

EDMONDS CITY COUNCIL APPROVED MINUTES

January 8, 2008

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
Michael Plunkett, Council President
Steve Bernheim, Councilmember
Deanna Dawson, Councilmember
Peggy Pritchard Olson, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember
D.J. Wilson, Councilmember

ALSO PRESENT

Hilary Scheibert, Student Representative

STAFF PRESENT

Thomas Tomberg, Fire Chief
Al Compaan, Police Chief
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Debi Humann, Human Resources Manager
Stephen Koho, Treatment Plant Manager
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

Administration
of Oaths of
Office

1. ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Judge Timothy Ryan swore in Gary Haakenson as Mayor.

Mayor Haakenson swore in Peggy Pritchard Olson to Council position 4 and D. J. Wilson to Council position 5.

City Clerk Sandy Chase swore in Steve Bernheim to Council position 6 and Dave Orvis to Council position 7.

Reception

2. RECEPTION IN HONOR OF NEWLY ELECTED OFFICIALS

Mayor Haakenson declared a 20 minute recess for a reception in honor of the newly elected officials.

Approval of
Agenda

3. APPROVAL OF AGENDA

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

4. APPROVAL OF CONSENT AGENDA ITEMS

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

COUNCILMEMBER DAWSON 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 12-18-07 Minutes

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 18, 2007.

Approve Claim Checks

C. APPROVAL OF CLAIM CHECKS #101091 THROUGH #101208 FOR DECEMBER 20, 2007 IN THE AMOUNT OF \$397,254.26; #101209 THROUGH #101304 FOR DECEMBER 27, 2007 IN THE AMOUNT OF \$538,596.56; AND #101305 THROUGH #101382 FOR JANUARY 3, 2008 IN THE AMOUNT OF \$189,999.73. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #46016 THROUGH #46062 FOR THE PERIOD OF DECEMBER 1 THROUGH DECEMBER 15, 2007 IN THE AMOUNT OF \$834,225.09; AND #46063 THROUGH #46099 FOR THE PERIOD OF DECEMBER 16 THROUGH DECEMBER 31, 2007 IN THE AMOUNT OF \$788,974.81.

Claims for Damages

D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM TIM LUCAS (\$90.49), AND DAVID CASWELL AND STEPHANIE EBEL-CASWELL (\$6,000.00).

Commission on Compensation of Elected Officials

E. CITY COUNCIL CONFIRMATION OF A COUNCIL APPOINTED MEMBER OF THE CITIZENS' COMMISSION ON COMPENSATION FOR ELECTED OFFICIALS.

Electrical Improvements at WWTP

G. REPORT ON BIDS OPENED ON DECEMBER 18, 2007 FOR THE ELECTRICAL IMPROVEMENTS PROJECT AT THE WWTP AND AWARD TO EWING ELECTRIC, INC. FOR THE AMOUNT OF \$79,184, INCLUDING SALES TAX.

Res# 1159 Thanking Peggy Pritchard Olson

H. RESOLUTION NO. 1159 THANKING COUNCILMEMBER PEGGY PRITCHARD OLSON FOR HER SERVICE AS COUNCIL PRESIDENT

MCC Feeder Installation Project

ITEM F: REPORT ON FINAL CONSTRUCTION COSTS FOR THE MCC FEEDER INSTALLATION PROJECT AND COUNCIL ACCEPTANCE OF PROJECT

Councilmember Plunkett asked staff for an explanation of this item. Wastewater Treatment Plant Manager Stephen Koho explained the purpose of the project was to increase the capacity of the electrical motor control center in one of the buildings of the treatment plant. Due to the way the treatment plant is situated, water must be pumped into and out of the plant. During an electrical engineering study, it was determined the electrical supply to the building was underpowered; therefore, additional conductors were pulled from that building to the main electrical switch.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF ITEM F. MOTION CARRIED UNANIMOUSLY.

Selection of Council President for 2008

5. SELECTION OF COUNCIL PRESIDENT FOR 2008

Mayor Haakenson opened the floor for nominations.

COUNCILMEMBER DAWSON NOMINATED MICHAEL PLUNKETT FOR THE POSITION OF COUNCIL PRESIDENT FOR 2008. COUNCILMEMBER ORVIS SECONDED THE NOMINATION.

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO CLOSE NOMINATIONS FOR THE POSITION OF COUNCIL PRESIDENT. MOTION CARRIED UNANIMOUSLY.

Councilmember Dawson commented that Mr. Plunkett had served the longest of any Councilmember currently on the Council, had done a fine job as Council President in the past, was an extremely hardworking and diligent member of the Council and would serve the Council well as Council President for 2008.

THE VOTE ON THE NOMINATION FOR MICHAEL PLUNKETT FOR THE POSITION OF COUNCIL PRESIDENT FOR 2008 CARRIED UNANIMOUSLY.

Selection of Council President Pro Tem for 2008

6. SELECTION OF COUNCIL PRESIDENT PRO TEM FOR 2008

Mayor Haakenson opened the floor for nominations.

COUNCILMEMBER WAMBOLT NOMINATED DEANNA DAWSON FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM FOR 2008. COUNCIL PRESIDENT PLUNKETT SECONDED THE NOMINATION.

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO CLOSE NOMINATIONS FOR THE POSITION OF COUNCIL PRESIDENT PRO TEM. MOTION CARRIED UNANIMOUSLY.

THE VOTE ON THE NOMINATION FOR DEANNA DAWSON AS COUNCIL PRESIDENT PRO TEM FOR 2008 CARRIED UNANIMOUSLY.

