

EDMONDS CITY COUNCIL DRAFT MINUTES

January 7, 2014

The Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds.

ELECTED OFFICIALS PRESENT

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

ALSO PRESENT

Thea Ocfemia, Student Representative

STAFF PRESENT

Stephen Clifton, Community Services/Economic
Development Director
Phil Williams, Public Works Director
Roger Neumaier, Finance Director
Carrie Hite, Parks & Recreation Director
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 COLLECTIVE BARGAINING PER RCW 42.30.140(4)(b)

At 6:37 p.m., Mayor Earling announced that the City Council would meet in executive session regarding collective bargaining per RCW 42.30.140(4)(b). 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 and Bloom. Others present were City Attorney Jeff Taraday, Police Chief Al Compaan, Assistant Police Chief Jim Lawless, and City Clerk Scott Passey. The executive session concluded at 6:48 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:03 p.m. and led the flag salute.

3. ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Snohomish County Councilmember Stephanie Wright administered the oath of office to Councilmember Fraley-Monillas.

Mayor Earling administered the oath of office to Councilmembers Peterson and Johnson.

4. APPROVAL OF AGENDA

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

5. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER 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 DECEMBER 17, 2013
- B. APPROVAL OF CLAIM CHECKS #206030 THROUGH #206167 DATED DECEMBER 19, 2013 FOR \$504,268.61 AND CLAIM CHECKS #206168 THROUGH #206316 DATED DECEMBER 31, 2013 FOR \$1,166,526.79. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60710 THROUGH #60724 FOR \$446,416.70, BENEFIT CHECKS #60708, #60725 THROUGH #60731 AND WIRE PAYMENTS OF \$191,180.66 FOR THE PERIOD DECEMBER 1, 2013 THROUGH DECEMBER 15, 2013. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #60732 THROUGH #60745 FOR \$453,567.56, BENEFIT CHECKS #60746 THROUGH #60757 AND WIRE PAYMENTS OF \$376,791.95
- C. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM KYLE BLACKWELL (\$1,172.81), JACK LANUM (AMOUNT UNDETERMINED), AND CLAIRE HEDMAN (\$1,791.12)
- D. APPROVAL OF WSLCB DECEMBER 2013 LIQUOR LICENSE RENEWALS
- E. RESOLUTION THANKING COUNCILMEMBER LORA PETSO FOR HER SERVICE AS COUNCIL PRESIDENT
- F. APPROVAL OF BOND COUNSEL CONTRACT FOR AUTHORIZED REFUNDING OF UTGO BONDS
- G. AUTHORIZATION FOR MAYOR TO EXECUTE CONTRACT WITH PIONEER CABLE, INC. IN THE AMOUNT OF \$201,598 FOR THE CITYWIDE SAFETY IMPROVEMENTS PROJECT AND AUTHORIZE A \$22,400 MANAGEMENT RESERVE FOR CHANGES OR UNFORESEEN CONDITIONS DURING CONSTRUCTION

6. SELECTION OF COUNCIL PRESIDENT FOR 2014

Mayor Earling read the procedures for election of the Council President: Edmonds City Code Section 1.02.031 states the City Council shall elect a Council President and Council President Pro Tem at the first Council meeting of each year. Unless the Council adopts a motion directing an alternative procedure, nominations and elections of these offices will be conducted by the City Council's customary voice vote process. First, he will call for nominations. No Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second. After nominations are closed, he will call for the vote in the order nominations were made. As soon as a nominee receives four votes, he will declare the Council President elected and no votes will be taken on the remaining nominees. In the event a vote on any candidate results in a 3-3 tie, he has been advised by the City Attorney that he is entitled to break the tie pursuant to RCW 35.A.12.100. Following the election of the Council President, he will conduct the election of the Council President Pro Tem in the same manner.

Councilmember Petso suggested not using the voice vote procedure but rather elect a new Council President by ballot because under the voice vote procedure which an email from the City Attorney indicated would apply unless the Council passed a motion authorizing a different procedure, voting will be in the order of the nominations and would require Councilmembers to vote against the first candidate nominated if they supported the second candidate nominated. She preferred the Council not vote against any nominee but rather vote by ballot. According to Roberts Rules, voting by voice is used when an election is not strongly contested and in her estimation, this has been a contested election. Further, it is not generally a suitable method for electing the officers of organized societies and she considered the City Council to be an organized society.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO ELECT THE COUNCIL PRESIDENT FOR 2014 BY BALLOT. UPON ROLL CALL, THERE WAS A TIE VOTE (3-3), COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, PETSO AND VOTING YES; AND COUNCILMEMBERS BUCKSHNIS, JOHNSON, AND PETERSON VOTING NO.

Mr. Taraday advised Mayor Earling could vote to break the tie.

MAYOR EARLING VOTED NO, AND THE MOTION FAILED (3-4).

COUNCILMEMBER PETSO NOMINATED ADRIENNE FRALEY-MONILLAS FOR THE POSITION OF COUNCIL PRESIDENT FOR 2014.

COUNCILMEMBER PETERSON NOMINATED DIANE BUCKSHNIS FOR THE POSITION OF COUNCIL PRESIDENT FOR 2014.

There were no further nominations.

Councilmember Petso explained during her term as Council President, she owed thanks to many people including Councilmember Fraley-Monillas who participated in Monday meetings with her and Mayor Earling to discuss the upcoming Council meeting. Councilmember Fraley-Monillas performed her duties during 2013 in an outstanding manner and should be the next Council President.

Councilmember Peterson commented although any Councilmember was qualified and deserving of the position of Council President, he had great confidence in Councilmember Buckshnis' ability to work well with administration, staff and other Councilmembers. Having served as Council President himself, he was aware the relationship between the administration and Council was crucial. Although he had confidence in Councilmember Fraley-Monillas' abilities, he felt Councilmember Buckshnis could lead the Council in 2014 in a very positive manner.

Councilmember Bloom relayed her reasons for supporting Councilmember Fraley-Monillas as Council President; first, the custom established by Council that the Council President tends to be the most senior person on the Council who had not been Council President previously and typically the Council President Pro Tem was elected as Council President. Additionally, Councilmember Bloom explained in her two years on Council, Councilmember Fraley-Monillas has always responded to her requests to discuss issues, listened attentively to her opinions, never lectured or maligned her or criticized her position on any issues, has been respectful and supportive even when they disagreed, and she has been very generous with her time to assist her in understanding processes and issues.

