

# EDMONDS CITY COUNCIL APPROVED MINUTES

## September 25, 2007

Following a Special Meeting at 6:00 p.m. for a reception for the candidates for the position of Economic Development Director and candidate for the position of Chief of Police, Al Compaan, the Edmonds City Council meeting was called to order at 7:04 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  
Deanna Dawson, Councilmember  
Dave Orvis, Councilmember  
Ron Wambolt, Councilmember

### ALSO PRESENT

Hilary Scheibert, Student Representative

### STAFF PRESENT

Al Compaan, Acting Police Chief  
Duane Bowman, Development Services Director  
Stephen Clifton, Community Services Director  
Brian McIntosh, Parks & Recreation Director  
Noel Miller, Public Works Director  
Rob Chave, Planning Manager  
Debi Humann, Human Resources Manager  
Frances Chapin, Cultural Services Manager  
Zach Lell, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Mayor Haakenson requested the public and Council provide feedback regarding the Economic Development Director candidates.

Approval of Agenda

### 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

Mayor Haakenson advised the Council and staff received a request for reconsideration of Consent Agenda Item E.

Request for Reconsideration re: Petso Appeal; Woodway Plat

Development Services Director Duane Bowman advised the City received a document entitled "Request for Reconsideration" from one of the parties of record on Friday, September 21, 2007. Although the substance of the communication was difficult to decipher, staff did not forward the document to the Council as it contained legal argument that may be outside the record. As he interpreted the code provisions, there was no allowance for parties of record to direct reconsideration of the City Council's September 18, 2007 decision regarding the subdivision appeal. ECDC Chapter 21.05, the procedural regulations governing City Council appeals contains no such provision and he construed ECDC Chapter 20.90.010(i)(3)(c) applying specifically to motions to reconsider by the City Council. Pursuant to applicable procedural rules, a motion of this type could be made only by a Councilmember who originally sided with a majority of the vote.

City Attorney Zach Lell agreed with Mr. Bowman's interpretation of the code.

Councilmember Moore requested Item E be removed from the Consent Agenda.

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

- A. **ROLL CALL**
- B. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF SEPTEMBER 18, 2007.**
- C. **APPROVAL OF CLAIM CHECKS #99094 THROUGH #99193 FOR SEPTEMBER 20, 2007 IN THE AMOUNT OF \$443,026.77. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #45584 THROUGH #45647 FOR THE PERIOD OF SEPTEMBER 1 THROUGH SEPTEMBER 15, 2007 IN THE AMOUNT OF \$888,757.30.**
- D. **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM LORA PETSO (\$1,020.00).**
- F. **RESOLUTION NO. 1153 - WAIVING THE CITY'S PROCUREMENT PROCEDURES IN ORDER TO PURCHASE AN ASPHALT GRINDING MACHINE FOR THE PUBLIC WORKS DEPARTMENT AND AUTHORIZATION TO PURCHASE SUCH EQUIPMENT FROM ASPHALT ZIPPER, INC. IN THE AMOUNT OF \$79,950.00, PLUS APPLICABLE SALES TAX.**
- G. **PROCLAMATION IN HONOR OF CHANGE A LIGHT DAY, OCTOBER 3, 2007.**

**ITEM E. APPROVAL OF FINDINGS OF FACT RELATED TO THE CLOSED RECORD REVIEW HELD ON 08/28/07 AND 09/18/07 REGARDING THE 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)**

Councilmember Moore advised she pulled this item to vote against it as she did not support the Findings of Fact.

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF ITEM E. MOTION CARRIED (4-3), COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS DAWSON, MARIN, AND WAMBOLT IN FAVOR; AND COUNCILMEMBERS MOORE, ORVIS, AND PLUNKETT OPPOSED.**

**3. PROCLAMATION IN HONOR OF ARTS AND HUMANITIES MONTH.**

Mayor Haakenson read a proclamation declaring October 2007 National Arts and Humanities Month in Edmonds and encouraged citizens to participate in one of the many cultural events in Edmonds during October. He presented the proclamation to Edmonds Arts Commission Chair Pam Harold and Cultural Services Manager Frances Chapin.

Ms. Harold commented this had been a very exciting year for the arts in Edmonds including the 50<sup>th</sup> anniversary of the Arts Festival and the opening of the Edmonds Center for the Arts. On behalf of the Arts Commission, she thanked the Mayor and City Council for their continuing support of the arts in Edmonds. She provided a list of the many arts and humanities activities in Edmonds.