7. APPOINTMENT OF COMMITTEE REPRESENTATIVES

Appointment of Committee Representatives

Council President Plunkett read the following Committee appointments:

Committee	Representative
Community Serv./Dev. Serv. Committee	Peggy Councilmember Olson, D. J. Wilson
Finance Committee	Ron Wambolt, Dave Orvis
Public Safety	Deanna Dawson, Steve Bernheim
Community Outreach	Michael Plunkett, D. J. Wilson
Community Technology Advisory Committee	Ron Wambolt, Peggy Olson
Community Transit	Deanna Dawson, Steve Bernheim (Alt)
Disability Board	Deanna Dawson, Dave Orvis
Downtown Edmonds Parking	Michael Plunkett, Ron Wambolt
Edmonds Economic Development Advisory Board	Peggy Olson
Economic Development Committee	D. J. Wilson, Steve Bernheim
Edmonds Crossing Project (Multimodal)	D. J. Wilson
Highway 99 Task Force	Deanna Dawson, Ron Wambolt
Historic Preservation Advisory Commission	Michael Plunkett
Long Range Task Force	Ron Wambolt, Dave Orvis
Lodging Tax Advisory Committee	Michael Plunkett
SnoCom	Deanna Dawson
PFD Oversight Committee	D. J. Wilson
Port of Edmonds	Ron Wambolt
Harbor Square Redevelopment Committee	Ron Wambolt
Snohomish County Econ. Dev. Board	D. J. Wilson
SeaShore Transportation Forum	Deanna Dawson, Peggy Olson
Snohomish County Health District	Dave Orvis
Snohomish County Tomorrow	Peggy Olson, Steve Bernheim (Alt)
South Snohomish Cities	Peggy Olson, Steve Bernheim (Alt)
Salmon Recovery - WRIA-8	Dave Orvis, Steve Bernheim (Alt)

Council President Plunkett advised the appointments were made using Councilmembers' priorities. If a Councilmember was interested in another committee, he suggested discussing a change with the appointed Councilmember.

Res# 1160
Appointment to
Health District
Board

8. **RESOLUTION APPOINTING A COUNCILMEMBER TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD.**

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF RESOLUTION NO. 1160 APPOINTING DAVE ORVIS TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD.

Councilmember Dawson recalled Councilmember Orvis' interest in a number of issues affecting the Health District and was pleased he would be participating on this Board.

MOTION CARRIED UNANIMOUSLY.

Res# 1161
Appointment to
Community
Transit Board

9. **RESOLUTION APPOINTING COUNCILMEMBERS TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION BOARD OF DIRECTORS**

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF RESOLUTION NO. 1161 APPOINTING DEANNA DAWSON AND STEVE BERNHEIM AS ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION BOARD OF DIRECTORS.

Councilmember Dawson commented there were nine members of the Community Transit Board; as currently configured, seven were city officials and two were Snohomish County Councilmembers. The two cities with populations above 30,000 (Edmonds and Lynnwood) had automatic seats on the Board, three were representatives from medium sized cities and two were representatives from small cities; not all cities had representation on the Board. Because Marysville's population now exceeds 30,000, the January 17 Community Transit meeting will include discussion regarding amending the bylaws. She recommended Edmonds, Lynnwood and Marysville as cities with large population bases have representatives on the Community Transit Board. She urged Councilmembers to contact other city officials to express the importance of Edmonds continuing to have representation on the Community Transit Board.

MOTION CARRIED UNANIMOUSLY.

2008
Legislative
Agenda

10. **CITY OF EDMONDS 2008 LEGISLATIVE AGENDA**

Community Services Director/Acting Economic Development Director Stephen Clifton recalled on November 27, 2007 the City's contracted lobbyist, Mike Doubleday, presented the proposed Edmonds 2008 legislative agenda. Following questions/answers, the Council chose to wait until the 2008 City Council was in place to take action on the agenda.

Lobbyist Mike Doubleday explained the 2008 Legislative session would be a short 60 day session beginning on January 14 and extending until mid-March. He anticipated few major issues would arise during this session; one large issue would be funding for the 520 bridge. He reviewed the top priorities on the proposed City of Edmonds 2008 State Legislative Agenda:

1. *Transportation Funding - seek additional funding commitments for the Edmonds Crossing Multimodal terminal.* He commented although it was unlikely there would be much new transportation funding, this was included to keep the Edmonds Crossing in front of legislators due to the \$120 million in the RTID that was not approved by voters.
2. *Cable Franchising - oppose legislation that promotes or allows state takeovers of local franchising authority. Support maintaining the current requirement for providers to secure local franchise agreements.* He recalled a proposal by the industry last year to make cable a state versus a local franchise. He anticipated this issue would return in 2008.

3. Shell Valley Community Emergency Access Road Funding - seek funding for the Shell Valley community emergency access road. He commented limited capital funds were available this session.

Mr. Doubleday commented on several of the following support issues:

1. Transportation Ferry Study - monitor the work of the Ferry System Review Phase II Task Force to follow the ferry terminal discussions. He noted the study due at the end of 2008 would determine the future of terminals and ferry loads.
2. Regional Transportation Governance - monitor legislation to realign regional transportation governance and seek a voice and a vote for Edmonds or south Snohomish County if regional transportation governance moves forward. He noted this was on the legislative agenda last year as well. With the failure of Proposition 1, he anticipated there would be another attempt to consolidate regional transportation agencies.
3. Phase II Stormwater Funding - seek additional state funding for cities that must meet Phase II stormwater requirements.
4. Public Records Exemption - monitor legislation that would amend the Public Records Act to reduce the number of public records exempted from disclosure.
5. Taping Local Government Executive Sessions - monitor legislation requiring local governments to tape executive sessions. He planned to monitor this issue and would not take a position until a bill was introduced. He explained the proposed bill would require taping of Executive Session and retention of the tapes for two years, with disclosure by court order.
6. Infrastructure Financing - seek improved infrastructure financing options from the state.
7. Climate Change - support legislation that collaboratively addresses climate change without a mandate on local governments. He explained there were a number of proposals for cities over 30,000 to amend the GMA to mandate cities to plan for climate change and eventually require emissions from city facilities be reduced to 1990 levels. He noted most cities did not want to be mandated.
8. Puget Sound Partnership - monitor efforts of the Puget Sound Partnership in their mission to restore a healthy Puget Sound.
9. Affordable Housing - monitor the affordable housing issue and support an incentive-based approach for cities to meet their affordable housing goals. He anticipated a number of affordable housing bills would be proposed during this session.
10. Snohomish County Emergency Radio System (SERS) - support SERS' efforts to seek funding to switch the Granite Falls emergency communications radio site from generator power to commercial power.
11. Washington State Arts Commission Funding - monitor Washington State Arts funding supplemental budget activities.