Finally, Councilmember Bloom recognized the stress Councilmember Fraley-Monillas experienced running for office while serving on the Council, made especially stressful because Mayor Earling chose to endorse and actively support the candidate who was running in opposition to her. Despite this, Councilmember Fraley-Monillas demonstrated a high degree of professionalism, integrity and an

astounding amount of grace in the face of the attacks from the opposition. Councilmember Bloom summarized Councilmember Fraley-Monillas would be an excellent leader for the Council and for all those reasons deserved to be appointed the new Council President.

UPON ROLL CALL, NOMINATION OF ADRIENNE FRALEY-MONILLAS FOR THE POSITION OF COUNCIL PRESIDENT FOR 2014 RESULTED IN A TIE VOTE (3-3); COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND PETSO VOTING YES; COUNCILMEMBERS BUCKSHNIS, JOHNSON AND PETERSON VOTING NO.

UPON ROLL CALL, NOMINATION OF DIANE BUCKSHNIS FOR THE POSITION OF COUNCIL PRESIDENT FOR 2014 RESULTED IN A TIE VOTE (3-3); COUNCILMEMBERS BUCKSHNIS, JOHNSON AND PETERSON VOTING YES; COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND PETSO VOTING NO.

Mr. Taraday advised Mayor Earling could vote to break the tie. Mayor Earling explained his primary interest was a fully functioning government. If there were differences on the Council, he was hopeful the sides could be brought together for a more positive working environment.

MAYOR EARLING VOTED IN FAVOR OF DIANE BUCKSHNIS, AND THE NOMINATION OF DIANE BUCKSHNIS FOR THE POSITION OF COUNCIL PRESIDENT FOR 2014 CARRIED (4-3).

City Clerk Scott Passey announced Diane Buckshnis was elected Council President for a one year term ending with the first meeting in 2015.

7. SELECTION OF COUNCIL PRESIDENT PRO TEM FOR 2014

COUNCILMEMBER FRALEY-MONILLAS NOMINATED LORA PETSO FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2014.

COUNCIL PRESIDENT BUCKSHNIS NOMINATED KRISTIANA JOHNSON FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2014.

There were no further nominations.

UPON ROLL CALL, NOMINATION OF LORA PETSO FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2014 RESULTED IN A TIE VOTE (3-3); COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND PETSO VOTING YES; COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS JOHNSON AND PETERSON VOTING NO.

Councilmember Petso relayed she was remiss in failing to nominate Councilmember Bloom; based on seniority and Councilmembers who had not yet served in a Council leadership role, Councilmember Bloom would be ahead of Councilmember Johnson.

Council President Buckshnis recalled the issue of seniority was researched last year and there is nothing in the code that addresses seniority.

UPON ROLL CALL, NOMINATION OF KRISTIANA JOHNSON FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2014 RESULTED IN A TIE VOTE (3-3); COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS JOHNSON AND PETERSON VOTING YES; COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND PETSO VOTING NO.

Mr. Taraday advised Mayor Earling could vote to break the tie.

MAYOR EARLING VOTED IN FAVOR OF KRISTIANA JOHNSON, AND THE NOMINATION OF KRISTIANA JOHNSON FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2014 CARRIED (4-3).

City Clerk Scott Passey announced Kristiana Johnson was elected Council President Pro Tem for a one year term ending with the first meeting in 2015.

8. APPOINTMENT OF COMMITTEE REPRESENTATIVES FOR 2014

Committee	Representative
Parks, Planning, & Public Works	Councilmember Bloom and Position #6
Finance Committee	Councilmembers Petso (Chair) and Johnson
Public Safety and Personnel Committee	Councilmembers Peterson and Fraley-Monillas
Citywide Parking Committee	Position #6 and Councilmember Peterson
Community Technology Advisory Committee	Position #6
Community Transit	Mayor Earling and Council President Buckshnis (Alt)
Disability Board	(Appointed by Mayor)
Economic Development Commission	Councilmembers Johnson and Peterson
Highway 99 Task Force	Councilmembers Fraley-Monillas and Johnson
Historic Preservation Advisory Commission	Councilmembers Petso and Johnson
Lake Ballinger Work Group	Councilmember Peterson
Lodging Tax Advisory Committee	Position #6
PFD Oversight Committee	Councilmember Petso
PFD Task Force	Councilmembers Peterson and Petso
Port of Edmonds	Councilmember Bloom
Regional Fire Authority	Councilmembers Peterson and Petso and Mayor Earling
SeaShore Transportation Forum	Position #6
Snohomish County Emergency Radio System Governing Board	Councilmember Peterson
SNOCOM	Position #6
Snohomish Health District	Councilmember Fraley-Monillas
Snohomish County Tomorrow	Council President Buckshnis and Councilmember Johnson (Alt)
Salmon Recovery – WRIA-8	Council President Buckshnis
Tree Board Liaison	Councilmember Bloom

Council President Buckshnis advised the Finance Committee meetings will be moved back to the Jury Room.

9. RESOLUTION APPOINTING A COUNCILMEMBER TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO ADOPT RESOLUTION 1311, APPOINTING COUNCILMEMBER FRALEY-MONILLAS TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD. MOTION CARRIED UNANIMOUSLY.

10. RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION

Councilmember Petso observed the alternate last year was Councilmember Johnson and asked why it had been changed. Council President Buckshnis responded it was changed at Councilmember Johnson's request.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO APPROVE RESOLUTION 1312, APPOINTING MAYOR EARLING AS THE REPRESENTATIVE AND COUNCIL PRESIDENT BUCKSHNIS AS THE ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION. MOTION CARRIED UNANIMOUSLY.

11. AUDIENCE COMMENTS

Jim Hendricks, Edmonds, a resident on Sunset Avenue, relayed the residents on Sunset Avenue support the new walkway but would like to have further discussion regarding its construction. He suggested removing the sidewalk on the east side to widen the right-of-way and keep all pedestrian traffic on the new walkway on the west side and bicycles on the east side away from pedestrians. The current situation makes it difficult for residents to enter/exit their driveways. He questioned the survey that was done, relaying a recent survey he had done found 80% of the sidewalk is on his property. He summarized Sunset Avenue is a beautiful place and everyone should have an opportunity to enjoy it in a safe manner.

Dave Page, Edmonds, expressed concern with the dissention on the Council. He hoped the Council could work together for a better Edmonds and stop the sibling rivalry.

12. PRESENTATION OF RESOLUTION THANKING COUNCILMEMBER LORA PETSO FOR HER SERVICE AS COUNCIL PRESIDENT

Councilmember Buckshnis presented Resolution 1310 thanking Councilmember Petso for her service as Council President during 2013.

Councilmember Petso thanked everyone who assisted during her term as Council President which includes some members of the public, City staff and Council. She gave particular thanks to Councilmember Fraley-Monillas who was a model Council President Pro Tem; she did not interfere unnecessarily but was there for her when she needed assistance. She also thanked Senior Council Assistant Jana Spellman for her assistance. She echoed Mr. Page's comments regarding the importance of the Council working together and ensuring the guiding principle of Council decisions is what is best for the City.