Ms. Chapin recognized several members of local arts organizations in the audience. She explained arts enriched lives by making communities more desirable places to live or work, strengthened the social fabric and contributed to the economy. She referred to the national Arts & Economic Prosperity Study regarding the economic impact of nonprofit arts and cultural organizations and their audiences. The study

Roll Call

Approve 9/18/07 Minutes

Approve Claim Checks

Claim for Damages

Res# 1153 - Waive Procurement Procedures for Purchase of Asphalt Grinding Machine

Proclamation - Change a Light Day

Findings of Fact; Petso Appeal (Woodway Plat)

Proclamation - Arts & Humanities Month

considered the economic impact of approximately 100,000 nonprofit arts and cultural organizations nationwide and their audiences but did not include the for-profit art and cultural organizations.

Edmonds is home to over 15 nonprofit arts and cultural organizations and over 30 organizations with programs, activities and interests in arts and culture as well as a growing number of for-profit arts businesses in the community. Some of the nonprofit organizations had been in existence for 40-50 years and each year the activities of those organizations are supported by hundreds of volunteers who contribute thousands of volunteer hours. Ms. Chapin provided a list of arts and cultural organizations in Edmonds, remarking Edmonds provided a rich variety of arts and culture experiences for its residents and visitors.

Ms. Chapin reviewed highlights from the 2005 Arts & Economic Prosperity Study, explaining the study provided local and national data collected from a large number of nonprofit organizations and their attendees and used models to analyze the data specific to each region. The study included representations from all 50 states and 156 study regions whose population ranged from 4,000 to 3 million.

To illustrate the growth of the arts and culture economy, she provided statistics for 2000 and 2005 that indicated an approximate 11% increase. She displayed a graph illustrating the impact on a community of this \$166 billion industry, describing how the expenditures moved through the system. The study considered total expenditures, number of equivalent full-time jobs, resident household income, State Government revenue and Federal Income Tax revenue. With regard to government revenue, the study found a return of \$29.6 billion on an investment of \$4 billion.

She described organizations' direct spending and the number of jobs supported, noting arts and culture organizations represented slightly more than 1% of the U.S. workforce which was slightly less than elementary school teachers, a little more than accountants/auditors, police officers, lawyers, etc.

The study found attendees nationally spent an average of \$27.79 per person per event not including the ticket price. The average in Seattle was \$25.20 per person per event. A chart was displayed illustrating expenditures. A large percentage of expenditures was on meals and refreshments. The study classified attendees as local (within the same county as the event) versus non-local; however the Edmonds art organizations whose data is defined by zip code, find an average of 56% of the people attending arts and culture events are from outside Edmonds and 44% are from within Edmonds. Non-locals tended to spend more than local attendees.

The study confirmed that the nonprofit arts and culture industry in the U.S. was a formidable growth industry, was attracting audiences, spurring business development, supporting jobs and generating government revenue and was a \$166 billion industry. Many years ago the community of Edmonds made a choice to invest in the arts; 50 years ago the community invested a tremendous amount of time and energy in building the Edmonds Arts Festival into what is now a regional draw for over 75,000 people annually. Approximately 32 years ago the City established an Arts Commission and a 1% For Arts Program, arts organizations such as the Cascade Symphony Orchestra and the Driftwood Players have flourished in Edmonds for decades and last year the Edmonds Center for the Arts opened. Ms Chapin summarized the study confirmed what Edmonds already knew, the arts mean business. She advised the full study was available on the Edmonds Arts Commission website.

## 5. AUDIENCE COMMENTS

**Charlie LaNasa, President, Edmonds Library Board**, announced the Edmonds Library had a new Librarian, Lesly Kaplan, who has exceeded expectations. He described the incredible support the Edmonds Library Board receives from Sno-Isle Regional Library Board. He advised of the Library's Open House on October 15 from 5:00 to 6:30 p.m. intended to promote the library, celebrate their

Library Open  
House on  
October 15

successes, and showcase their facility. In addition, Council President Olson and Mayor Haakenson will report on the most recent book they have read. He described plans to update the Library lobby to ensure it remained visibly safe, acted as a welcoming presence for library users with upgraded lighting and paint and improved the dissemination of information. He advised donations would be collected at the open house by the Friends of the Library for the upgrades. He reminded of the Friends of the Library Book Sale on October 27, 9:00 a.m. to 4:00 p.m. at the Frances Anderson Center.

