

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

**December 3, 2002**

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Gary Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds, followed by 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

**ALSO PRESENT**

Brandy Grout, Student Representative

**STAFF PRESENT**

Tom Tomberg, Fire Chief

David Stern, Chief of Police

Duane Bowman, Development Serv. Director

Peggy Hetzler, Administrative Services Director

Arvilla Ohlde, Parks and Recreation Director

Noel Miller, Public Works Director

Rob Chave, Planning Manager

Dave Gebert, City Engineer

Steve Bullock, Senior Planner

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 COUNCIL PRESIDENT EARLING, FOR APPROVAL OF THE AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

**2. CONSENT AGENDA ITEMS**

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

**(A) ROLL CALL**

- (B) APPROVAL OF CLAIM CHECKS #59359 THROUGH #59453 FOR THE WEEK OF NOVEMBER 26, 2002, IN THE AMOUNT OF \$362,065.43.**
- (C) BOND CAPITAL PROJECTS UPDATE**
- (D) AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR PROSECUTOR SERVICES WITH JEFFREY GOODWIN**
- (E) CONFIRMATION OF MAYOR'S APPOINTMENT OF HEARING EXAMINER AND AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR HEARING EXAMINER SERVICES WITH RONALD McCONNELL**
- (F) AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR LEGAL REPRESENTATION OF INDIGENT DEFENDANTS WITH JAMES FELDMAN**
- (G) AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH OGDEN MURPHY WALLACE FOR LEGAL SERVICES**
- (H) AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT FOR MINUTE TAKING SERVICES WITH KARIN NOYES**
- (I) AUTHORIZATION FOR MAYOR TO SIGN EMPLOYMENT CONTRACT WITH JANA SPELLMAN, SENIOR EXECUTIVE ASSISTANT TO THE CITY COUNCIL**
- (J) AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LYNNWOOD AND THE CITY OF EDMONDS FOR JOINT FUNDING OF THE RECYCLING COORDINATOR**
- (K) AUTHORIZATION FOR MAYOR TO SIGN ADDENDUM #3 TO CH2M HILL PROFESSIONAL SERVICES AGREEMENT**

(L) **APPROVE AGREEMENT FOR TECHNICAL SERVICES BETWEEN THE CITY OF EDMONDS AND THE CITY OF LYNNWOOD, AND JAMES MERCER, M.D.**

(M) **RECOGNITION OF RETIRING AND REAPPOINTED BOARD AND COMMISSION MEMBERS (2002)**

**3. DISCUSSION ON THE 2003 BUDGET**

Council President Earling encouraged the Council to reach a conclusion regarding potential revenue sources which would assist staff in determining the amount of available funds in the budget. He also requested Councilmembers identify items they wanted deleted or added to the budget at least for discussion, not necessarily action. He suggested next week the Council be prepared to make a motion regarding approval of the budget and each Council make amendments regarding items they wanted deleted or added to the budget. Upon approval of the budget, staff could prepare an ordinance adopting the budget at the December 17 meeting.

Councilmember Plunkett asked for clarification regarding potential revenue streams. Mayor Haakenson advised Exhibit 7 outlined all potential revenue streams. Councilmember Plunkett recalled a request last week for a compiled list of revenue streams and inquired whether there was a potential revenue source that was not shown on Exhibit 7. Council President Earling advised the potential revenue sources he planned to seek Council direction on were those identified on Exhibit 7 unless there were others Councilmembers had identified.

Property Tax Recapture

Council President Earling explained the Council approved a recapture of 1.5% at last week's meeting.

1% Allowable Property Tax Increase

Council President Earling advised the Council approved this at last week's meeting.

Business License Fee Based on Number of Employees

There were no Councilmembers interested in pursuing this revenue source.

Utility Tax on Solid Waste – 6% Increase

Councilmember Orvis recalled his indication last week to add approximately \$400,000 in revenue to the budget, commenting this was the primary way he proposed to do that. He was in favor of the full 6% utility tax on solid waste. Councilmember Marin agreed.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF THE UTILITY TAX ON SOLID WASTE OF 6% AND TO DIRECT STAFF TO DRAFT AN ORDINANCE FOR COUNCIL CONSIDERATION NEXT WEEK.**

Councilmember Petso commented she was not excited about enacting a tax on solid waste and was not persuaded that it was appropriate because other cities did it. She indicated her preference would have been to increase the property tax last week as it was less oppressive, a better reflection of citizens' ability to contribute to City services, and might potentially have provided enough funds to retain some quality personnel scheduled to be laid off. Having not done that, the City could not preserve those jobs. She encouraged the Council to look at future planning, not just a potential levy lid lift but also slowing the rate of city expenditures so that it was not necessary to invent things to tax.

**MOTION CARRIED (6-1), COUNCILMEMBER PETSO OPPOSED.**

#### Franchise Fee on Olympic View Water District

(Councilmember Petso, an Olympic View Water District Commissioner, left the dais during this discussion due to a potential conflict of interest.)

Council President Earling recalled the Council expressed interest in this revenue source although there was no way to calculate the amount into the budget process because negotiations had not yet begun.

(Councilmember Petso returned to the dais following this determination.)

#### Utility Tax on Stormwater – 6% Increase

Councilmember Marin indicated he was opposed to this revenue source due to the substantial rate increase last year.

Councilmember Dawson agreed, noting customers often were unaware whether an increase was a rate increase or a tax increase, and they were paying an increased amount this year due to the rate increase. Councilmember Wilson agreed, noting last year's increase was approximately 43%.

### Discussion Regarding Items to be Added/Deleted from the Budget

Councilmember Petso requested the Council consider eliminating funding for the Edmonds Alliance for Economic Development and reducing the Mayor's discretionary increases for non-represented employees from 5% to 2%. She referred to a memo from Mayor Haakenson with a number of questions regarding this suggestion, noting one of the questions was why the focus was on non-represented employees. Councilmember Petso answered increases for non-represented employees were the only increases the Council had any control over. She was opposed to any non-represented employee receiving a 7% increase this year while critical employees were being laid off and important programs that citizens valued were being terminated. She commented COLA plus 2% would be sufficient. In exchange for those two items, Councilmember Petso suggested adding funding for Team Edmonds and the Fire Department Reserves, noting these were important programs that the Council should consider funding.

Councilmember Marin indicated the City was in this dilemma partially because it was so heavily reliant on property taxes and one way to get away from that was to stimulate economic development. He commented the program presented by the Alliance was "a real bargain."

Council President Earling commented that although \$20,000 in funding for the Alliance remained in the budget, matching funds in the amount of \$25,000 had not been budgeted in 2003.

Councilmember Marin spoke in favor of providing at least \$5,000 in funding for Team Edmonds. He commented the programs Team Edmonds was promoting were drawing attention to the City.

Councilmember Plunkett commented the Council identified approximately \$460,000 in additional revenue between last week and this week. He requested the Council consider funding the Fire Department priorities and the Police Department's priorities, which could be accomplished with the additional revenue that had been identified.

Councilmember Wilson agreed it was appropriate to restore priorities in public safety, restoring three Firefighter positions and an Inspector position in the Fire Department and restoring Crime Prevention and the two Patrol Officer positions. He was also in favor of retaining the Firefighter Reserves. He noted there were other priorities that should be considered, items that may be less tangible to the public but added value to the community. He supported restoration of the flower program as it was an economic driver for the community. If possible, he was also in favor of restoring the environmental education program, commenting on the possibility of partnering with the Port on this program. He noted people outside the community who enjoyed that program also spent dollars in the community, thereby returning funds to the City. Another position he favored restoring if possible was the custodian, noting that the custodian serves the heavily used Frances Anderson Center and other public buildings that generate revenues via the programs they offer. If public buildings were not a positive experience, he noted the City would experience revenue losses from citizens not partaking in those programs.

With regard to potential savings, Councilmember Wilson requested staff research the cost of the current method of land use appeals. Because of the way fees are structured for appeals, he explained the City charged a very nominal amount, approximately \$100, however, because of the cost of the City Clerk, City Attorney and Planning Department's time to process appeals, the costs were significantly higher. He noted there were a couple of appeals where staff time exceeded \$20,000 with no revenues generated. Mayor Haakenson requested Development Services Director Duane Bowman, City Clerk Sandy Chase, and City Attorney Scott Snyder develop viable numbers for the Council packet on Friday.

