EDMONDS CITY COUNCIL APPROVED MINUTES
January 22, 2008

Following a Special Meeting at 6:15 p.m. for an Executive Session regarding labor negotiations and to interview a candidate for the Planning Board at 6:45 p.m., the Edmonds City Council meeting was called to order at 7:12 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
Peggy Pritchard Olson, Councilmember
Steve Bernheim, Councilmember
D. J. Wilson, Councilmember
Deanna Dawson, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember

STAFF PRESENT

Al Compaan, Police Chief
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

ALSO PRESENT

Hilary Scheibert, Student Representative

1. APPROVAL OF AGENDA

Change to Agenda

Mayor Haakenson relayed Councilmember Wilson's request to add a resolution regarding the stewardship of Lake Ballinger and the development of a Lake Ballinger Basin Action Plan to the agenda.

COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE AGENDA IN CONTENT AND ORDER WITH THE ADDITION OF A RESOLUTION REGARDING THE STEWARDSHIP OF LAKE BALLINGER AND THE DEVELOPMENT OF A LAKE BALLINGER BASIN ACTION PLAN AS ITEM 8B. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

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

Roll Call

A. ROLL CALL

Approve 1/15/08 Minutes

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 15, 2008.

Approve Claim Checks

C. APPROVAL OF CLAIM CHECKS #101580 THROUGH #101778 FOR JANUARY 17, 2008, IN THE AMOUNT OF $392,126.59. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #46128 THROUGH #46178 FOR THE PERIOD OF JANUARY 1 THROUGH JANUARY 15, 2008, IN THE AMOUNT OF $759,769.50.

Claim for Damages

D. ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM HANNA KROL (AMOUNT UNDETERMINED).

Community Services Dept. Report

Stevens Hospital Broadband

Planning Board Candidate

E. COMMUNITY SERVICES AND ECONOMIC DEVELOPMENT QUARTERLY REPORT – JANUARY 2008.

F. STEVENS HOSPITAL BROADBAND AGREEMENT.

3. <u>CONFIRMATION OF PLANNING BOARD CANDIDATE MICHAEL MESTRES.</u>

COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO CONFIRM THE MAYOR'S APPOINTMENT OF MICHAEL MESTRES AS AN ALTERNATE TO THE PLANNING BOARD.

Council President Plunkett commented the last time the City advertised for the Planning Board was 10 to 11 months ago. He recalled the Historic Preservation Commission's (HPC) decision to re-advertise for positions when 60-90 days elapsed between when the positions were advertised and candidates interviewed and the selection process. As this applicant was interviewed for another board 10 to 11 months ago and the Planning Board alternate position had not been re-advertised, he supported the HPC's practice of re-advertising when a sufficient amount of time elapsed between advertising the position and the appointment.

Councilmember Bernheim recalled his previous statement that he would oppose confirmation of a candidate that was selected without a public opportunity to apply. He assured this was in no way related to the merits of the candidate, recognizing Mr. Mestres' dedication to the community. To avoid setting a precedent and to ensure a fair process, he supported re-advertising the position. He noted there may be more interest in the Planning Board position now in view of issues coming before the Planning Commission such as the waterfront development. He noted there was adequate time to re-advertise the position because there was no immediate need to appoint an alternate. He cited the importance of reaching out to the community, encouraging diversity, being open to feedback/input and including all who want to participate. He expressed concern that the December 12 Planning Board minutes included an announcement that Mr. Mestres would be the new Planning Board alternate, noting this was a week before Mr. Mestres submitted his application for the position.

Councilmember Wambolt referred to his comments at the last meeting regarding the process of the Council confirming the Mayor's appointment. He echoed the comments of Council President Plunkett and Councilmember Bernheim, advising he would not support the motion.

Councilmember Dawson commented this may be more appropriate if the Council needed to move quickly to make an appointment or if interviews of other candidates had been conducted recently. She noted the lack of urgency as the alternate had been moved up to fill a vacancy on the Planning Board. She referred to the Council's interview with Mr. Mestres, anticipating he would make a very fine alternate to the Planning Board. However, she supported delaying confirmation of the Mayor's appointment and re-advertising the position. She agreed it was a bad precedent to set to not allow members of the public to apply for a vacancy on the Planning Board and urged the Council not to approve the confirmation. She noted this action did not necessarily mean she would not support confirmation of Mr. Mestres in the future; she wanted the position advertised to provide the community an opportunity to apply.

Councilmember Wilson observed the Council agreed Mr. Mestres was well qualified and interested in the community. He was pleased to hear the Council's discussion regarding process but was sensitive to how Boards, Commissions and the Council treated citizens who participated in a volunteer capacity. He recognized Mr. Mestres' willingness to volunteer and participate and felt the Council would be remiss in not confirming Mayor Haakenson's appointment. He pointed out the difficulty finding citizens to participate on Boards and Commissions. He summarized the Council would be missing a tremendous opportunity and losing sight of qualifications in the name of process if they did not confirm Mr. Mestres' appointment to the Planning Board.

Councilmember Olson commented in the four years she had been on the Council, the Council had confirmed appointments to Boards and Commissions with a great deal less interrogation than the Council conducted of Mr. Mestres tonight and had never had a problem in the past. She pointed out Mr. Mestres was Mayor Haakenson's appointment and in the past he has moved people to another Board/Commission when an opening occurred. She agreed it was often difficult to get people to participate on Boards/Commissions. Since the appointment/confirmation process had not been a problem in the past, she supported the Council's confirmation of Mr. Mestres tonight.

Councilmember Dawson did not object to moving the alternate to the Planning Board. She did not recall a circumstance in the past where a Board/Commission vacancy was not advertised and the Mayor moved a person from one board to another and asked whether it had been a past practice.

Mayor Haakenson explained it had been done several times before. In response to Council President Plunkett's comments regarding appointments to the HPC, he pointed out there were vast differences between the HPC and the Planning Board; the HPC was a Council committee formed by the Council who interview their own candidates and recommend their selection to him for appointment. The Planning Board provides recommendations to the Council and the code identifies how appointments are made. He indicated he was unaware that an announcement regarding Mr. Mestres' appointment to the alternate position was made to the Planning Board in December.

Mayor Haakenson read from his memo to the Council regarding the appointment: With the resignation of Janice Freeman in late November 2007 he was given an opportunity to advertise for her replacement to move up the existing alternate. It has been common practice to move the alternate up to a permanent position on the Board when an opening occurred because that person had been at all meetings and read all materials and may have filled in during a Board Member's absence. He made a decision to fill the vacancy with the current alternate which left a vacancy for the alternate position on the Planning Board. Often when he interviews for open Board positions, applicants express an interest in serving on other boards, not only the one they applied for, and often they may not be appointed to their first choice but due to their desire to serve the community are willing to wait or be considered for another board. Several times during interviews he informs an applicant that although they are a good candidate, someone else is better suited and that he will contact them when there is another opening or he will appoint them to the next vacancy. As he considered his options for filling the vacancy on the Planning Board, he recalled a conversation with current Architectural Design Board (ADB) Member Mike Mestres during his interview for the ADB regarding his interest in serving on the Planning Board. As there were no vacancies on the Planning Board, Mr. Mestres accepted an appointment to the ADB.