Friends of the Library Book Sale – Oct. 27

**Al Rutledge, Edmonds**, referred to the 2-year budget the City passed, advising it was his understanding the funds the City received from the State would be in July 2008 instead of January 2008.

Budget

**Roger Hertrich, Edmonds**, referred to the February 7, 2007 Confidentiality and Cost Allocation Agreement signed by Mayor Haakenson, the Port, Al Dykes and Ms. McNaughton. He advised the termination of the agreement on August 22, 2007 terminated the confidentiality portion of the agreement but did not eliminate the cost allocation section which obligated Edmonds to a total of \$14,383. He agreed with the decision to terminate the agreement, commenting any lawsuit arising from Mayor Haakenson disclosing any information would have been the City's responsibility. He did not recall the Council authorizing Mayor Haakenson to enter into this agreement or to expend those funds. He recommended eliminating the entire agreement or that Mayor Haakenson request authorization from the Council to expend those funds. He urged the Mayor not to sign "secret agreements" in the future, finding it a misuse of public office.

Edmonds Harbor Square and Antique Mall Redevelopment / Confidentiality Agreement & Termination of Agreement

Mayor Haakenson advised the Council gave him the authority to approve and spend up to \$30,000. In this instance, Councilmember Wambolt was on the committee and they discussed the expenditure and agreed it was appropriate. They also agreed not to spend anything further. Councilmember Wambolt agreed. Mayor Haakenson advised City Attorney Scott Snyder also reviewed the agreement and was in agreement that he should sign it and that Councilmember Wambolt should not.

Councilmember Wambolt advised the funds had already been spent on the consultants in the first Phase 1. He noted the City's portion was very small in comparison to the total and the other parties to the agreement have now committed additional funding.

Councilmember Wambolt advised of an open house regarding the Harbor Square and Antique Mall Redevelopment Program. The open house will be held at City Hall on October 4 from 2:00 - 8:00 p.m. with presentations at 3:00 and 6:00 p.m. He encouraged anyone interested in the redevelopment to attend the open house. He advised there was also information available on the Port's website or the public could visit an information room at 120 Dayton in Room B4 of Harbor Square. He was pleased to be associated with this group, anticipating the redevelopment would do great things for the City by providing public space and sales tax and property tax revenue.

#### **4. REPORT FROM THE HEARING EXAMINER**

**Sharon Rice, Toweill Rice Taylor**, advised it had been a pleasure to serve the City since March 2007. They have heard 14 applications and 2 appeals for an average of two per month. Two have been fairly complex and contentious and because they were both subject to appeal would not be discussed tonight.

She referred to a Case Disposition Table in their report that listed the cases they considered and a brief description of each of the cases. She commented it had been a pleasure to work with staff and although there had been some turnover and extended absences in the Planning Division, staff continued to provide excellent service to developers and residents with regard to processing applications in a timely manner.

Hearing Examiner Report

She recalled when they were selected they were asked to review the code and make suggested code revisions. She made the following suggestions with regard to reconsideration and appeals:

1. Who May Request Reconsideration - it is not clear who may request reconsideration and she suggested this be clarified in the code.
2. Time for Examiner Response - the time allotted for Hearing Examiner response to reconsideration is only five days. She recommended the amount of time be extended as matters may be complex and additional time would provide opportunity for parties to cross respond.
3. Effect of Reconsideration on Appeal Timelines - she recommended the City codify the procedures.
4. Fee Required - it is not clear whether a fee is required or whether the fee is jurisdictional.
5. Grounds for and New Evidence on Reconsideration - the code should establish explicit grounds upon which reconsideration can be granted.
6. “Examiner Brief to City Council” Option - she suggested removing the “Examiner Brief to City Council” option from the code as a potential response to a reconsideration request.
7. Hearing Examiner Rules of Procedure - although the code authorizes promulgation of the rules, no Hearing Examiner rules of procedure have been adopted. She offered to draft rules for the City’s consideration.
8. Direct Judicial Review - many jurisdictions utilize the Hearing Examiner as the final decision maker in most or all decisions. She encouraged the Council to consider this.
9. Consolidated Proceedings - she explained code provisions allowed a plat and PRD that are heard together to be appealed separately. She encouraged the Council to consider consolidating the appeal.

Ms. Rice noted Mr. Snyder provided them a copy of the draft revised land use code which addressed most of these recommendations.

