1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm. Councilmember Lowry led the attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Donna O'Ravez, Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Stephanie Shook, Councilmember Rosanne Tomyn, Councilmember Nate Lowry.

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Stormwater Engineer Jeremy Metzler, Police Chief Ed Knutson, Zach Lell, City Attorney.

Additions/Deletions to the Agenda.
There were no additions or deletions to the agenda.

2. CLOSED RECORD REVIEW PROCEEDING

A. Planned Residential Development for Edgewood Heights, File No. 5212

B. AB16-0481- a motion to approve first and second reading and adoption of Ordinance No. 16-0481, approving the Planned Residential Development for Edgewood Heights (File No. 5212); entering finding and conclusion in support of said approval; providing for severability; and establishing an effective date

Mayor Eidinger commenced the closed-record review proceeding for Edgewood Heights Planned Residential Development designated as City of Edgewood File No. 5212 and asked Mr. Stender to brief Council.

Community Development Director Stender read agenda Item 2A and B. He noted because this matter is quasi-judicial, City Attorney Lell will lead the City Council through the Appearance of Fairness disclosure process.

Appearance of Fairness Disclosures
City Attorney Lell stated the following:
"Because the consideration of a PRD involves a public hearing and implicates the land use rights of a specific landowner/party, the proceeding is quasi-judicial in nature and is subject to the Appearance of Fairness Doctrine. The Appearance of Fairness Doctrine requires that such proceedings be fair not only in fact but also in appearance. The legal standard under this doctrine is “whether a disinterested person, being appraised of all relevant facts, would be reasonably justified in thinking a particular decision-maker’s interest or involvement in the case may affect his/her judgment?”

City Attorney Lell stated that he was going to ask the Council a series of questions and when no answer was given that would be recorded as a no response, and if so, the substance of the communication must be formally disclosed, placed on the record, and an opportunity to rebut the substance of the communication must be provided to the parties of record.

Councilmember O’Ravez recused herself voluntarily and left the council chamber at 7:04 pm
Then City Attorney Lell asked The Council as a whole the following questions:

A. **Interest**

   Does any Council Member have a financial interest in the project or underlying property?
   No.

   Does any Council Member have a family member who is a party of record?
   No.

   Does any Council Member have a personal or familial employment or other business relationship with a party of record?
   No.

   Does any Council Member own property within the public notice mailing radius of the project site?
   Yes – Councilmember O’Ravez recused herself under these grounds as stated at the beginning of the questioning.

   Is any Council Member aware of any other personal interest or involvement with the project, the parties of record, or the property that should fairly be disclosed?
   No.

B. **Impartiality**

   Is any Council Member aware of any personal bias for/against any party or for/against the project?
   No.

   Has any Council Member pre-judged any of the issues?
   No.

   Has any Council Member not reviewed the record materials for the project?
   No.

   Is any Council Member aware of any reason why he/she would not be able to perform his/her duties in an objective, impartial and fair manner?
   No.

C. **Ex Parte Communications**

   Has any Council Member had ex parte communications regarding this project while the proposal has been pending?
   No.

Mr. Lell noted this is a closed-record matter for which the City’s procedural regulations do not permit additional testimony or evidence. The Council must therefore confine its review and consideration to the information contained within the Administrative Record.

Mayor Eidinger opened the floor for Council discussion at 7:07pm.
Signifying Council had no questions or comments; Mayor Eidinger closed at 7:08pm.

Mayor Eidinger entertained a motion to adopt Ordinance No. 16-0481, to approve first and second reading and adoption of Ordinance No. 16-0481, approving the Planned Residential Development for Edgewood Heights (File No. 5212); entering finding and conclusion in support of said approval; providing for severability; and establishing an effective date.
Motion: As Read, Action: Approve, Moved by Deputy Mayor Tyron Christopherson, Seconded by Councilmember Stephanie Shook. Motion passed (5-1, Creley / O’Ravez recused).

3. PUBLIC HEARING

BUILDING CODE UPDATES – Ordinance No. 16-0478

Mayor Eidinger opened the public hearing at 7:10pm.