When the alternate position arose, Mayor Haakenson contacted Mr. Mestres regarding his interest in switching Boards and Mr. Mestres reiterated his desire to serve on the Planning Board. Mr. Mestres now had the experience of working with City planning staff, working within a group framework and an understanding of City procedures. He noted current Planning Board Member Jim Young also served on the ADB and Planning Board and that experience had been beneficial to the Planning Board. Rather than take a month to gather candidates and conduct interviews and without knowing the quality of candidates, he chose to appoint a known quantity to the Planning Board. Mayor Haakenson asked that Mr. Mestres be interviewed before last week's Council meeting; at Council President Plunkett's request, the interview was delayed until tonight. Mayor Haakenson reiterated Mr. Mestres was his choice to fill the alternate position on the Planning Board. He summarized this process had been used several times over the past eight years. He disagreed with the Council's statement regarding the lack of urgency, pointing out the importance of appointing an alternate as the alternate filled in for absent Board Members more often than many realized.

Councilmember Dawson asked whether there had been occasions in the past where a vacancy on the ADB or Planning Board was not announced to the public and without conducting interviews. Mayor Haakenson answered when vacancies arose, he often reviewed applications that had been submitted previously and contacted the applicants to inquire regarding their interest. Councilmember Dawson asked whether Mr. Mestres applied for a Planning Board vacancy in the past. Mayor Haakenson did not recall which Board he applied for but recalled his interest in both the ADB and the Planning Board.

Councilmember Bernheim was interested in establishing a cooperative and collegial process where all citizens felt they had an opportunity for input and had been fairly heard. He felt this was the antithesis of that process and bred distrust and instead of proceeding, the Council was bickering about process. He referred to the statement in Mayor Haakenson's memo that many times he told qualified candidates that he will consider them again or that he will appoint them to the next vacancy, noting the Mayor did not have the ability to appoint someone to a Board, the Mayor only nominated the candidate and the Council confirmed or rejected his appointment. Mayor Haakenson replied he used the wrong word by stating appoint.

Council President Plunkett commented the Council was being asked to confirm the appointment of a citizen who was interviewed for the ADB nine months ago. He recognized a great deal had happened during the intervening nine months including the waterfront development. He reiterated the HPC advertised all vacancies and recommended the Council do the same. He expressed concern with making an appointment when the process had not been reopened to the other members of the public who may be interested.

Councilmember Olson commented this was disingenuous as Mr. Mestres was the Mayor's recommendation. She recognized the position could be advertised and Mayor Haakenson could interview other applicants; however, he had already made a decision with regard to his nomination to serve on the Planning Board, a very qualified individual and an individual the Council confirmed to serve on the ADB. She noted it may make sense to re-advertise if the Council interviewed the applicants or if this applicant was not qualified.

Councilmember Wambolt advised he planned to propose at the Council retreat that the process used to select an Economic Development Director be used to select Board Members - a group of people including Councilmembers interview all the candidates. Mayor Haakenson replied once the code was changed, he would be thrilled to turn over to the Council the opportunity to interview Board and Commission candidates.

Councilmember Wilson recognized the sincerity in the Council's discussion, noting there were appropriate times to check the power of the executive in the City's system of government. He recalled citizens' comments during the campaign season that the Council was not doing an effective job of providing leadership. He summarized this was not an appropriate time to pick a fight with the Mayor over executive power nor an appropriate issue to provide Council leadership when there were other important issues on the agenda. He cautioned the Council there were more important issues to spend their energies on than nominations to Boards.

Councilmember Dawson commented there were few things more important than selecting Planning Board Members in view of the important decisions made by the Planning Board. She asked whether an interim appointment to the alternate position could be made while the public process occurred. City Attorney Scott Snyder advised the Council had not adopted procedures; therefore, it was at the Council's discretion. The Council could delay the motion, vote for or against it. If the motion were delayed or failed, Councilmembers could encourage the Mayor to adopt another process or the Council could adopt a process as a result of discussion at the retreat.

Councilmember Dawson commented this discussion may be a moot point, asking whether Mayor Haakenson could view all candidates fairly or if he would return with the same candidate. Mayor Haakenson acknowledged now may not be a good time to ask that question. Councilmember Dawson recalled the Council had discussed the process of Council confirmation of the Mayor's appointments, at least allowing a week between the interview and confirmation and was surprised to see the interview and confirmation scheduled on this week's agenda. Mayor Haakenson advised it was on tonight's agenda due to Council President Plunkett's comment at last week's meeting that the issue would be discussed at the retreat and for now the Council would continue to follow the existing procedures.

Councilmember Dawson observed the interview/confirmation should have been delayed until the Council discussed appointment procedures at the retreat. She suggested Councilmember Wilson withdraw the motion until the Council had an opportunity to have that discussion at the retreat. Council President Plunkett commented the issue last week was voting to confirm a Board Member immediately following the interview; tonight's discussion was in regard to advertising for a Board position. He advised the interview/confirmation was placed on the agenda at the request of the administration; he would have preferred to delay the matter.

Councilmember Wilson declined to withdraw his motion, noting the sincere energy in the debate warranted a vote.

MOTION FAILED (2-4-1), COUNCILMEMBERS WILSON AND OLSON IN FAVOR; COUNCIL PRESIDENT PLUNKETT, AND COUNCILMEMBERS ORVIS, WAMBOLT AND BERNHEIM OPPOSED; AND COUNCILMEMBER DAWSON ABSTAINED.

Mentoring Month Proclamation

4. PROCLAMATION IN HONOR OF MENTORING MONTH, JANUARY 2008.

Councilmember Dawson read a proclamation declaring January 2008 National Mentoring Month in Edmonds and encouraging all citizens, City employees and caring adults to become involved as mentors. She presented the proclamation to Eddie Tadlot, General Manager, Lynnwood Convention Center and member of the Board of Directors of Big Brothers Big Sisters of Snohomish County, and Cory Armstrong-Hoss, Interim Director, Big Brothers Big Sisters of Snohomish County. Councilmember Dawson, member of the Board of Directors of Big Brothers Big Sisters of Snohomish County, commended the Big Brothers Big Sisters program, noting when she was a Big Sister to a Little Sister, the experience was as great for her as it was her Little Sister.

