

# EDMONDS CITY COUNCIL APPROVED MINUTES

## Special Meeting

### August 20, 2007

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> 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  
Dave Orvis, Councilmember  
Ron Wambolt, Councilmember

#### ELECTED OFFICIALS ABSENT

Deanna Dawson, Councilmember

#### ALSO PRESENT

Shaun Callahan, Student Representative

#### STAFF PRESENT

Tom Tomberg, Fire Chief  
Al Compaan, Acting Police Chief  
Duane Bowman, Development Services Director  
Kathleen Junglov, Asst. Admin. Services Dir.  
Don Fiene, Assistant City Engineer  
Debra Sharp, Accounting Assistant  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

#### 1. APPROVAL OF AGENDA

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.**

#### 2. CONSENT AGENDA ITEMS

Councilmember Orvis requested Item F be removed from the Consent Agenda.

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

Roll Call

#### A. ROLL CALL

Approve 8/7/07 Minutes

#### B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF AUGUST 7, 2007.

Approve Claim Checks

#### C. APPROVAL OF CLAIM CHECKS #98147 THROUGH #98320 FOR AUGUST 9, 2007 IN THE AMOUNT OF \$549,630.36 AND #98321 THROUGH #98470 FOR AUGUST 16, 2007 IN THE AMOUNT OF \$1,248,681.37.

Judicial Salary Increase

#### D. JUDICIAL SALARY INCREASE TO MAINTAIN STATE FUNDING FOR JUDICIAL POSITION.

Ord# 3658  
Rezone 125 2nd  
Ave N.

E. **ORDINANCE NO. 3658 – REZONING PROPERTY AT 125 2ND AVE NORTH FROM RM-2.4 TO RM-1.5. (R-2007-15).**

Ord# 3660  
2007 Second  
Quarter Budget  
Amendment

G. **ORDINANCE NO. 3660 – 2007 SECOND QUARTER BUDGET AMENDMENT.**

Ord# 3661  
Constitutionally  
Protected  
Events

H. **ORDINANCE NO 3661 – ESTABLISH A PROCEDURE FOR CONSTITUTIONALLY PROTECTED EVENTS.**

Ord# 3661  
Constitutionally  
Protected  
Events

I. **REPORT ON BIDS OPENED ON AUGUST 14, 2007 FOR THE 95<sup>TH</sup> PLACE WEST STORM DRAINAGE IMPROVEMENT PROJECT AND AWARD OF CONTRACT TO INTERWEST CONSTRUCTION, INC. (\$112,790).**

Res# 1151  
Student Rep.  
Shaun Callahan

J. **RESOLUTION NO. 1151 – THANKING STUDENT REPRESENTATIVE SHAUN CALLAHAN.**

Ord# 3659  
Rezone at 318-  
320 Walnut

**ITEM F: ORDINANCE NO. 3659 REZONING PROPERTY LOCATED AT 318 - 320 WALNUT STREET FROM RM-2.4 TO RM-1.5 (FILE R-2007-28).**

Councilmember Orvis advised he pulled this item to vote against it.

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF CONSENT AGENDA ITEM F. MOTION CARRIED (5-1), COUNCILMEMBER ORVIS OPPOSED.**

Presentation to  
Student Rep.  
Shaun Callahan

**3. PRESENTATION OF RESOLUTION AND PLAQUE TO STUDENT REPRESENTATIVE SHAUN CALLAHAN.**

Council President Olson read a Resolution commending Student Representative Callahan for his service as Student Representative on the City Council during the spring/summer term of 2007 and extending their best wishes to him in his future endeavors. She presented the Resolution and a plaque to Student Representative Callahan.

Student Representative Callahan commented his intent was to speak his mind and be honest about his feelings which he felt he had done as well as represent citizens who were unable to come to meetings. He thanked the Council for the opportunity to serve as Student Representative. He introduced his father, mother and brother.