Councilmember Dawson pointed out the City's legislative agenda did not include monitoring the issue of a 4-year college in Snohomish County. She was interested in expressing support for funding for a 4-year college in Snohomish County regardless of whether the parties could agree on the site due to the importance of a 4-year college to the region. She referred to recent comments by Governor Gregoire that funding would not be included in the budget if the parties could not agree on a location.

Council President Plunkett expressed his intent to make an amendment to change monitoring of the taping of local government Executive Sessions to support. He noted on several issues including the taping of

Executive Sessions, bills had not yet been presented. He asked if Mr. Doubleday would report to the Council on any unintended consequences once a bill was proposed. Mr. Doubleday assured he would describe the issues, potential problem, politics involved, etc.

Councilmember Wilson commented on his interest in the water quality of Lake Ballinger, noting several of the agenda items addressed that issue. He asked whether bodies of water that did not drain to Puget Sound would be addressed via the Puget Sound Partnership. Mr. Doubleday responded it was uncertain whether any action related to the Puget Sound Partnership would occur in this session. He encouraged anyone interested in that effort to get involved, anticipating there would be a revenue package in 2009. Councilmember Wilson asked Mr. Doubleday to inform the Council of any opportunities to be involved.

Councilmember Wilson referred to the Climate Change agenda item, asking whether there were incentives as well as mandates. Mr. Doubleday responded the Futurewise bill was a mandate and he did not recall that any incentives were included. He offered to provide a website where further information was available.

Councilmember Bernheim referred to the Climate Change agenda item and asked what local government mandates Mr. Doubleday was recommending the City not support. Mr. Doubleday answered this was a policy position; the mandate in the Futurewise bill would require cities to have a climate change element in the GMA and reduce emissions to 1990 levels. He noted cities tend to be leading the climate change effort and there was some sense that mandating would stifle creativity. He summarized cities in general did not support mandates.

Mayor Haakenson explained the Governor's Climate Change Committee's 90 page report was reviewed by the City's Climate Change Committee who prepared a 4-5 page recommendation that will be provided to the Council and Mr. Doubleday later this week. Mr. Doubleday advised the recommendations made by the Governor's Climate Change Committee would not be formally presented to the Governor until next month.

With regard to the taping of Executive Sessions, Councilmember Dawson acknowledged a number of cities were concerned with this and the County Association voted to oppose this legislation. She questioned why this would be included on Edmonds' legislative agenda when Edmonds already kept minutes of their Executive Sessions which complied with the spirit of this legislation. Mr. Doubleday responded he included monitoring of the issue because he was uncertain the position the Council wanted to take. City Clerk Sandy Chase clarified the City did not currently tape Executive Session; she took notes during the Executive Session and prepared brief minutes. Mr. Doubleday explained the Attorney General was expected to introduce a bill that required taping of Executive Sessions; the audio tapes would then be retained for two years and during the two-year period, the tapes could only be disclosed by court order.

Councilmember Dawson noted the concern expressed by other cities and counties was people could not be as candid in Executive Session if they were taped. Edmonds already keeps minutes and taping was not personally a concern to her.

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF THE EDMONDS 2008 LEGISLATIVE AGENDA.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO ADD TO THE LEGISLATIVE AGENDA THE CITY'S SUPPORT FOR FUNDING FOR A 4-YEAR COLLEGE IN SNOHOMISH COUNTY. MOTION CARRIED UNANIMOUSLY.

Councilmember Dawson read the following email she sent to Councilmembers, the Mayor and Mr. Doubleday this afternoon:

As noted in the draft legislative agenda in tonight's packet, there will be a number of issues relating to affordable housing being addressed by the legislature this year. And as noted in tonight's packet, there will be bills proposed that could have an impact on cities and their growth targets. I agree that we ought to keep an eye on these proposals in order to ensure that cities like Edmonds do not have more growth thrust upon them than can be accommodated.

At the same time, I would suggest that there are many proposals related to affordable housing that will be coming forth this year that we ought to not simply monitor, but also support. Edmonds is a highly desirable place to live, and as a result housing prices have dramatically escalated in recent years. This has put a burden on many of our residents, particularly our working families, and our seniors. We as a city ought to support legislation that will help to ease this burden for our working families, seniors, as well as the most vulnerable members of our society. Too often, homelessness is viewed as a problem that exists "somewhere else." But on any given night in Snohomish County, approximately 2500 people are homeless.

Affordable housing and homelessness are critical issues facing our community. To that end, I hope you will consider adding support for the following items to our legislative agenda:

Affordable Housing Agenda:

- 1) \$100 Million Increase to the Housing Trust Fund - The State's Housing Trust Fund is currently funded at \$130 million. This fund is the State's primary source of funding for housing and homelessness, and supports the construction, acquisition or rehabilitation of affordable homes. The Washington Low Income Housing Alliance recommends that the State invest an additional \$1 billion in the Housing Trust Fund between 2008 and 2015 in order to assist in providing affordable housing to working families, and ending homelessness. In 2008, the State should add \$100 million to the fund, and provide new operating subsidies to ensure that Trust Fund units can serve those most in need.*
- 2) Invest \$8 million for the Washington Families Fund to Provide Needed Supportive Services to Families in Need - While providing additional affordable housing units is key, for some families housing alone is not sufficient. The Washington Families Fund (WFF) was established by the Legislature in 2004, and is a public-private partnership supporting service-enriched housing for homeless families. The Legislature invested \$6 million through 2006, matched by nearly \$7 million in funds from private donors, including the Bill & Melinda Gates Foundation. The Legislature should sustain and expand this program with \$8 million in funding in order to provide the services necessary to make homeless families self-sufficient.*
- 3) Preservation of Manufactured Housing Communities - Numerous manufactured housing communities throughout Snohomish County are in danger of closure, putting Snohomish County residents (primarily seniors) at risk of becoming homeless. The State should create a package of tax incentives to encourage park owners to sell their park to a qualified nonprofit or housing authority, preserving a critical affordable housing choice. (See House Bill 1621, proposed in 2007 by Rep. Brian Sullivan)*
- 4) Increase the State's Transitional Housing Operating and Rent (THOR) Program by \$10 Million to \$15 Million - THOR provides transitional housing and rent assistance to homeless families with children. This proposed increase in funding will allow program eligibility to expand to individuals, homeless families without children, and those on the verge of becoming homeless. The program provides services in addition to housing to allow individuals to transition to permanent housing and*

become self-sufficient, including parenting classes, education, treatment, job training, and financial literacy programs.

