

# EDMONDS CITY COUNCIL APPROVED MINUTES

## January 15, 2008

Following a Special Meeting at 6:45 p.m. to interview a candidate for the Arts Commission, the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

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

### ALSO PRESENT

Hilary Scheibert, Student Representative

### STAFF PRESENT

Al Compaan, Police Chief  
Duane Bowman, Development Services Director  
Stephen Clifton, Community Services Director  
Dan Clements, Administrative Services Director  
Brian McIntosh, Parks & Recreation Director  
Dave Gebert, City Engineer  
Frances Chapin, Cultural Services Manager  
Bio Park, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Change to  
Agenda

### 1. APPROVAL OF AGENDA

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO APPROVE THE AGENDA IN CONTENT AND ORDER WITH THE ADDITION OF A RESOLUTION SUPPORTING A UW NORTH SOUND CAMPUS AS ITEM 10B. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

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

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

Roll Call

#### A. ROLL CALL

Approve  
01/08/08  
Minutes

#### B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 8, 2008.

Approve Claim  
Checks

#### C. APPROVAL OF CLAIM CHECKS #101383 THROUGH #101579 FOR JANUARY 10, 2008 IN THE AMOUNT OF \$732,356.29. APPROVAL OF PAYROLL CHECKS #46111 THROUGH #46127 DATED JANUARY 10, 2008 IN THE AMOUNT OF \$4,882.09 FOR POLICE DEPARTMENT'S UNIFORM ALLOWANCE.

Claims for  
Damages

#### D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM JEFFREY BROWN (\$979.04), MARNI MUIR (AMOUNT UNDETERMINED), AND TAMI HERRICK (AMOUNT UNDETERMINED).

Broadband Agreement

E. **EDMONDS SCHOOL DISTRICT BROADBAND AGREEMENT.**

2007 Street Overlay Program

G. **REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2007 STREET OVERLAY PROGRAM PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.**

PFD Contingent Loan Agreement

**ITEM F. PUBLIC FACILITIES DISTRICT CONTINGENT LOAN AGREEMENT**

Councilmember Dawson asked staff to provide background on this item. Administrative Services Director Dan Clements explained in 2005 the City guaranteed an interim construction loan for the Edmonds Center for the Arts (ECA) that assisted with the renovation of the facility. Community Services Director Stephen Clifton subsequently secured an approximately \$1 million grant that was used to pay down the loan. Via the contingent loan agreement, the City guarantees the bond issue versus the short-term, variable interest, interim loan. He anticipated the amount of the bond to be \$3.3 - \$3.5 million with a lower interest rate than the interim construction loan.

Councilmember Dawson asked about the impact on the City's debt capacity. Mr. Clements responded it would not affect the City's debt capacity because it was an ECA issue, and the City was only backing the bond issue. Councilmember Dawson suggested establishing a policy for the issuance of contingency loan agreements and a ceiling on the amount, anticipating other opportunities in the future for contingency loan agreements such as for affordable housing.

Councilmember Dawson asked about eliminating the Bank of America as a party to the interim loan agreement. Mr. Clements explained Bank of America was a party on the original interim loan agreement as they issued the loan. As this would be a bond issue, Bank of America would not be a party to the transaction. He summarized this would be a bond issue from the ECA backed by the City versus an interim loan agreement. Councilmember Dawson asked how the City's backing assisted with the bond rate. Mr. Clements answered it lowered it considerably and he was uncertain whether in the current financial climate the ECA could issue bonds themselves.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF CONSENT AGENDA ITEM F. MOTION CARRIED UNANIMOUSLY.**

Arts Commission Candidate

3. **CONFIRMATION OF ARTS COMMISSION CANDIDATE JOANNE OTNESS.**

**COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO CONFIRM THE APPOINTMENT OF JOANNE OTNESS TO THE ARTS COMMISSION. MOTION CARRIED UNANIMOUSLY.**

Graffiti Ordinance

4. **PUBLIC HEARING ON A PROPOSED ORDINANCE ADDING A NEW CHAPTER 5.60, GRAFFITI; DECLARING GRAFFITI A PUBLIC NUISANCE; PROHIBITING DEFACEMENT OF PROPERTY WITH GRAFFITI AND POSSESSION OF GRAFFITI IMPLEMENTS WITH INTENT TO DEFACE; IMPOSING CRIMINAL PENALTIES; REQUIRING THE REMOVAL OF GRAFFITI; ESTABLISHING AN APPEALS PROCESS; ESTABLISHING A GRAFFITI FUND.**

Police Chief Al Compaan explained the revised ordinance was the result of several meetings with the Public Safety Committee and the full Council as well as the August 28 public hearing. He explained the intent of the ordinance was to strengthen the ability to respond to the criminal aspects of graffiti as well as public nuisance/abatement. The ordinance defines graffiti, defines the criminal acts such as defacement and possession of graffiti implements, and outlines penalties for those violations.