Councilmember Orvis preferred revenues be used to fund the Police and Fire Departments priorities.

Councilmember Dawson agreed the first priority should be to restore some funding to the Police and Fire Departments. She pointed out the Council could not expect to add in expenditures equal to the additional revenues or this same process would be required next year unless there were additional ways to generate revenue. She spoke in support of a levy lid lift, noting if that passed, the Council could fully restore the Police and Fire Departments. If a levy lid lift did not pass, more substantial cuts would be required next year. She clarified she was supportive of adding funding for the Police and Fire Departments if a majority of the Council was supportive of proposing a levy lid lift. Based on that premise, she indicated adding the Patrol Officers, the Crime Prevention Unit and Youth Services were her priorities for the Police Department. With regard to the Fire Department, she supported restoring the Firefighter, Inspector, and Assistant Chief positions that were proposed to be cut. She also supported funding for the Fire Department Reserves, and depending on other items that were added, either paid reserves or unpaid for at least one year pending the results of the levy lid lift vote. Councilmember Dawson noted the Fire Department Reserves on an unpaid basis was a \$6,000 expenditure and \$33,000 with pay. She also supported funding a receptionist position. She recalled the receptionist positions on the second and third floor were cut with the thought that the first floor receptionist would cover those duties, however, the first floor receptionist position was also cut. She noted the receptionist position was important to the way people perceived City Hall.

Councilmember Dawson asked the cost of restoring the Beach Ranger Program. Parks & Recreation Director Arvilla Ohlde answered the cost was \$19,800 which would restore 100% of the beach patrols and the beach ranger station on the weekends. Councilmember Dawson indicated she would support restoring the Beach Ranger Program, noting it was nearly an offshoot of public safety.

Councilmember Dawson referred to a memorandum from former Councilmember Dick Van Hollebeke regarding the pool in which he describes keeping Yost Pool open for the regular season and options for funding the shortfall. Councilmember Dawson asked how much would be saved by shortening the Yost Pool season. Ms. Ohlde answered the cut was \$58,000 but there was also approximately \$21,000 in lost revenue, for a net loss of \$38,000. Councilmember Dawson asked whether Ms. Ohlde could respond to Mr. Van Hollebeke's other suggestions for revenue. Ms. Ohlde answered she reviewed some of the suggestions – Edmonds currently charges \$3 and Lynnwood and Mountlake Terrace charge \$2.75; establishing a resident/non-resident fee would require non-residents to pay \$3.50 which may result in lost revenue due to the price increase. She referred to another suggestion to increase overall rates to \$3.50 which she indicated would likely generate the \$10,000 Mr. Van Hollebeke suggested.

Councilmember Dawson inquired about his suggestion to have community volunteers do some tasks. Ms. Ohlde answered all tasks other than the cashier, such as lifeguarding and instructing, required skilled labor. Councilmember Dawson noted it did not appear this was a huge cost savings and was a huge benefit to the community. She was supportive of operating the pool for the regular season, particularly if ways to reduce the shortfall could be identified and implemented.

Councilmember Dawson agreed with Councilmember Petso's suggestion to discontinue funding for the Alliance. Although she agreed the City should not discontinue all economic development programs while in an economic downturn, she preferred the funds be provided to Team Edmonds who were actively engaged in a program that would bring tourism spending to the City. She commented Team Edmonds had provided more tangible results without the City's funding than the Alliance had provided. Further, Team Edmonds' vision was more consistent with her vision of Edmonds. She disagreed the Alliance's program was a bargain, commenting the only tangible product they proposed was gathering materials to give to prospective businesses. She noted that could be done in-house and any studies could be performed more economically by students from the University of Washington. Or as an alternative, she would prefer funds be provided to the Snohomish County Economic Development Council so that the City could be part of the countywide effort. She was open to sharing the \$20,000 between Team Edmonds and the Snohomish County Economic Development Council rather than the Alliance.

Councilmember Orvis spoke in support of proposing a levy lid lift. He noted with the levy lid lift and the long term projections, the Council could add more to the budget now although, he wanted to be restrained in how it was done. He pointed out if the levy lid lift failed, the situation at that point would be much worse if additional funds were expended now. His focus was funding public safety priorities first and then adding funding for other things in a very restrained manner.

Councilmember Petso recalled she pointed out a position in the budget book that would receive a 9% salary increase in 2003. She questioned how a 9% increase was possible with a 2.5% COLA and the Mayor's discretionary increase of up to 5%. Administrative Services Director advised the salary for that position was underestimated in 2002, making the percentage increase for next year look higher. Councilmember Petso acknowledged that was the explanation given previously but upon further research, the amount budgeted and adopted for this position in the 2002 budget book was \$96,990, yet the 2003 budget book shows an estimate of \$101,030 for 2002. She questioned how the City could pay an employee that much more than was budgeted for the position. Councilmember Petso clarified she was addressing the Public Works Director position; the salary in the 2002 budget was \$96,900, yet the 2003 proposal was \$110,000.

Ms. Hetzler reiterated the salary for this position was underestimated in the 2002 budget book. She explained the individual in that position received the COLA and a 5% merit increase he was eligible to receive, a total of 7.5%. She explained salaries for each position were not adopted in the budget; although there was an estimate in the budget for the position, the budget was not adopted at that level. For next week's discussion, Councilmember Petso requested staff provide the actual 2001 and 2002 compensation for that position.

Councilmember Marin commented a levy lid lift was absolutely imperative. With regard to cuts in public safety, he acknowledged some cuts may be necessary in the short term, however, in the long term the cuts would have a negative impact on service. As a commanding officer himself, he could get along without his Executive Officer for a while but could not imagine Fire Chief Tomberg getting along without an Assistant Chief very long before the strain would be felt throughout the department. He encouraged the Council to pursue a levy lid lift in the fall to restore as many public safety positions as possible.

Councilmember Wilson commented there were three receptionist positions in City Hall; he was particularly interested in retaining the receptionist on the second floor as that position had the greatest public contact on a daily basis with applicants. He favored giving consideration to restoring the receptionist positions with a high degree of public contact as they provided visitors their first impression of the City. Next, he requested Councilmembers consider the Court's proposal to restore a part-time clerk at a cost of \$10,600 with the ability of that position to generate approximately \$40,000 from the passport program. He spoke in favor of pursuing a levy lid lift, noting it was appropriate to allow citizens to vote on additional funding. He suggested placing a freeze on filling vacant positions next year until the outcome of the levy lid lift was known unless the position was related to public safety or a position that generated revenue. He recommended this as a step toward making any transition as easy as possible in the event a levy lid lift failed.

Councilmember Plunkett supported retaining the receptionist in the permitting department (second floor), noting that could be the most vital receptionist as permitting generates revenue and the department must provide good service if the City was to continue to receive the benefits of appropriate building.

Mayor Haakenson pointed out all visitors must come through the first floor first, therefore, there was no receptionist position in City Hall more important as she was the one who greets every visitor, builder/developer, etc. who enters the building. He indicated he would weigh in heavily in favor of restoring that position.

Councilmember Dawson agreed the first floor receptionist was very important, noting all positions were important. She pointed out there may be a need for consolidation as there were not sufficient funds for all the positions. She agreed having a receptionist on the first floor to direct visitors was very important, questioning how a developer/builder would be directed to the second floor absent a receptionist on the first floor. With regard to Councilmember Petso's comment regarding salaries, she agreed it would be important over the next year to consider how non-represented salaries were calculated such as whether the L5 policy with COLA and Mayor's discretionary merit increase was still appropriate. She indicated she was hesitant to make that decision now and not provide employees an increase when they would be taking on additional responsibilities due to layoffs.

Councilmember Wilson commented on the importance of a receptionist at City Hall, noting that position may have to take on additional responsibilities. He agreed with Councilmember Dawson's comment regarding salaries, noting that although the City's budget problems would not be resolved based on salary increases, it may be appropriate to reevaluate the City's salary policy. He noted the City may need to reevaluate its structure and how services are provided.

Councilmember Marin agreed with Councilmember Wilson's suggestion regarding the Court Clerk.