**Leanna Toweill, Toweill Rice Taylor**, made the following additional suggestions with regard to code provisions that may be appropriate for revision:

1. PRD Ordinance - she strongly encouraged the City to review the PRD ordinance and make changes to resolve issues.
2. Townhome Subdivisions - there are policies in place that have not been codified that allow the issuance of building permits for townhomes before the subdivision is approved. She encouraged the City to review the ordinance.
3. Ambiguous Code Provisions - she provided several examples of code provisions where the phrase “and so forth” was used which did not provide sufficient guidance to applicants or decision makers. She encouraged the City to replace the ambiguous language with more precise language.
4. Park Land Dedication - the code requires a final plat to either dedicate land or pay a fee in-lieu of dedication or both. The City is not currently authorizing dedication or collecting impact fees. She encouraged the City to review this requirement.

Ms. Toweill advised in the future in addition to continuing to process development permit applications referred to them on appeal, they hoped to provide a case law/legislation update to staff. She advised both Ms. Rice and she would continue to be available to conduct hearings; Julie Taylor would be on sabbatical.

Councilmember Plunkett asked for staff and the City Attorney's opinion regarding the recommendations made by the Hearing Examiner. He asked whether the suggestions made could be incorporated into the code rewrite or should they be considered separately. Mr. Bowman answered Mr. Snyder had drafted an initial rewrite of the procedural section that incorporated several of the Hearing Examiner's suggestions. Others would require further investigation. He recommended revisions to the PRD ordinance be done ahead of the rest of the code rewrite due to the number of issues that have arisen with regard to that section of the code. Mr. Bowman advised it was a pleasure to work with the Hearing Examiners and they have been very professional in their work with staff.

Councilmember Marin suggested the Hearing Examiner identify language in other cities' codes that the City could consider. Ms. Rice agreed they could provide references to codes they found easy to apply and facilitated good decision-making. She noted the revisions drafted by Mr. Snyder were based on language in Bainbridge Island's code. She noted offering recommendations on code revisions was a service they provided to other jurisdictions they worked with.

Councilmember Moore referred to the recommendations regarding Hearing Examiner Rules of Procedure, inquiring whether the Hearing Examiner could draft those. Mr. Bowman answered yes. Councilmember Moore welcomed the Hearing Examiner's suggestion regarding direct judicial review.

Councilmember Moore asked why the City was not assessing a Park Impact Fee. Mr. Bowman answered the City had not justified the imposition of a Parks impact fee for growth which would be done via the Parks Comprehensive Plan identifying deficiencies. Similarly, to determine the Traffic Impact Mitigation Fee, an analysis was done to determine deficiencies and the impact of growth and a fee determined that new development would pay to mitigate the impact of their traffic impacts. That analysis has not been done for parks; therefore, staff could not assess a Parks Impact Fee. Councilmember Moore asked how long the City had not been assessing a Parks Impact Fee. Mr. Bowman answered he did not recall the City assessing a Parks Impact Fee since 1979.

## **6. COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS**

CTAC

Council President Olson reported the Citizens Technology Advisory Committee was provided a report by a company who described what services could be provided with the fiber options. She reported on a presentation at the SeaShore Forum regarding successful transit-oriented development. She suggested either the individual who made the presentation to the SeaShore Forum or Councilmember Marin provided a similar presentation to the Council.

SeaShore Forum

SnoCom

Councilmember Dawson reported the SnoCom Board would meet this Thursday. She encouraged the Council and the public to attend SnoCom's 36<sup>th</sup> anniversary celebration on October 11 from 2:00 to 5:00 p.m. at SnoCom. She also encouraged the public and the Council to tour the SnoCom facility.

Downtown  
Parking  
Committee

Councilmember Plunkett commented the City's reputation as the friendliest city inferred that the City was pedestrian friendly and safe. The City's Traffic Engineer, Bertrand Hauss, investigated some of the City's downtown intersections including reviewing pedestrian sightlines and found that due to the amount of activity and lack of adequate sightlines 5<sup>th</sup> and Maple was currently not safe for pedestrians. Improving sightlines may require the removal of 1-2 parking spaces. Mr. Hauss will be reviewing other downtown intersections and presenting his findings to the Downtown Parking Committee.

Councilmember Plunkett reported traffic enforcement was not at full capacity and likely would not be until later this winter as an officer was in the process of being trained.

