vehicle access to the waterfront. He suggested rather than the proposal to study an existing study, only the issue of emergency access to the waterfront needed to be studied. One of the alternatives in the Reid Middleton study was a mid-waterfront location which he pointed out would require portions of the Antique Mall and senior center sites. He was opposed to any effort to move the senior center and preferred to focus on a single lane emergency access over the railroad tracks.

**Nathan Proudfoot, Edmonds**, explained the downtown section of Edmonds is fill and a marsh. An undercrossing has the dangers of a Big Dig. He did not want a Big Dig in downtown Edmonds and suggested pursuing the plan to move the ferry toward Marina Beach and work with the State to include an overcrossing. He noted an emergency access could also be used as a pedestrian access. He referred to an email with additional information and description.

**6. COMMUNITY SERVICE ANNOUNCEMENT: 2014 HISTORIC PRESERVATION COMMISSION CALENDAR**

**Larry Vogel, Chair, Historic Preservation Commission (HPC)**, reported the 2014 calendar is complete and distribution will begin tomorrow. The HPC designed the calendar and HPC Member Andy Eccleshall did the layout. The calendar features buildings and structures on the Edmonds Historic Register of Historic Places along with descriptions. Calendar are available free of charge, it was produced with a Certified Local Government grant from the State Department of Archeology and Historic Preservation. He recognized the Planning Department for their assistance with obtaining the \$6,000 grant; the calendar was completed for approximately \$4,600. Calendars will be available at City Hall, Log Cabin, Museum, and local businesses. He requested calendars be limited to 20 per business and 3 per individual. He distributed calendars to Councilmembers.

**7. PUBLIC HEARING AND POTENTIAL ACTION ON AN ORDINANCE DESIGNATING THE CHARLES LARSEN RESIDENCE LOCATED AT 630 MAIN STREET, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION**

Senior Planner Kernan Lien advised the Charles Larsen Residence, located at 630 Main Street, has been nominated for placement on the Edmonds Register of Historic Places by the property owners who also signed the authorization form. He reviewed effects of listing on the register:

- Honorary designation denoting significant association with the history of Edmonds
- Prior to commencing any work on a register property (excluding repair and maintenance), owner must request and receive a certificate of appropriateness from the Historic Preservation Commission
- May be eligible for special tax valuation on their rehabilitation

Mr. Lien displayed an aerial map and identified the location of the Charles Larsen house, west of the entrance to the library parking lot, currently occupied by McDonald McGarry Insurance. He reviewed designation criteria and how this house complies with the criteria:

- Significantly associated with the history, architecture, archaeology, engineering or cultural heritage of Edmonds
  - The house is associated with early pioneer settlement of Edmonds
- Has integrity
  - House is largely intact
  - Example of American Foursquare architecture
- At least 50 years old, or has exceptional importance if less the 50 years old

- Snohomish County website lists the property as built in 1901
- Museum photos of house dated 1895
- Falls into at least one of designation categories, ECDC 20.45.010.a-k
  - a. Associated with events that have made a significant contribution to the board patterns of national, state or local history
    - The house is associated with the early pioneer settlement of Edmonds
  - b. Embodies the distinctive architectural characteristic of a typical period, style or method of design or construction
    - The house is an example of the American Foursquare, a style popular from the 1890s into the 1930s.
  - e. Associated with lives of persons significant in local history
    - Charles M. Larsen, City Marshal in 1929, 1930 – 31, and 1935 – 40, lived in the house from around 1928 to 1960.

The HPC held a public hearing on October 10, 2013. The HPC found the nomination meets the criteria and is eligible for designation in the Edmonds Register of Historic Places and recommends the Council approve the ordinance. He displayed an 1895 photograph, identifying the Larsen house and Main Street.

Mayor Earling opened the public participation portion of the public hearing. There were no members of the public present who wished to provide comment. Mayor Earling closed the public participation portion of the public hearing.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE ORDINANCE NO. 3944, AN ORDINANCE DESIGNATING THE EXTERIOR OF THE RESIDENCE KNOWN AS THE CHARLES LARSEN RESIDENCE LOCATED AT 630 MAIN STREET, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION. MOTION CARRIED UNANIMOUSLY.**

#### **8. PUBLIC HEARING ON 2014 REVENUE SOURCES INCLUDING PROPERTY TAXES**

Finance Director Roger Neumaier explained at the request of the Council he provided the original, recommended property tax ordinance that includes a 1% increase in property taxes in 2014 and an alternative ordinance in which the 1% increase is banked.

Councilmember Buckshnis relayed her support for the original property tax ordinance. She asked Mr. Neumaier to explain “banking” the increase. Mr. Neumaier explained property taxes in Washington State are adjusted annually to the level they were at the prior year plus new construction. There is no adjustment for inflation. State law allows counties and cities to impose a 1% annual increase without a public vote. Counties and cities have the option to reserve the right to use the 1% in a future year, which is called “banking.” In this case, the 1% is worth approximately \$98,000. If the Council chose not to impose the 1% increase in property taxes in 2014, in the future a future Council could chose to utilize the 1%. The recommended ordinance utilizes the 1% immediately; the alternative ordinance banks it for future use by a future Council.

Mayor Earling opened the public participation portion of the public hearing. There were no members of the public present who wished to provide comment and Mayor Earling closed the public participation portion of the public hearing.

Councilmember Buckshnis explained the reason she supported the recommended ordinance that includes the 1% is some of the projections are moderately high such as 7% increases. She was uncertain whether

those projections were accurate so she preferred to continue to utilize the 1% property tax increase rather than bank it for future use.

Council President Petso said she is inclined not to take the 1% increase because based on the current projections, it is not needed this year and property owners can keep that amount. If those funds are necessary in subsequent years for ongoing expenses, the Council can utilize the banked 1% as well as that year's 1%. If the City's reserves were precarious she could understand Councilmember Buckshnis' concern but she felt the City's reserves could sustain a hit of \$98,000 if projections are off.

Councilmember Fraley-Monillas expressed support for banking the 1% property tax increase, commenting it was rare for a city to have the opportunity not to tax its citizens. Observing the City had additional cash flow this year, she felt it was fair to not tax citizens. Councilmember Bloom concurred with Councilmember Fraley-Monillas' comments.

Councilmember Buckshnis commented if the City banked the property tax increase for 1 year, rather than citizens having a 1% increase next year, they would be burdened with a 2% increase. She spoke in favor of a level annual increase.

Councilmember Fraley-Monillas pointed out use of the banked increase would require a decision by the Council, it was not automatically implemented next year. Mr. Neumaier agreed. Councilmember Fraley-Monillas noted the Council may not ever need to use the banked increase.

Councilmember Buckshnis clarified the 1% will not be charged; the \$98,000 is not banked. If the City needed to increase revenue next year, the increase could be 2%. Mr. Neumaier agreed.

Councilmember Johnson welcomed the opportunity not to increase property taxes by 1%.

City Attorney Jeff Taraday advised this item was not scheduled for action. Mr. Neumaier explained it was his understanding this item was for discussion and explanation of the alternative and the ordinance would be adopted as part of amendments on November 24 or the December 3 public hearing.

