

EDMONDS CITY COUNCIL APPROVED MINUTES

October 16, 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

ALSO PRESENT

Hilary Scheibert, Student Representative

STAFF PRESENT

Al Compaan, Police Chief
Mark Correira, Assistant Fire Chief
Duane Bowman, Development Services Director
Brian McIntosh, Parks & Recreation Director
Noel Miller, Public Works Director
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Rich Lindsay, Park Maintenance Manager
Blaine Chesterfield, Stormwater Engineer
Gina Coccia, Planner
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

Mayor Haakenson recognized Boy Scout Troop 265 from Meadowdale in the audience.

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 Moore requested Items D and H be removed from the Consent Agenda.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, 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 OCTOBER 2, 2007.**
- C. **APPROVAL OF CLAIM CHECKS #99341 THROUGH #99548 FOR OCTOBER 4, 2007 IN THE AMOUNT OF \$605,453.09, AND #99549 THROUGH #99718 FOR OCTOBER 11, 2007 IN THE AMOUNT OF \$822,627.15. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #45648 THROUGH #45694 FOR THE PERIOD SEPTEMBER 16 THROUGH SEPTEMBER 30, 2007 IN THE AMOUNT OF \$788,184.36.**
- E. **APPROPRIATION OF ADDITIONAL \$1,990 AND AUTHORIZATION FOR MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH PERTEET, INC. FOR THE**

Approval of
Agenda

Roll Call

Approve
10/2/07
Minutes

Approve Claim
Checks

Shell Valley
Emergency
Access

SHELL VALLEY EMERGENCY ACCESS AND PRELIMINARY SHORT SUBDIVISION PROJECT.

- F. AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL AGREEMENT WITH THE CITY OF NORTH BEND FOR DISPOSAL OF BIOSOLIDS FROM THEIR WASTEWATER TREATMENT PLANT.**
- G. REPORT ON FINAL CONSTRUCTION COSTS FOR THE CLARIFIER REPAIR PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.**
- I. PROCLAMATION IN HONOR OF DENIM DAY IN EDMONDS, OCTOBER 17, 2007.**
- J. PARAMEDIC TRAINING AFFILIATION AGREEMENT.**
- K. PROFESSIONAL SERVICES AGREEMENT - FIRE DEPARTMENT MEDICAL PROGRAM DIRECTOR.**

ITEM D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM JANET HENRY (\$364.00), BRAD AND HEATHER STURGILL (AMOUNT UNDETERMINED), AND DIANE MCEACHRON (AMOUNT UNDETERMINED).

Councilmember Moore asked staff to describe how claims arise and what happens after they are filed. City Clerk Sandy Chase explained when a formal claim for damages is submitted to the City Clerk's office, it is forwarded to Washington Cities Insurance Authority (WCIA). The department involved is asked to submit a comment summary sheet providing their view of the claim and WCIA will negotiate, accept or deny the claim.

Councilmember Moore asked whether the Council received a copy of the report from the department involved and the determination by WCIA. City Attorney Scott Snyder answered claims were filed pursuant to State statute that required a citizen to submit a written claim to the City within 60 days before bringing a lawsuit against the City for a claim for monetary damages. The City is obligated by the terms of the insurance pool agreement with WCIA to allow claims to be negotiated and disposed of by WCIA or may choose to pay them on its own which the City has done on occasion. The results of the claims are provided to the Council via an annual audit letter; WCIA, Ogden Murphy Wallace, and the insurance adjuster provide an annual report to the State Auditor regarding total claims and any significant individual claims. Information regarding claims is also contained in the annual report provided by WCIA and his annual report.

Councilmember Moore commented she was inquiring on behalf of one the claimants, noting the Council did not have an opportunity to see the report the department prepared that is submitted to WCIA. She requested that information be provided to the Council. Mr. Snyder advised that was possible, cautioning all information was gathered in anticipation of litigation and would be privileged. The reason for the annual report to the Council and the State Auditor was to provide a public record of the assessment of claims and to determine whether they represented a significant liability to the City. Councilmember Moore commented on the difficulty matching information contained in an annual report with individual claims.

Mr. Snyder pointed out a majority of the claims were related to sewer problems and vehicular accidents. He assumed the departments' reports for those could be omitted. Councilmember Moore agreed.

Councilmember Moore inquired about the recourse if a claim was denied by WCIA. Mr. Snyder answered a lawsuit or in some situations, the City may settle a claim outside the process.

North Bend
Disposal of
Biosolids

Costs for
Clarifier Repair

Proclamation
Honoring
Denim Day

Paramedic
Training
Affiliation
Agreement

Fire Dept.
Medical
Director

Claims for
Damages

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ITEM D. MOTION CARRIED UNANIMOUSLY.

New fees and charges for public records

ITEM H. RESOLUTION NO. 1154 REPEALING RESOLUTION NO. 1051 AND ENACTING NEW CHARGES AND FEES FOR THE PHOTOCOPYING AND TRANSCRIPTION OF PUBLIC RECORDS.

Councilmember Moore asked what records could be made available on the City's website to avoid citizens incurring copying fees. City Clerk Sandy Chase advised citizens could view documents at any time at City Hall free of charge; a fee was charged if they chose to purchase the documents. She noted the fees in the resolution were as recommended by State law. Councilmember Moore asked what information was available online. Ms. Chase answered a great deal of information was available online such as ordinances, resolutions, minutes, etc. and more was added each year. City Attorney Scott Snyder pointed out the fees represented the City's cost to copy the documents and did not include any staff time to locate the document, etc.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF ITEM H. MOTION CARRIED (6-1), COUNCILMEMBER MOORE OPPOSED.

Public Hearing on Park Design & Master Plan for Old Woodway Elementary School

3. PRESENTATION AND PUBLIC HEARING ON THE PREFERRED PARK DESIGN AND MASTER PLAN FOR THE 5.56 ACRE PARK SITE LOCATED AT THE OLD WOODWAY ELEMENTARY SCHOOL, 23700 104TH STREET SW.

Parks & Recreation Director Brian McIntosh introduced Ed MacLeod and Jennifer Reece, MacLeod Reckord Landscape Architects.