13. UPDATE FROM THE EDMONDS SISTER CITY COMMISSION

Michelle Van Tassell, Chair, Sister City Commission (SCC), relayed the Commission has had a very full, fun-filled, busy 2013. She introduced **Michelle Rockstead, Student Representative**. Ms. Van Tassell described highlights of 2013:

- Organization and Programs
 - Rita Ikeda – Vice Chair
 - Three vacancies
 - Student Representative: Michelle Rockstead
- Hosted 37 member adult delegation from Hekinan, Japan, marking 25 year anniversary of Sister City relationship
 - Cultural Fair
 - Halloween Celebration
 - Tour of Edmonds Community College International Program

- Tour of Swedish Hospital Cancer Center
- Tour of Boeing
- Friendship Dinner (over 200 current and past local supporters of the Sister City program)
- Afternoon at Gallagher's – brewed, bottled and labeled commemorative beer
- Assisted in recruiting, interviewing and hiring of new Assistant English Teacher (AET)
- Outreach
 - Edmonds Historical Museum
 - Friends of Edmonds Library
 - Chamber of Commerce
 - Both Rotary Clubs
 - Floretum Garden Club
 - Olympic Ballet
- 2014 Planning
 - Student delegation July/August
 - Cultural Event
 - Funds building

Council President Buckshnis thanked the Sister City Commission for the great time the Hekinan delegation had this year. She acknowledged the receipt of a very nice letter from the Commission thanking her and her husband for their donation.

SCC Student Representative Michelle Rockstead explained her plans are to get more people involved with the SCC especially student volunteers and assisting with the student delegation going to Hekinan in July and the student delegation from Hekinan in August. She also plans to develop a slideshow to assist with recruiting student volunteers and future student representatives and making connections with student volunteers, especially Kamiak High School students.

Mayor Earling commented on his participation in the adult delegation to Hekinan and with the delegation that visited Edmonds from Hekinan, noting the SCC is an extraordinary working committee. He thanked the SCC for the remarkable work they do.

Councilmember Johnson thanked the SCC for a wonderful cultural exchange, remarking she was not sure whether she enjoyed the Halloween party or the Friendship Dinner more.

Ms. Van Tassell advised there are three openings on the SCC. She agreed the SCC had nine very strong, dedicated and devoted Commissioners. She recognized Beth Ferman and Kay Vreeland in the audience.

14. PLANNING BOARD QUARTERLY REPORT

Planning Board Member Val Stewart advised she is the outgoing Vice Chair; Todd Cloutier is the 2014 Chair and Neil Tibbott is the Vice Chair. The Planning Board meets on the second and fourth Wednesday of each month at 7:00 p.m. in Council Chambers unless otherwise noted. Meetings are open to the public and citizens are highly encouraged to attend so that concerns and comments are addressed early on and incorporated into the Planning Board's discussions before making recommendations to City Council.

The Planning Board is a group of volunteer citizens who review findings, research, conduct public hearings and discuss matters related to land use. The Planning Board serves in an advisory capacity to the Mayor and City Council in regional and local planning issues and ultimately forwards recommendations to the City Council for consideration. Ms. Stewart provided highlights of recent meetings:

1. Public Hearing on Capital Facilities Plan (CFP) Element update for 2014-2019 to City's Comprehensive Plan and the Capital Improvement Program for 2014-2019 (9/25/13).

- CFP is mandated by GMA and is intended to identify longer-term capital needs (not maintenance) to implement the City's level of service standards and growth projection. The Capital Improvement Plan (CIP) is used as a budgeting tool and includes both capital and maintenance projects.
 - Proposed updates in the CFP 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.
 - Planning Board recommended that these two plans be forwarded to Council for consideration and a public hearing was held before Council in November.
2. Work session and public hearing on whether to include a definition of "reasonable economic" use within the City's Critical Area Regulations (9/25/13, 11/13/13).
 - Council adopted Interim Ordinance 3931 in July which deleted the definition of "reasonable economic use" from the Critical Areas Ordinance (CAO).
 - Planning Board recommended the first sentence in the definition be retained as it provides some direction to property owners by telling them that the applicable state and federal constitutional provisions would apply.
 - The City intends to hire a consulting team to thoroughly review the City's existing CAO and its consistency with BAS and current State policies at the end of this year.
 3. Two work sessions on proposed amendments to Title 23 of the Edmonds Community Development Code to bring the Critical Area Regulations into consistency with Best Available Science (9/25/13, 11/13/13).
 - Discussed potential buffer enhancement in exchange for allowing development within the already developed footprint and within areas physically separated and functionally isolated from the critical area.
 - Held a public hearing on a Council adopted interim ordinance (8/14/13) followed by a lengthy discussion (08/28/13). Purpose of the interim ordinance was to bring existing CAO into more consistent compliance with the Best Available Science (BAS) Report that was developed with the 2004 CAO Update.
 - In light of two pending projects, a conflict in language between the BAS and the CAO was discovered. The discrepancy had to do with how development in previously developed buffers is characterized in the BAS Report which talks about "developed footprint;" whereas the CAO limits it to "structures" as opposed to "development within a previously developed footprint."
 - Discussion topics included development thresholds, definitions, enhancement ratios and enhancement requirements (such as stormwater and low-impact development and planting and/or removal of vegetation to promote wildlife habitat restoration) as well as monitoring performance and maintenance of enhancement installations.
 - The overall intent of the CAO is to allow minor improvements in exchange for improving the situation through enhancement over time. The interim ordinance expires after six months, and the proposed amendments would make the changes permanent until the next CAO review.
 - The City updates its CAO in 2015 as required by GMA. In the meantime, Planning Board is continuing its discussions and will return to Council with recommendations on specific language for the proposed amendment to the CAO based on the interim ordinance under review.
 4. Public Hearing on proposal to limit certain office uses from locating in business spaces along designated ground floor street frontages within the Downtown Business (BD1-Downtown Retail Core) Zone (10/9/13).
 - In June 2011, after extensive discussions, the Planning Board forwarded recommendations to Council limiting uses on the ground floor of designated street fronts in the BD-1 zones. Aspects of this proposal had been first considered by City Council and then by the Economic Development Commission, over the past two plus years. Planning Board recommendations