Councilmember Dawson requested further information regarding the potential for \$40,000 in revenue from the passport program, noting a lot of places were doing passports which may result in reduced revenues.

Council President Earling recalled the Fire Department's top priority was the two additional Firefighters. He asked the additional cost to fund the Assistant Fire Chief. Fire Chief Tom Tomberg stated the cost to add two Firefighters (\$115,180), the Inspector (\$6,976), filling the remaining Firefighter vacancy (\$57,590) and the Reserves as volunteers totaled \$179,746. He advised the cost to add the Assistant Fire Chief was \$121,130.

Councilmember Plunkett clarified the priority the Fire Department established was the two Firefighters, the Inspector, and the third Firefighter position for a total of \$179,746. Chief Tomberg agreed. Council President Earling clarified the top priority identified by the Fire Department was the two Firefighters positions, the remaining positions were the Fire Department's second and third priorities.

Councilmember Dawson inquired about potential difficulty hiring a new Assistant Fire Chief next year if the levy lid lift was successful. Chief Tomberg answered his priority was to protect the street at all costs, which protected the public. He suggested when he was able to restore the Assistant Fire Chief position, it would be difficult to hire a person as an exempt, un-represented employee who would be the first laid off if this situation occurred again. He explained he would likely look at the Assistant Fire Chief position differently in the future for that reason.

Councilmember Dawson was hopeful a successful levy lid lift would allow all positions to be restored next year. She asked if Chief Tomberg's priorities would be any different if it meant cuts would be deeper next year if a levy lid lift did not pass. Chief Tomberg answered if a levy lid lift or public safety bond was not successful, this budget process would occur again and further cuts would be necessary. He acknowledged he would like to restore as many positions as possible but was aware that difficult choices had to be made.

Council President Earling remarked the Council added \$457,500 in new revenue via property tax and utility tax on solid waste, and the first priority of all departments totaled \$440,851.

Councilmember Dawson recalled Ms. Hetzler's presentation last week illustrated the Council's ability to restore more positions than the department's first priorities, noting Ms. Hetzler's projections were based on \$50,000 less revenue than the Council approved. Administrative Services Director Peggy Hetzler explained her projection was based on new revenue of \$415,000 but the Council enacted \$457,000. She explained by taking the baseline budget for 2003, reducing it by \$1,050,000 rather than \$2 million, the Council was able to

restore all the positions she presented last week – more public safety positions than their first priorities, and all non-public safety departments first priorities. Via this exercise, she explained the City would end 2003 with slightly less than \$500,000 in ending cash, an acceptable level. She explained her five year projection assumed a successful levy lid lift in 2004.

Councilmember Plunkett commented there was approximately \$450,000 in new revenue and it was his understanding that meeting the restorations to Police (\$270,000) and Fire (\$179,000) Departments was approximately \$450,000. Police Chief Stern advised the cost of restoring two Police Officers was slightly less than \$130,000 and the second priority, Crime Prevention, was \$89,600 for a total of \$220,000. Councilmember Plunkett speculated those restorations would possibly leave some funding for a receptionist and possibly some for Team Edmonds.

Mayor Haakenson requested clarification regarding Ms. Hetzler's response to Councilmember Dawson, recalling Ms. Hetzler estimated approximately \$400,000 in new revenue, the proposed budget included \$2 million in cuts but Ms. Hetzler's latest projection included only \$1 million in cuts. Mayor Haakenson pointed out there was then significantly more than \$400,000 for the Council to use to restore priorities. Ms. Hetzler agreed.

Councilmember Orvis commented it was his intent to restore more positions than could be funded via the new revenue, based on the assumption that a levy lid lift would be passed next year. He acknowledged this was somewhat of a gamble but a gamble he was willing to take. He used the example of the Assistant Fire Chief, noting the levy lid lift would give the City an opportunity to convince the public that position was worth retaining. Councilmember Orvis commented his intent was to restore the Patrol Officers, the Crime Prevention officer, the Firefighters positions, the Fire Department Reserves, the Fire Inspector and the Assistant Fire Chief, a total of approximately \$560,000+. He encouraged the Council to be restrained in making restorations above that due to the possibility a levy lid lift would not be successful.

Council President Earling spoke in support of restoring the first priorities on the most recent document Ms. Hetzler provided, a total of \$440,851. He also supported providing approximately \$5,000 to Team Edmonds but did not support removing funding for the Alliance from the budget. He favored including \$5,000 in the budget to maintain the City's membership in the Snohomish County Economic Development Council, commenting there was a tendency in difficult times to pull away from the work that has been done in the region, but the City benefited from the work of the Development Council. He summarized it appeared from the Council's comments, that all were in favor of pursuing a levy lid lift in fall 2003. Councilmembers agreed any levy lid lift would be for the purpose of sustaining public safety.

4. **PUBLIC HEARING ON THE UPDATE OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN**

Mayor Haakenson asked staff to indicate the cost of approving the Transportation Element of the Comprehensive Plan. Traffic Engineer Darrell Smith answered zero dollars. He explained the Transportation Element was a planning document that provided guidance to the City regarding projects and transportation priorities in the City, ranging from bicycle and pedestrian facilities to roadways to new ferry terminals, as well as anticipating the next 20 years. He noted the consultant would also address funding shortfalls as a result of I-776 including funding alternatives. Mr. Smith pointed out the Plan identified the essential projects; there were other projects that although have merit, were not recommended for funding.

**Ron Loewen, Bucher, Willis & Ratliff**, reviewed changes in the recommended Transportation Element, explaining an introduction was added that included more description of the Growth Management Act (GMA). Information was added regarding the 2002 public participation process, an inventory of existing systems was included, traffic calming devices were considered, traffic model projections were included, the system analysis including Community Transit and walkway systems was expanded, and a walkway and bikeway plan was included. He explained the recommended Plan was based on a number of meetings held with the public, staff, the Technical Advisory Committee, and a Citizens Advisory Committee. Via that process, a number of improvements were evaluated and a recommended, priority ranked list was developed. Mr. Loewen displayed a map identifying the location of the recommended capital projects – 220<sup>th</sup> from 9<sup>th</sup> to 84<sup>th</sup>, 84<sup>th</sup> Avenue from 212<sup>th</sup> to 238<sup>th</sup>, 238<sup>th</sup> from 84<sup>th</sup> to SR 104, signals along 9<sup>th</sup>, and several improvements along 76<sup>th</sup> Avenue.

Mr. Loewen explained these improvements improved level of service (LOS) conditions throughout the City. He described how existing conditions were evaluated using the Highway Capacity Manual, and their finding that six of the 16 busiest intersections were failing now and by 2008, nine of the 16 would be failing. Via the improvements in the Transportation Plan, only one of the intersections, Hwy. 99 at 244<sup>th</sup>, would be failing by 2008. In the 20 year plan, they found 13 of the 16 intersections would fail and via the improvements in the Transportation Plan, this was reduced to four intersections, on Hwy. 99, 244<sup>th</sup> and 76<sup>th</sup>.

Mr. Loewen explained they also considered street classifications using the city's classification and the federal classification and recommended that changes be made to make the two more consistent. For example, State Routes in the north end that are currently classified as principle routes are classified under the City's classification at a lower level. The Plan recommends continuing to use the lower classifications and when the ferry terminal moves, consider revising the federal classification to a lower classification. They also considered several residential streets that serve as collectors and recommended they be reclassified as collectors.

Mr. Loewen stated the Citizen Advisory Committee evaluated approximately 75 walkway locations and recommended walkway segments for improvement. They also developed a traffic calming program whereby concerns from citizens could be evaluated via a step-by-step process.

Mr. Loewen displayed a list of projects and cost estimates. The projects over a 20 year period included \$9 million in asphalt resurfacing, \$2 million in walkway and bikeway improvements, \$200,000 for pedestrian lighting, and \$19 million for 14 transportation improvement projects, a total of slightly over \$36 million.

They also evaluated funding for the past several years and projected that forward for the next 20 years. This resulted in slightly more than \$30 million, approximately a \$6 million shortfall. In evaluating the City's mitigation fees, they determined the City could charge a mitigation fee for PM peak hour trips. He suggested a fee of \$600-800 per trip. He noted the mitigation fee in surrounding jurisdictions ranged from \$3,000 to \$885.