Mayor Haakenson thanked him for speaking his mind and commended his family for raising such a fine young man.

Councilmember Moore also thanked the Callahans for raising a fine young man, noting he would soon begin his college education at Edmonds Community College. She recalled his high school class has elected him as most likely to become president.

Point Edwards  
Public  
Easements

**4. ACCEPTANCE OF POINT EDWARDS PUBLIC EASEMENTS.**

Development Services Director Duane Bowman displayed a map of Pt. Edwards. He recalled when this was previously presented to the Council as a Consent Agenda item several questions were raised regarding the access road and proposed viewpoints. He explained the Council created the Master Plan Hillside Zone in 2002 as a result of an application for the redevelopment of the Unocal property. Ordinance No. 3411 created the Master Plan for the upper yard area. The upper yard was purchased and is being developed by Pt. Edwards LLC as the Pt. Edwards Condominium project. In response to questions regarding public and private access from Pine Street, he explained west of SR104 Pine Street

was a public road and connected with the Town of Woodway. He identified private access points into Pt. Edwards.

He explained as part of the Master Plan, three public viewpoints were created along Pine Street. There is also a public access along the back of the first building to a public viewpoint and a stormwater detention pond. There is potential to develop this into a pedestrian access to the Edmonds Crossing in the future although there are significant slopes in the area. The Master Plan required dedication of easements to the public viewpoints and to the stormwater pond/viewpoint; those easements are before the Council for approval tonight.

Councilmember Wambolt asked why the approval was presented to the Council now when not all the viewpoints had been constructed. Mr. Bowman answered he had been working on the wording of the easements for approximately four years and it was now acceptable to the developer and the City for maintenance and operation. Acceptance of the easements is a requirement of the Master Plan and the final building will soon be submitted for permits.

Councilmember Wambolt stated he walked the area over the weekend and discovered the sign for the public viewpoint was located off Pine Street. He recommended the sign be relocated to Pine Street so that it was visible to the public. Mr. Bowman agreed to discuss moving the sign with the developer.

Councilmember Wambolt inquired about the approval process for a private road. Mr. Bowman explained in this instance, the Master Plan was reviewed by both the Planning Board and the City Council. At that time there was discussion about creating Pt. Edwards as a gated community which the City opposed and the developer agreed. However, because the developer did not want to build the roads to City street standards and the City did not want to maintain them, the developer proposed and the City agreed to allow the roads to be private and in exchange required the viewpoints to allow public access. Councilmember Wambolt clarified the private drive was approved by the Council but not while he was a Councilmember. Mr. Bowman agreed.

Councilmember Wambolt commented many people were unhappy to discover the roads were private and that there was so little public access to the property. He recalled the effort to build a park on the property and Mayor Haakenson's unsuccessful efforts to acquire funds from the State to purchase the property. Mr. Bowman advised the viewpoints that were required are significant.

Councilmember Wambolt expressed concern with the continued closure of Pine Street and use of the right-of-way by the developer as a staging area with no compensation to the City. He questioned why the City did not require compensation, particularly when Pine Street would remain closed for up to five years. He pointed out compensation for use of the right-of-way was required from the developer of Old Mill Town. Mr. Bowman explained compensation was required where there was on-street parking; there was no on-street parking on Pine Street.

Councilmember Marin agreed with the request to move the sign so that it was visible from Pine Street. He asked where visitors would park to access the viewpoints. Mr. Bowman identified areas where visitors could park on Pine Street and walk to the viewpoints. He anticipated the viewpoints would be used primarily by pedestrians walking in the area. For Councilmember Marin, Mr. Bowman identified the location of the viewpoints in relation to the Deer Creek Hatchery.

Councilmember Moore asked for clarification that the reason the City did not charge for the use of the street was because there was no on-street parking. Mr. Bowman explained the fee for use of the right-of-way and disruption of parking was not established when the Pt. Edwards development began. Councilmember Moore recommended staff pursue compensation for use of the Pine Street right-of-way.