- have been forwarded to Council along with a notation to specifically consider the 90-day vs 180-day timeframe for nonconformance.
- Public hearing tonight following this report, to allow any additional public comment for Council consideration.
5. Study session and public hearing regarding AT&T Mobility and the Busch Law Firm's application to amend the Edmonds Community Development Code (10/9/13, 12/11/13).
 - This addresses the legal status of existing wireless communication facilities that were built prior to and just after adoption of Edmonds' original wireless ordinance. AT&T Mobility brought this specific site issue forward at the August 14, 2013 Planning Board meeting. A wireless facility located on a downtown building is currently unpermitted.
 - After reviewing all possible alternatives, AT&T Mobility was advised to apply for a code amendment to allow legal nonconformity of the existing facility at that site.
 - A public hearing was held on clarifications to Wireless Telecommunication Facilities regulations in ECDC 20.50 and 17.40.020. The public hearing was extended to January 8.
 6. Discussion on potential issues related to I-502 (Cannabis) implementation in Edmonds (10/9/13).
 - On August 20, City Council adopted Ordinance 3938, establishing an immediate emergency moratorium on all marijuana related business activities. The moratorium expires in February.
 - The issue is divided into two categories: medical marijuana and recreational marijuana. The purpose of the moratorium is to allow the Washington State Liquor Control Board an opportunity to complete its rule-making for the licensing of such uses and to allow the City to study the secondary land-use impacts and come up with appropriate regulations when the state starts issuing licenses for the production, processing and retail sales of recreational marijuana this spring. Edmonds was allocated two recreational marijuana retail sales locations.
 - City Council discussed marijuana issues on September 3 and asked Planning Board to continue working on this issue. Planning Board discussed related issues at October 9 meeting.
 - Planning Board will have another work session on I-502 Implementation on January 8, and a public hearing is scheduled for February 12.
 7. Park Update Report (10/23/13)
 - Parks and Recreation/Cultural Services Director Carrie Hite reported on the progress of the Parks, Recreation, and Open Space Plan (PROS). The City hired MIG, Inc. to assist staff in updating the PROS Plan as well as the Community Cultural Plan; work started June 2013. The consultants visited all of the parks, recreation, and cultural facilities and programs, particularly noting their condition and capacity. Consultant also reviewed the City's current operating and capital funding for parks. A Needs Assessment was created along with geographic mapping to determine Level of Service. There has been extensive public process.
 - A team was assembled, including many citizens, to provide input and guidance which has culminated in a draft that is now in the 60 day review period. It is currently posted on the website for comment before being finalized in February. Board member Lovell and Stewart are on PROS team. The goal is to have the plan finalized and adopted by March 1. There will be a public hearing first before Planning Board and then before City Council.
 8. Reviewed Park Naming Policy (10/23/13)
 - Ms. Hite provided research from numerous jurisdictions to inform discussion. Board is reviewing specific language in the Park Naming Policy and striving to come up with more clear guidelines that include cultural services and recreation facilities. Naming rights with conditional dollar donations were also discussed. Current policy for Park Naming involves the public, Planning Board and City Council. Changes to the Park Naming Policy require a public hearing before the Board and a recommendation to City Council.
 - City Council is scheduled to hold a public hearing on January 22.
 9. Two Work sessions on Westgate plan and form based code. (11/13/13, 12/11/13)

- Presentations and discussions of the Westgate Plan started in 2012. Two more work sessions occurred in November and December of 2013.
- Purpose of work sessions was for the Board to review the overall approach proposed by staff and provide feedback on three sets of plans and code changes:
 - Comprehensive Plan Changes
 - Code Changes to Implement the Westgate Study
 - Design Standards for the Westgate Mixed Use District
- A public hearing on the Westgate Plan and Form Based Code is tentatively scheduled for February 12, 2014.

Ms. Stewart offered special thanks to an exceptional staff and directors who work very hard to carry out the direction of the Council and Mayor who also give so much of their time, energy, and expertise to ensure Edmonds has an economically and environmentally sustainable future for all sectors of the population. She also thanked the citizens of Edmonds for their participation, noting without their input the City would not be aware of their needs and desires and therefore would not be motivated to act on them. She urged citizens to continue to be involved and attend Planning Board meetings.

Council President Buckshnis expressed her appreciation for the work done by the Planning Board. She was hopeful there would be more collaboration this year to avoid issues becoming stalled.

Councilmember Johnson thanked the Planning Board for providing the Council a quarterly report. She also thanked Ms. Stewart for her service as the Planning Board Vice Chair.

15. PUBLIC HEARING AND POSSIBLE ACTION 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)

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 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. A document entitled, "Creating Economic Vitality - An Edmonds City Center That Is Economically Strong, Thriving, Lively and Social" that addresses limiting certain office uses in ground floor street frontages within the BD1 zone. The overview of the proposal contains a summary, introduction, and references to City documents, and various reasons cited by Roger Brooks for supporting the proposal.
2. A Chronology of Events (2.75 year long process) with links to agendas and minutes
3. A map depicting the boundaries of the BD1 Zone
4. An inventory Cindi Cruz and he conducted in response to a May 13, 2013 meeting with owners of property within the BD1 Zone
5. Minutes from the November 4, 2013 City Council meeting and October 9, 2013 and September 11, 2013 Planning Board meeting.
6. Comments from four individuals supporting the proposal (two own property within the BD1 Zone).

Mr. Clifton explained this issue has been raised in part as a result of 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 at least 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.*” Another way to phrase this is how does our community open up more opportunities for retail, dining, specialty shops, entertainment venues and galleries within a concentrated area?

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, Mr. Clifton 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.

This message is consistent with information provided by Mr. Brooks in November 2012 when he spoke about the “20 ingredients of an Outstanding Downtown.” Two of those ingredients relate to how clustering of like-businesses works and the power in critical mass. Mr. Brooks pointed out a City can spend millions of dollars on beautification, public parking, street trees, facade improvements, and a host of other amenities, but while this helps improve the physical environment, a downtown can still be lifeless. What makes a downtown work as a community center and gathering place is what’s happening inside the buildings. A beautiful streetscape with no street activity is often due the lack of businesses along the streetscape that attract people.