Mr. Loewen reviewed the impact the passage of I-776 (which eliminated vehicle excise tax) had on funding, a loss of \$8.6 million over the 20 year period or \$430,000 on an annual basis. He reviewed options for addressing this funding loss including increasing revenue sources, considering new revenue sources, expanding on existing revenue sources, increasing mitigation fees, reducing LOS, or reducing/removing capital improvement projects from the Plan. A 4%-5% levy lid lift would generate approximately \$350,000 per year, a \$100 increase in the mitigation fee (above \$600-800) would generate \$50,000 per year, a \$200 increase in the mitigation fee (above \$600-800) would generate \$100,000 per year, and a combination of these two funding sources could satisfy the loss of the excise tax. He noted the City could also explore a Street Utility fee or the equivalent.

In an effort to identify projects to balance the loss of revenue Mr. Loewen explained consideration was given to reducing the asphalt program by \$3 million, reducing the walkway program by \$1 million, and reducing capital projects by \$4 million. He displayed a list of potential projects to be eliminated, noting some projects had grant funding and reducing the City's participation could impact the grant funding.

Mr. Smith reviewed Engineering's final recommendation to address the loss of funding from I-776:

- Maximizing the traffic impact fees allowable by law by increasing the fee from \$800 to \$1,000 per PM peak hour trip, approved via ordinance in the first quarter – Spring 2003.
- Encouraging the Council to place a levy lid lift of 4%-5% on the fall ballot which would generate approximately \$350,000. Mr. Smith explained the impact to the average household would be approximately \$30 per year.

Mr. Smith explained if the funding lost via I-776 was restored, the City would have a well-balanced Transportation program. If the funding was not restored, the City would be required to cut \$8.6 million from the Transportation Plan which would severely impact the overlay, sidewalk, and bikeway programs.

Councilmember Petso asked whether the speed limit was also increased if a road were reclassified as a minor arterial. Mr. Smith answered changing the classification did not impact the speed on the roadway. He noted an ordinance was required to change speed limits and there was no intent via this Plan to change speed limits. Councilmember Petso clarified that even if 100<sup>th</sup> south of Firdale were reclassified to an arterial, the speed limit would not be increased. Mr. Smith agreed.

Councilmember Petso inquired about the reason for reclassifying streets. Mr. Smith explained the intent was to make the City and federal classifications consistent. He explained streets with federal classifications were eligible for additional federal and state funding mechanisms. As part of their evaluation, staff and the consultant physically drove the City's streets, considered how they connected to others and reviewed the traffic volume data and applied the federal standards. He noted if future improvements were identified for a street, it was logical to consider having it federally classified as a collector. He noted most collector streets in the City were 25 mph, the same as residential streets.

Councilmember Petso noted there was analysis in the Plan for most streets and an explanation of the reason for reclassification but there was no accompanying text for 100<sup>th</sup> south of Firdale. Mr. Loewen advised that would be added; the reason it was not was it was a federal classification and the intent was to match the classification with the jurisdiction to the south. Councilmember Petso objected to the 35 mph speed limit on the roadway in the jurisdiction to the south.

Councilmember Petso asked whether residents on the streets recommended for reclassification were provided any notice of this public hearing. Mr. Smith answered no. He pointed out it was not unusual for a city and the federal classification to be different, however, the City's streets would have federal classifications regardless. His intent was to make the classifications more consistent.

Councilmember Petso inquired about differences in level of service between the proposed Plan and the existing plan, specifically SR 104 & 100<sup>th</sup> had a 82 second delay and LOS F in the existing Plan but in the proposed Plan, that intersection had a 32 second delay and LOS C. She questioned why the level of service changed when there had not been any physical changes to the intersection. Mr. Smith answered although there had not been any roadway changes, the signal timing had been adjusted in that location.

Councilmember Petso inquired about differences for the intersection of 208<sup>th</sup> & 76<sup>th</sup> – 15 second delay and LOS C in the existing Plan and a 19 second delay and LOS B in the proposed Plan. She suggested staff research this and provide an answer after the public comment.

Councilmember Petso referred to the intersection at 76<sup>th</sup> & 212<sup>th</sup>, an incredibly slow cycle which indicated to her the intersection operated at LOS F, yet the proposed Plan rates it as LOS C. In contrast, she encountered only a brief delay at the intersection at 9<sup>th</sup> & Puget, yet the Plan rates that intersection as LOS F. Mr. Smith explained mathematical engineering standards were applied to determine level of service, but common sense still needed to be applied to specific locations. He explained the standards applied to a specific time period, the PM peak period. At Caspers & 9<sup>th</sup>, that intersection worked well 90% of the time, however, the level of service may deteriorate when a ferry unloads. Further there were fairly high speeds in that area and with more congestion, the potential for a high-speed accident increased. Mr. Smith commented a future consideration should also be interconnecting signals along the SR 104 route to increase efficiency for through traffic, noting that would have an impact on traffic traveling north-south.

Responding to Councilmember Petso's questions regarding the intersection of 212<sup>th</sup> & 76<sup>th</sup>, Mr. Loewen answered even if the intersection was at LOS E or F, future development may contribute to improvements although the City would need to pay its proportionate share. He clarified levels of service were average vehicle delays. He advised there were different level of service standards for stop signs (the amount of delay allowed was less).

Councilmember Orvis referred to the proposal to reduce the classification of 196<sup>th</sup> and asked what the public benefit was from reducing the classification. Mr. Smith answered the recommendation was that the federal system classify 196<sup>th</sup> the same as the City's classification, a minor arterial; the federal classification was a principle arterial – the same classification as I-5. Mr. Loewen explained the intent of the recommended reclassification was to classify the roadway as it functioned; 196<sup>th</sup> did not serve major through trips and was more locally oriented with lower speeds than a principle arterial.

Councilmember Orvis questioned whether it was necessary to reclassify the streets now. Mr. Smith answered the classification systems did not have to be combined with the update to the Transportation Plan, although it may be confusing when preparing grants.

Recalling Mr. Smith's indication that none of the projects in the Transportation Plan had to be funded, Councilmember Orvis questioned why the Transportation Element was being updated. Mr. Loewen answered the purpose of the reclassification was to identify roadways that were collectors and make them eligible for federal and state funding as well as identify locations for walkway and other improvements. Further, the Plan provided direction to staff regarding identified improvements.

Councilmember Orvis asked whether there were any specific traffic calming projects in the Plan. Mr. Smith answered the funding mechanism in the Plan budgeted \$17,000 per year for traffic calming projects. He explained that during the past year, consideration was given to traffic calming on 191<sup>st</sup>, Dellwood, and 217<sup>th</sup>. Staff continues to consider traffic calming at 217<sup>th</sup> and Dellwood because most residents did not want traffic calming on those streets. Due to positive public feedback on traffic calming on 191<sup>st</sup>, a speed bump was installed recently. He noted speed bumps required approval of the Police and Fire Departments.

Council President Earling clarified that although staff and the consultant had described funding alternatives, the only action requested of the Council was adoption of the Transportation Element of the Comprehensive Plan. He stated was not interested in pursuing the alternate funding sources, anticipating I-776 would be challenged in court and he anticipated, overturned. Mr. Smith agreed the direction requested from Council was whether the Transportation Plan should be finalized and approved. He explained it would be helpful to Engineering to know whether funds would be restored and, if not, cuts would be made in the program particularly in the first 1-2 years.

Council President Earling indicated he was amenable to discussing the three alternative funding sources but not until the courts made a decision regarding I-776. Mr. Smith pointed out the importance of giving

consideration to enacting a traffic mitigation fee. City Engineer Dave Gebert explained one of the elements of the Comprehensive Plan was a financially balanced Capital Improvement Program (CIP). With the knowledge of I-776, there was question whether the City's CIP was financially balanced. He suggested the Transportation Plan include the alternatives that would be considered for balancing the CIP if I-776 funding was lost. He noted all options would be presented to the Council separately and adopting the Transportation Element did not approve those actions. Council President Earling clarified these were a series of potential fund sources if I-776 was upheld.

Council President Earling cautioned the Council not to micromanage specific intersections tonight, the intent was to look at the overall Transportation Element as a 20 year document. Mr. Smith noted a great deal of community input would be sought before any projects was undertaken.

