

EDMONDS CITY COUNCIL APPROVED MINUTES

November 12, 2002

Following City Council Committee meetings which began at 6:00 p.m., the Edmonds City Council meeting was called to order at 7:03 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor

Dave Earling, Council President

Jeff Wilson, Councilmember

Michael Plunkett, Councilmember

Lora Petso, Councilmember

Dave Orvis, Councilmember

Richard Marin, Councilmember

Deanna Dawson, Councilmember

STAFF PRESENT

Tom Tomberg, Fire Chief

David Stern, Chief of Police

Duane Bowman, Development Serv. Director

Stephen Clifton, Community Services Director

Peggy Hetzler, Administrative Services Director

Arvilla Ohlde, Parks and Recreation Director

Brent Hunter, Human Resources Director

Rob Chave, Planning Manager

Steve Bullock, Senior Planner

Dave Gebert, City Engineer

Scott Snyder, City Attorney

Sandy Chase, City Clerk

Jana Spellman, Senior Executive Council Asst.

Jeannie Dines, Recorder

1. **APPROVAL OF AGENDA**

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

2. **CONSENT AGENDA ITEMS**

Councilmember Petso requested items F and G be removed from the Consent Agenda.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- (A) ROLL CALL**

- (B) APPROVAL OF CITY COUNCIL MEETING MINUTES OF NOVEMBER 4, 2002**

- (C) APPROVAL OF CLAIM CHECKS #58974 THROUGH #59115 FOR THE WEEK OF NOVEMBER 4, 2002, IN THE AMOUNT OF \$256,250.29. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #34313 THROUGH #34421 FOR THE PERIOD OCTOBER 16 THROUGH OCTOBER 31, 2002, IN THE AMOUNT OF \$736,745.53.**

- (D) ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM DONNA FINLON (AMOUNT UNDETERMINED)**

- (E) AUTHORIZATION TO CALL FOR BIDS FOR THE FIRE STATIONS 16 AND 20 EMERGENCY-VEHICLE TRAFFIC SIGNALS PROJECT**

Item F: Authorization of a Resolution to Initiate an Official Street Map Amendment for that Portion of Pioneer Way North of its Current Terminus in Shell Valley to Main Street

Councilmember Petso recalled there had been plans for a road in this area that would provide emergency access or allow residents to exit the area during inclement weather conditions. Further, Councilmember Petso noted the Bicycle Comprehensive Plan identified a bike trail and pedestrian walkway in this area. In view of the planned use for that property, she questioned the proposal to eliminate the right-of-way in that area. Senior Planner Steve Bullock explained this was not a request to approve a change in the Official Street Map, it was to allow City staff, the Planning Board and the Council to consider changes to the Official Street Map. Specifically, the Official Street Map currently identifies this as 60 feet of property dedicated to a right-of-way on a particular alignment. He explained there were difficulties with that alignment due to critical areas including wetlands and steep slopes as well as concern with how a street might enter onto Main Street. He acknowledged there were several issues of concern and importance for this connection, including the bikeway plan, the walkway plan, and potential access to Shell Valley. Those issues would be considered when changes to the Official Street Map were reviewed.

Councilmember Petso asked why this process was being initiated at this time when there were no immediate plans in that area. Mr. Bullock answered either the City Council or a property owner could initiate a change to the Official Street Map. He explained there were two property owners in this area, one being the City. The City was considering surplus property it owned that abuts this property. He explained the Official Street Map currently required more improvements than the City may want in that area and there was a desire to resolve those issues prior to surplus the property.

Councilmember Petso inquired about opportunities for public comment. Mr. Bullock replied the Official Street Map amendment process and the street vacation process required public hearings. The Hearing Examiner would hold a public hearing with regard to any Official Street Map amendment with a recommendation to the City Council and the Council would hold a public hearing for any street vacation.

Councilmember Petso inquired whether only property owners within 300 feet would be notified or if notification could be extended to all property owners within Shell Valley. Mr. Bullock agreed that could be proposed. Councilmember Petso commented the residents of Shell Valley likely would be impacted more by any change than would residents on Main Street.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ITEM F. MOTION CARRIED UNANIMOUSLY. The agenda item approved is as follows:

RESOLUTION NO. 1031 TO INITIATE A STREET AMENDMENT APPLICATION FOR THE PROPOSED RIGHT-OF-WAY OF PIONEER WAY, RUNNING FROM THE EXISTING NORTHERN LIMIT OF PIONEER WAY TO MAIN STREET.

Item G: Approval of Resolution to Initiate a Street Vacation for that Portion of 85th Place West North of Bowdoin Way adjacent to Fire Station #6

Councilmember Petso observed this process would also require a public hearing. Mr. Bullock agreed. Councilmember Petso noted that at the time a public hearing was held, staff would provide information regarding how access would be provided to the water tank, cell tower, etc. Mr. Bullock explained staff would ensure adequate access could be maintained and, if not, the right-of-way may remain as it currently exists.

Councilmember Petso inquired whether the entire right-of-way must be vacated or whether it could be reduced. Mr. Bullock advised consideration could be given to reducing the amount of right-of-way. Councilmember Petso observed that this item was only authorizing staff to consider the street vacation. Mr. Bullock agreed.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ITEM G. MOTION CARRIED UNANIMOUSLY. The agenda item approved is as follows:

RESOLUTION NO. 1032 TO INITIATE THE VACATION OF THE RIGHT-OF-WAY LOCATED ON THE NORTH SIDE OF THE 8500 BLOCK OF BOWDOIN WAY ADJACENT TO THE CITY OWNED PROPERTY LOCATED AT 8505 BOWDOIN WAY.

3. WORK SESSION ON THE 2003 BUDGET

Council President Earling recalled the Council had an opportunity on Saturday, November 9, for Department Directors to present the cuts they proposed for the 2003 budget. The Council also discussed potential new revenue streams. Department Directors have been asked to provide an overview of their budget at this work session and the work session on November 19 followed by Council questions related to that department.

Parks & Recreation Department

Parks & Recreation Director Arvilla Ohlde referred to the Parks & Recreation section of the Budget book including an organizational chart identifying the three areas of the department – Cultural & Recreation, Office & Administration, and Park Maintenance. She referred to the mission and function of the Parks & Recreation Department which include response to Parks and Recreational needs and economic development, quality of life, maintenance of 325 acres, 1,000 feet of shoreline, 20 facilities, 600,000 square feet of program space, and 20,000 square feet of flower program areas, 600 programs/classes, 8,000 participants, and liaison to Arts Commission, Cemetery Board, Alliance for Economic Development, Library Board, Sister City, and Edmonds In Bloom.