With regard to public safety/less activity, Mr. Clifton commented 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 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., a downtown core that invites people to hang out and enjoy the environment later into the evening whether it’s for shopping, dining, drinking, or attending other events. 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 city, county and state economies; in fact, tourism is the fourth largest industry in Washington State. Within Snohomish County, tourism is the third largest industry and expenditures are concentrated on restaurants, retail stores, recreation and entertainment, accommodations and groceries. Tourism 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, e.g. absence of a critical mass, can result in vacant storefronts thus affecting the street environment and eventually weakening the vitality of the downtown core. Therefore, retail/active service uses 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
- Sidewalks and cafes and dining
- Investing heavily in retail beautification (Paint the Town)
- Activities and entertainment

Mr. Clifton highlighted significant milestones in the chronology:

- Proposal unanimously supported by the EDC on June 13, 2013
- Hosted two meetings with owners of property within the BD1 Zone (5/13/13 and 9/4/13)
 - At May 13 meeting, preliminary support was expressed by several individuals and others wanted to discuss this issue further; no one expressed opposition to the proposal.
 - A request was made for the City to conduct an inventory of what businesses currently exist along designated ground level street frontages in the Edmonds downtown core which was prepared and presented at the second meeting with property owners
 - At September 4 meeting, property owners were given an opportunity to ask questions. No statements opposed to the proposal were made and general support was expressed by those attending the meeting

Mr. Clifton provided Roger Brooks’ Ten Ten Ten Rule: in a minimum of 3 lineal blocks there needs to be ten places that sell food, ten places that serve as destination retail, and ten places open after 6:00 p.m. Mr. Clifton reviewed similar provisions in other cities such as Kirkland; Escondido, California; Minneapolis; Encinitas, California; Walnut Creek, California; and San Luis Obispo, California, to restrict service office/uses within the retail core.

Mr. Clifton referred to an inventory of downtown Edmonds that identifies businesses that would be impacted by the proposal. He clarified this proposal does not require any existing business to leave. Only when owners choose to vacate certain business spaces would the business spaces need to be filled with an allowable use. Owners would have the ability to fill the vacated space with a use similar to the one that left, if it is done within 180 days or six months from the date a space is vacated.

On September 11, and October 9, 2013, the Planning Board conducted a workshop and public hearing respectively. The table in Attachment 1 reflects staff’s proposal as well as the Planning Board’s proposed amendments. During the November 4, 2013 City Council meeting, an overview of the proposal was presented and the Council asked questions about the proposal. During that meeting, he presented language

in Section 16.43.010.B that addressed issues related to buildings such as 543 Main Street that have multiple tenants on the first floor, but only one entrance:

Exception to the BD1 GSFS - The owner of a building in the BD1 zone may apply for an exception from the restrictions on offices and medical uses within the designated street front for leasable space meeting all of the following criteria:

1. The space is less the 500 square feet;
2. The space does not contain direct access to the street or sidewalk;
3. The previous use was a nonconforming use (e.g. not retail); and
4. The space has been vacant for a period of more than six months.

On November 4, 2013 the City Council discussed the Planning Board's recommendation to support the proposal and requested a public hearing be scheduled as soon as possible. Mr. Clifton referred to questions he has received related to real estate offices. He clarified real estate offices are an allowed use under this proposal.

Councilmember Fraley-Monillas asked Mr. Clifton to explain why real estate offices are an allowed use. She visits Walnut Creek annually and finds it very walkable and inviting. Mr. Clifton commented Walnut Creek has branded their core, The Walnut Street Collection. With regard to real estate offices, Mr. Clifton explained some cities allow them and some do not; real estate offices are considered a walk-in type business. The intent of this proposal is to allow open door, walk-in businesses in the core.

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

Dave Page, Edmonds, described his plans eight years ago to move his real estate, mortgage, escrow and building companies downtown first by leasing space in Old Milltown and later an offer to purchase Old Milltown. He eventually did not purchase Old Milltown because the cost of remodeling was too high. Had he purchased Old Milltown, his offices would be located there today.

Fred Gouge, Edmonds, a licensed real estate broker with Coldwell Banker at 5th & Main, explained Coldwell Banker has a lot of walk-in clientele. They inform people about Edmonds, distribute maps, support many community events, generate revenue, and spend thousands each month advertising and marketing Edmonds. As a commercial broker, one of the properties he leased would no longer be an allowed use. He encouraged the Council to consider the impact on property owners of changing the allowed uses. He also commented on the effect moving service businesses to the upper floor stories or outside the core would have on seniors as many of the second floors in downtown core buildings are not ADA accessible.

Wayne Purser, Edmonds, a local realtor at Coldwell Banker Bain at 108 5th Avenue South, commented their location downtown provides a sense of local community. As a real estate company, they provide community knowledge for people buying and selling real estate and inform about market trends, local schools, etc. They distribute approximately 2,000-3,000 maps of Edmonds downtown and waterfront businesses. They also distribute the Guide to Edmonds, host a Halloween Extravaganza the Sunday before Halloween that brings 150-200 people to Edmonds, Halloween pictures, Santa photos, and provide free wall space for artists for the Third Thursday Art Walk. Many agents volunteer at community events including manning the buses for the Taste of Edmonds, volunteer for non-profits, the Sister City Commission, Edmonds Community Foundation, Floretum Garden Club Board, Petanque Club and Edmonds in Bloom. For these reasons, he supported real estate offices as an allowed use in the downtown core.

Greg Hoff, Edmonds, advised he attended Mr. Clifton's informational meeting and was generally supportive of the proposal. He commented on the importance of balancing the City's needs with the needs

and desires of property owners. Changing allowed uses via regulations is not necessarily fair to all property owners who have invested a great deal in their income properties. He pointed out if the regulations result in lower lease rates, it was similar to a tax on the property owner and an unintended consequence. He agreed real estate offices were a walk-in, 24/7 Chamber of Commerce for the City. He owns property in the BD1 zone that is leased to a real estate company; the 75 people who work there live, work and play in Edmonds and in 2013 generated over \$260 million in real estate transactions and \$4.6 million in REET.

Don Hall, Edmonds, referred to a photograph he emailed to the Council of a bank that located in a large retail space at the corner of 34th & Freemont, relaying his concern that could happen at 5th & Main in Edmonds. He supported allowing real estate offices because they present an interesting storefront that encourages pedestrians to walk in the core. He was opposed to allowing banks and/or insurance companies in the retail core because they do not present an interesting storefront. He invited the Council to consider how they wanted downtown to look, what they wanted to see in the storefronts and what would encouraged them to walk in this 5-6 block area. He did not think services businesses located one block outside the core on the ground level would be inconvenient. He thanked Councilmember Petso for her emails regarding what businesses should be allowed.

Tom Sheehan, Edmonds, owner of 523 Main, said he was generally in favor of the concept. Five years ago before he rented the space to The Fabric of Life, he rejected several proposals from service businesses because that was not the type of business that belonged on Main Street. The Fabric of Life is leaving the space and he is searching for another unique business to bring people to Edmonds. He supported the concept of retail-type businesses on Main Street and 5th Avenue in the downtown core rather than service businesses.

