

EDMONDS CITY COUNCIL APPROVED MINUTES

September 18, 2007

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

Al Compaan, Acting Police Chief
Duane Bowman, Development Services Director
Dave Gebert, City Engineer
Debi Humann, Human Resources Manager
Zach Lell, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

ALSO PRESENT

Hilary Scheibert, Student Representative

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 MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

Roll Call

A. ROLL CALL

Approve 9/4/07 Minutes

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF SEPTEMBER 4, 2007.

Approve Claim Checks

C. APPROVAL OF CLAIM CHECKS #98783 THROUGH #98891 FOR SEPTEMBER 6, 2007 IN THE AMOUNT OF \$319,217.90 AND #98892 THROUGH #99093 FOR SEPTEMBER 13, 2007 IN THE AMOUNT OF \$318,362.23. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #45490 THROUGH #45583 FOR THE PERIOD OF AUGUST 16 THROUGH AUGUST 31, 2007 IN THE AMOUNT OF \$819,048.67.

Findings of Fact – 18600 Sound View Pl. Bogaert Appeal

D. FINDINGS OF FACT REGARDING THE SEPTEMBER 4, 2007 CLOSED RECORD APPEAL OF THE HEARING EXAMINER'S DENIAL OF A SIDE YARD SETBACK VARIANCE AT 18600 SOUND VIEW PL. (APPELLANT AND APPLICANT: DR. RAYMOND BOGAERT / FILE NOS. V-2006-102 AND AP-2007-4)

Temporary Capital Projects Manager

E. APPROVAL OF SRI TECHNOLOGIES, INC. CONTRACT FOR TEMPORARY CAPITAL PROJECTS MANAGER.

Ord #3663
Regulation of
Rockeries

F. **ORDINANCE NO. 3663 – AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 18.40 GRADING AND RETAINING WALLS, AND ECDC 20.110.030 NUISANCE SECTION, TO ADD A NEW PARAGRAPH TO SPECIFY THE CITY’S REGULATION OF ROCKERIES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

Ord #3664
Scope of the
Civil Service
System

G. **ORDINANCE NO. 3664 – AMENDING EDMONDS CITY CODE 10.25.030 RELATING TO THE SCOPE OF THE CIVIL SERVICE SYSTEM.**

Closed Record
Review –
Woodway Plat
(Petso Appeal)

3. **CONTINUED CITY COUNCIL DELIBERATION ON THE CLOSED RECORD REVIEW HELD ON 08/28/07 REGARDING AN APPEAL OF THE HEARING EXAMINER’S APPROVAL OF A 27-LOT PRELIMINARY PLAT (WOODWAY PLAT) LOCATED AT 23700 104TH AVENUE WEST. (APPELLANT: LORA PETSO / APPLICANT: BURNSTEAD CONSTRUCTION / FILE NO. P-07-17 AND PRD-07-18)**

As this was the continuation of a quasi judicial matter, under the Appearance of Fairness Doctrine, Mayor Haakenson asked whether any Councilmember had any conflicts or ex parte communications to disclose.

Councilmember Plunkett advised he received four emails from Party of Record Cliff Sanderlin that he did not open, 1) dated September 7, 2007 entitled Summary of City’s Park Plan for Southwest Edmonds, 2) dated September 7, 2007 entitled Summary of Edmonds Park Plan Old Woodway Elementary Property, and 3) dated September 18 entitled Be Ready at Tomorrow’s City Council Meeting, and 4) dated September 18 entitled Tonight’s City Council Meeting.

Mayor Haakenson asked whether any parties of record had any objection to Councilmember Plunkett’s participation. There were no objections voiced.

Appellant Lora Petso objected to the continued participation of Councilmember Wambolt based on ex parte communications since the prior hearing via his public statement that he did not want to do the work. If he or any Councilmember had not gone to the Council office to review the material or review the transcript and find it was not complete, she requested they recuse themselves. She asked each Councilmember to state on the record whether they had reviewed the material in the Council office, the transcript or the City’s ordinance regarding criteria for subdivision approval.