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

**Henry Moravec, 915 Olympic Avenue, Edmonds**, a participant on the 12 member Citizen Advisory Committee, described his extensive use of minor arterials, bikeways and neighborhood roads to bicycle in the City. He described his family's extensive use of walkways and Community Transit. He noted the proposed Transportation Plan balanced non-motorized and motorized traffic. He noted the members of the Citizen Advisory Committee agreed on the importance of walkways to the community. He recommended the Council adopt the Transportation Plan, requesting that when difficult funding decisions were necessary, they be balanced between motorized and non-motorized aspects of the Plan.

**Amelia King, 16711 76<sup>th</sup> Avenue W, Edmonds**, a 10-year old, explained they needed sidewalks because many people use the road to reach the beach and vehicle speeds make walking dangerous. She submitted a copy of a petition asking the City to build sidewalks.

**Marge Plecki, 16711 76<sup>th</sup> Avenue W, Edmonds**, a member of the Citizen Advisory Committee, recommended the Council adopt the Plan. She commended Mr. Smith and Mr. Loewen for the excellent job they did on the Plan. She noted the Plan was thorough and straightforward and integrated many elements. As her area of concern was sidewalks and walkways, she visited each walkway proposed in the plan and was particularly interested to find out when the 76<sup>th</sup> Avenue walkway would be constructed as there were serious public safety concerns in this area. She indicated this was the only stretch of 76<sup>th</sup> Avenue that did not have a walkway and it was frightening to walk the narrow 2-lane road that had no shoulders, was on a blind curve and on a hill. Cars regularly travel at 35 mph and drag racing occurred in the evenings. She urged the City to take some action with regard to this road and submitted a petition signed by 44 residents of the area who supported construction of a walkway. She noted this project received a high priority in the proposed plan due to safety issues, its connectivity, access it provided to Snohomish County Meadowdale Park, and because it had wide community support.

**Will Overington, 828 9<sup>th</sup> Avenue N, Edmonds**, objected to the proposal for a signal at 9<sup>th</sup> & Caspers, noting this was a very safe intersection with good sight distances. He commented installing a signal and directing ferry traffic up 9<sup>th</sup> Avenue would create chaos.

**Rob Michel, 7907 212<sup>th</sup> SW, Edmonds**, referred to the proposed mitigation fees, explaining additional mitigation fees discouraged development and revenues could be less than projected because developers would develop in cities where mitigation fees were not as high. He noted all mitigation fees were reflected in the price of housing which ensured affordable housing would not be possible. He pointed out Councilmembers could not support affordable housing at one meeting and at the next, add more fees because it increased the cost beyond the reach of the average family. He recommended the City consider incentives for developers rather than increased fees.

**Duane Landsuerk, 19511 94<sup>th</sup> Place W, Edmonds**, described a sight distance issue in his neighborhood that was first brought to the City's attention in 1994. Mr. Smith explained this was an intersection that was evaluated and had a great deal of merit due to sight distance challenges but because it did not rank high enough, it was not included as a recommended improvement. Mr. Landsuerk explained neighborhood children catch the bus in this location and sight distances make this a dangerous situation. As his property abuts 196<sup>th</sup>, he was willing to cooperate by providing easements, etc.

**Brook Evans, 1214 8<sup>th</sup> S, Edmonds**, a member of the Citizen Advisory Committee, commented the City was lacking sidewalks and walkway in many areas. He became involved with the Committee due to his interest in traffic calming and reducing volumes and speeds on residential streets. He commented the speed limit on their street was 25 mph; however, the Police Department would not stop anyone unless they were traveling over 35 mph, 40% over the speed limit. He pointed out a vehicle could be stopped on I-5 for traveling 70 mph in a 60 mph zone, 14% over the speed limit. He questioned why vehicles were allowed to travel 40% over the speed limit in neighborhoods. Mayor Haakenson encouraged Mr. Evans to talk with the Police Chief who was in the audience.

**Janice Corbett, 707 13<sup>th</sup> Way SW, Edmonds**, a bicyclist and walker, commented unless one walked on the City streets, they were likely not aware of how bad it was. She described a recent accident on 220<sup>th</sup>. She urged the Council to walk streets they did not normally walk.

**Roger Hertrich, 1020 Puget Drive, Edmonds**, questioned the reference to high accident locations in the Transportation Plan – eleven on 212<sup>th</sup> & 76<sup>th</sup>, forty at 244 & Hwy. 99, and zero at 9<sup>th</sup> & Caspers. He questioned the reference in the Plan to levels of service – LOS E/48 seconds at 220<sup>th</sup> & 9<sup>th</sup>, LOS D/30 seconds at 9<sup>th</sup> & Main, LOS F/54 seconds at 9<sup>th</sup> & Caspers. He noted 9<sup>th</sup> & Caspers also did not meet the accident criteria. He pointed out the ranking placed 9<sup>th</sup> & Caspers as priority 18 but was ranked #1 at a cost of \$200,000. He also expressed concern with \$466,000 for a roundabout in Perrinville, \$466,000 for a roundabout at Five Corners, \$216,000 for a signal & 9<sup>th</sup> & Caspers. He pointed out 9<sup>th</sup> Avenue was a residential street and not a main route to the ferry. Mr. Hertrich was concerned some of the numbers in the Plan were skewed and recommended the Council revisit the improvements in the Plan.

**Joe Bundus, 757 Main Street, Edmonds**, requested the City reconsider the proposed installation of a semi-actuated signal at 9<sup>th</sup> & Main. He noted excessive speeds on Main would increase if motorists did not encounter a stop sign until 6<sup>th</sup> Avenue.

**Bill Casper, 657 9<sup>th</sup> Avenue N, Edmonds**, commented when they built their home in 1984, they were told the street would remain the same. He noted since the Mukilteo ferry was diverted, traffic volumes and speeds have increased dramatically. He pointed out the difficulty this created for residents who must back out onto 9<sup>th</sup> Avenue N. He questioned why residents were not notified of this public hearing.

**Rich Demeroutis, 921 Pine Street, Edmonds**, referred to the indication that updates were only recommendations, pointing out when projects arose, staff often indicated it must be done because it was in a Plan. He expressed concern with the \$466,000 proposed cost for a roundabout in Perrinville. With regard to the signal at 9<sup>th</sup> & Caspers and staff's indication there was a problem with high speeds, he suggested reducing the speed to 20 mph which would have minimal cost. He was concerned that if 9<sup>th</sup> Avenue were transformed into a stop-lighted thoroughfare, it would pull ferry traffic onto that street making it more congested. He suggested having signals metered during peak hours.

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

In response to Councilmember Petso's earlier question regarding the intersection of 208<sup>th</sup> & 76<sup>th</sup> – 15 second delay and LOS C in the existing Plan and a 19 second delay and LOS B in the proposed Plan, Mr. Loewen explained the profession changed the standards in 1999.

Councilmember Petso recalled some of the public comment addressed one of her concerns, how a safe intersection with no accident history was a top priority, and intersections with a high number of accidents such as 76<sup>th</sup> & 212<sup>th</sup> were low priorities. She acknowledged level of service was a consideration but was concerned with the subjective rankings. She questioned how many subjective rankings there were in the matrix. Mr. Loewen pointed out the matrix identified criteria that were scored on a quantitative basis and criteria scored on a subjective basis, only four were subjective. He briefly described how projects were ranked. Mr. Smith identified the analysis of potential roadway improvements for the 20-year plan, noting the intersection described by Mr. Landsuerk (SR 524 & 94<sup>th</sup> Place) was the last project on the list. Mr. Smith acknowledged there were challenging sight distances in this area and there was some accident data in this area. The City has installed additional signage in the past as well as an advance beacon. He noted removing the hazard by cutting into the hillside would be very expensive. In ranking projects, others ranked higher for a variety of reasons.

Councilmember Petso asked staff to comment on the request for a sidewalk on 76<sup>th</sup>. Mr. Smith agreed there was a need for walkways in the north end as well as throughout the City which the Plan included.

With regard to the signal at 9<sup>th</sup> & Main, Councilmember Dawson asked staff to comment on the safety issue raised by a resident. Mr. Smith advised staff was considering bulb outs at intersections on Main and on Dayton as well as a 4-way stop at 8<sup>th</sup> & Main.