Councilmember Peterson said he was quite shocked that the Council seemed to be inclined to bank this capacity. Edmonds and other cities and counties have suffered under the Eyman initiative for over ten years and struggled endlessly every year with a 1% increase. The City has laid off and furloughed employees and made cuts in training and police services. When finally there is a turn in the economy, this Council wants to turn back the 1% increase. He was surprised some Councilmembers supported banking the 1%, noting the City was on the verge with the Mayor's budget and Council amendments to get a couple police officers back on the street and reinstate training that has been missing for ten years due to budget cuts. He expressed support for utilizing the 1% increase in property taxes to make investments in the City's infrastructure, pointing out without the \$98,000, more roads would not be repaired. He hoped as the Council proceeded through the budget process, Councilmembers would rethink not utilizing the 1% property tax increase.

Councilmember Fraley-Monillas commented it is her job to legislatively decide how funds should be spent. This budget adds FTEs and resources in nearly every department. The City Council was allocated \$600,000 in the Mayor's budget for one-time expenditures. She anticipated \$98,000 could be found somewhere in the budget to give back to citizens via no property tax increase for one year.

## **9. PUBLIC HEARING ON THE 2014 BUDGET**

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

**Brian Borofka, Edmonds**, submitted written comments. As a follow-up to last week, he thanked the Council and staff for acting on his suggestions to post last week's presentation materials on the City's website. With regard to water, sewer and stormwater rate increases, he noted the 2014 budget included the proposed rate increases. The Sewer Comprehensive Plan includes not only rate increases but several line items in the budget such as decision package 34, a capital projects manager, and decision package 35, an engineering project manager. The Sewer Comprehensive Plan includes a very high contingency, 40%, which is outside good engineering practices and represents funds that will not be needed if projects are properly managed.

**Dave Page, Edmonds**, recalled indications that the City has received over \$13 million in grants this year, yet page 16 of the budget only reflects \$46,000 for 2013. Mr. Neumaier referred to the General Fund projection on page 16, explaining the General Fund has multiple programs and departments. Most of the grants are reflected in the Public Works section of the budget.

**Victor Eskenazi, Edmonds** (Esperance), said he was informed last week about the emergency access and a \$2 million request for a waterfront study. He was opposed to asking the State for tax dollars. He referred to a book, "Slow Democracy" about the quality of decision-making, not the speed. Rather than pay a professional \$2 million for his/her opinions, he suggested involving the community to determine what they want.

**Roger Hertrich, Edmonds**, spoke in favor of lower sewer, water and stormwater rate increases. Edmonds is a retirement community and those on a set income must plan how they spend their money. He preferred to get the same amount of work done over a longer period of time even though the cost may be higher. He feared giving the Public Works Department more money than they could use because they would find other ways to spend it. He suggested there were too many new hires in the budget and suggested using the 1% property tax increase for chip sealing. He did not support giving the ECA grants, stating they needed to pay their way and if they were unable to manage their budget, the City needed to get involved in their management.

**Doug Schwartz, Edmonds**, observed the budget states things are improving and uses that as a basis for fairly radical increases in expenditures. The increase in revenue, comparing the 2012 actual to the 2013 estimate, is approximately 1.9%. The budget includes a 7% increase in projected revenue for 2014 but no justification other than things are expected to improve. The budget includes a 15% increase in expenditures, also with no justification. He understood radical cuts were made in 2013 but did not think everything should be turned around in 2014.

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

Council President Petso explained the goal is to have Councilmembers submit amendments to the Finance Department by November 8 in order to allow adequate time for public comment and Council consideration. She wanted to avoid a lot of last minute amendments at the meeting when the Council is expected to act on the budget.

Councilmember Buckshnis asked whether that included Councilmembers' input regarding decision packages. Mr. Neumaier explained his role in this process is to be the Council's staff. As Councilmembers notify him of additions/deletions from the budget, he will include them in an amendment log that is updated periodically on the City's website. He relayed Council President Petso's hope to have the amendments posted sooner rather than later so that citizens can provide comment. He clarified removing a decision package would be a budget amendment.

Councilmember Buckshnis asked whether the public would have another opportunity to provide comment. Mr. Neumaier answered there would be public comment on November 26 when amendments are discussed. Councilmember Buckshnis asked whether her opposition to banking the 1% property tax increase would constitute an amendment. Mr. Neumaier explained the budget includes the revenue from the 1% property tax increase; Council President Petso’s suggestion to bank the 1% would be a budget amendment.

Councilmember Johnson asked staff to describe low income discounts for water, sewer and stormwater utilities. Public Works Director Phil Williams explained citizens who meet low income definitions according to State’s standards can qualify for a 50% or 30% discount on their total City utility. Citizens can contact the utility bill department and complete an application for the discount.

Mayor Earling encouraged Councilmembers to adhere to the November 8 deadline to submit amendments.

**10. PUBLIC HEARING ON THE CAPITAL FACILITIES PLAN ELEMENT UPDATE FOR 2014-2019 TO THE CITY'S COMPREHENSIVE PLAN AND CAPITAL IMPROVEMENT PROGRAM. THE PROPOSAL UPDATES THE CITY'S CAPITAL FACILITIES PLAN TO INCLUDE IMPROVEMENTS, ADDITIONS, UPGRADES OR EXTENSIONS OF CITY INFRASTRUCTURE SUCH AS TRANSPORTATION, PARKS, AND STORMWATER ALONG WITH OTHER PUBLIC FACILITIES NECESSARY TO IMPLEMENT THE CITY'S COMPREHENSIVE PLAN**

City Engineer Rob English provided a diagram showing components found only in the CIP and only in the CFP and components found in both the CIP and CFP. The CIP contains 6-year maintenance projects with funding sources, the CFP contains long range (20-year) capital project needs, and both contain 6-year capital projects with funding sources.

The 2013-2018 CFP contains 3 project sections:

- General
  - Parks, buildings & regional projects
- Transportation
  - Safety/capacity & pedestrian/bicycle
- Stormwater

Mr. English provided a summary of CIP fund numbers and the department managing each fund:

<b>Fund</b>	<b>Description</b>	<b>Department</b>
112	Transportation	Public Works
113	Multimodal Transportation	Community Services
116	Buildings Maintenance	Public Works
125	REET-2 Transportation	Public Works
125	REET-2 Parks Improvement	Parks & Recreation
126	Parks Acquisition	Parks & Recreation
129	Special Projects	Parks & Recreation
132	Parks- Construction (Grant Funding)	Parks & Recreation
421	Water Projects	Public Works
422	Storm Projects	Public Works
423	Sewer Projects	Public Works
423	Wastewater Treatment Plant	Public Works

112 Street Fund

Mr. English displayed a photograph and described the 5<sup>th</sup> Avenue Overlay which includes updating the curb ramps to make them ADA compliant. He highlighted 112 Street Fund projects:

- Street Improvements
  - 5<sup>th</sup> Avenue Overlay (construction)
  - Signal Cabinet Improvements
  - Five Corners Roundabout
  - 228<sup>th</sup> Corridor Improvements
  - SR99 Lighting Phase 3 Design
  - 212<sup>th</sup> & 76<sup>th</sup> Avenue Improvements
  - 2014 Pavement Preservation Program
- Walkway Improvements
  - Sunset Avenue Walkway (Bell Street – Caspers Street)
  - 238<sup>th</sup> Street Walkway (100<sup>th</sup> Avenue – 104<sup>th</sup> Avenue)
  - 15<sup>th</sup> Street SW Walkway (Edmonds Way – 8<sup>th</sup> Avenue)
  - 236<sup>th</sup> Street SW Walkway (Edmonds Way – Madrona Elementary)
  - 3<sup>rd</sup> Avenue ADA Curb Ramps (Main Street – Pine Street)
  - School Zone Flashing Beacons
- Transportation
  - SR104 Corridor Study
  - Alternatives Study to Resolve Conflicts at Dayton Street and Main Street Railroad Crossings
  - Transportation Comprehensive Plan Update

Mr. English highlighted Utility Fund projects:

- Water Utility Fund (421)
  - 9,500 feet of Watermain Replacement (construction)
  - Replacement of 3 Pressure Reducing Valves Stations (construction)
  - Overlay 2,000 linear feet of roadway affected by waterline replacement projects (2014)
  - 10,000 feet of Watermain Replacement (2014)
  - Replacement of 2 Pressure Reducing Valves Stations (2014)
- Stormwater Utility Fund (422)
  - Edmonds Marsh/Shellabarger Creek Feasibility Study (complete)
  - Dayton Street & SR104 Drainage Alternatives Study (complete)
  - Public Works Yard Pile Covers (complete)
  - Lake Ballinger Model Improvements (complete)
  - 238<sup>th</sup> Street Drainage Improvements (2014)
  - Perrinville Creek High Flow Reduction Study (2014)
  - Vactor Waste Handling Facility Upgrade (2014)
  - Edmonds Marsh/Shellabarger Creek Pre-Design (2014)
  - Dayton Street & SR104 Drainage Pre-Design (2014)
- Sewer Utility Fund (423)
  - Rehabilitation of 9 sewer lift stations (substantially complete)
  - 300 feet of Sewer Main Replacement (complete)
  - Sewer Comprehensive Plan Update (substantially complete)
  - 1,500 feet of CIPP rehab for sewer mains (construction)
  - 6,500 feet of sewer main replacement (2013/2014)
  - 1,500 feet of CIPP rehab for sewer mains (2014)

Parks & Recreation Director Carrie Hite highlighted 2013 Park CIP projects:

- Completion of Mathay Ballinger Park
- Completion of SR99 International District
- Beginning design development of City Park renovation

- Progress on 4<sup>th</sup> Avenue Cultural Corridor, wayfinding signs
- Beginning Dayton Street Plaza

Ms. Hite highlighted a 2013 Parks CFP project:

- Continue set aside for Woodway High School Athletic Complex

Ms. Hite highlighted 2014 REET 125 funded projects:

- Additional repairs needed at Yost Pool: used 2013 \$120,000 for hot water tank, asbestos removal. Added another \$120,000 next year for additional repairs (still need to replace boiler)
- Additional set aside for Woodway Athletic Complex
- Edmonds Marsh, daylighting of Willow Creek: continue work with Earthcorps
- Marina Beach Park: Master plan around Willow Creek concept, playground replacement
- Meadowdale Clubhouse playground replacement

Ms. Hite highlighted Park Construction Fund 132 projects, advising this fund does not have its own revenue source; it receives funds from grants and transfers from REET 125:

- Completion of Dayton Street Plaza
- City Park renovation: green design, will be coming to Council for budget approval
- Waterfront property acquisition, demolition, rehabilitation
- 4<sup>th</sup> Avenue Cultural Corridor planning, placeholder, dependent upon securing funding

Mr. English reviewed the CFP/CIP schedule:

- September 10 – Parks, Planning & Public Works Committee
- September 25 – Planning Board presentation and public hearing
- October 1 – City Council; Introduction
- November 4 – City Council Public Hearing
- December 2013 – Adopt CFP with Comprehensive Plan Update

Council President Petso observed adoption of the CFP is scheduled for December. She asked whether final CIP adoption could be deferred until the budget was adopted, anticipating proposed budget amendments could affect the CIP. Mr. English answered if there were amendments that affected the CIP, it would be preferable to delay adoption of the CIP until after the budget was adopted.

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

**Marilyn Lindberg, Edmonds**, a resident of Sunset Avenue N, said she has never received any information about the Sunset Avenue walkway. She first became aware of it in early October when surveyors began their work on Sunset. A neighbor looked on Google and found a July 22, 2011 statement that a 12½ foot user friend sidewalk on the west side with new 5-foot bike lane will be taking advantage of the view. She pointed out Burlington Northern owns the property up to the curb on the west side of Sunset and asked whether Burlington Northern had allowed the City any land because her measurement of curb to curb on Sunset was 30 feet. She was uncertain how traffic would move through the area with a bike lane and a 12½ foot sidewalk. As a resident on Sunset, she wanted an opportunity to provide input into the walkway. She questioned how users of a sidewalk on the west side of Sunset would be prevented from going over onto the railroad tracks and feared the residents would again be faced with Burlington Northern proposing a fence which the residents of Sunset successfully opposed in October 1995.

**Bruce Jones, Edmonds**, referred to the fight in 1995 over the fence that Burlington Northern wanted to build that was resolved through the work of his neighbors on Sunset. He referred to a rumor that the preliminary plans show a fence and he questioned whether he and his neighbors would be required to

repeat the battle with Burlington Northern over the fence. Mr. Jones posed several questions: whether an easement has been negotiated for a sidewalk, did Burlington Northern required a fence as a condition of the easement, was there was a federal transportation grant for the project, had the grant been received, did the Council feel a fence was required on the west side of sidewalk, was a fence a traffic requirement, and could Sunset residents be involved in the process of design decision-making? Mayor Earling advised staff would respond to questions at the conclusion of public comment.

**Natalie Shippen, Edmonds**, relayed the problem with the proposed tunnel is it accepts growth of ferry traffic through Edmonds rather than limits it. She preferred to limit the amount of daily traffic by limiting capacity of the terminal. The first step was taken several years ago by asking that a second slip not be built; a slip handles approximately four ferries. The ferry system plans to maximize the fleet with 144 car ferries. Establishing a daily limit would control growth and the remainder of the growth of northbound traffic could be diverted to Mukilteo where a new terminal is being built and southbound traffic to Bainbridge Island. She noted Bainbridge is a prosperous community, determined to protect their city by converting to passenger ferries. She summarized it was a fool's errand to accommodate infinite growth in ferry traffic and recommended the City negotiate a limit on the capacity of the terminal.