Mr. McIntosh explained this 5.56 acre park site was comparable to the 5.5 acre Sierra and Seaview parks that have served their neighborhoods and the community well since their construction in the early 1970's. This new park property was purchased by the City of Edmonds in September 2006 with Real Estate Excise Tax funds from the City Parks Acquisition Fund. Subsequent to the purchase the City was awarded acquisition grants from Snohomish County of \$1.2 million and \$500,000 from the State Wildlife & Recreation Program for Local Parks.

A SEPA checklist was submitted September 15, 2006 and a Determination of Non-significance issued December 5, 2006.

He explained since last fall work has progressed in four major areas: drainage, abatement, demolition and park design. Abatement, demolition, and underground storage tank removal was completed on budget at the end of August with no extraordinary circumstances. Topographical surveying in preparation for grading and infiltration system installation began in early September.

The first public meeting was held May 3, 2007 to vision and discuss various features that could be incorporated into the park design. A second public meeting was held June 28 where the consultant presented three possible conceptual alternatives that were reviewed and discussed in detail. The Engineering Division also discussed the conceptual drawing of the infiltration system. On July 11 the Planning Board was updated on the progress to that point and presented with the three alternatives for review and comment.

The Planning Board held a public hearing on September 12 and the Planning Board forwarded the preferred plan to the City Council with a recommendation for approval. Suggestions and concerns at this hearing from the public and the Planning Board included restrooms, trails in the panhandle area, the park being too small, did not need a ballfield, pervious and impervious surfaces and materials, dogs in the

park, parking, and other topics. He noted these suggestions/concerns would be addressed in the description of the preferred plan this evening or in discussion following the presentation.

Both the Planning Board and the public suggested more study be undertaken in regard to possible wildlife habitat disturbance if trails were more formerly developed which would presumably increase human interaction. A Habitat Assessment conducted by PENTEC Environmental concluded the area was dominated by forested upland habitat providing a low to moderate level of function; it contained a variety of native and non-native vegetation as well as invasives; the habitat could be improved through vegetative enhancements; and the proposed trail construction would not have a negative impact on wildlife species currently inhabiting the project area.

Councilmember Moore asked where the \$1.2 million the City received from Snohomish County was deposited. Mr. McIntosh answered last year the Finance Department created Fund 132 to accept funds from grants. Councilmember Moore pointed out the funds Snohomish County provided were intended exclusively for park acquisition and asked whether the funds in Fund 132 were segregated. Mr. McIntosh answered the funds were not segregated but projects were described to ensure funds were appropriately allocated. Councilmember Moore pointed out park acquisition funds were contained in Funds 126 and 132.

Ed MacLeod, Project Manager, MacLeod Reckord Landscape Architects, displayed a photograph of the post demolition park site and identified trees that were preserved and the wooded strip on the north edge of the property. He displayed the three alternatives that were developed after the first public meeting to gather information regarding what elements the public wanted included in the park. He identified common elements in the three alternatives including preservation of the wooded area on the north property line and the 80-foot wide panhandle, preservation of existing vegetation on the south and east perimeter, the loop trail system around the perimeter, a picnic shelter, and a paved activity play court. He explained the alternatives ranged formal (Alternative A) to the least formal (Alternative C); the least formal alternative was preferred by park staff, the Planning Board, and the community.

Mr. MacLeod displayed the preferred plan, Alternative C, and explained it contained the elements common to the three alternatives as well as restrooms, a children's play area, a less formal children's play area, and a small baseball field with sufficient room in the outfield for a mod soccer field. He noted the larger baseball field in the other alternatives required the removal of several trees.

Mr. MacLeod reviewed the following elements of the preferred park design:

- **Rain garden** - located at the corner of 104th & 237th Place, the primary pedestrian entry into the park that would include a pedestrian plaza, signage, benches and perhaps interpretive signage regarding the rain garden. He explained stormwater runoff from the parking would flow into the rain garden to be filtered and cleaned before entering the infiltration system on the site. He summarized this created a unique entry point with a boardwalk crossing the rain garden.
- **Baseball field** - small backstop with a wing fence and small dugouts with aluminum benches, skin infield and grass. The field was located back in the corner of the park to preserve the cherry tree and create an opportunity for a mod soccer field.
- **Sport court** - located below the parking lot level to allow a seat-height wall that would contain balls and provide a seating area. Basketball backboards were placed back-to-back versus a full court to allow more simultaneous play.
- **Entry Plaza, restroom, drop-off and parking** - double loaded, one-way angle parking with a drop off-area adjacent to the plaza. The paved plaza contains benches, a community kiosk and restrooms.

- **Play area** - different age level, interactive, contemporary play equipment and a prefabricated climbing rock
- **Picnic shelter and terrace** - located 24-30 inches above the lawn area to allow it to be tucked into the edge of the existing woods/slope and create an overlook of the park.
- **Loop trail** - proposed to be a pervious asphalt path with the exception of where it crossed the picnic shelter and plaza. He noted this was a popular element with the public. He commented on green elements of the park including the pervious trail surface material, rain garden and possibly green roofs on the restroom and picnic shelter.
- **Woodland trail** - patches of existing invasive plants will be removed and replaced with native understory vegetation. He noted the public meetings included discussion whether to allow access into the panhandle area of the park. Consideration has been given to developing a loop in conjunction with the developer of the adjacent property as this area adjoins the proposed open space in that project. He advised the woodland trail was proposed to be a soft surface trail that were still accessible.
- **Natural spiral stone mound** - an informal play/climbing area in the lawn area at the north end of the park.

Mr. MacLeod explained discussions with the Planning Board regarding potential phasing if the first phase funds were not adequate to build out the master plan in a single phase determined a preference for constructing the restroom facility and half of the woodland trail in a later phase. He briefly described the small restroom facility, noting the architecture of the restroom and picnic shelter would be similar.

He summarized the proposed design took into consideration input from the community, park staff and the Planning Board and was very compatible with the existing site and vegetation and included most of the elements the community wanted without overdoing development of the park. He urged the Council to consider approving the preferred plan so that the design could proceed.

Councilmember Marin asked Mr. MacLeod to elaborate on the concept of a green roof. Mr. MacLeod explained rather than conventional roofing materials, a green roof is a living roof. A green roof insulates the building, reduces heat created by development, reduces energy costs, and reduces runoff as the roof holds stormwater until it is saturated.