Council President Earling referred to Mr. Demeroutis' comment about if a project was in a plan, it automatically got built, noting any projects would come to the Council for approval at least of a contract if for no other reason. Mr. Smith suggested the Council consider the first 6-7 projects as the highest priorities and the next 6-7 as the second priorities. He noted the City would pursue grants for a number of projects and, in many instances, unless a grant could be secured, the project likely would not be built. He noted there were usually public open houses for projects and some larger projects had public hearings.

Councilmember Wilson asked whether the projects would need to be added to the CIP. Mr. Smith answered yes, noting the CIP was reviewed and approved by the Council annually. He noted the project would also be added to the Transportation Improvement Plan (TIP).

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCIL PRESIDENT EARLING, TO DIRECT STAFF TO COMPLETE THE TRANSPORTATION ELEMENT UPDATE AND TO PREPARE AN ORDINANCE ADOPTING THE 2002 UPDATED TRANSPORTATION ELEMENT.**

Councilmember Petso suggested delaying any action to allow the Traffic Engineer to notify residents individually whose streets were being considered for reclassification.

Councilmember Plunkett reiterated this was only a Plan, the Council was not endorsing any project or any funding source.

Councilmember Orvis commented although he liked aspects of the Plan such as 200<sup>th</sup>, walkway projects, the Five Corner roundabout, traffic calming, etc., it was more than a planning document, it was providing direction to staff. He preferred a Transportation Plan that caused staff to pursue lower speeds, keep traffic on arterials and discourage traffic on local roads, thus his concern with the proposed reclassifications. He noted he would be in favor of adopting the Transportation Plan if it did not include the reclassifications.

**MOTION CARRIED (5-2), COUNCILMEMBERS PETSO AND ORVIS OPPOSED.**

Mayor Haakenson declared a brief recess. (Councilmember Marin left the meeting during the recess.)

5. **PUBLIC HEARING ON THE DRAFT PUBLIC URBAN DESIGN AND STREET TREE PLAN ELEMENT FOR THE CITY OF EDMONDS. THESE ARE AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN DEALING WITH DESIGN STANDARDS AND IMPROVEMENTS FOR THE PUBLIC STREETSCAPES IN DOWNTOWN, ALONG HIGHWAY 99, AND FOR THE GATEWAYS INTO THE CITY (FILE NO. CDC-02-4 / CDC-02-197)**

Parks & Recreation Director Arvilla Ohlde introduced Terry Reckord, MacLeod Reckord Landscape Architects, who assisted with the development of the Public Urban Design and Street Tree Plan, noting numerous City departments also participated in the development of the Plan. She explained the Plan contained design standards and improvements for the public streetscapes in downtown, along Hwy. 99 and for the gateways into the City. She recalled at the work session last week, Mr. Reckord described the program in detail, including goals, recommended design solutions for a number of issues, and implementation methods. She noted this Plan was a companion to the Design Guidelines as well as an element of the Comprehensive Plan.

Ms. Ohlde explained staff and the consultant worked with the Chamber of Commerce on the Plan (a letter of support from the Chamber of Commerce was included in the packet) and the Plan was posted on the City's website. She reviewed revisions made to the Plan as a result of a Council suggestion last week that the Plan emphasize underground wiring throughout the community.

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

**Roger Hertrich, 1020 Puget Drive, Edmonds**, referred to the suggestion in the plan to reduce wide driveways to create more space, explaining the purpose of wide driveways was to allow motorists to enter the driveway without stopping in the traffic lane. He referred to the proposal to change the pattern of corners so that cars would turn slower, noting the intent should be to get traffic out of the way as quickly as possible because motorists did not want a lot of hindrances. With regard to street trees, he noted there were many narrow sidewalks in the City and planting trees in the sidewalks would make it difficult to get around.

**Rich Demeroutis, 921 Pine Street, Edmonds**, recalled a downtown redesign study completed in the mid-1990's, noting this was just another study seven years later that would land on a shelf somewhere. He commented the cost of the Public Urban Design and Street Tree Plan represented someone's job in the City. He objected to continued studies, noting more trees would require more maintenance when the maintenance department was being cut. He pointed out evergreens at Brackett's Landing North that blocked the view and said Brackett's Landing South should have been sand rather than grass to reduce maintenance costs.

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

Councilmember Wilson advised he had been approached by City of Shoreline staff who were interested in partnering with the City on the intersection of SR 104 & 205<sup>th</sup>, the boundary between Edmonds and Shoreline. He asked whether that was included in this plan. Ms. Ohlde referred to potential gateways identified in the Plan and suggested a fifth potential gateway could be SR 104 & 244<sup>th</sup>. Councilmember Wilson noted another potential partner could be Washington State Department of Transportation. Ms. Ohlde agreed to add the SR 104 & 244<sup>th</sup> gateway to the Plan.

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO ADOPT THE CITY OF EDMONDS PUBLIC URBAN DESIGN AND STREET TREE PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AS AMENDED. MOTION CARRIED. The vote was 6-0; Councilmember Marin was not present for the vote.**

6. **PUBLIC HEARING ON A REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE FOR THE PROPERTY AT 9521 – 31 EDMONDS WAY. CURRENT PLAN DESIGNATION/ZONING IS SINGLE FAMILY/RS-8. REQUESTED PLAN DESIGNATION/ZONING IS HIGH DENSITY MULTI FAMILY/RM-1.5. THE APPLICANT IS THE PROPERTY OWNER, H. P. LAMMERSDORF. (FILE NO. CDC-01-215 / R-01-216)**

Mayor Haakenson explained that because the application included both a legislative matter (the Comprehensive Plan amendment) and a Project Application (the rezone), the Council would be issuing two separate decisions. First the Council would hold a public hearing on the requested Comprehensive Plan amendment; no testimony on the rezone would be allowed at that time. Once the public hearing was closed, the City Council would deliberate on the proposed Comprehensive Plan amendment and make a decision. If the Council decides to approve the Plan amendment, they would then deliberate on the proposed rezone and its associated record and make their decision regarding that request. If the Council denied the Comprehensive Plan amendment, the decision on the rezone became moot.

Senior Planner Steve Bullock displayed a vicinity map identifying the triangular property. He explained the proposed amendment was to change the current Comprehensive Plan designation, Single Family Small Lot, to Multifamily High Density. The application includes a rezone request that would be consistent with the Comprehensive Plan designation, a rezone from RS-8 (residential single family, minimum lot size 8,000 square feet) to RM-1.5 (multifamily residential, one unit for every 1500 square feet of lot area).

Mr. Bullock explained the Planning Board considered testimony provided at a public hearing, and the Findings and Conclusions are included in the Council packet as Exhibit 2. He noted page 21 of the record (the Planning Board minutes) reflected the Planning Board's discussion and decision to recommend approval of the Comprehensive Plan Amendment to the City Council.

Councilmember Petso observed one Planning Board Member twice inquired about how this was beneficial to the public interest and in reviewing the minutes, there was never any benefit cited. Mr. Bullock agreed the Planning Board did not reach a verbal conclusion regarding the public interest but relied on the record in the staff report.

Councilmember Petso asked whether all property owners agreed with the proposed change. Mr. Bullock advised he has spoken with two of the three property owners and they agree. The third property owner has never contacted the City although the City has attempted to contact him multiple times.

In response to Councilmember Petso's question regarding the public benefit, Councilmember Plunkett referred to the criteria to be considered in reviewing a proposed Comprehensive Plan amendment, noting public benefit did not appear to be a standard. Mr. Bullock agreed it was not one of the criteria. Councilmember Plunkett acknowledged the proposed amendment could not be detrimental but additional public benefit was not a standard.

Councilmember Dawson referred to the first criteria to be considered in reviewing a proposed Comprehensive Plan amendment, "*The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest.*" Mr. Bullock explained if a proposed amendment was consistent with the Comprehensive Plan, it was in the public interest. It could also be concluded that it was in the public benefit.