Ms. Ohlde referred to the Parks & Recreation expenditure summary and the revenue summary in the Budget Book. She anticipated revenues in the amount of \$922,000 in 2003. She pointed out a projected decrease in Space Facility Rentals due to the inability to rent the Plaza Room while the roof is repaired next year.

Ms. Ohlde reviewed the budgeted amounts for each area of the Parks & Recreation Department, \$410,000 for Administration, \$937,000 for Cultural & Recreation, and \$1,027,000 for Parks, a total of \$2.3 million in the 2003 budget, 10% of the General Fund. She explained the intent when making cuts to the Parks & Recreation budget was to retain revenue generating programs, retain skilled labor, reduce support for community events, and retain basic recreation, park and cultural services. She highlighted the cuts made in the Parks & Recreation Department totaling 12% which include reducing Yost Pool operation from 13 weeks to 9 weeks, eliminating Beach Ranger patrols, reducing part-time recreation support staff/supplies, eliminating part-time clerk and evening staff at Frances Anderson Center, a one-third reduction in flower baskets, reducing the planting of corner parks with annual flowers by half, and reducing the level of service

in parks. The programs she strived to retain included youth programming, health and fitness programs, environmental education, and retaining the quality of civil living throughout the community.

Ms. Ohlde highlighted items funded in each division of Parks & Recreation, Administration (17% of the Parks & Recreation budget), Recreation (40% of the total Parks & Recreation budget), and Parks (43% of the Parks & Recreation budget). She explained included in the Parks budget was the Flower Program which consisted of seeds, water, electricity and water truck.

For Council President Earling, Ms. Ohlde explained the Cemetery Improvement Fund represented funds collected via fees and charges collected by the cemetery which were being carried forward for a future capital improvement to construct a columbarium.

Council President Earling recalled a reference that the Parks & Recreation Department was withdrawing from advertising and inquired whether this would include withdrawing from the publication of the “Craze” Recreation Guide. Ms. Ohlde answered the department was withdrawing from any other outside advertising; the Department would continue to participate in the “Craze” which was published in coordination with Lynnwood and Mountlake Terrace.

Council President Earling inquired about the impact of the reductions in the flower program. Ms. Ohlde stated the intent was to retain the flowers in the 5th Ave./Main St. corridor but little beyond that area.

Councilmember Petso commented the Flower Program budget did not reflect any personnel. Ms. Ohlde answered the eleven park maintenance full-time positions included two in the Flower Program. She noted that cut from the budget were four seasonal employees, two in the January/February timeframe for propagation and two in the summer for watering.

Councilmember Dawson referred to Ms. Ohlde’s preference to add funding for environmental education programs if additional funds were identified, and inquired regarding the cost of that program. Ms. Ohlde advised the cost was approximately \$79,000 with revenue of \$54,000.

For Councilmember Dawson, Ms. Ohlde explained her second priority if additional funds were identified would be to fund \$25,000 in part-time labor to assist with the Flower Program as well as general park maintenance.

Councilmember Wilson recalled Ms. Ohlde indicated the environmental education program (Beach Ranger) could be funded via the Stormwater Utility. Ms. Ohlde advised this was an option the City Council could consider as the Stormwater Comprehensive Plan includes an element that addresses education and public awareness. Councilmember Wilson inquired whether the City could run the risk of not being in compliance with the Stormwater Comprehensive Plan if the environmental education program were eliminated. Ms. Ohlde indicated staff has expressed concern with eliminating that program due to its inclusion in the Stormwater Comprehensive Plan.

Police Department

Chief of Police David Stern reviewed the cuts made to the Police Department which include reductions in non-personnel expenses, and the reduction of ten part-time and six full-time positions. Specifically, the reductions include \$75,000 in vehicle cost reductions, transfer of \$74,000 in jail costs to the Criminal Justice Fund, \$15,000 reduction in travel/training, elimination of three part-time Police Cadet positions and one part-time Administrative Assistant position for a total of \$43,000, elimination of one Animal Control Officer at the cost of \$49,000, elimination of the Crime Prevention Unit including two part-time and one full-time positions at the cost of \$89,000; elimination of one Staff Assistant and one Administrative Supervisor from Records Management at a cost of \$109,000; and the elimination of two commissioned Police Officers and four Reserve Officer positions at a cost of \$136,000. He summarized the cuts totaled approximately \$591,000.

Chief Stern explained there were some mandatory increases that altered the net reduction to 8% or approximately \$455,000 and these included an increase in SnoCom costs of \$95,000, an L&I rate increase of approximately \$41,000, and miscellaneous costs of approximately \$4,400 (primarily software maintenance contracts).

Chief Stern described the impact these reductions would have, explaining the Edmonds Police Department was currently a highly regarded community policing agency with both proactive and reactive components, going beyond the traditional response to 911 calls, investigation of criminal acts, enforcement of laws and ordinances, crime prevention, and preservation of public peace. Proactive functions that the Police Department has added include crime prevention programs, outreach to youth via the D.A.R.E. program, Resource Officer, parent meetings, significant participation in community events, and a sophisticated volunteer program such as Citizens Academy and other programs. He explained this type of proactive outreach has made the Edmonds Police Department an active, accepted and sought-after partner in the community and has attracted significant financial and human resource support. He provided the recent National Night Out event as an example, noting the City won a national award for that event. Unfortunately, he explained those programs were very labor intensive and best performed via specialized units but were not services the Police Department was mandated to provide. He noted the Department was reluctant to eliminate this programming which resulted in an improved quality of life, however, cuts to the magnitude that are proposed would result in reduced services in both proactive and reactive categories. He explained the choice was then whether to eliminate these programs completely or reserve some of the programs and add to the workload of the remaining positions. He noted the differentiation between mandatory and non-mandatory services over-shadowed this decision.

Chief Stern described the impact of the elimination of some of these programs including potential increased response times and possibly increased crime rates, decreased apprehension rates, increased community costs for special events, reduced coverage at the front counter and in public services, shifting of functions from less costly positions to Police Officers, increased fees for services, limited parking enforcement, limited animal control and ordinance enforcement, loss of D.A.R.E. and other school-based outreach programs, and loss or reduction in many crime prevention programs.