Councilmember Wambolt responded if Ms. Petso had heard that he did not want to do the work, she did not hear him correctly. He commented on the many hours he put into studying the record including an entire Saturday morning in the Council office. He advised he would not recuse himself. Mayor Haakenson asked Councilmember Wambolt if he was able to hear this matter in an unbiased manner and Councilmember Wambolt responded he could.

Mayor Haakenson asked whether the Council was under any obligation to answer any questions from parties of record as Ms. Petso requested. City Attorney Zach Lell responded no, this was a closed record proceeding that was in the deliberative stage. He recommended the Council refrain from discussions with parties of record beyond the ex parte disclosure process.

Mayor Haakenson advised all Councilmembers were approved to participate in tonight’s proceeding.

Mr. Lell recalled at the conclusion of the meeting two weeks ago, Mr. Hertrich provided general public comment during the Audience Comment portion of the meeting. Although couched in generic terms and not mentioning any land use proposal by name, his comments could have been construed as potentially applying to this matter as they related to the conduct on the Hearing Examiner. He cautioned the Council

not to consider those comments by Mr. Hertrich in their deliberations tonight. As they did not specifically relate to this proposal, he advised Mr. Hertrich's comments did not need to be disclosed as an ex parte contact.

Council President Olson advised the City received a request for a continuance from Ms. Petso yesterday afternoon and an additional request today. She read Ms. Petso's request that the Council continue this matter until she had a chance to correct the alleged omissions in the transcript of the Hearing Examiner meeting. Ms. Petso's request indicated she had previously provided the Council an excerpt from the tape in which allegedly 78% of the original content was omitted from the transcript and there were other alleged errors and omissions in the transcript. Ms. Petso requested 6 to 8 weeks to review and correct the transcript. As the request was submitted after the statutory deadline, Council President Olson advised it was up to the applicant, Burnstead Construction, to determine whether they wanted to allow a continuance. Her contact with Burnstead indicated they did not.

Council President Olson advised she contacted Ms. Petso and several other parties of record including Al Rutledge, Rick Miller and Claudia Bailey and left messages for Roger Hertrich, Cheryl & Kevin Clarke, John O'Leary, Carl & Susan Harrington, Georgia Gross and attempted to contact Finis Tupper but received no answer.

At Councilmember Plunkett's request, Mr. Lell advised the process Council President Olson referenced was codified at ECDC 20.91.030 which allowed an appellant or parties of record to request a continuance under these circumstances but no continuance may be granted once the statutory period for the City's approval or consideration of the underlying project has passed without the consent of the applicant. As the applicant had not provided that consent, Mr. Lell advised a continuation was improper at this point.

Mr. Lell requested Council President Olson clarify that the extent of her discussions today with the parties of record was limited to the specific issue of the continuance and that there was no other substantive discussion. Council President Olson agreed.

Councilmember Wambolt commented Ms. Petso could also confirm his review via the number of questions he asked the City Attorney.

Mr. Lell explained at the conclusion of the August 28 proceeding, City Attorney Scott Snyder requested parties of record provide record citations for objections raised during the argument portion of the closed record proceeding by September 13. He advised the City received input from parties of record Ms. Petso, Mr. Lutz on behalf of Burnstead Construction, and Ms. Marks.

With regard to Ms. Marks' submission dated September 5, 2007 contained on page 030 of tonight's packet, in which she referenced the Pileated woodpecker statement from the closed record appeal, Mr. Lell advised his review of the record indicated Ms. Marks was correct and there was reference to this on page 52 of the Hearing Examiner transcript. For that reason, he suggested the Council overrule the objection.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MARIN, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

With regard to Ms. Petso's submission dated September 13, 2007 contained on page 027 of tonight's packet, her first reference was to the demolition fencing and the extent to which that made site access more difficult. Mr. Lell advised this reference exists on page 43 of the Hearing Examiner transcript. For that reason he suggested the objection to including this be overruled.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

Ms. Petso's next reference was the extent to which the pre-hearing site visit was required and whether it was raised before the Hearing Examiner. Mr. Lell advised that reference exists on page 71 of the Hearing Examiner transcript and he advised the Council to overrule the objection.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