On behalf of the Board of Directors, Mr. Tadlot thanked the City for recognizing the great work of Big Brothers Big Sisters in Snohomish County. He reported there were over 52 children in the Edmonds area with a Big Brother or Big Sister who have enjoyed over 3,000 hours of one-on-one time with a mentor. He noted 330 people in the Edmonds community had inquired about becoming a Big Brother or Big Sister. He recognized Officer Steve Morrison who has been a Big Brother for eleven years and was currently mentoring his third Little Brother. He commented on the backgrounds of the children served by the Big Brothers or Big Sisters, noting 80% were from single parent families.

Updated 2008 Disadvantaged Business Enterprise Program

5. PUBLIC HEARING ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN UPDATED 2008 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE EXPENDITURE, BUT ONLY IN THE EXPENDITURE, OF FEDERAL TRANSIT ADMINISTRATION (FTA) 5309 FUNDS RECEIVED THROUGH THE EDMONDS CROSSING GRANT APPLICATION WA-03-0209.

Community Services Director/Acting Economic Development Director Stephen Clifton advised the update changed only the goal percentage for soliciting disadvantaged business enterprises (DBE). The 10% goal adopted in 2005 was being updated to 9.27%. He explained the Office of Women and Minority Business Enterprises provides the City a list of disadvantaged business enterprises in the Edmonds market

taken from the North American Industry Classification System. This was related specifically to Phase 2 of the Edmonds Crossing project. Businesses participating in Phase 2 include landscape architects, architects, land acquisition surveyors, etc. The list of 374 disadvantaged businesses enterprises the City received from the Office of Women and Minority Business Enterprises was the numerator for the formula used in calculating the percentage; the dominator was all businesses in the North American Industry Classification System (4,035). He reiterated there were no changes to the program other than the percentage.

Res# 1163 Updated 2008 Disadvantaged Business Enterprise Program

Mayor Haakenson opened the public participation portion of the public hearing. There were no members of the public present who wished to provide comment and Mayor Haakenson closed the public hearing.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF RESOLUTION NO. 1163. MOTION CARRIED UNANIMOUSLY.

Harbor Square/ Antique Mall Redevelopment Program

6. REPORT FROM CHRIS KEUSS, PORT OF EDMONDS EXECUTIVE DIRECTOR, ON THE HARBOR SQUARE / ANTIQUE MALL REDEVELOPMENT PROGRAM.

Chris Keuss, Port of Edmonds Executive Director, pointed out the Harbor Square/Antique Mall development, referred to by some as the waterfront development, was not located on the waterfront and was actually located east of the railroad tracks. He provided a history on the development, recalling discussion at a September 26, 2006 joint meeting between the Council, Port Commission and staff regarding advantages and challenges associated with development of the Harbor Square, Edmonds Shopping Center (Antique Mall site) and the Skippers property. Advantages cited included the importance of economic vitality for Edmonds and this area, linkage and the importance of linking the downtown core to this area and the waterfront, quality of life, employment opportunities via development on the site, and opportunities for shopping, recreation, open space and businesses.

Challenges identified at that meeting included the high water table on the site, building heights and modulated buildings, and some Councilmembers recognized there may need to be some flexibility in reviewing the building height issue for this area. No conclusion was reached at the joint meeting but the Council encouraged the property owners to move forward with planning for the area and begin a public process. He paused to introduce Port Commissioner Marianne Burkhart in the audience.

Mr. Keuss displayed an aerial photograph, identifying the Harbor Square site, Antique Mall owned by Edmonds Shopping Center (ESC), and the Skippers property originally owned by the McNaughton Group and recently purchased by Bob Gregg. He explained the Port owned six of the buildings on the Harbor Square property but did not own the Harbor Inn or tennis facility. The overall site was approximately 25 acres and included the 10 acre Harbor Square property, the 1 acre Skippers site, and the 3-4 acres Antique Mall site with the remainder being parking lots, rights-of-way, and Burlington Northern and Sound Transit property.

He explained the Stratford Company was hired to assist with Phase 1, the pre-planning process, which included identification of strengths, weaknesses, opportunities and threats (SWOT). LMN Architects was hired to assist with Phase 2, the logistical phase of the project, and preparation for the public involvement process. As part of the planning for the public process a volunteer committee was formed. The members responded to an advertisement he placed in the newspaper inviting anyone in the Edmonds community to contact him if they were interested in participating in this pre-planning, volunteer group. Approximately 60 people responded; this number was reduced to the Group of 33 due to the requirement that members be available for three meeting dates in July. He displayed the members of the group, noting they were all interested in the process and were representative of the community. The goal of the group was to develop design criteria that the architect could use to develop plans.

At the end of the third meeting in July, ten key themes were developed:

- Make Connections - linkage from the downtown core to this redeveloped area and the waterfront
- Appropriate size of development - be cognizant of view corridors including Main, Dayton and James Street. The group did not want one, large mass of buildings; they wanted variety.
- Support transportation choices - enhance the existing transportation system.
- Capitalize unique opportunities - provide linkage and encourage use of Brackett Landing Park North and South, Senior Center, beaches, marsh, etc. The group identified a pedestrian bridge, possibly with a viewing platform, as a way to link this area to the waterfront.
- Places for people/gathering places - plazas, courtyards, lawns, unique landscaping, a safe, 24/7 type development.
- Parking - one idea was a parking tray underneath any development on the site to avoid surface parking.
- Mixing uses of buildings - variety of different building types, sizes. Have a mix of businesses that serve a 24/7 community, uses that were lively and include events, functions, programs to draw people during the day and evening. Consider mixed use development with residential, office, retail, restaurants, pubs, coffee shops, etc. to draw people to the area.
- Enrich the existing - be sensitive and respect the surrounding area. Respect Edmonds' history and culture. Have unique amenities that compliment the existing. An aquarium, specialized museum, boutique hotel were identified as possible uses.
- Design matters - encourage high quality building materials and amenities. Emphasize human scale.
- Promote complementary economic development not competing economic development - plan for the long term, work with the existing elements in Edmonds including the historical downtown, arts community, Senior Center, transportation and festivals.

Mr. Keuss explained these themes were then given to the architect to develop design. Phase 3 was the public involvement process and presentation of the architect's designs to the public. In response to a frequently asked question regarding why the Port was involved in this effort, Mr. Keuss advised, 1) the Port's mission was to promote tourism and economic development and they believed this development met that goal, 2) the Port was the largest property owner and as such had a vested interest, and 3) the Port Commission wanted to ensure there was consistency in the development plan.

Recognizing that communication would be important, the Port worked hard to inform the community about the public involvement process including establishing an information room at Harbor Square with all the materials from the work group, plans, and information from the public meetings. A link to the Harbor Square Antique Mall redevelopment program that contained all the materials available at the information room was included on the Port's website. The *Beacon* and *Enterprise* were also used to advertise meetings and to encourage the public to participate in the process. In response to criticism that this was not an open process, Mr. Keuss emphasized there were few other processes that were as open as this.