Chief Stern summarized the focus of the Police Department would shift from a proactive, problem solving, community based, quality of life orientation toward a more traditional, reactive, calls for service driven organization.

Councilmember Dawson inquired about a change in the amount for eliminating the animal control position. Chief Stern explained the amount first reported, \$21,065, was a net amount reflecting some loss of revenue. The actual cost of the position was \$48,965.

Councilmember Dawson referred to an April 2001 letter from Adix who provide shelter services for the City, which indicates they would charge the City an additional \$1500 for expenses to participate in an effort to alter animals and it would only be acceptable to them if Animal Control Officers transported the animals to the veterinarian. She inquired whether that would still be possible with the elimination of one Animal Control Officer position. Chief Stern answered it would be difficult with the Department's current resources and likely untenable with the proposed reductions. He noted until the City had experience with the number of animals that would be involved, it was difficult to provide a definitive answer. She requested Chief Stern determine whether approval of an ordinance to require altering of animals prior to adoption would equate to an unfunded mandate requiring the addition of an Animal Control Officer. Mayor Haakenson indicated the Adix indicated today that their position in the April 2001 letter had not changed.

Councilmember Petso asked whether the Resource Officer at the high school would be eliminated under the proposed budget cuts. Chief Stern answered that position remained in the budget as it was funded primarily outside the General Fund.

Councilmember Petso observed the Animal Control Officer also did parking enforcement and inquired whether there would be any parking enforcement with the proposed cuts. Chief Stern answered it would be very limited at best. Councilmember Petso recalled merchants and residents who expressed concern with ferry commuter parking and employees parking where customers could park. She asked the cost to replace some parking enforcement in the budget. Chief Stern answered the cost to restore the position was approximately \$49,000.

Councilmember Petso asked whether the elimination of funding for the Crime Prevention unit resulted in the inability to setup the speed display trailer in neighborhoods. Chief Stern answered that likely could continue. He noted there would be adjustments made in workloads once the budget cuts were instituted.

Responding to questions, Chief Stern stated there are a total of 53 Commissioned Officers.

Mayor Haakenson clarified two Police Officer positions would be eliminated, but would be backfilled with the D.A.R.E. officer position resulting in the loss of only one officer.

Councilmember Plunkett advised Adix allowed 65 unaltered animals per year to be adopted into the community which also results in additional litters. He noted Animal Control currently transports approximately 100 animals per year from Adix, down 212th to the Public Safety building to be euthanized. He asked whether the Department would be unable to transport animals to be euthanized with the proposed budget cuts. Chief Stern answered that was one of the priority functions that would have to continue.

Councilmember Plunkett observed there was a veterinarian at Five Corners, approximately 100 feet from 212th, and asked whether the Police Department, who passed that intersection 100 times per year to transport animals to be euthanized, could drop an animal at the veterinarian to be altered. Chief Stern answered there would not be a difficulty performing that function, but the issue was the officers' availability when Adix wanted the transport performed.

Council President Earling encouraged all departments to consider that even if approximately \$500,000 was identified in increased revenues and some cuts restored, what would happen the following year?

For Councilmember Orvis, Chief Stern explained two Commissioned Officer positions would be eliminated, and the D.A.R.E. Officer would be reassigned from his current assignment to a Patrol position to back fill one of the positions that was eliminated.

With the loss of the one Officer as well as the four Reserve Officer positions, Councilmember Wilson asked whether overtime would be required to fill voids created by eliminating those positions and/or any positions that are vacated in the coming year. Chief Stern answered that was one of the reasons a reduction in the overtime budget was not proposed. He indicated he has discussed with management staff the need to hold the line on overtime in the future. He anticipated the Department could function with the existing overtime budget, barring the occurrence of any catastrophic event.

With regard to the elimination of one Animal Control Officer, Councilmember Wilson asked how the City's contract with Mountlake Terrace to provide Animal Control services would be effected. Chief Stern explained the contract with Mountlake Terrace was for 20 hours of animal control services and the contract paid for half of one Animal Control Officer. He indicated the contract with Mountlake Terrace would be retained under the current budget proposal. Councilmember Wilson observed $\frac{1}{4}$ of the two remaining Animal

Control Officers' time would be dedicated to the contract with Mountlake Terrace. Chief Stern agreed. Councilmember Wilson asked whether this was a consideration in Chief Stern's concern with providing transportation for animals to be euthanized or altered. Chief Stern answered this contract remained in the budget as the revenue offset the cost of the Animal Control Officer.

Councilmember Wilson noted the contract with Mountlake Terrace would also impact the officers' ability to do parking enforcement. Chief Stern agreed, noting animal control services have priority due to issues of public health and safety.

Councilmember Wilson asked whether the loss of parking enforcement would result in a significant loss of revenue. Chief Stern answered no; the revenue did not come near the cost of the personnel.

(Councilmember Plunkett left the meeting at 7:51 p.m.)

Human Resources Department

Human Resources Director Brent Hunter explained the Human Resources Department included 2.5 positions, who provided internal services to 250-270 employees including assisting departments recruit and hire employees, training for existing employees, payroll, administration of benefits, and providing support service to the Civil Service and Disability Boards and the Salary Commission.

Mr. Hunter advised that the Human Resources Department's budget request for 2003 was \$236,000 of which approximately 85% was salaries. The remaining funds were in support of other departments such as MEBT administration costs, civil service testing, physical/psychological examinations for Fire and Police Departments, group training of City employees, drug tests, disaster supplies, etc. He reviewed the cuts he proposed including a reduction in the Human Resources Receptionist hours (from 20 hours/week to 16 hours/week), a reduction in civil service expenses (physical/psychological exams) for new Police and Fire hires, and a reduction in recruitment costs for a total reduction of approximately \$12,000.

Fire Department

Fire Chief Tom Tomberg provided an overview of the Fire Department whose mission was to provide emergency medical services, fire suppression, rescue and extrication; hazardous materials response, disaster preparedness, and a wide variety of fire prevention, life safety, and public education programs. He reported in 2001, there were 4,341 calls for assistance, an average of approximately 12 per day. The resident population that the Edmonds Fire Department serves includes Edmonds, Esperance and Woodway, a population of over 44,000. The department operates from four locations and has 5.5 staff positions, 44.5 personnel and staffs three fire stations.

