

EDMONDS CITY COUNCIL APPROVED MINUTES

January 23, 2007

Following a Special Meeting at 6:45 p.m. to meet with an Architectural Design Board candidate, the Edmonds City Council meeting was called to order at 7:00 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
Peggy Pritchard Olson, Council President
Michael Plunkett, Councilmember
Richard Marin, Councilmember
Mauri Moore, Councilmember
Deanna Dawson, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Serv. Director
Stephen Clifton, Community Services Director
Noel Miller, Public Works Director
Scott Snyder, City Attorney
Cindi Cruz, Executive Assistant
Linda Hynd, Deputy City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

Change to
Agenda

Mayor Haakenson requested the following changes to the agenda: addition of Confirmation of the Mayor's Appointment of Mike Mestres to the Architectural Design Board as Item 3a, addition of a Proclamation in Honor of National Mentoring Month as Item 3b and move Item 3 to Item 3c.

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

2. CONSENT AGENDA ITEMS

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL 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 JANUARY 16, 2007.

C. APPROVAL OF CLAIM CHECKS #93362 THROUGH #93567 FOR JANUARY 11, 2007 IN THE AMOUNT OF \$486,218.56 AND #93568 THROUGH #93711 FOR JANUARY 18, 2007 IN THE AMOUNT OF \$576,611.37. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #44424 THROUGH #44466 FOR THE PERIOD OF JANUARY 1 THROUGH JANUARY 15, 2007 IN THE AMOUNT OF \$792,283.45.

D. ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM FRANK LEIFER CONSTRUCTION (\$4,083.75).

Approve
1/16/07
Minutes

Approve Claim
Checks

Claim for
Damages

Energy/Utility
Conservation
Projects

E. AUTHORIZATION FOR THE MAYOR TO SIGN AN INTER-AGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF GENERAL ADMINISTRATION TO PROVIDE PROJECT MANAGEMENT SERVICES RELATED TO ENERGY/UTILITY CONSERVATION PROJECTS.

Community
Services Dept.
Report

F. COMMUNITY SERVICES QUARTERLY REPORT - JANUARY, 2007

Confirm ADB
Appointment

3A. CONFIRMATION OF THE MAYOR'S APPOINTMENT OF MIKE MESTRES TO THE ARCHITECTURAL DESIGN BOARD

Councilmember Moore introduced ADB candidate Mike Mestres and described his background. Mr. Mestres expressed his appreciation for the opportunity to serve on the ADB and looked forward to participating.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, TO CONFIRM MAYOR HAAKENSON'S APPOINTMENT OF MIKE MESTRES TO THE ARCHITECTURAL DESIGN BOARD. MOTION CARRIED UNANIMOUSLY.

National
Mentoring
Month

3B. PROCLAMATION IN HONOR OF NATIONAL MENTORING MONTH

Councilmember Dawson read a proclamation declaring January as National Mentoring Month in Edmonds and encouraged all citizens, city employees and caring adults to become involved as mentors. She presented the proclamation to Steve Erickson, Chair of the Board of Directors, Big Brothers Big Sisters of Snohomish County.

On behalf of Big Brothers Big Sisters of Snohomish County as well as other mentoring agencies in Snohomish County, Mr. Erickson thanked the Council for recognizing National Mentoring Month and helping to increase the mentoring of children. He commented on his experience as a mentor for the past ten years and the positive impact mentoring has on children. He referred to the saying children are our future, noting many children do not have a positive role model to guide them through situations.

Councilmember Moore described the mentoring program she is involved with through the Edmonds School District that pairs mentors with teen girls attending Scriber Lake School. As of tomorrow, they will have trained 50 women to mentor girls. She knew of several girls who would not have graduated from high school without this mentoring program. She assured mentors were not required to invest a great deal of time; a small investment for big rewards. She explained in this program, mentors only met with girls on campus. She summarized it was one of the most rewarding things she has done.