- 5) Support Legislation to Mitigate Impacts of Condominium Conversions - House Bill 2014, proposed in 2007 by Rep. Chase, is expected to be reintroduced in 2008. This bill extends the notification requirement from 90 to 120 days to tenants to be affected by a condominium conversion, authorizes a city or county government to require a condominium conversion declarant to pay relocation assistance to low-income tenants in an amount to be determined by the city or county, but not to exceed three months of a tenant's rent, and prohibits interior construction related to the conversion of condominiums during the 120-day notice period unless a building is vacant or unless the declarant meets specific requirements.
- 6) Support Legislation under development to support: Financial Counseling for Homeownership and Foreclosure Prevention, Ending Predatory and Deceptive Mortgage Lending Practices, and Increasing the Debt Limit for the Washington State Housing Finance Commission's Tax Exempt Bond Program.

Councilmember Dawson commented if the Council was not comfortable with supporting these exact proposals, she asked that the Council consider supporting the general concept of increased funding for affordable housing services, legislation preserving housing choices including manufactured housing, mitigating the impacts of condominium conversions and programs that support financial literacy to enable homeownership, preventing foreclosure, ending predatory mortgage lending and increasing the debt limit for the Washington State Housing Finance Commission's Tax Exempt Bond Program.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO ADD SUPPORT FOR INCREASED FUNDING FOR AFFORDABLE HOUSING SERVICES, LEGISLATION PRESERVING HOUSING CHOICES INCLUDING MANUFACTURED HOUSING, MITIGATING THE IMPACTS OF CONDOMINIUM CONVERSIONS AND PROGRAMS THAT SUPPORT FINANCIAL LITERACY TO ENABLE HOMEOWNERSHIP, PREVENTING FORECLOSURE, ENDING PREDATORY MORTGAGE LENDING AND INCREASING THE DEBT LIMIT FOR THE WASHINGTON STATE HOUSING FINANCE COMMISSION'S TAX EXEMPT BOND PROGRAM.

Councilmember Wambolt asked where these items originated. Councilmember Dawson explained a number of them had been supported by the Washington Low Income Housing Alliance although she did not include their entire legislative agenda. The items she listed above were non-controversial and would support affordable housing and preventing homelessness in the community. She noted some of the funding was included in the Governor's budget. Councilmember Wambolt suggested Mr. Doubleday monitor these issues and contact the Council when support was needed. Councilmember Dawson offered to amend her motion to monitor these items and express support at the appropriate time.

Council President Plunkett agreed with supporting affordable housing, however, it was difficult to express support for the specifics without an opportunity to review them. He was more comfortable with Council monitoring an affirmative affordable housing statement and asking Mr. Doubleday to monitor the specific bills Councilmember Dawson identified subject to future support.

Councilmember Olson agreed with Councilmember Dawson's suggestion to monitor the issues and express support as bills came forward.

Councilmember Wilson expressed support for the general principles. He asked whether a homeless census had ever been done in Edmonds. Councilmember Dawson advised a point-in-time-count of homeless individuals in Snohomish County would be conducted on January 24. Staff displayed a flyer

regarding that effort and Councilmember Dawson encouraged Councilmembers and the public to volunteer. She noted the count could be broken into more discreet areas. She assured there were homeless individuals living in South Snohomish County and in Edmonds in particular.

Councilmember Dawson restated her motion as follows:

THE COUNCIL EXPRESSES SUPPORT FOR LEGISLATION TO PRESERVE AFFORDABLE HOUSING AND PREVENT HOMELESSNESS AND MONITOR THE SPECIFICS MENTIONED IN HER EMAIL. MOTION CARRIED UNANIMOUSLY.

With regard to taping of Executive Sessions, Council President Plunkett pointed out most cities did not keep minutes of Executive Session such as Edmonds did, therefore the public had no recourse to determine whether the Council was in Executive Session legally. He noted there were only specific topics the Council could discuss in Executive Session; in his 11 years on the Council, the Council had adhered to those rules. The legislation the Attorney General planned to propose would require tapes be retained for two years and anytime within the two years, a member of the public with a question about an Executive Session could request a judge reveal the content of the taped Executive Session. He favored open government and citizen access and expressed interest in supporting legislation for taping of local government Executive Sessions versus only monitoring legislation. He did not agree with those who felt it would be difficult to speak candidly if Executive Sessions were recorded.

Councilmember Dawson commented her understanding of the bill was a court order would not allow examination of a tape to determine whether an Executive Session was appropriate. City Attorney Scott Snyder explained the primary intent was as a discovery tool for someone bringing an open meetings violation charge. The City already went far beyond what State law required including placing the minutes of an Executive Session in a public file when the reason for the Executive Session was passed.

Councilmember Dawson asked under what circumstances a judge would review or could order the release of Executive Session tapes. Mr. Doubleday answered the legislation had not yet been proposed. Councilmember Dawson did not disagree with Council President Plunkett's support of fair and open government but until the Council had an opportunity to review the legislation, she preferred to monitor the issue. She did not want Edmonds to support the AWC's position of opposing the legislation.

Council President Plunkett pointed out Edmonds kept summary minutes of Executive Sessions; they were not taped which was a big difference. He noted one of the reasons for proposing the legislation was there have been political entities for which citizens have wanted to pursue the discovery process but because the Executive Sessions were not taped, that discovery was not available. He recalled originally the City planned to oppose this legislation and AWC wanted municipalities to oppose taping of Executive Sessions. He was satisfied with monitoring the issue until the legislation was proposed.

Councilmember Orvis did not object to recording Executive Sessions, commenting he viewed Executive Sessions as a public meeting where the public's access to the information was delayed for legal reasons.

Councilmember Dawson asked whether the Edmonds Council could begin recording its Executive Sessions. She suggested that be discussed at the retreat.