Chief Tomberg explained with the proposed cuts, three 40-hour staff personnel will remain and the Fire Department will continue to operate from four locations. When Medic 7 paramedics are integrated into the Fire Department, another emergency unit will be placed under the Department's command as well as eight new employees. The proposed cuts total \$333,000 or 13.4% of the Department personnel and 7.5% in the baseline budget. He noted the proposed cuts would have a cumulative effect of the delivery of emergency services.

Chief Tomberg reviewed the proposed cuts which include eliminating Fire Reserves, eliminating a 20 hour Administrative Support position, eliminating the Fire Inspector/Investigator position, eliminating three Firefighter positions (net loss of two as one position is to be filled by the Fire Inspector). He noted street level emergency service would be maintained, but overtime would be difficult to predict. He noted eliminating two positions increased overtime vulnerability due to unplanned absences caused by illnesses, injury, etc. Chief Tomberg explained the proposed cuts also eliminated the Assistant Fire Chief position, reducing the full-time staff to three, the Fire Chief, Fire Marshal and Executive Assistant.

Chief Tomberg explained the Assistant Fire Chief was the second-in-command and was an emergency responder with extensive command and incident experience. Further, the Assistant Fire Chief was the Department's training officer, the safety officer, the WAC compliance expert, and the department's fleet manager. Chief Tomberg explained the basis for the submitted cuts was to maintain street-level service. He concluded all aspects of the department were diminished by the cuts.

For Councilmember Dawson, Chief Tomberg explained three Firefighter positions were eliminated but one position would be backfilled by the Fire Inspector whose position was eliminated. Councilmember Dawson observed three Firefighter positions would need to be restored to also restore the Fire Inspector position.

Chief Tomberg handed out to Council a newly prioritized put-back list. Councilmember Dawson referred to Chief Tomberg's recent memo, noting the amount proposed assumed the Fire Reserve positions would be unpaid volunteers. Chief Tomberg explained Fire Reserves were paid \$6.50 per hour and EMTs were paid \$8.50 per hour. If those individuals wanted to become uncompensated volunteers, train weekly, and respond to emergency calls as they did 59 times during 2001, that would be their decision.

Council President Earling advised the remaining five departments would make their presentations to the Council at the November 19 meeting.

4. **JOINT MEETING WITH THE PLANNING BOARD REGARDING PLANNED RESIDENTIAL DEVELOPMENT (PRD) CODE AMENDMENTS**

Planning Board Members Jim Crim, Virginia Cassutt, Cary Guenther, Robert Freeman and John Dewhirst (Chair) introduced themselves. Boardmembers Wayne Zhan and Jim Young were unable to attend.

Council President Earling explained the Council had an opportunity to review the Planning Board's work on the PRD ordinance and the Planning Board had an opportunity to review the Council's work. Rather than continuing to send the ordinance back and forth, it was suggested a joint meeting be held to address issues.

Councilmember Petso referred to the Planning Board's observation, "There is a need to balance the requirements of the Growth Management Act (GMA) and how these requirements applied in neighborhoods – particularly in being sensitive to how developments fit with neighborhood expectations," and asked what balance needed to be achieved as the City was not required to have a PRD ordinance under GMA. Planning Board Chair John Dewhirst replied GMA placed a heavy emphasis on infill development in urban areas and PRDs were one of the best tools for infill development. The case law established by the Growth Management Hearings Board underscored this emphasis. He noted PRDs have worked well in many jurisdictions to achieve infill development in urban areas.

Councilmember Petso commented if infill could occur via standard subdivisions, why should infill occur with PRDs? Mr. Dewhirst replied PRDs provided much more control than a standard subdivision. He explained standard subdivisions did not require any public hearing and if the proposed development met the requirements of the ordinance, it would be approved. Councilmember Petso indicated her experience had been that there was more control with a standard subdivision due to the strict requirements for setbacks, etc. Mr. Dewhirst pointed out the PRD ordinance required neighborhood meetings to discuss the design where there was no design control for a single family subdivision.

Councilmember Petso noted the PRD removed all the requirements such as minimum lot size. Mr. Dewhirst disagreed, noting each PRD was considered individually and the site plan and approval process identified what was appropriate. He noted a PRD resulted in a finer blending into an urban area than a standard subdivision.

Councilmember Petso asked the City Attorney Scott Snyder whether under the standard subdivision there was a minimum lot size and specific setbacks, but under the PRD ordinance there was no minimum lot size. Mr. Snyder agreed the PRD ordinance provided for modifications but overall the number of units that could be developed was based on the size of the tract. Councilmember Petso clarified the subdivision ordinance required a minimum lot size but the PRD ordinance did not. Mr. Snyder agreed.

In response to Councilmember Petso's earlier question to Mr. Dewhirst, Mr. Snyder explained one of the reasons PRD ordinances were important at the infill stage for a city like Edmonds was that the lots that remained to be developed were the troublesome lots with topographical issues, size constraints, odd shapes, etc. – the pieces developers have not been able to develop in the past using standard subdivision techniques. He summarized as cities approached full build-out, there was pressure to consider tools like PRDs in order to capture the densities cities were required to accommodate under GMA. Councilmember Petso pointed out

one of the first revisions to the PRD ordinance was to remove the requirement that the property have a critical area or development constraint and in fact the current ordinance did not have such a requirement. Mr. Snyder commented it would be the Council's decision whether to allow this development tool to be available to all properties or only those with development constraints. He summarized as cities approached build-out, tools such as PRDs become more important in the total development package.

Council President Earling noted one of the focuses of the GMA this year would be to define populations in cities and asked what the potential increases in population were anticipated to be. Planning Manager Rob Chave answered this process had only just begun; Snohomish County staff allocated regional projections around Snohomish County according to current distributions to give an initial determination. For Edmonds, the projected population range in 2025 could double the City's capacity from 7,000 to 14,000. He recalled in 1992 – 2012, the City's projected population increase was 6,000. Council President Earling asked whether the City was on track to accommodate those additional residents. Mr. Chave answered the capacity was there but nowhere near that many new residents had been added. Council President Earling asked what problems this created for the City. Mr. Chave answered the Planning Board has been considering whether the City was taking all reasonable measures to ensure the City was not preventing infill development from occurring. He noted efforts to encourage infill development included PRDs.