Ms. Petso's next reference was to the buffering which was contained on page 45 of the Hearing Examiner transcript. Mr. Lell advised the Council to overrule the objection.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MOORE, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

Ms. Petso's submission then references an additional comment regarding buffering and the extent to which she asked the Hearing Examiner whether citations were necessary. Mr. Lell agreed with Ms. Petso's citation that this information was contained on page 42. He advised the Council to overrule the objection.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

Mr. Lell advised Ms. Petso's final record citation, contained on page 028 of tonight's Council packet, mirrors Ms. Marks reference to the Pileated Woodpecker. He agreed with Ms. Petso's citation that this information was contained on page 52 of the Hearing Examiner's transcript. For that reason, Mr. Lell advised the Council to overrule the objection.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO OVERRULE THE OBJECTION. MOTION CARRIED UNANIMOUSLY.

Mr. Lell referred to pages 025 and 026 of tonight's packet, the first two pages of Ms. Petso's letter in which she purported to insert allegedly missing transcript references for the Council's benefit. Since these were not included in the record and were an attempt to add new facts not contained in the record, Mr. Lell advised they were not properly before the Council and he advised the Council not to consider them in its deliberations.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, THAT THE COUNCIL NOT CONSIDER THIS INFORMATION IN ITS DELIBERATIONS.

Councilmember Dawson asked what would be a party's remedy if there were portions of the transcript that were not properly transcribed. Mr. Lell answered to the extent the omission could be deemed to have a material affect on the substantive result reached, it would potentially be grounds for reversal on appeal. He noted the extent to which that occurred in this matter was very unclear.

Councilmember Dawson clarified if Ms. Petso was correct that there were errors in the transcript, that would be another avenue to pursue via the court as the Council did not have a basis to determine whether that allegation was proper or not. Mr. Lell agreed, with the caveat that supplementing the record on appeal of a Land Use Petition Act lawsuit was governed by statute and it was not appropriate for him to venture a guess whether Ms. Petso met those standards. Councilmember Dawson summarized it was Mr. Lell's advice to the Council since they had not had an opportunity to listen to the tapes and determine

whether the transcript was/was not complete, it was not appropriate to allow Ms. Petso's submissions. Mr. Lell answered unless the transcript was officially created by the City, it was not appropriate for individual parties to submit extra record evidence after the deadline where that argument occurred. He advised this was submitted on September 13, 2007 which was well past the deadline for submitting argument to the Council and clearly past the deadline for supplementing the record.

Mr. Lell advised the Council was able to access the Hearing Examiner tapes but it was inappropriate for a party of record to supplement the closed record via a self-created drafting.

MOTION CARRIED UNANIMOUSLY.

Mr. Lell referred to the letter submitted by Gerry Lutz on behalf of the applicant, Burnstead Construction, the first contained on page 035 of tonight's packet, specifically the last two sentences of the second full paragraph in which Mr. Lutz refers to Mr. Snyder's comment that there was nothing in the record about a hearing on Friday in response to his comment about the date of the final hearing. Mr. Lutz's letter stated Burnstead had no objection to striking the date of the PRD remand hearing as being outside the record. He advised it was appropriate for the Council to strike/not consider the reference to the Friday hearing.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO STRIKE THE REFERENCE TO THE FRIDAY HEARING. MOTION CARRIED UNANIMOUSLY.

Mr. Lell referred to a letter dated September 13, 2007 submitted by Mr. Lutz entitled Clarification to Objections and Additional Comments Regarding Edmonds City Council Closed Record Review of Burnstead Subdivision Approval. After reviewing this submittal, it was staff's conclusion it contained argument beyond the scope of what Mr. Snyder instructed the parties to submit and therefore should not be considered by the Council.