Mr. Keuss advised there were four citywide public meetings. On October 4 the code compliant plan, the plan the property owners could develop under the existing code, and four alternatives, from 3-4 story buildings to 10-story buildings, were unveiled. Another meeting was held on October 18 regarding the same plans and similar discussion was held. Another public meeting was held on October 25, where the plans were narrowed to the code compliant plan, a conceptual refined plan with 4-6 story buildings with public amenities. Another public meeting was held on November 13. He advised he had now facilitated 20 public meetings - four citywide meetings, and presentations to sixteen groups and organizations including the Kiwanis, arts organizations, ACE, etc. Two more presentations will be held this month and one is scheduled in March.

Mr. Keuss displayed and reviewed the code compliant plan. In this scenario Harbor Square remained as is, other than another floor could be added to the single story Building 2. He described potential development on the Skipper's and Antique Mall sites, noting under existing code, the sites would be built out with buildings, landscaping, and surface parking. He anticipated it would be similar to Harbor Square, a business park with commercial space, possibly a restaurant, deli and/or coffee shop, but it was unlikely to include retail. He recalled retail at Harbor Square was unsuccessful because people would not come to that area for retail and it evolved into a business park. He noted in the code compliant plan there was no pedestrian bridge to the waterfront, no linkage to downtown or the waterfront, few opportunities for tourism, and little open space or public amenities. He referred to a rumor that the developers did not want to develop the area with the code complaint plan because they would not make any money, explaining the opposite was true. The developers were happy to build in accordance with the code compliant plan because it was the most profitable as few public amenities were required.

Mr. Keuss displayed the conceptual refined plan, emphasizing it was a concept only and the actual plan would likely be different. The conceptual refined plan was an attempt to illustrate public amenities if heights were increased to 4-6 stories. He explained there would be 700 residential units, 85,000 square feet of office space, 135,000 square feet of retail space, and over 2 acres of public open space. He emphasized to get public amenities, there would need to be a mass of buildings. The more mass of buildings the more amenities could be provided; lower scale buildings resulted in fewer amenities. He referred to the existing 5-story building on the waterfront, the Ebbtide, as a reference for a 4-6 story building. He noted the conceptual refined plan was a mixed use development, a mix of office, retail, residential and public open space. He relayed the urban design experts' advice that such a mix was required for such a development to be successful.

With regard to next steps, he advised the public involvement phase was reaching a conclusion and the property owners have not discussed any other phases. The property owners met in early December and agreed to take a holiday hiatus and possibly conduct further financial analysis in the future but no other meetings have been scheduled. The Port Commission has scheduled a public meeting on Tuesday, February 12 to discuss master planning opportunities for the Harbor Square site.

Mr. Keuss summarized this was a unique opportunity, an opportunity that presented itself once in a generation/lifetime to make an impact on the City for the next 50-75 years. He acknowledged some development would occur on this site; the private property owners have made that clear. He questioned whether the City wanted to let development occur under the existing code, losing the opportunity to obtain public amenities in the development.

Mr. Keuss referred to a rumor that some people wanted the City to acquire the property for a park. He pointed out to create a park on the site, the City would need to purchase the property as well as develop and maintain the park, none of which were inexpensive. He recalled working for King County Parks during Forward Thrust in the early 1970s when a great deal of land was purchased and developed as neighborhood and regional parks and swimming pools. Because no maintenance funds were included in the levy, many sites have deteriorated due to lack of funds.

He encouraged the Council to consider the importance of this site to the community. He noted the Port's interest was Harbor Square and no redevelopment of that site was anticipated for 10-15 years.

Councilmember Wambolt thanked Mr. Keuss for an outstanding presentation, finding he portrayed the facts with little opinion and dispelled much of the misinformation in the community.

Observing there were still many options that could be considered with regard to parking, residential and commercial mix, options for open space, etc., Council President Plunkett asked whether the work of the group of 33 and the Port's involvement was ending. Mr. Keuss responded the work of the group of 33

was completed at the end of July when they developed the design criteria. The group convened once in early September to provide input on the four alternatives but has not met since then. The Port Commission has asked him to step back from the process as the Port's commitment to the community and the property owners was through the public involvement phase. He noted there was an opportunity for the City and property owners to work together on something that could be mutually beneficial. He referred to some Councilmembers' interest in a park on the site, and suggested instead of the City purchasing, developing and maintaining a park, the City work with the property owners to include development and maintenance of a park in the project.

Councilmember Orvis thanked Mr. Keuss for making the information available online and inquired about additional information including the financial analysis. Mr. Keuss advised the financial analysis on the Harbor Square site was available online; he did not have permission from the private property owners to include the financial analysis regarding the Antique Mall or Skipper's sites. He advised the Harbor Square information could be used to approximate the other sites.

Councilmember Wilson, a participant on the group of 33, felt the consultants led them to a plan that did not provide as much public benefit as he expected. And although it was a very public process, it did not serve the citizens or property owners as well as it should have and he anticipated a much better process could be conducted. He referred to a comment that there was approximately 5 acres of open space in the conceptual refined plan and asked where it was located. Mr. Keuss advised the plan contained 95,000 square feet of open space, slightly more than 2 acres. He identified the largest amount, approximately 1½ acres, in the form of an open square/plaza and esplanade on the Antique Mall site. The open space on the Harbor Square site was an east-west and north-south pedestrian esplanade. He referred to a conservatory near the marsh on the southeast corner of the Harbor Square site.

Councilmember Wilson asked whether the architect considered the recent study that indicated a 4-8 foot increase in sea levels. Mr. Keuss answered that question was asked during one of the public meetings and the architect assured the plan anticipated climate concerns.

Councilmember Wilson inquired whether parking was anticipated to be subterranean. Mr. Keuss explained the concept of a tray of parking under the entire site as it was felt excavation of 4-5 feet was feasible before water table issues were encountered.

Councilmember Wilson inquired about the character of the feedback at the public meetings and how it would be integrated into the development. Mr. Keuss answered most of the public who attended meetings and provided comment felt something needed to happen on this site. He noted many felt the development should be low rise, code compliant; others felt there were opportunities in working with the City and developers to get public amenities as part of the development. He commented they had received comments from as far as Montana and Idaho which demonstrated the amount of interest in this project. He acknowledged the difficulty reaching a consensus on how the site should be developed.

Councilmember Wilson commented this project could become a regional standard for this type of development. Mr. Keuss agreed there was an opportunity to do something special on this site, something that could become a standard for the community and the region. Councilmember Wilson clarified the Port did not plan to submit or be a party to a master plan. Mr. Keuss answered not at this time. He noted as a result of the February 12 public hearing, the Port Commissioners may provide alternate direction.