Councilmember Wilson asked the original intent of Executive Sessions and what role the City Attorney played. Mr. Snyder answered there were limited grounds authorized by State statute for Executive Sessions: labor negotiations, provision of legal advice regarding pending or threatened litigation, and purchase of real estate. He noted the current Attorney General's key issues are public record and open meetings. Councilmember Wilson asked what type of advice the City Attorney provided in Executive

Session. Mr. Snyder answered his practice was to provide the majority of his advice in the public record because he felt it was always better that the public understand the Council's legal choices unless it was in regard to actual litigation or a practice of the City that could lead to liability.

Because there were limited reasons for holding an Executive Session, Councilmember Wilson did not support legislation that would force other cities to conduct Executive Sessions in a different manner particularly with regard to attorney-client privilege.

Councilmember Dawson clarified the intent was not to eliminate Executive Sessions but to allow a judge to release relevant portions of a tape in response to a challenge. Mr. Snyder advised he had reviewed the Attorney General's proposed legislation via the Washington State Association of Municipal Attorneys and it was designed to create and preserve evidence for open public meeting lawsuits. A judge would review the tapes to determine whether they would be admissible. He noted it was common for attorneys to have a judge determine what evidence was admissible. He summarized the legislation would not make tapes available to the public outside a lawsuit but allowed for the creation and preservation of evidence.

Council President Plunkett advised he planned to propose in the future that the Edmonds City Council begin taping Executive Sessions.

It was the consensus of the Council to retain the wording in the proposed 2008 legislative agenda (monitor legislation requiring local governments to tape executive sessions).

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO DELETE "WITHOUT A MANDATE ON LOCAL GOVERNMENTS" FROM THE RECOMMENDATION REGARDING CLIMATE CHANGE.

Councilmember Wambolt asked the intent of including "without a mandate on local government." Mr. Doubleday answered the intent was to be positive with regard to climate change legislation but avoid mandates. He anticipated there would be numerous bills proposed with regard to climate change.

Mayor Haakenson commented his concern was unfunded mandates.

Councilmember Dawson spoke in favor of monitoring legislation that collaboratively addressed climate change, suggesting Mr. Doubleday update the Council with regard to specific bills and any mandates. The Council could then consider opposing onerous/unfunded mandates.

Councilmember Orvis commented the key word in this item was "collaboratively."

MOTION CARRIED UNANIMOUSLY.

VOTE ON THE MAIN MOTION

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

Councilmember Wilson encouraged Mr. Doubleday to inform the Council as opportunities arose where local support may be helpful. Councilmember Wilson suggested Mayor Haakenson write to the Governor and area legislators in support of a 4-year university in Snohomish County. Mayor Haakenson agreed. Councilmember Dawson commented the Council has supported a 4-year university in the past; it may be appropriate for the Council to adopt another resolution in support of funding a 4-year university even if the parties were unable to agree on the location. Councilmember Wilson and Councilmember Dawson offered to develop a resolution for Council consideration.

11. AUDIENCE COMMENTS

ADB Concern

Roger Hertrich, Edmonds, was encouraged by the Council’s dialogue regarding the 2008 legislative agenda, anticipating the Council would give more thought to issues and work together this year. He relayed concern with the Architectural Design Board (ADB); either they had not been taught how to do their job properly or they did not understand their role and/or staff was not doing their job. He recalled a recent incident where it was the public who pointed out errors in the staff report regarding a building’s height. He pointed out one of the problems was the ADB made their recommendation based on the staff report rather than processing the application through each section of the code. Another issue was the information considered by the ADB was not complete enough, for example building elevations were not required. He urged the Council to determine what the problems were with the ADB, whether it was better training, different procedures, more specific requirements, etc. so that the Council could do its job and avoid appeals.

ADB Concern

Brian Larman, Edmonds, expressed concern with the rate at which large multi family buildings were replacing the smaller individual homes that defined the character of Edmonds. He commented on a recent ADB meeting where the Board considered a 3-unit condominium on a lot that currently contained one single family home. Although he was initially encouraged by the Board’s discussion regarding the garage doors, building materials and a portion of the building overhanging the sidewalk, once the builder remarked they were behind schedule, the ADB almost immediately stopped their discussion and approved the project with what appeared to be significant issues remaining. He was concerned with the adequacy of the ADB’s review and requested the City Council review the ADB’s procedures/processes and be more aware of how the Board conducted its business, ensure members had the necessary qualifications and effectively conducted their review to ensure projects met the City’s codes.

ADB Concern

Elisabeth Larman, Edmonds, recommended all members of the ADB reside within the City limits, noting there were enough talented, interested residents to fill all positions. She objected to people living outside Edmonds approving building in Edmonds. She recommended the ADB members be reminded that all codes and guidelines must be followed which would protect the City from poor building practices. She recommended ADB members visit the proposed site, follow the rules and have the courage to cast dissenting votes when appropriate. She recalled an ADB meeting two years ago where the past Chairman claimed the ADB was in place to serve the developers, commenting unfortunately that was still the way the ADB behaved. She also recommended ADB and Planning Board meetings be televised to provide citizens access to meetings. She was concerned that at their last meeting the ADB gave the City three more garage doors just off the sidewalk and eliminated two parking spaces, stating it was becoming more dangerous to walk on the City’s sidewalks due to curb cuts that created uneven terrain and vehicles exiting garages. She was also concerned with landscaping that was being replaced by concrete. She recommended the codes with regard to multi family, which were 27 years old, be reassessed with regard to the City’s needs.

Councilmember Wambolt advised he had asked for items to be scheduled on the Council’s retreat agenda that would address the issues posed by the public including 1) review and Council oversight of the ADB and Planning Board, and 2) review the multi family zoning code.

Mayor Haakenson declared a brief recess.

Appearance of Fairness Doctrine

12. CITY ATTORNEY BRIEFING ON THE APPEARANCE OF FAIRNESS DOCTRINE

Councilmember Wambolt requested City Attorney Scott Snyder also address the waterfront in his discussion.

Mr. Snyder explained the intent of this item was to inform the Council as well as assist the public in understanding the difficulties the Council faced responding to questions regarding quasi judicial matters. He explained these matters were very fact dependent and he encouraged the Council to contact him with any questions. With regard to open public meetings, Mr. Snyder explained the Open Public Meeting Act required that no action be taken unless at a duly called meeting. He provided a definition of action, the transaction of the official business of a public agency by a governing body, including, but not limited to, receipt of public testimony, deliberations, reviews, evaluations, and final actions (votes). He summarized the public had the right to hear Councilmembers debate an issue.

