

**LYNNWOOD
CITY COUNCIL
Work Session**

**Date: Monday, April 19, 2021
Time: 6:00 PM
Place:**

-
- | | | |
|---------|----------|--|
| 6:00 PM | A | Roll Call |
| 6:05 PM | B | Briefing: Community Transit Alternative Transportation Service Pilot |
| 6:50 PM | C | Briefing: Housing Action Plan Adoption |
| 7:35 PM | D | Break |
| 7:45 PM | E | Briefing: Lynnwood Utilities Update |
| 8:30 PM | F | Briefing: Overview of Scoring Process for Vacancy |
| 8:50 PM | G | Mayor Comments and Questions |
| 8:55 PM | H | Council Comments |
| 9:00 PM | I | Executive Session, If Needed |
| | | Adjourn |

Memorandums for Future Agenda Items:

- | | |
|-----|---|
| M-1 | Amend Ordinance 10.52 - Illegal Firearm Purchases |
| M-2 | Consultant Contract: 42nd Avenue W Design |
| M-3 | Construction Contract Award: 2021 Pavement Preservation Project |

Memorandums for Your Information:

- | | |
|-------|---|
| FYI-1 | 2019 and 2020 Traffic Impact Fee Reports |
| FYI-2 | Quasi-Judicial Public Hearing Process: Whispering Pines Redevelopment |

Contact: Executive Office (425) 670-5001

CITY COUNCIL ITEM A

CITY OF LYNNWOOD Executive

TITLE: Roll Call

DEPARTMENT CONTACT: Leah Jensen

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM B
CITY OF LYNNWOOD
Parks, Recreation, & Cultural Arts

TITLE: Briefing: Community Transit Alternative Transportation Service Pilot

DEPARTMENT CONTACT: Sarah Olson

SUMMARY:

In 2019, Community Transit initiated a grant-funded pilot project seeking to test a transportation alternative to complement fixed-route transit service in Lynnwood.

This project is led by Community Transit staff, Jennifer Hass and Alex Mehn, who will make a presentation to Council summarizing the pilot project's progress, needs assessment, alternatives concepts, the next round of community outreach, and next steps for the project.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION:

Provide feedback to Community Transit on the alternative concepts being considered.

BACKGROUND:

See attached briefing memo and presentation slides.

KEY FEATURES AND VISION ALIGNMENT:

This planning collaboration with Community Transit is aligned with our City's vision to "be a regional model for a sustainable, vibrant community with engaged citizens and an accountable government."

DOCUMENT ATTACHMENTS

Description:	Type:
Memo CT Pilot Project	Memo
Lynnwood Transportation Pilot Project	Presentation

To: Lynnwood City Council

From: Jennifer Hass, Community Programs Manager, Community Transit
Alex Mehn, Community Transportation Specialist, Community Transit

Date: April 19, 2021

Subject: Lynnwood Pilot Project - Transportation Options

BACKGROUND

The goal of this pilot project is to understand how people are getting around the city of Lynnwood, learn about their travel needs, and test new transportation services. This project aligns with Community Transit's vision of making travel easy for all. Lynnwood was selected for this pilot to prepare services that help connect future transit options including Link Light Rail.

Innovative transportation services will be designed and tested to complement our existing fixed route network. Examples implemented by other transit agencies include Microtransit shuttles, community vans, and Uber/Lyft partnerships. This project is included in the agency's Transit Development Plan and is a priority in the 2021 budget.

STATUS

Currently refining potential transportation options. These options will be presented to the Lynnwood community via a survey for feedback in May. Following the survey and analysis, the options to pilot will be determined.

Staff delivered a brief project update to the Lynnwood staff Project Team in March.

Funding for services in the pilot program includes a \$1M federal grant to support the pilot project in 2021 and 2022.

NEXT STEPS

Community Transit and community partners will distribute a survey in May for feedback from Lynnwood residents on the presented service options.

Community Transit plans to decide this fall which options will be tested in Lynnwood early 2022.

Lynnwood Transportation Pilot Project

Lynnwood City Council

April 19, 2021



Project Objectives

- Understand how people are currently getting around the city
- Learn about transportation needs
- Test new transportation concepts to complement existing service
- Establish performance metrics



What's Going On In Other Communities?



Microtransit



Community Van



Rideshare Partnerships

Pilot Project Timeline

- Phase 1: Needs Assessment | Completed Feb, 2020
- Phase 2: Solution Concepts Development | In Progress
- Phase 3: Implementation | Anticipated pilot launch Q1 2022

Community Working Group

Alderwood Mall

ARC of Snohomish County

City of Lynnwood

Community Transit

Compass Health

DSHS

Edmonds College

Edmonds School District

Homage

Lynnwood Chamber of Commerce

Lynnwood Residents/Students

SNOTRAC

Sound Transit

YWCA

Barriers



Top 6 Barriers

- Bus trip duration
- No one to share a ride with
- Feel safe biking or walking
- When the bus goes
- Where the bus goes
- Distance to walk

Barriers (con't)

How did resident location affect the top barriers?

Icon Key: Barriers



Distance to walk to the bus



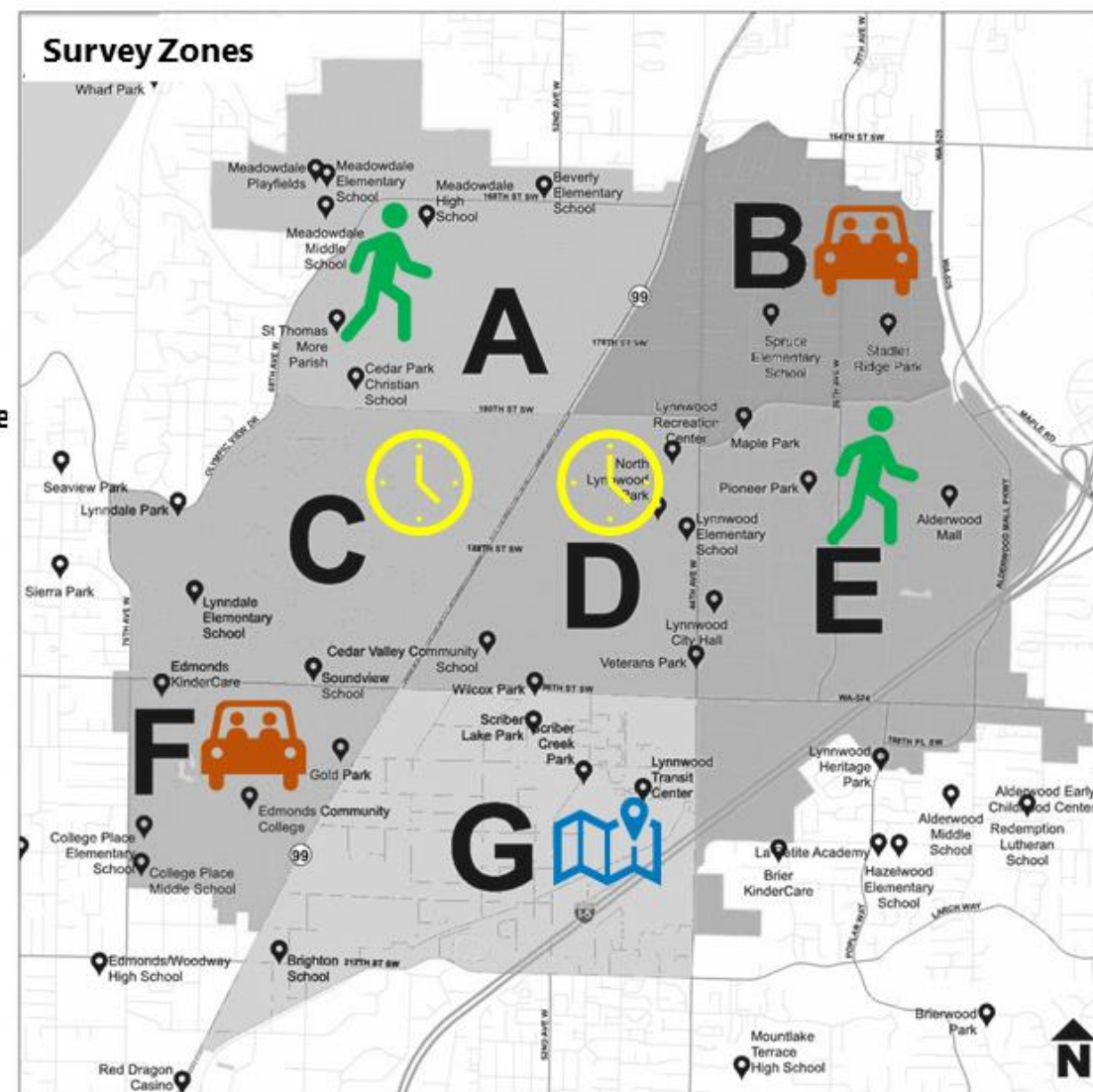
Finding someone to share a ride with



Where the bus goes



Time it takes to ride the bus



Guiding Principles and Supporting Factors

Developed guiding principles around:

- Dependable and equitable
- Accessible and direct
- Safe
- Easy and convenient
- Available off-peak

Developed supporting factors to support guiding principles:

- Geography
- Timing and connections
- Travel barriers
- COVID behavior
- Community Transit principles

Solution Concepts

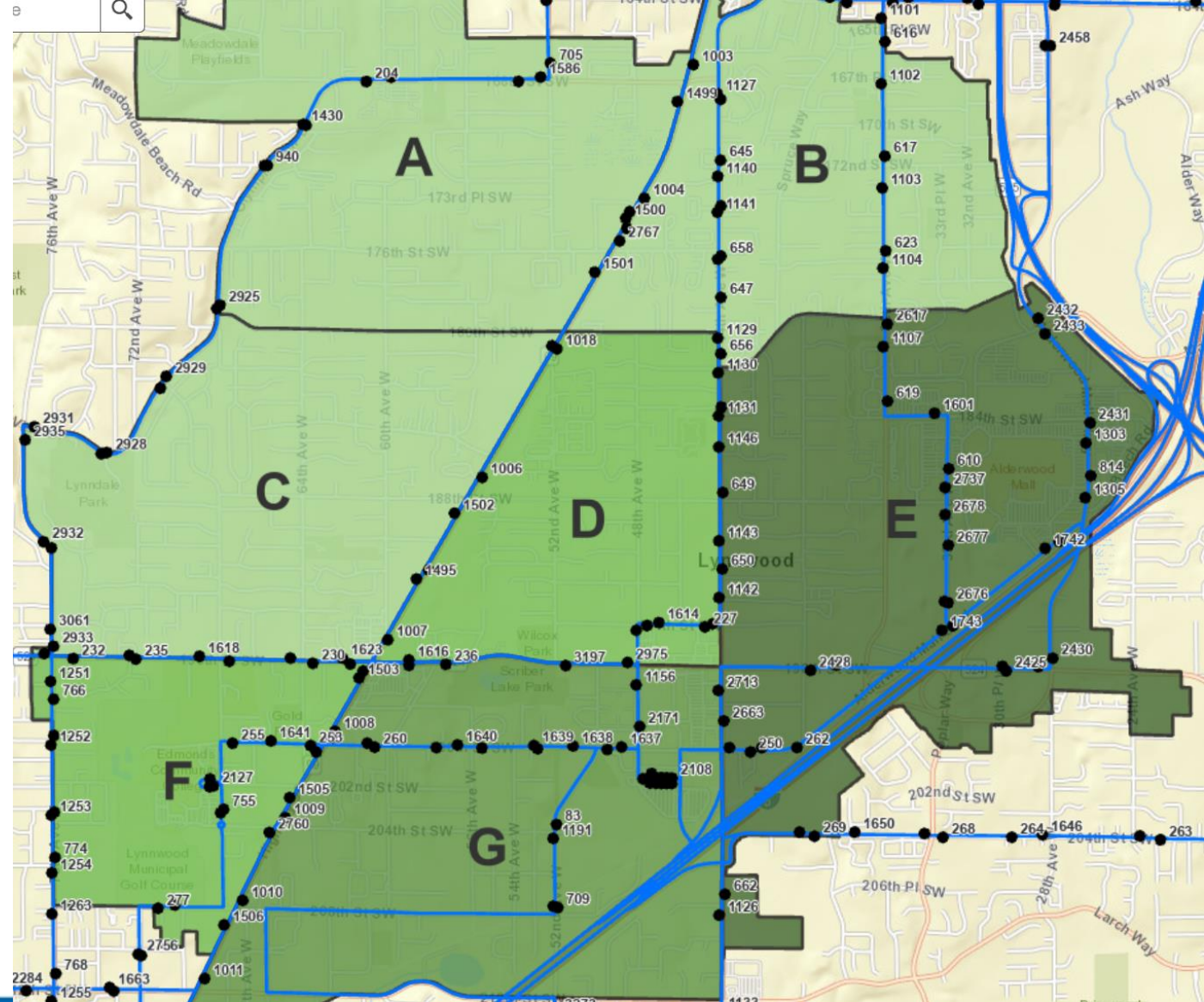
Which areas?