Edmonds
Crossing

3C. UPDATE ON EDMONDS CROSSING

Community Services Director Stephen Clifton displayed a map of the Edmonds Crossing project, explaining tonight's presentation was to provide the Council, Mayor and the community an update on the Edmonds Crossing project, a regionally significant endeavor to construct a multimodal facility on the lower yard of the Unocal site. He highlighted milestones in 2006, explaining from January through December he continued to monitor and participate in activities related to the Regional Transportation Investment District (RTID) and Sound Transit 2 (ST2). As a result of participation in these processes and ongoing negotiations with RTID and ST2 representatives, Edmonds Crossing is poised to receive funding from both sources if voters approve a joint roads and transit ballot this fall. In February and March 2006, Mayor Haakenson, the City's lobbyist Mike Doubleday, and he made presentations to several Senate and House legislators in Olympia to provide more information as well as solicit additional funding for construction.

In February 2006 he submitted a federal appropriation request to the federal delegation for funds to pay for critically needed base elements of the Edmonds Crossing project. Working with Washington State Ferries (WSF), they identified specific funding for SR104 and Pine Street intersection improvements. He noted this intersection needed to be improved before other elements of Edmonds Crossing began. In March 2006 the State Legislature appropriated an additional \$22,642,000 for the Edmonds Crossing project in 2015-2017 biennium as part of the final supplemental State transportation budget. He summarized the amount secured from state and federal appropriations since 2002 totaled \$73 million. This amount, added to the \$6 million his predecessor was able to secure from federal sources, brings the total allocated to the project to \$79 million.

On May 2 Greg Deardorf, WSF, presented information on a draft long range strategic plan to the City Council. The plan, once adopted by WSF, will guide services and investments through 2030. The final plan will become the basis for WSF future capital investments and service planning and serves as the WSF component of the Washington State Transportation plan.

On May 10 Mike Doubleday and he attended an open house hosted by WSDOT and WSF at the South Snohomish County Senior Center and a summary of the event was provided to the City Council and the Mayor. As a follow-up Mr. Doubleday sent a letter to the 21st and 32nd District delegation summarizing the issues discussed at the open house. The letter was intended to help the delegation understand activities taking place as they relate to WSF's long range plan and the Edmonds Crossing project. On June 19 on behalf of Edmonds, Mayor Haakenson sent a letter to Mike Anderson, WSF Chief Executive Officer, encouraging the inclusion of additional funding for the Edmonds Crossing multimodal terminal project in the 2007-2009 biennial budget. On June 28 WSF funding strategies committee, consisting of various state legislators, visited the Unocal site and were provided a presentation by Edmonds and WSF staff about the Edmonds Crossing project. They presented information about the project's status, project components, costs and timelines in addition to answering questions.

On August 22 WSF sent a letter to Edmonds proposing a change to the structure of the Edmonds Crossing Phase 2 final design and permitting. Instead of hiring a program management consultant as originally discussed by the City and WSF, WSF proposes to provide a majority of the program management services utilizing WSF staff throughout the design and permitting process. In response to the letter, City staff and Mayor Haakenson met with WSF staff to discuss the proposal. WSF will still issue a RFQ to solicit for a private consulting firm to do permitting and final design but will conduct program management services. WSF has expressed a commitment to provide the necessary resources to keep the project moving forward and work with the City to ensure this occurs. For this to happen, WSF, City staff and Mayor Haakenson agree the City must continue to serve a prominent role logistically, legislatively and in pursuing funding for the project.

In December 2006 Governor Gregoire released the proposed 2007-2009 biennial budget; the budget currently contains \$58.310 million for Edmonds Crossing which represents all funding appropriated by the legislature thus far toward the project.

Nichole McIntosh, Project Manager and Engineering Manager, WSF, thanked the City for their support in helping fund this project, an exciting project for WSF. She reiterated WSF was committed to the Edmonds Crossing project and have hired a full-time project manager, Kynan Patterson, to take over the Edmonds Crossing management from design and permitting through construction for WSF and working collaboratively with the City.

Kynan Patterson, Senior Marine Engineer and Project Manager for Edmonds Crossing, advised a Memorandum of Agreement had been submitted which would be the basis for the relationship over the

next 3-5 years of design, permitting and development of the Edmonds Crossing project. WSF is also moving forward with purchasing 3.9 acres from the Pt. Edwards Condominium.