Development Services Director Duane Bowman explained the revised ordinance was similar to the original ordinance with minor revisions such as a letter to the public. He advised staff worked with City

Attorney Bio Park to ensure all the Council comments from the August public hearing were included. He noted there was recently a rash of graffiti along SR104; the same day it was reported, staff was in contact with property owners who were preparing to remove the graffiti. He noted that was the way enforcement with regard to graffiti usually worked; staff contacts the property owner and the property owner removes the graffiti. The ordinance outlines a procedure for notification and pursuing compliance with a property owner unwilling to respond.

City Attorney Bio Park reviewed the changes made to the original draft ordinance:

- The limitation and liability provisions on business establishments regarding to whom graffiti implements could be sold, requiring age verification of purchaser's penalties, etc. were removed.
- Flexibility was added to allow the Director to establish the fine from a minimum of \$25 and a maximum of \$250 and to provide more time for the abatement of graffiti.
- A provision was added that would allow the monies in the graffiti trust fund funds to be used to clean up graffiti upon Council finding that abatement of graffiti on private property would, 1) accomplish the fundamental government purpose, 2) serves the public interest and there is no donor intent or 3) assists the poor and infirm.

Councilmember Dawson thanked staff for the revisions, noting they addressed the concerns expressed at the public hearing, particularly the ability to assist with abatement under appropriate circumstances. She also supported the addition of flexibility. She asked for clarification regarding the ability for the Director to determine the fine, extend the period for abatement and require no fine if the property owner were making a legitimate effort to clean up the graffiti. Mr. Bowman described the need for flexibility, for example the current weather made it difficult to clean up the graffiti that occurred Monday. He noted as long as a property owner was willing to work with him, he was willing to continue working with them. If a property owner balked at abatement, the ordinance could be used as a "hammer." Councilmember Dawson asked him to explain why it was necessary to have a "hammer." Mr. Bowman answered often someone will begin clean up and not finish; to prevent future graffiti it was important to remove graffiti immediately. He noted this was the same procedure practiced in code enforcement; he was very willing to work with someone on reasonable timeframes, etc. The order to correct, notice of violation, and the civil fine process was used when a property owner was not willing to work with staff on compliance.

Councilmember Dawson recognized the importance of necessary tools in the ordinance to rapidly remove graffiti to avoid future graffiti, noting a property owner who failed to comply with removal often led to further graffiti. Mr. Bowman agreed, envisioning the process in the ordinance would rarely be needed because the code enforcement officer was very effective in working with property owners informally and obtaining a commitment for removal. Councilmember Dawson noted the declaration of a public nuisance and the definition of graffiti and when it becomes a public nuisance was important to allow the use of the funds in the graffiti trust fund when appropriate.

Councilmember Wambolt asked whether the Police Department investigated graffiti. Chief Compaan responded it was typically documented via a police report and photographs and the Police Department followed up on any suspect or vehicle information. Unfortunately the majority of the time there was little for the Police Department to work with unless a pattern was established. Councilmember Wambolt referred to an internet article where another city's Police Department had difficulty investigating graffiti because city workers removed it before the police had time to photograph it. Chief Compaan responded this was not an issue in Edmonds as Parks and Public Works staff were aware the Police Department wanted to document graffiti with photographs.

Mayor Haakenson opened the public participation portion of the public hearing.

**Karen Wiggins, Edmonds**, reported their property downtown had been defaced by graffiti twice; she reported it to the Police Department and removed it immediately. She referred to a letter she submitted at the August 2007 public hearing, noting the proposed ordinance only addressed private property owners. She recommended municipal properties should also be addressed in the ordinance. She also objected to the ordinance's approach that made the victim the perpetrator and felt the ordinance was vague with regard to what constituted a reasonable time period.