Selected zones C, D, E, and F

- **E** has highest O/D densities, lowest car ownership/income
- **C & D** have significant service gaps

Did not select zones A, B, and G

- **A & B** have highest car ownership and income
- **A & B** have lowest racial diversity
- **G** has high level of existing service



Microtransit

On-demand transit service within specified areas accessed via tech

- Flexible stops / destinations
- ORCA payment, collect data



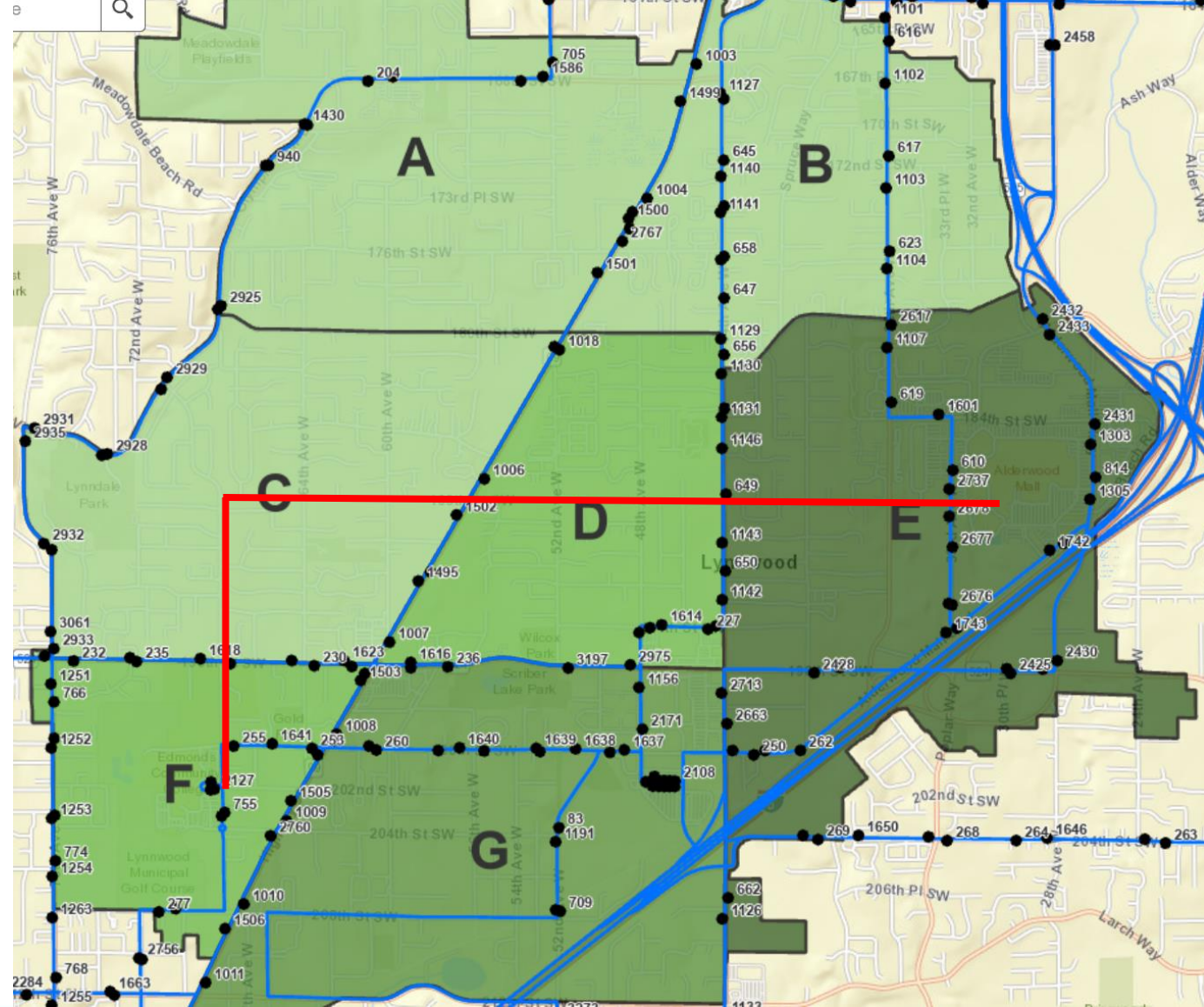
Microtransit: 188th Street Connections

Flexible stop on-demand service connecting Edmonds College with Alderwood Mall, with connections to 44th city services

188th

Red = potential route

- Builds off 2024 planning work
- Fills service gaps
- Serves popular destinations



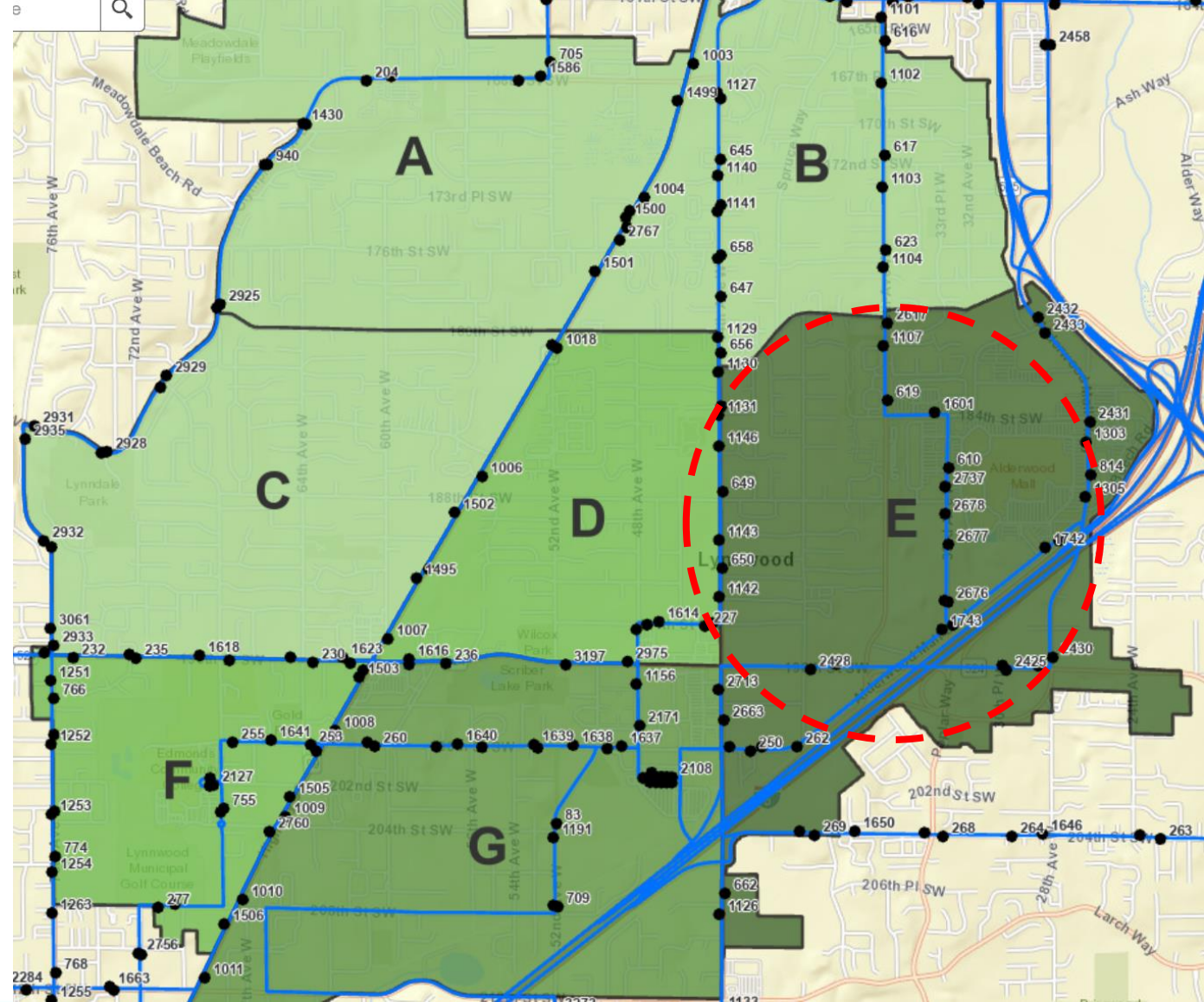
Microtransit: Alderwood Circulator

Flexible stop on-demand circulator connecting multi-family and destinations around Alderwood Mall

Circulator

Red = service area

- Where most people live and travel
- Equitable access to low income and minority populations
- Serves popular destinations
- City's highest development pre- and post- 2024

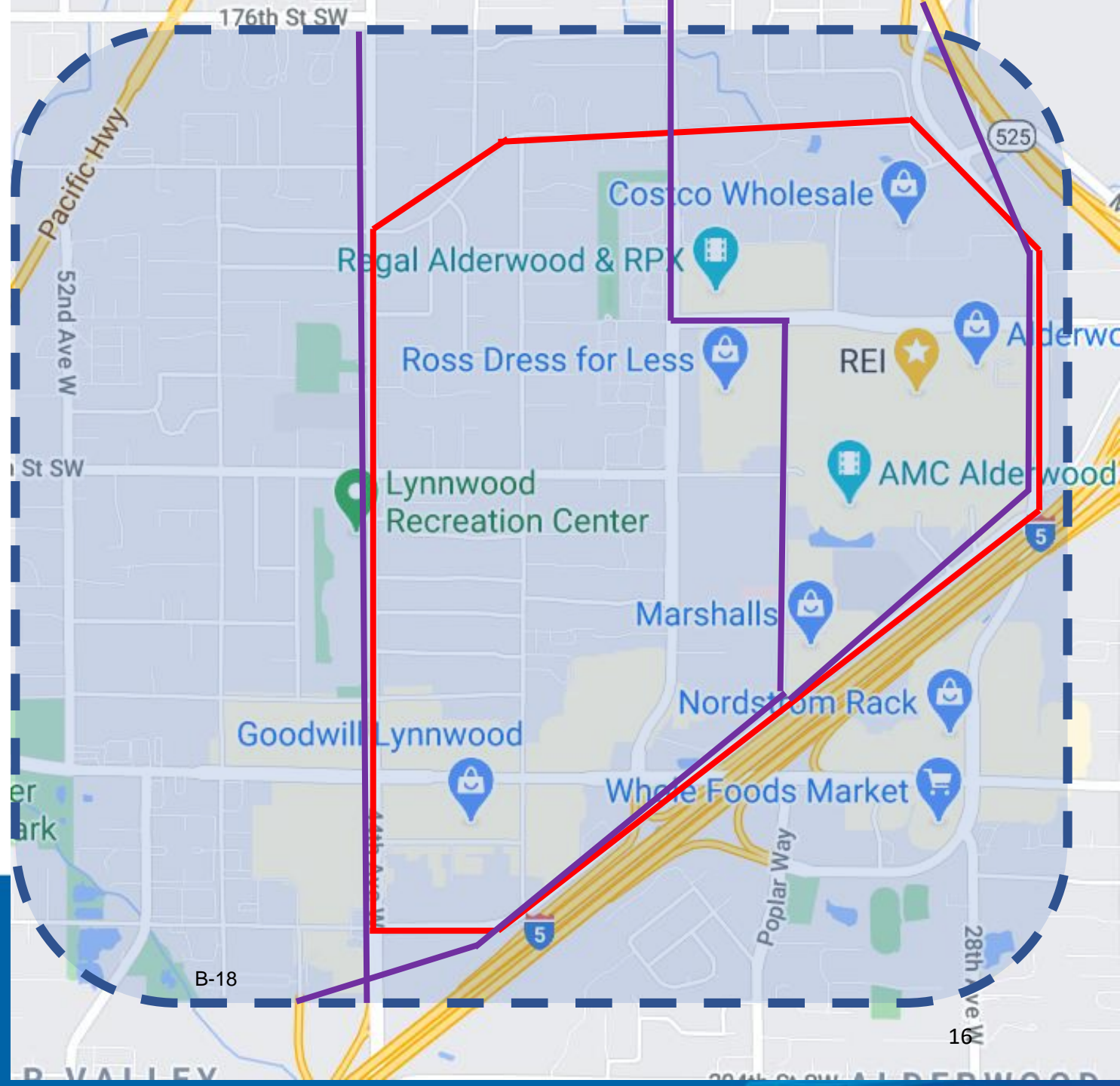


Circulator

Purple = existing service

Red = potential “routing” for circulator

Full coverage of Alderwood area



Community Van

Vanpool trips scheduled by city staff, driven by community

- Available on demand 24/7
- Vehicles on-hand
- Residential/recreational, not commute focused



TNC Partnership: Key Concerns

Considering service after pilot project

- Drug & Alcohol testing
- Accessibility / ADA
- Payment method
- Data restrictions from vendor



Community Passport

All residents in an area receive ORCA card

- Can be scaled from multi-unit dwelling, to neighborhood
- City partnership
- Complements existing and pilot services



Next Steps

- Solution Concepts survey design and distribution | May - June
- Community Working Group Meeting | April 28
- Microtransit option selected | Fall



CITY COUNCIL ITEM C

CITY OF LYNNWOOD Community Development

TITLE: Briefing: Housing Action Plan Adoption

DEPARTMENT CONTACT: Kristen Holdsworth, AICP

SUMMARY:

Staff will provide a briefing on the Housing Action Plan. Staff will also provide an update on feedback from the Department of Commerce regarding Lynnwood's Housing Needs Assessment (completed October 2020). The staff briefing is provided in anticipation of the Council's upcoming Housing Action Plan public hearing on May 10, 2021.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION:

Policy questions, goals, and strategies have been discussed throughout the creation of the draft Housing Action Plan.