Councilmember Dawson recalled one of the issues that has arisen in PRDs that Council has reviewed is a desire to protect large lot neighborhoods, however, under GMA, the City was not able to maintain large lot neighborhoods as they currently exist. She pointed out GMA restrained the City in some ways, such as not allowing a neighborhood to be maintained if it was not developed according to the existing zoning. Planning Board Member Jim Crim explained one of the ground rules established by the Growth Management Hearings Board was four residences per acre or approximately 11,000 square feet per lot, thus preventing the protection of RS-12 and RS-20 zones. Councilmember Dawson concluded whether or not one felt infill development was good or bad, the GMA required that it occur.

Councilmember Wilson recalled the City's additional population allocation was 6,000 people by 2012 and that the standard population per dwelling unit was 2.2 – 2.3. He concluded the City had the capacity to accommodate the additional 3,000 dwelling units by 2012 that would be required to meet that population projection. Mr. Chave agreed, explaining in 1992 staff determined the City had the capacity to accommodate 6,000 additional residents. The current Buildable Lands Report indicates the City has the capacity to accommodate 7,000 people by 2025.

Mr. Chave further explained that using the most recent Buildable Lands Report, Snohomish County allocated the population projections without considering capacity and the range of the allocation for Edmonds was 7,000. He clarified this was 7,000 over the existing 7,000 capacity, a total of 14,000. Councilmember Wilson observed this would require an additional 3,000 dwelling units. Mr. Chave pointed out the City did not currently have the capacity for an additional 3,000 dwelling units.

Councilmember Wilson asked whether Planning Board Members discussed alternatives for accommodating the additional 7,000 people if a PRD ordinance was not used. Mr. Dewhirst recalled the Council established

a policy in the 1995 Comprehensive Plan of infill development with single family housing rather than multifamily zoning. Based on that policy, the Planning Board pursued ADUs, PRDs and other types of infill development.

Councilmember Wilson clarified the Planning Board was reacting to the policy established by the Council in 1995 to maintain the City's single family character using tools such as PRDs. He noted alternatives could have included higher density multifamily, taller multifamily structures to accommodate the density, etc. He asked whether there was consideration given to upzoning single family lots. Mr. Dewhirst answered no.

Councilmember Petso commented that although Council policy was infill development, it was not required to be in the form of PRDs. She recalled the four lots per acre under GMA had an exception for environmentally sensitive areas and asked whether the Meadowdale landslide area was eligible for exception. Mr. Snyder answered it was.

Councilmember Petso referred to another observation in the Planning Board's memo, "People forget that a PRD ordinance must apply equally to all areas and zoning districts in the city", noting that the current PRD ordinance did not apply to all areas, only residential and multifamily and the previous PRD ordinance only applied to residential. She noted one of the differences created by the PRD ordinance was clustering of housing made it incompatible with existing neighborhoods. She noted the effects of clustering were greater if the underlying zoning was large lot than if the underlying zoning was small lot where housing was already somewhat clustered. Likewise, traffic impacts were different – in an area where there was already significant density, clustering three additional homes would have a minimal impact on traffic. However in areas to the north where a large lot may be developed with a clustered development, the traffic impacts from the PRD could be much greater. She questioned why the Planning Board was not interested in an ordinance that applied differently to different zoning areas. Mr. Dewhirst disagreed on the traffic impacts, noting a certain density was allowed by the zoning and whether development occurred via a subdivision or PRD, there would be the same type of impact, the same number of units, etc.

Councilmember Petso used the example of a person with a cliff-side property, if it were developed with a standard subdivision, there may be two houses at the bottom and three at the top. However, a PRD may allow the developer to count the stream or slope to achieve additional units. She clarified under the PRD ordinance, unbuildable areas were counted as buildable property and the developer was allowed to cluster homes elsewhere, thereby resulting in a PRD that produced more housing and more traffic. Mr. Dewhirst indicated the Planning Board disagreed and would continue to disagree.

With regard to the observation in the Planning Board's memo, "PRDs should be viewed as a potentially attractive alternative to traditional subdivisions. Placing more stringent requirements on PRDs that discourage their use in favor of traditional subdivisions will ultimately be counter-productive," Councilmember Petso questioned what would it be counter productive to. Mr. Dewhirst answered one of the goals of PRDs was to encourage infill development. If it became such an onerous process then standard subdivision would be used or possibly no development at all. If the goal was infill development, the PRD ordinance provided opportunity for design control including the perimeter treatment, the lot size, the building

architecture and placement on lots, etc. to a much finer degree that was allowed for a subdivision. He agreed a subdivision had minimum lot sizes and setback but that was all.

Mr. Snyder explained the Planning Board when enacting substantive zoning requirements was required to develop regulations that complied with the Comprehensive Plan. If the Council chose to shift density from large lot areas based on environmental factors such as those that exist in the Meadowdale area, the Council could do so. The Council would then need to revise the Comprehensive Plan to determine where that density would be captured in other areas of the City. As long as the policy in the Comprehensive Plan for infill development remained, the Planning Board was following the Council's prior policy direction.

Councilmember Marin asked if the Planning Board would consider eliminating the rounding up provision and the attached dwelling unit provision in the PRD ordinance. Mr. Dewhirst pointed out that not permitting "rounding up" of fractional dwelling units to obtain an additional dwelling unit was one of the Planning Board recommendations. He noted another of the Planning Board's recommendations was to delete the "attached" dwelling unit provision from PRDs in single family zones due to the possibility this could be considered a rezone.

Mr. Snyder advised that how the PRD ordinance was crafted would also determine how appeals would be processed. If by using a PRD, a developer was able to obtain greater density or a housing unit that was otherwise prohibited in a certain zoning district, he was concerned this could be considered a rezone and the Council should make the final determination. Removing the ability to have an attached dwelling unit and rounding up provision made PRDs less like rezones and more like subdivision modification standards that already occur in standard subdivision development. A third issue that would need to be addressed was lot area calculation with regard to including or excluding streets, currently a difference between subdivisions and PRDs.

Mr. Crim commented the Planning Board would prefer a PRD ordinance where the Hearing Examiner was able to make the final decision. If a PRD ordinance could be crafted so that did not appear to be a rezone, it would be possible to have the Hearing Examiner make the final decision which would streamline the process.

Councilmember Wilson asked whether the City was obligated to accept density elsewhere in the City for areas with environmentally sensitive areas. Mr. Snyder explained that there would also be some flexibility due to the ability to obtain minimum use variances under the City's critical area provision, but in general if PRDs were not permitted in some areas of the City, the density would have to be accommodated somewhere else in the City.