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO AUTHORIZE THE MAYOR TO SIGN THE EASEMENTS TO ALLOW THEM TO BE RECORDED. MOTION CARRIED UNANIMOUSLY.**

Report on  
Actions re:  
7/26/07 CS/DS  
Committee  
Meeting

5. **REPORT ON STAFF'S ACTIONS REGARDING THE JULY 26, 2007 SPECIAL MEETING OF THE COMMUNITY/DEVELOPMENT SERVICES COMMITTEE.**

Development Services Director Duane Bowman advised the Development Services Department management staff reviewed the minutes of the July 26 special meeting of the Community Services/Development Services (CS/DS) Committee and identified a number of items they planned to report on to the Committee at their September 11 meeting.

In an effort to address the overdue permit backlog, an experiment was conducted last Wednesday where the permit counter and telephones to permit reviewers were closed to allow a concentrated effort on the overdue permit backlog. Telephones were answered by other staff members who took messages and/or transferred calls to management staff. Building inspections continued but engineering inspections did not and one scheduled pre-application conference was held. He advised a report run on Tuesday afternoon showed 79 overdue permit reviews; after the closure, there were 43 remaining, a 54% reduction. Based on the success of that experience, he proposed doing it again this Wednesday in an effort to address the remainder of the backlog. He noted before the experimental closure, engineers worked overtime the weekend before and were able to complete several of the overdue permit reviews.

He noted most of the items identified in the minutes were administrative rather than legislative although there were a few potential legislative items that would be presented to the Council. He acknowledged there were several good ideas from the meeting including issuing the 28-day completeness letter sooner than 28 days for an application that met all the requirements. He advised staff was in the process of preparing a report to the CS/DS Committee and Council that addressed several of the suggestions reflected in the minutes.

Councilmember Marin thanked Mr. Bowman for moving forward on several of the issues that were identified. He acknowledged it was a potentially contentious issue that turned out to be a very amicable meeting. He viewed the meeting as a partnership, the public reaching out to staff and staff responding. Mr. Bowman stated he clarified with staff members that those in attendance at the meeting felt it was not a contentious meeting but as an opportunity to share ideas. He acknowledged it was criticism of the department but was constructive criticism. He commented there were some comments in the minutes that he did not agree with and would not support but there were many that staff would pursue. Mr. Bowman commented to most of their customers, time was money; anything staff did to delay them was problematic.

Councilmember Plunkett asked Mr. Bowman to respond to the suggestion regarding "subject to field inspection permits." Mr. Bowman advised he had discussed with the developer of the City's PermitTrack software a process whereby people could apply online for "over-the-counter permits" although a process for payments will need to be determined. This could be available for more routine permits such as roof, mechanical or plumbing permits. He advised once the person applied on-line, the review would be done within 1-2 days and a permit emailed to the person. He did not favor "subject to field inspection permits" particularly for building inspections as once the permit was issued, it represented a contract with the developer. If the permit was subject to field inspection, he questioned how disputes would be mediated. He advised that subject would be addressed further in the report to the CS/DS committee.

Councilmember Plunkett asked Mr. Bowman to speak to the comment “take applications in fair order.” Mr. Bowman advised he was uncertain what that meant and was listening to the audio tape. He suspected it addressed the difference in review time for a small permit versus a large permit. He explained permits are often triaged and smaller permits completed more quickly; longer, more complex permits have a longer review time.

Councilmember Plunkett commented Snohomish County did online permitting. Mr. Bowman advised Snohomish County participated in MyPermits.com via a consortium with several eastside cities. Bothell also participates in that consortium. He explained it was not truly an online permit, a person could apply online and a permit was issued by the individual city.

Councilmember Plunkett referred to the suggestion that certain planners work on smaller permits and more experienced planners work on bigger permits. Mr. Bowman answered the city’s current planners did not have the level of experience that some former planners had. As a result Planning Manager Rob Chave and he often assisted the planners with permit reviews. He clarified that suggestion would be appropriate if the city had more experienced planners.