Bruce Witenberg, Edmonds, speaking as a citizen, expressed his support for economic vitality by creating an Edmonds City Center that is economically strong, thriving, lively and social and said the Council can create such as a center by supporting the Planning Board's recommendation. The City's Economic Development Plan offers support for the Planning Board's recommendations. This proposal provides an opportunity for clustering and synergy as was described during Roger Brooks' November 2012 presentation. The Planning Board and EDC unanimously support the concept of limiting office uses on designated street frontages in the first 45 feet in the BD1 zone. He commented on the EDC's field trip to Kirkland where they observed the positive effects of limiting office uses on the ground floor in the downtown core. He also commented on property owner's interest in the concept at Mr. Clifton's May 13 meeting with property owners. The proposal has been under consideration for over 2½ years; he urged the Council to support the Planning Board's recommendation.

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

Councilmember Johnson expressed support for the concept as recommended by the Planning Board and EDC.

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO DIRECT STAFF TO WORK WITH MR. TARADAY TO PREPARE AN ORDINANCE FOR FUTURE ACTION.

Councilmember Johnson explained she was on the Planning Board in March 2011 when this discussion began. She thanked Mr. Clifton for his tenacity, patience and deliberative process. She pointed out the proposal includes a recommendation to consider it again in a couple years and make adjustment if necessary.

Councilmember Fraley-Monillas referred to the public comment from members of the real estate community and asked Mr. Clifton whether the proposal meets their needs. Mr. Clifton responded it will meet their needs; the table in Attachment 1 indicates real estate offices are an allowed use.

Council President Buckshnis observed there are 12 businesses on the list that could eventually change. She asked whether the reason some massage therapists were not on the list was due to their proximity to the street. Mr. Clifton answered yes, the proposal applies only to the first 45 feet. Council President Buckshnis agreed with the comments from Coldwell Banker realtors, noting when she visits different cities, she often looks at the photographs of real estate for sale.

In response to Councilmember Fraley-Monillas' comment, Mr. Clifton referred to a clarifying note on page 8 of Attachment 1, that states, Open door businesses, e.g., real estate offices, banks (with tellers and no drive throughs), nail and hair salons are allowed uses.

Councilmember Petso recalled at the November 4 Council meeting Mr. Clifton indicated the EDC did not have a consensus with regard to real estate offices or banks. She supported reviewing this regulation periodically to ensure it is serving the City's needs. She referred to a December 26, 2013 article regarding McCall, Idaho, that states, "Another recommendation of the new downtown plan is to eliminate restrictions on professional offices on ground floors facing the street. The current restriction is intended to encourage retail space facing the street but downtown offices are now considered sources of customers for shops and restaurants." She referred to the comments regarding ADA accessibility and property rights, noting those are issues that should be monitored. Mr. Clifton referred to page 5 of Attachment 1 that recommends a reevaluation of the ordinance within 2-3 years. He noted changes may not occur for some time as it will depend on when a business space is vacated.

Councilmember Peterson was glad to see this proposal coming to fruition. He recognized the work done by the Mr. Clifton, the Planning Board, EDC and Council. Although he was previously undecided about allowing real estate offices, friends visiting from Sydney, Australia stopped at the real estate office to pursue the photographs.

MOTION CARRIED UNANIMOUSLY.

16. DISCUSSION AND POTENTIAL ACTION ON ECC CHAPTER 2.10 REGARDING CONFIRMATION AND DUTIES OF CITY OFFICERS

City Attorney Jeff Taraday reviewed the unresolved issue related to the minimum number of candidates the Council wants to interview in Section 21.10.010.D (choices are shown in brackets):

The mayor shall appoint, subject to council confirmation, the appointive officers. The city council shall interview the top [two][three] candidates for each position prior to the mayor's appointment, PROVIDED that the city council may waive the [two][three]-interview requirement by motion [adopted by a majority plus one of the full council] and may opt to interview as few as [one candidate][two candidates] for any vacant appointive office. The mayor's appointments to all other employee positions shall not be subject

Mr. Taraday explained the above section specifies the number of candidates the Council wants to require the Mayor present for interview and, when there is a deviation from that requirement, whether the deviation should be a majority vote or a majority plus one.

Councilmember Fraley-Monillas observed the prior wording of this section was three candidates. Mr. Taraday answered the current code states, "the city council shall interview the top three candidates for each position prior to the mayor's final selection." He pointed out in practice that has not happened; when the Council's practice does not match the code, the code needs to be changed.

Councilmember Fraley-Monillas recalled during her four years on the Council, in the early years the Council interviewed three candidates. She was uncertain how the Council began interviewing less than three. Mr. Taraday answered the current code does not provide a procedure for the Council to waive the three interview requirement.

Councilmember Fraley-Monillas observed there have been occasions when there are fewer than three candidates for a position. She questioned how the code could require more interviews than the number of candidates. Mr. Taraday answered that was the problem and the reason there needed to be a process for deviating from the requirement in appropriate circumstances. Mayor Earling asked the difference between applicants and candidates. For example there are 20 applicants for the Development Services Director; likely not all of them will be candidates. Mr. Taraday answered a candidate is anyone applying for a position. In the example Mayor Earling provided, the top three out of twenty would be interviewed. He noted there may be instances when the Mayor will recommend the Council not interview three candidates. The code should provide a way to deviate from the requirement without violating the code.

Council President Buckshnis recalled only one person was interviewed when the City hired former Finance Director Shawn Hunstock, two when Ms. Hite was hired and three when Mr. Williams was hired. Her concern in the past was the Council did not interview candidates, they only confirmed the Mayor's selection. She agreed with the code reflecting the Council's direction on the number of candidates to be interviewed and a waiver procedure.

Councilmember Fraley-Monillas recalled there were three applicants for the most recent Finance Director position but only two candidates were referred to the Council for interview. Mayor Earling explained three people were ranked; he would not have appointed one of the candidates and he made a decision not to fly him in from out of state for an interview. Councilmember Fraley-Monillas did not agree with the Council being in the interview process but if the Council is to affirm the appointment, there should be a sufficient number to interview.

Councilmember Petso expressed support for retaining the requirement to interview three but allow a waiver to two with a majority plus one of the full Council. That would allow conformance of practice to the code while also ensuring, for the Council and the public, that there is a fair representation of the top applicants for the job.

Councilmember Peterson observed there have not been three candidates interviewed for a number of positions under different administrations. In the example Mayor Earling provided, two candidates were far above the third; had the Council interviewed all three and selected number three, the Mayor would not have hired that person. He reminded it is the Mayor's job to do the hiring; the Council's role is confirmation. During the Public Safety & Personnel Committee's discussions, his position was to have the Council interview the top two or more candidates but to not limit the Mayor to two. He supported code language that would allow that number to be reduced by a majority vote of the Council although he was not opposed to requiring a super majority vote. He pointed out the Council refusing to interview only one candidate for a critical director position and requiring the selection process to be restarted could be a disservice to the City.