Councilmember Dawson inquired what was the public benefit or interest of the proposed amendment. Mr. Bullock referred to page 66 of the Council packet, an excerpt from the Comprehensive Plan that referred to the Edmonds Way corridor from Hwy. 99 to Westgate that indicates an established pattern of multifamily residential development lies along much of the corridor, while small-scale businesses can be found primarily near intersections. The excerpt from the Comprehensive Plan also states this is a pattern the City wants to continue in this corridor. He pointed out single family residential, the current Comprehensive Plan designation and current zoning, was not consistent with this element of the Comprehensive Plan. This element of the Comprehensive Plan indicated what was in the public interest.

City Attorney Scott Snyder explained this was a legislative exercise for the Council and, as such, courts rarely disturb what Councils find to be in the public interest. The Council was determining whether the proposed amendments met the City's long term goals. Courts have found factors such as ensuring the highest and best use of property, increasing the City's tax rolls, providing for additional population to meet GMA goals, ensuring property did not continue at less than an appropriate level of use, etc. to be appropriate and those were potential findings the Council in its legislative discretion could make.

Councilmember Dawson recalled a concern that was raised at the Planning Board and a concern she shared was access and traffic. She questioned staff's recommendation to approve an amendment to the Comprehensive Plan to RM-1.5, yet they did not support the rezone. Mr. Snyder explained by changing the zoning designation, it could encourage the consolidation of parcels.

Mr. Bullock explained the Comprehensive Plan designations were more general than zoning designations. The Multifamily High Density Comprehensive Plan designation equated to two zoning designations. He explained the Planning Board's denial of the proposed rezone was not that it was not an appropriate zoning designation for the site but the Planning Board felt the higher the density, the more control they wanted over access and the potential impact to the single family neighborhood to the north.

Councilmember Dawson asked why the Multifamily High Density Comprehensive Plan designation was the best and highest use for this property. Mr. Bullock answered all properties in that section of Edmonds Way were identified on the Comprehensive Plan as Multifamily High Density or Corridor Development. He noted it would be possible to consider Multifamily Medium Density, although there were no other properties in that section of Edmonds Way with that designation.

Councilmember Dawson asked if there were characteristics that would make a Multifamily Medium Density Comprehensive Plan designation more appropriate for this area. Mr. Bullock answered there were significant issues associated with this site related to access to Edmonds Way and potential negative impacts to the neighborhood to the north of 228<sup>th</sup>. Councilmember Dawson commented one of the issues that should be considered was buffering between single family residential and high density. She questioned why it would not be more appropriate to amend the property to Multifamily Medium Density rather than Multifamily High Density. Mr. Bullock advised the Council had a great deal of latitude in determining the appropriate designation. He explained the Multifamily High Density Comprehensive Plan designation equated to RM-2.4 or RM-1.5. The Multifamily Medium Density Comprehensive Plan designation equated to RM-3 or RM-2.4.

Councilmember Dawson clarified the property could be zoned RM-2.4 whether the property had a Comprehensive Plan designation of Multifamily High Density or Multifamily Medium Density. Mr. Bullock agreed.

Councilmember Wilson asked whether the Council could impose additional constraints on the property at this stage. He noted the discussion at the Planning Board was access and circulation and impediments to traffic flow on SR 104. He was concerned the Council could amend the Comprehensive Plan and assume it would result in consolidation of properties but there was the possibility that individual developments could occur on each parcel. Mr. Bullock explained individual developments could not occur on the parcels until rezones were approved. He noted it was because of these concerns that the Planning Board recommended denial of the proposed rezone. Mr. Snyder advised developers could be encouraged to propose a contract rezone that addressed these issues. Another option would be for the Council to refer the matter back to the Planning Board to establish new development standards to address the shared access issue.

Councilmember Wilson asked whether the Council could amend the Comprehensive Plan to Multifamily High Density and also impose an overlay in this area that required consolidation. He referred to the Comprehensive Plan element Mr. Bullock referred to earlier, which indicated that more intensive development that occurs along the corridor should not interfere with the flow of through traffic or intrude into adjoining established neighborhoods. He noted one of the goals was to minimize curb cuts on SR 104 and minimize access points via fewer driveways. He referred to another goal which suggested using design review to encourage the shared or joint use of driveways. He questioned whether the City could require that access on the parcels be coordinated because of the unique nature of the property and size of the property. Mr. Snyder commented the City would likely run into the Special Law problem and it would be preferable to have a standard that was generally applicable. He suggested if that was a concern, that specific issue be referred back to the Planning Board for consideration of development standards of general applicability.

Mr. Bullock advised he has had a number of conversations with the applicant and provided the same direction based on the public hearing at the Planning Board. He noted the exhibits included a letter from Michel Construction, the owner of the adjacent property to the west, who has developed a shared access agreement. Mr. Bullock explained the Michel property was already zoned RM-1.5; if Mr. Lammersdorf's proposed Comprehensive Plan amendment and rezone were approved, they would develop a shared driveway. He noted if the Comprehensive Plan amendment were approved, Mr. Lammersdorf would have the option of proposing a shared access or consolidating properties and propose a contract rezone that addressed access and buffering from the single family neighborhood to the north. The Planning Board was comfortable with delaying that level of detail until the rezone request.

Councilmember Wilson asked whether staff would be comfortable requiring a proposal that did not include all five properties not to prohibit joint access or for the adjoining parcels to be accessed via that parcel. Mr. Snyder cautioned that would need to be encouraged and not required, a takings issue may arise if the City required a property be developed in a manner to ensure the developability of an adjacent parcel. Development Services Director Duane Bowman explained when a specific rezone was proposed, one of the criteria was that it must be consistent with the Comprehensive Plan; therefore, the Comprehensive Plan policies that encouraged joint access could be also be considered when making a decision regarding a rezone.

Councilmember Wilson commented the proposed Comprehensive Plan designation recognized the unique nature of the property. Any development would have severe setback issues due to the property being bounded by SR 104 to the south and 228<sup>th</sup> to the north. Multifamily High Density would allow a reasonable return on investment given the level of improvements that may be required or restrictions imposed on the property due to the setbacks and shared access. He commented there were also issues related to drainage on the property that would limit the developable portion. He favored the Multifamily High Density Comprehensive Plan designation.

Councilmember Petso inquired whether there was a Multifamily Low Density Comprehensive Plan designation. Mr. Bullock answered no, the Multifamily Medium Comprehensive Plan designation included the lowest density multifamily zoning district and medium multifamily zoning district.

Councilmember Petso asked the ultimate plan for the properties across SR 104 with a single family residential designation. Mr. Bullock answered that area was annexed to the City recently and the City has not done a detailed analysis regarding what the Comprehensive Plan designation for that area should be. Councilmember Petso questioned whether it was appropriate to leave that property designated single family and change the designation on this property. Mr. Bullock noted there were different issues on the north side of Edmonds Way as compared to the south side. This particular group of properties has specific issues due to topography and access on both sides.

Mayor Haakenson opened the public participation portion of the public hearing. He advised the Council received a letter from **James Martin, 9514 228<sup>th</sup> Street SW**, who was opposed to the Comprehensive Plan amendment as well as to the rezone.

**Rob Michel, 7907 212<sup>th</sup> SW, Edmonds**, commented he owned the property to the west, a significant sized property zoned multifamily residential (RM-1.5). He spoke in favor of the proposed Comprehensive Plan amendment, noting it made sense to connect the dots via the properties on the north side of Edmonds Way. He explained he already had an agreement with Mr. Lammersdorf for access on his (Michel) property and the easements for the joint driveway had been recorded. He noted this would allow two existing curb cuts on Edmonds Way to be eliminated and only one curb cut retained. With regard to differences between medium density and high density, he commented there would not necessarily be any change in the size of the structures, there may be fewer units, but most builders constructed to the maximum coverage on the site.

**Roger Hertrich, 1020 Puget Drive, Edmonds**, commented the Planning Board considered this issue in March 1997 and a number of neighbors who were opposed to the change attended the public hearing and/or signed a petition. He stated this intersection was problematic. Due to increased traffic as a result of the multimodal center, he encouraged the Council to establish a standard for this corridor such as requiring entrance to Edmonds Way at a common point. He stated it may be premature to amend the Comprehensive Plan until there were standards that protected against development on individual pieces.

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

Councilmember Wilson asked whether the Council had the ability to require consolidation for access purposes. Mr. Snyder answered specifically no, but there were tools that could be used to encourage it.