COUNCIL PRESIDENT OLSON MOVED, SECONDED BY COUNCILMEMBER MARIN, THAT THE COUNCIL NOT CONSIDER THE SEPTEMBER 13, 2007 LETTER SUBMITTED BY MR. LUTZ ENTITLED CLARIFICATION TO OBJECTIONS AND ADDITIONAL COMMENTS REGARDING EDMONDS CITY COUNCIL CLOSED RECORD REVIEW OF BURNSTEAD SUBDIVISION APPROVAL. MOTION CARRIED UNANIMOUSLY.

Mayor Haakenson remanded to Council for deliberation. He relayed Mr. Lell's reminder that the Council was not to take any additional comment and that the burden of proof was on the appellant, Ms. Petso.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO UPHOLD THE HEARING EXAMINER'S DECISION AND DIRECT THE CITY ATTORNEY TO PREPARE NECESSARY FINDINGS OF FACT.

Councilmember Plunkett referred to page 15 of the Hearing Examiner's report that acknowledges all parties recognized the surrounding area had significant drainage problems. He noted the City's Code and the Southwest Drainage Plan calls for an acknowledgement of responsibility to an ongoing stormwater drainage maintenance plan, a plan that calls for a schedule, acknowledgement of responsibility and inspection schedule. The applicant and the Hearing Examiner relied solely upon inferences in the CC&R's when the Code states an acknowledgement of responsibility and a plan needs to be established with a clear affirmation of maintenance and responsibility.

Councilmember Moore was troubled by the drainage issues and therefore would not support the motion. She found the Hearing Examiner made a mistake accepting the infiltration rates that were unsupported by scientific studies. She found this prevented the application from meeting the Comprehensive Plan that

addresses drainage, critical areas, parks, open space, and natural vegetation. She pointed out the intent of the Comprehensive Plan was to address long term land use. She concluded if the Council upheld the Hearing Examiner's findings, the Council was missing the long term planning element in regard to drainage.

Councilmember Marin observed the Council must restrict its comments to the issues in the appeal. In his study of the materials provided, he found nothing compelling to indicate the Hearing Examiner was incorrect.

Councilmember Wambolt pointed out Condition of Approval #2 in the Hearing Examiner's findings addressed drainage, a condition that must be complied with before the plat was approved.

Councilmember Dawson commented the difficulty was that the subdivision could not be approved as a subdivision but must be approved as a PRD. As currently phrased, the motion did not condition approval on the PRD and therefore she could not support the motion as currently stated.

Councilmember Orvis commented drainage was specifically identified as an issue to be addressed for a preliminary plat. He found Ms. Petso's arguments very compelling particularly the pit data. He was also not satisfied with how things were worked around the drainage ditch. He indicated he would not support the motion.

Mr. Lell commented in conferring with Development Services Director Duane Bowman, he agreed in substance with Councilmember Dawson's comments. Given the proposed configuration of the plat and the extent to which it relied on a PRD approval that had not yet been given, it was appropriate for the Council to condition approval of the plat on ultimate PRD approval. He directed the Council's attention to page 36 of the Hearing Examiner's decision, specifically Condition #1.

Councilmember Marin restated his motion as follows with the approval of the second:

MOVE TO CONDITION APPROVAL OF THE PRELIMINARY PLAT AND UPHOLD THE HEARING EXAMINER'S DECISION EXPRESSLY CONTINGENT UPON THE APPLICANT OBTAINING PRD APPROVAL. UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS MARIN, DAWSON, WAMBOLT IN FAVOR, AND COUNCILMEMBERS ORVIS, PLUNKETT, AND MOORE OPPOSED.

Closed Record Review – Rezone at 9521 and 9531 Edmonds Way

4. **CLOSED RECORD REVIEW REGARDING THE PLANNING BOARD APPROVAL TO REZONE PROPERTY LOCATED AT 9521 AND 9531 EDMONDS WAY FROM MULTI-FAMILY RESIDENTIAL (RM-1.5) AND SINGLE FAMILY RESIDENTIAL (RS-8) TO COMMUNITY BUSINESS – EDMONDS WAY (BC-EW). APPLICANTS: A.D. SHAPIRO ARCHITECTS/ VALHALLA PROPERTIES / FILE NO. R-07-35**

Under the Appearance of Fairness Doctrine, Mayor Haakenson asked whether any Councilmembers had any conflicts or ex parte communications to disclose.