Asst. City Administrator Nix gave an update on the Building Code updates and the corresponding revised ordinance.

Mayor Eidinger asked for public comments. There were no comments made. There were no additional staff comments.

Mayor Eidinger closed the public hearing at 7:13pm.

4. AUDIENCE COMMENT

Nina Duncan discussed the heroin epidemic; noted the King County Task Force establishing public sites for heroin use, and does not want to see this type of program in our Community.

Stephanie Shook speaking on behalf of being a resident of Edgewood - discussed a water leak that occurred on her property that was the water company’s responsibility; she noted the lack of customer service she received. She wanted to thank city staff especially Aaron Nix for responding to the situation and wanted to say she was disheartened how the water company treated her and to remind folks the water company is a separate entity apart from the City.

Councilmember Meyers noted it would be nice to hear from the water company as there is two sides to a situation and to be fair it would be appropriate for them to be able to address this situation.

5. MAYOR’S REPORT

Mayor Eidinger spoke about the following:
- Discussed the good weather and working on water and drainage issues throughout the City;
- Met with Fife IT and discussed service and updating to a three year contract for the future;
- Positive feedback on the Magazine, electronic sign and Facebook and Twitter;
- Simon Mills Open House, good turn out;
- Met with G & O and RW Scott regarding the Jovita Wall project;
- Currently working on agreement with AT&T and Comcast;
- Discussed the Budget Retreat and noted if they wanted to see any specific items to contact Mr. Gray or himself.
- Noted the City received a sign to display on the Barn that it is officially on the Barn Heritage Registry.

Chief Knutson briefed on the following:
- Crime incidents;
- Discussed the Blue Heart documentary series (https://www.youtube.com/watch?v=yl4jxdk1_7E) that features Law Enforcement Deputy’s once a month or every other month.
6. CONSENT AGENDA
The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.
The following items are presented for Council approval:
A. Regular Meeting Minutes of September 13, 2016
B. Study Session Meeting Minutes of September 20, 2016
C. AB 16-045, a motion approving September 2016 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10574-10575, in the amount of $4,079.15; Deferred Compensation Program; Dept. of Retirement Services; IRS 941 ACHs and Payroll Direct Deposit in the amount of $44,368.26; and Vendor Check Numbers 21569-21593 with EFT payments in the amount of $79,031.94. Total distributions submitted for review & authorization in the amount of $127,479.35

Motion: As Read, Action: Approve, Moved by Councilmember Stephanie Shook, Seconded by Councilmember Luke Meyers. Motion passed unanimously (7-0).

7. COUNCIL BUSINESS
A. AB16-0480 – motion to accept the second reading and adoption of Ordinance No. 16-0480, relating to Transportation; assuming the Edgewood Transportation Benefit District (ETBD); amending Ch. 2.80 EMC Transportation Benefit District to reflect said assumption; providing for severability; and establishing an effective date

Assistant City Administrator Gray briefed Council on the agenda item.

Councilmember Meyers noted the ETBD was for transparency and he hopes as a City to be able to clearly show the public where the money is going and visible to the public in the budget.

City Attorney Lell stated that even though the City is assuming the ETBD, the City has to exercise the same responsibilities.

Assistant City Administrator Nix noted he understood what Councils concerns are and discussed the budget and Council being able to see money line item by line item. He noted to keep in mind the City has not annually updated the CIP or TIP and it is imperative to do that annually.

Motion: As Read, Action: Approve, Moved by Councilmember Nate Lowry, Seconded by Councilmember Donna O'Ravez. Motion passed unanimously (7-0).

B. AB16-0482 – motion to accept the first reading of Ordinance No. 16-0482, amending portions of Edgewood Municipal Code (EMC) Titles 12, 13, 14, 15, 16 18, and 20; adopting the December 2015 Edition of the Pierce County Stormwater Management and Site Development manual, with Local amendments; incorporating and requiring Low impact Development (LID) to the maximum extent feasible; providing for severability; and establishing an effective date

Stormwater Engineer Metzler briefed Council on this agenda item.
Councilmember Lowry asked what manual we are currently following. Stormwater Engineer Metzler noted it is the 2005 manual; discussion took place regarding manual updates.