Hearing no further public comment, Mayor Haakenson closed the public participation portion of the public hearing.

Council President Plunkett asked staff to address Ms. Wiggins' comment regarding municipal buildings. Mr. Bowman answered graffiti on municipal buildings was handled by facilities and parks staff; as soon as graffiti occurred, it was removed. Any graffiti on traffic signs was reported to Public Works who removed it promptly. Mayor Haakenson advised in some instances graffiti was being cleaned up twice a day from the same location. Council President Plunkett asked why municipal buildings would not be treated the same as private property. Mr. Park answered language could be included in the ordinance to make it applicable to government property. Mr. Bowman referred to Section 5.60.010 Declaration of policy - Findings, that states, "The City Council finds that graffiti on public and private buildings, structures and on personal property including motor vehicles creates a condition of blight..." noting the ordinance recognized the problem of graffiti on public and private buildings. He pointed out staff would not bring a civil enforcement action against the City. Mr. Park acknowledged the declaration of policy referenced public and private property, however, the abatement procedures did not.

Councilmember Dawson commented it did not make sense for staff to fine the City for not removing graffiti. It would be more appropriate for Mr. Bowman to direct staff to clean up the graffiti on public property. She suggested as a companion to the ordinance establishing a reasonable time period for City staff to clean up graffiti. She asked whether there was an internal policy with regard to the removal of graffiti. Mr. Bowman answered there was no written policy but the practice was once staff was made aware of graffiti, it was cleaned up. Parks & Recreation Director Brian McIntosh advised the goal was to clean up graffiti within 24 hours. Councilmember Dawson suggested establishing a written policy that graffiti on City property would be cleaned up within 24 hours to send a message to the public and to would-be vandals. Mr. Bowman assured staff cleaned up graffiti as quickly as they found it. He agreed the Council could adopt that as a policy but did not recommend including it the ordinance.

Councilmember Bernheim inquired what portion of the ordinance exempted the City from the enforcement procedures. Mr. Park answered the section regarding enforcement methods for the abatement of graffiti on private property. Councilmember Bernheim referred to Section 5.60.050, Notice of Graffiti Nuisance, pointing out the procedures appeared to apply to public property as well. Mr. Park answered the intent was for the procedures to be applicable to private property but could be extended to be applicable to government property.

Councilmember Dawson asked whether the City could issue a notice to the PUD if the graffiti were on their property. Mr. Bowman answered that was possible. He agreed with Councilmember Bernheim's interpretation of Section 5.60.050 that staff could issue notice to the City, school district, PUD, etc. He noted in the past whenever staff contacted the school district regarding graffiti on their property, they responded promptly.

Student Representative Scheibert referred to the statement regarding possession of graffiti implements with intent to damage property in Section 5.60.030, Prohibited Acts, and asked how intent to damage would be determined. Mr. Park answered it would depend on the circumstances; for example someone found by the police carrying spray paint under a bridge at midnight would tend to portray intent to deface

the bridge with graffiti versus a person found outside a hardware store after purchasing spray paint where there would not be intent to deface property.

Council President Plunkett commented the police often determined intent; for example a person standing outside a window with a sledgehammer, the police office observing this was likely to intervene, concluding a crime was about to be committed. Chief Compaan commented there were other crimes with regard to intent such as possession of burglary tools, possession of drug paraphernalia, etc.

Councilmember Orvis pointed out it was the City's responsibility to prove intent. Chief Compaan agreed.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF ORDINANCE NO. 3677.**

Councilmember Dawson expressed her appreciation for staff's efforts to address the concerns raised by the public and the Council at the public hearing. She noted the ordinance did a good job of balancing the City and the community's desire to take the crime of graffiti seriously and recognize the importance of graffiti removal while not victimizing the victim. The ordinance provided flexibility for staff to work with property owners on the removal of graffiti that often may be sexually denigrating, racially insensitive or contain vulgar language. She noted graffiti was damaging to the community and made people uncomfortable to be in certain places if the graffiti is allowed to linger. The ordinance allowed the City to take that responsibility seriously, provide assistance to those that may be unable to remove the graffiti as well as provide a "hammer" if a property owner was unwilling to cooperate. She urged the Council to support the ordinance.

Council President Plunkett thanked Chief Compaan, Mr. Park and Councilmember Dawson for their efforts with this ordinance. His preference was to try voluntary removal for six months, believing Edmonds property owners would voluntarily remove graffiti. However, he would support the proposed ordinance.