ACTION:

Provide an opportunity for Council review of public comments. The Housing Action Plan public hearing is scheduled for May 10, 2021.

BACKGROUND:

In Fall 2019, the City of Lynnwood applied for and received a \$100,000 grant from the Department of Commerce (under ES2HB 1923) to develop a Housing Action Plan. The Housing Action Plan forms Lynnwood's five-year goals and strategies to promote housing options that are safe and affordable for all community members. The plan was created by evaluating the City's ongoing efforts, analyzing Lynnwood's current and future housing needs, and collaborating with the community. It is the result of hundreds of conversations, survey responses, and other methods of public feedback.

PREVIOUS COUNCIL ACTIONS:

Council reviewed the Lynnwood Housing White Paper in July 2019. In late 2019 Council established the Council Housing Policy Committee. Council has received updates at the 2020 Council Retreat; through FYI memos on June 1, 2020, December 7, 2020, and December 23, 2020; presentations on August 3, 2020, September 21, 2020, October 19, 2020, and November 30, 2020; January 19, 2021, February 17, 2021, April 5, 2021, and via participation on the Council's Housing Policy Committee.

FUNDING:

Funding for this project is provided through a Department of Commerce \$100,000 grant. The grant funding began in February 2020 and ends June 2021. As a condition of the grant, if the City does not adopt a Housing Action Plan by June 2021 it will forfeit \$30,000 dollars in reimbursement of consultant work.

KEY FEATURES AND VISION ALIGNMENT:

- To be a welcoming city that builds a healthy and sustainable environment.
- To be a cohesive community that respects all citizens.
- To be a city that is responsive to the wants and needs of our citizens.

ADMINISTRATION RECOMMENDATION:

Conduct public hearing on May 10, 2021 and consider adoption of Housing Action Plan on May 24, 2021.

DOCUMENT ATTACHMENTS

Description:	Type:
Staff Report	Report
Housing Needs Assessment Appendix H	Report
Presentation	Presentation

Topic: Housing Action Plan Briefing**Staff Memo**

- ☐ Public Hearing
- ☒ Work Session
- ☐ Other Business
- ☐ Information
- ☐ Miscellaneous

Staff Contact: Kristen Holdsworth, AICP, Senior Planner, Development and Business Services

Summary

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Project Background

In Fall 2019, the City of Lynnwood applied for and received a \$100,000 grant from the Department of Commerce (under ES2HB 1923) to develop a Housing Action Plan.

The Housing Action Plan forms Lynnwood's five-year goals and strategies to promote housing options that are safe and affordable for all community members. The plan was created by evaluating the City's ongoing efforts, analyzing Lynnwood's current and future housing needs, and collaborating with the community. It is the result of hundreds of conversations, survey responses, and other methods of public feedback.

Environmental Review (SEPA)

This is a non-project action subject to environmental review, also known as SEPA ([Chapter 197-11 WAC](#)). On February 22, 2021, the City issued a determination of nonsignificance (DNS) for this project. No appeals were received. SEPA documents are posted on the project website at www.lynnwoodwa.gov/housingactionplan.

Department of Commerce Feedback - Housing Needs Assessment

The City released the Housing Needs Assessment for public review in August 2020 and finalized the report in October 2020. The Housing Needs Assessment gap analysis indicated a need for ownership and rental housing at all income levels. Between 2019-2044, the City will need to accommodate approximately 9,826 additional households to meet anticipated household growth.

After reviewing the Housing Needs Assessment, Commerce requested the City include additional information to identify the potential income distribution of future households.

Appendix H has been added to the Housing Needs Assessment to address Commerce's request. It is attached to this staff report and the updated Housing Needs Assessment is available online at www.lynnwoodwa.gov/housingactionplan.

Appendix H uses a methodology to identify potential future population income distribution based on the existing Snohomish County Countywide Planning Policy (CPP) guidance. The CPPs apply to all cities and towns within Snohomish County, as well as the county itself. The CPPs provide the framework for each jurisdiction's comprehensive plans and associated policies intended to comply with regional policies developed by the Puget Sound Regional Council (PSRC). There is a broad range of categories within the CPPs, including chapters on Housing, Economic Development and Employment, Transportation, etc. The existing CPPs were last updated in 2011. An effort is underway to update the CPPs to reflect PSRC's Vision 2050 and in anticipation of 2024 Comprehensive Plan updates.

Existing CPP Housing Policy 5, Part C identifies that housing is a regional challenge and commits the jurisdictions to work together to collectively support housing options for a variety of income ranges:

"Identify the number of housing units necessary to meet the various housing needs of the projected population, by income ranges... The number of units identified for each jurisdiction will be utilized for planning purposes and to acknowledge the responsibility of all jurisdictions to plan for affordable housing within the regional context."

Appendix H includes a table demonstrating potential income distribution using a regional context to support countywide goals. The projected income distribution assumes that future Lynnwood household incomes will be similar to the County's current income distributions. This table may help the City prioritize different strategies over time but it is not intended to be used as targets.

Draft Housing Action Plan (dated April 2021)

The initial Draft Housing Action Plan (dated February 2021) was released February 22, 2021. An updated Draft Housing Action Plan (dated April 2021) was released April 1 and incorporated feedback from public comments. The April 5, 2021 City Council work session staff update included information about comments received during the public comment period as well as the updated draft.

On April 8, 2021, the Planning Commission unanimously voted to recommend adoption of the draft Housing Action Plan (dated April 2021). Six community members provided public comments at the hearing.

The City will continue to review any additional comments received and will include them for the record with the agenda materials for the May 10, 2021 Council hearing.

Council Hearing

At the May 10, 2021 Council hearing staff will provide a full presentation summarizing the Housing Action Plan's goals and strategies. It will also include findings from previous reports and efforts (such as the Housing Needs Assessment, Policy and

Code Review, and public engagement) which helped inform the Housing Action Plan.

Next Steps

- May 10 – Council Business Meeting – Housing Action Plan Public Hearing
- May 24 – Council Business Meeting – Housing Action Plan Action

Attachments

- Housing Needs Assessment Appendix H
- Presentation
- Housing Needs Assessment and final draft Housing Action Plan (date April 2021) may be downloaded from the project website:
www.lynnwoodwa.gov/housingactionplan

Appendix H: Providing Housing for Future Households by Income

Snohomish County Countywide Planning Policy (CPP) Housing Goal HO-5 Part C indicates each city should “Identify the number of housing units necessary to meet the various housing needs of the projected population, by income ranges... The number of units identified for each jurisdiction will be utilized for planning purposes and to acknowledge the responsibility of all jurisdictions to plan for affordable housing within the regional context.”

The Housing Needs Assessment (HNA) gap analysis indicates a need for ownership and rental housing at all income levels. Between 2019-2044, the City will need to accommodate approximately 9,826 additional households to meet anticipated household growth if growth were apportioned to Lynnwood based on the regional growth strategy in Puget Sound Regional Council (PSRC) VISION 2050. If producing housing units according to the remaining Lynnwood housing target established in the County Comprehensive Plan for 2035, about 6,488 units would be needed.

Lynnwood will plan in the “regional context” and support countywide goals. As new households are added to the city, if their incomes are similar to the countywide share of household incomes about 37% of future households would need housing affordable at 80% AMI or lower. See **Exhibit 53**. This table may help the City prioritize different strategies over time. The numbers in the table display a potential distribution of households by income. They are not intended to be used as targets.

Exhibit 53. 2019- 2044 Growth: Household Need by Income Level

Household Income Distribution 2013-2017 ACS	Need per Snohomish County Household Share Percent	Net Future Dwelling Units with County Shares Applied – 2035 Housing Target Remaining	Net Future Households with County Shares Applied – 2044 Household Need
Extremely Low-Income (\leq 30% MFI)	12.7%	826	1,251
Very Low-Income (30-50% MFI)	11.6%	751	1,137
Low-Income (50-80% MFI)	12.9%	835	1,265
Moderate Income (80-100% MFI)	11.3%	732	1,108
Above Median Income (>100% MFI)	51.6%	3,345	5,066
TOTAL	100.0%	6,488	9,826

Note: The 2044 projection is based on a linear projection from PSRC LUV 2 projection to PSRC 2050 Vision. The 2050 projection is based on PSRC 2050 Vision population for Snohomish County Core Cities (Bothell and Lynnwood and apportioned to Lynnwood based on existing population share).
Source: CHAS 2013-2017, BERK 2021.



LYNNWOOD HOUSING ACTION PLAN

City Council Briefing

April 19, 2021

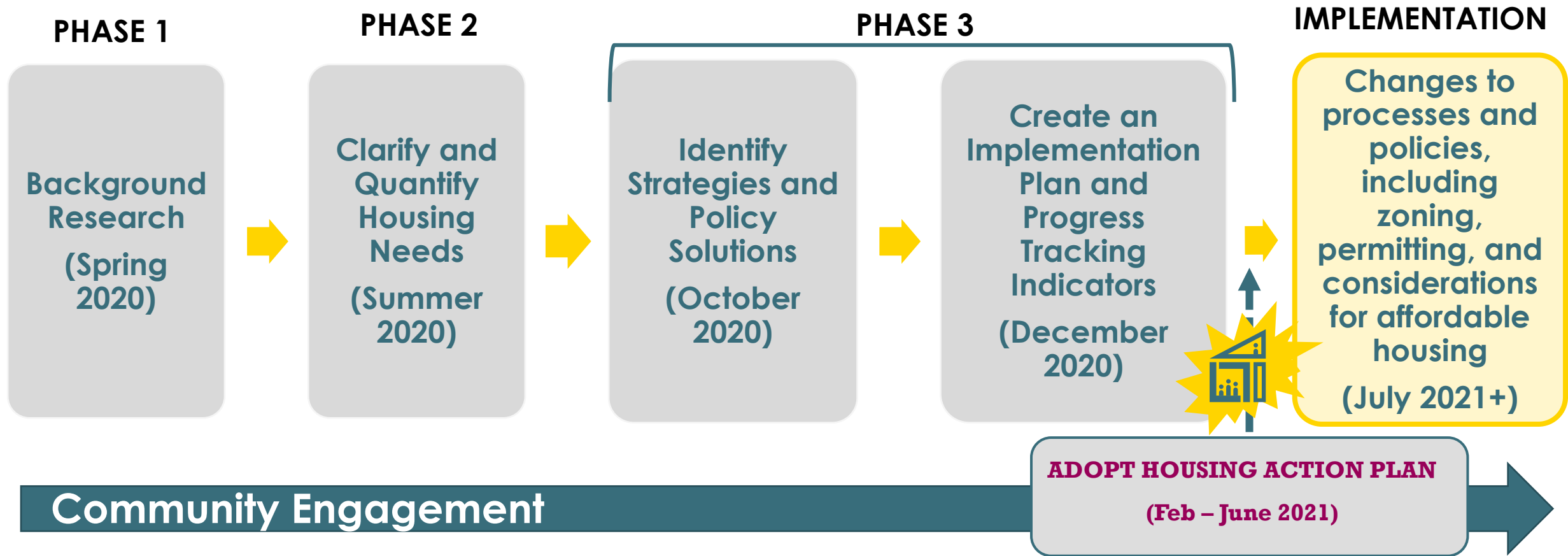
The **Housing Action Plan** forms Lynnwood's five-year goals and strategies to promote housing options that are safe and affordable for all community members.



Image Sources: Brighter Images Photography

C-9

Developing a Housing Action Plan



C-10

What is Housing Affordability?

Housing costs
no more than
30%
of a household's income



*Housing affordability
does not necessarily mean
subsidized or public housing*

Image Source: Brighter Images Photography

C-11

HNA Appendix H: Future Households by Income

Countywide Planning Policy HO-5, Part C:

“Identify the number of housing units necessary to meet the various housing needs of the projected population, by income ranges... The number of units identified for each jurisdiction will be utilized for planning purposes and to acknowledge the responsibility of all jurisdictions to plan for affordable housing within the regional context.”