Councilmember Plunkett advised Mr. Shapiro had contributed to his campaigns in the past.

Councilmember Dawson advised party of record Marko Lias had contributed to her campaign.

Councilmember Moore advised Mr. Shapiro had contributed to her campaign.

Mayor Haakenson asked whether any of the parties of record objected to the participation of these Councilmembers. There were no objections voiced. Mayor Haakenson advised all Councilmembers were approved for participation.

Development Services Director Duane Bowman recalled in February 2007 the Council amended the ECDC to create this zone. The applicant was seeking to apply the zone to the subject property via a rezone. The Planning Board held a public hearing on the rezone request on July 25, 2007; after their deliberations, the Planning Board recommended unanimously that the City Council approve the change in the zoning. He noted the Planning Board's action and reasoning was contained in the verbatim transcript, Exhibit 1. Additional comment letters were contained in Exhibits 2 and 3 and the parties of record have been identified in Exhibit 4. He cautioned because this was a closed record review, all comments must be contained in the record.

Mr. Bowman displayed an aerial vicinity map, identifying the subject property, SR 104, and the gas station/car wash, noting the subject property was located down slope from the single family developed area above. He displayed a vicinity map showing the Comprehensive Plan designation, pointing out this area including the subject properties was part of the Edmonds Way Corridor designation. He displayed a vicinity map showing the existing zoning in the area. He advised the proposed zoning was consistent with the Comprehensive Plan designation on the subject property.

Applicant

Tony Shapiro, A.D. Shapiro Architects, explained the proposed rezone complied with the Comprehensive Plan and zoning criteria. He identified the site adjacent to the gas station/car wash, noting the site had been vacant for many years, and was formerly operated as a gravel pit. He reviewed proposed concepts such as a mixed use building on the site with parking and retail, commercial activity at street level and potentially siting the building at the street edge. He referred to staff's recommended condition for approval that restricted vehicular access from the site at 228th on the north end. He advised his client agreed that was an acceptable criteria, therefore, all vehicular access would be from Edmonds Way. Another condition was that the site provide egress for three parcels to the east up Edmonds Way. His client agreed that any proposal would provide access for those parcels to this site should those properties ever redevelop. He advised WSDOT and the City's Traffic Engineer stipulated that those properties would be restricted from accessing Edmonds Way.

Mayor Haakenson remanded to Council for action.

COUNCILMEMBER MOORE, MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE APPROVING THE CHANGES IN ZONING, AS RECOMMENDED BY THE PLANNING BOARD.

Councilmember Moore agreed with the staff report and the unanimous Planning Board opinion that the proposal met all the criteria.

Councilmember Dawson agreed for the reasons stated in the record.

MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Dave Page, Edmonds, commented he was opposed to increasing heights downtown and had not always supported proposals made by Al Dykes with regard to redevelopment of his property. As a member of the WG33 participating in the study of potential growth and redevelopment of the old Safeway site and Harbor Square, he urged the Council to consider the proposal without any prejudice or preconceived ideas. He relayed comments from experts about small town America where seniors lose their ability to drive at 72-75 years of age but remain mobile for many more years and as a result many move into downtown areas. He referred to the Kiplinger Newsletter and their article about retirees seeking a simpler life in small towns, noting the article described a proposal very similar to the waterfront property. He

Redevelopment
of Old Safeway
and Harbor
Square

concluded the redevelopment could make Edmonds a designation place. He assured he had no financial interest in the project or any connection with anyone involved.

Redevelopment
of Old Safeway
and Harbor
Square

Mike Mestres, Edmonds, member of WG33, concurred with Mr. Page that this was an opportunity to create a regional center that provided livability and a revenue source. He noted with open minds, the redevelopment had the capability to unify the city and provide access to the waterfront. He recalled someone saying Edmonds did not want to be like Bellevue, however, he pointed out Bellevue had world class parks, their streets were in good condition, and they had well funded services. He concluded with 41,000 residents, Edmonds could not consider itself a bedroom community and needed strong city centers with residences and services. He urged the public to review the concepts that would be on display on October 4 in the Brackett Room of City Hall.