Councilmember Plunkett asked how the idea of a ballfield arose. Mr. MacLeod answered it was a combination of his firm and discussions with park staff regarding potential elements in the park. As the park and residential development would eliminate the existing ballfields that were not proposed to be replaced other than possibly by fields at the old Edmonds-Woodway High School site, he suggested to staff including some type of a ballfield in the park design. He noted the three alternatives contained varying size ballfields.

Councilmember Plunkett asked whether any people at the public meetings advocated for a ballfield. Mr. MacLeod answered yes, acknowledging it was only a small number. Councilmember Plunkett asked whether neighborhood residents opposed the ballfield. Mr. MacLeod answered many were not opposed to ballfield activities, but did not support a regulation ballfield that would be scheduled throughout the season and actively used for practice and weekend games. He explained because this was not a regulation ballfield, it was envisioned to be used by young children for baseball and mod soccer. He pointed out the availability of a field for practice during the week relieved pressure on other scheduled, regulation size ballfields. Councilmember Plunkett commented the record seemed to indicate the neighborhood was not supportive of the ballfield. Mr. MacLeod agreed overall.

Councilmember Wambolt inquired regarding the materials for the backstop. Mr. MacLeod answered it would be a vinyl coated chain link. The back stop would be 20-feet high and the area perpendicular to home plate would be 10-feet wide and 20-feet on either side at an angle. The fence forming of the dugouts would be 6-feet high.

Councilmember Moore expressed concern with the distance from the drop-off area in the parking lot to the ballfield, envisioning parents would drop off children on 237th Place where there was no designated drop-off area or parking. Mr. MacLeod explained the drop-off area was selected to serve all activities in the park and not just the ballfield. Councilmember Moore asked whether there was testimony at the public meeting about the location of the drop-off and concern with parents/coaches parking/dropping off on 237th. Mr. MacLeod agreed there was some public comment on that issue. He advised consideration was given to adjusting 237th Place to provide parallel parking; however, it was cost prohibitive as it would require rebuilding curbing on both side on the entire block. Councilmember Moore envisioned regardless of whether a drop-off or parking was provided on 237th Place, it would be used as an ad hoc drop-off area.

Councilmember Moore referred to the concrete benches proposed on the perimeter of the sport court, envisioning they would be used by skateboarders. Mr. MacLeod advised the edges of the benches would need skate guards or a reveal every 30 inches to discourage skateboarding. He noted when sport courts were not in use, they may be used by small children riding bikes, scooters, etc. Councilmember Moore questioned why the proposal was to lower the sport court. Mr. MacLeod advised the grade was lower than the parking lot; the wall would serve as a retaining wall as well as confine balls.

Councilmember Moore expressed concern with the proximity of the picnic shelter to the conservation area and potential impact on the wildlife habitat. Mr. MacLeod answered the wildlife habitat study found none of the activity proposed, either the picnic shelter or the soft surface path, would disturb the wildlife.

Councilmember Moore inquired about the vision of the ballfield for use by young children. Mr. MacLeod answered that was a function of programming by park staff but that was his understanding regarding how park staff envisioned it would be used. Councilmember Moore pointed out there would be no way to prevent pick-up games on the field.

Councilmember Moore asked the distance from home plate to the parking lot. Mr. MacLeod answered it was 180 feet to the cherry tree in the outfield and approximately 75 feet from the tree to the parking lot. Councilmember Moore asked the distance to the houses. Mr. MacLeod estimated 45 feet. He noted the developer would provide fencing along the edge and the park design would include additional plantings on that edge. Councilmember Moore was concerned that play could not be limited to small children.

Councilmember Moore referred to the public's interest in allowing dogs in the park. Mr. MacLeod advised the design did not include a fenced off-leash area for dogs as the park was too small and if provided, would attract visitors from a wide area. He acknowledged the site was currently used as an unofficial off-leash area which would no longer be allowed; the proposed park design would allow on-leash dogs.

Councilmember Plunkett asked how hardball use of the field would be prevented. Mr. McIntosh answered the City expected the public to respect the size of the park, noting this was similar to the Pine Street playfields and Frances Anderson Center fields where homes were located nearby and few had regulation hardball fields. He assured it had not been a problem in the past. City Attorney Scott Snyder advised an entity designing a ballfield or golf course had design liability if it was reasonably foreseeable that the game could result in damage to adjacent property. He recommended the City either design the field in a manner that its normal intended use would not result in damage to neighboring properties or

attempt to limit the use of the property. Mr. McIntosh envisioned the field would be scheduled for T-ball and coach-pitch teams.

Councilmember Moore referred to the proposed drainage map, questioning whether it crossed onto the Burnstead property. Assistant City Engineer Don Fiene assured the drainage system would be within the park site. He advised the map in the packet was prepared when the site was owned by the Edmonds School District. The design would be modified to confine it to the park site. Councilmember Moore expressed concern that the location of the drainage facility was incorrect on the plans in the Council packet. Mr. Fiene explained the drainage plan was a regional facility that also addressed drainage to the east and not just this site. City Engineer Dave Gebert pointed out the drainage was an underground infiltration system and its location would not affect the park design. He noted the location would be determined in the final construction drawings for the park. Mr. Fiene advised the intent was to have the drainage located along the west property line.

Mayor Haakenson opened the public participation portion of the public hearing. He pointed out Ms. Petso provided a 234 page comment today at 2:45 p.m.

Lora Petso, Edmonds, advised the materials she provided were the same as she submitted for the recent appeal with the exception of the first three pages. She provided the following suggested changes to the park design:

- Designate and enforce a no parking area on 237th. She recalled testimony at the Planning Board from a Sno-King coach would acknowledged he would unload equipment and possibly park his vehicle on 237th and envisioned parents may watch games from cars parked on 237th.
- Move the picnic shelter and mound away from the fish and wildlife habitat conservation area.
- Eliminate the wall around the perimeter of the sport court to prevent use by skateboarders
- Eliminate the rain garden due to concern it could become a mosquito breeding area.
- Identify where the drainage facility will be located to ensure it could be accessed by a vector truck for maintenance
- Locate the drainage facility on the City's property
- Restrict the playfield to use by T-ball, however, she noted it was clear from comments tonight that a safe ballfield could not be accommodated on the site.
- Use of the ballfield and picnic shelter should not exceed available parking.