Councilmember Dawson asked whether the public comments were available to the City Council. Mr. Keuss advised a nearly verbatim recap of the comments from the two citywide public meetings in October was available on the Harbor Square Antique Mall redevelopment website. He has prepared a recap of comments from all the other meetings but did not yet have the permission of the property owners to

release that information. He hoped that information would be available on the website in the future. Councilmember Dawson commented it would be helpful to review the public's comments.

Councilmember Dawson referred to Mr. Keuss' comment regarding the Port's plans to discuss master planning for the Harbor Square site and the work that had been conducted that considered the sites in their totality, asking whether any decision to be made by the Council with regard to the privately owned properties would be separate from the Port properties. Mr. Keuss agreed, anticipating the Port would be interested in being involved in the process but any discussion at this time would be with the private property owners.

Assuming there would be change with regard to the buildings on the site, Councilmember Wilson observed it would occur one of three ways, 1) under the existing code, 2) via a quasi judicial master planning process or 3) via a legislative process. He inquired how change would occur via a legislative change either to all three parcels or only two parcels. If the Council wanted to build on the momentum/enthusiasm of the past year, what would the vehicles for change be? Mr. Snyder commented if development occurred under the current zoning, applications would be submitted by the property owners. Any changes to the zoning could be initiated either by the Council or the property owners. The logical place to begin, whether City-initiated or property owner-initiated, would be with the Comprehensive Plan as any zoning change must be consistent with the Comprehensive Plan. He concluded it was a 2-step process that could be initiated by the Council or the property owners. If initiated by the property owners, the Council could widen or narrow the scope of review.

Councilmember Wilson asked how the Council would begin a Council-led initiative to update the Comprehensive Plan. Mr. Snyder recommended starting with a report by the planning staff regarding docketing Comprehensive Plan amendments in the 2008 process.

Councilmember Bernheim observed it would not be necessary to amend the Comprehensive Plan if the vision were consistent with the Comprehensive Plan. Mr. Snyder agreed.

Councilmember Wilson referred to the language in the Comprehensive Plan, noting it was fairly broad and referred to a master plan approach. Mr. Snyder advised the master plan was the template for a legislative approach and the Council would need to enact a master planning process. Councilmember Wilson questioned how the Council could, building on the momentum/enthusiasm of the past year, develop a process that created more consensus around what the public wanted developed on the site that was beyond the current code. Mr. Snyder suggested the logical place to begin was with a review of the existing Comprehensive Plan and ordinances by the Planning Department to advise the Council what was possible. A determination could then be made regarding the impediments, whether they were in the Comprehensive Plan or the code.

Presentation by Mark Bucklin, WCIA

7. PRESENTATION BY MARK BUCKLIN, ATTORNEY, WASHINGTON CITIES INSURANCE AUTHORITY.

Mr. Bucklin explained he was making this presentation at the request of the City Attorney and the Mayor and at the behest of Washington Cities Insurance Authority, noting the presentation would likely be made to other City Councils throughout the year.

Mr. Bucklin noted most City Councils offered the public the opportunity to speak at Council meetings and the Council may impose decorum and time limits; it was not a requirement that citizens be provided the opportunity to speak and some Councils did not provide it. Councils may schedule agenda items to address concerns raised by the public regarding City operations; scheduling an agenda item typically required a majority vote of the Council. Individual Councilmembers may address matters of public concern at Council meetings if the agenda provides an opportunity for Council reports and comments.

He explained there were several issues to be considered when making comment in a public meeting depending on the topic. First, whether the subject matter involved current or future quasi judicial subjects that are or may come before the Council. He noted the Port's presentation touched on this issue. In general terms if there was a matter pending before the Council, was before the Council or was on appeal and may be returned to the Council involving a quasi judicial decision where the Council was required to be judge-like and impartial dealing with specific rights regarding specific parcels and/or the property owners, the Council was required to, (1) be impartial and (2) appear fair. He noted the Appearance of Fairness Act required the Council avoid receiving facts and information outside the record or at a minimum disclose when it had occurred and for the individual Councilmember to make a determination whether they could proceed fairly and impartially or needed to recuse themselves.

Before speaking with the public, he urged the Council to consider whether the subject matter involved current or potential future litigation involving the City. Another consideration before speaking with the public was whether the subject matter involved criticism or accusation of wrongdoing by a member of the public, city official or staff. For example, it was the Council's right/obligation to speak generically about the job performance of staff such as in presenting information to the council or carrying out the will of the Council. However Councilmembers whose comments targeted individuals may be exposing themselves to potential lawsuits for libel and slander depending on what was said. As a general practice, when a Councilmember was sitting in a legislative capacity, conducting the business of the City, they had broad immunity regarding what they said but it was not absolute in all circumstances. Further, once a Councilmember stepped off the dais, their immunity rapidly eroded and they were subject to the same libel and slander rules as the public.

Mr. Bucklin explained Councilmembers were free to comment on pending, future or desired legislative action. Councilmembers were almost always a legislative body but City and County Councils had the unique dual role where they sometimes acted as judges. When a topic was purely legislation or politicking; purely public opinion regarding what was in the best interest of the health, safety and welfare of the City; what was the best budgetary decision or the best taxation decision, a Councilmember was free to speak their mind and the public was free to speak to the Council on those topics.

There may be circumstances when the Council wishes to conduct further fact-finding. He pointed out that the Council acted as a body and not as individuals; a Councilmember's individual right was to vote and when a majority of the body voted, a decision was made. Fact-finding by the body may be by invitation; the Council may schedule a public hearing to gather public comment on certain topics. For example the Council could schedule a public hearing to gather input on how well the City's parks were being run, whether there should be more parks, whether more money should be spent on parks, etc.; however, the Council should not schedule a public hearing regarding whether a staff member was a thief. He explained this was not the Council's responsibility, the Council did not have subpoena power, the Council could not put people under oath therefore they were free to lie and there were better agencies to conduct that investigation.

He acknowledged individual Councilmembers would be "buttonholed" by the public at times. He cautioned the Council to consider why the person was talking with them; if the comments were of a general nature or addressed a desire for legislative changes in the future, there was no issue. However if the comments were in regard to a specific wrongdoing, he urged the Council to be cautious about taking a position before knowing all the facts. If a Councilmember was persuaded there was some merit to the allegation, he suggested they first encourage the person to take the matter to the source such as contacting the appropriate Department Head or the Mayor who could investigate the matter. If the allegation were regarding criminal wrongdoing, he suggested the person be encouraged to contact the appropriate law enforcement agency. In circumstances where a person was unable/afraid to contact the appropriate party, he suggested the Councilmember contact the appropriate Department Head, Mayor or law enforcement agency and request a review of the person's concerns. He did not encourage Councilmembers to conduct

their own investigation. Mr. Bucklin summarized stating that one of WCIA's goals was to keep costs down via risk management.