**A. R. Bridges, Edmonds**, a resident on Sunset and a locomotive engineer for Burlington Northern Santa Fe, said it is likely there would be a fence along a walkway adjacent to the railroad right-of-way. That has happened in Richmond Beach, Steilacoom, and Tidlow to allow the railroad to show cause to watchdog agencies such as Federal Railroad Administration and Service Transportation Board to reduce pedestrian-railroad at-grade crossing incidents. Some of the fences have been installed in right-of-ways from Everett to Tacoma, others are in Vancouver, Washington, and White Fish, Montana, some as high as eight feet with no trespassing signs, and 45 degree bend barbed wire. Weeds grow through the fence, litter catches in the fence and graffiti appears on the signs. He recommended not channeling pedestrians adjacent to a right-of-way adjacent to the railroad tracks. He suggested only taking minor steps to improve the current situation, noting the current users of Sunset have no problem with the existing sidewalk.

**John Segelbaum, Edmonds**, a Sunset Avenue property owner, agreed with the comments made by Mr. Bridges and Mr. Jones. He relayed the primary concern of most residents on Sunset as well as Edmonds residents overall is the fence and that issue does not appear to have been sufficiently addressed. He suggested pulling the Sunset Walkway project from the CIP to get community input and determine Burlington Northern's requirements. His family has owned property on Sunset for over 50 years. Residents on Sunset fought the battle over the fence 20 years ago and should not have to so again. The unobstructed view is what attracts people to live on and visit Sunset Avenue. He questioned the purpose of the Sunset Avenue Walkway project other than spending \$2 million of taxpayers' money; it appears to be a solution in search of a problem. He anticipated the proposed project would impact pedestrian traffic, recalling changes made to Sunset in the past, changing it from a two-way street to a one-way street, first with parking on one side and later with limited parking on one side. Another issue is parking for residents, guests and people visiting the area. He summarized the proposed project will have a negative net effect due to the potential for a fence and congestion.

**Mike Echelbarger, Edmonds**, a resident of Sunset Avenue, said this is a fabulous concept but not if it included a fence or lighting. He noted the pedestrian congestion on Sunset already exists; there are thousands of pedestrians on a nice spring or summer weekend, about 1/3 of them walk in the street, on the west side or in the bike lanes. The sidewalk on the east side is 3-feet wide which is approximately half the current standard. The walkway will complete the path from the Port to Sunset. He had not yet seen any plans and suggested the neighbors would be supportive if the plans were shared with them.

**Rick Hedges, Edmonds**, a resident of Sunset, commented his family settled on Sunset in 1917. He recalled when Sunset was made a one-way street in the mid-70s with parking on the west side, it became

a congregation point for teens which prevented emergency access and required daily police visits. The parking on Sunset was then changed to provide view corridors. If Sunset were improved to attract more people, he recommended all the residents on Sunset be included in planning the improvements.

**Roger Hertrich, Edmonds**, referred to the Sunset Avenue Walkway as “Five Corners style planning;” get the money and then tell the citizens what will be done. He was certain there would have been neighborhood meetings if this had been a parks project; it was being done differently and poorly because it was a transportation project. He questioned the financing for this project, \$159,000 from a Safe Routes to Schools grants, asking what school qualified this walkway for those funds. Next, Mr. Hertrich spoke in favor of emergency access over the railroad. He questioned the \$2 million funding request to study previous studies that identified Unocal site as the preferred site. Another option in the previous study was a mid-waterfront location; he feared the impact such a project would have on the senior center property. He suggested including funds for a public safety access to the waterfront. He pointed out only the Pt. Edwards site has enough parking to accommodate an entire boatload of vehicles.

**Nathan Proudfoot, Edmonds**, inquired about infrastructure for cycling and walking.

**Shirley Pauls, Edmonds**, a resident on Sunset, recalled when a fence was proposed previously, it was pointed out even the lower height fence obstructed the view of someone sitting in their car. Signatures collected from visitors to Sunset who opposed a fence found people all over the world visited Sunset. She summarized people should be able to enjoy the view from Sunset whether they live there or only visit.

Public Works Director Phil Williams said he agreed with everything that has been said about the Sunset project and understood the concerns and questions that were voiced. A grant offer was received and accepted by the Council, \$159,000, to begin developing concepts to build a multi-use walkway on Sunset Avenue. He assured there is definitely no fence involved. The surveying that was done was to accurately locate the railroad’s right-of-way. There are sizable portions of Sunset Avenue already located on railroad property, about halfway between Caspers and Edmonds Street. Discussions have been held with the railroad; those are not easy discussions. Burlington Northern offered the City a lease of the current street that the City has been using for the last 70 years. The concept is to design a project within the existing curbs. The City owns property on both ends of Sunset that could be developed outside the curb. Plans will be discussed with residents of Sunset as well as all citizens of Edmonds.

In response to Mr. Hertrich’s assertion, Mr. Williams explained the grant the City received was a Congestion Mitigation for Air Quality (CMAQ) grant, not a Safe Routes to Schools. That grant program is for projects that promote pedestrian opportunities and less use of vehicles. He assured there were no plans for a fence, tall lights, or tall trees; the intent is to keep the profile very low.

Councilmember Peterson asked about the public process. Mr. Williams explained when a different source of grant funds was sought, one meeting was held to get ideas. With information regarding available space, concepts are being developed to fit all the elements within that space. Staff is close to advertising another public meeting to show the concepts. He assured no specific decisions have been made; staff is developing alternatives and ideas that would provide a multi-use pathway that could be used by bicycles, pedestrians, rollerbladers, strollers, wheelchairs, and all modes of transportation. He agreed Sunset was well used today; many people walk in the street. He noted the dirt pathway on the west side, which is on railroad property for the most part, is not usable in wet weather. The intent is an all-weather, hard surface, low profile walkway that will be constructed within the existing curb-to-curb space.

Councilmember Peterson relayed his understanding that no design is in place; by approving the CFP/CIP the Council has not settled on a design. Mr. Williams agreed, the intent is to discuss with the community what is possible in that location.

Councilmember Buckshnis commented she often walks her dog on Sunset. She asked how it could be guaranteed there would not be a fence when in fact it could be a public safety issue. Mr. Williams responded the City would not put in a project that included a fence. He could not guarantee what the railroad might eventually like to impose on their property. He anticipated Edmonds residents would resist any attempt by the railroad to install a fence that blocked views. In 1995, plantings were proposed along the edge of the bluff instead of a fence, to discourage people from reaching the railroad tracks from Sunset Avenue. He assumed someone could still reach the railroad tracks if they tried but it was not a problem raised by Burlington Northern.

Councilmember Buckshnis observed the existing dirt path will be replaced with a sidewalk. She asked whether the vegetation would be removed. Mr. Williams answered the vegetation will not be touched; the walkway will be constructed east of the existing curb on the west side of the street. On the ends of Sunset there may be space for picnic tables, etc., in the center there is limited space. If the railroad insisted on any additional security, that would be discussed at length. There are no plans for a fence along Sunset.

Councilmember Fraley-Monillas said she was born and raised in Richmond Beach a few houses from the water. She was concerned with developing the walkway before there was buy-off from the railroad. She envisioned liability for the railroad with the construction of a walkway that encouraged additional use. Mr. Williams explained the walkway would not be any further west than the existing curb. The existing issue of people walking on the dirt pathway would not be worsened; the walkway will be east of the existing curb. The walkway would be further from the bluff and would be safer and easier to walk on. He did not envision people choosing to step off a 12-foot wide developed walkway onto a dirt pathway; if they did, it would be no worse than the existing condition.