He explained the Council's discussion could either be on legislative or quasi judicial matters. A quasi judicial matter was typically an issue between two contested parties, appeals that the Council hears. As long as the Council retained the final decision-making authority on certain land use appeals as well as site specific rezones which the Council was required by State law to conduct, the Council would continue to deal with the concept of quasi judicial. In a quasi judicial matter, the Council was limited to consideration of the record of the proceeding. Therefore if a citizen called a Councilmember to discuss a pending quasi judicial matter/application, the Councilmember could not talk with the citizen as it constituted an ex parte communication. If the Council received a telephone call, email or letter inadvertently, the Councilmember must reveal the contact on the record so that the other parties had an opportunity to rebut the information. Although an ex parte communication could be cleared by disclosing it, a legal problem could arise if information provided to the Council was outside the record.

Mr. Snyder advised the matter of virtual meetings arose for both quasi judicial and legislative matters. He described a situation where a citizen sent an email to the Council and a Councilmember "Replied All" which may result in the Council debating an issue outside the record of the proceeding. A quorum of Councilmembers (four or more members) participating in serial phone calls or round-robin email exchange of information was a violation of the Open Public Meeting Act as the Council was deliberating outside the public record. He clarified a Councilmember could share information with other Councilmembers particularly on legislative matters without the expectation of a reply. He cautioned the Council about back-and-forth responses between four or more Councilmembers.

With regard to the waterfront development, Mr. Snyder advised any decision regarding the rezoning of that property was a legislative matter and the Council was free to consider a wide variety of information including their own personal knowledge and information they may gather elsewhere. The Council was free to share information with other Councilmembers but four or more Councilmembers could not enter into a discussion outside the record. He cautioned the Council against vetting a new proposal by polling fellow Councilmembers; a Councilmember could talk to 1-2 others but once four were involved it would be considered an illegal meeting. He summarized the public had the right to hear the Council's discussions. He advised the penalty for a Councilmember knowingly participating in an illegal meeting was subject to personal liability in the form of a civil penalty in the amount of \$100 and the Councilmember could be subject to recall.

Mr. Snyder explained the definition of Appearance of Fairness was whether a disinterested person, apprised of the totality of a member's personal interest or involvement be reasonably justified in thinking the involvement might affect the member's judgment. He explained it was intended to be an objective standard; what a member of the audience might think, not what the Councilmember knew to be true. For example if a Councilmember owned a house across the street from property to be rezoned, what would a disinterested person think about the Councilmember's judgment? Mr. Snyder explained neither the Council nor the Mayor as chair made the decision whether a Councilmember recused themselves under the Appearance of Fairness Doctrine. If someone challenged a Councilmember, he could advise the Councilmember, the Council could weight in, but the Councilmember themselves decided whether to step down; the Appearance of Fairness Doctrine had no provision for removal.

Mr. Snyder provided typical examples of quasi judicial matters including subdivision approval, rezones and on-record appeals. Quasi judicial actions did not include Comprehensive Plan adoption or general zoning code amendments which were legislative actions. He noted no person could be disqualified by the Appearance of Fairness Doctrine for conducting the business of his/her office with any constituent on any matter other than a quasi judicial action. He noted although development of the waterfront may result in an application to the Council, pending the presentation of an application to the City, the issues would be legislative. To that extent the Council was acting as a legislative body and could discuss the matter freely with anyone outside a meeting other than with three or more members of the Council. Once an issue became quasi judicial, the Council was limited to the record of the lower proceeding such as the Hearing Examiner. In that instance the Council could not discuss issues with citizens. If a Councilmember received information, the information and the source would need to be disclosed.

Mr. Snyder advised some Appearance of Fairness Doctrine issues could be cured, for example an ex parte communication could be revealed or if four members of the Council were disqualified, destroying the quorum, all may participate. Things that could not be cured were prejudgment and personal bias or judgment. He noted statements made in the course of a Council candidate's campaign were not the subject of prejudgmental bias. He clarified this applied to a campaign for a candidate not running for reelection; a Councilmember who made statements during a campaign that reflected prejudgmental bias could lose their ability to participate.

Mr. Snyder explained memberships in organizations could be the subject of an Appearance of Fairness challenge if topics were discussed and positions taken at a meeting. His preference was that Councilmembers not attend public meetings regarding pending applications that were in the appellate process because they could obtain information outside the record and attendance at a forum could be the basis for objection. He noted homeownership could also make a Councilmember subject to challenge; for example, a Councilmember who lived across the street from a project.

With regard to conflicts, Mr. Snyder advised Councilmembers may not disclose confidential information they receive in an Executive Session. Councilmembers may not use their position to secure special privileges or exemptions for himself or others. A Councilmember may not directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity for a matter connected with his/her official duties. He noted the receipt of any compensation, gift, reward or gratuity also extended to public employees.

Mr. Snyder reviewed the procedures for conducting hearings:

- The Chair announces the subject matter and asks for any Appearance of Fairness disclosures and challenges. He reiterated if challenged, the individual Councilmember made the decision whether to recuse themselves. The Mayor's statement regarding Councilmembers' participation was due to the Appearance of Fairness Doctrine's requirement that for a challenge to be upheld, it must be made at the earliest opportunity.
- The Chair announces the process and timelines.
- Presentations are made and public comment taken. He recalled the Council had discussed in the past whether to continue to accept oral argument or to require written argument. He noted attorneys preferred written argument because it could be reviewed to ensure there was nothing outside the record. However, requiring written argument strongly favored those experienced in the process and placed the average citizen at a disadvantage.
- Following public comment, the public portion of the hearing was closed and the Council deliberates. He cautioned Councilmembers that their decision in a quasi judicial action was on the record and their decision must be based on information in the record. He recommended Councilmembers not ask questions that could not be answered by information in the record.
- The Council then takes action and staff prepares findings and conclusions for Council adoption.

Mr. Snyder explained the Land Use Petition Act and GMA require the Council to adopt written findings of fact and conclusions of law. He referred to Mr. Hertrich's comment regarding the ADB's adoption of staff's findings implying that was a bad thing. He noted City boards often adopted findings of fact and conclusions via the staff report as the staff reports were structured to include all the decision criteria and adoption of the staff report avoids a delay between the decision and the Board's next meeting. He acknowledged Mr. Hertrich's point was the staff report was incorrect, noting any inaccuracies could be corrected in a motion.