Council President Plunkett observed there were circumstances where the City Attorney or Mr. Bucklin could serve as counsel to Councilmembers. He asked what a Councilmember could do that would require hiring their own attorney. Mr. Bucklin answered WCIA would try to be available to a Councilmember as much as possible although he did not determine coverage. He acknowledged there were limits to the coverage and limits on where immunity applied to Council activities. Like every insurance policy, there were clauses stating WCIA did not cover intentional wrongful acts. If a Councilmember intentionally caused harm, they were at risk. If a Councilmember's action took place off the dais, the level of immunity began to evaporate. If a Councilmember engaged in intentionally harmful conduct, they could be personally liable. For example, he had been involved in situations where Councilmembers were alleged to have been harassing employees, walking through the workplace making disparaging remarks and threatening to have their jobs eliminated. He noted this act may create a hostile work environment and a Councilmember may not be covered.

Councilmember Orvis encouraged Councilmembers to read a Spokane case, where the judge told the Council their actions were outside the scope of their authority.

Mr. Snyder referred to Mr. Bucklin's example regarding issues outside the scope of the Council's job, noting the hiring and firing of city employees was the Mayor's responsibility not the Council's. He noted in addition to WCIA coverage, the Council and City employees were protected by an indemnification ordinance that had exclusions for dishonest, fraudulent, criminal and willful and intentional acts, acts that were not performed on behalf of the City and lawsuits brought against an official or employee on behalf of the City. He noted in Shoreline where Councilmembers had been sued for open meeting violations; the city would go through a process to determine whether it should proceed with a defense under a reservation of rights pending the determination of the facts.

Mr. Bucklin commented for a long time it was the judicially held public opinion that the use of public funds to pay for the intentional wrongful conduct of public employees or elected officials was a misuse of public funds. However, the State legislature passed a law approximately ten years ago that allowed individual municipal bodies to make a legislative determination on a case-by-case basis whether they would provide a defense for allegations of intentional misconduct and/or pay judgments.

Councilmember Wambolt observed Mr. Bucklin cautioned the Council from fact finding outside of public hearings. Mr. Bucklin clarified his caution was not fact finding on matters that were legitimate for the Council as a body but fact finding into allegations of wrongdoing and criminal conduct.

8A. <u>AUDIENCE COMMENTS</u>

Harbor Square/ Antique Mall Presentation

Karen Wiggins, Edmonds, agreed what the Harbor Square/Antique Mall group presented was very beautiful but was not appropriate for that area. She and others did not support building a wall on the waterfront or the "Kirklandization" of Edmonds. She anticipated code compliant development could occur that was very beautiful, referring to development at Mill Creek Town Center, Alderwood Mall, and University Village as examples. She acknowledged the need for economic development, pointing out the proposal of up to 10 stories could be built at Westgate, Five Corners or in other commercial areas. She anticipated code compliant development could be done profitably under the existing code as she and her husband had done on two properties. She urged the City to consider a code compliant development of the waterfront site, possibly with some park area funded via grants.

Harbor Square/ Antique Mall Presentation

Jim Hills, President, Greater Edmonds Chamber of Commerce, commented the redevelopment of Harbor Square/Antique Mall sites could have a major impact on the city for decades as the properties

were adjacent to focal points that provided much of the city's identity and popularity. That potential was recognized by the Port, who along with private land owners and the City embarked on an inclusive process to help shape a future project. That process included multiple meetings, a diverse panel of 33 community members, and although not required by City Code, the process was a unique and well intentioned effort to elicit public input before the project was built. The Chamber acknowledged the importance of the Harbor Square/Antique Mall properties to Edmonds residents and the City's long term economic development and supports the outreach efforts undertaken this summer and the values that evolved from those efforts. The Chamber supports the following concepts that could be applied to any project on those sites: promote complimentary not competing economic development, make connections linking the downtown core and the waterfront, look at unique opportunities for small businesses, mix building uses to accommodate a variety of users, provide places for people, support transportation choices, enrich the existing environment with sensitivity to the surrounding areas, and the appropriate size of development in relation to views. He summarized via attention to these core values, a variety of potential projects could address a spectrum of issues including economic development, development of open space and views. The Chamber was confident the Council would proceed in a thoughtful and deliberative manner as it discussed the needs of the City, the business community and residents.

Homeowners and Bank Protection Act of 2007

Spencer Cross, American System Economist, LaRouche Political Action Committee, referred to their legislation, the Homeowners and Bank Protection Act of 2007, and urged the Council to consider supporting it as a Council as well as individually. He pointed out the mortgage aspect of the banking crisis had accelerated to a point beyond the level of the Great Depression and the sub-prime aspects were just beginning to hit the United States. He noted it was not only a housing crisis but an international banking crisis. He summarized their legislation was not a bail out.

Worldwide Financial System Collapse

Stephen Andrew, American System Political Economist, LaRouche Political Action Committee, commented on the collapse of the worldwide financial system. In talking to the public every day, he noted the public was scared. He relayed a statistic provided at an affordable housing commission meeting in Olympia yesterday that 40% of the population of King County could not afford their mortgages.

Harbor Square/ Antique Mall Redevelopment

Joan Bloom, Edmonds, referred to Mr. Keuss' comments about the public process and gathering input, commenting the process was pointless if there was no mechanism to gather and summarize the input for the Council and citizens and to move the process forward. She found Mr. Keuss' response to Councilmember Wilson's question about the character of the feedback to be very vague. With regard to the availability of the public's comments online, she found it very tedious to review the comments and there was no overview provided of the process. As a member of the group of 33, she felt their work was misunderstood and misrepresented. She stressed the group made no decisions and no recommendations; they were part of a process. She supported integrating the input in a manner that moved the process forward to a decision with regard to developing the waterfront project. She considered suggesting the Council interview the members of the group of 33 about their experience. She summarized the input was not gathered or integrated in a manner that moved the process forward.

Harbor Square/ Antique Mall Redevelopment

Darrell Marmion, Edmonds, referred to the property in the Downtown Waterfront Activity Center, the proper name for the Harbor Square/Antique Mall area, stating he looked forward to the public process on development in that area. He felt the process had not ended, it had only just begun with the property owners gathering input from some members of the public and a presentation by one of the property owners, the Port. He was not part of the group of 33 because he was unable to commit to the three specific dates in July. He did participate in the 2030 blog, but after submitting a few comments, he felt although a well intended effort, it was a representation of the property owners. He ultimately did not want to be a member of the group of 33 because he did not want his input to enhance the efforts of the developers and to be mistakenly identified as someone who enforced the developers' plan.