Redevelopment
of Old Safeway
and Harbor
Square

Roger Hertrich, Edmonds, commented he attended the recent WG33 meetings and was reminded of Seaside, Oregon. Although he previously enjoyed the beach feeling at Seaside, he no longer did due to the unwelcoming environment created by the shadow on the first block from an out-of-scale timeshare constructed on one side of the street. He expressed concern with the concepts being considered by the WG33 that included buildings up to eight stories tall. He referred to uses identified on the design, primarily condominiums with very little commercial development, suggesting that condominiums did not create a destination. He commented on his recent drive down Dayton where although he could not see the water, he could feel the openness of the waterfront. He was concerned that redevelopment would result in shadows from tall buildings. He urged the Council to read Joan Blume's letter describing her concerns. He agreed Edmonds did not want to be Bellevue, noting many residents moved to Edmonds from Kirkland due to the development occurring in Kirkland. He recommended the redevelopment not benefit only Mr. Dykes and the Port.

Mobile Home
Parks

Al Rutledge, Edmonds, advised the issue of mobile home parks would arise in the future due to owners' interest in selling and rezoning their property in the next 5-10 years. He commented on the movement to get the State involved with mobile home parks. Next, he recommended Audience Comments be moved to the beginning of the agenda like it used to be to ensure staff was present and to better accommodate the public particularly at long meetings.

Council
Agenda /
Audience
Comments

Business
License
Applicant /
Police
Inspection

Ray Martin, Edmonds, described a situation where a citizen's son applied for a business permit. The City typically responds within 15 days and after 20 days, the applicant's father inquired of Mayor Haakenson who responded he could send an Edmonds Police Detective to inspect the premises prior to issuing a permit. Mr. Martin asserted Mayor Haakenson responded in this manner because he disliked the applicant's father. He referred to the State Constitution regarding invasion of private affairs or owned properties which states persons shall not be disturbed in their private affairs or their home invaded without authority of law. He concluded although Mr. Tupper had not asked him to speak for him, Mr. Martin was concerned because he found this situation similar to the Totem Pole lawsuit the City was involved in several years ago.

Thank You to
Council for
Their Service

Kevin Clarke, Edmonds, commented on efforts to thank others, noting he recently complimented a person tending the City's flowers. He commented on a police officer in the parking lot of Sherwood Elementary looking into an abandoned car with a flashlight, noting that was a difficult job. He urged everyone to say thank you to those who make the community of Edmonds great. He commented on projects he had been involved in throughout the region, noting the redevelopment of the waterfront properties was a unique opportunity. He thanked the Council for their service and urged those who questioned the council's integrity to consider their own integrity. He thanked Council President Olson for her efforts to contact the parties of record.

Hearing
Examiner
Decision (Petso
Appeal)

Heather Marks, Edmonds, thanked the Council for all they do, expressing her appreciation for the questioning of the Hearing Examiner’s decision. Mayor Haakenson advised she could not address the Council regarding that issue because the Council had not yet finalized its decision via the adoption of Findings of Fact.

Open Space -
Old Milltown
Gazebo Area

Elisabeth Larman, Edmonds, expressed her appreciation for everything the Council does. She recalled Mr. McFarlane’s and her inquiry to the Council about purchasing the property where the Old Milltown gazebo is located and the Council’s request for further study. She reminded how important that property was and asked about the status of the purchase. Mayor Haakenson advised the Council would be provided a report next week.

6. REPORT ON CITY COUNCIL COMMITTEE MEETINGS

Community/
Development
Services
Committee

Community Services/Development Services Committee

Councilmember Marin reported the Committee discussed a charging station for plug-in hybrid cars and a site was identified in the Public Safety Building parking lot where there was existing electrical conduit and a junction box. The estimated cost for constructing the charging station is approximately \$5,000 plus staff time. A suggested method to charge users was a timer similar to the system for tennis court lights. The Committee directed staff to prepare the necessary ordinance and payment method and bring it to the full Council for approval.