Future Households Income Distribution

Household Income Distribution 2013-2017 ACS	Need per Snohomish County Household Share Percent	Lynnwood Net Future Dwelling Units with County Shares Applied – 2035 Housing Target Remaining	Lynnwood Net Future Households with County Shares Applied – 2044 Household Need
Extremely Low-Income ($\leq 30\%$ MFI)	12.7%	826	1,251
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Above Median Income ($>100\%$ MFI)	51.6%	3,345	5,066
TOTAL	100.0%	6,488	9,826

C-13



UPDATED DRAFT HOUSING ACTION PLAN (APRIL 2021)

C-14

Updated Draft HAP (dated April 2021) – Substantive Changes

1. Added map of subarea plan locations
2. Clarified wording in community engagement findings section
3. Added call-out box highlighting regional opportunities
4. Added graphics to support/illustrate strategies
5. Added text to explain “needs addressed” for strategies 1, 2, 3, and 6

C-15

Housing Action Plan Goals

PRODUCE

Produce housing that meets the needs of the community.

PRESERVE

Preserve existing housing that is affordable and safe so that people can stay in Lynnwood.

PARTNER

Partner with housing educators, providers, and other groups to find equitable housing solutions and remove systemic barriers.

PREPARE

Prepare for continued growth and increase the quality of life in Lynnwood.

- | | | | |
|---|--|----|--|
| 1 | Continue promoting housing in the Regional Growth Center (Alderwood and City Center) and along major transportation corridors. | 6 | Support third-party purchases of existing affordable housing to keep units affordable. |
| 2 | Update regulations, design standards, and subarea plans to be more flexible and responsive to changing conditions. | 7 | Work with faith-based and nonprofit organizations. |
| 3 | Strategically rezone areas to increase and diversify Lynnwood's housing options. | 8 | Develop a rental registry program. |
| 4 | Revise the Multifamily Tax Exemption (MFTE) program. | 9 | Encourage amenities that enhance quality of life. |
| 5 | Partner with housing providers. | 10 | Continue community conversations about housing. |



PLANNING COMMISSION HEARING

C-18

Recap of Planning Commission Hearing

- Draft Housing Action Plan (April 2021)
- Summary of Public Comments
- Planning Commission Discussion
- Unanimous Recommendation

C-19



UPCOMING CITY COUNCIL HEARING

C-20

Upcoming Hearing Presentation:

- Housing Needs Assessment Findings
- Policy and Code Review Findings
- Community Engagement Summary
- Goals
- Strategies

C-21

NEXT STEPS

www.lynnwoodwa.gov/housingactionplan

- **May 10** – Council Hearing
- **May 24** – Council Action



www.lynnwoodwa.gov/housingactionplan



Contact Info

Kristen Holdsworth, AICP

☎ 425-670-5409

✉ kholdsworth@lynnwoodwa.gov

🌐 <https://www.lynnwoodwa.gov/HousingActionPlan>

C-23

CITY COUNCIL ITEM D

CITY OF LYNNWOOD City Council

TITLE: Break

DEPARTMENT CONTACT: George Hurst, Council President

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM E

CITY OF LYNNWOOD Public Works

TITLE: Briefing: Lynnwood Utilities Update

DEPARTMENT CONTACT: Bill Franz, Les Rubstello, and Jared Bond

SUMMARY:

This briefing will update the City Council on several important and evolving issues concerning the City's water, sewer, and surface water utilities. 2021 will be an important year as we prepare for key studies and analyses, react to and plan for changes required by new regulations, and continue to deal with impacts related to the COVID pandemic. This briefing will provide a basis of information upon which future briefings, adoptions and other Council actions will build from.

ACTION:

No action required, briefing only.

BACKGROUND:

See attached PowerPoint presentation.

DOCUMENT ATTACHMENTS

Description:	Type:
powerpoint	Backup Material

Lynnwood Utilities Update

Presentation to City Council

April 19, 2021

E-2

3 Separate Business Lines

- Water Utility
 - Distribution only
- Sewer Utility
 - Collection and Treatment
- Stormwater Utility
 - Collection only

Utility Goals:

- Provide:
 - Safe drinking water
 - Dependable sewer collection & treatment
 - Improve local water quality
- Self Sustaining
 - Rates fund operations and capital preservation
- Meet Changing & Demanding Regulations
- Affordable Rates

Topics for Presentation

- Capital Projects Update
- Utility Finances
- Utility Planning
- Utility Rates

Capital Projects

WWTP Buildings



Capital Projects

60th Ave W Sewer Main Upgrade



E-7

Capital Projects

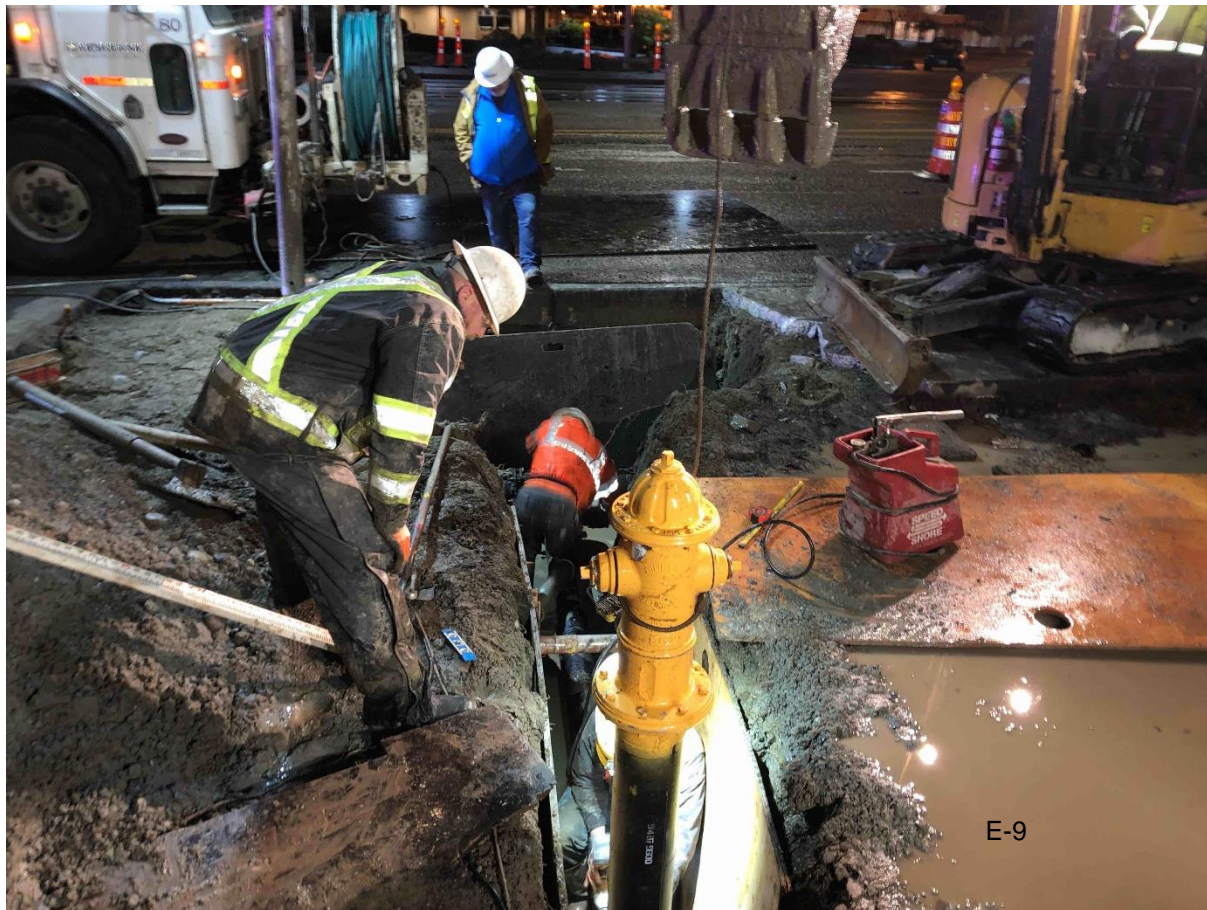
Sewer Lift Stations 4 & 8



E-8

Capital Projects

196th St SW Utility Upgrades



E-9

Capital Projects

“Radio Read” Water Meters (AMI)



Utility Finances

- COVID Impacts to Revenue
- Connection Charges
- Changing Regulations
 - Incinerator Emissions
 - Nutrients in WWTP Effluent

Utility Planning

- WWTP Facility Plan Underway
- Sewer Comp Plan (Collection System) in 2021
- Water Comp Plan in 2023
- Modeling for City Center and Mall Area Growth

Utilities Crew - April 2021

Lead Nick Stokes

MW1 Josh Clise

Foreman Andrew Lorenzen

Lead Ken Renner

Lead Joe VanAllen

Supervisor Kris Olsen

WQ Lead
Wally Shaw

MW1 Levi Steen

MW1 Haven Lake

MW2 Dylan Parise

MW2 Brett Emry

Pump Station Operator
E-13
Bob Williams



Utility Staffing

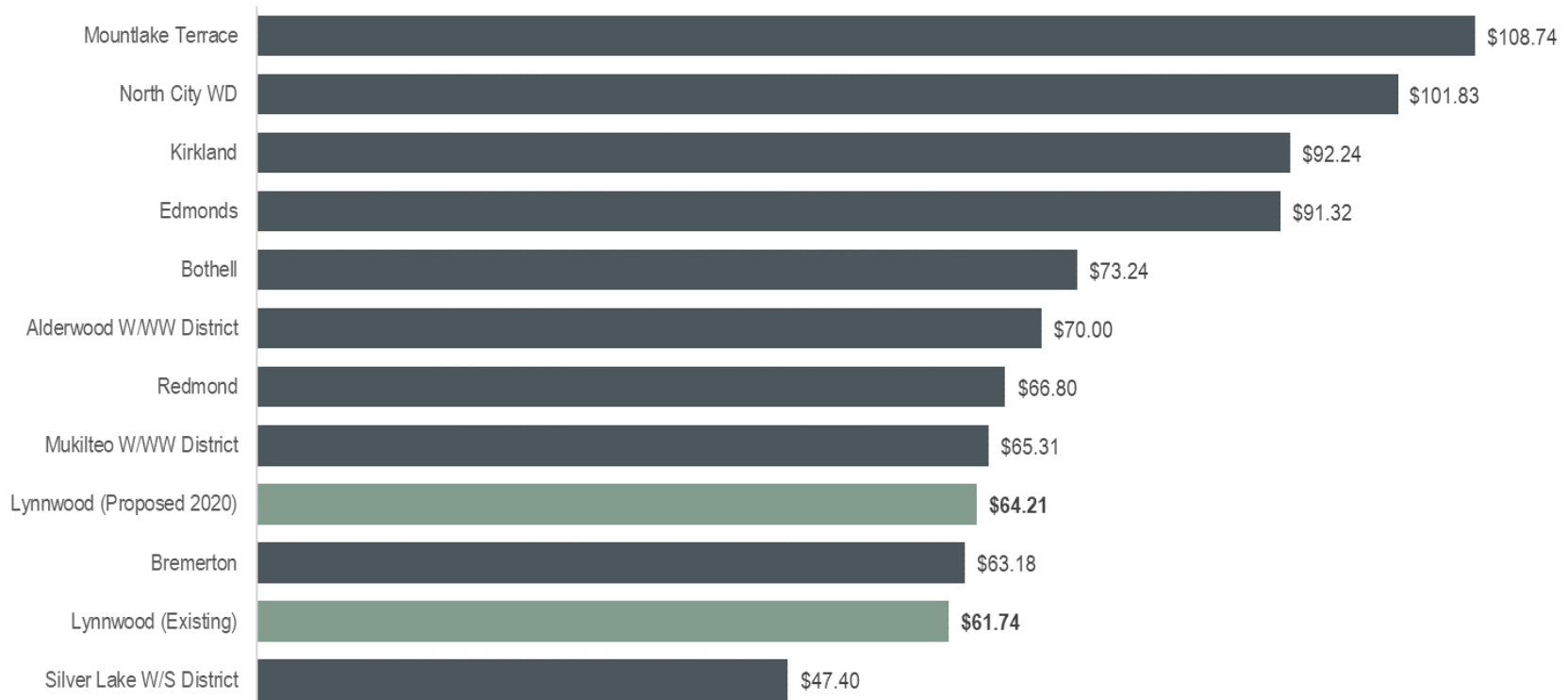
- Water Side of Business
- Sewer Side of Business
- Support Team

Utility Rates

- Updated Every Three Years with New 6-Year Plan
 - Next update 2022
- Water Connection Charges
- COVID Revenue Shortfall