Edmonds-Woodway High School Fields

Lake Ballinger

Pt. Wells

Al Rutledge, Edmonds, advised of a meeting on January 25 at the Edmonds School District offices with the City Parks & Recreation regarding the old Edmonds-Woodway High School fields. Next, he thanked Councilmember Wilson for recommending the Council discuss Lake Ballinger at the Council retreat. He reported the Stevens Hospital Board meets the third or fourth Wednesday of each month and the public was welcome to attend. He then commented on the City of Shoreline and Woodway's interest in annexing the Pt. Wells property due to development proposed on that site. He suggested Edmonds be involved in that process as they provided police protection to Woodway.

Harbor Square/ Antique Mall Redevelopment

Roger Hertrich, Edmonds, commented after listening to a number of Mr. Keuss' presentations, he developed an outlook with regard to people's opinions. He stated people felt something needed to happen on the site although there was disagreement regarding exactly what should happen. After Mr. Keuss' presentations, the question always arose why the City wanted 700 condominiums and the associated traffic. Mr. Hertrich pointed out the Port's mission was economic development and tourism; he felt Mr. Keuss' presentation addressed economic development but not tourism. He urged the Council to become involved to ensure consideration was given to development that would enhance tourism. He disagreed with Councilmember Wambolt's comment that the public had been misinformed, stating the public had a very good idea of the development the property owners wanted. He appreciated the property owners' efforts as it allowed the public to form stronger opinions about what they wanted in that area. He summarized this was likely the most important development that would ever happen in Edmonds and needed to be done properly. Next, he asked when the Planning Board alternate position would be advertised.

Mayor Haakenson asked Mr. Hertrich what he wanted to see developed on the Harbor Square/Antique Mall site. Mr. Hertrich answered a low level type development, possibly some sort of mixed use with an emphasis on uses that would draw tourists to Edmonds. He suggested hiring a consultant to determine uses that would provide economic stimulus.

Council President Plunkett advised the Council would discuss the waterfront development at the retreat.

Harbor Square/ Antique Mall Redevelopment

Ray Martin, Edmonds, commented on last week's Council meeting, noting the Council had ratcheted up the level of civility and the respect the Council received from the public. He noted tonight provided a good lesson on the American political system's checks and balances with the Council correcting the Mayor when he stepped into the Council's area of responsibility. Next he referred to development surrounding the Space Needle, recalling in his youth that area was dilapidated but was now a wonderful place. He commented if the Space Needle were located on the Harbor Square/Antique Mall site, the view from the top would be only rooftops; there needed to be more open space. He acknowledged the entire site could not be converted to a park but an aquarium may be an appropriate use. He suggested the City discuss how to develop this area with Seattle. He summarized Edmonds had a unique opportunity to create something that would make everyone happy.

Councilmember Wambolt clarified the Edmonds 2030 website was not sponsored by all the property owners; it was sponsored by the owner of the Antique Mall site and was done independent of the other property owners.

Res# 1164 – Stewardship of Lake Ballinger

8B. <u>RESOLUTION REGARDING THE STEWARDSHIP OF LAKE BALLINGER AND THE DEVELOPMENT OF A LAKE BALLINGER BASIN ACTION PLAN</u>

COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, FOR APPROVAL OF RESOLUTION NO. 1164.

Councilmember Wilson explained he spoke with a number of Lake Ballinger area residents who educated him regarding water quality and water quantity issues. Since November he had the opportunity to work with Assistant City Engineer Don Fiene including meeting with Mountlake Terrace staff. He also met

with members of the State and Federal delegation and corresponded with Councilmembers in Shoreline and Lynnwood. This resolution was proposed as the State delegation felt there was an opportunity to obtain funds to support cleanup of Lake Ballinger. State Representatives Marko Liias and Mark Ericks were working on appropriations this legislative session for cleaning up Lake Ballinger and to address flooding. He noted this effort includes Edmonds, Lynnwood, Mountlake Terrace, Lake Forest Park, Shoreline, Department of Ecology, Department of Transportation, and Snohomish County and was an inter-jurisdictional problem that could not be addressed by one municipality or jurisdiction. He noted there was an opportunity for funding from the State and possibly the federal government, funds that would require matching funds from local jurisdictions.

Councilmember Wilson summarized the purpose of the resolution was to identify the stewardship of Lake Ballinger to be among the City's highest environmental priorities and direct staff to continue to work collaboratively on the development of a Lake Ballinger Basin action plan.

Councilmember Dawson commented the resolution was consistent with Council policy and this and past Councils have been supportive of efforts to maintain and enhance the water quality of Lake Ballinger.

Councilmember Olson agreed the resolution was an excellent idea. She questioned the percentages cited in the resolution, recalling Mr. Fiene indicated they were incorrect. She also noted Councilmember Wilson had included Lake Forest Park as one of the parties but that was not reflected in the resolution. Councilmember Wilson advised he would accept whatever percentages staff provided; the numbers cited were taken from a fact sheet produced by Mountlake Terrace. He advised Lake Forest Park asked to be included in the resolution as they wanted to be part of the effort. He suggested adding Lake Forest Park to the resolution.

MOTION CARRIED UNANIMOUSLY. The resolution approved reads as follows:

RESOLUTION NO. 1164 OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, REGARDING THE STEWARDSHIP OF LAKE BALLINGER AND THE DEVELOPMENT OF A "LAKE BALLINGER BASIN ACTION PLAN"

Mayor Haakenson requested Mr. Fiene incorporate the suggested changes in the resolution.

9. <u>COUNCIL REPORTS ON COMMITTEE/BOARD MEETINGS.</u>

Port Commission

Councilmember Wambolt reported at their January 14 meeting, the Port Commission selected Fred Gouge as the 2008 Commission President. The Commission also discussed the Jacobson Marine building, a 13,000 square foot building to be constructed on the Port property. Due to difficulties they encountered permitting their building and the cost of the building, it was now proposed to be a 1-story building without the second story they had planned to lease. He advised Jacobson Marine was in the process of negotiating their lease with the Port and another meeting was held last week to continue negotiations. The Port Commission approved their 2008 capital budget of $516,000 and scheduled a workshop on February 12 at 10:00 a.m. to begin work on a Harbor Square Master Plan.

WRIA 8

Councilmember Orvis reported at the WRIA 8 meeting, they discussed two issues, first the Watershed's relationship with Puget Sound Regional Council (PSRC). He noted this was important because funds directed through WRIA 8 via Puget Sound Regional Council could be used in Edmonds. He noted most of WRIA 8's funding was from the Salmon Recovery Funding Board which focused on river projects and from the King County Conservation District that must be used on projects in King County. WRIA 8 staff was directed to apply for a grant whereby they could obtain funds to review building codes in the region to promote low impact development. He noted if WRIA 8 obtained the grant, Edmonds could obtain some consulting to assist in developing watershed-friendly building codes. In March the committee planned to take a field trip; the public was welcome to attend.