Darlene Miller, Edmonds, although thankful for a park in southwest Edmonds, requested the following: ensure the underground drainage system would not backup and cause flooding, provide guards on the boardwalk to prevent slipping when wet, install cement benches instead of aluminum benches due to the theft of aluminum benches in the past, and consider alternative rubber sidewalk pavers as an alternative to the asphalt trail surface. She expressed concern with the loss of the existing ballfields, that the rain garden would create a mosquito problem, that contaminants would build-up in the rain garden, and that 30 parking spaces consumed too much space for a walk-to neighborhood park. She inquired whether the park plan impacted the PRD's lack of a buffer.

Al Rutledge, Edmonds, described damage to adjacent property in other cities from balls hit from ballfields and the property owners' recourse to the municipality. He summarized his concern that play on the proposed ballfield could result in damage to adjacent property. He commented on efforts to fund community police and a park ranger.

Steve Bernheim, Edmonds, commented there were many great elements in the park design. He was opposed to the 30-stall parking, preferring it be a walk-to neighborhood park rather than a designation park. He suggested eliminating the developed ballfield which necessitated the parking, preferring an open

grassy area that could be used for baseball as well as other uses. He also recommended eliminating the restroom. He pointed out the number of people in the audience represented the failure of the process; the Planning Board made no changes to the proposed park design in response to the public's concerns.

Rob Trahms, Edmonds, concurred with Mr. Bernheim's statements. He complimented staff and MacLeod Reckord for the open process and for incorporating the public's input in the alternatives. He recalled there was overwhelming public input against a structured ballfield and support for an open grassy open space that could be used for a multitude of uses in addition to baseball. He found 30 parking spaces excessive for a neighborhood park, referring to a park in the Edmonds/Lynnwood area that had only a few parking spaces which encouraged people to walk to the park. He summarized reducing the parking would also the park space to be maximized.

Sandy Weingart, Sno-King Youth Club, explained Sno-King Youth Club had been serving youth in the community for over 30 years and was experiencing record enrollment in youth soccer. She described enrollment in soccer programs, noting there had been a decline in baseball and softball programs largely due to inadequate and poorly maintained facilities. She described the difficulty scheduling older youth on poorly maintained county and school fields and efforts to rent turf time to provide space for players. She described the benefits of team play.

Mike Mestres, Edmonds, expressed support for the proposed park design, noting the proposed baseball field was too small and unworkable. He pointed out the park required parking and skateboarding was inevitable.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO EXTEND THIS ITEM FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY.

Kevin Clarke, Edmonds, thanked the City for purchasing the site. He recalled playing in a small park as a child that contained a small sport court, swing set, and open grassy area. He pointed out if this was intended to be a neighborhood park, it did not need a formal baseball field or the amount of parking that was proposed. He anticipated the proposed drainage plan would rectify the drainage issues. He thanked Councilmember Moore for recognizing the availability of fields on the old Edmonds-Woodway High School property and encouraged the City to pursue funding for community use of those fields.

Roger Hertrich, Edmonds, referred to photographs in the habitat report on pages 13-15, noting his impression of the photographs was fragile environment, think natural, and overzealous design. He emphasized the small, fragile, forested area was a habitat although the habitat report indicated it was not a big enough habitat. He pointed out the difficulty for wildlife to co-exist with the trail users and the importance of preserving the natural environment in an urban area. He was also concerned that the location of the picnic shelter would increase disturbance of the natural environment. He suggested eliminating the trail in the wooded area and moving the picnic shelter away from the forested area. He commented by purchasing only half the site, the Council reduced the park from a regional park to a neighborhood park. He expressed concern that the Planning Board did not heed the public's comments at the public hearing. He concluded the preferred plan eliminated the ability to use the open space for a variety of uses and it had too much parking. He also suggested a restroom was not necessary for a neighborhood park.

Jan Robertson, Edmonds, recalled attending a meeting in the 1990's prior to annexation when Mayor Hall assured the residents they would have a park if they annexed to the City. She found the proposed design beautiful, pointing out the sport court would provide a place for children to play, something that was missing in this area of Edmonds. She recalled an earlier design had 15 parking spaces which were

later increased to 30. She noted although this was intended to be a neighborhood park, there were several neighborhoods in the vicinity. She expressed support for the ballfield and a family park with activities.

Corinne Beuchet, Edmonds, missed walking to the park with her dogs and could not envision 30 cars parked on the site. She was also disappointed the fields had been eliminated.

Mayor Haakenson closed the public hearing.

Mr. Snyder advised participants in a sporting event and spectators assumed the risk for injuries that were reasonably foreseeable. A vehicle driving by that was hit by a ball did not assume that risk and the City did have some liability. The City could therefore design a facility to avoid the risk or restrict the use. He noted the GMHB required the Council to “show its work” and factors in a decision needed to be in the record of the proceeding. Ms. Petso submitted three pages of comments on the park plan and 230+ pages supporting a theory she has put forward in a variety of contexts that this property is restricted by an Interlocal Agreement. He suggested the Council defer a final decision for two weeks to allow staff to put into the record the material that had been entered into the record in other proceedings with regard to staff’s position that the Interlocal Agreement was terminated via notice to the Edmonds School District and sale of the property and that no further action was necessary.

Councilmember Plunkett asked if the Council did not accept the preferred plan and wanted a public hearing on another plan whether a date certain to continue the public hearing needed to be established tonight or could a motion indicate the date would be determined. Mr. Snyder answered under GMA and Regulatory Reform, any substantive change in a proposal required a new public hearing. If the majority of the Council directed that a new plan be prepared, the public hearing would need to be re-noticed.

Councilmember Plunkett observed Mr. Snyder was raising quasi judicial land use issues and asked whether this was a legislative decision. Mr. Snyder agreed this was a legislative decision; however, amendments to the Comprehensive Plan were reviewable for consistency under GMA to the GMHB. He suggested the Council proceed recognizing there may be an appeal of the decision. Ms. Petso made an argument and provided a basis for her argument, yet there was nothing in the record to respond to her argument other than what she has provided. The Council was aware of the response due to other hearings but it was not in the record of this proceeding. Although this was a legislative action, it could be reviewed by the GMHB and therefore was subject to the consistency and concurrency requirements of GMA.