Councilmember Fraley-Monillas envisioned skateboards, bicycles, strollers, etc. sharing the walkway. She was concerned how the railroad perceived the walkway. Mr. Williams referred to Councilmember Fraley-Monillas' comment about getting buy-off from the railroad, explaining in his experience the railroad does not do that. The railroad is aware the City wants to do something on Sunset. Beyond double tracks, the railroad has indicated future plans include triple tracks which would require cleaving off large areas of the existing bluff and consume Sunset Avenue. He did not envision that would occur in our lifetime but when Burlington Northern was asked why they need property on top of the bluff, their answer was it allowed room for a third track. It is difficult to get Burlington Northern to say yes to anything in writing; it was a coup to get Burlington Northern to offer the City a lease for property it has been using for the past 70 years. Execution of that lease is awaiting a project that the citizens and Council support and is funded.

Council President Petso asked whether the lease covers the existing street. Mr. Williams explained the railroad right-of-way is defined by a certain distance from the oldest track. When that and the City's street are plotted on a map, the street overlaps the railroad's right-of-way by approximately 8 feet for a considerable distance on Sunset Avenue. The railroad has ignored it for many years; the City does not have a right to a street in railroad right-of-way. The City does have rights for the pump station and the emergency power station. Burlington Northern has been willing to consider perpendicular crossings but not easements parallel to the tracks.

Council President Petso recalled the prior fence battle and asked whether there was a written agreement regarding that resolution. Mr. Williams answered his research of the 1995 situation indicated it did not conclude with a lot of definitive statements. There was a proposal to put in the plantings; the railroad accepted it and nothing has been said since. During discussion of a walkway on Sunset Avenue with Burlington Northern, they have not mentioned a fence. As a former railroad brakeman, he acknowledged

the railroad can do a lot when they put their mind to it including a fence but that is not part of the City's proposal.

Council President Petso asked whether the railroad was less likely to demand a fence if the walkway were installed on the east side of Sunset. Mr. Williams answered he did not know, staff was being careful about what they asked the railroad to avoid creating roadblocks prematurely. He believed there was a way to do this project or staff would not have spent time on it.

**Thalia Moutsanides, Edmonds**, a resident on Sunset, questioned how parking would be provided if that much of the street were used for a walkway. There is already limited parking for residents' guests and people who want to enjoy the view. She feared by installing the walkway, the City would force Burlington Northern to put in a fence.

**Sally Wassall, Edmonds**, a resident on Sunset, asked to be included in the planning. She did not think the proposed walkway would work well or be a good fit on Sunset Avenue. She echoed Ms. Moutsanides' concern about parking. A lot of people walk on the sidewalk but many walk in the bike lane. She asked whether the existing sidewalk would be removed, pointing out the street was only 32 feet wide in front of their house.

**Jim Wassall, Edmonds**, a resident on Sunset, expressed concern with parking for residents and the people who walk on Sunset Avenue.

Mr. Williams responded one of the project goals is to not reduce the overall amount of parking on Sunset Avenue. He recognized the parking is well used and a great deal of thought was given in the past to where parking was located to maintain residents' views. He noted there was more room to work with in the street on the south end of Sunset, less in the center and at the north end.

Hearing no further comment, Mayor Earling closed the public participation portion of the public hearing. He declared a brief recess.

#### Amendment to the Agenda

To allow some staff members to leave the meeting, Council President Petso suggested moving Item 12 to next week's Finance Committee meeting, moving Item 13 to next week's Public Safety & Personnel Committee meeting and eliminating the Items 16 and 17. This was acceptable to the Council.

#### Continued Discussion on Item 10

Councilmember Buckshnis recalled at one point the Sunset Walkway was called the Sunset Overlook. Mr. Williams explained what is emphasized in the project scope depends on the source of funding. This project is part park, part transportation facility. In the past funds have been sought from the Recreation Conservation Office (RCO) and the City's grant request did not score high enough because RCO saw it as a glorified sidewalk. The CMAQ grant is related to transportation and therefore the project was called a walkway. He explained at 12-feet wide, the project it is more than a sidewalk, it is a multi-use pathway. Under the City's code bicycles are not allowed on sidewalks but bicycle, rollerblades, etc. are allowed on a multi-use pathway. He summarized the change in the name of the project was due to a change in the funding source. Parks & Recreation Director Carrie Hite added Sunset Overlook is a park in the Parks, Recreation and Open Space Plan and in the City's park inventory. The Parks Department has been working collaboratively with Public Works on this project to create a design that is contiguous with the rest of the waterfront walkway so it looks like a park and not just a sidewalk and transportation project. There is \$200,000 in the CIP in 2015 for a match of grant funds. Councilmember Buckshnis asked whether the initial plans for the overlook had gone away. Ms. Hite said they had.

Councilmember Bloom referred to Haines Wharf Park improvements, noting very few people visit that park, yet there is an allocation of \$178,000 for a walkway, \$5,000 of it in 2014. Ms. Hite answered the Haines Wharf project is a final close out of the project; there are no new improvements planned. The settlements were paid in 2013 and funds are allocated for the one year warranty on the landscaping.

Councilmember Bloom referred to Mr. Underhill's comments about pedestrian safety issues on 216<sup>th</sup> Street SW and asked if roadway was included in the CFP/CIP. Mr. English did not recall a sidewalk project on 216<sup>th</sup> Street SW and offered to research the 2009 Transportation Plan which contained a number of ranked sidewalk projects.

Councilmember Bloom referred to the Alternatives Study to Resolve Conflicts at Dayton Street and Main Street project that has \$1 million allocated in 2014 and \$1 million in 2014. She asked Mr. English to comment on the Reid Middleton study, relaying her understanding that 10 alternatives were studied to resolve conflicts at Dayton and Main Street related to the railroad crossing and the ferry and the preferred alternative was Pt. Edwards. Mr. English answered he reviewed the study; options included mid-waterfront, Main Street and Pt. Edwards.

In a previous discussion with Mr. English and Mr. Williams where she asked what would be studied that has not already been studied, Councilmember Bloom recalled Mr. English mentioned a grade change in the mid-waterfront alternative. Mr. English responded that is one component of the study. The mid-waterfront option included a grade change down into a tunnel with a slope of 3%. When David Evans & Associates reviewed the grade separation at Main Street last year, they proposed a steeper slope of 4-6% which provides for a shorter transition to an over or under grade separation. That slope is different than what was considered in the Reid Middleton study. Another option David Evans pointed out was the radius of the approach; there is potential to use smaller/tighter radii that may be different than what was considered in the Reid Middleton study. A study would consider design features and assess different options.

Councilmember Bloom relayed her understanding the study would consider the Main Street alternative that was presented last year when the Council removed the project from the CIP and something different for the mid-waterfront alternative in the Reid Middleton study. Mr. English answered it is not that specific, it is an alternatives study; the scope will require a great deal of input from the Council and the public. Councilmember Bloom said she was trying to figure out what else could be studied. Mr. English answered different options could be studied such as emergency access, funding, speed the facility would function at, cross slopes, etc.