Seashore Forum

Councilmember Olson reported Snohomish County Tomorrow and South Snohomish Cities will meet later this month. She next reported that last year the Seashore Forum had a representative from the Seattle City Council but not the Mayor's office; this year it had a representative from the Mayor's office but the Seattle City Council had decided not to participate due to an agreement regarding who voted on issues and funding sources. The group developed a letter to the State legislature urging them, when considering tolls, to work with local communities on impacts and to consider providing mitigation. She noted a toll on 520 would have traffic impacts on northend cities such as Bothell.

Edmonds Crossing Committee

UW Campus in Snohomish Co.

Councilmember Wilson advised the Edmonds Crossing committee had not met but he met informally with Community Services Director Stephen Clifton and Administrative Services Director Dan Clements to discuss a strategy to secure funds for the City's transportation initiatives. He noted there was tremendous opportunity for funding in Washington DC because Senator Murray was the chair of the Senate Transportation Committee. He encouraged staff, the Mayor and Councilmembers to contact the delegation to ensure they were aware of the City's needs. He was in Olympia yesterday to speak to the resolution the Council passed last week in support of a UW campus in Snohomish County.

SnoCom

Councilmember Dawson reported SnoCom would be electing officers at their meeting on Thursday. She reported a meeting of the joint committee consisting of the Chairs and Vice Chairs of SnoCom and SnoPac met to discuss plans to purchase a new Computer Aided Dispatch (CAD) system for both agencies within the next 5-7 years. She was hopeful the two agencies could coordinate their purchase due to the positive safety impacts as well as potential cost savings for both agencies. The meeting included discussion regarding hiring a consultant to develop a needs assessment of the public safety agencies in Snohomish County using funding from E-911.

Community Transit

Councilmember Dawson reported there had been a change on the Community Transit Board due to population increases. Previously the two largest cities, Edmonds and Lynnwood, had seats on the Board, three seats for medium size cities and two seats for smaller cities. Due to population increases, there were now three cities in Snohomish County defined as large cities - Edmonds, Lynnwood and Marysville. There was discussion at the meeting to change the bylaws so that each of the large cities could continue to have a seat on the Board which was not well received by the medium and small cities. State law requires nine board members with two from the County Council and seven from cities. No change was made to the bylaws, leaving the three large cities vying for two seats. A decision was ultimately made that she remain on the Board representing Edmonds along with Marysville Mayor Kendall; Ted Hikel and Lisa Utter, Lynnwood Councilmembers, were appointed as the two alternates but Lynnwood would not have a seat on the Board.

Sound Transit

Councilmember Dawson advised former Councilmember Marin served on the Community Transit Board as well as on the Sound Transit Board. The Sound Transit Board consists of the Snohomish County Executive, a representative from Everett and a representative of the Community Transit Board who must be a south county city member. Snohomish County Executive Reardon has indicated his intent to appoint her to the seat vacated by former Councilmember Marin. Her appointment was awaiting confirmation by the Snohomish County Council.

10. MAYOR'S COMMENTS

Mayor Haakenson advised the Council would not be meeting next Tuesday as they did not meet on the fifth Tuesday of the month.

11. COUNCIL COMMENTS

Council President Plunkett expressed his thanks to the representatives of the LaRouche Political Action Committee for speaking to the Council, and was pleased when young people expressed their opinion to the Council.

City Council Retreat

Council President Plunkett thanked Councilmember Wambolt for his efforts with regard to the waterfront development including keeping the Council informed. He advised the Council retreat would be held on February 1 and 2 at the Clearwater Resort in Suquamish which could be reached by taking the Kingston ferry and driving for approximately 15 minutes.

Proposed House Bills re: Appealing Property Assessment

Councilmember Wambolt referred to an article in the *Seattle PI* regarding HB 2977 and SB 6577, bills that would make it easier for property owners to appeal their property assessment. He noted on the surface this may sound good; however, as the article indicated, the primary benefactors were likely to be commercial property owners because they had the resources to retain experts to assist in lowering their assessment. Homeowners may have to make up the resulting revenue shortfall created by the reduction in the value of commercial properties.

AWC Legislative Conference

Councilmember Olson advised several Councilmembers were attending the Association of Washington Cities annual conference in Olympia on January 30 and 31.

Waterfront Property Redevelopment

Councilmember Wilson commented the process with regard to the waterfront property was in the middle stages and it was incumbent on the Council to drive the process forward. He looked forward to discussing it at the retreat. He noted although several cities that had reinvented their downtown including Seattle, Spokane, Baltimore, etc., there were few examples of a city like Edmonds - a suburban city with a waterfront, rail, ferry and other amenities. He pointed out the City had a great responsibility because if done right, the development could be a standard for other areas. He referred to Mr. Snyder's suggestion that the Council begin with a review of the existing Comprehensive Plan and ordinances regarding what was possible. Mayor Haakenson suggested that be provided at the retreat. Councilmember Wilson requested it also be reviewed at a Council meeting.

Antique Mall Property / Alternatives

Councilmember Bernheim referred to the concept of purchasing the Antique Mall property for a park with no productive value as a straw-man proposal, noting the public wanted alternatives including public uses to be considered. He noted those alternative uses had yet to be determined because the resources available to the public were minuscule compared to the resources expended by the property owners, the Port and the City to promote the concept developed to-date. He recalled the amount paid to the consultant was approximately $180,000. He anticipated different ideas could be developed by paying a consultant $10,000 to $15,000. He had several ideas for the Antique Mall property that he offered to share at the Council retreat. He found it unfair to judge the proponents of these alternatives by the standards of the professional consultants. He cited as an example the old shopping center being transformed by PCC that would not only be a beacon for Edmonds shoppers but be on magazine covers worldwide. He looked forward to involving the people who opposed the alternatives proposed to date in a cooperative process and if necessary financing development of other ideas.

Councilmember Dawson commented the discussion regarding what might be a tourist draw reminded her of the process the PFD went through before settling on a performing arts center. She suggested reviewing that information and that process. She pointed out considerably more than $10,000 to $15,000 would be required for a serious master planning process, thus the importance of reaching some consensus on whether there would be a public component to the process before investing public resources.

Councilmember Dawson relayed Mr. Snyder's recommendation to notice the AWC conference and dinner as a public meeting as Councilmembers Bernheim, Wilson and Councilmember Olson and she planned to attend.

Student Representative Scheibert reported last week Edmonds-Woodway High School discontinued the use of Styrofoam lunch trays, eliminating a considerable amount of garbage. She encouraged other

schools to take the issue up with the school administration, noting they had encountered little resistance and it was an easy way for schools to stay environmentally conscious and aware.

12. ADJOURN

With no further business, the Council meeting was adjourned at 10:20 p.m.