With regard to costs, Mr. Patterson acknowledged project costs had increased significantly since they were last presented to the Council. He recalled at that time the cost of a phased construction of the entire project was \$171 million. With the assistance of WSDOT, project costs were updated to take into consideration recent increases particularly in diesel and concrete. The current estimate project cost is \$203 million base; additional risk assessment and escalating costs to the year of expenditure resulted in a final cost estimate of \$237 million.

Mr. Patterson advised funding from RTID was \$126-127 million. He explained when the project was first considered for funding via RTID, approximately 175 million in funding was identified. Via the City's efforts and subsequent State funding, the amount was reduced to \$127 million.

Councilmember Wambolt inquired about the difference in funding between the federal and state allocations Mr. Clifton referred to and the funding RTID would provide. Mr. Patterson answered there were approximately \$57 million in State funds, \$12 million in federal grants, and \$30 million in the ST2 ballot measure added to the \$126 million in escalated dollars equated to the project total of \$237 million.

Councilmember Wambolt inquired about the property WSF planned to purchase. Mr. Patterson explained the preferred alternative in the EIS was the Pt. Edwards site, ¾ mile south of the existing terminal. In addition to the 20 acre parcel WSF is purchasing, a small narrow property at the base of the hill, currently owned by Pt. Edwards Condominiums, is needed to complete the footprint of the Edmonds Crossing project.

Councilmember Wambolt referred to information Mr. Clifton provided the Council regarding a committee that reviewed the proposed multimodal projects and recommended they not all be constructed and that other measures be considered such as raising fares to discourage trips during peak hours, etc. He asked if there had been any ranking of the projects. Ms. McIntosh explained a ferry financing study was done to consider ways to save money. The committee felt some terminals were too large and PSRC ridership projections were too high. She explained this was a travel and demand study. She advised implementing travel and demand features such as peak period pricing and reservation system were within the legislature's jurisdiction. She noted the choice was either implementation of travel and demand features or larger ferry terminals. Mayor Haakenson observed the Edmonds Crossing project was one of the projects that Senator Mary Margaret Haugen referred to as overbuilding of the holding lanes and dock size. He urged Senator Haugen to observe the ferry line any Friday or Saturday and then indicate whether they were too large.

Ms. McIntosh explained when WSF met with staff who prepared the report, she suggested they observe the ferry backup in Edmonds on a Friday or Saturday. Mayor Haakenson pointed out the need to remove ferry traffic from SR104 due to the impact it had on access to residential streets as well as commercial areas.

Councilmember Moore commented although she was very supportive of the Edmonds Crossing project, she wanted the off-leash dog park to be retained.

Amending City
Code Section
5.05.050

4. **PROPOSED ORDINANCE AMENDING THE PROVISIONS OF EDMONDS CITY CODE 5.05.050 PROHIBITING ANIMALS FROM RUNNING AT LARGE, REQUIRING HUMANE TREATMENT AND NOTIFICATION OF DETAINED ANIMALS**

Police Chief David Stern explained these issues originated via citizen contact with individual Councilmembers and a decision was made to have it reviewed by the Public Safety Committee. The

Public Safety Committee considered it in October and again in November and December. As a result of those meetings, the proposed ordinance was developed. He highlighted the amendment to the ordinance which required the person detaining an animal to do so in a humane manner, make notification to the Police Department within 12 hours and the person detaining the animal was responsible for caring for the animal prior to the Police Department's arrival.

City Attorney Scott Snyder explained this was an alternative recommended by staff as a middle course. Staff's recommendation reinstates a requirement that animals be turned over to animal control, a requirement that was lost in a prior code codification.

Councilmember Plunkett asked whether Chief Stern recommended this amendment. Chief Stern agreed he did.

Councilmember Dawson commented this had not ever had a public hearing or formal opportunity for the public to provide input. Chief Stern agreed there had been no public hearing; it was on the Public Safety committee agenda several times and there had been public input at those meetings. Councilmember Dawson recalled animal issues in the past that resulted in public controversy. Recognizing this was an emotional issue for many citizens, she preferred to gather public input on the proposed amendments before Council took any action. Although she appreciated the language regarding humane treatment, she was concerned with codifying the intentional trapping of domestic animals.