Councilmember Plunkett commented his understanding was this item was the selection of a park design. Mr. Snyder agreed, noting Ms. Petso has been persistent in pursuing the argument that this site was burdened by an Interlocal Agreement and the Council was prohibited from approving a plan that was not consistent with the Interlocal Agreement. Councilmember Plunkett summarized because of the potential legal issues Ms. Petso has raised, Mr. Snyder was urging caution in regard to land use issues. Mr. Snyder provided his opinion that Ms. Petso’s argument was without legal merit, the Hearing Examiner agreed in a separate analysis; however, for the Council to adopt those findings, they needed to be in the record of this decision. He reiterated his suggestion that the Council hold the record open for two weeks to allow staff to enter information provided at other hearings into the record of this action.

Councilmember Dawson asked how the number of parking spaces was determined. Mr. McIntosh answered there were originally 16 spaces; if the park were to be used for scheduled ballgames, it was determined that 16 would not be sufficient and the design changed to double the parking which increased the number of spaces to 30. He commented the number of parking spaces was similar to parking provided at Seaview and Sierra neighborhood parks which ranged from 26 to 36 spaces. He noted the parking represented less than 5% of the entire park site.

Councilmember Dawson asked whether the field had a pitcher's mound. Mr. McIntosh explained it was a skin infield with no pitcher's mound as a mound was not used by younger players. He pointed out the tremendous need for ballfields citywide. He viewed it as an equity issue; other neighborhood parks include a baseball field where kids from the southwest Edmonds neighborhood play. If a ballfield was not provided at this neighborhood park, the kids from the homes in this neighborhood would continue to use the ballfields at other neighborhood parks.

Councilmember Dawson asked what type of programming was anticipated for this ballfield. Mr. McIntosh answered baseball and spring soccer was scheduled approximately April through mid-June and fall soccer was scheduled mid-August through November. Councilmember Dawson asked what ages would be allowed to play on the field. Mr. McIntosh advised T-ball was 5-6 year olds, coach pitch was 7-9, and soccer would be under 10 years old.

Councilmember Dawson asked whether the programming could be modified in the future if it was found to be too aggressive. Mr. McIntosh answered it would be difficult to restrict use of this park without restricting use in other neighborhood parks. He noted once play was restricted in one park, equity issues arose. He pointed out even if the field was not scheduled, teams would use it for practice.

Councilmember Dawson asked for a response to the concern about mosquitoes. Mr. MacLeod described the design of the rain garden, explaining existing soil would be replaced with soil with a higher percentage of organic matter that would soak up water and plant materials would be installed. Water would run into the rain garden and the pollutants would be filtered by the plants drawing in the pollutants. The plant material may need to be replaced periodically. If engineered properly, there would not be standing water other than for a short period during a heavy rain but it would dissipate rapidly.

Councilmember Dawson inquired about the concern with access for maintenance of the drainage facility. Mr. Fiene assured once a more detailed site plan was prepared, access would be considered. She asked whether he had any concerns with access based on the proposed plan. Mr. Fiene advised he did not.

Councilmember Dawson asked Mr. Snyder whether he had any concerns with the intended use, proximity to the parking lot and street. Mr. Snyder reiterated his suggestion that the City design a facility to accommodate the use or limit the use to fit the facility.

Councilmember Dawson asked Mr. MacLeod whether he had any concerns with the intended use and the proximity to the parking lot and street. Mr. MacLeod acknowledged it was possible a ball may enter the street but the field was designed to accommodate younger children and if it were programmed for younger children, that possibility was remote.

Councilmember Dawson advised both a baseball field and open field could be used for baseball by visitors. Mr. MacLeod noted the backstop would provide some protection from balls and defined the area of play and directed balls for batting. An open field may result in a more dangerous situation for baseball.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO EXTEND THIS ITEM FOR 15 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER MOORE OPPOSED.

Councilmember Marin commented this design would result in a premier park. He asked whether the Council could adopt the preferred plan and work on the filtration system and keep the record open to add the information regarding the Interlocal Agreement. Mr. Snyder explained this was an unusual situation as the Council was aware of the information that needed to be added to the record. He suggested the

Council could give preliminary direction to determine whether the Council wanted to approve the plan. He recommended any preliminary direction be contingent on a final vote at a later date.

Councilmember Wambolt referred to the list of answers Mr. McIntosh provided to questions raised at the Planning Board, and asked for clarification regarding the response about adding restrooms in the future. Mr. McIntosh commented this action was a park plan as well as a master plan so it was appropriate to identify items that could be added in the future. He felt portable restrooms (Sani-cans) were sufficient for a neighborhood park, noting a restroom structure would increase the level of maintenance.

Councilmember Moore asked whether approval of the park plan would be an amendment to the Comprehensive Park Plan. Development Services Director Duane Bowman advised the Comprehensive Park Plan called for a neighborhood park in this location; therefore the designation was already included in the Plan. The issue before the Council was a master plan for the park. Mr. Snyder reiterated the Council needed to dispose of Ms. Petso's argument because the appeal to Snohomish County was in regard to the expenditure of funds in compliance with the City's plan and that this park plan was inconsistent with the Interlocal Agreement and Comprehensive Plan. He recommended treating approval of the park plan as a Comprehensive Plan amendment.

Councilmember Moore asked whether approving the park plan approved the number of houses allowed on the adjacent property. Mr. Snyder answered no, recalling the Council had issued a final decision on that issue which was on appeal to Superior Court.

Councilmember Moore inquired about the cost to maintain the wooden walkway. Mr. McIntosh answered that had not been determined but he did not anticipate a great deal of maintenance. Councilmember Moore inquired about other wooden walkways in the City's parks and Mr. McIntosh advised there was one at the Edmonds Marsh.

Councilmember Moore inquired about the cost to maintain the rain garden. Mr. MacLeod answered the rain garden would be planted with native species that do well with brief saturation as well as drought conditions. He did not anticipate an excessive amount of maintenance, other than occasionally replacing plant material. Councilmember Moore inquired about the cost to maintain a restroom. Mr. McIntosh relayed information from Park Maintenance Manager Rich Lindsay who estimated the annual labor to maintain this park at \$21,000.