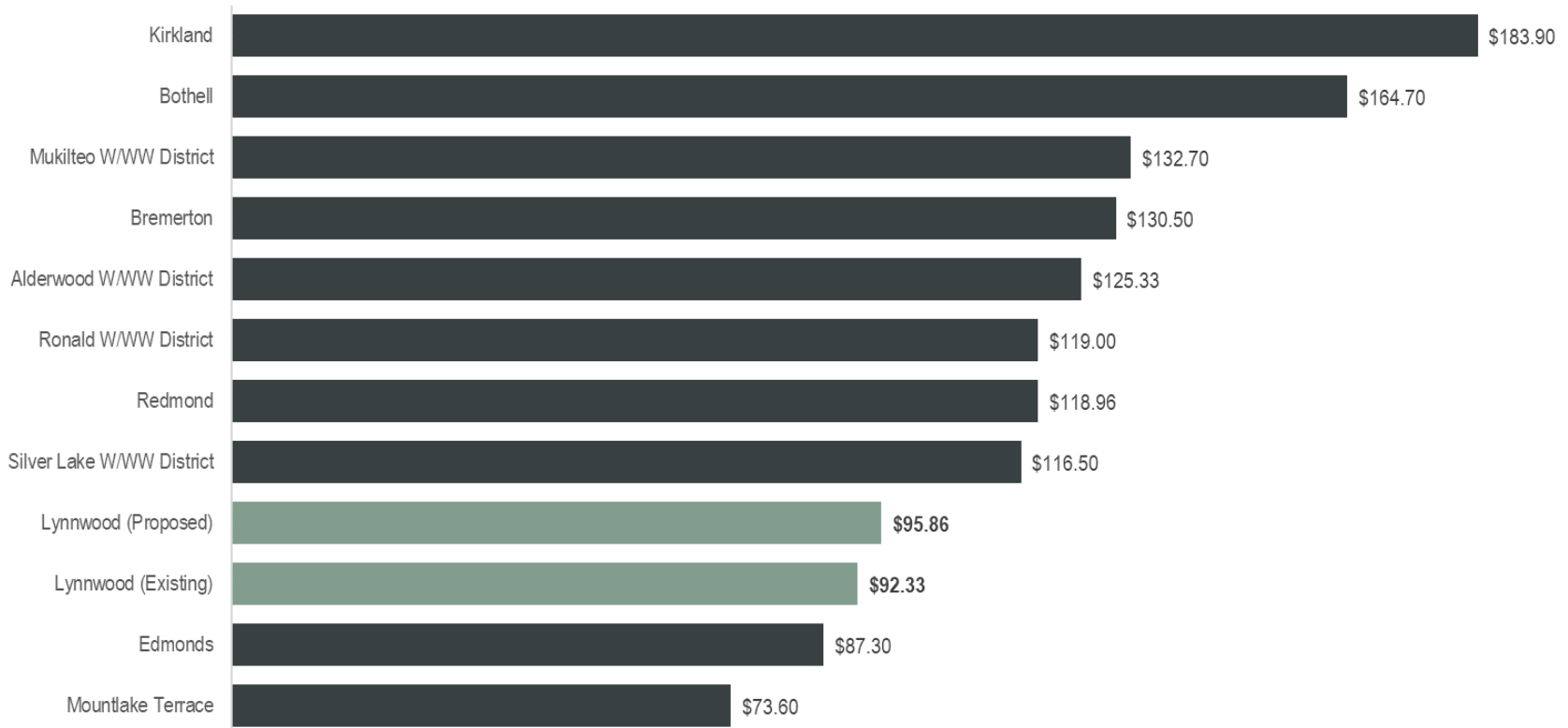
Utility Rate Comparison

Water Single Family Rate



Utility Rate Comparison

Sewer Single Family Rate



E-17

WWTP Reconstruction - 1

- Incinerator
 - At end of useful life
 - Emissions regulations essentially mandate a change
 - Drier and land application most likely



WWTP Reconstruction - 2

- Nutrient Reduction
 - Nitrogen and phosphorus reduce oxygen in Puget Sound
 - Historically only required of river WWTPs
 - 70 WWTPs in Puget Sound affected
 - Requires entirely new process



WWTP Reconstruction - 3

- On the Plus Side
 - A chance to fix “upside/down” WWTP
 - Land application vs incineration is more sustainable
 - New solids process could be much more energy efficient



E-20

Next Steps?

Staff recommends scheduling various upcoming work session discussions:

- WWTP Incinerator Replacement
- WWTP Nutrient Solution

CITY COUNCIL ITEM F

CITY OF LYNNWOOD City Council

TITLE: Briefing: Overview of Scoring Process for Vacancy

DEPARTMENT CONTACT: Council President George Hurst

SUMMARY:

Council President Hurst will review the process for interviewing the applicants and scoring their responses in order to select a new council member for position #2.

DOCUMENT ATTACHMENTS

Description:	Type:
Briefing Vacancy Process	Backup Material

April 19 – Briefing on the vacancy appointment process

- Currently there is an application available online with information about applying to fill the vacancy. A download is also available online. The applications are due at the end of the day on April 23rd.
- Applications will be sent to the Councilmembers for review along with a scoring page. There are two essay questions on the applications:
 - Why are you interested in serving as a Lynnwood City Councilmember?
 - Explain your current and past community involvement and/or service to the City. You may include experience with a non-profit, or public board, committee, task force, or commission and how this has contributed to your community or region.
- Each Councilmember will score up to 10 points for each question for each candidate. That allows up to a total of 20 points per candidate. These are sent to Clerk Fitzthum by the end of the day on May 2nd.
- The Council will meet in executive session on May 3rd to review the qualifications of the candidates. After that discussion the Council will return to their work session and discuss which candidates will advance to the interview stage of the appointment process. No more than 8 candidates will be selected for interviews.
- The interviews will be held on May 12th and 13th. The 8 candidates will be allotted interview times by lottery, with 4 scheduled for each night.
- The interview will last no longer than 30 minutes. Each Councilmember will ask a question, and the candidate has up to 3 mins to respond to that question. The Clerk will activate a timer and sound a chime when the 3 mins are up.
- After all the interviews are completed each councilmember will identify their top 3 candidates. The first preferred candidate is given 3 points, the second 2 points and the third 1. Since paper ballots are impractical with remote meetings the Council member will email their preferences to the Mayor.
- The Mayor will read each ballot aloud with the name of the Councilmember and the points allotted to each candidate. The Clerk will tally the points. If there is a tie for 3rd place, then 4 advance to the next phase.
- The (3 or 4) candidates receiving the most points will then undergo a background check.
- At the May 24th meeting, the Council will each cast a vote for one of the finalists. In the event any finalist receives 4 or more votes, the Mayor will entertain a motion to affirm the appoint of the applicant to the vacant position.
- If the schedule proceeds as we expect, the Municipal Court Judge will swear in the new candidate at the June 1st meeting.

CITY COUNCIL ITEM G

CITY OF LYNNWOOD Executive

TITLE: Mayor Comments and Questions

DEPARTMENT CONTACT: Mayor Smith

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM H

CITY OF LYNNWOOD City Council

TITLE: Council Comments

DEPARTMENT CONTACT: George Hurst, Council President

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM I

CITY OF LYNNWOOD Executive

TITLE: Executive Session, If Needed

DEPARTMENT CONTACT: Leah Jensen

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM M-1

CITY OF LYNNWOOD Police Department

TITLE: Amend Ordinance 10.52 - Illegal Firearm Purchases

DEPARTMENT CONTACT: Commander Sean Doty; Chief James Nelson

SUMMARY:

Section 10.52.010 of the Lynnwood Municipal Code adopts by reference several statutes from the Revised Code of Washington relating to the control of firearms. However, there are currently no statutes enabling the City to prosecute individuals who have had their rights to own or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm. The Police Department is recommending the adoption of four additional statutes relating to the unlawful purchase of firearms that, if adopted, would provide statutory authority for the City to prosecute misdemeanor violations of these crimes.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION:

Do we want to have statutory authority to prosecute misdemeanor violations of individuals who have had the rights to own, purchase, or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm?

ACTION:

Review amended ordinance for consideration of adoption at next business meeting.

BACKGROUND:

Certain individuals are prohibited from attempting to purchase or possess firearms for various reasons. For example, certain criminal convictions can lead to the revocation of a person's right to possess or attempt to purchase a firearm. Certain court orders can also prohibit people from possessing or attempting to purchase a firearm. Firearm dealers in our City provide us with reports of individuals who have had their rights to possess or purchase a firearm revoked but are still attempting to purchase firearms. The adoption of RCW 9.41.040 Unlawful Possession of Firearms; 9.41.042 Children - Permissible Firearm Possession; 9.41.113 Firearms Sales or Transfers; and 9.41.115 Penalties, would allow the City to prosecute these individuals.

PREVIOUS COUNCIL ACTIONS:

None.

FUNDING:

None.

ADMINISTRATION RECOMMENDATION:

Review and adopt as recommended.

DOCUMENT ATTACHMENTS

Description:	Type:
Recommend Amendments to LMC 10.52.010	Ordinance

CITY OF LYNNWOOD

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO WEAPONS CONTROL;
AMENDING SECTION 10.52.010 OF THE LYNNWOOD
MUNICIPAL CODE; AND PROVIDING FOR AN
EFFECTIVE DATE, SEVERABILITY AND SUMMARY
PUBLICATION.

WHEREAS, Section 10.52.010 of the Lynnwood Municipal Code (LMC) currently contains a list of statutes pertaining to Revised Code of Washington (RCW) 9.41 Firearms and Dangerous Weapons that are adopted by reference; and

WHEREAS, RCW 9.41.113 relating to Firearm Sales or Transfers, RCW 9.41.115 relating to Penalties – Violations of RCW 9.41.113, RCW 9.41.040 relating to Unlawful Possession of Firearms, and RCW 9.41.042 relating to Children – Permissible Firearm Possession are currently omitted from the list of statutes adopted by reference in LMC 10.52.010; and

WHEREAS, the omission of RCW 9.41.113, RCW 9.41.115 , RCW 9.41.040, and RCW 9.41.042 precludes the misdemeanor prosecution of individuals who had their rights to own or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm; and

WHEREAS, amending LMC 10.52.010 to add RCW 9.41.113, RCW 9.41.115 , RCW 9.41.040, and RCW 9.41.042 to the list of adopted statutes would provide statutory authority for the City to prosecute misdemeanor violations of these crimes; and

WHEREAS, the City Council has determined that it is in the best interests of the public's health, safety and general welfare to amend LMC 10.52.010 as stated in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 10.52.010 of Lynnwood Municipal Code is amended as follows:

10.52.010 Statutes adopted by reference.

A. List of Statutes. The following statutes of the state of Washington, as now or hereafter amended, are adopted by reference:

RCW

9.41.010 Terms defined.

9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons – Restoration of right to possess – Penalties.

9.41.042 Children – Permissible firearm possession.

9.41.050 Carrying pistol.

9.41.060 Exception to restriction on carrying pistol.

9.41.070 Issue of licenses to carry – Fee – Revocation – Renewal.

9.41.080 Delivery to minors and others forbidden.

39 9.41.090 Commercial sales regulated – Requirements for delivery – Hold on delivery.
40 9.41.093 Exemptions.
41 9.41.095 Denial of application – Appeal.
42 9.41.098 Forfeiture of firearms, order by courts – Return to owner – Confiscation by law
43 enforcement officer.
44 9.41.100 Dealers to be licensed.
45 9.41.110 Dealer’s licenses, by whom granted and conditions thereof – Wholesale sales
46 excepted – Permits prohibited.
47 9.41.113 Firearms Sales or Transfers – Background checks – Requirements – Exceptions.
48 9.41.115 Penalties – Violations of RCW 9.41.113.
49 9.41.120 Certain transfers forbidden.
50 9.41.130 False information forbidden.
51 9.41.140 Alteration of identifying marks – Exceptions.
52 9.41.150 Exemptions.
53 9.41.160 Penalty.
54 9.41.170 Alien’s license to carry firearms – Exception.
55 9.41.180 Setting spring gun.
56 9.41.220 Machine guns.
57 9.41.230 Aiming or discharging firearms.
58 9.41.240 Use of firearms by minor.
59 9.41.260 Dangerous exhibitions.
60 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting,
61 displaying or drawing unlawful – Penalty – Exceptions.
62 9.41.280 Students carrying dangerous weapons on school premises – Penalty – Exceptions.
63 9.41.300 Firearms prohibited in certain places – Local laws and ordinances – Exceptions –
64 Penalty.
65 B. Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor,
66 except as otherwise provided.

67 Section 2. Effective Date. The provisions of this ordinance shall be effective five days following
68 publication.

69 Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this
70 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
71 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any
72 other section, subsection, sentence, clause, phrase or word of this ordinance.

73 Section 4. Summary Publication. Publication of this ordinance shall be by summary publication
74 consisting of the ordinance title.

75 PASSED BY THE CITY COUNCIL this ____ day of April 2021.

76 APPROVED:

77
78 _____
79 Nicola Smith, MAYOR

80 ATTEST/AUTHENTICATED:

81 _____
82 Karen Fitzthum
83 City Clerk

84 APPROVED AS TO FORM:

85 _____
86 Rosemary Larson
87 City Attorney

88 PASSED BY THE CITY COUNCIL: _____
89 PUBLISHED: _____
90 EFFECTIVE DATE: _____
91 ORDINANCE NUMBER: _____

CITY COUNCIL ITEM M-2

CITY OF LYNNWOOD Public Works

TITLE: Consultant Contract: 42nd Avenue W Design

DEPARTMENT CONTACT: David Mach and Erin Duleba

SUMMARY:

The purpose of this agenda item is to authorize the execution of a contract with KPG P.S. for the design of the 42nd Avenue W project.