Councilmember Wambolt supported Councilmember Dawson's suggestion to take public comment before taking formal action. He referred to language in the ordinance that did not prohibit domestic cats or animals owned by government agencies from running at large. He asked whether consideration was given to exempting cats and animals owned by government agencies from the ordinance. Chief Stern answered the animals owned by government agencies were police dogs. He advised that option was discussed by the Public Safety Committee and it was agreed cats running at large was often beyond the City's control. Mr. Snyder recalled this issue had arisen in several cities in the past, noting the difficulty for an animal control officer to capture a cat running at large. If trapping/detaining by citizens was not allowed, the City would be the entity trapping cats. Chief Stern pointed out the ordinance was directed primarily at dogs rather than cats because most aggressive acts toward humans were by dogs not cats.

Councilmember Wambolt supported scheduling a public hearing prior to taking any action.

Councilmember Orvis commented although the code introduces language regarding the trapping of cats, the old code did not prohibit trapping cats. Chief Stern advised the language regarding trapping was included in the code and at some point was removed. Councilmember Orvis concluded this ordinance did not enable the trapping of cats but established rules for trapping cats. Chief Stern agreed it added rules for the humane treatment of trapped cats. Mr. Snyder clarified the ordinance referred to detaining an animal not to trapping. He noted a property owner had the right to prevent trespass and there were several tools to accomplish including a trap, broom, trash can, etc.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO SCHEDULE A PUBLIC HEARING ON FEBRUARY 20, 2007. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Former
Woodway
Elementary

Al Rutledge, Edmonds, advised the Hearing Examiner would be holding a hearing in February on the DNS on the demolition of the building on the former Woodway Elementary school site. Next he commented on documentation that was needed for an Interlocal Agreement. He also referred to a future

hearing on a complaint to the Growth Management Hearings Board against Snohomish County. He questioned whether Mayor Haakenson planned to run for another term and asked when the term limits on the Mayor's position were eliminated. Mayor Haakenson asked City Attorney Scott Snyder to describe the process for eliminating the two term limit for Mayors in the City of Edmonds. Mr. Snyder recalled in 1997 or 1998 when Mayor Naughton was in office he requested a review of the term limit ordinance, it was determined the City's ordinance conflicted with the provisions of State statute which do not contain a term limitation and the State preempts all attempts to regulate the electoral process. Following the election the Council removed the term limitations.

Plug-in Hybrid
Cars

Steve Bernheim, Edmonds, encouraged the Council to support plug-in hybrid cars. He described a National Plug-in Hybrid Campaign, advising further information was available at pluginpartners.org. He also provided a proposed resolution supporting a campaign to encourage the development of gas optional/plug-in hybrid cars. He explained hybrid cars had an electrical motor that was charged via a gasoline engine; the gas motor could be turned off and the vehicle operated using only the electrical motor. Plug-in hybrid cars did not charge the battery with the gasoline engine, they were charged via an electrical plug-in. He noted plug-in hybrid cars had gasoline engines that could be utilized to extend the 20-40 mile range of the vehicle. For trips within the 20-40 mile range, only the electrical engine was needed. He enumerated the benefits of plug-in hybrid cars including less gas, less pollution, fewer greenhouse gases, and an important part of the national security effort to use fewer petrochemicals. He advised the electricity was obtained via 110 volt plug-in at home, the office or at charging stations on the street. He displayed a list of cities that support plug-in hybrid cars including Seattle and Wenatchee, noting Snohomish County was in favor of this effort. He noted the positive reputation Edmonds would obtain by supporting plug-in hybrid cars and installing charging stations. He noted Congressman Jay Inslee introduced a bill today to support plug-in hybrids.