Councilmember Bernheim expressed support for the ordinance, noting he generally did not favor detailed laws/ordinances that addressed an issue already covered in the general vandalism laws although he acknowledged the difficulty enforcing vandalism laws against graffiti. He suggested revisiting this ordinance in 3-4 years to determine its effectiveness in curbing graffiti and if it were not effective, consider repealing it. With regard to property owners paying for removal, he provided an example of a vandal that burned someone's house down; the City would require the property owner to address the problem.

**MOTION CARRIED UNANIMOUSLY. The ordinance approved reads as follows:**

Ordinance 3677  
New Chapter  
5.60, Graffiti

**ORDINANCE NO. 3677 OF THE CITY OF EDMONDS, WASHINGTON, ADDING A NEW CHAPTER 5.60, GRAFFITI; DECLARING GRAFFITI A PUBLIC NUISANCE; PROHIBITING DEFACEMENT OF PROPERTY WITH GRAFFITI AND POSSESSION OF GRAFFITI IMPLEMENTS WITH INTENT TO DEFACE; IMPOSING CRIMINAL PENALTIES; REQUIRING THE REMOVAL OF GRAFFITI; ESTABLISHING AN APPEALS PROCESS; ESTABLISH A GRAFFITI FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**5. AUDIENCE COMMENTS**

Agenda Item 7,  
Old Antique  
Mall Property

**Jim Hills, President, Greater Edmonds Chamber of Commerce**, representing more than 400 businesses and individuals, referred to Agenda Item 7 on this evening's agenda and noted the Chamber understood and applauded the City's efforts to explore the ramifications of park land in that area.

However, that work was already done by city staff and the Council less than two years ago in the form of planning documents that call for a design driven master plan for the property and work done by the Port, City and property owners this summer identified goals and values. He enumerated concepts supported by the Chamber that could be used as a yardstick for any project proposed for this key property: promote complimentary not competing economic development, make connections linking the downtown core and the waterfront, look at unique opportunities for small business, mixed building use to accommodate a variety of users, open spaces, supporting transportation choices, enrich the existing environment with sensitivity to the surrounding areas, and appropriate size of development in relation to views. He concluded it was likely a park on this property would not fulfill those values or the City's own planning directives.

Agenda Item 7,  
Old Antique  
Mall Property

**Roger Hertrich, Edmonds**, expressed his thanks to Council President Plunkett for scheduling the issue of waterfront development. He recommended any response by the Council should be done via an update of the Comprehensive Plan for the waterfront. He also recommended the Council gather public input via the Comprehensive Plan process. He noted Edmonds was a bedroom community with an exciting regional waterfront area. He thanked the Port and the property owners for the funds they had spent on planning efforts which educated the public and provided examples of what could be built if the property owners developed the site. Next, he noted an alternate position on the Planning Board was open and asked when the City would begin accepting applications for the position. Recalling there were five applicants for the last Planning Board vacancy, he anticipated there would be at least five this time including himself.

Planning Board  
Alternate  
Position

Strategic  
Planning

**6. CITY COUNCIL DISCUSSION AND POTENTIAL DIRECTION REGARDING STRATEGIC PLANNING.**

Council President Plunkett referred to a draft mission/vision, values and strategic plan document created at a Council retreat in 2004. He recalled former Councilmember Moore's suggestion that the City needed more strategic planning. He asked for Council input regarding whether the City needed more mission/vision, values and strategic planning than what was developed in 2004.

Councilmember Olson commented she had reached the conclusion the City did not need to hire a consultant to prepare a strategic plan for the future; her preference was to focus on increasing revenues for the City.

Councilmember Dawson noted groups often used consultants at retreats to do visioning. She suggested this year's retreat include discussion of issues discussed in the past to educate new Councilmembers. She noted the difficulty with visioning was that everyone agreed in concept but the difficulty was in the details, for example what vibrant small town feel meant. She concluded the Council had discussed its vision; it was time to discuss strategies and implementation.

Councilmember Wambolt was not interested in producing a Council-driven strategic plan. He understood staff had been working for the past year to develop a vision of the City for the next few years. He suggested reviewing and clarifying/modifying that at the Council retreat rather than producing a new plan.

Councilmember Orvis pointed out the City had a detailed Comprehensive Plan that identified sewer, water, road, capital and park projects as well as the vision for various areas of the City. He preferred a process via updating the Comprehensive Plan.