Councilmember Bloom recalled in her discussion with Mr. English and Mr. Williams, Mr. Williams said the State would not buy into Pt. Edwards. She and Council President Petso met with Senator Paull Shin the next day who said they would go forward with whatever the Council could agree on. She suggested using the funds to study an emergency vehicle overpass at Pt. Edwards. Mr. Williams referred to the SR104 Corridor Study in the CIP; \$50,000 was appropriated in 2013 to begin that study. That study and the emergency vehicle access were seen as a component of the \$2 million funding request. A tentative project scope was prepared to ask for funding from the legislature. He explained staff was being very careful with regard to the scope because the last time these issues were discussed, staff was criticized for already making up their mind about the solution. Staff had not, but that was the impression because a project had to be identified in order to apply for funding. This is another example of shaping the funding request to the funding source.

Councilmember Bloom asked why the request could not be shaped for an emergency vehicle access. Mr. Williams responded he was not aware of a funding source for emergency vehicle access projects. There has been a suggestion for a single lane flyover over the railroad tracks at Pine Street that can also be used

by pedestrians. Although that location may be useful for some pedestrians, he did not expect people to walk from downtown Edmonds to cross and then walk back to the waterfront. A single lane flyover would have no utility in the future development of Edmonds Crossing should that occur in the future. It seems very unlikely Edmonds Crossing will move forward for a very long time based on the State's plans, between 17 and 30 years from now. Edmonds Crossing was a great answer years ago and progress was being made until the economy changed and funding disappeared. Consideration was then given to what can be done in the next 10 years to address some of the problems with the at-grade crossing such as emergency vehicle access, pedestrian access and ferry loading and unloading. The ferry system is a potential partner if ferry loading/unloading is addressed. He noted the solution may not be a single project; it may be a series of smaller projects. An alternatives analysis will identify options.

Councilmember Bloom said an emergency vehicle access is needed before the 5-10 years it will take to do any of the projects. She suggested prioritizing emergency vehicle access in the request for funding rather than an alternatives study. Mr. Williams answered that could be done. He noted single lane concrete flyover at Pine Street for emergency vehicle access would be an incredibly expensive undertaking, as much as \$10-20 million, and would take years to accomplish. He suggested in addition to the SR104 Corridor Study and the \$2 million funding request in the CIP, including the emergency vehicle access as third project. What can be accomplished will depend on funding provided by the legislature. Mr. Clifton explained the alternatives analysis can also consider the best location for an emergency access or pedestrian access. The alternatives analysis is nothing new; it has been discussed since 2008. He referred to an email he sent to the City Council in 2008 regarding conversations with Washington State Ferries (WSF) about examining minimum build alternatives to the preferred alternative contained in the EIS Record of Decision. He had identified potential funding sources to conduct a minimum build alternative analysis, recognizing WSF planned to remove Edmonds Crossing from their long range plan at least through 2030. He pointed out the Puget Sound Regional Council's 2040 Transportation Plan acknowledges the ferry terminal in its existing location.

Councilmember Peterson observed the Reid Middleton study was conducted in 1992. He asked whether the City could successfully obtain grant funds using a 21-year old study. Mr. Williams answered the granting agency may want to know what has changed in the last 21 years before they would accept it as suitable support for the grant request. Councilmember Peterson asked whether the alternatives analysis would also identify potential funding sources. Mr. Williams answered yes. He did not anticipate \$2 million would be spent on analysis and a public process; the intent was to request enough money to conduct the study, select a short list of alternatives, provide a higher level of scrutiny to those, develop a final CIP project, and still have funds to do preliminary design.

Councilmember Peterson pointed out this is identified in the CIP as an alternatives study; this is an opportunity to consider a lot of alternatives. The City cannot rely on a study that is over 20 years old. He explained administration came to the committee almost immediately after talking to the City's lobbyist about possible funding options as well as talking with local elected officials about funding in a State transportation plan. He was concerned that two Councilmembers undercut the administration's efforts and preferred that discussions occur in public rather than an individual meeting with the Senator before talking to the Mayor or Council. He did not anticipate the Council would reach agreement if the process began with undercutting. He would be equally as concerned if the Council had worked out options with the legislature and the Mayor tried to undercut the work the Council had done.

**COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO EXTEND THE MEETING FOR 45 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER YAMAMOTO VOTING NO.**

In response to Councilmember Peterson, Councilmember Fraley-Monillas said the mistrust issue arose in part due to a letter regarding transportation that had not gone through the Council. Councilmember

Peterson recalled the Mayor reported that letter to the Council within a week. Councilmember Fraley-Monillas pointed out it was reported to the Council only after it was written. She supported prioritizing an emergency access, pointing out many Puget Sound cities including Richmond Beach have bridges over the railroad tracks that are used for emergency and pedestrian access. Recognizing that any changes related to the ferry location are 15-20 years in the future, she asked what could be done now. Mr. Williams answered an interim step such as a footbridge for pedestrians would be a much smaller scale project. Another short term option would be to site an aid car on the west side of the tracks and a way to get a couple paramedics to it if a train were blocking both crossings.

Councilmember Fraley-Monillas asked how an emergency vehicle access could be prioritized. Mr. Williams viewed emergency vehicle access as one of the three line items. If the City received a larger amount, the alternatives analysis could consider all the conflicts related to the railroad that will only increase 17-20 years in the future when there are 100+ trains through Edmonds. He noted the emergency vehicle access and/or other interim short term solutions could be accomplished while long range planning is done. The best funding source is through the legislature rather than targeting a transportation grant.

Council President Petso said she attended a portion of a meeting with Senator Shin and representatives from his office at Councilmember Bloom's invitation and was not aware that any undercutting occurred. She referred to a pedestrian access at the south end of the Port in the Comprehensive Plan that was considered a high priority item. She asked whether the CFP/CIP needed to be consistent with the Comprehensive Plan. Acting Development Services Director Rob Chave answered yes, relaying the pedestrian access was likely in conjunction with Edmonds Crossing.

Council President Petso observed there is a significant possibility that the alternatives study will include options that require leaving or expanding the ferry terminal at its current location, yet the Comprehensive Plan includes a policy regarding moving the ferry terminal. She asked how that was consistent with the Comprehensive Plan. Mr. Chave answered expansion/moving the ferry began with WSF trying to solve a capacity problem. The 4 No's the Council developed in the 1990s did not address moving the ferry but rather what they did not want to happen at the existing location – no expansion, no second slip and no overhead loading which has since happened. The 4 No's were in response to WSF's proposal to expand the existing location. Moving to Pt. Edwards solves all the problems; the difficulty is funding has disappeared and there is a danger that nothing will happen at Pt. Edwards. If the City does nothing, it is potentially at a disadvantage because WSDOT/WSF will eventually develop a new plan if they do not feel the existing Pt. Edwards plan will be a reality. The City studying alternatives to develop a buildable "Edmonds light" puts Edmonds in the driver's seat. He noted WSDOT has the ability to play the facility of state regional importance card which would allow them to determine where the terminal goes and how it is configured. He assumed the 4 No's were still the basis of the City's policy direction.