Councilmember Dawson commented there would be more traffic if the designation on this property were changed from the current single family designation. She asked the difference in development that could occur on Multifamily Medium Density versus Multifamily High Density. Mr. Bullock recalled the property was approximately two acres or 90,000 square feet. The maximum development that could occur under RM-3 zoning classification, the lowest density multifamily zoning classification, was 30 units. The RM-1.5 zoning classification, the highest density multifamily zone, would allow 60 units.

Councilmember Petso did not favor amending the Comprehensive Plan to the higher density designation as 60 units constructed close to single family homes on 228<sup>th</sup> that were not buffered by steep slopes seemed extreme, particularly since the access was also problematic. She referred to the criteria to be considered for an amendment, noting both access and compatibility with adjoining uses could be considered. She did not find the proposed amendment to be compatible with the adjoining uses.

Council President Earling indicated he would support the Planning Board's recommendation. He agreed with Mr. Michel's comment regarding connecting the parcels to allow for continuity. Further, that land as currently zoned, had no value and was not being developed. He agreed there were issues that would need to be addressed when development occurred.

Councilmember Plunkett indicated he would support the Planning Board's recommendation because the amendment to the Comprehensive Plan designation was only creating opportunities that would be addressed as development was proposed.

Councilmember Petso stated one of the criteria for considering Comprehensive Plan amendments was compatibility with the existing neighborhood. It would be easier to find compatibility and to address access issues if the designation were Multifamily Medium Density rather than Multifamily High Density. Because the adjacent property was Multifamily High Density did not mean this property could not be Multifamily Medium Density.

Councilmember Orvis commented it was appropriate to have multifamily zones along major arterials, therefore, it was appropriate for Edmonds Way to be Multifamily or Corridor Development.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCIL PRESIDENT EARLING, TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT FROM SINGLE FAMILY SMALL LOT TO MULTIFAMILY HIGH DENSITY.**

Councilmember Wilson indicated he would support the proposed Comprehensive Plan amendment, noting one of the considerations for multifamily development was accessibility to transit and there was a bus pullout in front of these five parcels. This amendment had the potential to create density that had direct access to transit, possibly alleviating some of the traffic from the development. He spoke in support of the Multifamily High Density Comprehensive Plan designation, noting that although the property likely could not be developed to its maximum capacity, it could be developed with a significant enough unit base to cover their costs, address draining issues, accommodate joint access, etc. Providing the higher density allowed a developer the flexibility and opportunity to design an appropriate project.

Councilmember Dawson agreed it was appropriate for this property to have a Comprehensive Plan designation of Multifamily High Density as the adjoining properties had that designation. She noted concerns regarding access were better addressed during the rezone public hearing.

**MOTION CARRIED (5-1), COUNCILMEMBER PETSO OPPOSED. (Councilmember Marin was not present for the vote.)**

Mayor Haakenson opened the public hearing regarding the rezone. As this was a quasi judicial matter, he asked whether any Councilmembers had conflicts or ex-parte contact they wished to disclose.

Councilmember Petso referred to a letter she received from Dirk Dular who was opposed to the Comprehensive Plan amendment. Mayor Haakenson advised he was not a party of record. Councilmember Petso indicated she would disregard his letter. Mayor Haakenson asked if the audience had any challenges to any Councilmembers' participation.

**Roger Hertrich, 1020 Puget Drive, Edmonds**, challenged Councilmember Plunkett, noting Mr. Michel, who had an interest in this project, contributed to Councilmember Plunkett's campaign. Councilmember Plunkett advised Mr. Michel contributed to his Senate campaign, and Plunkett pointed out that campaign was a matter of public record. The fact that he had filed it with the State and disclosed it was sufficient.

Mr. Hertrich commented it was a contribution at the last election and filing with the State was not appropriate. Mr. Snyder read from City Code Section 1.14.040, and clarified that any contributions to a Senate race would not be applicable as Councilmember Plunkett had not been elected to that position.

Mr. Hertrich requested Councilmember Plunkett show that the contributions were not to his Council campaign. Mr. Snyder explained there were no provisions in the Appearance of Fairness Doctrine for an individual to remove a Councilmember; it was up to the Councilmember. He noted as written, the requirement did not appear to apply to this situation unless Mr. Michel contributed to any Councilmembers' most recent campaign for Council office.

Mayor Haakenson inquired whether Councilmember Plunkett could make a fair decision on this issue. Councilmember Plunkett advised he could.

Council President Earling disclosed that Mr. Michel had contributed to a race he was a candidate for, but he had not contributed to his last Council campaign.

Mayor Haakenson asked if there were any challenges to Council President Earling's participation. Mayor Haakenson noted Mr. Hertrich (off the microphone) voiced the same objections. Mayor Haakenson inquired whether Council President Earling could make a fair decision on this issue. Council President Earling answered he could.

Mr. Bullock explained the Planning Board reviewed the rezone criteria and due to concerns with access and the potential for multiple accesses to Edmonds Way, potential for accesses from multifamily to the north and potential impact on single family neighborhoods, the Planning Board unanimously denied the rezone request.

Mayor Haakenson asked whether the applicant, H. P. Lammersdorf was present. He was not. Mayor Haakenson opened the public participation portion of this public hearing.

**Rob Michel, 7907 212<sup>th</sup> Street SW, Edmonds**, advised he did not have a financial interest in this property, he had only granted an easement to Mr. Lammersdorf. He spoke in favor of the rezone, noting it was appropriate to have the same zoning adjacent to his property.

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

Councilmember Petso commented her rationale for the previous item applied to this item as well. She expressed concern with compatibility with the surrounding neighborhood.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO UPHOLD THE PLANNING BOARD'S RECOMMENDATION TO DENY THE REZONE REQUEST.**

Councilmember Wilson commented the Planning Board's recommendation with regard to the rezone was accurate due to concerns with access. He concurred with the Planning Board's recommendation to deny the rezone.

**COUNCIL PRESIDENT EARLING MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO SUSPEND THE RULES (TO ALLOW HIM TO ASK THE CITY ATTORNEY A QUESTION). MOTION CARRIED. The vote was 6-0; Councilmember Marin was not present for the vote.**

Council President Earling asked what options the property owner would have in developing a project on the site. Mr. Snyder answered he could not apply for another rezone unless there was a substantial change in

circumstances. He noted that substantial change could be consolidation with other properties or a contract rezone.

**MOTION CARRIED. The vote was 6-0; Councilmember Marin was not present for the vote.**

7. **AUDIENCE COMMENTS**

**Ron Wambolt, 530 Dayton Street, Edmonds,** referred to a statement he made last week and clarified he was not implying new construction was the solution to the City's budget deficit. Next, he referred to a Councilmembers' comment that the tax rate should not be increased by a percentage any greater than inflation, noting that although that may be sound rationale during normal times, the past three years have not been normal due to reductions in the City's revenue as a result of voter initiatives. With regard to a levy lid lift, he felt it had an excellent chance of passing if a proposal was clearly and repeatedly communicated to the voters. Next, Mr. Wambolt recalled citizens have expressed concern with the proposed Police and Fire Departments, fearful that service would become unsatisfactory; however, in his experience, the doomsday predictions of staff reductions rarely occurred. Mr. Wambolt expressed concern with a budget process that revealed staff positions to be eliminated, preferring the positions not be revealed until decisions were finalized. He referred to the Police Officer who expressed dismay that the Council had not planned for the predicable budget shortfall and urged the Council to inform citizens why planning was not begun sooner.

**Roger Hertrich, 1020 Puget Drive, Edmonds,** stated over the last three years Edmonds property taxes had not increased and he supported the City's right to recapture those taxes. He suggested a freeze on all 2003 salary increases as a way to convince the public there was an emergency, noting citizens would be willing to take some of the pain if staff was willing to take some of the pain. He commented it was easy for a Councilmember to say he/she had not increased taxes but apparently they could create new taxes.

8. **MAYOR'S COMMENTS**

Mayor Haakenson had no report.

9. **COUNCIL COMMENTS**

Councilmembers wished Senior Executive Council Assistant Jana Spellman Happy Birthday on December 5.

With no further business, the Council meeting was adjourned at 11:23 p.m.