Councilmember Wilson asked whether the Planning Board had discussion with the Traffic Engineer regarding street capacities, traffic generation, etc. when discussing the concept of PRDs. Mr. Dewhirst advised the issue was raised and staff indicated traffic from PRDs versus a standard subdivision would be the same. In response to a comment by Councilmember Wilson, Mr. Dewhirst agreed the various street categories had the same requirements irrespective of the zoning. Councilmember Wilson commented if

housing were clustered in a zone, the street should have adequate capacity to accommodate that density. Mr. Dewhirst commented the only difference was, the higher the density, the finer network of street there would be in a community. He pointed out that in areas with large lots versus areas with higher density, the street systems were developed accordingly to accommodate the density. Councilmember Wilson suggested the Planning Board verify the capacity of streets in areas where PRDs could be developed to ensure PRDs that were developed did not exceed the capacity of the street system.

Councilmember Wilson referred to the observation in the Planning Board memo, “People forget that a PRD ordinance must apply equally to all areas and zoning districts in the city. In addition, PRDs offer far more design control than the traditional subdivision”, and asked whether the Planning Board received any comments indicating PRDs would not be appropriate in RS-12 or RS-20 zone but would be more appropriate in RS-8 and RS-5. Mr. Dewhirst answered yes. Councilmember Wilson asked if the Planning Board’s observation was in response to such comments, indicating that all areas of the City should be treated equally. Mr. Dewhirst agreed.

Councilmember Dawson agreed with the seventh Planning Board recommendation which addressed clustering of housing including that clustering not be allowed unless adequate buffering could be provided. She noted a requirement for adequate buffering was lacking in the current ordinance. She also agreed with the third Planning Board Recommendation, which contained a list of items that could be included in a PRD to provide public benefit. She recalled what several developers have argued in support of their PRDs was that they were not required to provide any more public benefit than a traditional subdivision. She preferred a PRD that did not have the same requirements as a traditional subdivision but rather an ordinance that provided a greater public benefit – greater protection for natural features such as slopes, increased buffers, greater protection for the natural characteristics of the property, etc. She noted minimal landscaping was touted as the benefit of some PRDs, however, what was provided was not any greater than would be provided in a traditional subdivision and, if not provided, the houses likely would not be marketable.

Councilmember Dawson recalled a two-foot walkway in a recent PRD was considered open space which she felt was not the intent of the PRD ordinance. She requested a PRD ordinance clarify what was considered usable open space such as something the residents of the development could use as a park.

Councilmember Dawson acknowledged one of the challenges with PRDs was with parking and traffic. She noted the Planning Board’s recommendation was that access, parking and traffic requirements should be the same as those required for similar, standard subdivisions. She noted there was disagreement on the Council regarding whether the intent of the PRD ordinance was to require greater parking, improved access and improved traffic circulation than would be required in a traditional subdivision. She suggested the Planning Board consider requiring enough parking so that parking would not burden the existing neighborhood. She acknowledged this may conflict with the goal of reducing impervious surface. She agreed with the Planning Board’s recommendation to delete attached dwelling unit provisions and the rounding up feature.

Councilmember Orvis agreed with the Planning Board’s recommendation to delete the attached dwelling unit provision. He commented the changes he wanted made were with regard to character of neighborhood and

suggested character of neighborhood be addressed similar to public benefit (a list of items that could be provided to meet that criteria) such as buffering, and other features that maintained the character of the neighborhood. He recalled the previous PRD ordinance only required a public benefit; however, the vagueness of that requirement would not stand up in court. He agreed with the public benefit provisions in the new PRD ordinance.

Councilmember Orvis suggested common ownership of critical areas be required in a PRD. He noted one of the benefits of a PRD was bringing critical areas under common ownership of an association which helped preserve the critical area. He recalled a PRD where a common easement was utilized rather than common ownership due to the community's covenants, a concept he did not favor.

Councilmember Orvis referred to the sixth Planning Board recommendation "Access, parking, and traffic requirements should be the same as those required for similar, standard subdivisions", noting he favored preserving flexibility for developers to meet the parking standard to allow them to minimize impervious surfaces. He explained when a standard subdivision was developed, the road was subtracted from the total lot area before calculating the number of lots using minimum lot size which he found appropriate if the road was a public road. However, if the road was private and the residents owned the road and were responsible for maintaining the road, it should be included in their lot. He said the issue of whether the road should be subtracted has become an issue between standard subdivisions and PRDs, however, he felt the distinction should be who owns the road; if the residents do not own the road, do not count the road in the lot area, and if the residents own the road, it should be included in their lot area.

Council President Earling observed there were areas where Councilmembers would have to agree to disagree. He was hopeful the Planning Board could take the information from tonight's meeting and determine what changes they were comfortable making to the PRD ordinance. He urged the Planning Board not to change areas they were not comfortable changing.

Council President Earling agreed with the Planning Board's recommendation to delete the attached dwelling unit provision and to not permit rounding up. With regard to buffer requirements, he referred to developments in the City where there was little buffering (9th and Puget and Elm Place) noting these were "stunning" developments and a great addition to the community. He agreed there may be developments where buffering was appropriate.

Councilmember Marin agreed with the comment by Mr. Crim that staff and the Hearing Examiner should be who review PRDs. As a builder himself, he was able to look at blueprints and visualize the intent to comply with the regulations end result but others may not be able to do that. He summarized that having staff and the Hearing Examiner review PRDs would eliminate the emotional element of PRDs. He expressed concern with comments the public has made that were scornful of tract houses. With regard to parking, he questioned why the requirement for parking should be different for a PRD than for a subdivision.

Councilmember Petso questioned why it was preferable to have the Hearing Examiner make the final decision on a PRD. Planning Board Member Virginia Cassutt answered the intent was to take politics out of the process. Councilmember Petso asked why it was preferable to take politics out of the process. Mr. Crim commented the builders had a right to see a set of rules and know that if they complied with those rules, they could proceed. When a development entered the political arena, “all bets were off” and that was a process that was not very desirable.

Councilmember Petso inquired whether the intent was to have the Hearing Examiner make the final decision for the ease and convenience of the builder. Mr. Crim answered the goal was to have a predictable, streamlined process. Councilmember Petso asked whether there was any interest in crafting an ordinance that would not result in a political or emotional reaction rather than crafting an ordinance that allowed the Hearing Examiner to make the final decision. She clarified another way to avoid an emotional or political reaction was to craft an excellent ordinance that resulted in only good PRDs, thereby avoiding any negative reaction. Mr. Dewhirst responded that was a value judgment. He noted the best the Planning Board could do was to follow the City’s established policies and develop a predictable process that provided the neighborhood and applicant equal input and a set of guidelines that everyone agreed upon.