Mr. Snyder explained this was not an amendment to the City's Comprehensive Plan; it was an action that could be challenged as being inconsistent with the Comprehensive Plan; therefore it was important to include information in the record that demonstrated consistency.

Council President Olson inquired about the fields at Seaview and Sierra. Mr. McIntosh answered they were similar in size with approximately 250 foot outfields but were not impeded by trees. Sierra and Seaview parks were nearly identical in size to this park, Pine Street fields and the Francis Anderson fields were less than half the size of this park. Councilmember Olson pointed out southwest Edmonds was using the fields in other neighborhood parks and it was appropriate to provide a field in this park.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON , TO PRELIMINARILY ADOPT THE PREFERRED PLAN, MOVE FORWARD WITH FINAL DESIGN FOR PARK DEVELOPMENT AND THE INFILTRATION SYSTEM AND KEEP THE RECORD OPEN FOR TWO WEEKS TO CLARIFY COMPREHENSIVE PLAN AND INTERLOCAL AGREEMENT ISSUES.

Councilmember Marin commented when comparing this park to parks in North Edmonds, this was a superior design. He envisioned citizens would jump at the chance to have this type of park in their neighborhood and he would gladly trade the parks in the north end of Edmonds for this park due to the incredible design and park amenities. He was surprised by the idea that a new park would not include restrooms and supported including a restroom in this park.

Councilmember Moore said she would not support the motion for a variety of reasons. Although this was now a neighborhood park, if the Council had purchased the entire 11 acres, it could have accommodated a full soccer field and a full baseball field. She found it disingenuous and ironic that the administration was now begging for playfields, yet did not fight to purchase the entire 11 acre site that already contained two full fields. She pointed out this neighborhood deserved a park and was promised a park when they annexed to the city. They did not need extra parking or a ballfield; that opportunity was lost when neither the administration nor staff fought to retain the existing fields. She summarized this neighborhood should have the park they wanted which contained little or no parking and no ballfield.

Councilmember Plunkett advised he would oppose the motion because the 11 acre site was reduced to 5.5 acres and therefore it should be a more passive neighborhood park.

Student Representative Hilary Scheibert advised she lived next to Seaview Park which had the same parking facilities as this park which was not enough for a programmed park. She pointed out there was not enough parking in the surrounding area and the community did not want the amount of parking that was proposed.

Councilmember Dawson supported the proposed park concept, finding it a very nice park. She pointed out the impossibility of pleasing everyone, envisioning if no ballfield were provided, there would be other residents who were dissatisfied. She found this park did the best job with the space provided for the neighborhood as well as the City as a whole. She acknowledged the fact that other neighborhood parks of similar size had a ballfield was a factor and trusted staff to determine the necessary parking, noting the parking could also be used for overflow parking for neighborhood events. She preferred not to vote tonight but was supportive of the proposed plan.

Councilmember Wambolt advised he would support the motion and agreed with Councilmember Dawson's comments.

Councilmember Marin restated his motion as follows:

TO CONTINUE THE MATTER FOR THREE WEEKS TO NOVEMBER 5 TO THIS POINT IN THE COUNCIL'S DECISION-MAKING PROCESS AND TO KEEP THE RECORD OPEN TO ALLOW STAFF TO SUPPLEMENT THE RECORD REGARDING THE COMPREHENSIVE PLAN AND THE INTERLOCAL AGREEMENT.

Mayor Haakenson clarified the public hearing was closed, the record would remain open and the Council would continue their deliberation.

MOTION CARRIED UNANIMOUSLY.

Mayor Haakenson declared a brief recess.

- CLOSED RECORD REVIEW OF THE PLANNING BOARD'S RECOMMENDATION TO APPROVE THE REZONE OF THE PROPERTY LOCATED AT 23601 EDMONDS WAY FROM NEIGHBORHOOD BUSINESS (BN) TO COMMUNITY BUSINESS – EDMONDS WAY (BC-EW).**

APPLICANTS ARE A.D. SHAPIRO ARCHITECTS AND MARIER & MARIER (FILE NO. R-2007-53).

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

Councilmember Plunkett disclosed the applicant, Tony Shapiro, had contributed \$200 to a past campaign.

Councilmember Moore disclosed Mr. Shapiro had also 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.

Planner Gina Coccia explained the applicants were requesting a change in zoning for properties they own within the Edmonds Way Corridor (SR-104). The Planning Board conducted a public hearing on the request on September 12, 2007 and forwarded a unanimous recommendation to the City Council for approval of the change in zoning.

Ms. Coccia displayed a map of the existing zoning, Neighborhood Business (Exhibit 2), advising the area under review was south of 236th and east of Edmonds Way, a 0.6 acre parcel with 210 feet of frontage on Edmonds Way and 160 feet of frontage on 236th. She advised the verbatim transcript of the Planning Board public hearing was contained in Exhibit 1, the staff report and attachments were contained in Exhibit 2 and Exhibit 3 contained the list of Parties of Record for the City Council closed record review.

Applicant

Tony Shapiro, A. D. Shapiro Architects, Edmonds, concurred with staff's presentation and the Planning Board's unanimous recommendation, advising he was available to answer any questions the Council may have.

Mayor Haakenson invited comment from Parties of Record. There were no Parties of Record present who wished to comment.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE APPROVING THE CHANGE IN ZONING, AS RECOMMENDED BY THE PLANNING BOARD.

Councilmember Dawson expressed her support for the motion, noting the information in the Council packet with regard to the Planning Board's deliberation and staff report supported the recommended action to approve the change in zoning.

MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS

Lora Petso, Edmonds, commented she would have liked the Council to have discussed the public's input, particularly ways how to eliminate the sport court being used as a skate park. She was disappointed the Council's discussion did not include ways to improve the plan. With regard to the \$1.2 million the City received from Snohomish County that was deposited into an account and not used to purchase the park property, she questioned how those funds would be used - whether they should be returned to Snohomish County, used to purchase needed playfields or used for other pet projects. If the funds were

Audience
Comments

not needed to purchase the park property, she suggested they be returned to Snohomish County or used to purchase the remainder of the park property.