Mr. Snyder explained Executive Sessions were intended for discussion with legal counsel representing the agency concerning matters such as enforcement actions, or to discuss with legal counsel litigation to which the agency, the governing body, or member acting in an official capacity is or is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. This also includes discussion with legal counsel of legal risks of a proposed action or current practice when public discussion is likely to result in an adverse legal or financial consequence. He noted it was rare during a public hearing for him to request an Executive Session to discuss an issue; his preference was to give legal advice regarding options in an open meeting.

Council President Plunkett observed until an application for a rezone was submitted for the waterfront property, Councilmembers were free to discuss and have opinions and positions. He asked whether those positions/discussions could be held against the Councilmember once an application was submitted. Mr. Snyder answered legislative issues could not be prejudged. For example, legislatively determining building heights in a particular zone was not a quasi judicial decision; determining ordinance content under which an application would be considered was not quasi judicial. In that instance, Councilmembers were free to state opinions regarding the appropriate density, height, etc. He cautioned a Councilmember about stating an opinion with regard to a specific application, development of specific tracts of land/properties, action by individual developers, etc. He urged the Council to discuss development in a general context and avoid prejudging issues via statements regarding individual properties. He acknowledged there may be some overlap when discussing development of an area as limited in scope as the waterfront. He summarized Councilmembers should feel free to discuss the attributes of current or proposed ordinances/regulations and avoid specific discussion of projects, property and developments.

Council President Plunkett observed if a Councilmember's comments were too specific, when a matter became quasi judicial, their comments could be held against them. Mr. Snyder agreed and provided examples of the type of comments to avoid. He encouraged Councilmembers to relate their comments to the Comprehensive Plan and the general needs of the community versus the impact on a specific intersection.

Council President Plunkett pointed out the Appearance of Fairness applied only to quasi judicial matters. Mr. Snyder agreed, noting as legislators Councilmembers could consider their experience, comments of friends, etc. in their decision. Conversely in a quasi judicial matter, facts a Councilmember knew that were not in the record of the proceeding could not be considered in their decision. He noted it was the applicant and appellant's responsibility to ensure adequate information was included in the Hearing Examiner or appropriate Board's record. Citizens have the ability to participate in the process but it was important to participate at the open public hearing to ensure the record contained the information necessary to make a decision and not wait for the Council's closed record review. He advised staff was working on revisions to the City's hearing chapter, Title 20. The changes were being reviewed by the Planning Board and would be forwarded to the Council soon.

Councilmember Orvis commented even if a Councilmember made the decision whether to recuse themselves, if they participated when there was a clear violation of the Appearance of Fairness Doctrine,

the decision could be overturned and could have dire consequences to the City. Mr. Snyder agreed there was a great deal of accountability.

Councilmember Orvis questioned whether the Council should totally avoid discussing the waterfront with citizens. Mr. Snyder pointed out the need for a reasonable public debate of issues. He explained Council action on any aspect of development occurred in the Council Chambers. At issue were conversations a Councilmember may have with people interested in the site; in that context he encouraged the Council to discuss it in terms of the Comprehensive Plan and the general benefit to the City. He noted the Council had the ability to request reports, engage experts, or have information provided via staff; there were ways for the Council to be proactive regarding the acquisition of information and the making of an appropriate record.

Mayor Haakenson asked if Councilmembers could talk about building height. Mr. Snyder answered certainly. Mayor Haakenson pointed out a contract rezone of the site would require different building heights. Mr. Snyder answered a contract rezone could reduce or place limitations on what a zone provides, it could not expand the rights provided in the zone. If there was a 25 foot building height and a developer wanted to convince the Council to allow 30 foot building heights, as a legislative matter, the Council could discuss any aspect of that other than a specific application.

Mayor Haakenson asked what the Council could discuss if there was a rumor that there was interest in increasing building heights via a contract rezone. Mr. Snyder reiterated contract rezones could not expand zoning rights; they were a way for a developer to propose a rezone such as the Hwy. 99 node with unlimited height in exchange for certain things. He summarized additional building heights could not be achieved via a contract rezone.

Mayor Haakenson asked what the Council could discuss before any application was submitted if there was a rumor that a developer wanted to propose a contract rezone to build taller buildings and in turn do certain things,. Mr. Snyder advised a developer would first need to propose a legislative change to increase the height in the zone.

Councilmember Dawson asked if a Councilmember who knew there was a rumor that a development would be proposed, could make a statement regarding whether or not he would approve it. Mr. Snyder advised a comment such as "I would never vote to increase the height in the zone" was appropriate. A comment such as "I would never approve an application for a building built by a certain developer" was prejudgmental bias.

Councilmember Dawson asked whether a Councilmember making a comment that they thought a certain request was wonderful or they would never approve such a request was appropriate. And if after an application was submitted, that Councilmember would be in danger on the quasi judicial rezone because of their comments. Mr. Snyder answered the legally appropriate answer for a Councilmember to give the public was "I would never vote for an ordinance that would increase the height; if that law were passed, I would apply it fairly in a quasi judicial capacity based on the ordinance." Councilmember Dawson noted that had occurred in the past; a Councilmember voted against the creation of a zone and later found themselves considering an application that utilized the zone. Mr. Snyder agreed as legislators the Council had broad discretion to adopt a wide variety of approaches. Once an ordinance was adopted and an application made, the Council was constrained to apply the ordinance criteria based on the evidence presented.

With regard to the Council creating its own record, Councilmember Dawson acknowledged the danger of relying on a record created by others. She noted there were issues upon which considerable amounts of money were being spent such as expansion of Paine Field. She noted moneyed interests could create a

record that was unrebutted. She asked what limits the Council had with regard to developing their own record to avoid the appearance of creating a record that was set up to fail in a future quasi judicial proceeding. Mr. Snyder answered hiring an independent expert to evaluate the economic consequences of certain actions was appropriate but cautioned against engaging experts to provide site-specific analysis. He acknowledged developers were at an inherent advantage in the development process because they spent significant amounts developing plans before filing an application. Once an application was filed, the City had 120 days to act. Therefore the Council was under considerable pressure to ensure that decisions were made and that process did not increase development costs. By the time an application reached the ADB or Hearing Examiner, there may be a limited amount of time remaining. Citizens were at a distinct disadvantage in terms of the amount of money they were willing to spend.