Public Works staff is requesting this authorization to design a new grid street in the City Center area of Lynnwood that will be located between 44th Avenue W and 40th Avenue W and will run from 194th St SW (Veterans Way) to 200th Street SW (Alderwood Mall Blvd).

ACTION:

Authorize the Mayor to enter into and execute on behalf of the City, a contract with KPG P.S. not to exceed a total contract value of \$1,705,550.00 which includes a 10% management reserve. Sale taxes do not apply.

BACKGROUND:

42nd Avenue W between 198th Street SW and Alderwood Mall Blvd is one of several City Center Projects identified in the City Center Street Master Plan. The 42nd Avenue W corridor is located in the heart of the City Center's core. This is a future street that provides access and connectivity to future high-rise development and multi-modal forms of transportation. Some of the key project features/benefits include:

- Needed to accommodate future City Center growth
- Breaks down super-blocks to improve pedestrian connectivity
- Improved business access/circulation
- Completes a new grid street in the City Center core
- Approximately 2,000 feet long
- Approximately 8,000-10,000 vehicles per day
- Bicycle facilities with 2-3 vehicle lanes
- 16-foot wide sidewalks
- Lighting, hardscape features, and street furniture

The City previously completed the 42nd Avenue W predesign which looked at a variety of opportunities and design elements including refining the desired corridor cross-section, evaluating right-of-way impacts to surrounding parcels, reviewing construction phasing alternatives, devising implementation strategies, and creating a design study report. KPG was selected for the predesign phase to assist the City with the study.

The project design, right of way and construction will be performed in two segments:

- Segment #1 between Alderwood Mall Blvd and 196th Street SW
 - Bring both segment 1 and segment 2 to 30% design sufficient for NEPA
 - Obtain Environmental permitting (NEPA) for both segments 1 and segment 2
 - Continue on with the design for segment 1 (only) through to construction
 - Perform ROW services for segment 1 first then move onto ROW for segment 2 when the City is ready

Segment #2 between 196th Street SW and 194th Street SW

- Final design and construction to be completed at a future date

Over the life of the project, the total cost could be as high as \$30 million, most of which would be for property acquisitions. Based on past major transportation projects, staff anticipates that the city could secure around \$16M in grants for this projects with the remaining \$14M being funded with local funds. This is a significant amount of local funding but it would be spread over the next 3 to 5 biennium budgets (completion anticipated in 2030).

When it comes to grants, the general rule is that if grant funds are used and the project is not delivered, the grant funds are required to be “paid back” to the funding agency. For this reason, it is important that once the city commits to a project with grant funding, that it follows through with implementation.

PREVIOUS COUNCIL ACTIONS:

City Center Street Master Plan

Ordinance 3165

FUNDING:

The project design costs are consistent with the adopted 2021-2022 biennial budget. Additionally, the city received \$1.3M and \$3M grants for design and right of way acquisition for the project, respectively.

KEY FEATURES AND VISION ALIGNMENT:

The Lynnwood Community Vision states that the City is to “be a welcoming city that builds a healthy and sustainable environment”.

The 42nd Avenue W project supports that vision and results in an important improvement to the City’s infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The project provides a new grid street connection in the City Center area that will help support growth in the City of Lynnwood.

DOCUMENT ATTACHMENTS

Description:	Type:
42nd Alignment layout	Backup Material

CITY COUNCIL ITEM M-3

CITY OF LYNNWOOD Public Works

TITLE: Construction Contract Award: 2021 Pavement Preservation Project

DEPARTMENT CONTACT: David Mach and Amie Hanson

SUMMARY:

The purpose of this agenda item is to contract with Kamins Construction, Inc. for the 2021 Ramps and Sidewalk Project. A request for authorization will cover the bid amount of \$447,125.45 plus a construction contingency of \$70,000. The project will construct sidewalk and lighting improvements adjacent to Veterans Park and sidewalk and ramp improvements at four other sites in Lynnwood.

ACTION:

Authorize the Mayor to enter into and execute on behalf of the City, a Contract with Kamins Construction, Inc. not to exceed a total contract value of \$517,125.45.

BACKGROUND:

The Ramps and Sidewalks Program focuses on making improvements to the City's existing curb ramps and sidewalks to provide a better pedestrian environment and meet requirements of the American with Disabilities Act (ADA). This is the first construction project that will be completed under the program.

This year's construction project was developed based on a combination of community member reports of existing issues and a city-wide assessment of right-of-way (ROW) amenities and ADA requirements conducted as part of the ADA Self-Evaluation and Transition Plan. The selected sites include:

- Veterans Park – Sidewalk, ramps, and pedestrian lighting improvements along Veterans Way, adjacent to Veterans Park;
- Intersection of Veterans Way & 40th Ave W – Northwest quadrant ramp;
- Intersection of Veterans Way & 40th Ave W – Improved sidewalk on south side of Veterans Way and west of intersection;
- 76th Ave W between 44th Ave W and SR 99 – 10 ramps on north side; and
- Intersection of 188th Ave W and 48th Ave W – Southwest quadrant ramp.

This Project and the overall ADA Ramps & Sidewalks Program are part of Public Works Department implementation of the ADA Self-Evaluation and Transition Plan. Chapter 3 of Lynnwood's Self-Evaluation and Transition Plan describes existing barriers in Lynnwood's ROW and planned efforts to remove these barriers.

PREVIOUS COUNCIL ACTIONS:

Business Meeting September, 23, 2019 - Consultant Contract : ADA Ramps and Sidewalk Program

FUNDING:

The project costs are consistent with the adopted 2021-2022 biennial budget.

The revenues contributing to Fund 360 for the \$517,125.45 originate from the following funds:

- Transportation Benefit District Fund 150: \$392,125.45

- Economic Development Infrastructure Fund 020: \$125,000

KEY FEATURES AND VISION ALIGNMENT:

The Lynnwood Community Vision states that the City is to “be a welcoming city that builds a healthy and sustainable environment.”

The ADA Ramps and Sidewalk Program supports that vision and results in an important improvement to the City’s infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The project provides infrastructure supporting a healthy and sustainable environment for all citizens.

DOCUMENT ATTACHMENTS

Description:	Type:
Bid Recording Sheet	Backup Material

BID RECORDING FORM**PROJECT NAME:** ADA Ramps & Sidewalks**READER:** Ashley Tillery, Senior Engineering Tech**DATE OF OPENING:** 03/24/2021**RECORDER:** Ty Nevins, Senior Engineering Tech**TIME OF OPENING:** 2:00 PM PST**BID #:** 3206**ENGINEER'S ESTIMATE:** \$521,915.00**CONTRACT:** 3206

Note: The following Bid results are for Contractor information only. These results will undergo further review by Lynnwood in determination of award to the lowest responsive and responsible bidder.

BIDDING COMPANY	ADDRESS	BID	SIGNED	ADDENDUMS		PROJECT TOTAL
		SECURITY	OFFER	RECEIVED 1 & 2		BASE BID
1 Kamins Construction	PO Box 867 Bothell, WA 98041	X	X	X,X		\$ 447,125.45
2 Westwater Construction Co	PO Box 59237 Renton, WA 98058	X	X	X,X		\$ 542,075.00
3 Northend Excavating Inc	10014 149th ave ne Granite Falls, WA 98252	X	X	X,X		\$ 470,977.50
4 RRJ Company LLC	PO Box 607 Monroe, WA 98272	X	X	X,X		\$ 496,909.16
5 Granite Construction Company	1525 E Marine View Dr Everett WA 98201	X	X	X,X		\$ 666,855.00
6 Interwest Construction Inc	609 North Hill Blvd Burlington WA 98233	X	X	X,X		\$ 448,448.00

M-3-3

CITY COUNCIL ITEM FYI-1

CITY OF LYNNWOOD Public Works

TITLE: 2019 and 2020 Traffic Impact Fee Reports

DEPARTMENT CONTACT: Bill Franz and David Mach

SUMMARY:

Issuing an annual report stating Transportation Impact Fee (TrIF) moneys collected, earned, or received is a requirement of the following Lynnwood Municipal Code:

LMC 3.105.110(C) - On an annual basis, the finance director shall provide a report to the council on the TrIF account showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by TrIFs.

The Finance Department has reviewed the attached reports.

ACTION:

None required, informational only.

BACKGROUND:

The State of Washington requires municipalities to pass an annual report to summarize traffic impact fees collected and subsequently, LMC 3.105.11 (C) states that this annual report is to be provided to the City Council. Traffic Impact Fees are collected in Fund 110 and can be transferred to Transportation Capital Fund 360 to help fund public improvement projects. The 2019 and 2020 reports detailing collected, earned, or received fees and the public projects that these fees were expended on is attached. Both the 2019 and 2020 reports were prepared at the same time to minimize administrative time in preparing them.

DOCUMENT ATTACHMENTS

Description:	Type:
2019 TrIF Report	Backup Material
2020 TrIF Report	Backup Material

City of Lynnwood

Transportation Impact Fees (TrIFs)

2019 Annual Report



January 2021

The 2019 Annual Report of the City of Lynnwood's TrIFs account is prepared in compliance with the following:

RCW 82.02.070(1) - Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

LMC 3.105.110(C) - On an annual basis, the finance director shall provide a report to the council on the TrIF account showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by TrIFs.

Lynnwood TrIFs Background

On September 13, 2010 the City Council passed Ordinance No. 2850 which amended the Lynnwood Municipal Code and enacted a new Chapter 3.105 entitled Transportation Impact Fees. Per Ordinance No. 2850, the City of Lynnwood began imposing TrIFs on January 1, 2011.

TrIFs are used to pay for predetermined transportation projects. The fee amount varies depending on the land use. For example, residential fees and commercial fees are not the same because they generate different amounts of PM peak hour trips. The City of Lynnwood requires payment of TrIFs for certain projects. Generally, projects which do not generate new PM peak hour trips are not required to pay TrIFs.

Revenue must be expended on the predetermined projects identified in the July 2010 Rate Study and also listed as follows:

#	Project	Limits	Project Description
1	36 th Ave W Improvements	Maple Road to 164 th St SW	Turn lanes, bike lanes, sidewalk
2	Poplar Extension Bridge	196 th St SW to AMB	5/6 lane bridge over I-5
3	33 rd Ave W Extension	184 th St SW to AMP	New road through old high school
4	33 rd Ave W Extension	33 rd Ave W to 184 th St SW	New road through mall or H-Mart
5	33 rd Ave W Extension	Maple Road	Realign Maple to new 33 rd Extension
6	52 nd Ave W Improvements	176 th St SW to 168 th St SW	Add turn lanes, bike lanes, sidewalk
7	Beech Road Extension	AMP to Ash Way Underpass	Continuous road behind Kohls/Target
8	44 th Ave W Improvements	I-5 to 194 th St SW	Add lanes
9	42 nd Ave W Improvements	200 th St SW to 194 th St SW	New road
10	204 th St SW Extension	68 th Ave W to SR99	New road
11	Maple Road Extension	32 nd Ave W to AMP	New road
12	196 th St SW Improvements	48 th Ave W to 36 th Ave W	Add lanes
13	200 th St SW Improvements	48 th Ave W to 40 th Ave W	Add lanes
14	194 th St SW Improvements	40 th Ave W to 33 rd Ave W	New road
15	Intersection Improvements	28 th Ave W/AMB	NB Lt turn pocket and traffic signal
16	Intersection Improvements	Sears/AMP	SB Rt turn pocket and reconstruct signal
17	ITS - Phase 3	Citywide	Dynamic Message Signs
18	Lynnwood Link Trolley Feasibility Study	EdCC, Transit Center, CC, Alderwood	Feasibility study for trolley
19	Tran Element/Tran Bus Plan	Citywide	Misc. planning documents

2019 Revenue

In 2019 \$440,074 was received from developers in TrIF payments and \$8,202 was received in administrative fees. Detailed 2019 revenue received is shown as follows:

TrIF#	Pay Date	Location	Payee	TrIF	Admin. Fee
19TIF-0001	5/20/2019	18832 48th Ave W	Premier Homes LLC	\$8,023.00	\$240.69
19TIF-0002	3/15/2019	17501 33rd Pl W	WGC Holdings LLC	\$8,023.00	\$240.69
19TIF-0003	2/21/2019	17521 44th Ave W	Manuel Lopez	\$0.00	\$100.00