Al Rutledge, Edmonds, commented on the graffiti paint out event on the border of Edmonds and Mountlake Terrace. He recalled a public comment regarding a police officer investigating a parked car at a school, and extended his thanks to the Police Department for their efforts. He was hopeful funding from Snohomish County would provide funds for a park ranger.

Roger Hertrich, Edmonds, expressed concern that Port Director Chris Keuss was lobbying for a change in the zoning of Harbor Square, the old Safeway store and Skippers. He noted Mr. Keuss, an employee of a public agency, has spent over \$100,000 of the public's money promoting changes in the zoning that benefited private business. However, most of the public was not supportive of changing the zoning and preferred the property owners develop the property in accordance with the current zoning. He recalled the property owner threatened to develop a strip mall and parking; Mr. Hertrich was not opposed to a strip mall, noting it was low in height. He asserted that Mr. Keuss was promoting up to eight stories and in the alternatives proposed, there were none that retained the existing zoning. He relayed Mr. Keuss told him an option that retained the existing zoning was not included because the City told him it would not work. He relayed there were members of WG33 who did not feel they were provided the choices they wanted. He concluded although Mayor Haakenson and Councilmember Wambolt appeared to support increased heights, the citizens wanted to keep heights low.

Mike Mestres, Edmonds, member of WG33, advised the current zoning for buildings in Harbor Square permitted a lot of parking, no open space and development similar to the existing development. He found retaining the existing zoning counter-intuitive to the evolution of the City, pointing out the importance of considering all options in order to ensure open space and access to the waterfront were provided. He defended Mr. Keuss, finding he acted in the best interest of the City and was a very sincere person.

Mayor Haakenson advised he had not endorsed 8-story buildings on the waterfront and had not approved of any plan on private property. He disagreed that he or staff would tell a private party what they could construct on their property.

Councilmember Wambolt suggested Mr. Hertrich attend the WG33 meetings, recalling an alternative that utilized the current zoning was not pursued as no one in attendance at the meeting supported that concept. He emphasized there would not be 8-story buildings on the site. He assured he had not stated support for any specific concept, noting that area needed to be redeveloped. He also suggested Mr. Hertrich make these same comments at the next Port Commission meeting.

Mayor Haakenson advised both Councilmember Wambolt and he missed the last WG33 meeting before the scenarios were presented to the public; neither of them were aware there would be a scenario with a 10-story building and neither agreed with presenting that scenario.

6. **AWARD OF A CONSTRUCTION CONTRACT TO NORTHWESTERN CONSTRUCTION OF WA, INC. IN THE AMOUNT OF \$1,610,631.00 (PRICE INCLUDES WASHINGTON STATE SALES TAX) FOR THE FRANCES ANDERSON CENTER SEISMIC STRUCTURAL RETROFIT PROJECT.**

Public Works Director Noel Miller explained after the February 2001 Nisqually earthquake staff became aware of a grant program through FEMA to reduce the amount of damage that was likely to occur to public infrastructure as a result of a major earthquake. After two attempts, the City was successful in 2005 in obtaining a FEMA pre-disaster mitigation grant in the amount of approximately \$780,000 to structurally retrofit the Francis Anderson Center. As part of the grant preparation, staff hired a structural

Frances
Anderson Center
Seismic
Structural
Retrofit

engineering consultant who followed the standard FEMA methodology in preparing project cost estimates. Unfortunately once a grant is awarded from FEMA, there was no ability to make an additional request to allow for cost increases.

As a result of recent increases in construction costs, in order to award the contract, an additional appropriation of \$917,500 was required from the Parks Acquisition Fund 126. He assured the Council and the public that staff and the City's engineering and architectural consultants made a concerted effort to control costs for this project and search for qualified bidders. He recognized the City's new Facility Maintenance Manager Jim Stevens for personally marketing this project to contractors and encouraging them to bid. As a result the City received a bid from a contractor with a good reputation whose bid was very close to the final construction estimate.

He relayed staff and the Council Finance Committee's recommendation that the Council appropriate an additional \$917,500.00 from Fund 126-Parks Acquisition and award a construction contract to Northwestern Construction of WA, Inc. in the amount of \$1,610,631.00 including Washington State sales tax for the Frances Anderson Center Seismic Structural Retrofit project.

Councilmember Moore asked where the funds would have been appropriated from if the cost had not escalated. Mr. Miller answered the grant required matching funds which were budgeted from Fund 126.

Councilmember Wambolt advised the Finance Committee also questioned why funds were allocated from Fund 126 instead of 125 but that was the legal advice from MRSC. The Finance Committee recommended approval and requested it be presented to the full Council.

Councilmember Moore asked whether the \$1.2 million in Fund 132 would be used for this project. Mayor Haakenson and Mr. Miller advised it was not.

Council President Pritchard Olson complimented Mr. Miller and Mr. Stevens for their efforts, particularly in view of the difficulty they experienced finding a contractor to submit a bid.

Councilmember Moore commented she was wary of estimated project costs in view of recent escalations. She asked what precautions were taken to avoid cost overruns. Mr. Miller answered there was a 10% construction contingency. The City hired a very qualified engineer and architect who were very experienced in retrofit projects. He acknowledged there were no guarantees but he was confident the project could be completed within the construction contingency.

Councilmember Moore inquired about the timeline for completing the project. Mr. Miller anticipated the project would begin in January 2008 and be completed in September 2008.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCIL PRESIDENT PRITCHARD OLSON, THAT THE COUNCIL APPROPRIATE AN ADDITIONAL \$917,500.00 FROM FUND 126-PARKS ACQUISITION AND AWARD A CONSTRUCTION CONTRACT TO NORTHWESTERN CONSTRUCTION OF WA, INC. IN THE AMOUNT OF \$1,610,631.00 INCLUDING WASHINGTON STATE SALES TAX FOR THE FRANCES ANDERSON CENTER SEISMIC STRUCTURAL RETROFIT PROJECT.

Councilmember Marin recalled his involvement in the decision to preserve the Francis Anderson Center. He noted the Francis Anderson Center invoked memories of elementary schools from his childhood and a feeling of community. He was pleased to support the motion and continue the preservation of Francis Anderson Center.

MOTION CARRIED UNANIMOUSLY.