Port Commission

Councilmember Wambolt reported the Port Commission reviewed the rates they charge for services; he anticipated some of the rates may be increased as the Port's review of their budget determined their net income would be less in 2008 than in 2007 due to difficulty renting spaces in Harbor Square. He advised the Port's website contains a link to the Harbor Square Redevelopment. The Labor Day weekend was the busiest period of the year for the Port. He advised again of the open house regarding redevelopment of Harbor Square and the old Safeway property on October 4 at City Hall from 2:00 to 8:00 p.m. with presentations by the architects at 3:00 p.m. and 6:00 p.m.

Snohomish  
County  
Tomorrow

Councilmember Marin reported Snohomish County Tomorrow was asked to submit a letter regarding PSRC's update of Vision 2040. There was some contention over the concept of fully contained communities (FCC) and the draft Vision 2040 did not support that concept in urban growth areas adjacent to cities. Snohomish County feels FCCs are a viable tool and two meetings ago Snohomish County presented a draft letter that many cities did not agree with. Following a contentious discussion, the matter was tabled and Snohomish County returned at the next meeting with a revised letter that was passed unanimously by Snohomish County Tomorrow. He was pleased Snohomish County worked with the Snohomish County Tomorrow Steering Committee and developed acceptable language. Another Snohomish County Tomorrow meeting was scheduled for September 27.

## 7. MAYOR'S COMMENTS

Economic  
Development  
Director

Mayor Haakenson remarked on the opportunity for the Council and public to meet with two Economic Development Director candidates and the Chief of Police candidate at a reception prior to tonight's meeting. He encouraged the Council to provide feedback on the Economic Development Director candidates. He announced on Tuesday, October 2 the Council agenda would include confirmation of his appointment of Al Compaan as Chief of Police, a swearing-in ceremony and a reception following.

Appointment of  
Al Compaan as  
Chief of Police

## 8. COUNCIL COMMENTS

Library Open  
House

Council President Olson encouraged Councilmembers to attend the library open house, commenting the library had a lot to offer in addition to books including audio books, magazines, CDs, computer access, etc. She remarked the computers at the library are always being used and were a huge asset to the library.

Councilmembers  
to Give Book  
Report

Council President Olson recalled about a year ago, Councilmembers were invited to report on a book they read at a Council meeting. Due to the positive comments received, Councilmembers will again be invited to comment on a recently read book at the October 23 Council meeting.

Graffiti Paint Out  
Event

Councilmember Dawson reported on the graffiti Paint-Out event on October 6 from 9:00 a.m. to 2:00 p.m. The event would begin with training and education regarding graffiti and graffiti removal at Fire Station 19 in Mountlake Terrace, followed by a paint-out event behind Funtasia on the interurban trail which is on the border of Mountlake Terrace and Edmonds. This was a great area for recreation but was completely covered with graffiti. The paint-out was an effort to take back that neighborhood and make it a more family friendly place to visit. She encouraged volunteers to sign up in advance at [www.snoco.org](http://www.snoco.org) or email the County at [county.executive@co.snohomish.wa.us](mailto:county.executive@co.snohomish.wa.us) to ensure adequate supplies would be available. She suggested making the paint-out event flyer available on the City's website.

She explained Edmonds, Mountlake Terrace and Mukilteo were partnering on this event and there were a number of local sponsors including Lynnwood Honda, Snohomish County/Camano Association of Realtors, Home Depot, Rodda Paint, and Top Foods.

Edmonds  
Summer Market

Councilmember Moore mourned the upcoming end of the Edmonds Summer Market and expressed her thanks to the Edmonds Historic Society and Museum for sponsoring the Summer Market. She also

thanked the organizers of the Artists Studio tour this weekend, a wonderful artist event for the community.

Appointment of  
Chief of Police

Councilmember Marin looked forward to voting in support of Mayor Haakenson's appointment of Al Compaan to be the City's next Police Chief. He relayed a comment from a neighbor who is a detective for the Seattle Police Department encouraging him to support promotions from within. Councilmember Marin was pleased the City had a candidate the caliber of Al Compaan to take on that role.

Executive  
Session

**9. EXECUTIVE SESSION REGARDING A REAL ESTATE MATTER**

At 8:11 p.m., Mayor Haakenson recessed the Council to a 15 minute Executive Session regarding a Real Estate matter with no action following.

**10. ADJOURN**

The Council meeting was adjourned immediately following the conclusion of the Executive Session at 8:30 p.m.