Plug-in Hybrid
Cars

Steve Lough, President, Seattle Electric Vehicle Association, advised the cornerstones of their organization were to educate, demonstrate and proliferate. He expressed the Association's support for Mr. Bernheim's proposal, advising a 15-minute presentation was available via AM1090's website under Audio, Community Matters and his name. He explained an electric vehicle was five times more efficient than a gas engine. GM and Toyota were in a race to perfect the plug-in hybrid technology; the Chevrolet Volt concept car was the star of the recent Detroit Auto Show. The Volt, a plug-in hybrid, would run on lithium batteries for 30-40 miles; the gas/biodiesel/ethanol engine extends the range to 500 miles. He advised their organization partners with Plug-in Partners and built four plug-in hybrids with a 100 mile range by modifying Toyota Prius. He advised a recent study found 75-80% of automobiles in the United States could be electric. He urged the Council to consider Mr. Bernheim's proposal and become a Plug-in Partner.

Councilmember Moore asked the cost to install a charging station. Mr. Lough offered to provide that information. Councilmember Dawson offered to provide information to the Council regarding Snohomish County's efforts.

Ordinance
Detaining
Animals

Ray Martin, Edmonds, thanked the Council for delaying action on the ordinance regarding detaining animals and allowing the public to provide input. His intent was to prevent further animal cruelty, displaying photographs of his cat before and after it was trapped. He read from an email from a City official that indicated the ordinance did not allow cat trapping and his answer that cat trapping had only been renamed pet detention. He read from an email from Mr. Snyder that the current city ordinance did not prohibit a citizen from trapping a cat and that the proposal re-imposes a requirement that a detained animal be turned over to animal control within 12 hours. Mr. Martin disagreed, noting the ordinance only required the City be contacted within 12 hours with no required time for the City to respond. He requested the Council add language that protected the cat and its owner. He suggested the City consider regulations utilized by other cities such as Everett.

Ordinance
Detaining
Animals

Marge Martin, Edmonds, thanked the Council for scheduling a public hearing on the ordinance regarding detaining animals. She questioned how the one individual who started this issue could change City ordinances without the citizens having an opportunity to have input. She noted the ordinance could set up a vigilante situation whereby neighbors that did not get along could use trapping of a cat as a ruse to get back at the neighbor. She recalled receiving a threatening phone call where the person who took her cat told her that things happen to cats. She questioned how the City could adopt an ordinance that was against the State's ordinance.

Edmonds
Crossing
Project

Roger Hertrich, Edmonds, referred to the issues raised by Natalie Shippen regarding the Edmonds Crossing project. He expressed concern with the safety of the waterfront if a train blocked access for an emergency vehicle to the waterfront area, noting this could be addressed via an emergency vehicle access from the elevated ferry loading area. He was concerned about the immense cost of the breakwater, noting with issues the committee raised, it was likely to be a long time before Edmonds Crossing was built. Noting the political season was beginning, he urged all candidates to speak the truth and not try to bamboozle the public.

Ordinance –
Animals
Running at
Large

Finis Tupper, Edmonds, commented the ordinance regarding animals running at large was an issue of property rights versus humane and proper treatment of animals. He referred to the recent news article regarding the dumping of puppies, questioning what type of person would do that. He expressed concern with allowing people to trap cats who did not know how to do it and with the results of a cat trapping incident in the City, urging the Council to consider the balance between property rights and the humane treatment of animals and to identify more appropriate ways to address the problem.

Councilmember Plunkett pointed out the Council had a proposed ordinance regarding detaining animals. He urged citizens speaking at the public hearing who were opposed to that ordinance to provide alternate language/ideas.

Temporary
Signs

6. DISCUSSION ON THE REGULATION OF TEMPORARY SIGNS

Development Services Director Duane Bowman recalled in September 2006 the Ninth Circuit Court of Appeals rendered a decision, *Ballen v. City of Redmond*, which addressed Redmond's regulation of portable signs. He explained the *Ballen* case involved a bagel shop owner who hired a person to hold a sign pointing customers to his store. Because the *Ballen* opinion will be published, it will have binding precedent for all municipalities in western United States. The *Ballen* case involved a constitutional challenge to the City of Redmond's ban on portable signs. Redmond defined portable signs as sandwich boards, signs displayed on trailers, movable readerboards, and other temporary message displays that are not permanently affixed to a structure or the ground. The ordinance exempted several categories of signs such as real estate signs, celebration displays, specified banners, temporary window signs, signs on kiosks, construction signs and signs indicating temporary uses of schools, churches and community buildings from the larger prohibition.