7. REPORT ON CITY COUNCIL COMMITTEE MEETINGS

Community Services/Development Services Committee

Councilmember Marin reported Councilmember Plunkett, who serves on the Edmonds Historic Preservation Commission, presented a request to increase the number of at-large positions on the Commission. The Committee requested staff draft an ordinance for Council consideration.

Finance Committee

Councilmember Wambolt reported the Committee discussed copying fees and the Francis Anderson Center seismic retrofit which were both discussed and approved on tonight's agenda.

Public Safety Committee

Councilmember Dawson reported the Committee discussed a Paramedic Training Affiliation Agreement with Harborview Medical Center which was approved on the Consent Agenda. The next two items were in regard to the Fire Department Medical Program Director, a physician who provides advice and oversight to paramedics. The physician who held that position for a number of years resigned and a physician from Edmonds Emergency Physicians, Dr. Richard Campbell, agreed to assume the position. Authorization for the Mayor to sign the Agreement for Supervisory Services between the City of Edmonds and Richard J. Campbell, MD was approved on the Consent Agenda. Associated with this item was a change made in the language in the agreement regarding ride-along with paramedics which will be reviewed by the City Attorney. A third item, an Indemnification Agreement with Edmonds Emergency Physicians, was removed from the agenda after Edmonds Emergency Physicians withdrew their interest in being indemnified.

8. MAYOR'S COMMENTS

Mayor Haakenson had no report.

9. COUNCIL COMMENTS

Council President Pritchard Olson reported on last night's well attended Library Board open house where Mayor Haakenson, Councilmember Marin and she provided book reports. She encouraged the public to visit the library, pointing out they had amazing materials and many great programs.

Councilmember Wambolt recalled at the August 28 Council meeting he read a column he had written for an upcoming issue of the *Edmonds Beacon* regarding the financial state of the City due to citizens' exposure to false and misleading campaign rhetoric with regard to the City's financial situation. As a member of the Council Finance Committee he felt obligated to communicate the real financial outlook for the City. He described five new sources of revenue being pursued in order to offset revenues losses as a result of initiatives. He advised new sources were being developed by Councilmembers, volunteer citizens, staff and Mayor Haakenson and he wanted to recognize their work. Although he felt citizens deserved to know the whole story, his statement has been repeatedly described by at least one individual as ranting.

Councilmember Wambolt noted one citizen opined that the broadband initiative would allow citizens to save approximately \$60 per month in TV, telephone and computer internet bills. As he stated August 28, a business plan for this initiative should be developed before 2008; until then it was unknown whether the City would offer those services or what savings would be realized. He noted an allegation has also been made that he campaigned on the budget crisis but now saw no budget problems. In fact a review of his campaign materials reveals no mention of a budget crisis and his active participation on the committee seeking new sources of revenue indicates his recognition of the reality of the situation that the City

needed more revenue. He noted the recent softening of the economy, particularly the recent downturn in home sales, was predicted some time ago and was the reason the Council opposed using \$5-6 million in REET to double the size of the park at the old Woodway Elementary School site. The consensus of economists is that the economy is on a precipice; it could soften further or begin to strengthen. He did not feel it was productive to produce a contingency plan to provide for all permutations and combinations as staff has demonstrated in the past their ability to provide the Mayor and Council with appropriate options to allow the Council to act in a timely manner.

Councilmember Marin reported Councilmember Orvis and he participated with Councilmember Dawson, Snohomish County Executive Reardon and others in the graffiti paint-out event on the boundary between Edmonds and Mountlake Terrace. He expressed appreciation for the leadership provided by Executive Reardon and Councilmember Dawson with regard to that effort.

Councilmember Orvis agreed the graffiti paint-out was a good event, noting his son Shayne also participated.

Councilmember Dawson expressed her thanks to Mr. Bowman for his assistance with organizing the graffiti paint-out event. She reported over 80 volunteers spent approximately 1½ hours on a rainy, cold Saturday morning painting out graffiti that had existed for years. She pointed out this was evidence of how citizens coming together could take back a neighborhood. She expressed her thanks to Mountlake Terrace, City and County staff.

Councilmember Dawson advised a proclamation declaring October Domestic Violence Month would be on next week's agenda. She encouraged the public to attend candlelight vigils being held every Monday during October. She referred to the proclamation on tonight's agenda in honor of Denim Day, explaining Denim Day began in the 1990s as a result of a case in Italy where a judge overturned a sexual assault conviction because the woman was wearing jeans and the judge felt the assailant could not have removed her jeans without her assistance and therefore it must have been a consensual act. People's outrage throughout the world at this decision sparked a movement and the next day the female members of the Italian Parliament came to work wearing jeans to protest the decision and say that sexual violence was not acceptable regardless of what a person was wearing. She advised Snohomish County and Edmonds had declared October 17 as Denim Day and she encouraged all employees to wear denim to work to show their support for the survivors of domestic violence and sexual violence.

Councilmember Moore thanked Councilmember Dawson for her efforts with regard to the Denim Day Proclamation. She asked where the remaining candlelight vigils were being held. Councilmember Dawson advised the next vigil was in northeast/central Snohomish County and the fifth vigil would be held in the Monroe/Sultan/Gold Bar area. She provided her office number, 425-388-3297, for anyone interested in the exact location of the candlelight vigils.

For Councilmember Moore, Mayor Haakenson advised Administrative Services Director Dan Clements would provide the Council a report tomorrow via email on the disposition of the \$1.2 million grant.

Councilmember Moore asked for a copy of staff's response to the first claim for damages on tonight's Consent Agenda.

Councilmember Moore referred to a comment regarding the evolution of the waterfront, pointing out it was difficult to know how the City should evolve as a Strategic Plan had not been developed. She urged the community to provide input on the waterfront redevelopment plan.

Councilmember Moore was disappointed she had not addressed the public's comments regarding the park plan and had focused on the parking and ballfield. She urged the Council to discuss the suggestions made by the public when they continued their deliberations in three weeks.

Student Representative Scheibert reported she would describe Denim Day at a presentation she was making at Snohomish High School tomorrow on dating violence. She thanked Mayor Haakenson for coming to homecoming and being a judge for the Spirit Team.

10. ADJOURN

With no further business, the Council meeting was adjourned at 10:14 p.m.