With regard to amendments to Title 20, Mr. Snyder pointed out the Council was under considerable pressure to remain as the quasi judicial, final hearing body. One of the advantages of not being a decision maker was Councilmembers could participate in the process including hiring experts, taking an advocacy position, developing a record, etc. which as the final decision maker, they could not do. Councilmember Dawson pointed out the Council was required to be the decision maker on site specific rezones. Mr. Snyder commented on the use of the Comprehensive Plan process to develop economic or environmental information, noting that was an appropriate way to assist in preparing a record.

Councilmember Dawson referred to public comments regarding the Council's role with the ADB and/or Planning Commission including televising meetings and questioning why Councilmember did not attend Planning Board and ADB meetings. Mr. Snyder favored broad citizen access and supported televising Board meetings. He explained the problem with Councilmembers attending these meetings was challenges may arise. Councilmember Dawson commented that could be overcome if a Councilmember sat in a specified location and there was no mingling at meetings. Mr. Snyder agreed it could be structured within the law.

Councilmember Wilson asked if there were any current cases or appeals in a quasi judicial status that he should not speak to citizens about. Mr. Snyder was not certain and suggested staff provide Council notice of pending applications so that they were aware when they could not discuss an issue with the public.

Councilmember Wilson asked if there was a further penalty for a Councilmember who did not recuse themselves, whereby the Councilmember incurred personal liability versus professional liability. Mr. Snyder advised the City had an indemnification ordinance; the issue was whether a Councilmember was in the course of their official duties. He explained a Councilmember doing their job qualified them for legislative immunity. He advised on January 24 the Council would be provided a presentation regarding citizen complaints. He explained the Council had a policy of not responding to the public during public comment. This was developed as the result of a situation approximately 15 years ago when several members of a neighborhood complained to the Council about an intersection and the Council agreed to install a traffic circle later that week. At the following Council meeting, members of the neighborhood complained to the Council that they could not exit their driveways due to traffic backups from the traffic circle. He summarized advertising issues to ensure a range of public opinion on an issue was preferable.

Councilmember Wilson recalled discussion regarding the Council allocating funds for visioning of the waterfront and asked whether any product or participation by a Councilmember would jeopardize his/her ability to participate in a quasi judicial action. Mr. Snyder answered in most cases no; it could be structured to preserve a Councilmember's ability to participate. Councilmember Wilson envisioned a less formal process where citizens could offer their insight and there likely would be a subjective outcome and subjective participatory views. Mr. Snyder answered that was the reason for the Comprehensive Plan docketing process. If the Council wanted to update the Downtown Waterfront Plan, it was an adopted

part of the Comprehensive Plan. The GMA encourages public participation via the Comprehensive Plan docketing process.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO EXTEND THE MEETING UNTIL 10:30 P.M. MOTION CARRIED UNANIMOUSLY.

Councilmember Wambolt asked whether the Chair had the ability to tell a Councilmember to recuse themselves. Mr. Snyder answered no, as an elected official a Councilmember's power could only be removed via a recall petition; a Councilmember made the decision whether to recuse themselves. Councilmember Wambolt noted if a Councilmember did not recuse themselves, the risk was to the City.

Resolution
Thanking
Council
President
Pritchard Olson

13. PRESENTATION OF RESOLUTION THANKING COUNCILMEMBER PEGGY PRITCHARD OLSON FOR HER SERVICE AS COUNCIL PRESIDENT.

Mayor Haakenson read a Resolution thanking Councilmember Olson for her service as Council President. He presented the resolution and a gift to Councilmember Olson. Councilmember Olson thanked the Council for their support, commenting serving as Council President was a great experience.

14. MAYOR'S COMMENTS

Representative
Marko Liias

Mayor Haakenson offered congratulations to Marko Liias, former Mukilteo City Councilmember, who resigned last night because he was appointed to fill Representative Brian Sullivan's seat. Mayor Haakenson advised he met with Representative Liias this morning to discuss the City's priorities for the legislative session.

15. COUNCIL COMMENTS

Council President Plunkett welcomed the new Councilmembers. He invited Councilmember Wilson to prepare a resolution of support for funding a 4-year university in Snohomish County for Council consideration on a future agenda.

City Council
Retreat to be
Held Feb. 1-2

Council President Plunkett noted the Council retreat is scheduled on February 1 and 2, beginning at 9:45 a.m. on February 1. He asked Councilmembers to submit any agenda items to Senior Executive Council Assistant Jana Spellman who would compile topics, consult with Mayor Haakenson and develop a draft agenda.

Strategic Plan;
Taping Retreat;
Waterfront

Council President Plunkett advised of three upcoming agenda items, 1) whether the Council wanted to pursue preparation of a Strategic Plan, 2) whether to tape the Council retreat, 3) whether Councilmembers were interested in pursuing park land at the waterfront, either a portion or all of it.

Councilmember Wilson thanked Senior Executive Council Assistant Jana Spellman, Assistant City Engineer Don Fiene, Community Services Director Stephen Clifton and Administrative Services Director Dan Clements for their assistance. He also thanked Councilmember Olson and Council President Plunkett for their assistance.

Councilmember Orvis welcomed new Councilmembers, noting this was a unique Council in that a majority of the members attained their seat by removing an incumbent.

Councilmember Dawson thanked the two new Councilmembers for their willingness to participate. She anticipated Councilmembers Bernheim and Wilson would be great additions to the Council as they were both very bright, talented and engaged in the community.

Public Hearing
on Graffiti

Strategic Plan

Mayor Haakenson advised the next Council meeting would include a public hearing on the proposed graffiti ordinance. With regard to a strategic plan, he offered to provide the Council the strategic plan, vision and mission statement developed at the Council retreat in 2004 that staff has been acting on. He recalled public safety updates had been made to that strategic plan, and an economic development update was made last year as part of the Comprehensive Plan update.

16. ADJOURN

With no further business, the Council meeting was adjourned at 10:25 p.m.