Next staff outlined several recommendations in response to the July 26 special meeting, 1) establishing a process to share code revision language to allow citizen feedback on the code rewrite, 2) do a code change to eliminate the 28 day planning application completeness process, and 3) open the department to match City Hall hours Monday, Tuesday, Thursday and Friday with no permit applications accepted after 4:00 p.m., and on Wednesdays, the counter would be closed all day with phone calls taken and directed to voicemail and the day devoted to plan review with emphasis on overdue reviews. With regard to “subject to field inspection,” staff anticipated that would have limited application but had not yet polled other cities. The final item the Committee discussed was the ECDC language regarding grading and retaining walls which was approved on tonight’s Consent Agenda.

Finance
Committee

Finance Committee

Councilmember Orvis reported the Committee was provided an update on the broadband issue; staff is working with bond counsel with regard to financing. The Committee also reviewed a request to purchase a “zipper grinder” that allows cutting into pavement and grinds the pavement into powder that can be returned to the hole. As the grinder is not a budgeted item, it will be forwarded as a budget amendment.

7. MAYOR’S COMMENTS

Mr. Tupper’s
Business
License

Mayor Haakenson commented the email exchange Mr. Tupper and he had as described by Mr. Martin was much more flowery than the reality. He explained Mr. Tupper inquired about the delay in his son’s request for a business license to run a falconry business out of his home which he has been doing since he was approximately 13 years old. He offered to check on the license and found the business license was ready to be issued however, the Police Department, specifically Animal Control, had offered on their own to inspect the premises to ensure the State regulations were being adhered to. That was determined not to be necessary and the business license was issued last Friday. He advised Mr. Tupper’s son and he had a good email exchange today; he was happy with the result and offered to bring his falcon to City events.

8. COUNCIL COMMENTS

Everyone Gets
to Play Day

Council President Olson reported she attended the Everyone Gets to Play Day that included sporting events for kids, giveaways, bands, etc. That evening Main Street was closed for the Running of the Balls

consisting of 5,000 tennis balls purchased for \$5.00 each as a fundraiser for SnoKing Youth Club. She explained SnoKing Youth Club ensured that every child in the community had a chance to play baseball, basketball, soccer and softball regardless of demographics, income or skill level. She concluded the Running of the Balls was a very fun event and thanked Ryan Flynn who sponsored the event, noting he was trying to get into the Guinness Book of World Records.

Community
Transit / Bikes

Councilmember Marin reported for many years Community Transit has supported bike to work day. He recalled attempting to use his bike and the bus to attend meetings and discovering that with only space for two bikes on the front of the bus, the rack was often full causing him to miss or be late to meetings. He explained the new Snohomish County Health Officer, who lives in Seattle and commutes to Everett, and he persuaded Community Transit to retrofit their 40-foot and articulated buses with triple bike racks as well as change their policy to allow bicycles on occasion inside the bus. He concluded this would enhance commuters' ability to use bicycles in conjunction with transit.

Open Space /
Old Milltown
Property

Councilmember Wambolt thanked Ms. Larman for inquiring about the purchase of a portion of the Old Milltown property. He explained the Council determined the next step was to obtain an appraisal which the Council planned to discuss in Executive Session at the conclusion of next week's meeting.

Public Areas at
Pt. Edwards

Councilmember Wambolt recalled a few meetings ago when the Council was discussing acceptance of some public areas of Pt. Edwards, he expressed concern that the sign for the pathway was not visible to the public. He expressed his thanks to Mr. Bowman and the developer for moving the sign onto Pine Street.

Everyone Gets
to Play Day

Councilmember Moore reported on the Everyone Gets to Play Day at the Frances Anderson Center during the day, the Running of the Balls in the evening and the Barry McGuire concert following. She expressed her appreciation to Ryan Flynn for sponsoring the Running of the Balls for the second year, anticipating it would become a wonderful tradition.

Student Representative Hilary Scheibert suggested the Council packet be printed double-sided.

9. ADJOURN

With no further business, the Council meeting was adjourned at 8:15 p.m.