Councilmember Dawson agreed, noting the Comprehensive Plan contained the City's vision and the code implemented the Comprehensive Plan. She clarified it was the Council's responsibility not staff's to

establish the vision for the City; it was staff's responsibility to implement the Council's vision. It may be necessary for the Council to provide staff better direction to carry out the Council's vision.

Council President Plunkett concluded it was the consensus of the Council to discuss the 2004 mission/vision, values and strategic plan at the 2008 retreat. Mayor Haakenson pointed out the mission/vision, values and strategic plan, originally created by the Council in 2004, had been updated by staff 2-3 times.

Old Antique  
Mall Property

7. **CITY COUNCIL DISCUSSION AND POTENTIAL DIRECTION REGARDING THE POSSIBLE CREATION OF SOME PARK/OPEN SPACE AT WATERFRONT PROPERTY (OLD ANTIQUE MALL).**

Council President Plunkett advised this issue has been raised by a number of citizens and Councilmembers. He clarified this agenda item was not for the Council to decide whether to purchase a portion or all the property for park land. He referred to an email he received today asking where the City would obtain \$16 million and another email from one of the property owners identifying his terms. He explained the goal was to ascertain whether there were enough Councilmembers interested in investigating whether to purchase a portion or all the property for park land. He noted the decision to purchase property was a multi-step, several month process that included negotiations with property owners, funding discussions including the potential for a park levy for a large piece of property, public hearings, hiring a consultant, determining how much property to purchase, an appraisal, addressing Comprehensive Plan issues, etc.

Council President Plunkett explained if a majority of the Council was interested in investigating the possibility, the Council would discuss the multi-step process at the retreat. If the Council formulated a plan of action/due diligence, it would be presented and discussed at a future Council meeting. He concluded the question tonight was whether to investigate purchasing a portion or all the property for park land.

Councilmember Wambolt stated he did not want to proceed with purchasing the property. He agreed with the suggestion to update the Comprehensive Plan for that area, noting all the concepts Mr. Hill listed have been incorporated into discussions by Work Group 33. Councilmember Wambolt noted the first question when considering purchasing that land was whether the City needed another park in that area when within a half mile radius there was Brackett's Landing North and South, Olympic Beach, Marina Beach North and South, the underwater park, the fishing pier, the Edmonds Marsh, the Frances Anderson Center playfields, City Park, Civic Center playfields and the recreational opportunities provided by the Port. He concluded the answer to that question was a resounding no as the area was adequately served by a variety of parks. If the opportunity arose to purchase more waterfront property the priority should be to purchase property that made the existing sites contiguous.

Councilmember Wambolt enumerated the financial ramifications of establishing a park on the site; first, the City did not have the funds to cover the purchase. The City could apply for whatever grants were available, grants that nearly always required a match, funds the City did not have available. Second, perhaps the City could issue bonds. He noted 15-20 year bonds required repayment, funds the City did not have particularly in view of the need for additional revenue to fund current operations. He noted another park would also require further park maintenance resources when the City was already unable to maintain existing parks. He concluded the remaining option was to raise property taxes, likely by a double digit percentage which would require a public vote. He concluded funding another park in this well served area lacked the priority to be a viable ballot issue.

Councilmember Wambolt pointed out the slowing of home sales, referring to a *Seattle Times/PI* article that home sales in the Edmonds/Woodway area in December 2007 were down 48% from December 2006. As a result of the overall economy slowing, REET funds used for park purchases as well as sales tax revenue are decreasing. He acknowledged sales tax revenue would increase as a result of sales tax sourcing legislation that would become effective in July 2008, noting those funds were already factored into the City's 2008 budget. He emphasized the need for new economic development that would supplement those sources, not an initiative that would remove a significant site from the tax rolls. He concluded the current economic environment was not when the City should be taking on additional discretionary obligations and incentives for developers was the only viable option for creating open space in this area.

Councilmember Bernheim pointed out the proposal was not a new obligation. The issue was how to incorporate everyone's ideas into a project at the waterfront. He envisioned this as another step along with WG 33's which was organized by the property owners and produced a very expensive study partially financed by taxpayers. The result of that study was a 5-8 story, box-like development that he felt was the antithesis of economic development. He supported further investigation to bring more people into the discussion of different options. He commented on the importance of open space now and in the future.