Council President Petso assumed dedicating money to study leaving the ferry at its existing location would be a contradiction of the existing policy. Mr. Chave answered not if the existing location does not change. Council President Petso recalled the diagrams that were submitted last year for an underpass project did include expanding the ferry terminal. Mr. Chave answered not to his knowledge.

Councilmember Johnson regarded the SR104 Corridor Study as very important to Edmonds as well as the State as it is a Highway of Statewide Significance due to its connection to the marine highway system. She was interested in a corridor study that looked at the entire length of SR104. When this was last discussed, the Council discussed project limits that ranged from the ferry terminal to Highway 99. Her concern with the CIP project is its limited description, an Alternatives Study to Resolve Conflicts at Dayton Street and Main Street Railroad Crossings. Mr. Williams referred to the rough scope for the alternative study that was provided to Senator Shin's office who prepared the request for legislative funding. That scope identified the SR104 Study as part of the \$2 million effort and it is already in the CIP

as a standalone effort. It was not staff's intent to change the goals of that study but he did not anticipate it would be a major portion of the \$2 million. The intent of the SR104 Study is to consider the City's current and future land uses in the corridor, compatibility with the current transportation facilities and improvements may be needed to provide a multi-modal corridor from the ferry terminal to Highway 99 or potentially to I-5.

Councilmember Johnson asked whether the description in the CIP could be revised to include the full range of planning opportunities. Mr. Williams said the SR104 Corridor Study could be added to the title of the Alternatives Study.

Councilmember Bloom asked whether emergency vehicle access could also be added to the title of the Alternatives Study. Mr. Williams suggested Emergency Vehicle Access Planning be added to the title or listed as a separate project.

Councilmember Bloom referred to the 4 No's, no expansion, no second slip, no overhead loading and inquired about the fourth No. Mr. Chave answered the 4<sup>th</sup> No was no commercial facilities.

Mayor Earling clarified the proposal before the Council skillfully uses the words "alternatives analysis" and he assured that's all it is, an alternatives analysis. It is important for the SR104 Corridor Study to be linked to the alternatives analysis. Over the past 6-12 months there have been discussions of tunnels, safety overpasses, Edmonds Crossing Light, as well as ditches and trenches. The alternatives analysis could/would include an emergency overpass. His concern with an emergency overpass was it did not address the longer term problem. WSDOT does not plan to take up the ferry situation until 2030. By that time, if studies are correct, there could be 80-100 trains a day traveling through Edmonds. In addition to the safety issue of reaching the waterfront during an emergency, that many trains will shut down the west side of the tracks 3-4 hours every day if a solution is not identified and funded. The train and the ferry provide an opportunity to obtain both state and federal funds. He cautioned opportunities for funding were reduced with every step the Council took away from looking at the big picture. The longer term problem is more than emergency access; it is how to satisfy the businesses and residents on the west side of the tracks if the west side is shut down 3-4 hours/day. He assured it was intended to be an alternatives analysis; there was no skullduggery or under-the-table deals.

**11. DISCUSSION ON PLANNING BOARD RECOMMENDATION TO LIMIT CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN DOWNTOWN BUSINESS (BD1 - DOWNTOWN RETAIL CORE) ZONE (FILE NO. AMD20130013), AND SETTING A PUBLIC HEARING DATE**

Community Services/Economic Development Director Stephen Clifton explained this proposal has been discussed by the City Council, Planning Board and Edmonds Economic Development Commission (EDC) since early 2011. The purpose of this presentation is a workshop and to set a date for a public hearing.

(Councilmember Yamamoto left the meeting at 10:33 p.m.)

The Planning Board packet contains six documents related to a proposal to limit certain office uses (primarily by-appointment businesses) along designated ground level street frontages, the first 45 feet measured from the sidewalk or open space (plaza/park, etc.) within the Edmonds Downtown Core or BD1 Zone.

1. An overview of the proposal which contains a summary, introduction, and references to City documents and various reasons cited by Roger Brooks for supporting the proposal. The title of the document is not the same as the title of the agenda packet, limiting certain office uses from locating along designated ground level, street frontages (first 45 feet) of the downtown core,

because the true goal of this proposal is to create economic vitality - an Edmonds city center that is economically strong, thriving, lively and social

2. A Chronology of Events (2½ year process) with hyperlinks to agendas when this issue was discussed in a public meeting and minutes of those meetings.
3. A map depicting the boundaries of the BD1 Zone
4. An inventory conducted by Cindi Cruz and he in response to a May 13, 2013 meeting with owners of property within the BD1 Zone
5. Minutes of the September 11, 2013 Planning Board workshop
6. Minutes of the October 9, 2013 Planning Board public hearing

Mr. Clifton explained this issue has been raised during past conversations with property owners and some leasing agents and in looking at what other cities are doing to create a stronger retail/entertainment core. Additionally, the concept or goal of creating a stronger retail core in Edmonds goes back to 2006. Goal 2, Policy 2i of the 2006 adopted Edmonds Economic Development Plan states: “*Create synergy for commercial businesses where possible, for example, by implementing a “retail core” area in the downtown.*” Downtown land use goals and strategies for many downtown areas incorporate four prominent themes: A Central Gathering Place; Sense of Place; Connectivity; and Density (varying degrees). To achieve these objectives, downtowns need economic development/vitality, safety, housing, businesses, and tourism; a vibrant open door retail/service core helps advance these objectives.

With regard to a Central Gathering Place, he explained retail/restaurants/and open door service uses, particularly independently owned, add to Edmonds’ distinctiveness because it is the most visible element within the downtown core of Edmonds. Edmonds’ unique downtown character is defined by the diversity and concentration of complimentary commercial uses that generate pedestrian activity and a lively social environment that, in turn, sustain a mix of uses. Creation of a critical mass of this type of activity also helps to increase the drawing power of the central area commercial retail sector. By appointment office uses have the ability and flexibility to open in more locations within commercial areas; uses such as retail stores, restaurants, art galleries, etc., have limited business spaces/stock and thrive best when there is a concentration of similar uses.

With regard to public safety/less activity, Mr. Clifton explained office uses typically close in the early evenings and weekends, thus creating less lively and darker streetscapes. The resulting impression of the area is that it is not inviting, thriving, interesting, or friendly to walk around. A healthy retail core is also important for maintaining safe streets in many central cities. According to Crime Prevention through Environmental Design (CPTED), businesses on the ground floor provide “eyes on the street” and deter criminal activity. Retail, restaurants, art galleries, etc., stay open for longer periods of time than office uses, thus providing more activity on the street beyond 5:00 or 6:00 p.m. This proposal is expected over time to help create a more concentrated “festival retail” environment that does not close up at 5:00 or 6:00 p.m., but instead, a downtown core that invites people to hang out and enjoy the environment later into the evening. Retail/restaurants/galleries/service uses can also help stimulate housing and business development within downtown areas as they often provide essential services to city residents. This can be partially attributed to the vibrancy that these uses add to downtown streets.