19TIF-0004	4/12/2019	19105 Hwy 99	Costco	\$283,325.35	\$3,000.00
19TIF-0005	5/30/2019	6111 180th St SW	Christopher Paulson	\$0.00	\$100.00
19TIF-0006	3/11/2019	16525 66th Ave W	Echelbarger Investments LLC	\$0.00	\$100.00
19TIF-0007	4/3/2019	19910 Poplar Way	Seattle Investment Properties LLC	\$4,311.45	\$129.34
19TIF-0008	1/29/2019	3901 189th Pl SW	Critchlow Homes Inc	\$8,023.00	\$240.69
19TIF-0009	1/29/2019	3825 189th Pl SW	Critchlow Homes Inc	\$8,023.00	\$240.69
19TIF-0010	4/1/2019	17422 32nd Ave W	WGC Holdings LLC	\$8,023.00	\$240.69
19TIF-0011	6/4/2019	16525 66th Ave W	Echelbarger Investments LLC	\$8,023.00	\$240.69
19TIF-0012	6/4/2019	16525 66th Ave W	Echelbarger Investments LLC	\$8,023.00	\$240.69
19TIF-0013	6/12/2019	18131 40th Ave W	Majestic View Homes LLC	\$0.00	\$100.00
19TIF-0014	6/28/2019	16525 66th Ave W	Echelbarger Investments LLC	\$8,023.00	\$240.69
19TIF-0015	5/22/2019	4310 172nd St SW	Best Harbour Development LLC	\$8,023.00	\$240.69
19TIF-0016	6/17/2019	3124 176th St SW	Premiere Homes LLC	\$0.00	\$100.00
19TIF-0017	6/28/2019	20826 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0018	7/16/2019	20830 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0019	7/12/2019	20828 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0020	8/11/2019	20836 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0021	8/11/2019	20834 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0022	8/14/2019	20912 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0023	10/11/2019	20918 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0024	11/26/2019	20924 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69
19TIF-0025	11/27/2019	20920 54th Ave W	Pulte Homes of Washington	\$8,023.00	\$240.69

19TIF-0026	12/3/2019	18926 37th Ave	Critchlow Homes Inc	\$8,023.00	\$240.69
			Subtotal	\$440,073.80	\$8,202.45
			2019 Interest		\$59,516.00
			Misc. Revenue		\$44.00
			Total	\$440,073.80	\$67,762.45

Per Ordinance No. 2850, TrIF revenue is to be deposited into a separate interest-bearing account (Fund 110). \$59,516 was earned in 2019. Per Ordinance No. 2850, the administrative fee is used to defray the cost incurred by the city in the administration and update of the TrIF program.

2019 Expenses/Projects Funded

City Council approved Ordinance 3202 in July 2016 which superseded Ordinance 3109, 2843 which allocated \$342,486 in TrIF funds for the 36th/35th Ave W Road Improvements Project (project #1). City Council approved Ordinance 3278 for the Biennial Budget 2017-2018 in the amount of \$1,093,514 for the 36th Ave W. Improvement Project, Beech Road Project, and Traffic Modeling On-Call. A transfer of \$860,000 was done in 2017-2018 for these projects. City Council approved Ordinance 3315 for the Biennial Budget 2019-2020 in the amount of \$1,926,454 for the 36th Ave W. Improvement Project and the 196th St. SW Improvements Project. No transfer was done in 2019 for these projects.

The remaining TrIF revenue will remain in TrIF Fund 110 until expended in subsequent years on the various TrIF projects listed previously in this report. No administrative fee revenue was expended in 2019. The administrative fee revenue will be expended next time the Rate Study is amended.

79 **Fund Balance**

80 The 2019 TrIF fund balance (Fund 110) is summarized as follows:

\$ 1,510,878	Estimated Beginning Fund Balance – 01/01/2018
\$ 440,074	2019 TrIF Revenue
\$ 8,202	2019 Administrative Fee
\$ 44	2019 Misc Revenue
\$ 59,516	2019 Interest
\$ -	2019 Expenses/Projects Funded
<hr/> \$ 2,018,714	<hr/> 2019 End Fund Balance – 12/31/2019 (Fund 110)

81
82 The balance of funds will be rolled over to 2020 and used to fund (in whole or in part) the
83 various TrIF projects (196th Improvements and the 36th Ave W. Improvements).

CITY OF LYNNWOOD, WASHINGTON
BALANCE SHEET
TRANSPORTATION IMPACT FEE
December 31, 2019

	<u>2019</u>
Assets	
Cash and cash equivalents	\$ 1,058,143
Investments	960,571
Interest Receivable	-
Total Assets	<u><u>\$ 2,018,714</u></u>
 Fund Balances	
Restricted	<u><u>\$ 2,018,714</u></u>

CITY OF LYNNWOOD, WASHINGTON
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
TRANSPORTATION IMPACT FEE
For the Year Ended December 31, 2019

	2019
Revenues	
Charges for services	\$ 448,320
Investment interest	59,516
Miscellaneous	-
Total Revenues	<u>507,836</u>
Other Financing Sources (Uses)	
Transfers in	-
Transfers out	-
Net Change in Fund Balances	<u>507,836</u>
Fund Balances Beginning of Year	<u>1,510,878</u>
Fund Balances End of Year	<u><u>\$ 2,018,714</u></u>

City of Lynnwood

Transportation Impact Fees (TrIFs)

2020 Annual Report



March 2021

The 2020 Annual Report of the City of Lynnwood's Transportation Impact Fee (TrIF) account is prepared in compliance with the following:

RCW 82.02.070(1) - Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

LMC 3.105.110(C) - On an annual basis, the finance director shall provide a report to the council on the TrIF account showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by TrIFs.

Lynnwood TrIFs Background

On September 13, 2010 the City Council passed Ordinance No. 2850 which amended the Lynnwood Municipal Code and enacted a new Chapter 3.105 entitled Transportation Impact Fees. Per Ordinance No. 2850, the City of Lynnwood began imposing TrIFs on January 1, 2011.

TrIFs are used to pay for predetermined transportation projects. The fee amount varies depending on the land use. For example, residential fees and commercial fees are not the same because they generate different amounts of PM peak hour trips. The City of Lynnwood requires payment of TrIFs for certain projects. Generally, projects which do not generate new PM peak hour trips are not required to pay TrIFs.

Revenue must be expended on the predetermined projects identified in the July 2010 Rate Study and listed as follows:

#	Project	Limits	Project Description
1	36 th Ave W Improvements	Maple Road to 164 th St SW	Turn lanes, bike lanes, sidewalk
2	Poplar Extension Bridge	196 th St SW to AMB	5/6 lane bridge over I-5
3	33 rd Ave W Extension	184 th St SW to AMP	New road through old high school
4	33 rd Ave W Extension	33 rd Ave W to 184 th St SW	New road through mall or H-Mart
5	33 rd Ave W Extension	Maple Road	Realign Maple to new 33 rd Extension
6	52 nd Ave W Improvements	176 th St SW to 168 th St SW	Add turn lanes, bike lanes, sidewalk
7	Beech Road Extension	AMP to Ash Way Underpass	Continuous road behind Kohls/Target
8	44 th Ave W Improvements	I-5 to 194 th St SW	Add lanes
9	42 nd Ave W Improvements	200 th St SW to 194 th St SW	New road
10	204 th St SW Extension	68 th Ave W to SR99	New road
11	Maple Road Extension	32 nd Ave W to AMP	New road
12	196 th St SW Improvements	48 th Ave W to 36 th Ave W	Add lanes
13	200 th St SW Improvements	48 th Ave W to 40 th Ave W	Add lanes
14	194 th St SW Improvements	40 th Ave W to 33 rd Ave W	New road
15	Intersection Improvements	28 th Ave W/AMB	NB Lt turn pocket and traffic signal
16	Intersection Improvements	Sears/AMP	SB Rt turn pocket and reconstruct signal
17	ITS - Phase 3	Citywide	Dynamic Message Signs
18	Lynnwood Link Trolley Feasibility Study	EdCC, Transit Center, CC, Alderwood	Feasibility study for trolley
19	Tran Element/Tran Bus Plan	Citywide	Misc. planning documents

2020 Revenue

In 2020 \$252,676.83 was received from developers in TrIF payments and \$9,145.18 was received in administrative fees. Detailed 2020 revenue received is shown as follows:

TriF#	Pay Date	Location	Payee	TriF	Admin. Fee
20TIF-0001	1/9/2020	3806 189th Pl	Critchlow Homes Inc	\$8,023.00	\$240.69
20TIF-0002	1/31/2020	3816 189th Pl	Critchlow Homes Inc	\$8,023.00	\$240.69
20TIF-0003	8/13/2020	19921 68th Ave W	52nd Ave Holdings LLC	\$75,920.83	\$3,250.00
20TIF-0004	2/26/2020	3732 189Th SW Pl,	CRITCHLOW HOMES INC	\$8,023.00	\$240.69

20TIF-0005	1/31/2020	3918 189Th SW Pl	Mark Echelbarger	\$8,023.00	\$240.69
20TIF-0006	2/10/2020	20934 54Th W Ave	Pulte Homes of Washington	\$8,023.00	\$240.69
20TIF-0007	2/20/2020	3828 189Th SW Pl	Critchlow Homes	\$8,023.00	\$240.69
20TIF-0008	2/17/2020	20932 54Th W Ave	Pulte Homes of Washington	\$8,023.00	\$240.69
20TIF-00099	3/9/2020	20906 54Th W Ave	Pulte Homes of Washington	\$8,023.00	\$240.69
20TIF-0010	7/20/2020	3904 189Th SW Pl	Critchlow Homes	\$8,023.00	\$240.69
20TIF-0011	5/7/2020	4928 192Nd SW St	Premiere Homes LLC	\$8,023.00	\$240.69
20TIF-0012	6/19/2020	3710 172Nd SW St	Adamant Homes LLC	\$8,023.00	\$240.69
20TIF-0013	6/20/2020	3714 172Nd SW St	Adamant Homes LLC	\$8,023.00	\$240.69
20TIF-0014	9/8/2020	3718 172 nd St SW	Adamant Homes LLC	\$8,023.00	\$240.69
20TIF-0015	5/18/2020	4100 Alderwood Mall Blvd	Kinect @ Lynnwood Apartments LLC	\$0.00	\$100.00
20TIF-0016	4/24/2020	20928 54Th W Ave	Pulte Homes of Washington	\$8,023.00	\$240.69
20TIF-0017	7/17/2020	3722 172Nd SW St	Adamant Homes LLC	\$8,023.00	\$240.69
20TIF-0018	7/15/2020	18717 76Th W Ave, 1	THE QUADRANT CORPORATION DBA QUADRANT HOMES	\$250.00	\$100.00
20TIF-0019	10/13/2020	18717 76Th W Ave, 6	THE QUADRANT CORPORATION DBA QUADRANT HOMES	\$0.00	\$100.00
20TIF-0020	7/28/2020	18717 76Th W Ave, 7	THE QUADRANT CORPORATION DBA QUADRANT HOMES	\$0.00	\$100.00
20TIF-0021	8/20/2020	18717 76Th W Ave, 8	THE QUADRANT CORPORATION DBA QUADRANT HOMES	\$0.00	\$100.00
20TIF-0022	9/11/2020	20907 55Th W Ave	Pulte Homes of Washington	\$8,023.00	\$240.69
20TIF-0023	8/3/2020	3727 189Th SW Pl	Critchlow Homes	\$8,023.00	\$240.69

20TIF-0024	9/11/2020	3721 189Th SW Pl	Critchlow Homes	\$8,023.00	\$240.69
20TIF-0025	9/12/2020	20818 55th Ave	Pulte Homes of Washington Inc.	\$8,023.00	\$240.69
20TIF-0026	9/22/2020	20832 54th Ave W Lot 39	Pulte Homes of Washington Inc.	\$8,023.00	\$240.69
20TIF-0027	10/26/2020	18918 37th Ave W Lot 19	Critchlow Homes	\$8,023.00	\$240.69
20TIF-0028	12/16/2020	3528 179th St SW Lot 2	Adamant Homes LLC	\$8,023.00	\$240.69
20TIF-0029	12/16/2020	3530 179th St SW Lot 1	Adamant Homes LLC	\$0.00	\$100.00
			Total	\$252,676.83	\$9,145.18

59

60

61 Per Ordinance No. 2850, TrIF revenue is to be deposited into a separate interest-bearing account
62 (Fund 110). \$28,356 was earned in 2020. Per Ordinance No. 2850, the administrative fee is
63 used to defray the cost incurred by the city in the administration and update of the TrIF program.

64

65 **2020 Expenses/Projects Funded**

66 City Council approved Ordinance 3202 in July 2016 which superseded Ordinance 3109, 2843
67 which allocated \$342,486 in TrIF funds for the 36th/35th Ave W Road Improvements Project
68 (project #1). City Council approved Ordinance 3278 for the Biennial Budget 2017-2018 in the
69 amount of \$1,093,514 for the 36th Ave W. Improvement Project, Beech Road Project, and Traffic
70 Modeling On-Call. A transfer of \$860,000 was done in 2017-2018 for these projects. City
71 Council approved Ordinance 3315 for the Biennial Budget 2019-2020 in the amount of
72 \$1,926,454 for the 36th Ave W. Improvement Project and the 196th St. SW Improvements
73 Project. No transfer was done in 2020 for these projects.