Councilmember Wambolt clarified he was not speaking in support of the development that had been proposed, he did not support the City purchasing the property for park land.

Councilmember Dawson commented there had been a lot of discussion regarding the vision for that area including a hotel, space for a public market, transit-oriented development, open space, low scale development, etc. She concluded what she had heard from the public was not purchasing the property for a park but considering what development could occur via some public investment into the project. She noted the possibility of providing some affordable housing on the site, public open spaces, etc. via a public/private partnership.

Councilmember Orvis supported the City purchasing a portion of the property. He pointed out open space would cost the City, either financially or in terms of loss of ambiance; either the City would concede its codes or purchase all or a portion of the property. He noted if the City purchased the property, it would not have to be developed as a traditional park, the open space could be used as a festival area, etc.

Council President Plunkett recognized the property owner for his willingness to talk with the community and being open to considering what the community wanted, noting he could have pursued a permit under the existing codes. He noted the development had the potential to be any combination, from what had been presented to 20 acres of park open space or something in between. He was willing to consider opportunities and wanted to pursue further due diligence with regard to the City purchasing all or a portion of the property.

Councilmember Wambolt pointed out Port Executive Director Chris Keuss would be making a presentation to the Council at the January 22 meeting. He recommended the Council delaying a decision on this issue until after Mr. Keuss' update regarding the existing plan, recalling the existing plan included 5 acres of open space.

Councilmember Olson agreed the Council should delay any decision until after Mr. Keuss' presentation. Her understanding from the presentations that had been made was that this was the beginning of the process and they were interested in the public's input.

Mayor Haakenson agreed with Mr. Hertrich's comment regarding the vision in the Comprehensive Plan that was developed via public hearings that calls for exactly what was occurring on the site - a joint public/private venture. If the Council wanted to change that vision, the Comprehensive Plan would need to be amended. He urged the Council to delay any decision until they were presented information at the retreat regarding the City's financial future as removing income-producing property from the City's tax rolls would exacerbate the City's financial situation.

Councilmember Bernheim clarified the Comprehensive Plan stated this area was appropriate for a design driven master plan development that provides for a mix of uses and takes advantage of the strategic location between the waterfront and downtown. He commented the mix of uses had not been adequately explored to his satisfaction by the present plan. He pointed out the inclusion of publicly available space such as public markets, heritage space such as a museum, and gathering spaces and environmental concerns justified further study. He objected to the inference that further study was wasting taxpayer dollars, pointing out the City and the Port had already spent a great deal of public funds developing the current plan.

Councilmember Wilson agreed with Councilmember Wambolt and Mayor Haakenson that the appropriate process was via the Comprehensive Plan.

Council President Plunkett concluded the Council's direction was to present a multi-step plan of action at the retreat for discussion that would lead to a conclusion. He assured any formal action would be taken at a Council meeting.

Tape Record  
City Council  
Retreat

8. **CITY COUNCIL DISCUSSION AND POTENTIAL DIRECTION REGARDING AUDIO TAPE RECORDING THE CITY COUNCIL RETREAT.**

Council President Plunkett recalled the Council used to tape the retreats and approximately 3-4 years ago ceased taping the retreat and began preparing summary minutes. He favored taping the retreat and sought Council's direction regarding whether to tape the retreat.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO TAPE THE COUNCIL RETREAT. MOTION CARRIED UNANIMOUSLY.**

Major  
Intersections  
Involving State  
Highways

9. **CITY COUNCIL DISCUSSION AND POTENTIAL ACTION REGARDING MAJOR INTERSECTIONS INVOLVING STATE HIGHWAYS.**

Council President Plunkett recalled when the Council discussed the intersection of 196<sup>th</sup>/88<sup>th</sup> last year, there was a suggestion to pass a resolution seeking assistance from the legislature. He recalled another issue that arose as part of that discussion was how warrants were interpreted. He sought Council direction with regard to the resolution and invited Councilmembers to attend a meeting with staff and WSDOT.