Mr. Bowman explained Edmonds' code was very similar to Redmond, therefore, the City has three choices with regard to revising its regulations:

1. Categorical ban – ban on all portable commercial signs
2. Zone-specific restrictions – establish content-neutral restrictions on temporary commercial signs by zone district
3. Time, place and manner restrictions

Mr. Bowman acknowledged all three approaches had issues including enforcement of small commercial signs that often proliferate in the community. He advised this was discussed with the Community Services/Development Services Committee and the Realtors Association submitted a letter which was reviewed and responded to by the City Attorney. The CS/DS Committee recommended the zone district approach that would be content neutral. Mr. Bowman advised his personal preference would be a categorical ban due to ease of enforcement, but acknowledged the business community wanted A-board signs.

City Attorney Scott Snyder emphasized the City needed to change its ordinance. He noted the City enforced its ordinance on a complaint basis. One of the issues for Redmond was explaining why they were enforcing a portion of their code and ignoring the rest of it. If the City had regulations, they needed to be uniformly enforced due to the emphasis the Ninth District Court gave to commercial free speech. He explained content neutral meant regulation was not based on the content of the sign. Time, place and manner allowed the City to regulate location, duration and method by which temporary commercial signs may be displayed. He summarized this was an issue where the needs of business owners must be balanced with the look and feel of the community thus a neighborhood approach may be best.

Councilmember Dawson clarified the choices before the council were, 1) an outright ban or 2) time, place and manner restrictions that varied by zone and were content neutral. She observed the Council was not making a decision tonight, only direction to the Planning Board.

Councilmember Wambolt recalled Mark Hinshaw's reference to the City's legal exposure via sandwich board signs on the sidewalk. Mr. Snyder commented his pet peeve was sandwich boards blocking right-of-way and he has been known to return a sandwich board sign that was blocking the handicap access ramp to the store. The City is required to maintain ADA safe walkways downtown; trip and fall claims closely followed sewer back ups in terms of City liability. He noted different zones would have different requirements, for example Hwy. 99 has different sign standards to compensate for being harder to see versus the downtown area where there are fairly restrictive sign area requirements.

Councilmember Wambolt asked who enforced portable signs. Mr. Bowman answered staff. Mayor Haakenson clarified it was enforced on a complaint basis. He also acknowledged returning sandwich board signs displayed in the right-of-way to the merchant.

Mr. Snyder advised there were handicap accessibility advocates who visit communities to ensure businesses and sidewalks were accessible, thus merchants had equal liability.

For Councilmember Moore, Mr. Bowman advised the Planning Board would develop regulations for the Council's consideration. Mr. Snyder advised staff also wanted to confirm the Council was not interested in an outright ban.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER MARIN, TO REFER THIS MATTER TO THE PLANNING BOARD TO INVESTIGATE ZONE SPECIFIC TIME, PLACE AND MANNER RESTRICTIONS ON TEMPORARY SIGNS. MOTION CARRIED UNANIMOUSLY.

7. CITY COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS

South
Snohomish
Cities

Council President Olson reported the South Snohomish Cities was meeting on Thursday to discuss Low Density Multifamily Residential units or open space condominiums. Due to loopholes in the Snohomish County code, these developments were being built in Snohomish County UGAs – single family houses with drive isles instead of streets as well as many other problems.

Hwy. 99 Task Force

Councilmember Marin reported the Hwy. 99 Task Force was close to finalizing the traffic study and a presentation to the Council from the Traffic Engineer and the consultant that prepared the report was scheduled for February 27. It was hoped the Council would be interested in improvements on Hwy. 99 in the future, put them on the TIP, Comprehensive Plan and starting planning them.

Public Health Districts

Councilmember Marin reported public health had been underfunded for decades and many public health districts were struggling. The legislature passed a resolution regarding funding and which he asked be drafted in the City's format for Council consideration.