Councilmember Petso recalled that excluding roads from the calculation of number of lots could result in a rezone by allowing more houses on the property than would be allowed via a subdivision. Mr. Snyder replied that assuming the preference was that PRDs not be rezones and subject to the limitations regarding review of rezones, the PRD ordinance must be drafted so that a PRD could not obtain a benefit in a zone that would not be available to a subdivision in the same zone.

Assuming that was the guiding principle, Councilmember Petso suggested consideration be given to an example of a property with 60% wetlands where only 40% would be buildable under a standard subdivision and produce a smaller number of houses than could be achieved via a PRD. She noted that represented another opportunity for a density increase that was inherent in the PRD ordinance. Mr. Snyder urged the City Council to provide reasonable direction to staff and the Planning Board, first with regard to whether the Council as a whole was interested in considering existing Comprehensive Plan policies such as growth would occur via infill development throughout the City. He commented if the Council was interested in shifting density from some neighborhoods to others, the Planning Board’s task was quite different. Second, the PRD ordinance as amended by the Council intended that the Hearing Examiner would hold the hearing. This was problematic due to conflicting provisions in the ordinance. Thus the Council needed to provide direction regarding whether they wanted to change that intent because if they did, it changed the structure of the PRD ordinance.

With regard to the Planning Board’s recommendation that access, traffic and parking should be the same as those required for a standard subdivision, Councilmember Petso pointed out that clustering houses on smaller lots with less impervious surface would reduce the amount of on-street and off-street parking that would ordinarily be available via a standard subdivision. If parking on the street in front of the houses was eliminated and the driveways were reduced due to small lot sizes, the parking should be addressed somehow. Councilmember Petso asked for clarification of why the parking requirements in a PRD should be the same as a standard subdivision. Mr. Crim answered the intent was to keep the playing field level and avoid placing

more restrictions on a developer of a PRD than a developer of a subdivision. Councilmember Petso reiterated the need to allow for adequate safe parking for potential occupants of the homes.

Councilmember Petso agreed with Councilmember Dawson that clustering and small lot sizes would result in the need for more or equal parking, not less. With regard to public benefit, Councilmember Petso recalled there have been a number of PRDs that did not offer a public benefit. She referred to the public benefit, preservation of significant features, recalling one PRD proposal indicated there were no significant features so none would be preserved. Another example was a PRD where the structures had already been constructed so no public benefit was identified. She questioned whether the Planning Board would be willing to require a public benefit, noting the existing ordinance did not require a public benefit. Mr. Dewhirst indicated the Planning Board's third recommendation indicated that would be addressed.

With regard to open space, Councilmember Petso recalled a PRD where the open space was narrow walkways between buildings; she agreed with Councilmember Dawson that consideration needed to be given to the open space requirement. She cited an example from the Sumner ordinance, "the open space shall be among other things concentrated in large usable areas and designed to provide either passive or active recreation," noting that further provisions in the Sumner ordinance addressed ownership issues. She recommended the Planning Board consider the Sumner ordinance.

Regarding buffering, Councilmember Petso recalled in many PRDs, the buffer was the unbuildable critical area and there was no additional buffer. In some PRDs, staff has indicated nothing would be built on the steep slope and that constituted the buffer. She appreciated the Planning Board's recommendation to clarify and expand on the interaction of perimeter buffer with the arrangement of houses within the PRD including buffering clustered housing from the surrounding neighborhood. She noted there were no complaints regarding PRDs that were not visible from other residences or from the roadway.

Councilmember Petso recalled that when she proposed the ordinance to the Planning Board, her intent was not that there would be no PRDs or no PRDs in the north end; her proposal was that PRDs in the large lot residential area should meet additional requirements including effective buffering of natural features or distance separating them from existing development and that the traffic from development should outlet onto collector or arterial streets. She recalled the reason she proposed those characteristics was not to prevent PRDs or preserve the north end as RS-20 but because those were the characteristics of PRDs that the City did not receive complaints about.

Councilmember Wilson agreed with the recommendation to eliminate attached housing provision as that would assist in maintaining the single family character of detached single family. Further, eliminating the rounding up provision would eliminate the concerns associated with a rezone. He agreed with Councilmember Orvis' suggestion to incorporate a provision requiring common ownership of critical/ open space areas including a stipulation that the owners would be responsible for the ongoing maintenance of those areas.

With regard to streets, Councilmember Wilson observed most PRDs would be small developments with small streets and there may be a benefit of having those streets privately owned versus publicly owned streets by taking some of the burden for street maintenance off the City, thereby creating a public benefit.

With regard to buffer areas, Councilmember Wilson did not object to having a critical area serve as the buffer area. He agreed buffers would be appropriate where clustering occurred adjacent to single family development. However, in some areas where PRDs were proposed, there were also views that buffering could impact. He favored language regarding buffering that was flexible enough to preserve views when appropriate.

Regarding density, Councilmember Wilson pointed out the issue may be whether density was considered based on a net or a gross density standard. He agreed with Councilmember Petso's comment regarding driveway depth, noting most additional parking in PRDs would occur in the driveway rather than the street. However, he disagreed with holding a PRD to a higher standard than a standard subdivision, noting few subdivisions that would be developed in the City with long driveways and on-street parking as development that would occur would be 1-2 lot subdivisions rather than large subdivisions where there was enough flexibility to provide area for on-street parking. He concluded parking should be addressed on-site and balanced with impervious surface requirements. He suggested parking be addressed via minimum driveway depths.

With regard to public benefits, Councilmember Wilson suggested the public benefit be more clearly defined to identify what public benefits would be acceptable. Adequately defining the public benefits so that they were specific and prescriptive would alleviate the problems that occur due to subjectivity. He noted developers just want to know the standards and will follow the rules as long as they are clearly defined. As long as the rules are clearly defined, the Hearing Examiner should be able to review PRDs.

Councilmember Wilson observed the Hearing Examiner currently holds hearings at 9:00 a.m., an inconvenient time for many residents to participate. Although he recognized the need to balance available staff resources with the time the Hearing Examiner holds meetings, he suggested consideration be given to scheduling the Hearing Examiner in the late afternoon to provide the public a greater ability to participate in the process. Mayor Haakenson expressed his preference for the Hearing Examiner to hold hearings in the evening.