Development Services Director Duane Bowman referred to his email that outlined staff's position with regard to the resolution. Councilmember Dawson summarized the resolution relayed the Council's and citizens' concern with dangerous roadways and sought the legislature's assistance to ensure roadways were safe. She also understood there was interest by some Councilmembers to work with WSDOT to understand warrants necessary to install signals. She questioned the concern expressed by Mr. Bowman's email. Mr. Bowman objected to the statement on page 2 of the resolution, "The Council also resolves that it is their belief that a traffic signal is justified at 196<sup>th</sup> and 88<sup>th</sup> by at least two traffic warrants." Councilmember Dawson assured it was not the Council's intent to install a traffic signal regardless of warrants but that the issues at that intersection were not adequately addressed by the statistical analysis.

She suggested replacing “that a traffic signal is justified” with the Council was concerned with the safety of the intersection.

Mr. Bowman pointed out the City hired a professional traffic consultant to analyze that intersection. Their report using best engineering practices clearly indicated it did not meet the warrants; the wording of the resolution contradicted that finding. Councilmember Dawson recalled the consultant said they pleaded with WSDOT that the systems warrant was met and mentioned that perhaps the State legislature could be of assistance with that issue. Mr. Bowman agreed whether the intersection met the systems warrant was an issue and was one of the reasons for meeting with WSDOT. However, the report clearly states what improvements should be made at that intersection. He noted signaling the intersection created more problems than it solved. Councilmember Dawson disagreed, recalling the consultant indicated the recommended solution did not address all the issues at that intersection. Mr. Bowman pointed out the resolution as currently worded did not conform with the consultant’s recommendation.

Councilmember Dawson pointed out the intent of the resolution was to draw attention to intersections where the statistical analysis did not capture the unique aspects of an intersection and where the accident data did not reflect the danger. Mr. Bowman reiterated staff’s position that the intersection did not meet the warrants for a signal. He advised staff planned to arrange a meeting with staff, Council and WSDOT. Mayor Haakenson suggested meeting with WSDOT before sending the resolution to the State legislature requesting their assistance.

Councilmember Olson agreed, noting the City was seeking funding from the legislature for the Shell Creek access road and she did not want to dilute that process. She was also concerned with asking the legislature for help with a signal at the 196<sup>th</sup>/88<sup>th</sup> intersection when there had not been horrible accidents at that intersection and there were other intersections where the conditions were worse. She supported meeting with WSDOT first.

Councilmember Wambolt agreed, noting consultants were not infallible, recalling a consultant who recommended reversing the traffic flow in City Park, a recommendation that was later rejected. He pointed out the consultant’s report regarding the 196<sup>th</sup>/88<sup>th</sup> intersection stated the posted speed westbound on SR524 was 35 mph, when in fact it was 30 mph. The consultant also stated at the hearing that the uphill speed limit was 35 mph when it was actually 30 mph. He supported talking with WSDOT before sending the resolution to the legislature.

Councilmember Orvis commented this resolution was a first draft and he was willing to wordsmith it. He supported meeting with WSDOT before sending the resolution to the legislature. He commented on the consultant’s conclusion based on the warrants, questioning their determination that two of the six accidents at that intersection were not associated with the intersection and therefore were not counted. He recalled the consultant had tried to convince WSDOT that the intersection met the system warrant.

Council President Plunkett observed it was the consensus of the Council to delay sending the resolution until the staff and Council met with WSDOT. Councilmembers Orvis and Olson volunteered to participate in the meeting with WSDOT.

Boards and  
Commissions  
Interview  
Policy

**10A. CITY COUNCIL DISCUSSION AND POTENTIAL DIRECTION IN REGARDS TO COUNCIL POLICY ON BOARDS AND COMMISSIONS INTERVIEWS AND VOTING AT THE SAME MEETING.**

Council President Plunkett explained the practice has been for the Council to interview Commission/Board members prior to Council meetings and then the Council confirms the appointment at the meeting. He relayed the suggestion that a more deliberative process may be appropriate whereby the

Council would interview candidates one week and make a decision at the next meeting. He sought Council direction whether to continue the current practice or change the process to interview candidates one week and make a decision at the next meeting to allow a more deliberative process.

Councilmember Dawson suggested something more than interviewing candidates one week and making a decision the next week. She noted the current practice was the Mayor received and reviewed applications, conducted interviews and forwarded the candidate he selected to the Council for confirmation. The Council then meets with the person and confirms the Mayor's appointment. She could not recall a time when the Council did not confirm the person the Mayor selected. She questioned how other jurisdictions with all at-large positions made their appointments. She suggested the Council may want to explore having some positions on the Planning Board and/or Architectural Design Board be Council appointments. She noted one option for further Council participation may be for the Council to be involved in the interviews conducted by the Mayor.