With regard to tourism, a strong retail/restaurant/gallery/entertainment core helps attract shoppers and tourists. Tourists invest significant amounts of money into many city, county and state economies; in fact, tourism is the 4th largest industry in Washington State. Tourism in turn supports businesses and their employees. Downtown Edmonds is home to many independent retailers and restaurants, so when tourists are shopping downtown, they are supporting the growth of smaller independent businesses. Conversely, negative fluctuations in the retail market, can result in vacant storefronts thus affecting the street environment and eventually weakening the vitality of the downtown core. Retail/active service issues are a critical part of sustaining the health of downtowns.

A City and business community can help and should orchestrate the business mix – expressing support to establish a retail/dining/entertainment or “festival retail” core helps guide the types of businesses to recruit. This applies to the City, Chamber, Landlords and Leasing Agents. If there is no concerted effort to fill spaces with certain uses, there is less incentive/motivation to search for the types of activities or businesses that would help increase the drawing power of the central area commercial retail sector. It can sometimes be easier to lease to a tenant that will not add to the commercial vitality of the retail/restaurant/art gallery/boutique/service business core.

Mr. Clifton referred to the 20 ingredients of an outstanding downtown cited by Mr. Brooks, highlighting ingredients that tie directly to this proposal:

- Nearly all begin with a plan
- Defining a strong brand and retail focus
- Starting with a demonstration project
- Developing gathering places
- Investing heavily in retail beautification
- Activities and entertainment

Mr. Clifton advised the proposal was unanimously supported by the City’s EDC on June 13, 2013. He hosted two meetings with owners of property within the BD1 Zone; none of the property owners opposed or spoke in opposition to the proposal, some wanted additional information such as the inventory that was prepared.

Mr. Clifton provided Roger Brooks’ 10-10-10 rule in a minimum of 3 lineal blocks - 10 places that sell food, 10 places that serve as destination retail, and 10 places open after 6:00 p.m.

He referred to similar provisions in other cities such as Kirkland; Escondido, California; Minneapolis; and Encinitas, California to restrict service office/uses within the retail core.

Mr. Clifton reviewed an inventory of downtown Edmonds businesses, identifying the businesses that would be impacted by the proposal. He clarified this proposal does not encourage or require any business to leave. It is only when the business vacates the space and the space remains vacant over six months will the owner be required to fill the space with an allowable use. The packet includes letters of support, two from business owners who own buildings in the BD1 zone and two from interested citizens.

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO EXTEND THE MEETING FOR 10 MINUTES. MOTION CARRIED UNANIMOUSLY. (Councilmember Yamamoto was not present for the vote.)**

Councilmember Fraley-Monillas asked why real estate offices would be an allowed use under this proposal. Mr. Clifton responded real estate offices are an open door type business with pictures on the windows that attract tourists. In the absence of a consensus at the EDC, the recommendation is to allow real estate offices. Some cities such as Kirkland allow real estate offices, others do not. Councilmember Fraley-Monillas asked whether an argument could be made that a financial office also has walk-in business. Mr. Clifton answered those tend to be by appointment. The goal is to encourage open door type businesses. This proposal also precludes bank drive-through and banks must have tellers.

Councilmember Bloom referred to 543 Main Street where five businesses are affected and five are not. She assumed the five affected businesses were in the first 45 feet of the building. Mr. Clifton answered yes and on the ground floor. She asked what happened if one of the affected businesses left and the owner was unable to fill the space within 180 days. Mr. Clifton recognized that building is problematic; multiple

tenants are served by one entry point. Unless the landlord clears the entire first floor, that building will not become retail/entertainment. He provided proposed language to address that building, the owner of the building in the BD1 zone may apply for an exception from the restriction on offices and medical uses within the designated street front for leasable space meeting all of the following criteria: the space is less than 500 square feet, the space does not contain direct access to the street or sidewalk, the previous use was a non-conforming use, and the space has been vacant for a period of more than six months.

Council President Petso asked why banks would be an allowed use. Mr. Clifton answered that was another use that the EDC could not reach consensus on. It was decided to allow banks with tellers and to prohibit drive-through.

Councilmember Fraley-Monillas relayed her understanding of the difference between Advanced Hearing Systems and the Edmonds Vision Center was the Vision Center could be considered retail because they sold glasses and sunglasses. She asked whether Advance Hearing Systems could be considered retail if they put hearing aids and adaptive equipment in the window. Mr. Clifton illustrated how this was applied in Kirkland; a physical therapy office sells fitness equipment in the first 30 feet with the physical therapy behind. Edmonds Vision Center is very similar; the front portion is primarily retail. He envisioned it would be difficult to fill that much space with hearing aids and in his experience with his mother, a hearing aid store is a by-appointment business.

Councilmember Peterson suggested a public hearing be scheduled soon in light of the 2½ years this issue has been discussed.

**12. DISCUSSION AND POTENTIAL ACTION REGARDING AUDITED FINANCIAL STATEMENT ISSUE AND COUNCIL OVERSIGHT OF REMOVING RECEIVABLES**

This item was moved to the November 12 Finance Committee meeting via action taken under Agenda Item 10.

**13. DISCUSSION REGARDING COUNCIL ATTENDANCE VIA SPEAKER PHONE**

This item was moved to the November 12 Public Safety & Personnel Committee meeting via action taken under Agenda Item 10.

**14. MAYOR'S COMMENTS**

Mayor Earling reported the visit from the Hekinan, Japan delegation was wonderful experience. The delegation had a fabulous time at the Friendship dinner, the Boeing tour, shopping downtown, etc. He thanked the host families; explaining half the delegation stayed with host families, the other half stayed at the Harbor Inn.

**15. COUNCIL COMMENTS**

Council President Petso relayed a request for a one-hour presentation on the December 10 committee night of the Parks, Recreation and Open Space Plan. Unless she hears otherwise from Councilmembers, she will schedule that item.

Councilmember Buckshnis thanked all the organizers of the Hekinan delegation's visit. Mayor Earling recognized Sister City Commissioner Iyoko Okano and his Executive Assistant Carolyn LaFave for the fabulous work they did.

Councilmember Fraley-Monillas reported she had a great time with the Hekinan delegation. She and Councilmember Buckshnis went with the delegation to Gallaghers to watch them bottle beer. The Friendship Dinner and the dancing and music at the Edmonds Center for the arts were fabulous. She thanked Ms. LaFave for her hard work.

Councilmember Johnson echoed the comments about the Hekinan delegation. She thanked everyone involved with the delegation's visit. The Halloween party, sponsored by the Chamber of Commerce, was one of the highlights, particularly the Japanese dancing.

Councilmember Peterson reported the Chamber Halloween party was a fantastic event. He thanked Ms. LaFave and Michelle Van Tassell, President of the Sister City Commission.

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

This item was removed from the agenda via action taken under Agenda Item 10.

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

This item was removed from the agenda via action taken under Agenda Item 10.

**18. ADJOURN**

With no further business, the Council meeting was adjourned at 11:03 p.m.