Parking Committee

Councilmember Plunkett reported the Parking Committee will be considering the City's fines for parking violations. Because the fines are considerably lower than other cities, they may not be a deterrent.

Historic Preservation Commission

Although he had hoped the Historic Preservation Commission could complete the draft historic design standards for the BD1 by the end of January, he anticipated they would be completed and forwarded to the Planning Board by the end of February.

Sound Transit

Councilmember Dawson commended Councilmember Marin, Executive Reardon and Everett Councilmember Olson for their courageous vote to go against the rest of the Sound Transit Board and stand up for the rights of taxpayers in Snohomish County and support their taxes funding projects in Snohomish County.

SnoCom and SnoPak

Councilmember Dawson reported SnoCom had been discussing interconnectivity between the SnoCom and SnoPak CAD systems. She noted there had been a great deal of push-back from the SnoPak Board due to the lack of understanding regarding the necessity of interconnectivity for user agencies particularly fire agencies for mutual aid and border agencies between SnoPak and SnoCom. She noted in her job she also serves on the SnoPak Board. The SnoPak Board voted recently to seek grant funding for the interconnect and to follow-through with the interconnect with the grant funding. She anticipated a better relationship between the SnoCom and SnoPak Board and projects that would benefit the County and the City. The next SnoCom Board meeting is later this week. She advised the Disability Board was meeting tomorrow at 8:30 a.m.

Disability Board

Hearing Examiner

Councilmember Orvis reported he would be participating in the Hearing Examiner interviews tomorrow.

Port of Edmonds

Councilmember Wambolt reported on the January 8 Port of Edmonds meeting that included election of Marianne Burkhart as President and swearing in of new officers. The Port Commission also set the schedule for 2007 meetings and announced the Port was selected as the Marina of the Year in a national competition.

8. MAYOR'S COMMENTS

Mayor Haakenson had no report.

9. COUNCIL COMMENTS

Plug-in Hybrid Cars

Councilmember Moore advised she requested plug-in hybrid be placed on the Community Services/Development Services Committee agenda. She found it a great idea, depending on the cost. Next, she relayed information provided by Administrative Services Director Dan Clements regarding where sales was generated in the City which found it was predominately from the car dealerships on Hwy. 99. She pointed out Hwy. 99 was critical to funding the future of the City.

Hwy 99 / Sales

Railroad Quiet
Zone

Councilmember Moore referred to Community Service Director Stephen Clifton's efforts regarding the railroad quiet zone which were detailed in the Quarterly Community Services Report on tonight's Consent Agenda. Mayor Haakenson advised a test, cancelled due to snow and ice, would be rescheduled.

Legislation re:
Violation of No
Contact Orders

Councilmember Dawson described legislative matters she was working on at Snohomish County. One that had the potential to impact Edmonds was violation of no contact orders in domestic violence cases in particular. She explained there had been some rulings at the Superior Court, one from Snohomish County Superior Court on a City of Edmonds case that ruled various types of no contact order violations that were currently prosecuted were not criminal activities under interpretation of the statute and ordinance. The result was only no contact order violations regarding a specified location or distance or acts or threats of violence could be prosecuted. Other contacts such as encountering someone in a public place, sending a letter, a telephone call, having a relative call with a threat, etc. were not being prosecuted in many jurisdictions. She, along with staff from Everett and Seattle, drafted language to resolve this issue and rather than wait to determine if the courts agreed with this interpretation, it was proposed via House Hill 1642.

AWC
Legislative
Meeting

Councilmember Dawson reported Council President Olson and she planned to attend the AWC legislative meeting on February 14 and meet with legislators that evening. She invited anyone who wanted to raise an issue for discussion to contact them.

Councilmember Wambolt commented he had also participated on the Parking Committee and the Hwy. 99 Task Force, attended two Community Technical Advisory Committee meetings, attended two Harbor Square Redevelopment Committee meetings and planned to attend the AWC meeting.

Mayor Haakenson advised the Council was not meeting on January 30 and their next meeting was February 6.

10. **ADJOURN**

With no further business, the Council meeting was adjourned at 8:35 p.m.