74

75 The remaining TrIF revenue will remain in TrIF Fund 110 until expended in subsequent years on
76 the various TrIF projects listed previously in this report. No administrative fee revenue was
77 expended in 2020. The administrative fee revenue will be expended next time the Rate Study is
78 amended.

79

80 **Fund Balance**

81 The 2020 TrIF fund balance (Fund 110) is summarized as follows (unaudited):

\$ 2,018,714	Estimated Beginning Fund Balance – 01/01/2020
\$ 252,677	2020 TrIF Revenue
\$ 9,145	2020 Administrative Fee
\$ 28,357	2020 Interest
\$ -	2020 Expenses/Projects Funded
\$ 2,308,893	2020 End Fund Balance – 12/31/2020 (Fund 110)

82

83 The balance of funds will be rolled over to 2021 and used to fund (in whole or in part) the 196th
84 Improvements.

CITY OF LYNNWOOD, WASHINGTON
BALANCE SHEET
TRANSPORTATION IMPACT FEE
December 31, 2020
(Unaudited)

	<u>2020</u>
Assets	
Cash and cash equivalents	\$ 1,132,080
Investments	1,176,813
Interest Receivable	-
Total Assets	<u>\$ 2,308,893</u>
 Fund Balances	
Restricted	<u>\$ 2,308,893</u>

CITY OF LYNNWOOD, WASHINGTON
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
TRANSPORTATION IMPACT FEE
For the Year Ended December 31, 2020
(Unaudited)

	<u>2020</u>
Revenues	
Charges for services	\$ 261,822
Investment interest	28,357
Miscellaneous	
Total Revenues	<u>290,179</u>
 Other Financing Sources (Uses)	
Transfers in	-
Transfers out	-
Net Change in Fund Balances	290,179
 Fund Balances Beginning of Year	<u>2,018,714</u>
Fund Balances End of Year	<u>\$ 2,308,893</u>

CITY COUNCIL ITEM FYI-2

CITY OF LYNNWOOD Community Development

TITLE: Quasi-Judicial Public Hearing Process: Whispering Pines Redevelopment

DEPARTMENT CONTACT: Kristen Holdsworth, Senior Planner; Ashley Winchell, Planning Manager; David Kleitsch, DBS Director

SUMMARY:

On March 24, 2021, Inland Washington, LLC submitted applications to construct novo on 52nd (project) at 18225 52nd Ave W. Lynnwood WA. This project involves redevelopment of the Whispering Pines property owned by the Housing Authority of Snohomish County (HASCO). HASCO will retain ownership of the property.

The redevelopment project includes: demolition of existing structures; construction of 242 residential units; over 20,000 square feet of residential outdoor amenity area; over 6,000 square feet of indoor residential community area; and a total of 399 off-street parking spaces in garages, carports and uncovered surface stalls.

The applicant seeks a development agreement as part of the project. A development agreement is a quasi-judicial process with a public hearing. The attachment to this memo provides an overview of the quasi-judicial development agreement process. It is anticipated the development agreement will be presented to Council in July 2021 (exact dates are to be determined).

DOCUMENT ATTACHMENTS

Description:	Type:
Quasi-Judicial Public Hearing: novo on 52nd (Whispering Pines Redevelopment)	Memo

MEMORANDUM

DATE: April 13, 2021

TO: Mayor Nicola Smith
City Council

FROM: Kristen Holdsworth, AICP, Senior Planner

CC: David Kleitsch, Development and Business Services Director
Ashley Winchell, AICP, Community Planning Manager
Rosemary Larson, City Attorney
Planning Commission

RE: Quasi-Judicial Public Hearing: novo on 52nd (Whispering Pines Redevelopment)

This memo provides a brief update on land use permits received for redevelopment of the Whispering Pines multifamily apartments. The new development will be called novo on 52nd.

The applicant seeks a development agreement as part of the project. A development agreement is a quasi-judicial process with a public hearing. **Attachment 1** provides an overview of the quasi-judicial development agreement process. It is anticipated the development agreement will be presented to Council in July 2021 (exact dates are to be determined).

It is important to note that Council consideration of a development agreement is a quasi-judicial process. This process limits information for Council's consideration to that obtained through the official record and public hearing. Council must not engage in hearing or collecting comments related to the project during this time. Council should rely on City Staff to collect and enter information into the public record as well as testimony obtained during the Public Hearing. Public comments may be sent to Kristen Holdsworth, Senior Planner, at kholdsworth@lynnwoodwa.gov. Opportunities for public comment are identified in the "next steps" section of this memo.

Existing Site Information

- Site Address: 18225 52nd Ave W
- Property Owner: Housing Authority of Snohomish County (HASCO)
- Zoning: Multiple Family Residential Medium (RMM)
- RMM Residential Density Allowed: Up to 18 dwelling units per acre
- Comprehensive Plan Future Land Use Designation: Medium Density (MF-2)
- MF-2 Residential Density Allowed: 12-20 dwelling units per acre
- Site size: 12.11 acres (527,511 SF)

- Existing Use: Whispering Pines Apartments - 240 income-restricted residential units, 356 parking stalls, and on-site amenities

Summary of Project Proposal

- On March 24, 2021, Inland Washington, LLC submitted applications to construct novo on 52nd (project). The project includes construction of 242 residential units, over 20,000 square feet of residential outdoor amenity area, over 6,000 square feet of indoor residential community area, and a total of 399 off-street parking spaces in garages, carports and uncovered surface stalls.
- The applicant intends to demolish all existing structures onsite.
- The proposed multifamily units will be income-restricted for households earning 60% or less of the area median income. The income-restriction will last for 35 years in the form of a restrictive covenant.
- The applicant has indicated that the proposal will comply with current Comprehensive Plan requirements. They are not requesting any changes to the Comprehensive Plan or a rezone.

Permits Submitted

The applicant has applied for several land use permits associated with this project. Submittal materials can be accessed at www.lynnwoodwa.gov/publicnotices. The information below provides a summary of the permits submitted.

- **Environmental Review (SEPA)** – The project is subject to SEPA environmental review. The applicant has submitted a SEPA environmental checklist. A SEPA determination is an administrative decision issued by the Development and Business Services Director. The SEPA determination will be issued prior to the development agreement hearing or any other administrative permit decisions.
- **Development Agreement (DA)** – The applicant seeks a Development Agreement, which is a contract between the City and the landowner/developer that specifies the standards and conditions that will govern the development of property. The development agreement is a tool that provides flexibility without requiring a rezone. A rezone of the site would allow significantly more density and height than the applicant is requesting. Through the development agreement, the applicant seeks flexibility to increase the allowed RMM zone density and height standards while maintaining compliance with the existing recommended density of the Comprehensive Plan. Development agreements are decided by City Council through a quasi-judicial process with a public hearing (Chapter 21.29 LMC). Please refer to **Attachment 1** of this memo for additional information about the Development Agreement quasi-judicial process.
- **Project Design Review (PDR)** – The project is subject to the citywide design guidelines. A PDR land use permit is an administrative decision issued by the Development and Business Services Director. The Development Agreement must be approved prior to issuance of a PDR decision.
- **Administrative Parking Reduction (PAR)** – The applicant has requested to reduce required parking from 468 stalls to 399 stalls (14% reduction) and has provided information to justify this request. Per LMC 21.18.920, the Development and

Business Services Director may review and approve requests for parking reductions up to 20%. The Development Agreement must be approved prior to issuance of a PAR decision.

Next Steps and Application Review Process Pursuant to the Lynnwood Municipal Code

1. On April 16, 2021 staff will issue a notice of application and impending decision in accordance with Chapter 1.35 Lynnwood Municipal Code (LMC). Submittal materials are available online at www.lynnwoodwa.gov/publicnotices. A 14-day official comment period will commence. In accordance with LMC 1.35.333, staff will continue to review any written comments received until a decision is issued.
2. Staff will review application materials and comments received. If needed, a letter requesting additional information and/or corrections will be sent to the applicant.
3. The applicant will resubmit materials (if needed, based on staff review).
4. The Development and Business Services Director (as the SEPA Responsible Official) will issue a SEPA threshold determination. The SEPA threshold determination will include a public comment and appeal period.
5. An approved development agreement is required before any additional administrative land use permits (PDR and PAR) can be issued. A Council briefing (work session) and public hearing for the development agreement are tentatively planned for July 2021 (exact dates are dependent on thoroughness of application materials, review timelines, and Council scheduling). The notice of public hearing will be in accordance with Chapter 1.35 LMC. Refer to **Attachment 1** for additional information about the quasi-judicial development agreement process.
6. If the City Council approves the development agreement, staff will proceed with administrative review and issuance of decision for the administrative permits.
7. If the administrative decision is to approve/approve with conditions, there will be a 14-day appeal period (Chapter 1.35 LMC).
8. Associated construction permits may be submitted at any time, but cannot be issued until the project receives land use approval and all relevant appeal periods have ended.

Attachments:

1. novo on 52nd Development Agreement: Quasi-Judicial Process

Attachment 1

novo on 52nd Development Agreement: Quasi-Judicial Process

Development Agreement Overview

In general, a development agreement is a contract between the City and a landowner/developer that specifies the standards and conditions that will govern the development of property.

In Washington, state law specifically authorizes their use and provides a process for their approval (RCW 36.70B.170-210). Accordingly, Lynnwood has adopted procedures for approval of development agreements (Chapter 1.37 LMC). Both state law and the City code require a public hearing before the approval of such an agreement. The City Council is the body that conducts the public hearing on the agreement, and approves the agreement.

Typically, Council considers items in their capacity as a legislative body. However, the Council's consideration of the novo on 52nd development agreement will be treated as a **quasi-judicial** process. This process is required because the agreement will govern the development of specific property and direct conditions that will be imposed on the specific development.

Council will be the ultimate decision-maker on the development agreement. To protect the appearance of fairness and due process concerns associated with the quasi-judicial decision-making process, interested parties should have the opportunity to provide input at the appropriate times, and at least to be present for the Council's pre-hearing discussion regarding the matter.

As the potential decision-makers, Council members must avoid comments, or questions, indicating "prejudgement" of any issue. Discussion by the Council (or a quorum of the Council) regarding the specifics of potential provisions for the development agreement, prior to the actual hearing, could cause legal issues in two ways:

1. Depending on the comments, it could trigger a claim by hearing participant that the appearance of fairness doctrine had been violated; and/or
2. If a quorum of the Council engages in that conduct, either collectively or serially, outside of a regular Council meeting or properly noticed special meeting, it would create an issue as to Open Public Meetings Act compliance.

The City Council will have the ultimate authority to approve or modify the terms of the development agreement, or to require different or additional terms, within legal parameters. The terms of the agreement must be consistent with state law and with existing City code and policies. It would not be appropriate to create new policies, and then apply the new policy to this agreement or the related land use applications.

The owner and developers will continue conducting public outreach as part of their development process. During this outreach effort, Councilmembers may not participate. Councilmembers may be approached by residents and community members to discuss the proposal. Councilmembers must not engage in hearing or collecting comments during this time and should rely on City Staff to collect and enter into the record during the Public Hearing. Public comments may be sent to Kristen Holdsworth, Senior Planner at kholdswroth@lynnwoodwa.gov.

Procedural Matters for the Quasi-Judicial Public Hearing

The following information is intended to remind Council of the process for a quasi-judicial public hearing:

- The Council's consideration of the novo on 52nd development agreement is a quasi-judicial matter. Prior to the quasi-judicial hearing, City staff will provide limited background and procedural information during a work session meeting (tentatively scheduled for July 2021). At any prehearing work sessions, any questions from City Council to City staff regarding the project will be "one-way" communications to the staff, for staff's and the applicant's review and response as needed.
- Responses to Council questions will be prepared and provided to the City Council for the Public Hearing.
- Questions regarding process and schedule are procedural in nature and not quasi-judicial.
- At the public hearing, all Councilmembers should come prepared to make any disclosure statements required to address any potential conflicts of interest or appearance of fairness issues that may exist.
- City staff will provide a staff report on the project at the public hearing.
- The project applicant will be provided the opportunity to present their project proposal at the public hearing.
- During the public hearing the first time a person gives general testimony it would be limited to 3 minutes per individual, and 5 minutes for those representing an organization. A person may speak a second time once everyone has had a chance to speak a first time.
- The Council Clerk will keep time and use time cards or a sound system for notifying speakers of their time remaining.
- Any person wishing to testify will be able to address any aspect of project, however, speakers will be asked to keep their remarks on the scheduled topics.

- At the close of public testimony, it will be announced that the record is closed, and that further statements written or verbal will be included in Council deliberations.
- The hearing will be subject to the City's script for a Quasi-Judicial Public Hearing (the scrip will be provided prior to the public hearing).
- City Council's post-hearing deliberations will be based on the record of the public hearing.