Councilmember Moore thanked Mr. Bowman for reacting quickly to the results of the public hearing. She referred to Mr. Bowman’s comment that most of the issues were administrative rather than legislative, questioning why the complaints were not addressed before she asked for a public hearing. Mr. Bowman answered staff had been working on these issues since he came to the City including holding stakeholder meetings. He noted many of the problems arose when the City began to lose staff members. Councilmember Moore disagreed, remarking she had heard these complaints for the past 3½ years and that was the reason she scheduled a public hearing. She questioned why the Council had not held a public hearing sooner. Mr. Bowman commented most of the issues raised at the meeting were being addressed by staff. For example the City now had a system that could track permits.

Councilmember Moore asked if there was a policy when a customer at the counter got upset, the staff member walked away. She noted a Councilmember had had that experience at the counter. Mr. Bowman answered his staff was told if a customer was being abusive, they were to leave the counter and find a supervisor.

Councilmember Moore asked about a checklist as part of the policy manual. Mr. Bowman answered that was a concept he would not support as a review checklist would need to virtually contain the entire code. He advised staff used internal checklists but they were not in a form available to the public. He was not aware of any agency that had a review checklist available to the public.

With regard to administrative issues versus legislative issues, Councilmember Moore pointed out the Council’s policies dictate how the City operates. She recalled the Council’s mission, vision and value statement refers to a customer-friendly city and some of the issues identified at the July 26 CS/DS meeting violated that policy. Mr. Bowman responded the Development Services Department staff are very customer friendly, dedicated, courteous and professional. Customers do not always agree with the answers they receive at the counter and he acknowledged staff did occasionally make mistakes. Councilmember Moore responded her impression was it was not the employees but the process and she was glad staff was taking steps to address the concerns that were voiced. Mr. Bowman commented staff enforced the code that was adopted by the Council; many of the issues staff encountered were code-related.

Councilmember Moore inquired about the status of the code rewrite. Mr. Bowman answered the review had been completed for Chapter 15 and 17; City Attorney Scott Snyder was working on Chapter 16 and Chapters 18-21 and the critical area regulations in Chapter 23 remained. He noted there was still a great

deal of opportunity for citizens/developers to participate in the code rewrite. He expected the review of all the chapters would be complete by next spring and ready for presentation to the Council a chapter at a time. Councilmember Moore referred to a suggestion to form a committee to assist with the rewrite. Mr. Bowman advised he could facilitate that effort.

Councilmember Marin clarified the July 26 CS/DS meeting was a special meeting to solicit suggestions from the public not a public hearing where the Council was soliciting public comment on a particular document. He noted members of the public who attended were anxious to talk but were also cognizant that they needed to work with staff on a daily basis and wanted their comments seen as suggestions rather than criticism. He thanked the public for their suggestions and staff's response to their suggestions.

Councilmember Wambolt asked whether there had been any criticism from customers regarding the department's closure last Wednesday. Mr. Bowman answered there were only two complaints, both from code violators. He planned to propose another creative idea regarding office hours at the September 11 CS/DS committee meeting.

Councilmember Plunkett recalled staff's indication that some of the code rewrite would be available this fall. Mr. Bowman answered Chapter 17 and the non-conforming regulations would be presented to the Council this fall. He explained the nuisance regulations were contained in Chapter 17; staff planned to schedule separate hearings for the nuisance provisions and for the non-conforming regulations. He anticipated a series of code rewrite presentations to the Council.

Councilmember Moore referred to a question at the meeting about the restroom on the second floor being closed. Mr. Bowman stated a security committee recommended access on the second floor be controlled; the restrooms allowed access to the entire second floor. He commented another issue was staff being asked questions by customers while in the restroom. He noted there were public restrooms available on the first and third floors. Mayor Haakenson suggested if the Council allocated the funds from the Council Contingency Fund, doors and walls could be constructed to separate the restroom from the department. Councilmember Moore requested Mayor Haakenson obtain an estimate.