Councilmember Wilson agreed there may be provisions in the Sumner ordinance that were appropriate and suggested the Planning Board also consider PRD ordinances in cities that were similar to Edmonds such as Bellevue, Redmond and Kirkland, urban areas that have had to address infill development. He also recommended specific standards regarding common open space be developed such as an amount per unit and that it be usable open space. He noted one of the benefits of usable open space in a PRD was that it would provide an area for residents' use without transferring the burden to the park system.

Councilmember Wilson referred to the Planning Board recommendation that access, parking and traffic requirements should be the same as those required for similar, standard subdivisions, commenting there were few RS-12 or RS-20 zones in the City that were located on collector or arterial streets as most were accessed from neighborhood streets. With regard to preservation of critical areas and open space, while he found that additional language to require buffering of those areas would be appropriate, his interpretation was that it was not necessary to have a critical area on the property in order to qualify for a PRD and a PRD could be developed on property without a critical area. His interpretation was that critical areas that did not meet the city's standards to be regulated could be preserved via that provision of the PRD ordinance.

Councilmember Orvis pointed out the existing ordinance provides for public benefit in Section 20.35.050, and includes five criteria. There is also reference to neighborhood character and consistency with the neighborhood in Section 20.35.040. He noted this was far superior to the previous ordinance as the requirements were clearly identified.

With regard to the Hearing Examiner, Councilmember Orvis supported the Planning Board's efforts to have the final decision made by the Hearing Examiner, noting the City Council would not be precluded from the process as appeals could be made to the Council. He recalled a PRD that the Council reviewed that preserved trees in the neighborhood, noting the PRD allowed for greater tree protection than would occur in a standard subdivision. He recalled another PRD that was able to develop property zoned for a condominium into what was essentially six single family homes. He hoped the code would continue to encourage that type of development.

In response to Mr. Snyder's earlier question, Council President Earling commented there appeared to be consensus on the Council to maintain the policy of infill and to have the Hearing Examiner hold the hearing. Mr. Snyder asked whether there would be an appeal to the Council or a recommendation to the Council or an appeal to Superior Court. Council President Earling preferred the appeal be to Superior Court. Mr. Snyder described the difference between an appeal and a recommendation to the Council, noting in an appeal, the appellant had the burden of proof, and in a recommendation, the applicant had the burden of proof.

Mr. Dewhirst inquired about the process the Planning Board should follow, recalling usually staff would conduct research, develop a draft ordinance, etc. Council President Earling suggested the Planning Board take the input provided by the Council regarding the Planning Board recommendations and determine what changes should be made. Mr. Dewhirst asked whether the Planning Board should hold a public hearing. Councilmembers agreed the Planning Board should hold a public hearing on the revised ordinance.

Councilmember Petso explained her proposal for traffic from a PRD development in a large lot neighborhood outlet onto collector or arterial streets was because those were areas more likely to be impacted compared with an area that already had higher density development.

Councilmember Petso suggested the Planning Board also review Bothell's PRD ordinance which has a provision that lot sizes cannot be decreased by more than 15% and density increases were limited, and Snohomish's PRD ordinance which required there be an environmental issue on the property in order to qualify for a PRD and had a limitation on the number of units.

Councilmember Petso agreed she did not want to eliminate infill as the Comprehensive Plan policy/strategy; however, there were times when it would be appropriate to make an exception to maximizing infill development. With regard to why there should be a higher standard for PRDs, Councilmember Petso pointed out the City was giving so much in PRDs that they should be what the City wanted them to be. For example if it was acknowledged that the clustered housing reduced available parking, it would be appropriate to add a parking requirement.

Councilmember Wilson concurred with Council President Earling that the Hearing Examiner should hold the hearing and the appeal should be to Superior Court. He noted the City Council was a legislative body whose role was to debate policy issues. If an ordinance did not work, it needed to be revised. He preferred the Council be proactive in writing policy versus not having the ability to become involved because the Council may be involved in a potential appeal.

Councilmember Dawson agreed infill development and single family was still appropriate and PRDs were a creative way of accomplishing that. She noted affordable housing should also be a consideration. She commented there were many different neighborhood types in Edmonds and the intent was not to put down neighborhoods that were not large lot development but the fact was that there were some large lot neighborhoods that existed and their investment needed to be protected.

Councilmember Marin took issue with the comments that insinuated there was something bad about a developer and that the City did not owe them anything. He noted government built few buildings; it was developers who took the risk and constructed buildings. He suggested when the Council reviewed the Planning Board's recommendations, they be voted on individually. He thanked the Planning Board for their efforts to revise the PRD ordinance.

Councilmember Orvis indicated his understanding was the Hearing Examiner would hold the hearing with an appeal to the City Council and then to Superior Court. Mr. Crim advised the conclusion that was reached was that the Hearing Examiner would make the final decision and any appeal would be to Superior Court.

Councilmember Petso responded to earlier comments stating there was nothing wrong with builders or developers; in fact one of the citizens who was actively working to change the PRD ordinance was a builder. She emphasized the need to craft an ordinance that worked for the City and allowed developers to develop under the ordinance if they chose and otherwise they could build using subdivisions.

5. **MAYOR'S COMMENTS**

Mayor Haakenson announced the ceremonial groundbreaking for Fire Station #16 on 196th was held today. He thanked Council President Earling and Councilmembers Wilson and Marin for attending. He advised the station was scheduled to open in August/September 2003.

6. **COUNCIL COMMENTS**

Council President Earling stated that former Councilmember John Nordquist suffered a stroke during the past week. He is at Harborview and is out of Intensive Care.

Councilmember Wilson offered his family's best wishes and prayers to Mr. Nordquist for a speedy recovery.

Councilmember Petso clarified for those who think she was against the PRD ordinance, she was not, and was also not against developers, not against living in the south end and was not for or against any particular group. She was hopeful a PRD ordinance could be crafted that was so good that it only resulted in good PRDs.

7. **EXECUTIVE SESSION – LEGAL ADVICE REGARDING ONGOING LITIGATION**

At 9:57 p.m., Mayor Haakenson recessed the Council to a ten minute Executive Session for legal advice regarding ongoing litigation. He advised the Council would adjourn immediately following the Executive Session.