Councilmember Fraley-Monillas referred to the Council's confirmation as a rubberstamp and asked why the Council interviews candidates at all if the Council can only say yes or no and the Mayor makes the final decision. Mr. Taraday answered confirmation is a significant power. He provided the example of President Obama's inability to appoint appellate court judges because the senate will confirm because of the filibuster. The Council has that same power to not confirm an appointment; the Mayor cannot hire without the Council's confirmation. He clarified this code section was about giving the Council

flexibility; the Council could allow itself the flexibility of interviewing as few as one candidate and still not confirm that appointment.

Councilmember Fraley-Monillas commented if it is a true confirmation process, it would be better to have more choices than less. In her 30+ years of experience in government, the appointing authority consistently had a choice of three top candidates. She supported the Council interviewing three candidates.

Councilmember Peterson philosophically disagreed with Councilmember Fraley-Monillas. The Council can choose not to confirm the Mayor's appointment but if the Mayor presents three candidates for the Council to interview, the Mayor is not obligated to hire the Council's choice. Mayor Earling commented two Councilmembers were included in the Finance Director interview panel and he planned to do the same for the Development Services Director position.

Councilmember Johnson did not recall a formal confirmation vote for the Finance Director. Mayor Earling advised there was, it was a 6-1 vote.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO ASK THE CITY ATTORNEY TO BRING BACK AN ORDINANCE FOR ADOPTION WHICH INCLUDES BRINGING THE TOP THREE CANDIDATES AND ALSO THE PROVISION THAT THE COUNCIL MAY WAIVE THE TOP THREE CANDIDATES BY VOTE OF A MAJORITY PLUS ONE TO AS FEW AS TWO CANDIDATES.

Councilmember Bloom thanked Mayor Earling for including Councilmembers in the interview process for the Finance Director. She explained the intent was to hire directors that can work with everyone. She recognized the importance of the Council's role in confirming an appointment, pointing out the Council can discuss candidates in executive session. The motion is a good compromise to requiring that the Council interview three candidates as it provides a procedure for waiving that requirement.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO AMEND THE MOTION THAT THE COUNCIL MAY OPT TO INTERVIEW AS FEW AS ONE OR TWO CANDIDATES FOR ANY VACANT APPOINTIVE OFFICE.

Councilmember Petso did not support the amendment, commenting if there were not at least two people to interview, it was not fair to the Council or the public. It also did not provide the public or the Council, other than the Councilmembers on the interview panel, an opportunity to consider the other candidates.

Councilmember Bloom did not support the amendment, commenting she did not understand the rationale for interviewing one candidate in front of the public.

Council President Buckshnis commented candidates were not interviewed on camera. She asked whether that needed to be included in the code. Mr. Taraday answered yes if that was the Council's intent. Councilmember Bloom clarified she was not suggesting that change.

Councilmember Fraley-Monillas said if the Council only interviewed one candidate there was no purpose in having a confirmation process.

Councilmember Peterson clarified his amendment retained the language that a super majority vote of the Council would be required to option to interview as few as one or two candidates.

UPON ROLL CALL, THERE WAS A TIE VOTE (3-3), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS JOHNSON AND PETERSON VOTING YES; COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND PETSO VOTING NO.

Mr. Taraday advised Mayor Earling could not vote to break the tie.

AMENDMENT FAILED (3-3).

VOTE ON THE MAIN MOTION CARRIED UNANIMOUSLY.

Mr. Taraday advised those were the only matters the Committee had not reached agreement on.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE WITH THE REVISIONS IN THE PACKET TO CHAPTER 2.10 AND AS APPROVED TONIGHT.

For Councilmember Bloom Mr. Taraday read 2.10.010.C:

If, on occasion of a vacant appointive office, the mayor elects to propose a reorganization of the appointive offices which would alter the specifications of the vacant appointive office, he shall have sixty days from the date of the vacancy to introduce a reorganization proposal to the city council along with any necessary accompanying budget amendment. If reorganization is proposed, recruitment to fill the vacant appointive office may be postponed until after the city council acts upon the reorganization proposal.

Mr. Taraday explained this section recognizes the possibility when a vacancy occurs the mayor may want to use that as an opportunity to rethink how the structure of his administration. If the mayor is considering reorganization, it would not make sense to immediately embark on recruitment.

Councilmember Bloom asked whether reorganization would eliminate the director position. Mr. Taraday answered it could but it could also alter the job duties of the position or the structure of administration. He noted changing a director's duties requires Council action.

Councilmember Bloom pointed out the Development Services Director position was not budgeted and there was no director for two years. She wanted to ensure that did not happen again. She asked whether the proposed language would allow a position to be eliminated without coming to the Council's attention. Mr. Taraday answered a budget amendment is required to eliminate a position as all positions are defined in the budget.

Councilmember Petso thanked Councilmember Bloom and Peterson for their work on these revisions. She noted in addition to the issues discussed, there were a number of other revisions to Chapter 2.10.

MOTION CARRIED UNANIMOUSLY.

17. AUTHORIZE MAYOR TO SIGN CONTRACT TO AWARD BID FOR CITY PARK SPRAY EQUIPMENT

Parks & Recreation Director Carrie Hite commented this would usually be presented to committee first; she was presenting to the full Council due to the timeline for awarding the bid. Delaying this issue to the January committee meeting would delay Council consideration until the third or fourth week on the Consent Agenda; the equipment needs to be ordered mid-January. The proposed contract for the City Park spray equipment is approximately \$159,000, the amount in the original budget. She explained the play area and the spray area equipment are being bid separately to avoid the contractor mark-up. The Council

awarded a bid for the play area a few months ago and staff will return to Council next month for award of the construction contract.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AUTHORIZE THE MAYOR TO SIGN THE CONTRACT FOR THE CITY PARK SPRAY EQUIPMENT.

Councilmember Johnson commented Councilmembers often must balance competing priorities. She referred to the \$25,000 annual budget for water for the spray pad, expressing concern with the use of water at the rate of \$250/day assuming a 100 day season. She did not want to interrupt the project and would have preferred this information had been presented at the beginning of the project. She asked Ms. Hite to comment on the value of the project from a user standpoint and economic vitality. Ms. Hite responded a spray park uses 50-150 gallons of water per minute to activate and add play value. Staff worked with vendors to design a spray pad with equitable play value but that reduced water usage and used low flow valves as well as different zones and activators.

Ms. Hite explained vendors were asked to design a spray pad that could be dialed down to 22 gallons per minute. The \$25,000 water usage in the 2014 budget is based on 22 gallons per minute for 10 hours per day 7 days a week for 3 months in the summer. Spray pads across the nation attract many children, families and teens; in this area spray pads see 500-600 people per day on a hot summer day. She summarized the spray pad will attract not only Edmonds residents but people from outside the community. City Park is a great location with parking and the capacity for a lot of people.