Mayor Haakenson commented the code rewrite would not solve the issue of people applying for permits who do not like the answer they receive. Staff will continue to enforce the code when it is rewritten and there will continue to be those who disagree with the City's regulations. With regard to why the code rewrite is taking longer than expected, he reminded the Council that they delegated the City Attorney a number of issues earlier this year which has slowed the code review process. He suggested as staff and the City Attorney completed their review of a code section, a group comprised of developers, homeowners and a Councilmember conduct a review. He suggested Councilmember Moore may be interested in participating in that process. He invited Councilmembers and developers to spend four hours one day on the second floor watching what transpires, anticipating that exercise would allow them to see what occurs on the second floor each day.

Planning Board  
Review of OR  
Zone on Sunset

Council President Olson asked for a progress report on the Planning Board's review of the OR Zone on Sunset. Mr. Bowman advised it was docketed by the Council in October for the 2007 amendments. The Planning Board would be discussing it this fall and forwarding a recommendation to the Council. The earliest the Council could take action would be in December when the Council considered the ordinance with all the 2007 Comprehensive Plan amendments.

## **6. AUDIENCE COMMENTS**

There were no members of the public present who wished to provide comment.

7. **REPORT ON CITY COUNCIL COMMITTEE MEETINGS**

Finance  
Committee

**Finance Committee**

Councilmember Wambolt reported staff provided the Committee an overview of the Second Quarter Budget Report. Staff also provided information on REET receipts, advising revenues were expected to be above projections for the year but by a lesser amount each subsequent month. Next, staff reviewed the second quarter budget amendment; seven of the thirteen items have been previously approved by the Council. The budget amendment was approved as Consent Agenda Item 2G. The final item the Committee discussed was a constitutionally protected events ordinance; this item was approved as Consent Agenda Item 2H.

8. **MAYOR'S COMMENTS**

Free Document  
Shredding  
Event

Mayor Haakenson advised approximately one year ago staff attempted to organize a combined document shredding, hazardous waste drop-off and Citywide clean-up and found the cost prohibitive particularly for the Citywide cleanup and hazardous waste drop-off due to disposal fees. City Clerk Sandy Chase pursued the document shredding portion and with the assistance of a sponsorship by the Enterprise Newspapers, a free document shredding event will be held Saturday, August 25 at the Top Foods parking lot. He described materials that could be shredded and the amount of material each resident could present for shredding. DataSite NW (Seattle Shred) is donating the shredding service and certificates of destruction will be available. In addition, the Edmonds Police Department, Crime Prevention, will provide information related to identity theft to participants, recycling information will be provided by the City's Recycling Coordinator and all participants will be entered into a drawing for a free home shredder donated by Office Max.

9. **COUNCIL COMMENTS**

Council President Olson wished Councilmember Wambolt a belated Happy Birthday on August 15.

Councilmember Marin advised he would be participating in a debate with Snohomish County Councilmember Gary Nelson this Friday regarding the Sound Transit/RTID ballot measure at the Lynnwood Council Chambers at 7:00 p.m.

Councilmember Marin announced his son Rex was accepted into a prosthetic and orthotics program at Northwest University.

Councilmember Plunkett reported a good friend of the Council and the community, Don Nicholson, passed away a few weeks ago. Mr. Nicholson and his family owned and operated Sound Disposal for the past 30 years and his family plans to continue operating the business. He concluded Don was a gentleman and would be missed.

Student Representative Callahan expressed his thanks to the audience members who provide comment to the Council, recognizing them for their community activism.

Mayor Haakenson agreed Mr. Nicholson was a good man who would be missed.

10. **ADJOURN**

With no further business, the Council meeting was adjourned at 7:58 p.m.