Councilmember Olson commented implementation may be a challenge as it was often difficult to get Councilmembers to commit the time to conduct interviews.

Councilmember Wambolt suggested another option may be for a group of Councilmembers, citizens, Chamber and staff to interview candidates as was done with the Economic Development Director. He was not interested in continuing the current practice as he objected to being a rubber stamp and would abstain from future confirmations if the current practice continued. He also expressed concern with the process for announcing the selection of the Police Chief. He emphasized his concern was not with the person selected but with the process whereby the press release announcing the appointment of the Police Chief preceded the Council's confirmation.

Council President Plunkett advised this topic would be added to the retreat agenda. In the meantime the current process would continue.

Councilmember Orvis suggested Planning Board and ADB members who were directly involved in permitting and rezones receive a per meeting per diem.

Councilmember Bernheim expressed support for the current process where the Mayor appoints a candidate and Council confirmation, noting that process was dependent on an open selection process including adequate opportunity for citizens to apply.

Supporting a  
UW North  
Sound Campus

**10B. RESOLUTION SUPPORTING A UW NORTH SOUND CAMPUS**

Councilmember Wilson advised the resolution before the Council was a result of the Council's discussion at the last meeting of a resolution reaffirming support for a UW North Sound in Snohomish County opening as soon as fall 2009.

Due to the indication that funding would be removed from the budget if the legislature could not agree on a final location, Councilmember Dawson recommended the resolution include language that if the final site selection was not completed by the end of the session, the funding would remain in place so that classes could begin as early as 2009. She also suggested the resolution state the importance of a fully trained workforce on the local economy.

Councilmember Olson agreed with Councilmember Dawson's suggestion that funding be retained in the budget if a final site was not selected by the end of the session.

Councilmember Wambolt noted Mayor Haakenson had written a letter to the legislature today expressing support for a UW North Sound Campus.

Resolution  
1162 – Support  
UW North  
Sound Campus

**COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, FOR APPROVAL OF RESOLUTION NO. 1162 SUPPORTING A UW NORTH SOUND CAMPUS.**

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AMEND THE RESOLUTION TO ADD A WHEREAS CLAUS REGARDING THE IMPORTANCE OF A FULLY TRAINED WORKFORCE AND THE IMPORTANCE OF A 4-YEAR UNIVERSITY IN SNOHOMISH COUNTY TOWARD THE GOAL OF THE ECONOMY OF EDMONDS AND SNOHOMISH COUNTY AS WELL AS ADDING A LAST SENTENCE REGARDING SUPPORT FOR A CONTINUED COMMITMENT TO THE FUNDING FOR A UW NORTH SOUND CAMPUS IN SNOHOMISH COUNTY IF THE LEGISLATURE WAS UNABLE DESPITE BEST EFFORTS TO DETERMINE A SPECIFIC LOCATION DURING THE 2008 SESSION. AMENDMENT CARRIED UNANIMOUSLY.**

Councilmember Wilson added “Coordinating” to the second WHEREAS clause between “Education” and “Board.”

**MOTION CARRIED UNANIMOUSLY.**

**11. MAYOR'S COMMENTS**

Mayor Haakenson had no report.

**12. COUNCIL COMMENTS**

Council President Plunkett expressed his thanks to the Council for reviewing several processes, noting it was only via good processes that the public and/or Councilmembers felt they had been treated fairly.

Councilmember Wilson echoed Council President Plunkett’s comments regarding Council discussion occurring at Council meetings, noting this was particularly important for issues such as the waterfront development where a great deal of discussion would be necessary before people felt comfortable.

Martin Luther  
King, Jr.  
Celebrations

Councilmember Dawson urged Councilmembers and the audience to attend Martin Luther King, Jr. celebrations tomorrow including a breakfast and march at the Holiday Inn and a luncheon in Everett.

Sustainable  
Cities  
Conference

Councilmember Bernheim reported he attended a sustainable cities conference on Sunday in Port Hadlock. He and several others planned to form a Sustainable Edmonds group, a grassroots citizens organization, to develop policies/practices regarding sustainability.

Councilmember Olson thanked City Engineer Dave Gebert for setting up a meeting with WSDOT.

**13. ADJOURN**

With no further business, the Council meeting was adjourned at 8:52 p.m.