Ms. Hite displayed the original concept design of the spray pad area, explaining there are approximately 20 different components in the spray area. Vendors were asked to include three activators; when an activator is pressed, the water flows. The water times out after 60 seconds and the activator must be pushed again to active the water. One activator would turn on the entire spray pad; three activators turn on the water by zone. The spray pad was designed with a toddler zone, a family zone and a teen zone. She noted children can play in all the zones but zones save water by not turning on water in the entire spray pad. There may be days the water flow can be increased to 60 gallons/minute and then turned back down to 22 gallons/minute ; it will take a season for staff to determine the best balance.

Ms. Hite explained a water reuse system was also designed. She displayed an example of a water reuse system, explaining water from the spray pad flows into a tank where it is filtered and stored for use for irrigation, toilet flushing in City Park and a fill valve for the flower program truck. The spray pad generates 22 gallons/minute or 13,200 gallons/day or 92,400 gallons/week if it is on from 10:00 a.m. to 8:00 p.m. She described water use in City Park:

Irrigation	83,000 gallons per week
Toilets	18,000 gallons per week
Flower Program	<u>1,500 gallons per week</u>
Total Water Usage	102,500 gallons/week
Spray Pad Generates	92,400 gallons/week

Councilmember Bloom asked whether the \$25,000 per year will be recouped via water reuse. Ms. Hite answered that is the goal. Councilmember Bloom inquired about the system to pump water to the toilets. Ms. Hite advised the 60% design document has been submitted for building permits; the contractor is working on 90% design. It is a very complicated system; when it reaches 90% design, she may return to Council regarding to costs and water table issues at City Park.

Councilmember Bloom asked how the toddlers, families and teens areas are designated. Ms. Hite answered they are not signed. Toddlers can play in the teen area and teens can play in the toddler area, etc. The play equipment in the toddler area is not exciting for teens. The spray pad was zoned so that teens running and playing will not knock over toddlers. She acknowledged there will be some crossover.

Councilmember Fraley-Monillas commented there is a cost for a spray pad. Children love spray pads and water and she anticipated it would be a great addition to the City and encourage people to visit Edmonds.

MOTION CARRIED UNANIMOUSLY.

18. AUTHORIZATION FOR MAYOR TO SIGN SUPPLEMENTAL AGREEMENT #9 WITH DAVID EVANS & ASSOCIATES FOR THE FIVE CORNERS ROUNDABOUT PROJECT

Public Works Director Phil Williams explained this \$17,219 is the last piece of the design. He anticipated going to bid in February, signing a contract in March, issuing notice to proceed in April and completing construction in 2014. That schedule required this be presented to the full Council tonight rather than at committee. He reviewed the scope of this supplemental agreement:

- Two new soil borings where the stormwater vault will be located in the middle of 84th Avenue north of the Five Corners intersection to collect additional geotech information (\$7,700)
- Additional design of water infrastructure (\$8,700). All existing water infrastructure in the footprint of the roundabout is being replaced.
- Incorporate geotech information into the final design (\$4,000)

Mr. Williams summarized this brings the total of the design and right of way contract to approximately \$467,000.

Councilmember Bloom pointed out the agenda memo referred to Council action on supplemental agreements 3, 4, 7 and 8, but nothing was said about 5 and 6. Mr. Williams commented a large, complex project such as this starts with what is known and as the project matures, additional issues arise which often require Council approval of additional resources. This will provide the final piece of the design before advertising for bid in February. Mr. Williams reviewed the amounts of some of the supplemental agreements: #1 - \$2,320, #2 - \$3,600, #3 - \$53,400, #7 - \$35,000; the others were fairly modest in size. He noted the original contract included a management reserve that will be used to cover some of the supplemental agreements.

Councilmember Petso asked whether the City could get out of the project at this point even with design complete and if so, how much would it cost. Mr. Williams answered total for design and right-of-way is approximately \$680,000; approximately \$482,000 is from grants. Councilmember Petso asked whether the grant money would need to be repaid if the Council opted not to proceed with the project. Mr. Williams answered if the Council could move forward with the project but chose not to, the grant funds would need to be returned.

Council President Buckshtnis expressed support for proceeding with the project, noting although some people have complained, she has heard a great deal of support from residents in the neighborhood.

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT BUCKSHNIS, TO AUTHORIZE THE MAYOR TO SIGN SUPPLEMENTAL AGREEMENT #9 WITH DAVID EVANS & ASSOCIATES FOR THE FIVE CORNERS ROUNDABOUT PROJECT. MOTION CARRIED UNANIMOUSLY.

19. MAYOR'S COMMENTS

Mayor Earling commented on the regional undertaking of the machinists approving the 777X contract. He expressed appreciation for the compromises the machinists made, recognizing the contract is a monumental step forward for the state economically as well as securing long term jobs. He explained a majority of mayors in Snohomish County signed a letter requesting reconsideration of the original vote. He recognized the leadership of Everett Mayor Stephenson, Snohomish County Executive John Lovick and Governor Jay Inslee. He noted although there is little industry in Edmonds related to Boeing, the contract is incredibly important to Edmonds residents who are employed by Boeing as well as Edmonds businesses.

Mayor Earling wished everyone a Happy New Year and expressed his hope the Council could work effectively during this next year.

20. COUNCIL COMMENTS

Student Representative Thea Ocfemia congratulated Councilmembers Buckshnis and Johnson on their elections as Council President and Council President Pro Tem.

Councilmember Peterson wished everyone a Happy New Year and looked forward to a productive 2014.

Council President Buckshnis relayed Senior Executive Council Assistant Jana Spellman will distribute committee assignments tomorrow. She requested Councilmembers identify 2-3 goals they wanted to champion this year. Goals she was interested in pursuing include the sign code and the marsh. The City received a \$200,000 grant from the Salmon Recovery Funding Board for daylighting Willow Creek. She wished everyone a Happy New Year.

Councilmember Johnson wished everyone a Happy, Healthy and Prosperous New Year.

Councilmember Fraley-Monillas commented she was bothered by the events that occurred tonight; it was not about her being Council President or not. The Council had the ability to put in place an interim Council President until a seventh Councilmember could be appointed and weigh in on this important Council decision. Although this was legal according to the City Attorney, the concept of separation of powers is a foundation of government in this country. Most amazing to her was to have expected a fair decision to be made by mayor who actively participated, supported, financed and appeared in ads for her opponent during a campaign two months ago. Although some may call this politics, she found it a breach of democracy.

21. ADJOURN

With no further business, the Council meeting was adjourned at 9:57 p.m.