Deputy Mayor Christopherson asked about violation fees and when would the notice of violation begin. Stormwater Engineer Metzler noted as soon as the City receives notice a notice would be sent to the violator and that starts the process.

**Motion:** As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Stephanie Shook. **Motion passed unanimously (7-0).**

C. AB16-0345 – motion to accept the first reading and adoption of Resolution No. 16-0345, authorizing a temporary extension of the City’s 2011 Franchise Agreement with the Mt. View-Edgewood Water Co.

Assistant City Administrator Nix briefed Council on the agenda item.

City Attorney Lell noted the legal concern is to ensure the protections are retained in the franchise agreement while the new agreement is being revised; he stated it makes sense to extend on a temporary basis.

**Motion:** As Read, **Action:** Approve, **Moved by** Councilmember Donna O'Ravez, **Seconded by** Councilmember Mark Creley. **Motion passed unanimously (7-0).**

**D. COUNCIL COMMENTS**

Councilmember Lowry stated he checked out the documentary that Chief Knudson mentioned and said it was nice to see and it was nice to see that connection with Law Enforcement.

Deputy Mayor Christopherson noted he received compliments on the stripping and roadwork around the City. He did mention the home off of 114th where there is dirt piled up and wondered if that was going to be addressed.

Assistant City Administrator Nix stated Mr. Metzler would make sure that is dealt with immediately and noted it had been addressed before, but he will keep at it, as it will affect our storm drain.

Deputy Mayor Christopherson also asked about the fog line on 122nd. Community Development Director Stender discussed the issue with the fog line not being standard, and they are waiting to be able to put a new standard fog line in place.

Councilmember Meyers discussed the Sound Transit ST3 project and noted he would like to see a study session on ST3 before a resolution is brought forward and would like the opportunity in on open study session.

Mayor Eidinger stated if there would be another presentation from Sound Transit before a resolution could be brought forward, a public hearing is required. He noted that should the City choose to have a resolution brought forward without having a presentation, the City would open that up for public comment. He also explained what the City of Lakewood did and their outcome.
E. EXECUTIVE SESSION

Mayor Eidinger asked City Attorney Zach Lell if there was an executive session. City Attorney Lell said that there would be an Executive Session and he stated the following: “Pursuant to RCW 42.30.110(1)(i), the City Council will now convene an executive session for the purpose of discussing potential litigation with legal counsel. The executive session will last approximately 5 minutes, after which the Council is anticipated to take action in open session when it reconvenes.”

Mayor Eidinger recessed the meeting to Executive Session at 7:48pm
7:53pm – The Executive Session was extended for 5 minutes.
7:58pm – The Executive Session was extended for 2 minutes.
8:02pm - Mayor Eidinger called the meeting back to order.

Deputy Mayor Christopherson stated he would like to make a motion regarding wetland and stream restoration work at Mortenson Farm property owned by the City of Edgewood.

Motion: authorizing the Mayor to execute a temporary license agreement, in a form approved by the City Attorney, allowing the Connor Homes/Westridge developer and/or its agents to enter upon the City-owned property located at 2417 Freeman Road East for the purpose of Wetland and Stream Restoration work stemming from the August 2015 Illicit Stormwater Discharge to the 2417 Freeman Road East consistent with the May 25, 2016 Wetland Resources, Inc. Critical Area Study and Wetland, Buffer, and Stream Restoration Plan for Conner Homes at Westridge, LLC, Action: Approve, Moved by Councilmember Deputy Mayor Tyron Christopherson, Seconded by Councilmember Stephanie Shook. Motion passed unanimously (7-0).

Mayor Eidinger reminded Council of the Budget Retreat at 9:00am start time here at City Hall.
Deputy Mayor Christopherson noted he would not be attending.

F. ADJOURN

Mayor Eidinger adjourned the meeting at 8:07 pm.